

Chapter 165

ZONING

GENERAL REFERENCES

Dog and cat breeding facilities — See Ch. 55, Art. III. **Manufactured homes — See Ch. 102.**

Building construction and fire prevention — See Ch. 63.

Soil erosion — See Ch. 129.

Subdivision of land — See Ch. 136.

Flood damage prevention — See Ch. 80.

ARTICLE I
General Provisions

§ 165-1. Authority; purpose.

- A. This chapter is enacted pursuant to the Town Law of the State of New York, Chapter 62 of the Consolidated Laws, Article 16, to protect and promote public health, safety, morals, comfort, convenience, economy, Town aesthetics and the general welfare and for the following additional purposes:
- (1) To promote and effectuate the orderly physical development of the Town in accordance with the Comprehensive Plan.
 - (2) To ensure a more ecologically and economically sustainable community for the benefit of future generations through:
 - (a) Encouraging the most appropriate use of land in the community in order to conserve and enhance the value of property;
 - (b) Creating a suitable system of open spaces and recreation areas and to protect and enhance existing wooded areas, scenic areas and waterways;
 - (c) Regulating building densities in order to assure access of light and circulation of air, in order to facilitate the prevention and fighting of fires, in order to promote appropriate concentration of population and in order to provide efficient municipal utility services;
 - (d) Improving transportation facilities and traffic circulation and to provide adequate off-street parking and loading facilities, and safe walking and biking infrastructure where appropriate;
 - (e) Realizing a sustainable development plan designed to conserve valued natural ecological resources such as water, habitat and soil resources;
 - (f) Realizing a sustainable development plan designed to optimize the cost of municipal services.
 - (3) To decrease community energy use, reduce greenhouse gas emissions and promote an energy-independent and secure community through more efficient land use and community use of renewable energy.
 - (4) To enhance community resilience and preparation for the potential effects of climate change.
 - (5) To assure privacy for residences and reasonable freedom from nuisances and things harmful to the senses.

- (6) To reasonably protect the community against unsightly, obtrusive and noisome land uses and operations.
 - (7) To enhance the aesthetic aspects throughout the entire community and maintain its present character and natural beauty while allowing positive change.
- B. 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 on streets, no building or premises shall be erected, altered or used except in accordance with the regulations and standards set forth below.

§ 165-2. Word usage.

- A. Except where specifically defined herein, all words used in this chapter shall carry their customary meanings. Words used in the present tense shall include the future. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates the contrary.
- B. The word "shall" is always mandatory. The word "may" is permissive. "Building" or "structure" includes any part thereof. The word "lot" includes the word "plot" or "parcel." The word "person" includes an individual person, a firm, a corporation, a copartnership and any other agency of voluntary action.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- D. The words "include," "includes" and "including" mean to comprise or contain as part of a group or total, or to incorporate, encompass, cover, or embrace.

§ 165-3. Definitions.

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

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.

AGRICULTURAL COMMERCE — A retail or wholesale enterprise operated as an accessory use to an active farm on the same premises, providing products or services principally utilized in agricultural production, including structures, agricultural equipment and agricultural equipment parts, batteries and tires, livestock, feed, seed, fertilizer and equipment repairs, or the sale of grain, fruit, produce, trees, shrubs, flowers or other

products of agricultural operations, and including breweries, cideries, distilleries, wineries, and juice production, that are not otherwise specifically defined as a farm operation.

AGRICULTURAL TOURISM — An agriculture-related enterprise, operated as an accessory use to an active farm operation, which brings together tourism and agriculture for the education and enjoyment of the public, and which may include: hay rides, corn mazes, hay mazes, petting zoos (farm animals only), farm tours and agriculture-themed festivals and other public or private events.

AGRICULTURE — The use of land and on-farm buildings, equipment, manure processing and handling facilities, and practices which contribute to the production, preparation and marketing of crops, animal husbandry, livestock and livestock products as a commercial enterprise, including a commercial horse-boarding operation as defined in the Agriculture and Markets Law, Article 25-AA, § 301, and timber processing as defined in this Zoning Law.

ANIMAL HUSBANDRY — The care of and/or breeding of domestic livestock and other animals, excluding the care and breeding of dogs and cats.

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 balconies, eaves, windows, roofs and floors projecting two feet or less from the main structure, terraces, uncovered steps and decks less than two feet above main grade level.

BARNYARD — A fenced area inhabited, occupied or used by livestock where vegetation is not maintained.

BASEMENT — A story that is not a story above the average of the finished ground level adjoining the building at all exterior walls. A basement shall be counted as one story in determining the height of a building in stories.

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

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

BREEDING FACILITY, COMMERCIAL — Any building or lot in the Town of Geneva wherein a person or persons keep eight or more dogs or eight or more cats over 12 months of age, breed three or more litters of dogs or three or more litters of cats in a calendar year or sell or transfer any dog or cat to a dog or cat dealer or pet shop.

BREEDING FACILITY, NONCOMMERCIAL — Any building or lot in the Town of Geneva wherein a person or persons keep fewer than eight dogs or fewer than eight cats over 12 months of age, breed two or fewer litters of dogs or two or fewer litters of cats in a calendar year or sell or transfer any dog or cat to any person or entity other than a dog or cat dealer or pet shop.

BUFFER AREA — An additional required setback area on any lot, generally on the boundary between two zoning districts, where through use of vegetation, earth, wall, fence or combination of such elements a visual screen is created and maintained between properties.

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

BUILDING LINE — The line beyond which the face of a building may not extend, including sun porches, garages, decks, covered porches and covered walking patios, terraces, entrances and balconies, whether enclosed or unenclosed, but not including steps or overhanging eaves under two feet in width.

BUILDING, ACCESSORY — See "accessory building."

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

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

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.

CAMP — Any parcel of land on which are located two or more cabins, tents, shelters or other accommodations of a design or character suitable for seasonal or other more or less temporary living purposes, including summer colony, resort and day camp, but not including a manufactured home park, hotel or bungalow colony.

CHILD CARE, FAMILY — A facility operated within a family home by an occupant of said home providing child care for up to six children for hire, for more than three hours per day per child, and which is operated in accordance with the state and county regulations governing operations of such facilities.

CHILD-CARE CENTER — A facility, or other establishment providing child care for seven or more children for hire, and which is operated in accordance with the state and county regulations governing operations of such facilities.

CLUB, MEMBERSHIP — An organization catering exclusively to members and their guests, or premises and buildings, for social, fraternal, civic, recreational or athletic purposes which are not conducted primarily for gain, provided that 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 type of sign owned and maintained by the Town Board or by a group of business persons, as approved by the Town Board, and which sign contains several directional signs for the purpose of directing persons to business and community establishments within the community.

COMPOSTING — An aerobic method of decomposing solid wastes, such as vegetable food scraps, lawn clippings, leaves and shrub clippings, that results in the decomposition of such organic waste into humus, also known as compost, for use in enriching and enhancing soils.

CONGREGATE CARE FACILITY — A residential facility licensed by the State of New York designed to provide nursing care and medical services under the general direction of persons licensed to practice in the State of New York, for the accommodation of convalescent or other persons who are not in need of hospital care but who do require, on a twenty-four-hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities, nursing facilities and hospices.

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

COVERAGE — That lot area or percentage of a lot area covered by buildings or structures, as defined in "area, building" above.

DEVELOPMENT — The use of land in such a manner that it in any way affects the stormwater or surface water drainage characteristics of the property used.

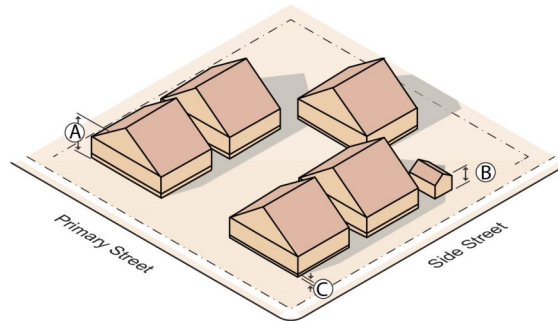
DWELLING — A self-contained unit of accommodation containing sleeping, sanitary and cooking facilities for one or more families. The term "dwelling," "one-family dwelling," "two-family dwelling," "multifamily dwelling," "multiple-dwelling" or "dwelling group" shall not be deemed to include hotel, rooming house or other accommodations used for more or less transient occupancy.

DWELLING GROUP — A group of two or more dwellings occupying a lot in one ownership.

DWELLING UNIT — A building or portion thereof providing complete kitchen and bathroom facilities for one family.

DWELLING, ASSISTED LIVING — A dwelling within a multifamily structure designed for occupancy by one or more persons living independently but for which additional services may be provided, such as prepared meals, including meals in group dining facilities, transportation, recreation and social programs and outpatient medical services.

DWELLING, COTTAGE COURT — An owner-occupied one-family detached dwelling generally having a floor area of at least 720 square feet but generally not more than 1,200 square feet and built as part of a cluster of similar cottage-style homes and sharing common open spaces, driveways, parking and other accessory residential facilities in a condominium or cooperative ownership arrangement.



Example of a cottage court residential development.

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

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

DWELLING, SEMIDETACHED — A one-family dwelling on its own lot connected by a party wall to a second dwelling, also located on its own lot.

DWELLING, TOWNHOME — A one-family dwelling on its own lot which is owner-occupied and connected by a party wall to two or more other dwellings, each also located on its own individual lot.

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

ELECTRIC VEHICLE CHARGING STATION — A facility that supplies electric energy for the recharging of electric vehicles, such as plug-in electric vehicles, including plug-in hybrid electric vehicles, electric cars, trucks, motorbikes, utility vehicles and other vehicles.

ENTERTAINMENT AND SPORTS VENUE — A facility hosting activities such as dancing, skating, music entertainment, arcade games, bowling and other indoor sporting activities to the general public for a fee, and which may include food and drink and equipment rentals as an accessory use.

FAMILY — One or more persons living and cooking together, exclusive of household servants, as a single housekeeping unit.

FARM WORKER RESIDENCE — A dwelling unit located on an active farm operation that is accessory to such operation and is occupied by employees of the farm or members of the farm household.

FENCE — Any structure, regardless of composition, except a living fence or temporary enclosure for a playpen use or dog kennel, that is erected or maintained for the purpose of enclosing a piece of land or dividing a piece of land into distinct portions.

FINANCIAL SERVICES — Enterprises offering banking, investment, insurance, real estate sales, financial planning and similar services to the general public.

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 the 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.

FLOOR AREA —

- A. 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. In particular, the "floor area" of a building or buildings shall include:
 - (1) Basement space.
 - (2) Elevator shafts and stairwells at each floor.
 - (3) Floor space for mechanical equipment, with structural headroom of seven feet six inches or more.
 - (4) Attic space (whether or not a floor has actually been laid) providing structural headroom of seven feet six inches or more.
 - (5) Interior balconies and mezzanines.
 - (6) Enclosed porches.
 - (7) Accessory uses, not including space for accessory off-street parking.
- B. However, the "floor area" of a building shall not include:
 - (1) 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.
 - (2) Elevator and stall bulkheads, accessory water tanks and cooling towers.
 - (3) Floor space used for mechanical equipment, with structural headroom of less than seven feet six inches.

- (4) Attic space, whether or not a floor has actually been laid, providing structural headroom of less than seven feet six inches.
- (5) Uncovered steps; exterior fire escapes.
- (6) Terraces, breezeways, open porches and outside balconies and open spaces.
- (7) Accessory off-street parking spaces.
- (8) Accessory off-street loading berths.

FOOD SERVICE ESTABLISHMENT — An enterprise providing prepared meals, drinks and other foodstuffs for consumption on or off premises, including restaurants, bars, taverns, nightclubs, banquet halls, and catering services, and also including bakeries, craft wineries, craft breweries, craft distilleries or other specialty food or drink producers that provide for on-premises retail sale of their products.

HEIGHT, 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 average height of the roofline of such building or structure.

HIGH-TENSION LINE — Any electric line operating at voltage in excess of 34.5 kilovolts.

HOME OCCUPATION — An accessory use of a service character conducted within a dwelling by the residents thereof which is clearly secondary to the dwelling use for living purposes and does not change the residential character of the building within which the activity occurs, and which conforms to the conditions set forth in § 165-33.

HOME PROFESSIONAL OFFICE — An office of an accountant, architect, attorney, engineer, medical professional, photographer, teacher or other occupation located within such person's residence, where activities are limited to providing services not involving direct sale of goods, as an accessory use to a dwelling, and not occupying more than 25% of the floor area of the dwelling, nor employing more than one person outside the immediate occupants of the dwelling.

HORIZONTAL OR DIRECTIONAL DRILLING — The practice of digging a well, first down vertically to a depth above the target gas-bearing rock formation, then on a curve so that the hole is drilled horizontally or at an angle within the gas-bearing rock.

HOSPICE — A building other than a hospital or nursing home where more than two terminally ill persons are regularly lodged and furnished with meals and nursing care and which has been granted a certificate of approval to operate as a hospice pursuant to the Public Health Law or any successor regulating state law.

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 diagnosis, treatment or other care of human ailments.

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

HYDRAULIC FRACTURING or HYDROFRACKING — The practice of pumping a fluid and a propping material, typically composed of sand or other chemicals, down a well under high pressure to create fractures in gas-bearing rock.

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 keeping on a lot of two or more old or secondhand motor vehicles no longer intended or in condition for legal use on the public highways, or the storage or deposit of unregistered, old, or secondhand motor vehicles, inoperative machinery, tires and other refuse, wastes and debris generated by or used on the premises by any ongoing agricultural operation, as determined by the Commissioner of Agriculture and Markets, and which is kept in a reasonably orderly fashion with a reasonable possibility of future utility, shall not be deemed a junkyard.

KENNEL — A structure which complies with the Code of the Town of Geneva and which is intended for or used specifically for the housing of dogs and/or cats.

LIGHT INDUSTRY — The manufacture of finished products or parts, predominantly from previously processed or prepared materials, including processing or fabrication, assembly, treatment, packaging, incidental storage, or sales and distribution of such products.

LIGHTING, OUTDOOR — A fixture mounted on the exterior of a structure, pole or post, designed for providing illumination of exterior portions of a property for safety, security, or aesthetic purposes.

LIVESTOCK STRUCTURE — Any structure used for housing of livestock.

LOT — A defined portion or parcel of land considered as a unit, established by deed or subdivision plat in accordance with the applicable regulations Code of the Town of Geneva at the time of creation, and which is 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 COVERAGE — See "coverage."

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

LOT LINES — The lines bounding a lot as defined in this section.

LOT WIDTH — The horizontal distance between the side lot lines measured at a distance from the front yard line equal to the minimum required front yard depth.

LOT, CORNER — A lot situated at the junction of and adjacent to two or more intersecting streets.

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

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

MANUFACTURED HOME — A one-family dwelling, conforming to the requirements of the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards and the New York State Uniform Building Code or other applicable laws, which is designed and built to be towed on its own chassis, composed of frame and wheels, in one or more sections, and is suitable or intended for year-round occupancy.

MANUFACTURED HOME PARK — A tract of land which is developed for the siting of two or more manufactured homes, on individual lots that may be leased or sold, and which includes supporting infrastructure such as streets, parking, water, sewerage, electricity and telecommunications services to individual homes.

MANURE STORAGE FACILITY — A facility constructed as an accessory use to an animal husbandry use, riding stable or kennel intended to collect, hold, process, store, treat or distribute in excess of 1,200 cubic feet of solid animal waste or 10,000 gallons of liquid animal waste. Included within this definition are storage tanks, lagoons, seepage pits, drains, piles, compost systems, or piles and collection systems intended to handle animal waste. Not included within this definition are systems designed and constructed to handle human waste.

MARINA — A retail business or service or commercial establishment for the sale, servicing, repairing, renting, mooring and storage of boats, boat motors, boat trailers, boat hoists and other boating equipment, accessories and supplies incidental to the use of boats.

NATURAL GRADE — The original or undisturbed natural surface of the ground before any excavation or filling occurs or has occurred.

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 amendments thereto, which bulk was lawful prior to such adoption or amendment.

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 amendment thereto, which use was lawful prior to such adoption or amendment.

NURSERY SCHOOL — Any place, however designated, operated for the purpose of providing daytime care or instruction for compensation 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.

OPEN SPACE — An area of land or water that remains free from intensive development for residential, commercial, industrial or institutional use, including agricultural and forest lands, and any undeveloped coastal and estuarine lands, undeveloped scenic lands, water bodies such as lakes and bays, and public parks and preserves.

OUTDOOR RECREATION CLUB — A facility or lands owned and maintained by a membership organization for the purpose of providing outdoor recreational opportunities for members and their guests, including activities such as trap shooting, target shooting and archery, for both practice and competition, hunting and trapping, and all-terrain vehicle, snowmobile and other off-road motor vehicle trails; provided, however, that no motorized racing is involved, as well as kitchen and dining facilities for the use and benefit of the members, and to further the purposes of the organization.

POSTER — A temporary, nonpermanent device which announces, directs or advertises any political, educational, charitable, philanthropic, civic, professional, religious or similar organization, campaign, show, drive, movement or event.

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

PRESERVE — A public or private tract of land dedicated to the protection of one or more scenic or environmental attributes, including but not limited to flora, fauna, geological features, lakes, streams, wetlands or other hydrological features.

RECYCLING AND SOLID WASTE PROCESSING — The receiving of recyclable and nonrecyclable wastes and the sorting, processing and temporary storage of said wastes on site prior to shipping to other locations for disposal, reuse, or further processing.

RETAIL FUEL 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 and which may be a standalone operation or combined with other retail sales.

RETAIL SALES — A business or service facility catering to the day-to-day needs of the community through the sale of items used in a household, including but not limited to clothing, appliances, furniture, vehicles and their accessories, home improvement and lawn and garden maintenance products, foodstuffs, convenience goods, pharmaceuticals, and sundry other items commonly utilized in a household.

RETAIL SERVICES — Enterprises offering personal care services such as hair cutting and styling, spa services, licensed massage therapy, and tattooing, as well as dry cleaning, laundry (full- or self-service) and shoe, clothing and other repair services, except vehicle or equipment repair services.

RIGHT-OF-WAY — A strip of land appropriated for the purpose of constructing and maintaining public streets, highways and other public transportation or utility purposes.

ROADSIDE STAND — A temporary or permanent accessory structure or structures, wagons or trailers, not exceeding 240 square feet in size, for the purpose of retail sale of produce, baked goods and handicraft items to the public.

SETBACK — The distance in feet from the street line or any other deeded or owned property line to any structure on a lot.

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

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 the nature of an announcement, direction or advertisement. A "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.

SIGN AREA — The area within the smallest rectangle that encloses the outside perimeter of all sign faces, including all decorations and lights, but excluding the supports if they are not used for advertising purposes, or, in the case of a representational sign, the sum of the areas of the vertical faces of the smallest polyhedron that will encompass the sign structure. For any sign containing three or more faces, the sign area shall be measured as the sum of areas of all of the sign faces.

SIGN HEIGHT — The distance from the top of the sign structure to the top of curb of the public or private road nearest the sign, or to the crown of public road nearest the sign if no curb exists, or the distance from the top of the sign structure to the natural grade at the location of the sign.

SIGN, BUSINESS DIRECTIONAL — A sign located off the premises on which a business is located, not exceeding nine square feet in area, posted by the business along a public road or highway for the purpose of guiding prospective customers to its location.

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, including exposed neon tubing, light bulbs, LED or other source of light, as integral design elements in the sign structure.

SIGN, DOUBLE-FACE — A sign composed of two faces or surface areas upon, against or through which copy is placed.

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; however, in no case shall the source of light and glare be visible to the sign viewer.

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, OFF-PREMISES — A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located or only incidentally on the premises, if at all.

SIGN, PROJECTING — A sign attached to and projecting horizontally from the face of a wall or building, where the sign face or sign faces are not parallel to the building wall.

SIGN, REPRESENTATIONAL — Any three-dimensional sign which is built so as to physically represent the object advertised or is designed as a sculptural feature or other artistic element. Sign area will be the sum of the areas of the vertical faces of the smallest polyhedron that will encompass the sign structure.

SIGN, SINGLE-FACE — A sign composed of one face or surface area upon, against or through which copy is placed.

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.

SITE — Any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

SOLAR ENERGY SYSTEM, COMMERCIAL — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, and which may consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEM, COMMUNITY — An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy for transfer to individuals, households,

nonprofit organizations or businesses that have access to the electrical energy through an ownership interest, lease or subscription in said solar collection system, and which may consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

SOLAR ENERGY SYSTEM, NONCOMMERCIAL — A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, primarily for use on the premises.

STABLE, COMMERCIAL — A building and ancillary facilities for hire, remuneration or sale, such as paddocks, indoor and outdoor riding rinks and pastures, that provide care, housing, training and health-related services to horses kept on the premises or on other properties owned or leased by the stable operator, including horses boarded on the premises by others, and which may include activities such as the sale of horses to the general public, the hiring of horses and horse-drawn vehicles to the general public, and a riding academy providing lessons in horseback riding and other equestrian skills or sport.

STABLE, PRIVATE — An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

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

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 — An existing public way or private way which affords principal means of access to abutting properties and is suitably improved to Town of Geneva Standards, or a proposed way shown on an official map of the Town of Geneva, or shown on a plat approved by the Town Planning Board and/or recorded in the office of the County Clerk.

STREET LINE — The boundary line of any public or private street or road corridor, whether owned in fee, a right-of-way or by easement.

