

ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, AUGUST 15, 2023, 7:00 PM
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUALLY: <https://us06web.zoom.us/j/84936309067>
LIVE STREAM: <https://fingerlakestv.org/live/>

Environmental Committee: Karen White, Chair
Sim Covington, Jr.
Erich Dittmar

1. Sucker Brook Flooding and Joint City/Town Meeting

Watershed Program Manager Kevin Olvany of the Canandaigua Lake Watershed Council will present and discuss the existing studies, work that has been done, and suggestions to move forward. Note that Resolution #2023-099 requested a joint City Council and Town Board meeting to discuss flood mitigation. The Town is also requesting such a meeting at their 8/21 Town Board. The joint Town/City meeting has been scheduled for September 20th at 6 p.m., Town Hall.

2. Updated Fee Schedule – Towing Fees

At the June 6th Finance Committee, the City Manager and Chief of Police recommended updating the fee schedule for towing which has remained unchanged for 12 years as towing companies requested that the fee be adjusted to account for increased cost and to be in line with Ontario County and the City of Geneva. The fee schedule update was not adopted and recently the towing companies requested to speak with the City Council about the rates. They have been invited to present before the committee.

3. Ontario County Arts, Culture and Recreation Grant

Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19.” The County extended their submission deadline to 8/16 and Wood Library reached out the City for a Resolution of Support for their application. Wood Library is requesting \$10,000 to support The Reading Garden project. After some resident feedback, Councilmember Uebbing requested further discussion regarding City Staff’s original grant application proposal to pave park paths.

Ordinance Committee: Erich Dittmar, Chair
Sim Covington, Jr.
Karen White

1. Parking on Howell Street near Sonnenberg

Parking is currently restricted along the north side of Howell from Park Street to Charlotte Street. Due to parking complaints from Howell Street residents, City Staff recommended changing the current parking restriction by restricting parking on the south side instead. The Ordinance Committee discussed the matter and recommended allowing parking on both sides of the street and an ordinance was introduced at the last City Council meeting where residents of Howell Street also spoke requesting that the Council reconsider and follow the original recommendation.

2. Updates to Permitted Shed Size

Of the 20 area variance applications for increases to shed size, in the past ten years, 19 were granted. With that in mind, the Zoning Board of Appeals has recommended that the minimum size of sheds or *Residential Storage Structures* be increased from 165 square feet to 240 square feet.

4. Dumpster Enclosures

City Code Enforcement has been addressing increased complaints of unscreened dumpsters. The main issue is unscreened dumpsters creating a nuisance to adjacent properties and basic unsightliness for the public. Our current law only requires dumpster enclosures if the property borders a residential parcel. City Staff recommends amending the ordinance to require enclosures regardless of the zoning district.

3. Short Term Rentals

Ordinance #2023-005 Amending the Zoning Ordinance with Regard to Short-Term Rentals and Bed and Breakfast Establishments was presented to Council at the 8/3 meeting and sent back to Ordinance for further discussion.

Next Meeting: September 19th

DRAFT
RESOLUTION #2023-100
A RESOLUTION OF SUPPORT FOR THE WOOD LIBRARY TO APPLY FOR FUNDS
THROUGH THE ONTARIO COUNTY ARTS, CULTURE AND RECREATION GRANT
PROGRAM

WHEREAS, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

WHEREAS, Wood Library is requesting grant funds for the Reading Garden project; and

WHEREAS, Wood Library provides year-round opportunities for citizens in the community with the Reading Garden adding additional outdoor educational space; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Canandaigua recognizes and fully supports Wood Library’s submission to the Ontario County Arts, Culture and Recreation Grant Program for the Reading Garden,

BE IT FURTHER RESOLVED, that a certified copy of the resolution will be provided to the Maria Bucci, representative from Wood Library.

ADOPTED this 7th day of September, 2023.

ATTEST:

Erin VanDamme
City Clerk

DRAFT
RESOLUTION #2023-101
A RESOLUTION OF SUPPORT AND AUTHORIZATION FOR THE CITY OF
CANANDAIGUA TO APPLY FOR FUNDS THROUGH THE ONTARIO COUNTY ARTS,
CULTURE AND RECREATION GRANT PROGRAM

WHEREAS, Ontario County has established a grant program utilizing a portion of its Federal American Rescue Plan Act funds “to assist projects that develop or expand arts, cultural and recreational opportunities as the community recovers from COVID-19” and businesses, non-profits and municipalities are eligible to apply; and

WHEREAS, City Staff would like to apply to pave park path at Baker Park as our parks saw a large increase of usage during COVID-19 as outdoor recreation activities became an outlet; and

WHEREAS, paving the paths will allow for multi-model options allowing for more usage with an improved surface and also allowing for year-round use as they can be more easily cleared of snow and ice; and

