

**Resolution # 38-2024**  
**Short Term Rental SEQRA Resolution**

**WHEREAS**, the City Council of the City of Geneva is considering adopting an ordinance amending short-term rental restrictions to permit them as of right in certain districts and to subject them to additional licensing restrictions (the “Action”); and

**WHEREAS**, the City Council has determined that it is the most appropriate agency for making the determination of significance thereon under the SEQRA Regulations, as the environmental, economic, and social impacts are primarily local in nature and is therefore the appropriate Lead Agency to conduct an environmental review of the Action; and

**WHEREAS**, the City Council prepared a Short Form Environmental Assessment Form (“EAF”); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Geneva, that in accordance with SEQRA the City Council hereby designates itself as Lead Agency for the proposed Action identified herein; and

**IT IS FURTHER RESOLVED**, that the adoption of the ordinance constitutes an unlisted action pursuant to the New York State Environmental Quality Review Act, and the City Council has reasonably concluded that, when compared against the criteria set forth in Part 617 of SEQRA, and based upon the information and analysis recited in Parts 1 and 2 the EAF, the proposed Action WILL NOT result in any significant adverse environmental impacts; and

**IT IS FURTHER RESOLVED** that the City Council does hereby make a Determination of Non-Significance on the proposed Action, and thus issues a Negative Declaration for the Action and authorizes the City Mayor to execute Part 3 of the EAF according to such declaration.

ORDINANCE NO. \_\_\_\_ OF 2024 TO AMEND CHAPTERS 215-44, 350-7.18, 350-3.4, 350-4.4,  
AND 350-8.4 OF THE CITY CODE OF THE CITY OF GENEVA REGARDING SHORT- TERM  
RENTALS

BE IT ENACTED, by the City Council of the City of Geneva, Ontario County, State of New York, as follows:

**Article I. General Provisions**

**Section 1. Authorization**

The adoption of this Ordinance is in accordance with Section 10 of New York’s Municipal Home Rule Law.

**Section 2. Title and Purpose**

This Ordinance shall be known as Ordinance No. \_ of 2024, to amend Chapters 215-44, 350-7.18, 350-3.4, 350-4.4, and 350-8.4 of the City of Geneva City Code regarding short-term rentals.

**Section 3. Legislative Finding**

The City Council of the City of Geneva hereby finds that short-term rental properties should be permitted as of right in certain districts subject to licensing restrictions. Protection of the public health, safety, and welfare of City residents shall be achieved through licensing restrictions including, but not limited to, inspection of rental units, appointment of a local contact person, and a process by which violations of City Code regulations results in the revocation of a license.

**Section 4. Validity and Severability.**

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

**Section 5. Inconsistency.**

All other local laws and ordinances of the City of Geneva that are inconsistent with the provisions of this ordinance are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this ordinance shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.

## Section 6. Effective Date

This Ordinance will take immediate effect upon approval by resolution by the City Council for the City of Geneva.

### Article II. Amendments to the Code of the City of Geneva

Chapter 215-44, entitled “Short-term rental operator license”, shall be amended as follows:

#### Definitions

For purposes of this Chapter, the following terms shall have the following meanings:

**Dwelling.** A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

**Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Owner:** Any individual or individuals, partnership or corporation or other organization in possession of and having a fee interest in the Dwelling Unit. The term Owner shall include a corporation, limited-liability company, partnership, association, trustee, or other business entity or nonbusiness forms of ownership. For purposes of this Chapter, the term Owner shall also include any individual or individuals, partnership or corporation or other organization that has permission from the fee interest holder to operate a Short-Term Rental at the Dwelling Unit and is otherwise responsible for the management and/or maintenance of the Short-Term Rental.

**Rental:** An agreement granting use or possession of a Dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a Short-Term Rental by a record owner of a property shall not be considered to be a Rental under this section.