STREET, ALLEY — A public or private vehicular drive located to the rear of lots and designed to provide access to parking areas, service areas, or accessory structures on adjacent properties, and which may also contain utility easements.

STREET, PRIMARY — A street that: 1) is the only street that a site or lot fronts on; or 2) is the street from which the site or lot takes its address from; or 3) in the case where a building fronts on multiple streets, the street that abuts the longest side(s) of a lot.

STREET, SECONDARY — Any street abutting a site or lot that is not a primary street.

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

TRANSIENT OCCUPANCY — The temporary occupancy of a unit, group of units, dwelling or portion of a dwelling, hotel, or other building for periods of less than 30 days or one calendar month, whichever is less.

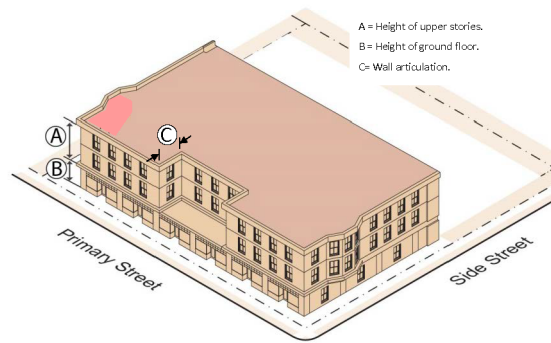
USE — A term employed in referring to:

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

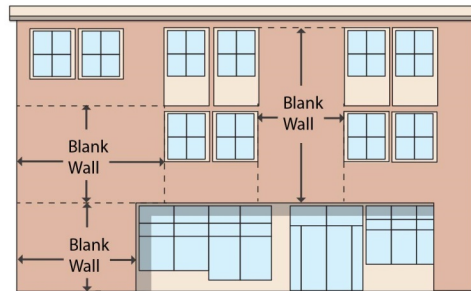
WALL AREA ARTICULATION — The exterior form of a building as exhibited in building height and the continuous length of a building wall without any offsets or other breaks in the wall plane, including bay windows. (See graphic below.)

WALL AREA, BLANK — That portion of any exterior wall of a building that is not occupied by windows, doors or other fenestration, or columns, pilasters, cornices or other decorative features, or a substantial change in building materials. (See graphic below.)

WALL AREA, TRANSPARENT — That portion of any building facade facing a street or other publicly owned or maintained space that is dedicated to windows and doors fitted with glass that has a transparency higher than 80%, and external reflectance of less than 15%. (See graphic below.)



Example graphic for wall area articulation showing elements governed under district regulations in Art. III.



Example graphic illustrating blank wall areas and transparent areas (windows)

WIND ENERGY SYSTEM, COMMERCIAL — An electric-generating facility whose main purpose is to convert wind energy to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

WIND ENERGY SYSTEM, NONCOMMERCIAL — An electric-generating facility whose main purpose is to convert wind energy to electrical energy, consisting of a wind turbine, a tower or other support structure and associated control or conversion electronics, which has a rated capacity of not more than 250 kW and which is intended to primarily reduce on-site consumption of utility power.

WIND TURBINE — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and

includes the nacelle (structure which houses all of the generating components, gearbox, drive train, etc.), rotor, tower, and pad transformer, if any.

YARD, FRONT — The portion of the property that faces the municipal road that the property is accessed from. The yard extending across the full width of the lot, from side property line to side property line, and lying between the front property line and the principal building.

YARD, REAR — The yard extending the full width of the lot, from the side property line to side property line, and lying between the rear property line and the principal building.

YARD, SIDE — The yard extending from the principal building to the side property line and lying between the front line and rear line of the principal building.

ARTICLE II
Establishment of Districts

§ 165-4. Establishment of districts.

In order to fulfill the purpose of this chapter, the Town establishes and is hereby divided into the following 11 zoning and two overlay districts:

AG	Agricultural District
B	General Business District
I-1	General Industrial District
I-2	Light Industrial District
R-1	Residential Suburban District
R-2	Residential Rural District
R-3	Residential Lakefront District
R-4	Residential Medium Density District
R-5	Residential High Density District
TC-1	Town Center Mixed-Use District
TC-2	Town Center Arterial District
CO	Conservation Overlay District
LV	Lake View Overlay District

§ 165-5. Zoning map.

The location and boundaries of said zoning district are shown on the map designated "Official Zoning Map of the Town of Geneva," as amended and certified by the Town Clerk. Said map, together with everything shown thereon and all amendments thereto, is hereby adopted and is declared to be an appurtenant part of this chapter.¹

§ 165-6. Interpretation of district boundaries.

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

- A. Where district boundaries are indicated as approximately following the center lines or right-of-way lines of streets, highways, public utility easements or watercourses, said boundaries shall be construed to be coincident with such lines.
- B. Where district boundaries are indicated as approximately following the Town boundary line, property lines, lot lines or projections thereof, said

1. Editor's Note: The Zoning Map is included in the online version of the Code of the Town of Geneva (eCode 360®). Said map is also on file in the Town offices.

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 Town 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 shown for each district in the Density Control Schedule.²
- F. District boundaries may be coterminous with drainage ridge lines as part of sanitary sewer engineering studies. The engineering drawings should be checked to determine the sewer districts as determined by gravity flow.

§ 165-7. Prohibited uses.

Any land use not specifically listed as permitted in this Zoning Code is prohibited.

2. Editor's Note: Said schedule is on file in the Town offices.

ARTICLE III
District Regulations

§ 165-8. R-1 Residential Suburban District.

- A. Purpose. The purpose of the R-1 Residential Suburban District is to provide for a wide variety of residential building types at a density in character with the existing suburban neighborhoods in the Town, reduce greenhouse gas emissions and promote an energy-independent and secure community, enhance community resilience, and to accommodate the lifestyles and housing needs of a diverse population.
- B. Permitted uses:
- (1) Detached one-family dwelling;
 - (2) Semidetached one-family dwelling;
 - (3) Townhome dwelling;
 - (4) One-family cottage court dwelling;
 - (5) Two-family dwelling;
 - (6) Short-term rental in compliance with § 165-39;
 - (7) Public utility or transportation use.
- C. Permitted with site plan approval:
- (1) Church or other place of worship;
 - (2) Private, academic or parochial school;
 - (3) Child-care center;
 - (4) Cultural facilities (library, art gallery, museum, etc.);
 - (5) Golf course;
 - (6) Hospice;
 - (7) Membership club or recreation use;
 - (8) Cemetery, in compliance with § 165-26.
- D. Permitted accessory uses:
- (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Home occupation, in compliance with § 165-33;
 - (3) Electric vehicle charging stations;
 - (4) Family child care;

- (5) Home composting, in compliance with § 165-32;
 - (6) Home professional office;
 - (7) Keeping of chickens, in compliance with § 165-27;
 - (8) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (9) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the R-1 Residential Suburban District:
- (1) Maximum site density shall not exceed four dwellings per acre or one dwelling for each 10,000 square feet of site area;
 - (2) Minimum lot width shall be 90 feet;
 - (3) Minimum lot depth shall be 110 feet;
 - (4) Minimum front yard setback shall be 30 feet;
 - (5) Minimum rear yard setback shall be 25 feet except that a garage or other accessory structure may be located as close as five feet from a rear yard line;
 - (6) Minimum side yard setbacks shall be 12.5 feet, except in the case of a semidetached one-family dwelling or townhome dwelling, in which case the side yard setback between units may be zero feet;
 - (7) Maximum lot coverage by primary and accessory structures shall not exceed 25%;
 - (8) Maximum building height for any nonagricultural building or structure shall be 30 feet.
- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Mapped public infrastructure. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

§ 165-9. R-2 Residential Rural District.

- A. Purpose. The purpose of the R-2 Residential Rural District is to provide for a wide variety of residential building types at a density in character with the rural or semirural nature of the location, to reduce greenhouse

gas emissions and promote an energy-independent and secure community, and to enhance community resilience.

B. Permitted uses:

- (1) Detached one-family dwelling;
- (2) Semidetached one-family dwelling;
- (3) Two-family dwelling;
- (4) Agriculture;
- (5) Roadside stand;
- (6) Short-term rental in compliance with § 165-39;
- (7) Public utility or transportation use.

C. Permitted with site plan approval:

- (1) Church or other place of worship;
- (2) Private, academic or parochial school;
- (3) Child-care center;
- (4) Cultural facilities (library, art gallery, museum, etc.);
- (5) Golf course or country club;
- (6) Hospice;
- (7) Manufactured home park, subject to the standards set forth in § 165-34;
- (8) Membership club or recreation use;
- (9) Cemetery in compliance with § 165-26.

D. Permitted accessory uses:

- (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- (2) Bed-and-breakfast establishment;
- (3) Business directional signs, in compliance with § 165-66;
- (4) Electric vehicle charging stations;
- (5) Family child care;
- (6) Home composting, in compliance with § 165-32;
- (7) Home occupation, in compliance with § 165-33;
- (8) Home professional office;

- (9) Keeping of chickens, in compliance with § 165-27;
 - (10) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (11) Private stable, provided there is no more than one horse or pony per acre of lot area;
 - (12) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the R-2 Residential Rural District:
- (1) Maximum site density shall not exceed one dwelling per acre or one dwelling for each 45,000 square feet of site area;
 - (2) Minimum lot width shall be 200 feet;
 - (3) Minimum lot depth shall be 225 feet;
 - (4) Minimum front yard setback shall be 50 feet;
 - (5) Minimum rear yard setback shall be 50 feet except that a garage or other accessory structure may be located as close as 10 feet from a rear yard line;
 - (6) Minimum side yard setbacks shall be 30 feet, except in the case of semidetached one-family dwelling or townhome dwelling, in which case the side yard setback may be zero feet;
 - (7) Maximum lot coverage by primary and accessory structures shall not exceed 15%;
 - (8) Maximum building height for any nonagricultural building or structure shall be 30 feet.
- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Mapped public infrastructure. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

§ 165-10. R-3 Residential Lakefront District.

- A. Purpose. The purpose of the R-3 Residential Lakefront District is to provide for a wide variety of residential building types on historically smaller lots and at a density and scale in character with the existing pattern of development, to reduce greenhouse gas emissions and

promote an energy-independent and secure community, and to enhance community resilience.

B. Permitted uses:

- (1) One-family detached dwelling;
- (2) One-family cottage court dwelling;
- (3) Two-family dwelling;
- (4) Short-term rental in compliance with § 165-39;
- (5) Public utility or transportation use.

C. Permitted with site plan approval:

- (1) Church or other place of worship;
- (2) Child-care center;
- (3) Membership club or recreation use.

D. Permitted accessory uses:

- (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
- (2) Home occupation, in compliance with § 165-33;
- (3) Electric vehicle charging stations;
- (4) Family child care;
- (5) Home composting, in compliance with § 165-32;
- (6) Home professional office;
- (7) Keeping of chickens, in compliance with § 165-27;
- (8) Solar energy system, noncommercial, subject to provisions of Chapter 130.

E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the R-3 Residential Lakefront District:

- (1) Maximum site density shall not exceed seven dwellings per acre or one dwelling for each 6,000 square feet of site area;
- (2) Minimum lot width shall be 50 feet;
- (3) Minimum lot depth shall be 100 feet;
- (4) Minimum front yard setback shall be 10 feet from the property line abutting a public or private street, or 25 feet from the center line of a private road where there is no property line;

- (5) Minimum rear yard setback shall be 25 feet, and in the case of lots bordering the lake, the rear yard setback shall be measured from the deeded rear property line;
 - (6) Minimum side yard setbacks shall be 12.5 feet;
 - (7) Maximum lot coverage by primary and accessory structures shall not exceed 30%;
 - (8) Maximum building height for any nonagricultural building or structure shall be 30 feet.
- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Mapped public infrastructure. Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.

§ 165-11. R-4 Residential Medium Density District.

- A. Purpose. The purpose of the Residential Medium Density District is to provide for a wide variety of residential building types at a density typically found in an Upstate New York village setting, to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.
- B. Permitted uses:
- (1) One-family detached dwellings;
 - (2) One-family semidetached dwelling;
 - (3) One-family cottage court dwelling;
 - (4) Two-family dwelling;
 - (5) Townhome dwelling;
 - (6) Short-term rental in compliance with § 165-39;
 - (7) Public utility or transportation use.
- C. Permitted with site plan approval:
- (1) Child-care center;
 - (2) Church or other place of worship;
 - (3) Private, academic or parochial school;

- (4) Cultural facilities (library, art gallery, museum, etc.);
 - (5) Hospice;
 - (6) Membership club or recreation use.
- D. Permitted accessory uses:
 - (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Home occupation, in compliance with § 165-33;
 - (3) Electric vehicle charging stations;
 - (4) Family child care;
 - (5) Home composting, in compliance with § 165-32;
 - (6) Home professional office;
 - (7) Keeping of chickens, in compliance with § 165-27;
 - (8) Solar energy system, noncommercial, subject to provisions of Chapter 130.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Residential Medium Density District:
 - (1) Maximum site density shall not exceed seven dwellings per acre or one dwelling for each 6,000 square feet of site area;
 - (2) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 40%;
 - (3) Minimum front yard setback shall be five feet, but no front yard setback shall exceed 20 feet;
 - (4) Minimum side yard setbacks shall be zero feet, except that no parking space or loading space shall be located within five feet of any side or rear property line;
 - (5) Minimum rear setback shall be 25 feet, except that a garage or other accessory structure may be located as close as 10 feet from a rear yard line;
 - (6) Maximum building height for any nonagricultural building or structure shall be 30 feet.
- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Mapped public infrastructure:

- (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- (2) Within the R-4 Residential Medium Density District, any subdivision or development site plan submitted for approval to the Town shall include sidewalks and walkways designed and built to applicable Town standards.

§ 165-12. R-5 Residential High Density District.

- A. Purpose. The purpose of the Residential High Density District is to provide for a wide variety of residential building types to accommodate the lifestyles and housing needs of a diverse population and household types, in a compact, walkable neighborhood, to reduce greenhouse gas emissions and promote an energy-independent and secure community, and to enhance community resilience.
- B. Permitted uses:
 - (1) One-family detached dwellings;
 - (2) One-family semidetached dwelling;
 - (3) One-family cottage court dwelling;
 - (4) Two-family dwelling;
 - (5) Townhome dwelling;
 - (6) Short-term rental in compliance with § 165-39;
 - (7) Public utility or transportation use.
- C. Permitted with site plan approval:
 - (1) Child-care center;
 - (2) Congregate care facility;
 - (3) Hospice;
 - (4) Multifamily dwelling;
 - (5) Assisted living dwelling.
- D. Permitted accessory uses:
 - (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Home occupation, in compliance with § 165-33;

- (3) Electric vehicle charging stations;
 - (4) Family child care;
 - (5) Home composting, in compliance with § 165-32;
 - (6) Home professional office;
 - (7) Solar energy system, noncommercial, subject to provisions of Chapter 130.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the R-5 Residential High Density District:
- (1) Maximum site density shall not exceed 12 dwellings per acre or one dwelling for each 3,600 square feet of site area;
 - (2) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 70%;
 - (3) Minimum front yard setback shall be five feet, but no front yard setback shall exceed 20 feet;
 - (4) Minimum side yard setbacks shall be zero feet, except that no parking space or loading space shall be located within five feet of any side or rear property line;
 - (5) Minimum rear yard setback shall be 10 feet;
 - (6) Maximum building height for any nonagricultural building or structure shall be 30 feet.
- F. Building mass and articulation. The following standards shall apply to the exteriors of any congregate care facility, multifamily dwelling, or structure containing assisted living units:
- (1) Minimum transparent wall area for the ground floor of any facade facing a primary street shall be 10%;
 - (2) Minimum transparent wall area for the ground floor of any facade facing a secondary street shall be 10%;
 - (3) Minimum transparent wall area for any upper story of any facade shall be 10%;
 - (4) Maximum upper-story street-facing wall length without offset shall be 50 feet;
 - (5) Minimum offset depth for a street-facing wall shall be two feet.
- G. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- H. Mapped public infrastructure:

- (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
- (2) Within the R-5 Residential High Density District, any subdivision or development site plan submitted for approval to the Town shall include sidewalks and walkways and shall be designed and built to applicable Town standards.

§ 165-13. TC-1 Town Center Mixed-Use District.

- A. Purpose. The purpose of the Town Center Mixed-Use District is to foster the redevelopment of properties within the district in a manner that will reduce greenhouse gas emissions and promote an energy-independent and secure community, enhance community resilience, and create a high-quality public realm and streetscape, a mix of compatible uses in a variety of building types, and a high-quality urban residential environment for those desiring such a lifestyle.
- B. Permitted uses:
 - (1) Retail sales;
 - (2) Retail services;
 - (3) Child-care center;
 - (4) Cultural facilities (library, art gallery, museum, etc.);
 - (5) Entertainment and sports venue;
 - (6) Financial services;
 - (7) Food service establishments;
 - (8) Funeral home;
 - (9) General and professional office;
 - (10) Hotel;
 - (11) Membership club or recreation use;
 - (12) Multifamily dwelling, except that no dwelling shall occupy space on the ground floor of any building;
 - (13) Public utility or transportation use;
 - (14) School conducted for profit;
 - (15) Theater or concert hall.

- C. Site plan approval. All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to site plan approval.
- D. Permitted accessory uses:
- (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Parking and loading docks;
 - (3) Customary home occupation, in compliance with § 165-33;
 - (4) Electric vehicle charging stations;
 - (5) Composting, in compliance with § 165-32;
 - (6) Home professional office;
 - (7) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (8) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Town Center Mixed-Use District:
- (1) Maximum residential density shall not exceed 12 dwellings per acre or one dwelling for each 3,600 square feet of site area;
 - (2) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 90%;
 - (3) Minimum front yard setback shall be zero feet, but no front yard setback shall exceed five feet;
 - (4) Minimum side yard setbacks shall be zero feet, except that no parking space or loading space be located within five feet of any side property line;
 - (5) Minimum rear yard setback shall be 10 feet;
 - (6) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.
- F. Building mass and articulation. The following standards shall apply to the exteriors of all buildings:
- (1) Minimum transparent wall area for the ground floor of any facade facing a primary street shall be 20%;
 - (2) Minimum transparent wall area for the ground floor of any facade facing a secondary street shall be 20%;

- (3) Minimum transparent wall area for any upper story of any facade shall be 20%;
 - (4) Maximum upper-story street-facing wall length without offset shall be 50 feet;
 - (5) Minimum offset depth for a street-facing wall shall be two feet.
- G. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- H. Buffer requirement. Where the Town Center Mixed Use District abuts a residential medium density district or a residential high density district, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.
- I. Mapped public infrastructure:
- (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
 - (2) Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

§ 165-14. TC-2 Town Center Arterial District.

- A. Purpose. The purpose of the Town Center Arterial District is to foster the redevelopment of commercial properties within the district in a manner that will create a high-quality public realm and streetscape, and a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.
- B. Permitted uses:
- (1) Retail sales;
 - (2) Retail services;
 - (3) Car wash, self-service and full-service;
 - (4) Cultural facilities (library, art gallery, museum, etc.);
 - (5) Entertainment and sports venue;

- (6) Financial services;
 - (7) Food service establishments;
 - (8) Funeral home;
 - (9) General and professional office;
 - (10) Hotel;
 - (11) Membership club or recreation use;
 - (12) Public utility or transportation use;
 - (13) Retail fuel station, in compliance with § 165-37;
 - (14) School conducted for profit;
 - (15) Theater or concert hall.
- C. Site plan approval. All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to site plan approval.
- D. Permitted accessory uses:
- (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Parking and loading docks;
 - (3) Electric vehicle charging stations;
 - (4) Composting, in compliance with § 165-32;
 - (5) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (6) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Town Center Arterial District:
- (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 80%;
 - (2) Minimum front yard setback shall be 10 feet, but no front yard setback shall exceed 20 feet;
 - (3) No parking shall be permitted within any front yard setback area;
 - (4) Minimum side yard setbacks shall be 10 feet, except that no parking space or loading space shall be located within five feet of any side property line;

- (5) Minimum rear yard setback shall be 10 feet;
 - (6) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.
- F. Building mass and articulation. The following standards shall apply to the exteriors of all buildings:
- (1) Minimum transparent wall area for the ground floor of any facade facing a primary street shall be 20%;
 - (2) Minimum transparent wall area for the ground floor of any facade facing a secondary street shall be 20%;
 - (3) Minimum transparent wall area for any upper story of any facade shall be 20%;
 - (4) Maximum upper-story street-facing wall length without offset shall be 50 feet;
 - (5) Minimum offset depth for a street-facing wall shall be two feet.
- G. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- H. Buffer requirement. Where the Town Center Arterial District abuts a residential medium density district or a residential high density district, there shall be a vegetated buffer area, conforming to the standards set forth in § 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along said boundary.
- I. Mapped public infrastructure:
- (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
 - (2) Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

§ 165-15. AG Agricultural District.

- A. Purpose. The purpose of the AG Agricultural District is to protect the agricultural land resources and the character of rural areas of the Town of Geneva, promote the wise stewardship of the soil and water resources of the Town, reduce greenhouse gas emissions, promote an

energy-independent and secure community, enhance community resilience, and to promote the long-term economic viability of the agricultural sector.