WHEREAS, the total cost of paving the pathways is approximately \$94,000 and the application would be for \$94,000 with the local match portion, 25% at \$23,500, coming from the City’s Parks and Open Space Fund; and

WHEREAS, the City of Canandaigua meets the eligibility requirements as a municipality in Ontario County; and

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Canandaigua identifies the City Manager as the authorized representative for the project, able to execute necessary documents relative to and as required for this application; and

BE IT FURTHER RESOLVED, that City Council does hereby agree to provide at least a 25% match of the total project cost, such that applying for the \$94,000 will require a minimum of \$23,500 in local match from the Parks and Open Space fund to be appropriated in the 2024 Budget;

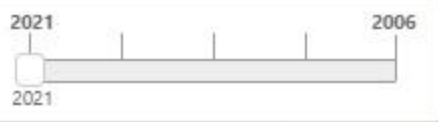
BE IT FURTHER RESOLVED, that the City of Canandaigua recognizes and fully supports the submission of the Ontario County Arts, Culture and Recreation Grant Program to pave the park path at Baker Park.

ADOPTED this 7th day of September, 2023.

ATTEST:

Erin VanDamme
City Clerk

ant to...



1:500

WASHINGTON ST

193

29.03 ft

Total: 29.03 ft

City of Canandaigua

Zoning Board of Appeals

Joseph Bader
Chairperson

Phone (585) 337-2180
Fax: (585) 919-0605

DATE: July 24, 2023

FROM: Richard Brown, on behalf of the Zoning Board of Appeals

TO: Canandaigua City Council

RE: Proposal to Increase the Size of Residential Storage Structures

At its regular meeting of July 19, 2023, the Zoning Board of Appeals discussed the permitted size of Storage Structures (i.e., sheds) in residential zone districts. Currently these are limited to 165 square feet (§850-30.B.4)

Over the last 10 years, the ZBA has reviewed 20 applications for Area Variances to this requirement. 19 of these applications were approved.

The Zoning Board of Appeals recommends that the minimum size of Residential Storage Structures be increased from 165 square feet to 240 square feet.

App. #	Size shed requested	Decision of the ZBA
23-094	288 SF	Approve
23-018	288 SF	Approve
22-316	240 SF	Approve
21-099	240 SF	Approve
21-104	240 SF	Approve
20-149	576 SF	Approve
20-093	288 SF	Approve
19-207	200 SF	Approve
18-092	360 SF	Approve
17-323	200 SF	Approve
16-282	288 SF	Approve
16-275	200 SF	Approve
16-226	240 SF	Approve
16-179	336 SF	Approve
16-103	200 SF	Approve
15-174	288 SF	Approve
14-208	188 SF	Approve
14-110	432 SF	Deny
13-386	252 SF	Approve
13-269	288 SF	Approve

ORDINANCE #2023-05

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
WITH REGARD TO SHORT-TERM RENTALS
AND BED & BREAKFAST ESTABLISHMENTS**

WHEREAS, the City Council most recently enacted an ordinance regulating Short Term Rentals on September 14, 2018, through Ordinance 2018-010; and

WHEREAS, at the City Council’s Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of Short-Term Rentals; and

WHEREAS, the Planning Committee of the City Council after further consideration has recommended amending the Short-Term Rental ordinance;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua, that:

Sec. 1 Article II “Terminology” hereby amended as follows:

SHORT-TERM RENTAL

A **complete** residential dwelling unit ~~or portion thereof rented for habitation~~ **that provides lodging without a host present** for a period of less than 30 days. Such properties are regulated under §850-110.5.

TOURIST HOME/BED-AND-BREAKFAST

~~A building or part thereof other than a hotel, motel or restaurant~~ **A single-family dwelling with a resident host that provides lodging and possibly meals** for persons primarily for overnight accommodations and where no cooking or dining facilities are provided in individual rooms. **Such establishments are regulated under §850-101.**

Sec. 2 § 850-101 “Tourist Homes and Bed-and-Breakfasts” shall be deleted and replaced with the following:

- A. Tourist Homes and Bed-and-Breakfasts may be permitted in the R-1B, R-2, R-3, R-I, R-L, **R-O, and MU** zone districts, provided **that the Planning Commission determines that the following standards are met:**
1. The Planning Commission finds that the proposed use is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
 2. **The use as a tourist home/bed-and-breakfast shall involve the rental of a partial dwelling unit within a single-family dwelling.**
 3. **A resident of the dwelling shall be present during the rental. There shall be no more than two, nonresident employees.**
 4. The proposed use shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
 5. The use of the premises as a bed and breakfast shall not require or involve any exterior alterations to the structure which will make it appear as other than a single-family residence
 6. The establishment shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with §850-83.
 7. The establishment shall not operate as a rooming house or boardinghouse as defined in §850-12.
 8. **The establishment shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.**
 9. **The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.**
 10. **The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy, but in no case shall the occupancy exceed 10 guests at any one time.**
 11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II