**Short-Term Rental:** A Dwelling Unit with no more than four bedrooms that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter and Chapter 350-7.18, as amended. Short-Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

**Short-Term Rental License:** A license granted to a Short-Term Rental pursuant to this Chapter.

#### 215-44-1 Short-Term Rental License Required.

- A. In addition to the requirements contained in Chapter 350, the Owner of a Short-Term Rental must also possess a current and valid Short-Term Rental License for each Dwelling Unit used for Short-Term Rental, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

#### 215-44-2 Short-Term Rental License Application, Renewal, and Fees.

A. An application for, or renewal of, a Short-Term Rental License shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the license fee in the amount determined as part of the annual chart of accounts of the City of Geneva. Each Dwelling Unit used or advertised as a Short-Term Rental shall require a separate application for a Short-Term Rental License and payment of the associated license fee. The application shall be completed on a form provided by the City of Geneva, and shall include the following:

1. A list of all of Owner(s) of the Dwelling Unit, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
2. Completion of a signed and notarized affidavit by the Owner(s) certifying the following:
  - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
  - b. The number of parking spaces meets the zoning requirements set forth by Chapter 350-8.4 of the City Code;
  - c. There are no outstanding property taxes or tax liens associated with the Dwelling Unit, nor does the Owner owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;
  - d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
  - e. The Owner has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
  - f. The Owner will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti- discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
  - g. Designation by the Owner of a local person whose contact information will be made available to the City Code Enforcement Department and published in the City's Short-Term Rental database, and who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint from the City or community members within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of

the Short-Term Rental unit and taking immediate action to resolve any such complaints.

3. A site plan, drawn to scale, showing the location of the Dwelling Unit, surrounding buildings, and required parking. An accurate, suitable plan need not be prepared by a professional.
  4. A statement that the Dwelling Unit is served by a public sewer.
  5. Mobile Telephone numbers and email addresses of a local contact person(s), 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.
- B. The owner and any operator shall sign an authorization, valid for the Term of the Short-Term Rental License and any subsequent renewals, authorizing the City Code Enforcement Office to enter the Dwelling Unit upon twenty-four (24) hour notice to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the Short-Term Rental, as authorized by this section; and to verify the number of parking spaces meet the standards set forth in the City Code zoning requirements for a Dwelling Unit.
- C. Upon the filing of a complete Short-Term Rental License application with the City Code Enforcement Office together with the applicable fee, and all documents and information required by this Chapter, the City Code Enforcement Office shall have sixty (60) days to review the application and then either issue the Short-Term Rental License or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
- D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental upon twenty-four (24) hour notice for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the Short-Term Rental License, with or without conditions, or to not issue the Short-Term Rental License.
- E. Short-Term Rental License Provisions.
1. A Short-Term Rental License shall be obtained prior to using any Dwelling Unit as a Short-Term Rental.

2. A Short-Term Rental License shall be valid for two years from the issue date, and must be renewed upon expiration as long as the Dwelling Unit is used as a Short-Term Rental.
3. The Short-Term Rental License is transferable to a new Owner, so long as the Owner registers with the City, updates the Short-Term Rental License application, and agrees in writing to comply with the requirements of the Short-Term Rental License and these regulations.
4. If the conditions under which the Short-Term Rental License is issued are not maintained or these regulations are violated, the short-term rental license may be revoked as described in Section 215-44-4 and the Owner subject to the penalties of this Chapter and the penalties set forth below.

F. Short-Term Rental Licenses issued pursuant to this section shall state the following:

1. The names, addresses, and phone numbers of the subject Owner(s) and the local contact person with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Rental and taking immediate action to resolve any such complaints.
2. Identification of the number of and location of off-street parking spaces available and the amount required by the Code.
3. A statement that the Short-Term Rental License may be revoked for violations.
4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident.
5. Any conditions imposed by the City Code Enforcement Office.
6. The Short-Term Rental License expiration date.

G. The current Short-Term Rental License shall be prominently displayed inside and near the front entrance of the Short-Term Rental.

H. Application Denial. City Code Enforcement may decline a Short-Term Rental License application for any of the following reasons:

1. The application is incomplete, the documentation required is not included with the application, or the full license fee, in payment form acceptable for the City Clerk, is not included with the application.