- B. Right to farm. Within the AG Agricultural District, the practice of agriculture is determined to be the preeminent land use, and any agricultural practice determined to be a sound agricultural practice by the New York State Commissioner of Agriculture and Markets pursuant to Article 25-AA, § 308, of the Agriculture and Markets Law, including but not limited to practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and the construction and use of farm structures, shall not constitute a private nuisance.
- C. Permitted uses:
- (1) One-family detached dwellings;
 - (2) One-family semidetached dwelling;
 - (3) Agriculture;
 - (4) Roadside stand;
 - (5) Short-term rental in compliance with § 165-39;
 - (6) Farm worker residence, as regulated by New York State Uniform Code or other applicable laws.
- D. Permitted with site plan approval:
- (1) Agricultural commerce;
 - (2) Agricultural tourism;
 - (3) Cemetery in compliance with § 165-26;
 - (4) Church or other place of worship;
 - (5) Commercial greenhouse, plant nursery and retail sales of plant and gardening products and equipment;
 - (6) Commercial stable;
 - (7) Solar energy system, community, subject to provisions of Chapter 130;
 - (8) Kennel;
 - (9) Membership club or recreation use;
 - (10) Public and private parks and preserves;

- (11) Private, academic or parochial school, provided said facility shall not exceed more than 3,000 square feet in floor area;
- (12) Veterinarian office; animal hospital.
- E. Permitted by special use permit:
 - (1) Commercial breeding facility, subject to provisions of § 165-41;
 - (2) Noncommercial breeding facility or kennel, subject to provisions of § 165-42;
 - (3) Wind energy facility, subject to provisions of Chapter 163.
- F. Permitted accessory uses:
 - (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Bed-and-breakfast establishment;
 - (3) Business directional signs, in compliance with § 165-66;
 - (4) Electric vehicle charging stations;
 - (5) Family child care;
 - (6) Home composting, in compliance with § 165-32;
 - (7) Home occupation, in compliance with § 165-33;
 - (8) Home professional office;
 - (9) Keeping of chickens, in compliance with § 165-27;
 - (10) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (11) Parking and loading docks;
 - (12) Private stable;
 - (13) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- G. Lot area and yard requirements. The following dimensions are the density and lot standards for any lot in the AG Agricultural District:
 - (1) Maximum density shall not exceed one dwelling lot for each 10 acres of land for tax parcels in excess of 10 acres in area at the time of adoption of this Zoning Code; or
 - (2) One dwelling lot for each one acre of land for any tax parcel 10 acres in area or less at the time of adoption of this Zoning Code;

- (3) The density limits in Subsection G(1) and (2) notwithstanding, the minimum size of any new lot created shall be one acre;
 - (4) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 20%;
 - (5) Minimum front yard setback shall be 50 feet;
 - (6) Minimum side yard setbacks shall be 30 feet;
 - (7) Minimum rear yard setback shall be 50 feet;
 - (8) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.
- H. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.

§ 165-16. B General Business District.

- A. Purpose. The purpose of the General Business District is to promote new business development in appropriate locations within the Town and to foster the redevelopment of commercial properties within the district in a manner that will create a high-quality public realm and streetscape and a mix of compatible uses in a variety of building types, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.
- B. Permitted uses:
- (1) Retail sales;
 - (2) Retail services;
 - (3) Automobile sales, storage or repair;
 - (4) Car wash, self-service and full-service;
 - (5) Church or other place of worship;
 - (6) Commercial greenhouse, plant nursery and retail sales;
 - (7) Entertainment and sports venue;
 - (8) Financial services;
 - (9) Food service establishments;
 - (10) Funeral home;
 - (11) Retail fuel station, in compliance with § 165-37;
 - (12) General and professional office;
 - (13) Hotel;

- (14) Marina;
 - (15) Membership club or recreation use;
 - (16) Public utility or transportation use;
 - (17) School conducted for profit;
 - (18) Self-storage facility;
 - (19) Theater or concert hall;
 - (20) Veterinary office; animal hospital;
 - (21) Wholesale business or service.
- C. Permitted with site plan approval. All construction involving more than 120 square feet of floor area, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to site plan approval.
- D. Permitted accessory uses:
- (1) Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
 - (2) Parking and loading docks;
 - (3) Electric vehicle charging stations;
 - (4) Composting, in compliance with § 165-32;
 - (5) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (6) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the General Business District:
- (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60%;
 - (2) Minimum front yard setback shall be 20 feet;
 - (3) Minimum side yard setbacks shall be 15 feet, within which there shall be no outside storage of any kind permitted;
 - (4) Minimum rear yard setback shall be 35 feet, within which there shall be no parking space or loading space, or outside storage of any kind, permitted;
 - (5) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.

- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Buffer requirement. Where the General Business District abuts any residential zoning district or the AG-Agricultural District, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.
- H. Mapped public infrastructure:
 - (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
 - (2) Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

§ 165-17. I-1 General Industrial District.

- A. Purpose. The purpose of the General Industrial District is to promote a vibrant local economy through the development of manufacturing and food processing industries in appropriate locations within the Town, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.
- B. Prohibited uses. In the General Industrial District, 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.
- C. Permitted uses:
 - (1) Agriculture;
 - (2) Automobile salvaging or dismantling;
 - (3) Brewing or distilling of liquors;
 - (4) Car wash, self-service and full-service;
 - (5) Composting facility;
 - (6) Equipment rental or sales yard;

- (7) Extractive operations and soil mining, in compliance with § 165-30;
- (8) Food processing, packaging and shipping;
- (9) Food service establishment;
- (10) General and professional office;
- (11) Grain storage, sales and shipping;
- (12) Light industry;
- (13) Manufacturing, fabrication and assembly;
- (14) Public utility or transportation use;
- (15) Recycling and solid waste processing facility;
- (16) Research laboratories;
- (17) Retail fuel station, in compliance with § 165-37;
- (18) Retail sales;
- (19) Self-storage facility;
- (20) Solar energy systems, commercial;
- (21) Solar energy system, community, subject to provisions of Chapter 130;
- (22) Structural steel fabricating shops; metalworking shops;
- (23) Warehousing and other handling of material;
- (24) Wholesale business or service;
- D. Site plan approval. All construction, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to site plan approval.
- E. Permitted by special use permit:
 - (1) Adult uses, subject to provisions of Chapter 53;
 - (2) Wind energy system, commercial, subject to provisions of Chapter 163.
- F. Permitted accessory uses:
 - (1) Accessory use customarily incidental to any of the uses mentioned herein and on the same lot;
 - (2) Parking and loading docks;
 - (3) Electric vehicle charging stations;

- (4) Composting, in compliance with § 165-32;
 - (5) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (6) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- G. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the General Industrial District:
 - (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60%;
 - (2) Minimum front yard setback shall be 20 feet, within which there shall be no outdoor storage or display permitted;
 - (3) No parking shall be permitted within any front yard setback area;
 - (4) Minimum side yard setbacks shall be 15 feet, within which there shall be no parking space or loading space, or outside storage of any kind, permitted;
 - (5) Minimum rear yard setback shall be 35 feet, within which there shall be no parking space or loading space, or outside storage of any kind, permitted;
 - (6) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.
- H. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- I. Buffer requirement. Where the General Industrial District abuts any residential zoning district or the AG-Agricultural District, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 and not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.
- J. Mapped public infrastructure:
 - (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
 - (2) Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

§ 165-18. I-2 Light Industrial District.

- A. Purpose. The purpose of the Light Industrial District is to promote the development of light industry and food processing industries in appropriate locations within the Town, and to tap the research and technology innovation generated by regional institutions of higher education, reduce greenhouse gas emissions, promote an energy-independent and secure community, and enhance community resilience.
- B. Permitted uses:
- (1) Agriculture;
 - (2) Composting facility;
 - (3) Food processing, packaging and shipping;
 - (4) Food service establishment;
 - (5) General and professional office;
 - (6) Light industry;
 - (7) Public utility or transportation use;
 - (8) Recycling and solid waste processing facility;
 - (9) Research laboratories;
 - (10) Retail sales;
 - (11) Retail services;
 - (12) Solar energy systems, commercial, subject to provisions of Chapter 130;
 - (13) Solar energy system, community, subject to provisions of Chapter 130;
 - (14) Warehousing and other handling of material.
- C. Site plan approval. All construction, except for construction involving the renovations to or conversion of existing interior space, or as part of routine property maintenance, shall be subject to site plan approval.
- D. Permitted accessory uses:
- (1) Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
 - (2) Home composting, in compliance with § 165-32;
 - (3) Parking and loading docks;

- (4) Solar energy system, noncommercial, subject to provisions of Chapter 130;
 - (5) Wind energy system, noncommercial, subject to provisions of Chapter 163.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Light Industrial District:
 - (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall not exceed 60%;
 - (2) Minimum front yard setback shall be 30 feet, within which there shall be no parking, outdoor storage or display permitted;
 - (3) No parking shall be permitted within any front yard setback area;
 - (4) Minimum side yard setbacks shall be 25 feet, within which there shall be no parking space or loading space, or outside storage of any kind, permitted;
 - (5) Minimum rear yard setback shall be 35 feet, within which there shall be no parking space or loading space, or outside storage of any kind, permitted;
 - (6) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet.
- F. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- G. Buffer requirement. Where the Light Industrial District abuts any residential zoning district or the AG-Agricultural District, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 not less than 15 feet in width and planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.
- H. Mapped public infrastructure:
 - (1) Where there is shown on a map officially adopted by the Town of Geneva a future street, bicycle and pedestrian path or any other public infrastructure, the yard setback area or areas of a lot that would be affected by said future street, bicycle and pedestrian path or any other public infrastructure shall be increased to include the area reserved for any such future infrastructure.
 - (2) Where there is shown on a map officially adopted by the Town of Geneva a future sidewalk or sidewalks, said infrastructure shall be shown on any subdivision or development site plan submitted for approval to the Town and designed and built to applicable Town standards.

§ 165-19. LV Lake View Overlay District.

- A. Purpose. Within the Town of Geneva along the west side of New York State Route 14, south of the City of Geneva and Town of Geneva line, there is a spectacular view of Seneca Lake. The purpose of the Lake View Overlay District special use corridor is to permit business activity within zones that are R-1 Residential Suburban, R-2 Residential Rural and AG Agricultural in a manner that will enhance the use of land along the west side of Route 14 but also will be compatible in an area that is used for residence. The careful integration of limited commercial uses within these areas will ensure the enjoyment of the lake and the land by both residents of the Town as well as visitors to the Town, ensure that the entrance to the Town and the City of Geneva will be enhanced, and protect and maintain the integrity of the existing residential and agricultural uses in the area.
- B. Permitted uses. In addition to any use permitted within the underlying R-1 Residential Suburban, R-2 Residential Rural or AG Agricultural Zoning Districts, the following uses are permitted upon receipt of site plan approval and a special use permit from the Zoning Board of Appeals, subject to the requirements set forth in § 165-79:
- (1) Agricultural tourism enterprise not operated as part of an ongoing farm operation;
 - (2) Events facilities operated for the purpose of private events such as banquets, concerts, dances, reunions, corporate or other organization retreats, weddings and other religious celebrations;
 - (3) Lodging facilities with not more than 14 rooms for sleeping, each room to accommodate no more than four persons, including a bed-and-breakfast and a country inn;
 - (4) Restaurant operation, including the sales of alcoholic beverages;
 - (5) Retail sales of items primarily intended for sale to tourists and visitors to the area, including food and drink intended for purchase and delivery to the customer on premises, to be removed from the premises by the customer or to be shipped to a location designated by the customer;
 - (6) Retail sales of food and drink for consumption on premises.
- C. District extents. The Lake View Overlay District shall be located only within a corridor that is bounded by the western boundary of New York State Route 14 on the east; the southern boundary of Snell Road on the north; the boundary line separating the Town of Geneva and the Town of Benton on the south; and on the west a line that is 2,000 feet westerly from the western boundary of New York State Route 14.
- D. Prohibited uses:

- (1) The sale of goods primarily sold as wholesale, the sale of goods in retail that involves a department store style of marketing or discount store style of marketing, the sale of large goods such as motor vehicles, motor homes, farm equipment, or hardware as a primary business, or other heavy equipment or boats, or the sale of fuel for vehicles shall be prohibited.
- (2) Community solar energy systems and commercial solar energy systems occupying more than one acre within 1,000 feet of New York State Route 14, or within any viewshed between a public street or highway and Seneca Lake.
- (3) Noncommercial wind energy systems and commercial wind energy systems.

E. Permitted accessory uses:

- (1) Accessory use customarily incident to any of the uses mentioned herein and on the same lot;
- (2) Parking and loading docks;
- (3) Electric vehicle charging stations;
- (4) Solar energy system, noncommercial, subject to provisions of Chapter 130;
- (5) Wind energy system, noncommercial, subject to provisions of Chapter 163.

F. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Lake View Overlay District:

- (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall be the same as those of the underlying zoning district;
- (2) Minimum front yard setback for any uses listed in § 165-19B shall be 150 feet from the right-of-way of any public highway;
- (3) Minimum side yard setbacks shall be the same as those of the underlying zoning district, except any use listed in § 165-19B shall be no closer than 100 feet from the property line upon which is located an existing residence;
- (4) Minimum rear yard setback shall be the same as that of the underlying zoning district;
- (5) Maximum building height for any nonagricultural building or structure shall be three stories, or 35 feet;
- (6) There shall be no parking, outdoor storage or product display permitted within any front, side or rear yard setback areas.

- G. Parking requirements. See §§ 165-54 to 165-58 of the Code for the parking requirements for specific uses listed above.
- H. Buffer requirement. Where any development listed in § 165-19B above abuts any residential parcel, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along the property boundary abutting the residential parcel.
- I. Additional design and operating standards:
- (1) Restaurants that contain drive-through windows or that use trademarked signs or architecture which identifies the company by building design shall be prohibited.
 - (2) Commercial operations of any kind that are part of a chain or franchised business operation that have more than five such businesses operating in the State of New York shall be prohibited.
 - (3) The following limitations on the location of the permitted business shall be required before a special use permit under this section shall be issued:
 - (a) In addition to the aforesaid setbacks and in the sole judgment of the Zoning Board of Appeals, a sufficient natural barrier shall be erected and maintained on the property of the permitted business to protect the existing residences from intrusion by view or noise from the permitted business.
 - [1] No building shall be sited in a manner that will block the view of Seneca Lake from any existing residential property bordering the development.
 - [2] All mechanical equipment such as air-conditioning units and heating units shall be located within the confines of the building or screened from the view of the public highways or any existing residential property bordering the development.
 - (4) In keeping with the unique and particularly beautiful scenery and the allowance of business uses within areas that are also used for residential and agricultural use, the appearance of any newly constructed buildings shall be subject to the following appearance requirements:
 - (a) The architectural design shall be submitted to the Zoning Board of Appeals for approval based upon the following specific criteria:
 - [1] The exterior of the building shall present a natural appearance of recognized quality building materials that

shall appear to be wood, quality brick, glass, fieldstone or a combination of such materials.

[2] The outward appearance of all buildings shall be fitting to and complement the rural area in which the Lake View District is located.

[3] The Zoning Board of Appeals shall be authorized to allow substitute materials, provided that the outward appearance meets the above standards and the Building Code standards.

(5) Operation of the Lake View permitted businesses shall be subject to the following:

(a) The hours of business operation when the permitted business is open to customers shall be between 7:00 a.m. and 11:00 p.m. and shall be strictly controlled. The permitted business shall not be open to customers between the hours of 11:00 p.m. and 7:00 a.m., which shall be referred to herein as the "hours of prohibited operation." The permitted business may be open for preparation and cleanup during the hours of prohibited operation.

(b) The permitted business shall operate in a manner that maintains a reasonable noise level. Any noise levels exceeding 75 decibels, including traffic-related noises or electronically amplified live music or electronically reproduced noise, that project beyond the property line are prohibited.

(6) The Zoning Board of Appeals shall be empowered to place additional reasonable restrictions and requirements consistent with the purpose and intent of this section as conditions for granting the special use permit.

§ 165-20. CO Conservation Overlay District.

A. Purpose. The purpose of the Conservation Overlay District (C-1) is to protect vulnerable natural resources such as stream corridors, steep ravine and gully slopes and the water quality of Seneca Lake from the adverse impacts of development in such locations.

B. Permitted uses. Any use permitted within the underlying zoning district; however, such uses shall be subject to site plan review.

C. District extents. The Conservation Overlay District shall be applied to all lands located within 50 feet of the shoreline of any designated stream, and all lands adjacent to said stream where the slopes exceed 15%, as shown on the officially adopted Zoning Map of the Town of Geneva. Final determination of any Conservation Overlay District boundary shall be verified in the field by the designated Town official.

- D. Permitted accessory uses. Any accessory use permitted within the underlying zoning district; however, such uses shall be subject to site plan review.
- E. Lot area and yard requirements. The following dimensions are the minimum standards for any lot in the Conservation Overlay District:
 - (1) Maximum lot coverage by primary and accessory structures, parking and vehicular drives shall be the same as those of the underlying zoning district;
 - (2) With the exception of the setbacks outlined in Subsection E(3) below, the minimum front yard, side yard and rear yard setbacks shall be the same as those of the underlying zoning district, and there shall be no parking, outdoor storage or display permitted within said yards setbacks;
 - (3) Minimum setbacks from the shore of any stream or the rim of any ravine or gully to any structure shall be 50 feet.
 - (4) Maximum building height for any nonagricultural building or structure shall be the same as permitted in the underlying zoning district.
- F. Parking requirements. Parking requirements shall be the same as those of the underlying zoning district.

ARTICLE IV
Supplementary Regulations

§ 165-21. Specifications for yard areas and projections.

- A. Wherever a side or rear yard is adjacent to a street, the standards for front yards shall apply.
- B. The following projections into any required yard are to 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: four feet into any yard.
- C. Any open or enclosed porch or carport shall be considered a part of the building in determination of the size of the required lot or lot coverage. Nonroofed paved terraces shall not be considered a part of the building.
- D. Accessory uses not enclosed in a building may be located in a rear yard in accordance with § 165-24.
- E. Side yards for semidetached houses or townhouses shall be required at the ends of the total structure only.
- F. No detached principal building shall be closer to any other principal building on the same lot than the average heights of said buildings.

§ 165-22. Compliance with maximum 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 district regulations, provided that there shall be no more than one principal building and use on each 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 maximum average residential density for the district in which such lot or lots are situated, except as provided in Article V, Planned Unit Development.

§ 165-23. Prohibited activities.

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

- A. No offensive or objectionable vibration, odor or glare shall be noticeable at or beyond the property line.

- B. 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 an adjacent district.
- C. 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 of a nature that may contaminate any water supply, including groundwater supply.
- D. 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.
- E. The emission of smoke, fly ash or dust which can cause damage to the health of persons, animals or plant life or to other forms of property shall be prohibited.
- F. No activity which involves horizontal or directional drilling operations, hydraulic fracturing or hydrofracking operations or the storage, processing, handling and disposal of the fracking fluids and other by-products or waste generated from horizontal or directional drilling operations and hydraulic fracturing or hydrofracking operations shall be permitted in any zoning district within the Town of Geneva.
- G. No commercial landfill or disposal facility where solid waste or its residue after treatment is intentionally placed, and which is not a land application facility, surface impoundment, injection well or waste pile, shall be permitted in any zoning district within the Town of Geneva.

§ 165-24. Accessory buildings.

- A. Accessory buildings not attached to the principal building shall comply with applicable Building Code requirements and, notwithstanding any other provision of this chapter, they may be permitted in any district. In all districts, accessory buildings are to be constructed in the rear yard area only. Accessory buildings are allowed only on the same property as the principal building. Accessory buildings shall be allowed no closer than 10 feet to any side or rear property line.
- B. Any accessory uses that are not in an enclosed building shall be allowed in the side or rear yard and shall be a distance of 15 feet from the nearest property line. The noise and glare shall not adversely affect the character of any neighborhood.

§ 165-25. Automobile storage, repair, salvaging or dismantling.

Any premises devoted to one or more of the following activities: short-term or seasonal storage of operable motor vehicles; or motor vehicle cleaning, routine servicing and repairs; or dismantling, salvaging or disassembling of motor vehicles or trailers; or storage or sale of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts shall be subject to the following:

- A. All cleaning, servicing, repairs, dismantling, salvaging, disassembling and sales activities must take place and be fully contained within an enclosed structure;
- B. No outdoor storage of motor vehicles or trailers, or parts thereof, or dismantled, obsolete or wrecked vehicles shall be permitted within any required yard areas;
- C. No display of vehicles or trailers or parts thereof for sale shall be permitted within any yard areas;
- D. All areas for the storage of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts shall be screened by a solid fence or other barrier at least eight feet high.
- E. Where any automobile storage, repair, salvaging or dismantling business abuts any residential parcel or residential zoning district, there shall be a vegetated buffer area conforming to the standards set forth in § 165-40 not less than 15 feet in width, planted with trees and shrubs spaced in a manner that will result in a continuous visual screen along said boundary.

§ 165-26. Cemeteries.

No burial or memorial plats or buildings shall be located within any front, side or rear yard setback area, except when a dense evergreen hedge or a wall or landscaped strip at least six feet in height providing complete visual screening from any adjacent property is provided. No burial or memorial plats shall be located closer than 10 feet from any residential lot line.

§ 165-27. Keeping of chickens.

The following standards shall apply to the keeping of chickens in residential zoning districts where they may be permitted:

- A. No fowl or poultry other than chickens shall be kept on the premises.
- B. No more than four hens shall be permitted on any single lot.
- C. No roosters shall be permitted.
- D. No fowl or poultry shall be kept in any dwelling or in any structure less than 15 feet from the nearest dwelling.
- E. All chickens shall be confined in suitable coops or houses that are properly cleaned and maintained in good condition at all times, and confined with a suitable fence.
- F. Any fence enclosure to accommodate free-range chickens shall be designed and constructed to confine all animals to the property on which they are kept.

