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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Ontario

Town of Geneva

Local Law No. 3 of the year 2024.

A Local Law Recodifying Provisions of the Code of the Town of Geneva Contained in Chapter 75 (Erosion Control and Stormwater Management), Chapter 80 (Flood Damage Prevention), Chapter 129 (Soil Erosion) and Chapter 165 (Zoning)

Be it enacted by the **Town Board** (Name of Legislative Body)

County of Ontario

Town of Geneva

as follows:

Section 1. This local law, containing amendments, deletions, repeals, alterations or new provisions in the Code of the Town of Geneva, is adopted pursuant to the authority contained in §20 3. of the Municipal Home Rule Law.

Section 2. Paragraph C of §75-8 (Purpose of plan; contents; structure) of the Stormwater Management and Erosion Control Law contained in Chapter 75 of the Code of the Town of Geneva is hereby repealed and a new paragraph C is hereby inserted in its place to read as follows:

- C. The structure and content of the stormwater management and erosion control plan shall be as follows: The structure and content shall be as specified in the New York State Stormwater Management Design Manual, dated October 2001 or as later revised, and shall contain such other information as shall be required by the Code Enforcement Officer and Planning Board of the Town of Geneva

Section 3. Paragraphs A and B of §80-6 (Basis for establishing areas of special flood hazard) of Chapter 80 (Flood Damage Prevention) of the Code of the Town of Geneva are hereby repealed and new paragraphs A and B are hereby inserted in their places to read as follows:

- A. The areas of special flood hazard are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled National Flood Insurance Map 2024, Town of Geneva, dated 7/14/23."
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Clerk's office, 3750 County Road 6, Geneva, New York.

Section 4. Chapter 129 (Soil Erosion) of the Code of the Town of Geneva is hereby amended as follows:

A. Paragraphs F and G of §129-7 (Activities requiring a permit) are hereby repealed and new paragraphs F and G are hereby inserted in their places to read as follows:

- F. Stripping or grading which affects more than 5,000 square feet of ground surface within any parcel or any contiguous area.
- G. Excavation or filling which exceeds a total of 10 cubic yards of material within any parcel or contiguous area.

B. Paragraph C of §129-8 (Exempted activities) is hereby repealed in its entirety and Paragraphs D, E and F are hereby re-lettered as Paragraphs C, D and E, respectively.

Section 5. Chapter 165 (Zoning) of the Code of the Town of Geneva is hereby amended as follows:

A. Paragraph D (Permitted with site plan approval) of §165-15 (AG Agricultural District) is hereby amended with the insertion of a new subsections (13) to read as follows:

- (13) Food service establishments, except that the following food service establishments are hereby prohibited:
 - (a) Those that contain drive-through windows.
 - (b) Those that use trademarked signs or architecture which identifies the company by building design.
 - (c) Those that are part of a chain or franchised business operation that have more than five such businesses operating in the State of New York

B. Subsection (9) of paragraph F (Permitted accessory uses) of §165-15 (AG Agricultural District) is hereby repealed and a new subsection (9) is hereby inserted in its place to read as follows:

(9) Solar energy system, major or solar farm, only north of White Springs Lane and/or west of County Road 6, subject to provisions of Chapter 130;

C. Subsection (3) of paragraph I (Additional requirements for agricultural commerce and agricultural tourism) of §165-15 (AG Agricultural District) is hereby repealed and a new subsection (3) is hereby inserted in its place to read as follows:

(3) Where the property on which agricultural commerce or agricultural tourism events will take place abuts a residential parcel or a residence, there shall be a vegetated buffer area, covering the area in which the agricultural commerce or agricultural tourism events will take place, 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 or residence.

D. Paragraph G (Buffer requirement) of §165-16 (B General Business District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

E. Paragraph I (Buffer requirement) of §165-17 (I-1 General Industrial District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

F. Paragraph G (Buffer requirement) of §165-18 (I-2 Light Industrial District) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“See Town of Geneva’s Site Design and Development Criteria adopted by the Town Board on July 9, 2019, as amended, Appendix H-12.0 through 12.5, incorporated herein.”

