

**ORDINANCE #2023-005**  
**AN ORDINANCE AMENDING THE ZONING ORDINANCE**  
**REGARDING RESIDENTIAL PARKING GARAGES**

**BE IT ENACTED** by the City Council of the City of Canandaigua that:

**Sec. 1** That Chapter 850, Section 850-12 of the Municipal Code, is hereby amended as follows (additions in bold, deleted language is stricken):

**GARAGE, PRIVATE RESIDENTIAL PARKING**

A detached accessory building or a portion of the principal building used primarily for the storage of automobiles ~~by the families resident upon the premises~~ **vehicles owned, leased, or operated by the residents of such dwelling. Such structures shall be physically capable of storing a vehicle and have vehicular access by a driveway. There shall be no habitable space within a Residential Parking Garage, except for habitable space over an attached garage, when such space is directly accessible from within the primary dwelling.**

**STORY**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**A. STORY, FIRST**

The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building; except that any basement or cellar use for residence purposes shall be deemed the first story.

**B. STORY, HALF**

~~A partial story under a gable, hip or gambrel roof, the wall planes of which on at least two opposite exterior walls are not more than four feet above the floor of such story; provided, however, that any partial story used for residence purposes shall be deemed a full story.~~

**A partial story, in which no more than half the floor area shall have a ceiling height of seven feet. Any partial story used as habitable space shall be deemed a full story.**

**Sec. 2.** That Chapter 850, Section 850-28 of the Municipal Code, is hereby amended as follows (additions in bold, deleted language is stricken):

**§ 850-28. Residential Parking Garages and Accessory Storage Structures.**

**A. Residential Parking Garages**

- 1. Maximum area. The maximum permitted area of a Residential Parking Garage shall be 750 square feet. The maximum length of the structure running parallel to the street shall be 24 feet.**
- 2. Maximum permitted height. The maximum permitted height of a Residential Parking Garage shall be not more than one and 1/2 stories, totaling no more than 20 feet. ~~the the height of the primary structure.~~**

**3. Minimum yard regulations.**

**a. Residential Parking Garages which are not attached to a primary structure may be erected only within one of the side yards or within the rear yard in accordance with the following setback requirements:**

**(1) Side yard (interior lot): five feet.**

**(2) Rear yard: five feet, except when said rear yard is abutting an alley, then the setback shall be 10 feet.**

**(3) Not closer to a principal structure than 10 feet.**

**b. Attached Residential Parking Garages shall have the same yard regulations as the primary structure as specified in Zoning Schedule 1.**

**c. All Residential Parking Garages shall be set back from the front plane of the primary structure a minimum of two feet.**

**4. There shall be not more than one Residential Parking Garage for each residential property, except that of apartment, townhouse, attached condominiums and similar residential developments**

**B. Accessory Storage Structures**

**1. Maximum area. The maximum permitted area of a single Accessory Storage Structure shall be 240 square feet. The maximum total area for two Accessory Storage Structures shall be 360 square feet.**

**2. Maximum permitted height. The maximum permitted height of an accessory structure shall be not more than one and 1/2 stories totaling not more than 15 feet.**

**3. Minimum yard regulations.**

**a. ~~Unattached accessory structures in residential districts.~~ Accessory structures which are not attached to a primary structure may ~~must~~ be erected only within one of the side yards or within the rear yard in accordance with the following setback requirements:**

**1. Side yard (interior lot): five feet.**

**2. Side yard (corner lot): same as for principal structure.**

**3. Rear yard: five feet, except when said rear yard is abutting an alley, then the setback shall be 10 feet.**

**4. Not closer to a principal structure than 10 feet.**

**4. ~~Attached accessory structures in residential districts. When an accessory structure is attached to the primary structure, it shall comply in all respects with the requirements of this chapter applicable to the primary structure.~~**

**4. There shall be not more than two accessory structures for each primary dwelling structure on each zone lot intended or used for residential purposes, except that apartment, townhouse, attached condominiums and similar residential developments shall not be subject to the provisions of this section. Each primary building on a single parcel in single ownership shall conform to the requirements of this chapter which would be applicable if each were located on a separate zone lot.**

**Sec. 3.** This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this 2<sup>nd</sup> day of May, 2024

ATTEST:

Erin VanDamme

Erin VanDamme  
City Clerk