2. A Short-Term Rental License issued to any of the Owners was revoked within the two years prior to the date of the application.
3. City Code Enforcement determines upon review of application or inspection that the Dwelling Unit is not in compliance with City Code.
4. The site plan required to be submitted with the application does not comport with the requirements of this section.

215-44-3 Owner & Tenant Responsibilities.

- A. The Owner(s) of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities.
- B. The Owner(s) of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner(s) must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each Dwelling Unit.
- D. It shall be the responsibility of the Owner to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner of the obligation to pay taxes and fees owed pursuant to this Chapter.
- E. With respect to the Dwelling Unit which the tenant occupies, controls or uses, the Owner(s) shall be responsible for the following standards:
  1. Occupancy limitations and the lawful use of a Dwelling Unit;
  2. Maintenance of the Dwelling Unit in a clean, safe and sanitary condition;
  3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
  4. Keeping exits in the Dwelling Unit free and clear of obstacles and debris;

5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short-Term Rental;
6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner;
7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the Dwelling Unit is designed to accommodate on-site parking) or off-site where parking adjacent to the Dwelling Unit is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental;
8. Ensuring that all occupants of the Dwelling Unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short-Term Rental shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.

F. Compliance with Other Laws. The Owner shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

215-44-4 Compliance, Hearings, and Penalties.

- A. Owners of Short-Term Rentals shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Short-Term Rental License issued pursuant to this Code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances. It shall be a violation of this Chapter to fail to comply with any standards and/or procedures set forth in this Section and/or Federal, State, or Local Law.
- C. The Zoning Coordinator or his designee shall be given access to the Dwelling Unit upon twenty-four (24) hour notice for the purpose of conducting an inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.



- D. Inspection Fee. Owners of a Short-Term Rental shall pay an inspection fee to be set by the City Council annually in their schedule of fees, to be assessed against the Dwelling Unit, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. The Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. Noise, nuisance, and parking violations. A Short-Term Rental License may be revoked upon repeated noise, nuisance, or parking complaints. Three (3) complaints relating to noise, nuisance, or parking at a licensed Short-Term Rental within twelve (12) consecutive months shall collectively constitute a first violation for the purposes of Section “G” below. Every subsequent three (3) complaints shall constitute an additional violation pursuant to Section G(2) and (3). Citations for noise, nuisance, or parking violations may be appealed to the Zoning Board of Appeals pursuant to Section 215-44-5 below.
- F. In the event that the Code Enforcement Office receives a complaint or determines that a violation exists, it shall inform the Owner of a Short-Term Rental License by written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days.
- G. Failure to remedy violations
1. Following the receipt of three (3) complaints relating to noise, nuisance, or parking, or expiration of the time period set forth in Section “F” above, the Owner of the Short-Term Rental unit shall be guilty of a violation and such Short-Term Rental License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
  2. The Owner of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
  3. The Owner of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner and the Dwelling Unit.
- H. An Owner that has a Short-Term Rental License revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner has demonstrated that all violations have

been corrected and that he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.

- I. Non-Permitted/Licensed Operation: No Owner shall operate a Short-Term Rental without a current Site Plan Approval, if required in the applicable zone, and a Short-Term Rental License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Owner by written correspondence, hand delivered or sent via first class mail to the address of the Dwelling Unit in question. The Owner will be given a warning with seventy-two (72) hours to cease operating the Dwelling Unit as a Short-Term Rental. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, or should the Dwelling Unit be operated as a Short-Term Rental without a Short-Term Rental License at any time thereafter, the Owner shall be in violation of this Chapter and be subject to the penalties listed below.

#### 215-44-5 Appeals.

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the Owner or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

#### 215-44-6 Penalty.

For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

- A. Any violation of either this article or chapter, as the case may be, shall be punishable as provided in § 1-17 of Chapter 1, General Provisions, of this Code.
- B. Notwithstanding the foregoing and in addition thereto, the City may bring an action for a mandatory injunction to compel compliance with the provisions of this chapter.