- G. All coops or fence enclosures shall be located in the rear yard of the property, and shall be located no less than five feet from any property line. No chicken coop shall exceed 25 square feet in area, and no fence enclosure shall exceed 300 square feet in area.
- H. All coops and fence enclosures must be kept in a neat and sanitary manner and must be cleaned on a regular basis so as to prevent offensive odors.

§ 165-28. Clear sight triangle.

For the purpose of minimizing traffic hazards at street intersections, on any corner lot, no obstructions higher than 2 1/2 feet above the adjacent top-of-curb elevation shall be permitted to be planted, placed, erected or maintained within the triangular area formed by the intersecting pavement lines or their projections where corners are rounded and a straight line joins the pavement lines at points 50 feet distant from their point of intersection.

§ 165-29. Excavations.

- A. Any 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.
- B. 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.
- C. For standards for extractive operations and soil mining, see § 165-30.

§ 165-30. Extractive operations and soil mining.

- A. These standards shall apply to any activities in the Town of Geneva where more than 500 tons or 350 cubic yards, whichever is less, of rock, soil or mineral(s) are removed from the earth and transported off the premises during 12 successive calendar months.
- B. In addition to any other information which may be required as part of any application for site plan approval, the applicant shall submit information that includes, at a minimum:
 - (1) Proposed pollution-control measures to address potential air pollution (dust), noise pollution or water pollution (water-borne sediments).

- (2) A reclamation plan that shall clearly show how the site will be restored to a condition similar to or compatible with that which existed prior to any mining or to a condition making it suitable for subsequent development, or to some other productive use of the land.
 - (3) An estimated cost of the required site reclamation.
- C. Prior to the commencement of operations, the operator shall file with the Town a performance bond to cover the full cost of reclaiming the site upon cessation of mining, in a form satisfactory to the Town as to form, sufficiency, manner of execution and surety.
- D. Extractive and soil mining operations shall meet all development and performance standards of this Code and all applicable local, state and federal regulations. The proposed method of mining and the method of reclaiming the affected land to achieve the applicant's land-use objective shall be compatible with sound environmental management practices.
- E. In addition to zoning district setback requirements, any excavation or quarry operations, and any rock, gravel, soil or mineral-crushing or other processing of materials, shall be located a minimum of 100 feet from any property boundary line or public road or highway right-of-way.
- F. Where any mining operation borders a public street or highway, there shall be constructed a vegetated earthen or rock berm with a crest at least eight feet above any adjacent property boundary and a slope not exceeding a rise of one foot for each 2.5 feet of horizontal distance.
- G. No mining activities, buildings, structures, parking areas, equipment or production storage areas shall be located within 100 feet of a stream or any wetland as defined by state or federal law.
- H. Where any mining operation abuts a property or properties containing residences, a visual screen at least 40 feet in width and composed of evergreen trees shall be planted along any boundary line that abuts such properties. All evergreen trees shall be at least eight feet in height at time of planting and be spaced so as to form an opaque vegetative screen. The mining operation owner shall be responsible for maintaining this vegetation buffer.

§ 165-31. Fences and walls.

- A. Any person or persons, corporation, firm or association intending to erect a fence shall, before any work is commenced, make application to the Code Enforcement Officer on a form provided by the Code Enforcement Officer. Said application shall be accompanied by a plan or sketch showing the proposed location of any fence or a more recent survey map of the property, and the materials proposed to be used therein, which must be in accordance with this chapter and any other

pertinent local law regulating construction within the Town, and shall be accompanied by an appropriate fee.

- B. Upon approval by the Code Enforcement Officer, a permit shall be issued, which will be in effect for a period of six months from the date thereon. Said permit shall be displayed on the property during the progress of the work so that the work may be inspected by the proper Town officials. The Town Board shall set applicable fees for the permit.
- C. In any residential district, no fence, wall or other enclosure shall be more than seven feet in height at the rear of homes or buildings, and except where provided for in Subsection D below, no fence shall extend forward of the rear building line of any principal building.
- D. Any fence or wall four feet or less in height shall be permitted anywhere on a lot except where it would encroach on street or highway sight clearances required for traffic safety.
- E. In any business or industrial district, there shall be no restriction on fences or walls, except on any boundary with a district where residences are allowed, where such fences or walls shall be limited to eight feet in height and except where sight clearances are required.
- F. Any fence or wall erected shall be placed on the property of the owner.
- G. Any fencing or wall for the enclosure of farm animals shall not be required to have a permit.
- H. The height of any fence or wall shall be measured from the natural grade at the ground plane to the top of the fence or wall. At no place shall a fence or wall exceed the maximum permitted height above natural grade.
- I. Any fence, wood stockade, chain-link or other type of fence or wall shall have the smooth side or finished side facing to the outside of the property owner installing the fence. Fence posts will be placed on the inside of the fence. All chain-link fences erected shall be erected with the closed loop at the top of the fence.
- J. Any fence or wall shall be designed and constructed so as to not unduly or fully block a scenic view from an adjacent property. No fence or wall built within 20 feet of the mean high water line of any lake shall exceed four feet in height.
- K. Any fence, wall or similar structure, as well as shrubbery, which unduly cuts off light or air, which may cause a nuisance, a fire hazard, or a dangerous condition, is hereby expressly prohibited.
- L. With the exception of fences installed and maintained as part of an agricultural operation, the following fences and fencing materials are specifically prohibited:

- (1) Barbed wire;

- (2) Expandable fences and collapsible fences, except during construction of a building.

M. Fences for the enclosure of all pools shall conform to applicable provisions of the New York State Uniform Fire Prevention and Building Code or other applicable laws.

§ 165-32. Home composting.

- A. No composting shall take place within the front yard setback area of a parcel, and no compost pile or compost bin or other enclosure shall be located closer than two feet from a rear or side property line.
- B. Any compost pile or compost bin shall be maintained in a neat and sanitary state at all times and shall not generate any noxious odors, attract vermin or wildlife or otherwise create a nuisance to neighboring properties.
- C. The area dedicated to composting shall not exceed 50 square feet in area, including all composting bins and compost storage areas.

§ 165-33. Home occupation.

Any home occupation shall conform to the following additional conditions:

- A. It shall be carried on wholly within the enclosed walls of the dwelling and shall not use more than 25% of the floor area.
- B. It shall be carried on by a member of the family in the dwelling, and no more than one person outside the family shall be employed in the occupation.
- C. There shall be no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building. There shall be no display of goods or advertising other than a sign as permitted in § 165-62.
- D. No offensive noise, vibration, smoke, dust, odors, heat, light or glare shall be produced as a result of any activity related to the home occupation.

§ 165-34. Manufactured home parks.

Manufactured home parks are allowed by site plan approval in the R-2 Residential Rural Districts, subject to the following regulations:

- A. Park size and capacity. Each manufactured home park shall have a minimum area of five acres and shall contain no more than one manufactured home for each 6,000 square feet of gross area, including land used for access roads, recreation and service facilities and screen planting.

- B. Size of lots. No manufactured home lot shall be less than 4,500 square feet in area and have less than 40 feet of frontage on an access road.
- C. Clearances.
 - (1) Manufactured homes shall be located on the lot with the following minimum clearances:
 - (a) Sides: 15 feet on each side to lot line and a total of 50 feet on both sides from adjacent manufactured homes and buildings.
 - (b) Ends: 20 feet from adjacent manufactured homes and 15 feet from access roads and manufactured home park lot lines and 30 feet from exterior lot lines.
 - (2) In computing these clearances, lean-tos, auxiliary rooms and similar accessories connected to the manufactured home, but not including temporary porches and canopies which are open on two or more sides, shall be considered as part of the manufactured home.
- D. A minimum of 10% of the gross park area or 1,000 square feet per dwelling unit, whichever is larger, shall be provided as common space for outdoor recreation. This common recreation space shall be suitably sized and configured for outdoor recreational activity and shall be easily accessible to all units within the park.
- E. In addition to the clearance requirements in Subsection C(1)(a) and (b) above, no manufactured home shall be located less than 50 feet from any front, side or rear yard boundary line of the manufactured home park, or less than 50 feet from any maintenance, storage areas or facilities, and sewage treatment facilities if present.
- F. There shall be a vegetated buffer, not less than 20 feet in width, within any yard area located adjacent to any manufactured home park boundary line or public road or highway, planted and maintained in accordance with § 165-40.
- G. Where the property fronts on a public road or highway, within the required yard area at least 50% of the length of the frontage on said public road or highway shall be planted and maintained with a vegetative screen.
- H. No manufactured homes or other structures, or parking areas, shall be located within 50 feet of a stream edge or any wetland as defined by state or federal law. With the exception of stream crossings, no roadways shall be located within 50 feet horizontal distance from a stream edge or any wetland as defined by state or federal law.
- I. Automobile parking. There shall be at least one off-road parking space for each manufactured home within the manufactured home lot or within 50 feet of the manufactured home. In addition, there shall be one

off-road parking space for each five manufactured homes within the park located throughout the park for public congregation.

- J. All interior roads within the manufactured home park shall be paved with an all-weather, permeable or impermeable, surface of crushed stone, asphalt, brick pavers or concrete, or a combination of the above, and shall be a minimum of 18 feet wide. Each off-road parking space shall be at least nine feet wide and at least 20 feet long and shall have convenient and ready access to a roadway.
- K. No parking facilities or driveways, except driveways for the purpose of ingress to or egress from the premises, shall be allowed within any of the front, side or rear yard setback areas.
- L. Sanitary disposal. No person shall undertake to construct any manufactured home park, new building or structure in the Town without first meeting the requirements for a system or facilities for the separate disposal of waterborne sewage and domestic or trade wastes in accordance with applicable regulations of the Town, the appropriate Department of Health and other governmental authorities.
- M. Any camper, recreational vehicle, boat or other trailer stored within the manufactured home park shall be stored in a designated location within the park and screened from any adjacent property or public rights-of-way. No more than one such camper, recreational vehicle, boat or other trailer per dwelling unit shall be permitted.

§ 165-35. Manure storage facility and barnyard and/or livestock structure.

- A. The following construction requirements shall apply to all manure storage facilities.
 - (1) No manure storage facility, or addition to an existing manure storage facility, shall be constructed unless a building permit has been issued by the Town of Geneva Code Enforcement Officer to the owner of the subject property under these regulations.
 - (2) To obtain the building permit, the owner of the property on which the manure storage facility is proposed must submit to the Town of Geneva Code Enforcement Officer:
 - (a) An application for the building permit;
 - (b) Any required fee;
 - (c) Signed and stamped engineer plans that meet current Natural Resources Conservation Service (NRCS) standards or equivalent standards based on the best professional judgment of the professional engineer of record; and
 - (d) A site plan for review and approval.

- (3) The manure storage facility and its building permit application are subject to the review and approval of the Town Planning Board, Building Department, and Town Engineer through the site plan review process and any revisions or changes recommended and/or required as a result of those reviews.
- (4) Throughout the construction process, the applicant and its contractors shall comply with the stamped engineering plans as well as the approved plans and permit reviewed and approved by the Town of Geneva Building Department, Planning Board and/or Town Engineer.
- (5) As a minimum, the site plan for the manure storage facility submitted with the building permit application shall demonstrate that construction of the manure storage facility will comply with the following stipulations:
 - (a) Setbacks. The manure storage facility will be set back a minimum of 300 feet from any existing occupied residence not affiliated with that agricultural operation. The manure storage facility will be located behind the primary living structure and a minimum of 120 feet from the road right-of-way center line in front and a minimum of 100 feet from any side property line.
 - (b) Visual barrier. A manure storage facility may be subject to visual barriers in the discretion of the Planning Board. The nature and design of the visual barrier will be subject to the review and approval of the Town through the site plan review process.
- (6) The engineer that designed the manure storage facility shall provide a stamped and signed as-built drawing of the manure storage facility prior to the Town of Geneva issuing a certificate of completion.

B. Barnyard and livestock structure requirements.

- (1) Setbacks. Any barnyard or livestock structure shall be set back a minimum of 300 feet from any existing occupied residence not affiliated with that agricultural operation. The barnyard or livestock structure shall be located behind the primary living structure and a minimum of 120 feet from the road right-of-way center line in front and a minimum of 100 feet from any side property line.

§ 165-36. Outdoor lighting.

- A. All exterior lighting shall comply with the standards of the Outdoor Lighting Code Handbook of the International Dark-Sky Association, as updated from time to time.

- B. All exterior lighting is to be downcast and be at 100% nadir or parallel to the ground. No exterior lighting shall read greater than one luminaire at three feet above the property line.

§ 165-37. Retail fuel stations.

In any district where permitted, retail fuels stations shall be subject to the following regulations:

- A. Retail fuel stations shall be permitted only on lots of 10,000 square feet or more, with 100 feet of 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. 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 or car washing which requires mechanical equipment.

§ 165-38. Setbacks for planned streets.

After the planned right-of-way line for future streets, for future extensions of existing streets or for any 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.

§ 165-39. Short-term rental regulations.

- A. Permit required. An owner shall obtain a revocable short-term rental permit whenever a dwelling unit is to be used for short-term rental purposes.
 - (1) A short-term rental permit shall be obtained prior to using the unit as a short-term rental.
 - (2) A short-term rental permit shall be valid for three calendar years, shall expire on December 31 of the third year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
 - (3) The short-term rental permit is transferable to a new owner, so long as the owner registers with the Town, updates the short-term rental permit application, and agrees in writing to comply with the requirements of the short-term rental permit and these regulations.
 - (4) If the terms of the short-term rental permit are not kept or these regulations not followed, the short-term rental permit may be revoked and the owner subject to the penalties of Chapter 1, § 1-16,

of the Code of the Town of Geneva, and the penalties set forth below.

B. Short-term rental permit application requirements. An application for (or renewal of) a short-term rental permit shall be submitted to the Town Code Enforcement Officer, signed by all persons and entities that have an ownership interest in the subject property, shall be accompanied by payment of a permit fee to be determined by the Town Board, shall be accompanied by a copy of the current vesting deed showing how title to the subject property is then held, shall be completed on the form provided by the Town, and shall provide the following information:

(1) A list of all of the property owners of the short-term rental, including names, addresses, telephone numbers and e-mail addresses.

(2) Affidavit certifications:

(a) Completion of a signed and notarized affidavit by the property owners certifying the following:

[1] Compliance with the following standards:

[a] There shall be one functioning smoke detector in each sleeping room and at least one functioning smoke detector in at least one other room, one functioning fire extinguisher in the kitchen and at each exit, and at least one carbon monoxide detector.

[b] Exterior doors shall be operational, and all passageways to exterior doors shall be clear and unobstructed.

[c] Electrical systems shall be serviceable with no visual defects or unsafe conditions.

[d] All fireplaces, fireplace inserts or other fuel-burning heaters and furnaces shall be vented and properly installed.

[e] Each sleeping room shall have an exterior exit that opens directly to the outside, or an emergency escape or rescue window.

[2] The number of sleeping rooms within the short-term rental, as defined in this section.

[3] The number of parking spaces on the property that meet the standards set forth below.

(b) Affidavit certifications shall be valid during the term of the short-term rental permit, or until modifications requiring a

building permit are made, or until the Town Code Enforcement Officer has reason to believe an inspection is warranted, at which point the Code Enforcement Officer shall obtain a search warrant to conduct such inspection unless an owner of the property voluntarily consents to permit the Code Enforcement Officer onto the property and into the short-term rental for purposes of conducting such inspection. If relevant circumstances on the property change or for any reason the certification is or becomes inaccurate, a new certification shall be submitted.

- (3) A site plan, drawn to scale, showing the location of buildings, required parking and, if not served by a public sewer, the location of the septic system and leach field. An accurate, suitable plan need not be prepared by a professional.
 - (4) If the property is served by a private septic system, a septic inspection report issued pursuant to Chapter 159 of the Code of the Town of Geneva, dated within 90 days of the date of the application, stating the size of the tank(s) and leach or absorption field or area, and the location and condition of all septic system components. The report must state the septic system was adequately functioning at the time of inspection. The septic system must be in compliance with Chapter 159, and the maximum occupancy of the short-term rental unit shall be limited by the number of bedrooms allowed for the size of the septic tank and leach or absorption area, as set forth in the regulations of the New York State Department of Health (referred to in Chapter 159), Appendix 75-A of Part 75 of Title 10 of the New York Codes, Rules and Regulations, as amended, and regulations and/or standards applicable to aerobic septic systems. A system failure will require a new passing inspection report. The Town Code Enforcement Officer may allow occupancy in excess of these regulations and standards if circumstances show the system will adequately function for an allowed occupancy, and may condition any variance on certain actions and safeguards by the owner, such as frequent pumping of the septic tank or further periodic inspection by the Town Code Enforcement Officer or designee.
 - (5) The name, address, telephone number and e-mail address of a contact person, who shall be responsible, and authorized, to act on the owner's behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
 - (6) A statement that the applicant has met and will continue to comply with the standards of these regulations and the permit.
- C. Short-term rental standards. All short-term rentals shall meet the following standards:

- (1) The maximum occupancy for each short-term rental unit shall be the smaller of:
 - (a) The maximum number of people allowed based on the septic inspection report, if applicable; or
 - (b) The number of people calculated on the basis of two persons per sleeping room (unless the room size is below 100 square feet), plus an additional two persons. For this purpose, a sleeping room is defined as fully enclosed habitable space of at least 70 square feet for one person and 100 square feet for two persons, with an emergency escape or rescue opening.
- (2) The property must have sufficient off-street parking spaces, in compliance with the requirements of Article VI (Off-Street Parking and Loading) of this chapter, to accommodate the maximum occupancy.
- (3) Tenants and guests shall park in the off-street parking spaces required by Article VI (Off-Street Parking and Loading) of this chapter and shall not park on any part of the lawn of the property nor on the street.
- (4) A house number visible from the street or road shall be maintained.
- (5) Provisions shall be made for weekly garbage removal during rental periods. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling or odors, and placed where they are not clearly visible from the street or road except around pickup time.
- (6) Advertisements for the short-term rental must conform to what is allowed under these regulations and the short-term rental permit.

D. Procedure upon filing application.

- (1) Upon the filing with the Town Code Enforcement Officer of the permit application, permit fee, and all documents and information required by this chapter, the Town Code Enforcement Officer shall have 30 days to review the application and then either issue the permit, with or without conditions, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial. If a permit is issued, the permit shall bear the signature of the Town Code Enforcement Officer.
- (2) In reviewing the application, if the Town Code Enforcement Officer has probable cause to believe information contained in the application is inaccurate or incomplete, he or she may petition a court of competent jurisdiction for a search warrant to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this section. Alternatively, the Town Code Enforcement Officer may request permission from an owner of the

short-term rental to come onto the property and to conduct an inspection of the short-term rental property for purposes of ensuring compliance with this section, which permission the owners of the short-term rental are under no obligation to give. If an inspection authorized herein is conducted, the Town Code Enforcement Officer shall use the results of such inspection in determining whether to issue the permit, with or without conditions, or to not issue the permit.

- (3) In issuing a short-term rental permit, the Town Code Enforcement Officer may impose such reasonable conditions and restrictions as are directly related to and incidental to the use of the property for short-term rentals so long as such conditions and restrictions are consistent with the requirements of the Town Zoning Law and the On-Site Individual Wastewater Treatment System Law³ of the Town of Geneva and are imposed for the purpose of minimizing any adverse impact the issuance of the short-term rental permit may have on the neighborhood or community.
- (4) The Town Code Enforcement Officer may decline an application for any of the following reasons:
 - (a) If the application is incomplete, the documentation required by this chapter was not included with the application or the full permit fee, in payment form acceptable to the Town Clerk, was not included with the application.
 - (b) If the Town of Geneva issued a short-term rental permit to any of the owners needing to sign the short-term rental permit application and any of such owners had a short-term rental permit revoked within the previous year.
 - (c) If the affidavit from the owners or, if conducted, an inspection conducted by the Town Code Enforcement Officer as authorized in this section, does not evidence that the subject property is in compliance with this chapter or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.
 - (d) If the site plan required to be submitted with the application does not comport with the requirements of this section.
 - (e) If a private septic inspection report is required to be submitted with the application and if such report does not comport with the requirements of this section or with the On-Site Individual Wastewater Treatment System Law of the Town of Geneva.
- (5) Short-term rental permits issued pursuant to this section shall state the following:

3. Editor's Note: See Ch. 159, Wastewater Treatment Facilities, Individual.

- (a) The names, addresses and phone numbers of every person or entity that has an ownership interest in the short-term rental property and of a primary contact person who shall be available during the entire time the short-term rental property is being rented;
- (b) The maximum occupancy and vehicle limits for the short-term rental unit;
- (c) Identification of the number of and location of parking spaces available;
- (d) A statement that littering is illegal;
- (e) A statement that all fires must be attended;
- (f) A statement that guests must comply with the Noise Ordinance of the Town of Geneva, as set forth in Chapter 106 of the Town Code, which sets strict limits on noise levels between 10:00 p.m. and 7:00 a.m., which ordinance will be enforced by the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
- (g) A statement that the short-term rental permit may be revoked for violations;
- (h) Any conditions imposed by the Town Code Enforcement Officer; and
- (i) That the permit shall expire on December 31 of the third year for which it is effective.

