

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
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 do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of CLAY
Town
~~Village~~

NOV 17 2006

MISCELLANEOUS
& STATISTICAL RECORDS

Local Law No. 7 of the year 2006

A local law Amending Chapter 230 "ZONING" by repealing the present Section 230.21 entitled "Parking and loading" and adding a new Section 230.21 entitled "Parking and loading to the Code of the Town of Clay.

The purpose of this Local Law is to address land uses established in the Zoning Code and to provide parking and loading standards and provisions for reserve and shared parking.

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

~~County~~
~~City~~ of
Town
~~Village~~

Clay

as follows:

Said Local Law No. 7 of the Year 2006 to read as follows: (See Attached)

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

(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. 7 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on September 18 2006, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

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

**LOCAL LAW NO. 7 OF THE YEAR 2006
TOWN OF CLAY**

**A LOCAL LAW AMENDING CHAPTER 230, 'ZONING' BY
REPEALING THE PRESENT SECTION 230.21 ENTITLED
"PARKING AND LOADING" AND ADDING A NEW SECTION
230.21 ENTITLED "PARKING AND LOADING" TO THE CODE
OF THE TOWN OF CLAY, NEW YORK**

IT IS ENACTED by the Town Board of the Town of Clay, County of Onondaga as follows:

SECTION 1. Amending **Chapter 230, "ZONING"** by repealing the present **Section 230.21**, entitled **"Parking and loading"** and **adding a new Section 230.21** entitled "Parking and loading" to the Code of the Town of Clay. The purpose of this local law is to address land uses established in the Zoning Code and provide parking and loading standards and provisions for reserve and shared parking. Said Local Law reads as follows:

The Town Board called public hearing on August 21, 2006 for September 6, 2006.

Town Board held and completed public hearing on 09-18-06.

Town Board approved Local Law on 10-02-06

Local Law No. 7 of 2006 as approved by Town Board sent to Dept. of State on October 6th, 2006.

On _____ received letter from Dept. of State with notification of date filed being _____.

§ 230.21. Parking and loading.

This section addresses the land uses established in the Zoning Code and provides parking and loading standards and provisions for reserve and shared parking.. Land uses are treated comprehensively through a concept of parking groups..

A. Size.

- (1) **Parking space size.** A parking space shall be 9 1/2 feet by 20 feet with a 20 feet wide driving isle. Spaces are measured from centerline of stripe.
- (2) **Handicap parking.** Handicap parking shall follow the requirements of the Building Code of the State of New York. Medical Office Buildings may require more parking spaces as per Site Plan Review.
- (3) **Loading space size.** A loading space shall be a minimum of 12 feet wide and 55 feet in length with a height clearance of 14 feet. It shall also provide sufficient adjacent maneuvering space for trucks and similar vehicles to safely enter, unload and depart the loading space. Loading space design, placement and configuration will be subject to approval during site plan or special permit reviews, as required by the respective zone district. The length of loading space may reduced by the reviewing board to 35 upon finding that it is appropriate for the site and structure and does not result in any interference with other vehicular or pedestrian movements.

B. Required parking and loading table. *The following table establishes the minimum number of parking and loading spaces for each proposed or existing land use based upon parking groups. Parking groups are collections of land uses that are considered by the Town to have similar parking and loading needs. The parking groups are designed to use the familiar land use terminology used in this code and do not alter whether a land use is permitted or not within any district. The Commissioner of Planning and Development shall determine the appropriate parking group for any land use.*

C. Parking groups defined.

ASSEMBLY -- Land use accommodating large groups for events, such as performance, show, lecture, religious service, meeting, or ceremony (examples: indoor or outdoor recreation-spectator, theaters, religious institutions).

COMMUNITY SUPPORT SITE -- Land use providing utility, safety and similar services to the community or individual property (examples: utility substations, telecommunication devices, fire stations, emergency vehicle stations).

MANAGED-LIVING FACILITY -- Land use providing temporary living, sleeping, or care accommodations (examples: hotels, motels, hospitals, nursing homes).