#### 215-44-7 Effective Date.

This Ordinance, amending the Geneva City Code shall take effect 150 days after adoption by the City Council.

All other sections of Chapter 215-44 not referenced or amended as set forth above remain unchanged.

Chapter 350-7.18, entitled “Short Term Rentals”, shall be amended as follows:

### **§ 350-7.18      SHORT-TERM RENTALS**

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

**B. Definitions.**

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

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

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

#### **D. General Requirements.**

1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Site Plan Review.
2. The property must have sufficient off-street parking spaces as required by Chapter 350-8.4 of the City Code.
3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
4. The maximum number of bedrooms that can be rented is limited to 4.
5. The maximum occupancy for each Short-Term Rental shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1.
6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the Short-Term Rentals in the City of Geneva must conform to what is allowed under this section, the Short-Term Rental License issued in accordance with Chapter 215-44 of the City Code, and contain a statement advising potential occupants that Short-Term Rentals are subject to Section 215-44 of the Geneva City Code.
8. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

**E. Short-Term Rental License Required.** The Operator of a Short-Term Rental unit must acquire and maintain in good standing a revocable Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code.

1. Where the district regulations of this Chapter require site plan review, issuance of such approval shall be required prior to issuance of a revocable Short-Term Rental License under Chapter 215-44.

All other sections of Chapter 350-7.18 not referenced or amended as set forth above remain unchanged.

Chapter 350-3.4, entitled “Use Lists”, shall be amended as follows:

§ 350-3.4

USE LISTS

Uses are allowed in residential districts in accordance with the following table.

- A. Uses identified with a "P" are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a "SP" may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a "-" are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.

LAND USE	LDR	MDR	LLR	MR	ADDITIONAL REGULATIONS
<b>Residential</b>					
Single- or Two-Family Dwelling	P	P	P	P	-
Multi-Family Dwelling, By Conversion	-	SP	-	SP	§350-7.14
Multi-Family Dwelling, Up to 6 Units	-	P	-	P	§350-7.14
Multi-Family Dwelling, 7 to 12 Units	-	-	-	P	§350-7.14
Multi-Family Dwelling, Over 12 Units	-	-	-	SP	§350-7.14
Fraternity or Sorority House	-	SP	SP	SP	-
Bed and Breakfast	SP	SP	SP	SP	§350-7.7
Short-Term Rental	P	P	P	P	§350-7.18
Home Occupation (including Day Care)	P	P	P	P	§350-7.12
Hospice, Nursing Home, or Assisted Living	-	SP	-	SP	-
<b>Commercial</b>					
Day Care Center, Child or Adult	-	-	-	SP	§350-7.8
Dance, Art, Music, or Photo Studio	SP <sup>1</sup>	SP <sup>1</sup>	-	-	-
Office, Administrative or Professional	-	SP	-	SP	-
<b>Other</b>					
Agricultural Operation	-	-	P	-	-
Community or Service Club	-	SP	-	SP	-
Cultural Facility, such as Museum	-	-	P	-	-
Municipal Structure or Use	-	SP	-	SP	-
Place of Worship	P	P	P	P	-
Public Park or Playground	P	P	P	P	-
School, Public or Private	P	P	P	P	-
Telecommunications Facility	-	-	-	-	-
<b>Accessory</b>					
Accessory Use or Structure	P	P	P	P	§350-7.4
Accessory Dwelling Unit	SP	SP	SP	SP	§350-7.3
Keeping of Animals	SP	SP	SP	-	§350-7.13

All other sections of Chapter 350-3.4 not referenced or amended as set forth above remain unchanged.

Chapter 350-4.4, entitled “Use Lists”, shall be amended as follows:

**§ 350-4.4 USE LISTS**

Uses are allowed in business districts in accordance with the following table.