E. Conformity and display of permit.

- (1) The issuance of a short-term rental permit is subject to continued compliance with the requirements of these regulations.
- (2) Prior to any tenants coming onto the short-term rental property:
 - (a) The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental; and
 - (b) A copy of the current short-term rental permit shall be provided to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property). A statement of compliance with this provision, stating the owners served, and their addresses, and the method of service (e.g., mail, personal delivery), shall be provided to the Town Code Enforcement Officer.

- (3) The owners must ensure that current and accurate information is provided to the Town Code Enforcement Officer and that they notify the Town Code Enforcement Officer immediately upon any information contained on the permit changing. If, based on such changes, the Code Enforcement Officer issues an amended short-term rental permit, the owners must immediately replace the permit displayed inside and near the front entrance of the short-term rental with the amended permit and must immediately provide a copy of the amended permit to every adjacent property owner and to every property owner within 150 feet of the short-term rental property (whether on the same side of the road, across the street or behind the subject property).
- F. Compliance, hearings and penalties. Owners of short-term rental units shall obey all applicable laws, ordinances and regulations of the Town of Geneva, Ontario County, New York State and the United States of America, and shall be subject to the enforcement and penalty proceedings contained in this chapter. The following process shall be followed in the event of a complaint alleging a violation of these regulations or a permit issued under these regulations:
 - (1) The complaining party shall first attempt to contact the contact person designated on the permit, describe the problem and indicate the desired remedy.
 - (2) The contact person shall, within two hours of receiving the complaint, respond to the complaint and remedy as soon as reasonably possible any situation that is out of compliance with these regulations or with the permit for the property.
 - (3) If the response is not satisfactory to the complaining party (including the inability to promptly reach the contact person), the complaining party may file a complaint with the Town Code Enforcement Officer by submitting a written complaint including the date, time and nature of the alleged violation as well as a statement that the complainant either unsuccessfully attempted to contact the contact person or did contact the contact person but the complaint was not adequately resolved. A failure to attempt to contact the contact person will not excuse a violation.
 - (4) If the Town Code Enforcement Officer finds a violation of the permit or of this section, the Code Enforcement Officer may do any of the following depending on the circumstances:
 - (a) Attach reasonable conditions to the existing short-term rental permit;
 - (b) Suspend the short-term rental permit; and
 - (c) Revoke the short-term rental permit.

- (5) Should a permit be revoked, none of the owners of the short-term rental property may obtain any short-term rental permit sooner than one year after the date of revocation.
- (6) The Town may initiate enforcement proceedings under this chapter at any time following receipt of a complaint.
- (7) Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed, within 30 days of receipt of the decision, by the owner or by the complainant to a tribunal, appointed by the Town Board, consisting of one Town Board member, one Town resident who holds a short-term rental permit, and one Town resident who does not hold a short-term rental permit. The appealing owner or complainant shall make a written request for a hearing to the Town Clerk, and the tribunal shall hear the appeal within 15 days of the request, during which time the decision of the Code Enforcement Officer shall be stayed. At the hearing, the tribunal shall accept evidence offered by the property owner, the complaining party, the Code Enforcement Officer and any other witness with relevant evidence. The tribunal shall make its decision within 10 days of the hearing, and may uphold the Code Enforcement Officer's decision, reject it, or modify it.
- (8) Any property owner found in willful violation of the provisions of this section shall be required to reimburse the Town for its reasonable costs of enforcement, including reimbursement for staff time and reasonable attorney's fees.

§ 165-40. Vegetated buffer areas.

- A. Wherever a vegetated buffer area is required by this chapter, said buffer area shall be planted and maintained with vegetation that results in a visual barrier that is at least eight feet in height from ground level within three years. The vegetated buffer shall be located and planted in a manner that ensures adequate visual screen of an adjacent parcel within five years.
- B. Vegetation within any required buffer area may consist of maintained lawn, shrubs or trees. Plants selected for use in any required buffer areas should be species that are hardy to the Finger Lakes region and that are noninvasive. Buffer areas may be utilized for bioswales and other planted stormwater management systems, provided the visual screening capacity is not reduced.
- C. Vegetated buffers are permitted within any required yard setback area on a lot.
- D. Shrubs, when planted, may be two to four feet in height and must achieve eight feet in height from ground level within three to five years. Trees shall be a minimum of six feet in height when planted.

- E. At the discretion of the Planning Board, a fence may be substituted for vegetation to achieve the required eight-foot-high visual screen; provided, however, that:
- (1) The width of the buffer area is not reduced below the minimum required by this chapter;
 - (2) The remaining portions of the buffer area shall be planted and maintained with vegetation.
- F. All vegetated buffers shall be maintained by the property owner to ensure the health and growth of all plant materials. Any trees or shrubs that die shall be replaced with new plant stock meeting the minimum size requirements and growth requirements above.

§ 165-41. Commercial breeding facility special use permits.

- A. Legislative intent. It is the intent of this section to set forth regulations regarding the establishment, maintenance and operation of commercial breeding facilities, to protect and preserve the health, safety and welfare of the dogs and cats in these commercial breeding facilities as well as of the public who will work in, patronize, visit, conduct business with or otherwise come in contact with commercial breeding facilities, and further to enable the Town to maintain an ongoing record of commercial breeding facilities.
- B. Establishment of a special use permit for commercial breeding facilities. The Zoning Board of Appeals shall issue the special use permit and shall ensure compliance with the following terms and conditions. In the event there is a request for variance of the terms and conditions relating to distance setbacks or other criteria normally addressed in an area variance, the applicant shall make a separate application to the Zoning Board of Appeals for the granting or denial of such a request.
- (1) All enclosures shall be structurally sound to contain the animals and to restrict the entrance of other animals, and constructed from materials that can be easily cleaned and maintained in good repair to protect the dogs and/or cats from illness or injury.
 - (2) Heating and cooling shall be available in the facility so that heating can be provided when the inside ambient temperature of the facility falls below 50° F. for a period of four consecutive hours and so that cooling can be provided when the inside ambient temperature of the facility rises above 75° F.
 - (3) Uniformly distributed natural and/or artificial lighting shall be provided to permit routine inspection and facilitate routine cleaning and the proper care and maintenance of the animals. Lighting shall be so arranged as to protect each animal from excessive illumination.

- (4) All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the animal area to the outside of the building.
- (5) One inside pen shall be provided for each dog or cat being boarded or kept.
 - (a) For dogs, any inside pen shall be of sufficient space to allow the dog kept therein to be comfortable, and shall have no less than 25 square feet of floor area per dog. Enclosures must be large enough for dogs to stand fully erect on all four legs with at least six inches of headroom.
 - (b) For cats, any inside pen shall have a minimum measurement of two feet wide by two feet in length for all cats. Any pen shall be of sufficient height for the cat to stand fully erect on all four legs with at least three inches of headroom.
- (6) There shall be a minimum of one outside run per pen.
- (7) Each outside run shall:
 - (a) Be a minimum of three feet in width and 10 feet in length except for dogs of the size of 100 pounds or more. For dogs 100 pounds or more, the run shall be four feet in width and 10 feet in length.
 - (b) Have a concrete base.
 - (c) Be enclosed by a minimum of a six-foot-high fence, unless the breed of dog requires an additional height to prevent jumping or climbing out or over, with secure gates, and which shall deter dogs from escaping over, under or through the fence; said fence must be a good grade, commercial chain-link or welded wire fence carried on solid posts set in concrete with a minimum of eleven-gauge wire and two-inch steel posts set on no greater than ten-foot spans; other types of fencing may be required and/or approved on a case-by-case basis.
 - (d) Provide a form of shelter if not directly linked to a separate indoor kennel area.
- (8) Sewage and waste shall be disposed of by connection of drains to a sanitary sewer or a state, county or locally approved sewage disposal system. Drainage systems shall be provided with backflow prevention devices on submersible inlets and hair traps, if required by law, on all plumbing lines in animal areas where hoses may be attached for cleaning of the facility.

- (9) Within a watershed protected area, outdoor animal facilities shall be separated by a vegetative buffer of not less than 100 feet from any stream, wetland, or other surface water features, including wet detention ponds. In all other areas, outdoor animal facilities shall be separated by a vegetative buffer of not less than 50 feet from any stream, wetland, or natural surface water feature.
- (10) Commercial breeding facilities must be located on a lot having at least five acres, or on lands that have been granted all necessary variances for location of the facility thereon. All buildings and structures housing animals, and all pens, runs and open areas where dogs are allowed, shall be located no closer than 300 feet to any lot or street line. All storage areas, including dumpsters, shall be sited to the rear of the building, within the setbacks required of the zoning district.
- (11) All facilities shall be adequately screened by fence, plantings or landscaping from all roads and adjacent properties. All fences used for screening shall have a height of six feet. All vegetative screening and buffers shall have a height of six feet or more within four growing seasons.
- (12) All outdoor lights shall be designed and placed in accordance with the standards set forth in § 165-36.
- (13) Due to the Town's and the public's interest in ensuring that dogs and cats are being treated properly, in a healthy and safe manner and in accordance with all local, state and federal laws, the Zoning Board of Appeals may condition any special use permit approval on the owner/applicant having to renew said special use permit within a time period specified by the Zoning Board of Appeals from the effective date of the initial special use permit or any renewal issued thereafter, with the owner/applicant having to be in full compliance with all provisions of this section and of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva at the time such renewal is being requested. The Zoning Board of Appeals shall not renew any special use permit for a commercial breeding facility that has been found by any court of the State of New York at any time to be in violation of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva or of this § 165-41. Where a commercial breeding facility has been the subject of a complaint or complaints of any violation of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva or of any violation of this § 165-41, the Zoning Board of Appeals may base a determination to not renew a special use permit on, among other things, the existence of such complaint or complaints, their nature, whether or not the commercial breeding facility has fully corrected such violation or violations and the timeliness and thoroughness of curing such violation or violations.

- (14) In the event there is some dispute over whether a special use permit should be renewed, a veterinarian may be retained to advise the Zoning Board of Appeals. The owner shall pay the veterinarian's charge for inspection, and said payment shall be made to the Town of Geneva prior to the inspection. Failure to pay the veterinarian charges shall bar renewal of the license.
- (15) All commercial breeding facilities shall supply proof that the proposed facility will comply with all requirements of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva and other provisions of the Code of the Town of Geneva.
- (16) Prior to the commencement of any use or upon any control of a commercial breeding facility, the premises shall be inspected by the Town Code Enforcement Officer, together with the Ontario County Animal Control Officer, and found to be in compliance with the Geneva Town Code, the New York State Agriculture and Markets Law, the New York State General Business Law, the Federal Puppy Protection Act of 2001 amendment to the Federal Animal Welfare Act and the Uniform Fire Prevention and Building Code or other applicable laws.
- (17) Any owner and/or operator, employee of the owner and/or operator, or agent of the owner and/or operator shall permit the Town Code Enforcement Officer, the Ontario County Animal Control Officer, representatives of the Ontario County Health Department, the Ontario County Sheriff's Department, the New York State Police, and the New York State Department of Health or any other Town, county or state department or agency that has permitting authority regarding the use of the premises to inspect the premises of the commercial breeding facility for the purpose of ensuring compliance with this section and with Article III, as amended, of Chapter 55 of the Code of the Town of Geneva at any time it is occupied or open for business.
- (18) If, upon inspection as described above, it shall be found that the operator has violated any provisions of this section or of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva, the Zoning Board of Appeals shall have the power to revoke or suspend the permit and order the animals removed or facility closed after notice and an opportunity for the owner to be heard.
- (19) No person who has been convicted of cruelty to animals shall be issued a permit to operate any breeding facility.
- (20) A permit issued on the basis of false information supplied by the applicant shall be revoked/denied, and the operation of the subject breeding facility shall be terminated.
- (21) The Code Enforcement Officer shall have the authority to examine the premises and locations of any buildings or structures in the Town of Geneva and shall determine whether or not they comply

with the existing zoning laws. The Animal Control Officer shall have the authority to inspect the premises and buildings and assess the conditions of the dogs/cats within the buildings and structures in the Town of Geneva. The Code Enforcement Officer shall keep a permanent record of all violations of this section, whether reported by private citizens or by any board, agency, officer or employee of the Town, and such record shall show the disposition of all such violations.

(22) A site plan, to be approved by the Town Planning Board, is required and shall show the following:

- (a) The lot, lot size, setbacks and dimensions of all proposed buildings, training and exercise yards, runs, pens, fencing and related improvements.
- (b) Preexisting structures on the same lot, and principal structures on other properties that would affect setbacks.
- (c) All buildings, structures, enclosures, pens, runs, fencing, plantings, landscaping, lighting, sewage disposal plans, drainage plans, parking, access areas, buffers and/or screening devices for facilities and areas.
- (d) The anticipated kinds and maximum number of animals to be housed at one time.
- (e) A sign that meets the standards of the zoning district.
- (f) A statement of whether the commercial breeding facility is situated partly or wholly within a watershed protected area.
- (g) Any stream, wetland, or other surface water features, including wet detention ponds, located within 100 feet of the site if the commercial breeding facility is situated partly or wholly within a watershed protected area and any stream, wetland, or other surface water features, including wet detention ponds, located within 50 feet of the site if the commercial breeding facility is not situated partly or wholly within a watershed protected area.
- (h) Any other relevant elements as requested by the Planning Board.

§ 165-42. Noncommercial breeding facility special use permits.

- A. Legislative intent. It is the intent of this section to set forth regulations regarding the establishment, maintenance and operation of noncommercial breeding facilities, to protect and preserve the health, safety and welfare of the dogs and cats in these noncommercial breeding facilities as well as of the public who will work in, patronize, visit, conduct business with or otherwise come in contact with

noncommercial breeding facilities, and further to enable the Town to maintain an ongoing record of noncommercial breeding facilities.

- B. Establishment of a special use permit for noncommercial breeding facilities. The Zoning Board of Appeals shall issue the special use permit and shall ensure compliance with the following terms and conditions. In the event there is a request for variance of the terms and conditions relating to distance setbacks or other criteria normally addressed in an area variance, the applicant shall make a separate application to the Zoning Board of Appeals for the granting or denial of such a request.
- (1) All enclosures shall be structurally sound to contain the animals and to restrict the entrance of other animals, constructed from materials that can be easily cleaned and maintained in good repair to protect the dogs and/or cats from illness or injury.
 - (2) Due to the Town's and the public's interest in ensuring that dogs and cats are being treated properly, in a healthy and safe manner and in accordance with all local, state and federal laws, the Zoning Board of Appeals may condition any special use permit approval on the owner/applicant having to renew said special use permit within a time period specified by the Zoning Board of Appeals from the effective date of the initial special use permit or any renewal issued thereafter, with the owner/applicant having to be in full compliance with all provisions of this section and of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva at the time such renewal is being requested. The Zoning Board of Appeals shall not renew any special use permit for a noncommercial breeding facility that has been found by any court of the State of New York at any time to be in violation of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva or of this § 165-42. Where a noncommercial breeding facility has been the subject of a complaint or complaints of any violation of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva or of any violation of this § 165-42, the Zoning Board of Appeals may base a determination to not renew a special use permit on, among other things, the existence of such complaint or complaints, their nature, whether or not the noncommercial breeding facility has fully corrected such violation or violations and the timeliness and thoroughness of curing such violation or violations.
 - (3) In the event there is some dispute over whether a special use permit should be renewed, a veterinarian may be retained to advise the Zoning Board of Appeals. The owner shall pay the veterinarian's charge for inspection, and said payment shall be made to the Town of Geneva prior to the inspection. Failure to pay the veterinarian charges shall bar renewal of the license.
 - (4) All noncommercial breeding facilities shall supply proof that the proposed facility will comply with all requirements of Article III, as

amended, of Chapter 55 of the Code of the Town of Geneva and other provisions of the Code of the Town of Geneva.

- (5) Prior to the commencement of any use or upon any control of a noncommercial breeding facility, the premises shall be inspected by the Town Code Enforcement Officer, together with the Ontario County Animal Control Officer, and found to be in compliance with the Geneva Town Code, the New York State Agriculture and Markets Law, the New York State General Business Law, the Federal Puppy Protection Act of 2001 amendment to the Federal Animal Welfare Act and the Uniform Fire Prevention and Building Code or other applicable laws.
- (6) Any owner and/or operator, employee of the owner and/or operator, or agent of the owner and/or operator shall permit the Town Code Enforcement Officer, the Ontario County Animal Control Officer, representatives of the Ontario County Health Department, the Ontario County Sheriff's Department, the New York State Police, and/or the New York State Department of Health or any other Town, county or state department or agency that has permitting authority regarding the use of the premises to inspect the premises of the noncommercial breeding facility for the purpose of ensuring compliance with this section and with Article III, as amended, of Chapter 55 of the Code of the Town of Geneva at any time it is occupied or open for business.
- (7) If, upon inspection as described above, it shall be found that the operator has violated any provisions of this section or of Article III, as amended, of Chapter 55 of the Code of the Town of Geneva, the Zoning Board of Appeals shall have the power to revoke or suspend the permit and order the animals removed or facility closed after notice and an opportunity for the owner to be heard.
- (8) No person who has been convicted of cruelty to animals shall be issued a permit to operate any breeding facility.
- (9) A permit issued on the basis of false information supplied by the applicant shall be revoked/denied, and the operation of the subject breeding facility shall be terminated.
- (10) The Code Enforcement Officer shall have the authority to examine the premises and locations of any buildings or structures in the Town of Geneva and shall determine whether or not they comply with the existing zoning laws. The Animal Control Officer shall have the authority to inspect the premises and buildings and assess the conditions of the dogs/cats within the buildings and structures in the Town of Geneva. The Code Enforcement Officer shall keep a permanent record of all violations of this section, whether reported by private citizens or by any board, agency, officer or employee of the Town, and such record shall show the disposition of all such violations.

ARTICLE V
Planned Unit Development

§ 165-43. Legislative purpose and intent.

The Town of Geneva hereby finds and determines that:

- A. When coordinated with the Town's Comprehensive Plan, planned unit development can be an effective tool for guiding development in ways that support community goals and priorities.
- B. Planned unit development provides a means by which different land uses within an area covered by a single development plan may be combined to achieve compatibility among such uses. Unattainable with traditional municipal zoning techniques, planned unit development provides flexibility in the regulation of land use development in order to encourage innovation in land use variety and design in the layout and type of new structures and in their integration with existing structures; enhances efficiency in the use of land, natural resources, energy, community services and utilities; encourages open space preservation and protection of natural resources, historic sites and structures; facilitates the provision of housing and improved residential environments; and enhances the ability of municipalities to promote businesses and employment opportunities.
- C. It is the intent of the Town of Geneva that, by allowing the creation of one or more PUD Districts in the Town of Geneva, it will be possible to provide flexible land use and design regulations through the use of performance criteria so that small-to-large-scale neighborhoods or portions thereof may be developed within the Town that incorporate a variety of development types, including mixed-use development, together with their accessory or associated uses, and contain both individual building sites and common property which are planned and developed as a unit. Where planned unit development is deemed appropriate through the rezoning of land to a PUD district by the Town Board, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

§ 165-44. Location.

The PUD district shall be applicable to any zoned area of the Town of Geneva where the applicant is able to demonstrate that the characteristics of the development will satisfy the purpose and intent of this chapter. Where, upon the sole discretion of the Town Board, a PUD district is deemed appropriate, the rezoning of land to a PUD district will replace all uses and dimensional specifications contained elsewhere in this chapter. No real property within the Town of Geneva shall be subject to the PUD district requirements or privileges unless and until the property shall have been designated as a PUD district by act of the Town Board as set forth in this chapter.

§ 165-45. Area requirements.

- A. No PUD district shall be established having an area of less than five contiguous acres.
- B. Not less than 35% of the total area included within the PUD district shall be set aside for open space as is defined in § 165-3. In general, open space shall achieve the following goals:
 - (1) Protect and preserve floodplains, wetlands, steep slopes (having a grade of more than 25%), watercourses, and natural drainage ways.
 - (2) Protect any historic, archaeological or cultural resources listed on the national, state, county or local historical registers.
 - (3) Protect any mature woodlands, geological features, meadows or ecologically sensitive areas for wildlife habitat.
 - (4) Provide an upland buffer area adjacent to any streams, wetlands or surface water to protect native species vegetation.
 - (5) Provide for landscaped common areas, traffic islands, and other common space, excluding streets and driveways.
- C. Open space intended for recreational or other use or uses by the owner or owners within the PUD district shall be so located so as to be accessible to pedestrians.
- D. The suitability of open space for recreational or other use or uses shall be determined by the Town and Planning Boards.
- E. Disposition requirements.
 - (1) Ownership of the land and improvements included within a PUD district may be held either individually or as an entity. If ownership is held by a single individual owner or entity, such owner shall permit all residents of the land and improvements, and their invitees, to use the open space. If ownership is held by more than one individual or entity, then each such owner and his, her or its invitees shall have an interest in the open space in common with the other owners. Provision shall be made for the maintenance and upkeep of the open space, together with the means of providing for the costs of such maintenance and upkeep. The precise means of accomplishing the foregoing shall be proposed by the applicant at the time it applies for the creation of a PUD district and shall be approved by the Town and Planning Boards.
 - (2) The resubdivision and/or development of any open space approved by the Town and Planning Boards is to be discouraged but not prohibited. If permitted, such resubdivision and/or development of any open space shall be subject to all of the applicable rules and regulations of the Town of Geneva.

§ 165-46. Permitted uses.