G. §165-51 (Limitations on approvals) is hereby amended with the insertion of new paragraph C to read as follows:

C. For a failure to commence construction as set forth above, the Town Board may, by local law, remove the PUD district designation and return the property to its former or another zoning designation.

H. Paragraph A (Required off-street automobile parking spaces) of §165-55 (Off-street parking spaces) is hereby amended with the insertion of the following sentence at the end of the existing wording:

“Notwithstanding the above, during site plan review by the Planning Board, the Planning Board may substitute a banked parking area for some of the required parking spaces if appropriate for the expected customary use and property.”

I. Table 1. Required Off-Street Parking Spaces, contained in §165-55 (Off-street parking spaces) and referred to in paragraph A of §165-55, is hereby amended by changing the Minimum Number of Spaces as follows for the Land Uses identified below (*those Land Uses not set forth below shall remain on Table 1 with the Minimum Number of Spaces currently identified*):

Land Use	Minimum Number of Spaces
Detached 1-family dwelling Semidetached 1-family dwelling Townhome dwelling 1-family cottage court dwelling 2-family dwelling Manufactured home park Multifamily dwelling	1 per dwelling
Assisted living dwelling Congregate care facility	0.25 per dwelling or bed
Short-term rental	0.25 per permitted occupant
Retail sales, retail services, financial services	1 per 500 square feet of net space
Food service establishments	0.5 space per occupant based on maximum occupant load
General and professional office	3 per 1000 square feet of net space
Indoor retail shopping mall	1 per 500 square feet of net space
Child-care center	3 per 1,000 square feet of net space
Conference or convention center	0.75 per maximum occupant load

Land Use	Minimum Number of Spaces
Entertainment and sports venue	0.5 per maximum occupant load
Funeral home	0.5 per maximum occupant load
Hospital, clinic	1 per employee and exam and occupant room
Hotel	1 per occupant room
Library, museum, other cultural facilities	1 per 500 square feet of net space
Membership club	5 per 1,000 square feet of net space
Public or private school, including higher education	1 per 6 students of driving age; otherwise to accommodate employees
Theater or concert hall	0.5 per occupant load
Automobile salvaging or dismantling Equipment rental or sales yard	1 per 1,000 square feet of net area
Food processing, packaging and shipping Light industry Manufacturing, fabrication and assembly Structural steel fabricating, metalworking	1 per 1,000 square feet of net area
Brewing or distilling of liquors, wines, beer	1 per 1,000 square feet of net area or 0.5 per occupant load
Research laboratories	1 per 1,000 square feet of net area
Self-storage facility	1 per 500 square feet of net area

J. Paragraph D (Location of parking required spaces) of §165-55 (Off-street parking spaces) is hereby repealed and a new paragraph D is hereby inserted in its place to read as follows:

D. In any residential district, required automobile parking spaces shall be provided on the same lot, or, for any lot that is unable to provide such required automobile parking spaces on the same lot, required automobile parking spaces may be provided on one other lot, over which the same owner or owners have a written, legal right to use as parking for such lot and provided that such other lot is located no more than 200 feet from the lot requiring the parking.

Section 6. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been ordered.

Section 7. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2024 of the **Town of Geneva** was duly passed by the Geneva Town Board on 2024, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer¹.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on , 20 in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on 20 , and was (approved)(not approved)(repassed after disapproval) by the on , 20 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 20 , in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not approved)(repassed after disapproval) by the on , 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 20 , in accordance with the applicable provisions of law.~~

~~**5. (City local law concerning Charter revision proposed by petition.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 2005 of the City of of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 20 , became operative.~~

~~**6. (County local law concerning adoption of Charter.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the County of , State of New York, having been submitted to the electors at~~

¹ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

the General Election of November ____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Town Clerk

(Seal)

Date: _____