- A. Uses identified with a “P” are permitted as-of-right, subject to compliance with all other applicable standards of this zoning law.
- B. Uses identified with a “SP” may be allowed with the issuance of a special use permit (see Article 14 for review and application procedures).
- C. Uses identified with a “-” are expressly prohibited.
- D. Uses otherwise not identified in this Section may be permitted by right or with the issuance of a special use permit if the CEO deems such use to be similar in nature, activity, intensity and/or extent to a use that is already listed.
- E. In the GB District it may be permissible to locate more than one primary structure or use on a lot, provided the location and arrangement of such uses is approved as part of development plan review.

LAND USE	GB	NB	CB, CB-5	ADDITIONAL REGULATIONS
<b>RESIDENTIAL</b>				
<i>Single- or Two-Family Dwelling</i>	-	P	-	-
<i>Multi-Family Dwelling, Up to 6 Units</i>	P	P	P	§350-7.14
<i>Multi-Family Dwelling, 7 to 12 Units</i>	P	SP	P	§350-7.14
<i>Multi-Family Dwelling, Over 12 Units</i>	SP	-	SP	§350-7.14
<i>Bed and Breakfast</i>	P	SP	P	§350-7.7
<i>Short-Term Rental</i>	P	P	P	§350-7.18
<i>Home Occupation</i>	P	P	P	§350-7.12
<i>Upper-Floor Dwelling Units or Lofts</i>	P	P	P	-
<b>COMMERCIAL</b>				
<i>Animal Grooming Shop</i>	P	P <sup>1</sup>	P	§350-7.6
<i>Dance, Art, Music, or Photo Studio</i>	P	P <sup>1</sup>	P	-
<i>Day Care Center, Child or Adult</i>	P	P	P	§350-7.8
<i>Financial Institution</i>	P	P <sup>1</sup>	P	-
<i>Funeral Home or Parlor</i>	SP	SP	-	-
<i>Gasoline Service Station</i>	SP	-	-	§350-7.11
<i>Gym or Fitness Club</i>	P	P <sup>1</sup>	P	-
<i>Hotel or Inn</i>	P	-	P	-
<i>Laundromat or Dry Cleaner</i>	P	P <sup>1</sup>	P	-
<i>Office, Administrative or Professional</i>	P	P	P	-
<i>Office or Clinic, Medical</i>	P	SP	P	-
<i>Personal Service Shop or Spa</i>	P	P <sup>1</sup>	P	-
	P	SP	P	-

Recreation or Entertainment Facility, Indoor	P	P <sup>1</sup>	P	-
Repair or Service of Personal Items	P	SP	P	§350-7.17
Restaurant or Tavern	P	SP	P	-
Retail Store	SP	-	-	§350-7.23
Vehicle Sales, Service, or Repair Shop	P	SP	SP	§350-7.6
Veterinary Clinic	P	-	P	§350-7.22
<b>OTHER</b>				
Municipal Structure or Use	P	P	P	-
Museum or Library	P	P	P	-
Community or Service Club	P	P	P	-
Place of Worship	P	P	P	-
Public Park or Playground	P	P	P	-
School, Public or Private	SP	SP	SP	-
Telecommunications Equipment	SP	SP	SP	§350-7.20
Mix of Uses in a Single Structure or Lot	Refer to Each Use			
Permitted Uses Over 2,000 Square Feet	N/A	SP	N/A	-
<b>ACCESSORY</b>				
Accessory Use or Structure	P	P	P	§350-7.4
Accessory Dwelling Unit	-	SP	-	§350-7.3
Drive-Through Facility	P	-	SP	§350-7.9
Outdoor Assembly or Seating Area	P	SP	P	§350-7.15
Outdoor Sales, Display, or Storage Area	P	P	P	§350-7.15
Temporary Storage Unit	P	P	P	§350-7.21

**NOTE:** (1) Provided the use occupies a gross floor area of no more than 2,000 square feet.

All other sections of Chapter 350-4.4 not referenced or amended as set forth above remain unchanged.