Any use not explicitly prohibited within the Town of Geneva shall be permitted in a PUD district as well as any other use approved by the Town and Planning Boards consistent with the purpose and intent of this chapter and the adopted Comprehensive Plan for the Town.

§ 165-47. Additional requirements and standards.

- A. The requirements and standards for development in a PUD district shall be specifically determined for each individual project. The area, setback, population and building density, and height requirements shall be proposed by the applicant and shall be subject to the approval of the Town and Planning Boards consistent with the Site Plan Review Law of the Town of Geneva.⁴ Following the approval of a PUD district, the accepted requirements and standards shall regulate the PUD district. At a minimum, the application for the creation of a PUD district shall include:
- (1) A statement of purpose statement that includes how the proposed development meets the legislative purpose and intent of this chapter as well as the Town's Comprehensive Plan;
 - (2) Proposed use or uses;
 - (3) Lot, area and yard dimensions;
 - (4) Population and building densities, together with floor area ratios;
 - (5) Building and architectural characteristics;
 - (6) Maximization of open space and recreational areas;
 - (7) Parking;
 - (8) Internal traffic circulation and external traffic impact;
 - (9) Effect of the proposed development within the PUD district on adjacent properties, including property values;
 - (10) Effect of the proposed development on local taxation;
 - (11) Conceptual stormwater management;
 - (12) All additional requirements and data that may be required by the Planning Board.
- B. PUD districts shall be served adequately by and shall not impose an unreasonable burden upon essential public facilities and services, such as but not limited to highways, streets, traffic control signals and devices, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewer and schools. Where any such facility

4. Editor's Note: See Art. VIII, Site Plan Review.

or service is not available or adequate to service the PUD district, the applicant shall be responsible for establishing its ability, willingness and binding commitment satisfactory to the Town Board and Planning Board to provide such facilities and services.

- C. All covenants, easements, and restrictions with respect to the PUD district may be recorded in the office of the Ontario County Clerk. They may not be modified, removed, or released without the express consent of the Town Board. When created, such covenants, easements and restrictions shall make provision for their enforcement by the Town of Geneva.

§ 165-48. Required documents.

- A. For a preliminary development plan, reference shall be made to the existing land use ordinances and regulations of the Town of Geneva. Each such plan shall be referred to the Ontario County Planning Department, Geneva Town Water and Sewer Department, Town Engineer, local fire districts, local school district, and other agencies deemed necessary or advisable under §§ 239-l and 239-m of the General Municipal Law.
- B. For a final development plan, reference shall be made to the existing land use ordinances and regulations of the Town of Geneva.

§ 165-49. Procedure.

- A. The Zoning Map of the Town of Geneva may be amended from time to time by ordinance duly enacted by the Town Board to provide for PUD districts; provided, however, that no such amendment shall be enacted except in accordance with procedures herein established and applicable standards and regulations established by the Geneva Town Code.
- B. General overview of procedure. The following outlines the procedure required to obtain approval for a PUD district in the Town of Geneva:
 - (1) Upon the receipt of an application and preliminary plan for the establishment of a PUD district, the Town Board shall review the application and preliminary plan in consultation with the Planning Board.
 - (2) Within 90 days of receiving the application, and prior to acting on a zoning amendment to create a PUD district, the Town Board shall hold one or more public hearings on such proposed preliminary plan and amendment. Notice of the public hearing shall be published in a newspaper of general circulation at least 10 calendar days in advance of the hearing. The proposed zoning amendment and preliminary plan shall be made available for public review at the office of the Town Clerk and may be made available at any other public place.

- (3) At least 30 days before the public hearing on the application and proposed amendment to the Zoning Ordinance to create a PUD district, the Town Board shall mail notices thereof to the applicant and to the Ontario County Planning Board as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in § 239-m, Subdivision 1, of the General Municipal Law.
- (4) Within 120 days of receiving the application and after holding public hearings, the Town Board shall act to approve, approve with modifications and/or conditions, or deny the application and, if approved, amend the Zoning Ordinance to establish and map a PUD district. Upon taking such action, the Town Board shall advise the applicant, the Planning Board, and the Ontario County Planning Board in writing of its determination within five business days after such action is taken and place a copy of such letter on file in the office of the Town Clerk.
- (5) A final planned unit development plan shall be submitted by the applicant to the Planning Board for review and approval, or approval with modifications and/or conditions. Review of the final planned unit development plan by the Planning Board shall take into consideration the preceding action of the Town Board on the preliminary planned unit development plan.
- (6) The Town Board's determination on the final planned unit development plan shall be filed in the office of the Town Clerk within five business days after such decision is rendered and a copy thereof mailed to the applicant.

§ 165-50. Revision; revocation.

- A. During the development of an approved PUD, the Planning Board may authorize minor adjustments to the final development plan when such adjustments appear necessary or proper in light of technical or engineering considerations first discovered during actual development. Examples of such minor adjustments are altering:
 - (1) The location of a structure or group of structures;
 - (2) The vehicular circulation plan;
 - (3) The location of a boundary within the PUD district;
 - (4) The boundary of an open space;
 - (5) The yard area; and
 - (6) The final grade.
- B. In addition to the adjustments authorized by the Planning Board, an approved final development plan may be amended or varied by submitting a new site plan to the Planning Board. The process for final

development plan approval shall be followed for all amendments. If the amendments exceed the thresholds established by the Planning Board, the preliminary development plan approval process shall be followed.

- C. Changes to an approved PUD district which are considered to be significant shall be grounds for the revocation of the PUD district by the Town Board. Examples of significant changes are:
- (1) Any change which will require additional roads or utilities or will cause a significant increase in the required number of parking spaces;
 - (2) Any reduction of the amount of open space to less than 35% of the total area included within the PUD District;
 - (3) Any other significant reduction in open space included within the PUD District;
 - (4) Any change in use included in the PUD District; and
 - (5) Any significant increase in residential density or in change in housing type.

§ 165-51. Limitations on approvals.

- A. Within one year after the approval of a final development plan, or at such other time as may be established by the Town Board, construction of the improvements within the PUD district shall commence.
- B. The failure to commence construction within the required period of time shall, unless an extension shall have been granted by the Town Board, automatically render void the final development plan approval and all permits based on such approvals.

§ 165-52. Payment in lieu of taxes.

If the real property located within a PUD district is, at the time the planned unit development is approved, or later becomes exempt from the payment of real property taxes, then the owner or owners thereof shall be required to enter into a payment in lieu of taxes agreement (PILOT agreement) upon such terms and conditions as the Town Board may determine. The PILOT agreement shall take into account all real property taxes that would be paid if there were no exemption from such payment.

§ 165-53. Enforcement.

If the Town's Code Enforcement Officer finds that development of the improvements in a PUD district is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the final development plan as finally approved, he/she shall immediately notify the Town Board of such fact and issue an order stopping any or all work within the district until such time as any noncompliance is cured.

ARTICLE VI
Off-Street Parking and Loading

§ 165-54. Parking and loading spaces required.

In all districts, off-street automobile parking spaces and truck loading areas for the various permitted uses shall be required at the time any of the main buildings or structures of such uses are constructed or altered as set forth in the following sections.

§ 165-55. Off-street parking spaces.

- A. Required off-street automobile parking spaces. The minimum cumulative number of 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 buildings or structures, and such minimum number of spaces shall be maintained by the owners of such buildings or structures as shown in Table 1 below.
- B. Calculation of required spaces. In the case of combination of uses, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses, unless it can be proven that staggered hours of use would permit modification. Whenever a major fraction of a space is required, a full space shall be provided.
- C. Dimensions for off-street automobile parking spaces. Every such space provided shall be at least nine feet wide and 18 feet long, and every space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
 - (1) Perpendicular parking: twenty-two-foot travel aisle width for two-direction flow and fifteen-foot travel aisle width for one-directional flow.
 - (2) Forty-five-degree parking: fifteen-foot aisle width for one-directional flow and twenty-two-foot aisle width for two-directional flow.
 - (3) Sixty-degree parking: fifteen-foot aisle width for one-directional flow and twenty-two-foot aisle width for two-directional flow.
 - (4) Where parallel curb parking is proposed, each space shall be 22 feet end to end and eight feet from curb to edge of travel aisle, with twelve-foot aisle width for one-directional flow and twenty-two-foot aisle width for two-directional flow.

Table 1. Required Off-Street Parking Spaces	
Land Use	Minimum Number of Spaces
Detached 1-family dwelling	1.3 per dwelling
Semidetached 1-family dwelling	
Townhome dwelling	
1-family cottage court dwelling	
2-family dwelling	
Manufactured home park	
Multifamily dwelling	
Farm worker residence	0.5 per dwelling or bed
Assisted living dwelling	0.5 per dwelling or bed
Congregate care facility	
Short-term rental	0.5 per permitted occupant
Family child care	1 space, which may be located within driveway
Home professional office	1 per patient or client, plus 1 per employee not living on premises
Retail sales, retail services, financial services	1 per 400 square feet of gross floor area
Food service establishments	15 per 1,000 square feet gross floor area
General and professional office	3.3 per 1,000 square feet gross floor area
Hotel, lodge	1 per guest room
Indoor retail shopping mall	1 per 400 square feet of gross leasable floor area
Retail fuel station	1 per employee
Child-care center	3.3 per 1,000 square feet gross floor area
Conference or convention center	1 per 2 seats
Entertainment and sports venue	20 per 1,000 square feet
Funeral home	1 per 6 seats
Hospital, clinic	4 per bed

Table 1. Required Off-Street Parking Spaces	
Land Use	Minimum Number of Spaces
Library, museum, other cultural facilities	1.25 per 1,000 square feet gross floor area
Membership club	5 per 1,000 square feet
Public or private school, including higher education	1 per 4 students
Theater or concert hall	1 per 6 seats
Automobile salvaging or dismantling	1 per 3,000 square feet of gross floor area or outdoor storage and display area
Equipment rental or sales yard	
Food processing, packaging and shipping	1 per 1,000 square feet gross floor area
Light industry	
Manufacturing, fabrication and assembly	
Structural steel fabricating, metalworking	
Brewing or distilling of liquors, wines, beer	1 per 1,000 square feet gross floor area plus parking for any on-site retail sales or food service establishment
Research laboratories	3.3 per 1,000 square feet gross floor area
Extractive operations and soil mining	1 per employee
Grain storage, sales and shipping	
Recycling and solid waste processing facility	
Warehousing and other handling of material	
Self-storage facility	1 per 6,000 square feet gross floor area

D. Location of parking required spaces.

- (1) In any residential district, required automobile parking spaces shall be provided on the buildable portion of the same lot outside any required yard setback areas.

- (2) In business districts or industrial districts, such spaces shall be provided on the same lot or not more than 400 feet therefrom.
- (3) Excepted where noted in Subsection D(4) below, no open or enclosed parking area shall encroach on any required front yard, side yard, rear yard or other required open areas.
- (4) In the B General Business, I-1 General Industrial and I-2 Light Industrial Districts, open parking areas may encroach on a required side to within three feet of a property line if the adjoining property is also within a B General Business, I-1 General Industrial and I-2 Light Industrial District.
- (5) No parking of any type shall be permitted within any vegetated buffer areas.
- (6) 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.

§ 165-56. Waiver of parking requirements.

- A. Notwithstanding any other provisions of this chapter, for any existing or proposed development the Planning Board may authorize a reduction in the minimum number of required parking spaces by no more than 20%, providing the following criteria are met:
 - (1) The reduction in the number of parking spaces will not adversely affect traffic flow on the project site;
 - (2) The reduction will leave adequate parking for all of the reasonably anticipated uses or occupancies in the project;
 - (3) The reduction will not otherwise adversely affect the general welfare of the community.
- B. In approving any reduction in the required number of parking spaces, the Planning Board may impose such reasonable conditions as, in the judgment of the Planning Board, may be necessary to assure that such reduction will meet the criteria set forth above. In any event, unless expressly waived by the Planning Board, such reduction shall be subject to the following additional conditions:
 - (1) Any portion of the property that is reserved through a reduction in the required number of parking spaces shall be identified on the site plan, be maintained as open space, and may not be occupied by any permanent structures;
 - (2) Any land reserved by virtue of such reduction shall be landscaped with grass or other vegetation as approved by the Planning Board.
 - (3) If at any time within five years after construction of the project is completed the Planning Board may at its discretion require the

property owner to install additional parking spaces up to the minimum number required under zoning, should the Board determine that:

- (a) The demand for parking spaces on the project site exceeds the number of parking spaces available on the property on more than two occasions in any given calendar year; or
 - (b) There is repeatedly undue congestion in the parking areas by reason of the reduction in number of required parking spaces.
- C. Unless waived by the Planning Board, the granting of the requested reduction in parking shall be conditioned on the developer or applicant executing an agreement in a form acceptable to the Planning Board agreeing to install the additional parking spaces as may be required by the above conditions.
- D. In the event there is any significant change in use, or a subdivision of the project site, or a sale of a portion of the site, with respect to which a reduction in the required number of parking spaces has been granted, such change, subdivision, or sale may be conditioned upon a requirement that additional parking spaces be required up to the minimum that would have otherwise been required but for the reduction granted pursuant to these provisions.

§ 165-57. Construction of parking areas.

- A. Parking areas shall be paved with an all-weather, permeable or impermeable, surface of crushed stone, asphalt, brick pavers or concrete, or a combination of the above. Individual parking spaces and off-street loading areas shall be visibly marked with paint or other durable material.
- B. At least 10% of the area of the lot utilized for off-street parking shall be devoted to landscaping with lawn, trees, shrubs or other plant material.
- C. Where a proposed parking lot is larger than nine spaces in size, there shall be planted one deciduous canopy tree for every five parking spaces proposed in accordance with the following:
 - (1) All trees shall be of a species with a height at maturity of at least 30 feet, of a species known to be compatible with regional climate conditions;
 - (2) All trees shall be at least 2.5 inches in caliper and six feet in height at time of planting;
 - (3) All trees planted within a parking lot shall be planted at least four feet but not more than eight feet from the edge of any surrounding parking spaces or parking aisles.

- (4) All trees shall be maintained in a healthy state, and any tree that dies shall be replaced in accordance with Subsection C(1) and (2) above.
- D. There shall be at least one tree island or other landscaping for every nine contiguous parking spaces, or no more than 100 feet between such tree islands or landscaped areas.
- E. In the R-4 Residential Medium Density District and R-5 Residential High Density District all loading berths and parking areas of three or more spaces located within 15 feet of a lot line shall be screened by a six-foot fence, masonry wall, or compact evergreen hedge, or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property.

§ 165-58. Required off-street truck loading areas.

- A. Off-street truck loading areas shall be provided as shown in Table 2 below.
- B. Location of required loading berths.
 - (1) 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, side, or rear yard areas of a property.
 - (2) Off-street traffic aisles within a parking lot may be used for loading or unloading, provided that such areas are located in a manner that does not impede access by fire and other emergency services.
 - (3) The location, number, size and design of loading and unloading areas for nonresidential uses and the access routes thereto shall require the approval of the Planning Board prior to the issuance of a building permit or certificate of occupancy by the Code Enforcement Officer.
- C. Dimensions for off-street loading berths.
 - (1) Each required loading area shall have the following minimum dimensions: 35 feet long and 12 feet wide.

Table 2. Required Off-Street Loading Areas	
Use	Off-Street Loading Areas Required
Assisted living facility	1 off-street loading area
Congregate care facility	
Cultural facilities	
Hospice	
Membership club	
Theater or concert hall	
Automobile sales, storage or repair	1 off-street loading area for any individual business with a gross floor area between 5,000 square feet and 25,000 square feet;
Entertainment and sports venue	
Financial services	or
Food service establishments	1 off-street loading area for any commercial building with a gross floor area between 5,000 square feet and 25,000 square feet that houses multiple businesses;
Funeral home	
General or professional office	
Hotel or motel	
Retail fuel station	plus
Retail services	1 off-street loading area for each additional 40,000 square feet gross floor area
Wholesale business or service	
Hospital	1 off-street loading area;
Public or private school, including higher education	plus 1 off-street loading area for each additional 100,000 square feet gross floor area

Table 2. Required Off-Street Loading Areas	
Use	Off-Street Loading Areas Required
Automobile salvaging or dismantling Equipment rental or sales yard	1 off-street loading area for any operation with a gross floor area or outdoor work/display area between 5,000 square feet and 25,000 square feet; plus 1 off-street loading area for each additional 100,000 square feet gross floor area or outdoor work/display area
Brewing or distilling of liquors, wines, beer Food processing, packaging and shipping Grain storage, sales and shipping Light industry Manufacturing, fabrication and assembly Recycling and solid waste processing facility Research laboratories Structural steel fabricating; metalworking Warehousing and other handling of material	1 off-street loading area for the first 10,000 square feet gross floor area; plus 1 off-street loading area for each additional 40,000 square feet of floor space

ARTICLE VII

Signs**§ 165-59. General provisions.**

No sign or other device for advertising purpose of any kind may be erected or established in the municipality except and provided in the following sections.

§ 165-60. Sign content.

Notwithstanding anything contained in this chapter to the contrary, any sign erected pursuant to the provisions of this chapter or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof.

§ 165-61. AG Agricultural District.

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

- A. Permitted nonresidential uses and legal nonconforming nonresidential uses may display no more than one sign pertaining to the use of property, provided that:
 - (1) Such signs shall have an aggregate total face area of not more than 64 square feet and not projecting beyond the principal building of such use to which they are attached more than 24 inches.
 - (2) If a freestanding sign, it shall have a face area of not more than 32 square feet per side, and not more than 64 square feet in total face area, shall not exceed eight feet in height, and shall be no nearer than 10 feet to any property line.
- B. 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.
- C. No illuminated, flashing or directly illuminated signs shall be permitted, and any indirectly illuminated sign shall be illuminated using downcast light designed in a manner that no light or glare extends beyond any property boundary.
- D. No representational sign shall have an aggregate total face area exceeding 64 square feet, shall not exceed eight feet in height, and shall be no nearer than 10 feet to any property line. Sign face area shall be the sum of the areas of all the vertical faces of the smallest polyhedron that will encompass the sign structure.

- E. Any sign or emblem that is part of the original manufacturer's design for a structure, including but not limited to buildings, silos and grain storage bins, shall not be considered a sign for the purpose of this Code, provided that it does not exceed the maximum permitted size allowed in the zoning district.

§ 165-62. R-1, R-2, R-3, R-4, and R-5 Residential Districts.

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

- A. Permitted nonresidential uses and legal nonconforming nonresidential uses may display no more than one sign pertaining to the use of property, provided that:
 - (1) Such signs, when consisting of a single face of side and attached to a residence or other building, shall have an aggregate total face area of not more than 12 square feet and not project beyond the principal building of such use to which they are attached more than 24 inches.
 - (2) If a freestanding sign, it shall have a sign face area of not more than 12 square feet, shall not exceed eight feet in height, and shall be no nearer than 10 feet to any property line.
- B. 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.
- C. No illuminated, flashing or directly illuminated signs shall be permitted, and any indirectly illuminated sign shall be illuminated using downcast light designed in a manner that no light or glare extends beyond any property boundary.
- D. No representational sign shall have an aggregate total face area exceeding 12 square feet, shall not exceed five feet in height, and shall be no nearer than 10 feet to any property line. Sign area shall be the sum of the areas of all the vertical faces of the smallest polyhedron that will encompass the sign structure.

§ 165-63. B General Business District, TC-1 Town Center Mixed-Use District or TC-2 Town Center Arterial District.

- A. No more than two signs per business unit, having an aggregate total face area of not more than one square foot per lineal foot of width of the principal frontage of the lot, may be displayed, but not to exceed a total area of 150 square feet, and provided that:
 - (1) No signs shall project more than five feet beyond the principal building on the lot;
 - (2) There shall be no more than one projecting sign per business unit;

- (3) No projecting or wall sign shall extend more than 20 feet above the ground level or exceed the highest part of the building housing the business or service advertised, whichever is less restrictive.
- B. Notwithstanding the foregoing, a freestanding sign with a sign face not to exceed 75 square feet in size may be erected on the premises with lettering and/or symbols on all sides, provided that:
 - (1) The maximum height of a freestanding sign and support shall be 20 feet;
 - (2) No part of a freestanding sign shall extend into vehicular traffic areas;
 - (3) Any portion of a freestanding sign extending over pedestrian traffic areas shall have a minimum clearance of eight feet;
 - (4) Freestanding signs shall be placed in front yards only and shall be located no nearer than 10 feet from any property line;
 - (5) No part of a freestanding sign shall encroach onto a street or highway right-of-way, or extend over a public street or sidewalk.
- C. 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.
- D. No representational sign shall have an aggregate total face area exceeding 72 square feet, shall not exceed 20 feet in height, and shall be no nearer than 10 feet to any property line. Sign area shall be the sum of the areas of all the vertical faces of the smallest polyhedron that will encompass the sign structure.

§ 165-64. I-1 General Industrial District; I-2 Light Industrial District.

- A. No more than two signs having an aggregate total face area of not more than 150 square feet may be displayed for each establishment, provided that:
 - (1) Freestanding signs shall be placed in front yards only and shall be located no nearer than 10 feet from any property line; 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.
 - (2) The maximum height of a freestanding sign and support shall be 20 feet;
 - (3) No part of a freestanding sign shall extend into vehicular traffic areas;

- (4) Any portion of a freestanding sign extending over pedestrian traffic areas shall have a minimum clearance of eight feet;
- (5) No part of a freestanding sign shall encroach onto a street or highway right-of-way or extend over a public street or sidewalk;
- B. No representational sign shall have an aggregate total face area exceeding 72 square feet, shall not exceed 20 feet in height, and shall be no nearer than 10 feet to any property line. Sign area shall be the sum of the areas of all the vertical faces of the smallest polyhedron that will encompass the sign structure.

