

# MEMORANDUM

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**TO:** Sage Gerling, City Manager  
City of Geneva

**FROM:** Molly Gaudioso, AICP  
Barton & Loguidice – Rochester, NY

**RE:** **ASSESSMENT OF THE CITY'S ZONING CODE (CHAPTER 350)**

**DATE:** September 13, 2019 (revised October 11, 2019)

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We have prepared this memorandum to serve as a formal assessment of the City of Geneva's Zoning Code (Chapter 350). The purpose of this assessment is trifold:

1. It will help to summarize the issues and opportunities associated with the code update;
2. It will facilitate a common understanding of proposed solutions and anticipated code amendments; and
3. It will guide our approach as we begin to review and revise specific zoning code sections.

Based upon our preliminary review of the code language, input from the Zoning Workshop, recommendations of previous plans and studies, and feedback from the Steering Committee, we offer the following assessment of the City's current code. This assessment is intended to synthesize the input provided in Tasks 1 and 2 of the zoning revision process and serve as the deliverable for Task 3 as outlined in the project scope of work.

Originally implemented in 1968, the City of Geneva Zoning Code still reflects many of the land use regulatory practices of its time. The code was amended as necessary over the years to respond to the changing needs and preferences of the community. Although previous piecemeal amendments have served the City in the interim, this update process will allow for a more comprehensive review and restructuring of the code.

## STAKEHOLDER INTERVIEWS

On May 2, 2019, a workshop was held with representatives from the Revolving Loan Fund (RLF), Local Development Corporation (LDC), Industrial Development Agency (IDA), and Business Improvement District (BID). The workshop began with presentations about the code update process and timeline, a history of planning in Geneva, and an outline of planning strategies. A discussion was then facilitated concerning the strengths and weaknesses of the community, what trends and opportunities these representatives saw in the current state of the city, and their experience with the currently instituted code. Some of the key takeaways were:

- There is returning interest in urban and downtown living and shared residency
- The current code is too restrictive in most areas, preventing business development
- The new code should take into account things like infill housing, new housing types
- The issue of what to do with the waterfront still needs more study

On May 15, 2019, a similar workshop was held with the Review Board members. These members represented the Planning Board, Zoning Board of Appeals, and the Historic Districts and Structures Commission. Some of the key takeaways from this meeting were:

- Increasing property values have led to outside investment and absentee landlords
- Short-term rentals such as AirBnB are not addressed in the current code
- Minimum living space requirements need to be changed to increase interest in downtown living and investment into buildings
- Provisions should be made to allow for use of existing commercial space in residential areas, but conversion and new commercial construction should not be allowed
- Updates to sign code are needed

Additional notes from these interviews may be found in the Stakeholder Interview Summary provided as an addendum to this memorandum.

## ZONING WORKSHOP & COMMUNITY PREFERENCE SURVEY

On May 29, 2019, a Zoning Workshop was held to inform the public of this update effort and solicit input on current community development preferences and perceived issues with the code. The Workshop hosted 44 attendees and began with a presentation describing the update process, as well as some basic information regarding the history of zoning in the United States and in the City of Geneva. Following this, attendees were led through a Community Preference Survey (CPS), in which a total of 65 non-local images of varying development styles were presented. The attendees ranked each image based on its desirability in the context of the City. The results of the Workshop presented issues and opportunities in the existing code, as well as a sense of the desired character of the City based on the CPS results.

The results of the CPS indicate that residents have a strong opinion on the appropriate development character for the City of Geneva. The trends of the CPS confirmed the residents' preference for a walkable community as the high scoring images all pictured sidewalks, buildings set close to the street, landscaping, street trees, and an inviting pedestrian environment. The lowest scoring images included developments and streetscapes with vast expanses of uninterrupted pavement, no sidewalks, and buildings lacking visual interest and traditional architectural detailing. The scores for each CPS image are included in the Public Input Summary attached to this memorandum.

The CPS also indicated that residents were supportive of implementing or strengthening zoning regulations to ensure that future investment is consistent with their design and development preferences. These design elements included:

- Codifying stronger design standards and guidelines for commercial development
- Implementing Landscaping and Screening Requirements
- Creating and enforcing design standards for residential development
- Promoting Mixed-Use Development
- Ensuring the code supports pedestrian and bicycle connectivity and enhanced streetscapes
- Regulating signage to ensure consistency with the City character and compliance with the 1<sup>st</sup> Amendment

The results of the regulatory preference questions conducted with the CPS may also be found in the summary attached to this memorandum.