Chapter 350-8.4, entitled “Minimum Off Street Parking Requirement”, shall be amended as follows:

## § 350-8.4 OFF-STREET PARKING MINIMUMS

### A. Determination of Requirements.

1. The requirement for a single use (e.g. a retail store) shall be determined directly from this section, unless otherwise noted within this Chapter.
2. The requirements for a combination of uses made up of multiple permitted or specially permitted uses (e.g. a retail store with an office building) shall be determined by establishing the requirement for each single use and adding them together, unless otherwise provided for in this Article.
3. Any use requiring ½ or more of a parking space shall be deemed to require the full space.
4. If the use is not specifically listed in the schedule of such

requirements, the requirement shall be the same as for the most similar listed use as determined by the CEO.

5. The maximum number of parking spaces allowable for any use is not to exceed 125% of the minimum requirement, unless otherwise approved as part of development plan review.
6. The minimum parking requirement may be reduced as part of development plan review if the applicant can make permanent arrangements for shared parking with other uses or can otherwise prove that the parking standards are excessive for the particular use proposed.
7. The minimum parking requirement may be increased as part of development plan review if it is deemed necessary to protect the health, safety, and general welfare of the public.

**B. Central Business District.** In the CB and CB-5 Districts off-street parking spaces shall be provided in accordance with the following table.

LAND USE	MINIMUM SPACES (CB & CB-5 Districts)
<i>Residential</i>	<b>1 per dwelling unit</b>
<i>Lodging</i>	<b>1 per room</b>
<i>Other</i>	<b>3 per 1,000 square feet of gross floor area</b>

**C. CB District Exemptions.** No existing building within the CB and CB-5 Districts shall be required to provide additional off-street parking except when the building footprint is expanded. In such case, the required amount of additional off-street parking required shall be based on the additional building area.

**D. All Other Districts.** Off-street parking spaces shall be provided in all zoning districts, except the CB and CB-5 Districts, in accordance with the following table.

LAND USE	MINIMUM SPACES
<b>RESIDENTIAL</b>	
<i>Dwelling</i>	<b>1 per dwelling unit</b>
<i>Bed &amp; Breakfast</i>	<b>1 per room</b>
<i>Nursing Home or Adult Care Facility</i>	<b>0.50 per room + 0.50 per employee<sup>1</sup></b>
<i>Short-Term Rental</i>	<b>1 per dwelling unit</b>
<b>BUSINESS &amp; COMMERCIAL</b>	
<i>Brewery or Distillery</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Dance, Art, Music, or Photo Studio</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Funeral Home or Mortuary</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Gasoline Service Station or Car Wash</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Gym or Health Club</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Lodging</i>	<b>1 per guest room + 0.50 per employee<sup>1</sup></b>
<i>Office, Administrative or Professional</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
	<b>3 per 1,000 square feet<sup>2</sup></b>



<i>Office or Clinic, Medical</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Personal Service Shop</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Recreation Facility, Indoor or Outdoor</i>	<b>4 per 1,000 square feet<sup>2</sup></b>
<i>Restaurant, Bar, or Tavern</i>	<b>3 per 1,000 square feet<sup>2</sup></b>
<i>Retail Store</i>	<b>2 per employee<sup>1</sup></b>
<i>Vehicle Sales<sup>3</sup></i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<b>Industrial</b>	
<i>All Uses</i>	<b>1 per employee<sup>1</sup></b>
<b>Other</b>	
<i>Hospital</i>	<b>1 per bed + 1 per employee<sup>1</sup></b>
<i>Licensed Daycare Facility</i>	<b>1 per employee<sup>1</sup></b>
<i>Place of Public Assembly</i>	<b>2 per 1,000 square feet<sup>2</sup></b>
<i>Place of Worship</i>	<b>1 per 3.5 seats</b>
<i>School, Public or Private</i>	<b>2 per classroom + 1 per employee<sup>1</sup></b>
<i>School, Occupational or Skill Training</i>	<b>1 per 3 students + 1 per employee<sup>1</sup></b>

- NOTES:** (1) "Per employee" requirements shall be based on the maximum shift.  
(2) As measured by the gross floor area of the primary structure of the proposed use.  
(3) Minimum parking requirement does not include the spaces devoted to storage of vehicles to be sold.