§ 165-65. CO-Conservation Overlay District; LV Lake View Overlay District.

Within the Conservation Overlay and Lake View Overlay Zoning District, all signs shall be regulated in accordance with the provisions of the underlying zoning district.⁵

§ 165-66. Business directional signs.

- A. In any zoning district where business directional signs are allowed, there shall be allowed no more than two such signs within the Town of Geneva for any one business, and further:
 - (1) No business directional sign shall exceed nine square feet in area, nor exceed five feet in height at the top of the sign;
 - (2) No business directional sign shall be placed more than 500 feet from the intersection at which prospective customers are being directed to turn off the road or highway along which said sign is located;
 - (3) No business directional sign shall be located more than two miles from the business that it advertises;
 - (4) All business directional signs shall be designed and constructed to conform to New York State Department of Transportation specifications, including specifications related to breakaway sign posts.

§ 165-67. Off-premises signs.

Notwithstanding any other provisions of this chapter, signs not pertaining to the use, sale, rental or lease of property on the same lot and signs not representing construction or subdivision activity as allowed are not permitted in any district.

5. Editor's Note: See Table 3, District Sign Standards, which is included as an attachment to this chapter.

§ 165-68. Subdivision signs.

Any person offering lots for sale in a subdivision may erect nonilluminated informational 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 Code Enforcement Officer that the signs have been repainted or are in good condition in each case.

§ 165-69. Exemptions.

The following signs are exempt from the regulations of this article:

- A. 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 district and business district, or signs of not more than 20 square feet within any industrial district.
- B. One professional or business name plate not exceeding one square foot in area for any one professional or business establishment where such signs would not otherwise be a permitted use.
- C. One sign denoting each architect, engineer, financing entity, contractor or materials supplier when placed upon work under construction and not exceeding 24 square feet in area, and shall not be posted for more than 90 days.
- D. 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.
- E. Traffic or other municipal signs, legal notices and such temporary, emergency or nonadvertising signs as may be authorized by the Town Board.
- F. Old business signs or replicas thereof, or artistic representations of signs collected and displayed for ornamentation purposes only and not to advertise an active business on the premises or elsewhere.

§ 165-70. Illuminated signs.

Directly illuminated signs are prohibited in the AG Agricultural, R-1, R-2, R-3, R-4 and R-5 Residential, I-1 General Industrial and I-2 Light Industrial Zoning Districts. Wherever permitted, any illuminated sign, including a directly or indirectly illuminated sign, or lighting devices, shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights or produce direct glare beyond the limits of the side property line. Colored lights of such shape and hue that they may be confused with official traffic

lights and signals shall be prohibited. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view.

§ 165-71. Temporary signs.

- A. 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.
- B. Temporary, nonpermanent posters covering such things as political events, sporting events, shows and elections shall not be displayed until four weeks prior to the event and must be removed within two weeks after the event.
- C. Signs advertising home garage sales and private sales are permitted, provided the sign face is no more than six square feet in area, there are no more than two signs per property, and no sign shall be displayed longer than three weeks in the calendar year.

§ 165-72. Removal of defunct signs.

Any sign then or thereafter 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 upon which such sign may be found within 10 days after written notification from the Code Enforcement Officer, and upon failure to comply with such notice within the time specified in such order, the Code 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 to which such sign is attached.

ARTICLE VIII
Site Plan Review

§ 165-73. Approval required for building permit.

No building permit for new or additional construction shall be issued for any site and no construction activity in the nature of site improvement shall be commenced on property located within the B General Business District; on property located within the I-1 Industrial District or the R-2 Residential District for a manufactured home park pursuant to § 165-34 of this Code, as amended; on any property located within any zoning district within the Town for a manure storage facility pursuant to § 165-35 of this Code, as amended; on any property located within any zoning district within the Town for an application for a special use permit pursuant to § 165-107 of this Code, as amended; or on any property located within any zoning district within the Town if the new or additional construction or construction activity in the nature of site improvement is intended to result in a commercial or industrial use without the prior written approval of the Planning Board pursuant to the procedures hereinafter set forth, and any additional rules and regulations relating thereto promulgated by the Planning Board, and approved by the Town Board and pursuant to the authority for such review that is contained in Town Law § 274-a, effective July 1, 1998, or as that law may be hereafter amended from time to time.

§ 165-74. Site plan review for subdivisions.

Plats showing lots, blocks or sites which are subject to review pursuant to authority provided for the review of subdivisions under § 276 of the Town Law shall continue to be subject to such review and shall further be subject to review as site plans under this chapter.

§ 165-75. Application.

Application for the site plan approval shall be made by the owner(s) of the premises or by a person or firm, designated in writing by the owner(s) to make such application as agent or attorney at law, and any such designation by said owner(s) shall be deemed binding upon the owner(s) of the premises for all proceedings thereafter. All notices required to be served upon the applicant shall be deemed served upon the owner(s) if duly served upon the agent or attorney at law for the owner(s).

§ 165-76. Preapplication process.

Prior to submission of a site plan approval request, the owner(s), or the owner's(s') agent or attorney at law, shall meet with the Planning Board in a preapplication process, the purpose of which is to detail, in preliminary form, the proposed construction project, and so that all of the requirements of this procedure will be fully understood by all parties. The intent of such meeting is to enable the applicant to inform the Planning Board of the applicant's proposal prior to the preparation of a detailed site plan and

for the Planning Board to review the basic site design concept, advise the applicant as to the potential problems and concerns and to generally determine the information to be required on the site plan. At the preapplication conference, the applicant shall provide:

- A. A statement outlining the project, together with a rough sketch, showing the locations and dimensions of principal and accessory structures, parking areas, access sign (with descriptions), existing and proposed vegetation and other planned features, anticipated changes in the existing topography and natural features, including all existing watercourses and, where applicable, measures and features to comply with flood hazard and flood insurance regulations.⁶ The sketch or map will clearly show the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features.
- B. A topographic or contour map of adequate scale and detail to show site topography with at least ten-foot intervals. The applicant shall submit an application for site plan approval within 60 days from the preliminary meeting, unless the date is extended by the Planning Board.

§ 165-77. Application form.

- A. The application shall be in writing on a form provided by the Planning Board and shall be complete as to all items not specifically waived by the Planning Board.
- B. The following information shall be required of the applicant in sufficient detail so as to adequately inform the Planning Board and members of the public concerning those items specified:
 - (1) Property information:
 - (a) The name and address of the applicant and, if the applicant is not the owner(s) of the property, an authorization signed by the owner(s) of the property designating the applicant as agent or attorney at law.
 - (b) The name and address of the owner(s) of record if different from the applicant.
 - (c) A statement setting forth the date upon which the owner(s) received title to the property, including a copy of the conveyance, if by deed, or, if by inheritance or other form of transfer, a statement setting forth that fact and any pertinent details relating thereto, including a copy of the document of transfer, if available.

6. Editor's Note: See also Ch. 80, Flood Damage Prevention.

- (d) The name and address of the person or firm preparing the plan and the map, including the professional qualifications of those individuals or firms.
 - (e) A statement setting forth the terms of any sale agreement of the property and who will be the purchaser thereof, including therewith a copy of any sale agreement.
 - (f) A statement setting forth the current zoning classification of the property, including the exact zoning boundary, if the parcel is located in more than one district.
 - (g) A survey map setting forth the property boundary lines plotted to scale showing distances, angles and areas, including thereon a north arrow and a scale and date of preparation. The survey map shall show all existing structures and natural features that may affect or be affected by the construction project and shall show the location of all planned structures and feature changes. Particular attention shall be made to all current watercourses.
 - (h) The names and addresses of all adjoining property owners, including municipal property owners, such as municipal or state property owners, if located on public highways.
 - (i) The locations, width and purpose of all existing easements, setbacks, reservations and areas dedicated to the public use and adjoining property.
 - (j) A legal description of the property as conveyed to the current owners, including any and all deed restrictions or covenants applying to the property currently or intended to be applied to the property upon subsequent conveyance if the site plan is approved.
 - (k) A statement setting forth all regulatory permits that will be required and the time within which said permits must be obtained, including copies of all applications if already submitted or statements setting forth that copies will be provided upon submission to the appropriate state, county or other authority.
 - (l) A statement setting forth whether or not the proposed project meets all current zoning and building regulations of the Town of Geneva and, if not, what variances must be applied for and the current status of such application.
- (2) Environmental information:
- (a) Completed and signed Part 1 of the Short Environmental Assessment Form (SEAF) or Full Environmental Assessment

Form (FEAF) as required by 6 NYCRR Part 617, as amended from time to time.

- (b) Any reports of studies of the site and its ecological attributes, or any additional information (e.g., traffic studies) related to the proposed development.
 - (c) A list of all local, state and federal agencies with permitting authority over one or more aspects of the proposed action.
- (3) Existing site conditions:
- (a) Geologic features, such as depth to bedrock and the location of outcrops and any other geological features which would have an effect upon the construction of the project.
 - (b) Topographic features, including a map showing existing contour intervals of no more than five feet, or two-foot contour intervals if required by the Planning Board based upon assessment that the topography is relatively flat.
 - (c) Vegetative cover, including existing wooded areas, significant isolated trees and similar features and a statement setting forth the impact on existing vegetative cover.
 - (d) Soil characteristics, such as load-bearing capacity and drainage capacity.
 - (e) Hydrologic features, including an engineer's statement as to drainage and runoff patterns, flood hazard areas, wetlands and depth to ground water.
 - (f) Location and width of roads and paths adjacent to the site and within the site itself, including private roads and driveways, if any.
 - (g) Location, size and flow direction of sewer and water supply lines and culverts. Major electric, gas and telephone lines and appurtenances should also be shown.
 - (h) Location of other existing development and uses, including structures, parking and loading areas, fences, trees and landscaping.
- (4) Proposed development:
- (a) A statement setting forth the relationship of the project to adjacent and nearby land uses, both public and private.
 - (b) A statement setting forth the relationship of the proposed project to the existing traffic pattern and its impact, if any, on existing traffic patterns.

- (c) A statement setting forth the visual compatibility of the project with surroundings and, if required by the Planning Board in the preliminary conference, an artist's rendering of the project on the site or, in the alternative, a photograph showing the project transposed on the site or a computerized rendering of the project on the site.
- (d) A statement setting forth the maximum water usage and sewage usage of the project as certified to by a licensed professional engineer.
- (e) A grading and drainage plan showing proposed topography at appropriate contour intervals. This information can be combined with a map of existing topography if it can be clearly depicted.
- (f) Location, proposed use and height of buildings, building facades and other structures, such as retaining walls, fences, outdoor storage tanks, air-conditioning units and waste disposal units at a level of detail to accurately illustrate the character of proposed buildings and other structures.
- (g) Location, proposed use, design and construction materials of improvements not requiring structures, such as parking, loading and outdoor storage areas.
- (h) Location and arrangement of site access and egress, including all paths for pedestrian and vehicular travel within the site. Information should include profiles and cross sections of roadways and sidewalks showing grades, widths and location and size of utility lines.
- (i) Location and size of water and sewer lines and appurtenances. Any means of water supply or sewage disposal other than extensions of existing systems should be described, including location, design and construction materials.
- (j) Location, design and construction materials of all energy distribution facilities, including electric, gas and solar energy.
- (k) Location, size and design of all outdoor lighting facilities and public address systems.
- (l) Location, size, design and construction materials of all outdoor signs.
- (m) Landscaping plan and planting schedule, including the treatment of buffer areas and the location and types of trees to be planted, including the introduction of chemicals to the site for purposes of pest control, foliage control or fertilization.
- (n) Estimated project construction schedule with possible phasing plan for large projects.

- (o) Additional specifications for materials.
- (p) An itemization of the cost of construction of the project with at least three phases and a cost estimate for each phase.

§ 165-78. Review fees.

Upon making an application for the site plan approval, the applicant shall pay a fee set from time to time by resolution of the Town Board.

§ 165-79. Review standards.

Upon submission of the application, the Planning Board shall review the site plan for the following purposes, as appropriate, but it shall not be limited to the following and may consider any reasonable and appropriate impact the construction on the site will have affecting the health, safety and general public welfare of the people of the Town of Geneva:

- A. Conformance with all relevant zoning regulations and design standards articulated elsewhere in this chapter, and in other relevant chapters of the Town Code.
- B. Location and adequacy of all parking and loading facilities, site traffic circulation and ingress and egress from the site.
- C. Location, adequacy and compliance with standards elsewhere in the Zoning Code of any required screening, both within the site and along the boundaries of the site.
- D. Location, size and conformance with standards set forth in Article VII and elsewhere in the Zoning Code for all proposed signs.
- E. Location, size and conformance with standards set forth in Article IV and elsewhere in the Zoning Code of all proposed landscaping.
- F. Location, size and character of all proposed buildings and other structures, and their compatibility with the surrounding area.
- G. Location, arrangement, size, design and general site compatibility of proposed lighting and signs.
- H. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience care.
- I. Adequacy of stormwater and drainage facilities.
- J. Adequacy of water supply and sewage disposal facilities.
- K. Adequacy of type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.

- L. Adequacy of fire lanes and other emergency zones and the provision for fire hydrants and adequacy of water supply.
- M. Adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and erosion during and after construction.

§ 165-80. Request for waiver.

In the event that there is a request for waiver of any specific item, a separate form shall be attached detailing the reason why a waiver is requested.

§ 165-81. Review of application; public hearing; decision.

- A. The site plan, together with the application form, must be presented to the Code Enforcement Officer at least 30 days prior to a scheduled Planning Board meeting to be considered at that meeting. The Planning Board shall give 10 days' written notice by mail to the applicant of the hearing and shall give public notice of said hearing in a newspaper of general circulation in the Town at least five days prior to the date of the hearing. Notice shall also be given to the metropolitan, regional or county planning agency at least 10 days before the hearing by mail as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of the matter under consideration as defined in Subdivision 1 of § 239-m of the General Municipal Law.
- B. The Planning Board shall then hold a public hearing on the date specified in said notices. Within 62 days after the public hearing, the Planning Board shall approve, approve with conditions or disapprove the application, unless a time for making a decision has been mutually agreed to by the Planning Board and the applicant. Within five days after the written decision of the Planning Board is made, it shall be filed in the office of the Town Clerk, and a copy shall be mailed to the applicant.
- C. Site plan approval expiration.
 - (1) Site plan approvals granted after this subsection becomes effective.
 - (a) Where a site plan approval is granted with conditions, it shall expire six months from the date of the decision granting conditional approval unless all conditions therein are satisfied. The applicant may make a written request to the Planning Board for an extension of this requirement. This period may be extended by the Planning Board for up to two ninety-day periods at the discretion of the Planning Board.
 - (b) The applicant shall obtain a site plan permit for any project with site plan approval within six months from the date of the decision granting approval, whether approval is conditional or

otherwise. If a site plan permit is not issued within such six-month period, the site plan approval shall expire. The applicant may make a written request to the Planning Board for an extension of this requirement. This period may be extended by the Planning Board for up to two ninety-day periods at the discretion of the Planning Board.

- (c) Upon expiration of site plan approval, the site plan approval will become null and void, and the applicant will be required to submit a new, complete site plan application. In the event that a building permit, site plan permit, or both were issued in a timely manner and the site plan approval has not otherwise expired, but then such building permit or site plan permit expires or is canceled, then the site plan approval shall expire on that same date of cancellation or upon the passage of six months from the date of the decision granting approval, plus any extension period granted by the Planning Board, whichever is later.
- (2) Site plan approvals granted prior to this Subsection C becoming effective.
- (a) Conditions. Where a site plan approval had been granted with conditions prior to this Subsection C becoming effective, such site plan approval shall expire three years from the date this Subsection C becomes effective unless all conditions therein are satisfied.
 - (b) Site plan permit issuance. The applicant shall obtain a site plan permit for any project that had been granted site plan approval prior to this Subsection C becoming effective, whether approval is conditional or otherwise. If a site plan permit is not issued within three years from the date this Subsection C becomes effective, the site plan approval shall expire.
 - (c) Expiration. Upon expiration of site plan approval, the site plan approval will become null and void, and the applicant will be required to submit a new, complete site plan application. In the event that a building permit, site plan permit or both were issued in a timely manner and the site plan approval has not otherwise expired, but then such building permit or site plan permit expires or is canceled, then the site plan approval shall expire on that same date of cancellation or upon the passage of three years from the date this Subsection C becomes effective, whichever is later.

§ 165-82. Reimbursable costs.

Whenever the Code Enforcement Officer, any other officer of the Town of Geneva or any board of the Town of Geneva shall determine that site plan review shall be required to be complied with and/or enforced, the

costs incurred by said officer, by the Town of Geneva Planning Board or by any officer of the Town of Geneva on behalf of the Town for consultation fees with engineers, attorneys or other professionals or costs incurred in enforcing or complying with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the Environmental Conservation Law (SEQRA), shall be reimbursed by the real property owner before a building permit, certificate of occupancy or other permit may be issued. If the real property owner fails to fully reimburse such costs, then said reimbursement costs levied pursuant to this chapter shall constitute a lien and charge on the real property that was the subject of review until paid or otherwise satisfied or discharged; and, if the same are not paid within 30 days after they shall be deemed payable, they shall be collected and enforced in the same manner and at the same time as other Town taxes and charges are permitted to be collected.

§ 165-83. Performance bond.

If, in the opinion of the Planning Board, a performance bond is required to guarantee the duly authorized completion of the project, the applicant will post a performance bond with the Town Clerk in an amount set by the Planning Board based upon the reasonable expected cost of completion, and no building permit shall be issued until such bond is posted, and no certificate of occupancy shall be issued, until all requirements of construction are fully met and the bonding company is duly discharged.

§ 165-84. Site plan permits.

- A. Site plan permits required. A site plan permit shall be required for any work included in a final site plan approved by the Planning Board. No person shall commence any work for which a site plan permit is required without first having obtained a site plan permit from the Code Enforcement Officer.
- B. Applications for site plan permits. Applications for a site plan permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with the final site plan approved by the Town Planning Board. The application shall include, but not be limited to, the following information and documentation:
 - (1) A description and timeline of the proposed work;
 - (2) The Tax Map number where the work is to be performed;
 - (3) The zoning district classification;
 - (4) At least two sets of documents which;

- (a) Define the scope of proposed work;
 - (b) Are prepared by a New York State licensed engineer;
 - (c) List any temporary or permanent stormwater facilities;
 - (d) List any existing and proposed buildings and the distances between said buildings and the lot lines.
- C. Issuance of site plan permits. An application for a site plan permit shall be examined to ascertain whether the proposed work is in compliance with the final site plan approved by the Town Planning Board. The Code Enforcement Officer shall issue a site plan permit if the application has been submitted in compliance with this section, any fee for issuance of the site plan permit has been paid and the proposed work is in compliance with the final site plan approved by the Town Planning Board.
- D. Site plan permits to be displayed. Site plan permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.
- E. Work to be performed in accordance with the project description and timeline. All work shall be performed in accordance with the final site plan approved by the Town Planning Board and with the site plan permit. The site plan permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any desired change during the course of work. Any desired change to the final, approved site plan shall require the owner of the subject property:
 - (1) To make application to and obtain the approval from the Town Planning Board for a new or amended site plan; and
 - (2) To make application to and obtain a new or amended site plan permit from the Code Enforcement Officer, incorporating any approval by the Town Planning Board of such new or amended site plan, prior to the site plan permit holder making such desired change. The site plan permit shall contain such a directive. The Code Enforcement Officer shall be responsible for the overall inspections, including coordination with the Planning Board and other officials and agencies as appropriate.
- F. Site plan permits shall become invalid unless the authorized work is commenced within six months following the date of issuance. Site plan permits shall expire 12 months after the date of issuance. A site plan permit which has become invalid or which has expired pursuant to this subsection may be renewed upon application by the permit holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.
- G. If the Code Enforcement Officer determines that a site plan permit was issued in error because of incorrect, inaccurate or incomplete

information, or that the work for which the site plan permit was issued violates the final site plan approved by the Town Planning Board, the Code Enforcement Officer shall revoke the site plan permit or suspend the site plan permit until such time as the permit holder demonstrates that all work then completed is in compliance with all provisions and conditions of the final site plan approved by the Town Planning Board, and all work then proposed to be performed shall be in compliance with all provisions and conditions of the final site plan approved by the Town Planning Board.

- H. The fee determined by resolution of the Town Board for the issuance of a site plan permit must be paid at the time of submission of an application for a site plan permit, for an amended site plan permit or for renewal of a site plan permit.

§ 165-85. Penalties for offenses.

The failure to comply with the requirements of this article shall be considered a violation of the Town Law for each day that the property owner or owners remain in noncompliance and shall be punishable, upon conviction, as provided in Chapter 1, General Provisions, Article III.

§ 165-86. Integration of procedures.

Whenever the particular circumstances of proposed development require compliance with either the special use procedure in Chapter 165, Zoning, of this Town or other requirements, such as application for variances, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this section with the procedural and submission requirements for such other compliance.

ARTICLE IX

Nonconforming Buildings, Uses and Lots**§ 165-87. Continuation.**

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 was nonconforming on May 27, 1969, the date of enactment of the ordinance from which this chapter is derived, shall be removed or altered so as to conform within three years after such date.
- 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 are less than the specified minimum lot requirements and average density requirements of this chapter shall be considered a violation of this chapter.

