

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and ~~state of NEW YORK~~ italics or underlining to indicate new matter. DEPARTMENT OF STATE

FILED

MAY 19 2000

~~COUNTY~~
~~CITY~~
~~TOWN~~
Village

Sackets Harbor

Local Law No. 1 of the year ~~19~~

Alexander F. DiGirolamo
2000 Secretary of State

amending Local Law No. 2 of the Year 1987, as

A local law ~~(Insert Title)~~ amended, Village of Sackets Harbor Zoning Law

Board of Trustees

Be it enacted by the ~~(Name of Legislative Body)~~ of the

~~COUNTY~~
~~CITY~~
~~TOWN~~
Village

Sackets Harbor

as follows:

Section 1. Local Law #2 of the Year 1987, as amended including Local Law No. 2 of the year 1993, The Village of Sackets Harbor Zoning Law, is amended to read, in part, as provided below.

Section 2. Section 2-1, Specific Definitions, of Local Law No. 2 of the year 1987 is amended, in part, to add the following additional definition:

PATRON/CUSTOMER SPACE: All that area of a building, deck, patio or grounds, excluding restrooms, which is designed to be used or occupied by patrons or customers of a business, including but not limited to restaurants, bars, retail establishments and home occupations.

Section 3. Section 5-6 of Local Law #2 of the Year 1987 is amended to read as follows:

Section 5-6- Required Parking Spaces by Use

A. All uses in every district shall meet the following off-street, non-municipal parking space requirements. Uses may have off-street, off-site, non-municipal parking, but only within the Business District. Non-conforming uses (with respect to parking) may change to other uses without meeting all the requirements of this section if the Planning Board grants approval under Subsection

(If additional space is needed, attach pages the same size as this sheet, and number each.)

E of this Section.

<u>Use</u>	<u>Required number of Parking Spaces</u>
1. Drive-In Services	Stacking lanes adequate for 5 vehicles per service window plus spaces as per underlying use.
2. Religious Institution	1 for each 3.5 seats.
3. Motel/Hotel and Tourist Homes	.75 for each sleeping or dwelling room. Room.
4. Light Industrial	1 for each employee at maximum working shift.
5. Restaurants, Bars	1 for each 70 square feet of Patron/Customer space, excluding kitchen and storerooms.
6. Retail, small	No parking spaces for the first 1000 square feet of patron/customer space and one (1) for each additional 200 square feet of patron/customer space.
7. Retail, large product	1 for each 400 square feet of floor area.
8. Offices, General	1 for each 200 square feet of first floor area, and 1 each per 300 square feet of floor area above.
9. Doctor/Dentist Offices	4 per doctor.
10. Dwellings, Mobile Homes	2 per dwelling or mobile home.
11. Home Occupation	1 per 200 square feet of patron/customer space in addition to spaces required per dwelling.
12. Mortuary Establishment	1 per 100 square feet of floor area.
13. Marina	.6 spaces per berth or mooring.
14. Roadside Stands	3 minimum

15. Other places of public/private assembly 1 per 200 square feet of gross floor area, or 1 per 3.5 seats, whichever is greater.
16. Recreation: Outdoor Facilities 1 per 200 square feet of enclosed building area, plus 1 for each three (3) persons outdoor facilities are designed to accommodate.

B. Parking Space Dimensions: Each parking space shall measure at least 9' x 18', exclusive from necessary space devoted to turning maneuvers, ingress or egress.

C. All required off-site parking lots and areas for all uses except mobile homes and one or two family dwellings, shall be reviewed by the Planning Board pursuant to Article VII, Site Plan Review.

D. Parking Requirements

Notwithstanding the provisions of Section 5-6, "Required Parking Spaces by Use", the following rules shall apply to off-street parking for uses in the Business District:

1. Existing Uses

a. Existing uses on the effective date of this Local Law already providing on-site or off-site parking in excess of the requirements of this Section may convert a portion of their existing parking areas to other uses with Site Plan approval.

b. Existing uses on the effective date of this Local Law that do not comply with this Section shall be exempt from its provisions. If such uses are expanded, they shall be required to comply with all provisions.

2. Required off-street parking requirements may be satisfied in one or more of the following ways:

a. Parking in spaces on properties within or contiguous to the Business District on premises that are owned or controlled by the owner or operator of the establishment, or available on a leased or shared-use basis, provided that adequate proof of such lease or shared-use is submitted. The provision of off-site parking spaces shall be documented by appropriate legal instruments satisfactory to the Planning Board and its attorney, showing ownership, lease, or joint use agreements for parking lots. Site Plans approved on the bases of such legal agreements shall be conditioned upon their continuation, which must be verified annually to the Zoning Officer between January 1 and March 31.

b. Subject to a written agreement with the Board of Trustees dedication or long-term lease of the portion of a lot to the Village for municipal parking purposes. Land dedicated for

parking shall be treated as part of the original lot for purposes of calculating minimum lot size and required setbacks from property lines.

E. Relief from Parking Requirements

The number of parking spaces required may be reduced by the Planning Board based upon one or more of the following considerations. Any decision to reduce parking requirements shall include written findings indicating the basis for such reduction. Criteria to consider in reducing parking requirements shall include:

1. The maximum number of vehicles that would be driven to the use at times of peak usage.

2. If the building includes mixed uses, the potential for sharing parking spaces among the different uses in the building.

3. The size of the structure(s) and the site, and physical limitations of the site.

4. The historic importance and sensitivity of the site.

5. The availability of on-street parking.

6. The availability of municipal off-street parking within the District of the proposed use.

7. Hardship to the owner or operator in securing off-street parking.

8. Contribution of the proposed use to increasing economic diversity in the Community.

F. Supersession of Village of Law

It is the intent of the Village to allow the Planning Board to grant relief from parking requirements based on sound planning considerations as provided in this Section, notwithstanding provisions of the Village Law requiring that such relief be provided by the Zoning Board of Appeals. In the event that any portion of Section 5-6 is inconsistent with Village Law, in particular with Village Law Sections 7-712, 7-712-a, 7-712-b, 7-725-a(3), 7-725-b(3), and 7-730(6), it is hereby declared to be the intention to superseded those sections of Village Law with which this Local Law may be inconsistent, using supersession powers under Article 2, of the Municipal Home Rule Law. It is the intention of this Local Law for the Planning Board to have sole and exclusive jurisdiction in varying the requirements contained in this Section 5-6.

Section 3. This Local Law shall take effect upon filing with the Secretary of State and as provided in Section 7-706 of the Village Law.

(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. _____ of 19.2000 of the ~~(County)(City)(Town)~~(Village) of Sackets Harbor _____ was duly passed by the Board of Trustees _____ on May 9 19 2000, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19.____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19 ____ , and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19.____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____ , and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____ . 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 _____ 19____ , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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 19.____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____ , and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19 ____ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ , in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.

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 19_____ of the City 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 _____ 19____, 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 19_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 _____, above.

Betsy Stoker

Clerk of the County legislative body, ~~City~~ or Village Clerk or officer designated by local legislative body

Date: ~~April~~ *May* 9, 2000

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Jefferson

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

D. Whelpley

Signature Dennis G. Whelpley

Village Counsel

Title

~~COUNTY~~
~~CITY~~ of Sackets Harbor
~~TOWN~~
Village

Date: ~~April~~ *May 16*, 2000