## PREVIOUS PLANS & STUDIES

Several documents were completed prior to this zoning code update effort that include recommendations to revise land use and development regulations within the City. The most relevant documents include the:

- City of Geneva Comprehensive Plan, 2016
- City of Geneva Active Transportation Plan, 2017

These documents have considered what improvements and new or enhanced elements are necessary for the success of the City in creating a healthy, vibrant community. Reviewing these documents has highlighted the key goals of Geneva regarding future development in the City. These values include, but are not limited to:

- Creating a form-based or hybrid code to guide future development
- Diversifying the City's housing stock to include higher density residential living
- Protecting existing residential neighborhood character
- Further investment and redevelopment in the central business district and along commercial corridors
- Enhance interest in downtown living
- Increasing bicycle and pedestrian transportation and decreasing car usage
- Providing safe and comfortable infrastructure for bicycles
- Removing parking minimums and possibly instituting parking maximums
- Promoting connectivity and walkability throughout the City
- Enhancing connectivity and job access
- De-suburbanizing key corridors such as Hamilton Street / Routes 5 & 20

- Encouraging investment and economic development through updates to local policy and land use regulations

Below we have summarized the most significant implications to this code update from the City’s Comprehensive Plan.

**CITY OF GENEVA COMPREHENSIVE PLAN**

Per New York State Law, a community’s land use regulations are required to be brought into conformance with any new adopted or updated Comprehensive Plan. Therefore, it is essential to review the goals and objectives of the existing Comprehensive Plan for the City of Geneva in order to have a greater understanding of necessary amendments to zoning code.

The 2016 Comprehensive Plan highlights the current zoning districts and potential improvements to the code to better align these districts with the goals of the community. The table below outlines the potential changes identified in the comprehensive plan for each Zoning District. As the table indicates, there are several areas where the current zoning is inconsistent with and contradictory to the future land use vision for that district.

DISTRICT NAME	RECOMMENDED CHANGES
R-1 Residential	Prohibit hospitals, allow for home occupations
B-1 Business	Rezone areas with high residential concentration (prohibited use) or allow residential uses
B-2 Business	Codify blank/ambiguous rear yard setback to equal zero setback
X Parks-Open Space	Expand to include more current parks
H Highway	Allow business uses currently permitted by B-1 and B-2 Districts
F Industrial	Consider rezoning parts to R-2 District or adapt district to permit mixing of uses and flexibility for investment
H-R Historic Residential	Identify any new properties for inclusion into district
LF-R Lakefront Residential	Refine and/or rezone as X District, based on public input
AT Agricultural Technology	Consider rezoning to accommodate development where desired
TUDD Traditional Urban Design	Convert design criteria from recommendations to requirements, where desirable

The comprehensive plan also identifies several general recommendations for the zoning code, such as:

- Remove the illegal prohibition on mobile homes
- Redefine home occupations and consider expanding areas in which they are permitted
- Decrease minimum living space requirements to better serve demographic shifts, encourage adaptive reuse, and provide alternatives for affordable housing

- Consider reducing or eliminating minimum off-street parking requirements
- Establish bicycle parking requirements
- Re-evaluate list of prohibited industrial uses due to technological and process changes
- Allow Accessory Dwelling Units in MR and MR-HD Districts
- Allow beekeeping

These amendments will help to bring the zoning code in line with the goals of the comprehensive plan and help to lead to the desired outcomes of future developments.

## ISSUES SUMMARY

We have noted a series of issues with the existing code as a part of this preliminary review. These issues can be grouped into two categories: Zoning Districts and Development Standards. The issues identified typically address either organizational issues with the code, or content issues. Below we have provided a summary of the issues that will be addressed as a part of the update.

### ZONING DISTRICT ISSUES

#### Organization

- Dimensional regulations are primarily presented in tabular format in schedules, but not for all districts.
- Districts that are defined in the code text are not all defined in the same section.
- Business, residential, and open space districts are not defined within the code text.
- Lakefront districts have a dedicated section, and reference a separate document (1987 Lakefront Zoning District Master Plan) for more information, this should be included in code or provided for reference.
- Legal definitions take up over 16 pages of the document.

#### Content

- Most districts do not have purpose statements or definitions, which allow residents, applicants, and administrators of the code to be more informed of the intent and applicability of the district.
- Many parcels are split into two or more separate districts, making it difficult to interpret true district limits. This leads to complicated standards to define which guidelines must be followed within a parcel, and boundaries should be edited to follow lot lines.