Sec. 3. §850-110.5 “Short-Term Rentals. shall be deleted and replaced with the following:

A. Short-term rentals may be permitted in a complete residential dwelling unit in any zone district provided that the Planning Commission determines that the following standards are met:

1. The Planning Commission finds that the proposed short-term rental is compatible with adjacent properties, will not adversely affect property values and is consistent with the objectives of the City Comprehensive Plan.
- 2. Within the R-1A, R-1B, R-2, R-3, and R-L zone districts, the short-term rental unit shall be the owner's primary residence, and may not be rented for more than a total of 90 days in each calendar year.**
- 3. The rental unit shall be registered and periodically inspected in compliance with the City of Canandaigua Rental Inspection Program.**
4. The proposed short-term rental shall be in compliance with Chapter 748, Housing Standards, of the Code of the City of Canandaigua and the New York State Uniform Fire Prevention and Building Code.
5. The use of the premises shall not require or involve any exterior alterations to the structure.
6. The short-term rental property shall not sell meals to persons other than overnight guests, unless otherwise permitted as a restaurant in compliance with § 850-83.
7. The short-term rental property shall not operate as a rooming house or boardinghouse as defined in § 850-12.
8. The short-term rental property shall be considered a lodging facility. Applicable county and local lodging tax shall be collected.
9. The owner shall maintain records identifying names and permanent addresses of all renters and the duration of their stay.
10. The Planning Commission shall determine, on a case-by-case basis, the maximum occupancy.
11. Off-street parking shall be provided. The Planning Commission may determine, on a case-by-case basis, what the parking requirement shall be, provided that such requirement shall not exceed the requirements of Schedule II.
- 12. The Special Use Permit shall be issued as a temporary, renewable permit, which shall expire three years from the date of approval. The permit shall be renewed administratively by the Zoning Officer upon verification of compliance with the provisions of the section original conditions of approval. If the Zoning Officer determines noncompliance or verifies written complaints received, the permit shall be forwarded to the Planning Commission for review in accordance with the procedure of the original review. The permit may be revocable at any time if the conditions of approval are not being met.**
- 13. The Special Use Permit shall not be transferable to a different property owner.**

14. All Short Term Rental Special Use Permits issued prior to the adoption date of this ordinance, including those that might be made noncompliant, may be continued in accordance with the conditions of that permit, but with the addition of the provisions outlined in §850-110.5.A.12 and §850-110.5.A.13. However, all previously approved Short Term Rentals shall be subject to administrative renewal in accordance with the provisions in § 850-110.5.A.12 and shall also be subject to the provisions of § 850-110.5.A.13.

Sec. 4. This ordinance shall be effective thirty (30) days following its enactment.

ADOPTED this ___ day of _____, 2023

ATTEST:

Erin VanDamme
City Clerk

City of Canandaigua
Office of Development and Planning

Richard E. Brown, AICP
Director

Phone (585) 337-2180
Fax: (585) 919-0605

DATE: August 09, 2023
FROM: Richard E. Brown, AICP
TO: John Goodwin, City Manager
RE: Screening of Commercial Refuse Containers

Over the last few years, Code Enforcement has been increasingly called upon to address complaints of unscreened dumpsters that create a nuisance to adjacent properties as well as general unsightliness to the public. These complaints are primarily related to food service businesses in commercial zone districts.

The current code is a bit difficult to decipher, but apparently does not require the screening of dumpsters on all commercial properties:

[§ 585-7 Screening of dumpsters.](#)

All dumpsters and/or roll-off containers used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use **and located in or immediately adjacent to residential districts or uses shall be screened from public views** by landscaping or fencing, or shall be located on the premises in such a manner as to be hidden from public view. For the purposes of this section, "public view" shall mean view at ground level from a public street or way, or from across a property line separating that use from an adjoining residential use.

We would recommend new, simplified text:

[§ 585-7 Screening of Refuse Containers.](#)

All dumpsters, totes, and other containers used for the collection and disposal of solid waste generated by any commercial, institutional, and multifamily use, shall be screened from public view and views from all other properties.

This would accomplish the following:

1. Applies to all commercial refuse containers (not just dumpsters, but also totes, cans, etc.)
2. Removes all qualifiers regarding location.
3. Expands screening from not only "public view" but also "views from all other properties".

Note:

This proposal would not impact residential containers. These are regulated by §585-3; which states; "No City-issued container, cans, or receptacles shall be placed in the front yard of any residential premises unless such are located on the premises in such a manner as to be hidden from public view, or are screened from public view by landscaping or fencing."