MEDICAL OFFICE, CLIENT-BASED- Land use intended to primarily serve clients or patients with medical, health care, therapeutic, or similar matters (examples: medical offices, dentist offices, diagnostic centers).

OFFICE, NON-CLIENT-BASED -- Land use focusing on a variety of medical professional, administrative, management, clerical tasks and similar back-office operations; customers, clients, patients or similar nonemployees are not routinely present. (Examples – medical records storage facility).

MIXED-USE SITE -- Land use where there are identifiable separate primary uses on the site, and more than one of the above parking groups could apply (examples: shopping centers with car dealer, office-apartment buildings).

OFFICE, CLIENT-BASED -- Land use intended to primarily serve clients or patients with professional, financial or similar matters (examples: accounting or legal services, tax preparation office engineering, insurance).

OFFICE, NON-CLIENT-BASED -- Land use focusing on a variety of professional, administrative, management, clerical tasks and similar back-office operations; customers, clients, patients or similar nonemployees are not routinely present. (Examples -).

OPEN-SPACE-RELATED -- Land use designed where the primary activities or services are conducted outside, and buildings are generally accessory to the exterior activity (examples: outdoor recreation-participant, playgrounds, ball fields, cemeteries).

PRODUCTION SITE -- Land use primarily devoted to the manufacture and/or processing of materials with accessory management office and storage space and incidental customer-client space (examples: farms, manufacturers).

RESIDENTIAL -- Land use primarily used as or contains a dwelling unit as defined in this code (examples: one-, two-, and multiple-family dwellings, townhouses, mobile homes, apartments).

RESTAURANT/ENTERTAINMENT -- Land use serving, on retail basis, food and beverage for on or off-site consumption, may include related entertainment facilities (examples: restaurants, bars, nightclubs).

RETAIL SERVICE SITE, CUSTOMER-BASED -- Land use intended to primarily serve clients, patients, or customers with retail or personal services (examples: banks, stores, repair shops, groceries, shopping centers).

STORAGE SITE -- Land use primarily designed for the long- or short-term storage, handling and shipping of bulk materials or individual items (examples: warehouses, wholesale distributors, truck terminals).

VEHICULAR SERVICE SITE -- Land use designed for the sales, service and/or storage of motor vehicles and where the vehicle operator typically remains with the vehicles or leaves the vehicle for service (examples: car repair, gas stations, car washes, car dealers).

D. Calculation of parking and loading requirements.

- (1) Type of parking spaces. The following table is the basis for determining only the number of employee and customer parking spaces.
- (2) **Site plan/special permit** review required. The following types of spaces are excluded from this table: vehicle service, storage, display, queuing or for vehicles owned, operated or otherwise directly related to the land use (e.g., service or delivery vehicles, buses or vans). Adequate space for these vehicles shall be separately provided on the site, identified in the graphic plan(s) submitted to the Town and evaluated during the site plan review or special permit review, as required by the respective zone district.
- (3) **Reserve spaces.** Upon approval during either site plan or special permit reviews, a percentage of the required parking or loading spaces may be set aside for future installation. These spaces shall be maintained as potentially usable spaces, but, until needed, shall be landscaped, treated and maintained per the requirements of the reviewing board. The reserve spaces shall be clearly shown on any graphic plans approved by the Town. Unless otherwise prohibited by the Town, the owner-occupant may prepare these reserve spaces for vehicular use per the approved plan, without additional site plan or special permit review. The Town may require the owner-occupant to prepare the reserve spaces for vehicular use upon a finding by the reviewing board that the reserve spaces are needed.
- (4) **Shared/Off-site parking.** All parking and loading spaces shall be maintained entirely within the same lot as the land use(s), unless specifically allowed by the reviewing board. The reviewing board may, during site plan or special permit review, allow the required parking spaces to be maintained on any lot within 500 feet of the primary land use if it determines that it is impractical to provide parking on the same lot with the building by the issuance of a special permit.
- (5) **Parking ratios.** The table sets forth a minimum number of spaces required per selected characteristics of land use. Square footage is used for most of the land uses and is based on the gross or entire floor area of a building or structure, as measured along the exterior walls.
- (6) **Fractional results.** A parking or loading space calculation resulting in fraction of a space shall be rounded to the closest whole number, except that no loading space shall be required for land uses that yield a calculated loading space that is less than one space.