## DEVELOPMENT STANDARDS ISSUES

### Organization

- Building standards are haphazardly listed in the district regulations.
- Development standards such as landscaping and off-street parking requirements are lumped together under the broad title "Supplementary Regulations."
- Development standards and use requirements are intermixed throughout the zoning code (e.g. parking and signage requirements listed in both "Supplemental Regulations" and "Lakefront District Planned Unit Development").

### Content

- Parking requirements are very high, and the comprehensive plan recommends them to be removed or adjusted to suit a more urban environment.
- The code does not require bicycle parking, which is a goal outlined in the comprehensive plan.
- Minimum residential lot sizes are inconsistent with the built environment of the city, making the majority of existing single-family lots nonconforming.
- Design guidelines are provided in a separate document and are inconsistently referenced throughout the code.
- The Traditional Urban Design District has no design requirements for development beyond minimum lot coverage and general requirements for buildings to face the street. There is also no procedure for design review in the district.
- Historic Districts section does not have any design standards for the Historic Districts and Structures Commission to use as a base for review.

## OPPORTUNITIES / SOLUTIONS SUMMARY

In order to address the issues identified in the previous section, we recommend implementing the following solutions for the organization and content of the updated zoning code. Opportunities to improve the clarity and consistency of the code will remain a priority, while we will also incorporate amendments that better align the City's land use regulations with the community's values and requirements of NYS Law.

## ZONING DISTRICT OPPORTUNITIES

### Organization

- Reorder articles to be organized by topic area (see tables starting on page 8).
- Group districts and their requirements by classification (i.e. residential, commercial, and industrial).
- Incorporate use and dimensional regulation tables including all districts to reduce the number of pages listing district requirements.
- Reorganize redundant and scattered special use regulations into a single article for ease of reference.

- Update current listing of special permit uses to include common uses of concern.

### **Content**

- Review the zoning districts to determine their character and intent as it relates to existing and desired future development patterns within Geneva. Each zoning district will be updated to include a clear and defensible purpose statement to support its applicability and tie in the vision of the updated Comprehensive Plan.
- Review the City zoning map alongside the future land use map from the 2016 Comprehensive Plan to ensure each district is properly allocated in accordance with its stated purpose, use, design, and character.
- Review and revise district dimensional and bulk requirements to ensure consistency with the character and intent of each area. Incompatible requirements, such as excessive minimum lot and setback requirements in residential areas, will be adjusted.
- Rezone underutilized or undeveloped industrial areas as mixed use or residential.
- Update definitions of uses and ensure they are referenced consistently.
- Remove subjective wording in district regulations.

## **DEVELOPMENT STANDARDS OPPORTUNITIES**

### **Organization**

- Remove development standards such as landscaping and off-street parking requirements from Article VI (Supplementary Regulations) and move into a separate development standards article.
- Utilize graphics to assist readers in visualizing design standards and guidelines.

### **Content**

- Incorporate existing design guidelines within code for ease of reference and enforceability.
- Strengthen the language of the TUDD and Lakefront guidelines to provide measurable standards for building, lot, and site design.
- Incorporate guidelines for sustainable design and green infrastructure in the development standards.
- Provide for increased landscaping and screening requirements, especially for uses adjacent to residential areas.
- Consider need for transitional design and/or development standards for commercial buildings, lots, and uses to ensure compatibility with neighborhoods.

## ANTICIPATED REVISIONS BY SECTION

The specific language and content of the revisions to the zoning code will ultimately be determined as this project progresses through discussions with the Steering Committee. However, we have provided a preliminary outline of our approach and anticipated amendments in the tables on the following pages.