All other sections of Chapter 350-8.4 not referenced or amended as set forth above remain unchanged.

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Short Term Rental Zoning Ordinance Update			
Project Location (describe, and attach a location map): City of Geneva - City Wide			
Brief Description of Proposed Action: The City of Geneva is proposing a zoning ordinance amendment that makes several administrative corrections and adjustments as well as making 2 main changes in the regulatory requirements for Short Term Rental properties. Previously STR uses required both a license and a Special Use Permit. The proposal is to remove the Special Use Permit requirement and make the use permitted subject to the license requirement. The update also changes the parking requirement to match the requirement of residential uses (1 per dwelling unit) rather than matching the bed and breakfast requirement (one per rented bedroom).			
Name of Applicant or Sponsor: City of Geneva		Telephone: 315-835-0436 E-Mail: dwest@geneva.ny.us	
Address: 47 Castle St.			
City/PO: Geneva		State: NY	Zip Code: 14456
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/>
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?  b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	NO YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>



Narrative description of the intent of the proposed action and the environmental resources that may be affected:

The City of Geneva's proposed amendments to the zoning ordinance with regard to Short Term Rentals is intended to clarify some administrative sections of the ordinance regarding the permitting and licensing process for Short Term Rental properties. These changes update the ordinance that was adopted in December of 2023 but has yet to be fully implemented due to some challenges in the process that was originally conceived and feedback from the community and Ontario County Planning Board.

The substantive components of the update include making Short Term Rental a use that is allowed by right where it was previously (briefly) allowed by Special Use Permit. The City determined that the newly created licensing requirements and the requirements of special use permit review were burdensome and duplicative; and that the health, safety, and welfare of the community can be adequately protected with the license system alone. Further, the City found that Short Term Rentals have not resulted in significantly more parking usage than a typical residential unit and therefore is adopting requirements in line with that use/demand level to avoid creating unnecessary nonconformity among existing STR uses and to keep regulations in line with expected impacts.

The proposal is not expected to have an impact on any environmental resources, the lead agency should review and elaborate on the potential for impacts to character and quality of the existing community, to land use intensity, to traffic, and to historic architectural resources in Parts 2 & 3.

Project: STR Zoning Ordinance Amendment

Date: 5/30/2024

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### *Short Environmental Assessment Form Part 3 Determination of Significance*

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The updates to the STR section of the zoning ordinance are mostly administrative, the two substantive changes - allowing STR with a license but no Special Use Permit, and allowing a smaller amount of off-street parking are not likely to have a negative environmental impact. The City of Geneva currently has around 130 operating short term rentals without an licensing or permitting system having been in place and with no parking requirement greater than the residential requirements for the homes. The City added increased requirements in a recent zoning update but had not implemented those requirements due to administrative hurdles.

Essentially, the change currently under review will create regulations more in line with the existing reality on the ground in terms of parking. STRs do not create significantly more parking demand than a residence, so reverting the the residential requirement will not have traffic implications.

We expect that the licensing system will create greater accountability and may reduce the number of STR properties slightly. Allowing use of a residence as STR does not increase the number of dwelling units allowed on a lot and will not increase the density beyond what is currently allowed.

The imposition of a revocable license system with various nuisance limitations should keep any potential negative impacts to the character and quality of neighborhoods in check limiting them to no or small impact.

STR of residential units has had a positive impact in preserving historic buildings in the city as it creates revenue to support these expensive to maintain built assets.

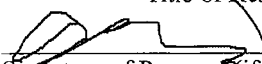
Carefully allowing Short Term Rentals is in conformity with the City's plans including the Comprehensive Plan, the Downtown Full Occupancy initiative, and other investment priorities.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

City of Geneva 6//5/2024  
 \_\_\_\_\_  
 Name of Lead Agency Date

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

  
 Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**