E. Required parking and loading spaces. The following parking and loading spaces shall be provided and satisfactorily maintained by the owner-occupant of the property for each land use on the property.

<u>Group Name</u>	<u>Minimum Required Parking Spaces</u>	<u>Minimum Required Loading Spaces</u>
Residential		
1 to 3 units	2/unit	0
4 or more	2/unit	Subject to site plan review
Managed-living facility		
Health-related	2/bed	1/10,000 sq. ft.
Hotel-motel-type use	1.5/room	1/10,000 sq. ft.
Assembly		
Fixed seating	1/3 seats	0
Open floor plan: flexible seating	10/1,000 sq. ft.	0
Office client-based		
Less than 4,000 sq. ft.	5/1,000 sq. ft.	0
4,000 to 15,000 sq. ft.	4/1,000 sq. ft.	0
Greater than 15,000 sq. ft.	4/1,000 sq. ft.	1/30,000 sq. ft.
Office, non-client-based		
Less than 4,000 sq. ft.	4/1,000 sq. ft.	0
4,000 to 15,000 sq. ft.	3/1,000 sq. ft.	0
Greater than 15,000 sq. ft.	2/1,000 sq. ft./50,000 sq. ft.	
Medical Office, client-based		
Less than 4,000 sq. ft.	4/1,000 sq. ft.	
4,000 to 15,000 sq. ft.	6/1,000 sq. ft.	1
Greater than 15,000 sq. ft.	7.5/1,000 sq. ft.	1/15,000 sq. ft.
Medical Office, non-client-based		
Less than 4,000 sq. ft.	4/1,000 sq. ft.	0
4,000 to 15,000 sq. ft.	3/1,000 sq. ft.	0
Greater than 15,000 sq. ft.	2/1,000 sq. ft.	1/50,000 sq. ft.
Retail service site		
Less than 15,000 sq. ft.	6/1,000 sq. ft.	0
15,000 to 30,000 sq. ft.	5/1,000 sq. ft.	0
Greater than 30,000 sq. ft.	4/1,000 sq. ft.	1/50,000 sq. ft.
Restaurant/ entertainment site		
Fixed seating: package food	15/1,000 sq. ft.	1/30,000 sq. ft.
Fixed seating: family dining	25/1,000 sq. ft.	1/30,000 sq. ft.
Open floor plan: flexible seating	35/1,000 sq. ft.	1/30,000 sq. ft.
Production site (manufacturing)	4/1,000 sq. ft.	1/30,000 sq. ft.

<u>Group Name</u>	<u>Minimum Required Parking Spaces</u>	<u>Minimum Required Loading Spaces</u>
Storage site (warehousing)	0.5/1,000 sq. ft.	1/50,000 sq. ft.
Vehicular service site (see separate requirements for vehicle queuing, storage and display)		
Entire site	5/acre	0
Incidental retail space (add parking)	6/1,000 sq. ft.	0
Open-space-related		
Active area	10/acre	0
Passive area	2/acre	0
Community support site		
Unstaffed site	1/lot	0
Staffed site	Subject to site plan review by Planning Board	
Mixed uses:	Cumulative total of required parking for each primary use based on above schedule	

SECTION 2. This Local Law shall take effect immediately upon filing in the office of the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 20 06 of the ~~(County)(City)(Town)(Village)~~ of Clay was duly passed by the Town Board on September 18 20 06, 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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(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 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(Elective Chief Executive Officer*)
Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

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

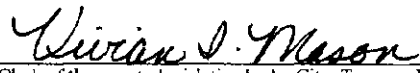
6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

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

(Seal)


Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

VIVIAN I. MASON, TOWN CLERK
Date: 10-06-06

(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 ONONDAGA

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.


Signature
ROBERT M. GERMAIN
TOWN ATTORNEY

Title

~~County~~
~~City~~ of CLAY

Town
~~Village~~

Date: 10-06-06