PROPOSED ARTICLE STRUCTURE (Existing Sections Referenced)	AMENDMENTS ANTICIPATED
<b>ARTICLE 1: INTRODUCTORY PROVISIONS</b>	
Article I	<ul style="list-style-type: none"> <li>• Refine and update establishment language for NYS Law consistency</li> <li>• Review and amend definitions</li> </ul>
<b>ARTICLE 2: RESIDENTIAL DISTRICTS</b>	
§ 350-6 § 350-26 § 350-31	<ul style="list-style-type: none"> <li>• Review and revise districts, create purpose statements and update use lists</li> <li>• Create tables of use and dimensional requirements by district</li> <li>• Ensure dimensional/bulk requirements fit existing and desired development pattern</li> <li>• Reference development standards where applicable</li> </ul>
<b>ARTICLE 3: COMMERCIAL DISTRICTS</b>	
§ 350-6 § 350-31 § 350-33	<ul style="list-style-type: none"> <li>• Review and revise districts, create purpose statements and update use lists</li> <li>• Create tables of use and dimensional requirements by district</li> <li>• Ensure dimensional/bulk requirements fit existing and desired development pattern</li> <li>• Adjust use, building, and lot requirements to reflect traditional mixed use development pattern</li> <li>• Reference development standards where applicable</li> </ul>
<b>ARTICLE 4: INDUSTRIAL DISTRICTS</b>	
§ 350-6 § 350-7 § 350-26 § 350-31	<ul style="list-style-type: none"> <li>• Review and revise districts, create purpose statements and update use lists</li> <li>• Create tables of use and dimensional requirements by district</li> <li>• Ensure dimensional/bulk requirements fit existing and desired development pattern</li> <li>• Reference development standards where applicable</li> <li>• Review and update list of prohibited industrial uses to reflect modern practices</li> </ul>
<b>ARTICLE 5: SPECIAL PURPOSE &amp; OVERLAY DISTRICTS</b>	
Article III Article IV § 350-26.3 § 350-31 § 350-55 § 350-56 § 350-57	<ul style="list-style-type: none"> <li>• Relocate Lakefront, TUDD, Open Space and other special purpose districts to this section</li> <li>• Create tables of use and dimensional requirements by district</li> <li>• Reference design and development standards where applicable</li> <li>• Review applicability of Historic District and role in zoning code</li> <li>• Amend language to make TUDD compulsory instead of advisory</li> <li>• Consider creation of floodplain overlay district or other protection zones in critical environmental areas</li> </ul>

PROPOSED ARTICLE STRUCTURE (Existing Sections Referenced)		AMENDMENTS ANTICIPATED
<b>ARTICLE 6: ADDITIONAL USE REGULATIONS</b>		
Article XI § 350-28 § 350-29 § 350-32		<ul style="list-style-type: none"> <li>• Move sections of special use regulations into one article</li> <li>• Update list of uses to reflect modern concerns and land use practices (ex. Gas stations, breweries, accessory dwelling units)</li> </ul>
<b>ARTICLE 7: OFF-STREET PARKING, LOADING, &amp; ACCESS MANAGEMENT</b>		
§ 350-25		<ul style="list-style-type: none"> <li>• Decrease and/or eliminate minimum parking requirements</li> <li>• Consider desirability of a "district based" parking standards</li> <li>• Enhance parking and loading design standards</li> <li>• Add bicycle parking requirements</li> <li>• Include provisions for access management control</li> <li>• Encourage shared and/or joint parking facilities</li> <li>• Require multi-modal connectivity both internally and externally to development sites</li> </ul>
<b>ARTICLE 8: LANDSCAPING &amp; SCREENING</b>		
		<ul style="list-style-type: none"> <li>• Establish landscaping regulations for nonresidential and multi-family development, including perimeter and building foundation plantings</li> <li>• Incorporate a landscape plan as part of site plan review</li> <li>• Encourage and/or require green infrastructure and sustainable practices in site plans to address stormwater and other concerns (ex. Permeable pavement)</li> <li>• Identify minimum landscaping and screening requirements for parking areas, dumpsters, etc.</li> </ul>
<b>ARTICLE 9: BUILDING DESIGN STANDARDS</b>		
Chapter 351		<ul style="list-style-type: none"> <li>• Translate design guidelines into measurable, enforceable code language</li> <li>• Specify façade, storefront, window, orientation, entrance, etc. requirements for structures, where desirable</li> <li>• Consider applicability of historic district based design standards (specific to historic structures and their reuse/rehab)</li> <li>• Further clarify level of design criteria for residential versus nonresidential structures</li> </ul>
<b>ARTICLE 10: SIGNS</b>		
§ 350-30		<ul style="list-style-type: none"> <li>• Locate all sign requirements in one article for ease of reference</li> <li>• Revise regulations to ensure a content neutral approach</li> <li>• Utilize revised district framework to permit signs by desired type</li> </ul>
<b>ARTICLE 11: ADMINISTRATIVE PROCEDURES</b>		
Article IV	§ 350-58	
Article VII	§ 350-59	
Article VIII	§ 350-60	
§ 350-10	§ 350-61	<ul style="list-style-type: none"> <li>• Not reviewing/updating at this time – Recommended for a future project</li> </ul>
§ 350-27	§ 350-62	
	§ 350-63	