§ 165-88. Discontinuance.

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. Any nonconforming use discontinued for one year shall not be reestablished. Subsequent use of buildings and/or land must conform.

§ 165-89. Necessary maintenance and repairs.

A building or structure of nonconforming use may be repaired or restored to a safe condition.

§ 165-90. Restoration.

- A. Nothing herein shall prevent the continued use and substantial restoration and continued use of a nonconforming building or structure. Any nonconforming building or structure damaged or destroyed by fire, flood, earthquake, act of God, or act of the public enemy may be repaired, restored or reconstructed, provided that:
 - (1) Such repair, restoration or reconstruction is located on, and no larger than, the footprint of the structure prior to its damage or destruction; and
 - (2) Such repair, restoration or reconstruction is completed within one year of the damage; and
 - (3) The use of the building and the manner in which it was used prior to the loss is recommenced within one year of the damage.

- B. In a case of practical difficulty or unnecessary hardship, the Zoning Board of Appeals may extend the time limits set forth above, provided that an application for an extension shall be brought no later than six months after the expiration of the one-year time period, or six months after the expiration of any previously granted extension.

§ 165-91. Change to other nonconforming use permitted.

A nonconforming use of a building, structure or land may be changed to another nonconforming use more nearly conforming to the requirements of the district in which it is situated. However, no building in which a nonconforming use has been changed to a more restricted use shall again be devoted to a less restricted use. Determination shall be made by the Zoning Board of Appeals after review by the Planning Board.

§ 165-92. Completion of buildings under construction.

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 such building or structure.

§ 165-93. Existing undersized lots.

- A. Any lot held in single and separate ownership prior to May 27, 1969, and whose area and/or width and/or depth are 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 each.
 - (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.

§ 165-94. Reduction in lot area.

No lot shall be reduced in area so that it creates a nonconforming lot, bulk or use in violation of any regulations contained in this chapter.

§ 165-95. Exemption of lots shown on approved subdivision plats.

In accordance with Town Law § 265-a, any lot proposed for residential use in a subdivision whose plat delineates on one or more new streets, roads or highways and which said subdivision plat has been properly approved by the Planning Board and filed in the office of the County Clerk, prior to any amendment or amendments to this chapter, and whose area and/or width and/or depth are less than the specified minimum lot requirements of this chapter, as amended, for that district shall be considered as complying with such minimum lot requirements for two years after the filing of the subdivision plat.

ARTICLE X

Administration and Enforcement**§ 165-96. Enforcement officer; compliance required.**

- A. Code Enforcement Officer. This chapter shall be enforced by the Code Enforcement Officer, who shall be appointed by the Town Board, in the same manner and with the same powers and duties as provided under Chapter 63, Building Construction and Fire Prevention.
- B. Compliance with chapter. No building permit or certificate of occupancy shall be issued by the Code Enforcement Officer, and no permit or license for any purpose shall be issued by any official of the Town, if the same would be in conflict with the provisions of this chapter.

§ 165-97. Building permit.

- A. No building or structure shall be erected, added to or structurally altered until a permit therefor has been issued by the Code Enforcement Officer in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and Chapter 63, Building Construction and Fire Prevention, or other applicable laws.
- B. All applications for building permits shall, in addition to any requirements specified in this section, comply with all the provisions of Chapter 63, Building Construction and Fire Prevention.
- C. In each case where a building or use is proposed that is subject to site plan approval, the Code Enforcement Officer shall refer the site plan for such proposal to the Planning Board for review in accordance with the relevant provisions of this Zoning Code.

§ 165-98. Certificate of occupancy.

- A. Certificate required. No land shall be used or occupied, and no building or structure hereafter erected, altered or extended shall be used or changed in use, until a certificate of occupancy shall have been issued by the Code Enforcement Officer in accordance with the provisions of the New York State Uniform Fire Prevention and Building Code and Chapter 63, Building Construction and Fire Prevention, or other applicable laws.
- B. Procedure to obtain. All certificates of occupancy for new or altered buildings or structures shall be applied for in accordance Chapter 63, Fire Prevention and Building Construction.
- C. Whenever the Code Enforcement Officer or any officer of the Town of Geneva shall determine that Chapter 165, Zoning, of the Geneva Code shall be required to be enforced, the costs incurred by said officer for consultation fees with engineers, attorneys or other professionals or costs incurred in enforcement of compliance with this Code, including

but not limited to the costs of meeting the requirements of Article 6 of the Environmental Conservation Law (SEQR), shall be reimbursed by the real property owner before a building permit, certificate of occupancy, or other permit may be issued, and if the real property owner fails to make such reimbursement, then said reimbursement costs levied pursuant to this chapter are hereby made a lien on the premises, and if the same is not paid within 30 days after it shall be deemed payable, the same shall be certified to the County Treasurer's office, which shall place the same on the real property tax roll for that year, with interest, and penalties allowed by law, and it shall be collected as other Town taxes are collected.

§ 165-99. Reimbursable costs.

Whenever the Code Enforcement Officer, any other officer of the Town of Geneva or any board of the Town of Geneva shall determine that Chapter 165, Zoning, of the Code of the Town of Geneva shall be required to be complied with and/or enforced, the costs incurred by said officer, by the Town of Geneva Planning Board, by the Town of Geneva Zoning Board of Appeals or by any officer of the Town of Geneva on behalf of the Town for consultation fees with engineers, attorneys or other professionals, or costs incurred in enforcing or complying with this Code, including but not limited to the costs of meeting the requirements of Article 6 of the Environmental Conservation Law (SEQRA), shall be reimbursed by the real property owner before a building permit, certificate of occupancy or other permit may be issued. If the real property owner fails to fully reimburse such costs, then said reimbursement costs levied pursuant to this chapter shall constitute a lien and charge on the real property that was the subject of review until paid or otherwise satisfied or discharged; and, if the same are not paid within 30 days after they shall be deemed payable, they shall be collected and enforced in the same manner and at the same time as other Town taxes and charges are permitted to be collected.

ARTICLE XI
Zoning Board of Appeals

§ 165-100. Establishment.

Pursuant to the Town Law, the Town Board shall appoint a Zoning Board of Appeals consisting of five members, shall designate its Chairperson and also provide for compensation to be paid to said members and provide for such other expenses as may be necessary and proper. A member of the Board of Appeals shall not at the same time be a member of the Town Board. The Town Board shall have the power to remove any member of the Board of Appeals for cause and after public hearing.

§ 165-101. Term of appointment; staff; alternate members.

- A. Of the members of the Board of Appeals first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years from and after his or her appointment.
- B. Each successor shall be appointed for the term of five years from and after the expiration of the term of his/her predecessor in office. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by the Town Board by appointment for the unexpired term.
- C. The Board of Appeals may employ such clerical or other staff assistance as may be necessary and prescribe their duties, provided that it shall not at any time incur expenses beyond the amount of the appropriations made by the Town Board and then available for that purpose.
- D. There are hereby established two alternate Zoning Board of Appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absence.
 - (1) Alternate members of the Zoning Board of Appeals shall be appointed by resolution of the Town Board, for terms established by the Town Board. The Town Board shall designate the two positions as Alternate 1 and Alternate 2.
 - (2) The Chairperson of the Zoning Board of Appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Board or because of that member's illness or absence.
 - (3) When the Chairperson chooses to designate an alternate, the Chairperson shall first designate the alternate whom the Town Board has appointed to the Alternate 1 position and shall only designate the person whom the Town Board has appointed to the Alternate 2 position if:

- (a) The Chairperson has already designated Alternate 1 and Alternate 1 is then currently substituting for a member; or
 - (b) Alternate 1 is unavailable for any reason.
- (4) When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Zoning Board of Appeals. Such designation shall be entered into the minutes of the initial Zoning Board of Appeals meeting at which the substitution is made.
- E. All provisions of New York State Town Law, the Town of Geneva Zoning Code and any Town of Geneva rules, regulations, policies or procedures relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, and service on other boards shall also apply to alternate members.

§ 165-102. Rules of procedure; meetings; attendance; training; removal of members.

- A. The Board of Appeals shall have the power to make, adopt and promulgate such written rules of procedure, bylaws and forms as it may deem necessary for the proper execution of its duties and to secure the intent of this chapter. Such rules, bylaws and forms shall not be in conflict with, nor have the effect of waiving, any provisions of this chapter or any other ordinance or local law of the Town. Such rules, bylaws and forms and any subsequent amendments or supplements thereto shall be submitted to the Town Board by the Board of Appeals for approval and filing for public view. The Town Board shall move to approve, reject or modify such rules, bylaws and forms within 30 days after submission. Failure of the Town Board to so move shall be construed to constitute approval thereof.
- B. All meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as such Board may determine. The Chair, or in his or her absence, the Acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of such Board shall be open to the public.
- C. The concurring vote of a majority of all members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer, or to decide in favor of an applicant in any matter upon which the Board is required to pass under any ordinance or local law to effect any variation in this chapter, or to deny an application in any matter upon which it is required to pass under any ordinance or local law to effect any variation in this chapter.
- D. The Board of Appeals shall keep minutes of its proceedings showing the vote of each member on every question. If a member is absent or fails to vote, the minutes shall indicate such fact. Every rule, regulation, every

amendment or repeal thereof and every order, requirement, decision or determination of the Board of Appeals shall immediately be filed in the office of the Town Clerk and shall be a public record.

- E. No Zoning Board of Appeals member shall be absent from more than three consecutive meetings of the Zoning Board of Appeals or from a total of 1/4 of the meetings of the Zoning Board of Appeals in any twelve-month period.
- F. All Zoning Board of Appeals members shall be required to take a minimum of four hours of training per year. All training shall be relevant to that member's powers or duties on the Zoning Board of Appeals and sponsored by the New York Association of Towns, New York Planning Federation, State of New York or any political subdivision thereof, or any such session approved by the Zoning Board of Appeals Chairman. The Town Board may reimburse the members for appropriate expenses incurred in obtaining training.
- G. Failure of a Zoning Board of Appeals member to satisfy the attendance or training requirement shall be cause for removal from the Zoning Board of Appeals.
- H. Process for removing Zoning Board of Appeals member from office:
 - (1) The Town Board shall have the power to remove, after hearing, any member of the Zoning Board of Appeals for cause. Any Zoning Board of Appeals member may be removed for noncompliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or ordinance.
 - (2) Notice of hearing for the removal of a Zoning Board of Appeals member pursuant to this chapter shall be served either personally on said Zoning Board of Appeals member or received by certified mail at said Zoning Board of Appeals member's residence on file with the Town at least 10 days prior to the date of such hearing.
 - (3) The Town Board shall hold said hearing at least 10 days following the delivery of notice to the Zoning Board of Appeals member as prescribed in Subsection H(2) above. The decision of the Town Board after said hearing will be final and effective as of the date of the decision.

§ 165-103. Referrals to Planning Board.

At least 30 days before the date of hearing held in connection with any appeal or application submitted to the Board of Appeals, said Board shall transmit to the Planning Board a copy of said appeal or application and shall request that the Planning Board submit to the Board of Appeals its advisory opinion on said appeal or application. The Planning Board shall submit a report of such advisory opinion prior to the date of said public hearings. The

failure of the Planning Board to submit such report shall be interpreted as a favorable opinion for the appeal or application.

§ 165-104. Public notice and hearing.

Public notice of any required hearing by the Board of Appeals shall be given in accordance with the Town Law as follows:

- A. By publishing a notice of any appeal or application and the time and place of the public hearing in the official newspaper of the Town not less than five days prior to the date of such hearing.
- B. By giving written notice of hearing to any appellant or applicant and any other such notice to property owners in an affected area as may be required by the Board of Appeals and to the Planning Board not less than five days prior to such hearing.
- C. By giving written notice of hearing to any required municipal, county, metropolitan, regional, state or federal agency in the manner prescribed by law.

§ 165-105. Appeals.

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Code Enforcement Officer under this chapter in accordance with the procedure set forth herewith:

- A. Notice of the appeal shall be filed with the Code Enforcement Officer, in writing, in a form required by such Board, within 30 days of the date of the action appealed from, specifying the grounds thereof.
- B. Upon filing of a notice of appeal and payment of a filing fee set from time to time by resolution of the Town Board, by the appellant or applicant, the Code Enforcement Officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- C. After the review of an application, the Code Enforcement Officer shall determine if a review meeting is necessary prior to a public hearing, and shall set a reasonable date for the hearing of each appeal, of which hearing date the appellant shall be given notice and at which hearing he or she shall appear in person or by agent or by attorney.
- D. An appeal stays all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer certifies to the Board of Appeals, after notice of appeals shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record

on application or notice to the Code Enforcement Officer and on due cause shown.

- E. Following public notice and hearing, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have the power of the Code Enforcement Officer. If the action by the Board of Appeals is to reverse the action of the Code Enforcement Officer in whole, the filing fee shall be refunded to the appellant. The Board of Appeals shall decide the same within 62 days following the final hearing.

§ 165-106. Variances.

- A. Power to grant. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this chapter, the Board of Appeals shall have the power, after public notice and hearing, to vary or modify the application of any of the regulations or provisions of this chapter relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done.
- B. Applications. All applications for variances shall be filed with the Code Enforcement Officer in writing, shall be made in a form required by the Board of Appeals and shall be accompanied by payment of a filing fee set from time to time by resolution of the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.
- C. Time limitation. Any variance which is not exercised within one year from the date of issuance is hereby declared to be revoked, with further hearing by the Board of Appeals.
- D. Criteria for granting.
 - (1) A variance to the provisions of this chapter shall be granted by the Board of Appeals in order to vary or adapt the strict application of any of the requirements of this chapter whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other case. No variance in the strict application of any provision of this chapter shall be granted by the Board of Appeals except by the adoption of a resolution fully setting forth the reasons for the following findings:
 - (a) That there are special circumstances or conditions applying to such land or buildings and not applying generally to land or buildings in the vicinity and under identical district classification and that said circumstances or conditions are

such that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or buildings or of privileges enjoyed by other properties in the vicinity and under identical district classification.

- (b) That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.
- (c) That the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the vicinity or otherwise detrimental to the public welfare.
- (d) That any variance granted shall be subject to such condition as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.
- (e) In no case shall a variance be granted solely for reason of additional financial gain on the part of the owner of the land or building involved.

§ 165-107. Special use permits.

- A. Power to grant. The Board of Appeals shall have the power, after public notice and hearing, to grant special use permits in the classes of cases specified in this chapter.
- B. Applications. All applications for special use permits shall be filed with the Secretary to the Board of Appeals, in writing, shall be made in a form required by the Board and shall be accompanied by payment of a filing fee set from time to time by resolution of the Town Board, and a plot plan, drawn to scale and accurately dimensioned, showing the location of all existing and proposed buildings and structures on the lot.
- C. Conditions and safeguards. Whenever the Board of Appeals grants a special use permit, appropriate conditions and safeguards and/or time limitations must be attached thereto so as to guarantee that the use of the premises shall not be incompatible with other permitted uses in the vicinity and district in which the subject property is situated.
- D. Time limitation. Any special use permit which is not exercised within one year from the date of issuance is hereby declared to be revoked without further hearing by the Board of Appeals.
- E. Any special use permit for a business use in the Industrial Zone (I-1) shall be issued upon the special condition that the business use building shall be located no closer than 1,000 feet to the boundary line of a public use highway.

§ 165-108. Performance bond.

If, in the opinion of the Board of Appeals, a performance bond is required to guarantee the duly authorized completion of the project, the applicant will post a performance bond with the Town Clerk in an amount set by the Board of Appeals based upon the reasonable expected cost of completion, and no building permit shall be issued until such bond is posted, and no certificate of occupancy shall be issued until all requirements of construction are fully met and the bonding company is duly discharged.

ARTICLE XII
Planning Board

§ 165-109. Establishment.

A Planning Board consisting of seven members is hereby established, which Board shall be constituted and shall have all the powers and perform such duties and be subject to the limitations as prescribed by §§ 271, 273, 274-a, 276, 277, 278, 279, and 280-a of the Town Law, as the same may be amended, modified or changed from time to time, or any sections subsequently adopted pertaining to the Planning Board.

§ 165-110. Alternate members.

There are hereby established two alternate Planning Board member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest, illness or absences.

- A. Alternate members of the Planning Board shall be appointed by resolution of the Town Board, for terms established by the Town Board. The Town Board shall designate the two positions as Alternate 1 and Alternate 2.
- B. The Chairperson of the Planning Board may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the Planning Board or because of that member's illness or absence.
- C. Designation.
 - (1) When the Chairperson chooses to designate an alternate, the Chairperson shall first designate the alternate whom the Town Board has appointed to the Alternate 1 position and shall only designate the person whom the Town Board has appointed to the Alternate 2 position if:
 - (a) The Chairperson has already designated Alternate 1 and Alternate 1 is then currently substituting for a member; or
 - (b) Alternate 1 is unavailable for any reason.
 - (2) When so designated, the alternate member shall possess all the powers and responsibilities of such member of the Planning Board. Such designation shall be entered into the minutes of the initial Planning Board meeting at which the substitution is made.
- D. All provisions of the Town Law and the Town of Geneva Zoning Ordinance relating to Planning Board member training and continuing education, attendance, conflict of interest, compensation, eligibility,

vacancy in office, removal, and service on other boards shall also apply to alternate members.

§ 165-111. Attendance requirements; training; removal of members.

- A. No Planning Board member shall be absent from more than three consecutive meetings of the Planning Board or from a total of 1/4 of the meetings of the Planning Board in any twelve-month period.
- B. All Planning Board members shall be required to take a minimum of four hours of training per year. All training shall be relevant to that member's powers or duties on the Planning Board and sponsored by the New York Association of Towns, New York Planning Federation, State of New York or any political subdivision thereof, or any such session approved by the Zoning Board of Appeals Chairman. The Town Board may reimburse the members for appropriate expenses incurred in obtaining training.
- C. Failure of a Planning Board member to satisfy the attendance or training requirement shall be cause for removal from the Planning Board.
- D. Process for removing Planning Board members from office:
 - (1) The Town Board shall have the power to remove, after hearing, any member of the Planning Board for cause. Any Planning Board member may be removed for noncompliance with minimum requirements relating to meeting attendance and training as established by the Town Board by local law or ordinance.
 - (2) Notice of hearing for the removal of a Planning Board member pursuant to this chapter shall be served either personally on said Planning Board member or received by certified mail at said Planning Board member's residence on file with the Town at least 10 days prior to the date of such hearing.
 - (3) The Town Board shall hold said hearing at least 10 days following the delivery of notice to the Planning Board member as prescribed in Subsection D(2) above. The decision of the Town Board after said hearing will be final and effective as of the date of the decision.

ARTICLE XIII
Amendments

§ 165-112. Procedure.

The Town Board may, from time to time, on its own motion or on petition or on recommendation from the Planning Board, amend the regulations and districts established under this chapter after public notice and hearing in each case. All petitions for any amendment of the regulation or districts herein established shall be filed, in writing, in a form required by the Town Board and shall be accompanied by a certified check in an amount set from time to time by resolution of the Town Board to help defray the cost of advertising the hearing of said petition and incidental disbursements.

§ 165-113. Advisory report by Planning Board.

Every proposed amendment, unless initiated by the Planning Board, shall be referred to the Planning Board. The Planning Board shall report its recommendations thereon to the Town Board, accompanied by a full statement of the reasons for such recommendations, prior to the public hearing. 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 Town Board, the Town Board may act without such report.

§ 165-114. Public notice and hearing.

The Town Board, by resolution, shall fix the time and place of the public hearing and cause notice to be given as follows:

- A. By publishing a notice of the proposed amendment and the time and place of the public hearing in a newspaper of general circulation in the Town not fewer than 10 days prior to the date of public hearing.
- B. By giving written notice of the hearing to any required municipal, county, regional, metropolitan, state or federal agency in the manner prescribed by law.

§ 165-115. Protest by owners.

If a protest against the proposed amendment is presented to the Town Board, duly signed and acknowledged by the owners of 20% or more of the area of land included in such proposed amendment or by the owners of 20% or more of the area of the land immediately adjacent extending 500 feet therefrom, or by the owners of 20% or more of the area of land directly opposite thereto extending 500 feet from the street frontage of such opposite land, such amendment shall not be passed except by the favorable vote of at least four members of the Town Board.

§ 165-116. Changes by Planning Board.

The Planning Board, in accordance with Town Law § 278, may, simultaneously with the approval of a plat, make any reasonable change to the regulations established under this chapter with respect to the land so platted. Before the Planning Board shall make any such change, there shall be a public hearing preceded by the same notice as in the case of the approval of the plat itself. Upon the filing of the plat in the office of the County Clerk, such changes shall be and become part of the regulations of this chapter, shall take place of any regulations established herein by the Town Board, shall be enforced in the same manner and shall be similarly subject to amendment.

ARTICLE XIV

Penalties**§ 165-117. Penalties for offenses.**

- A. A violation of this chapter is an offense, punishable by as provided in Chapter 1, General Provisions, Article III. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed violations, and for such purpose only, all provisions of law relating to violations shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- B. The Code Enforcement Officer and Deputy Code Enforcement Officer of the Town of Geneva are hereby authorized and empowered to enforce the laws and ordinances of the Town of Geneva and are further hereby authorized to issue appearance tickets pursuant to § 150.20 of the Criminal Procedure Law.
- C. The Town may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this chapter.