

VILLAGE OF SKANEATELES
LOCAL LAW #1 OF 2011

A LOCAL LAW TO AMEND CHAPTER 225, ARTICLE XII, SECTION 225-58 F(5)
("OFF-STREET PARKING AND LOADING")
OF THE VILLAGE CODE OF THE VILLAGE OF SKANEATELES

BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF SKANEATELES:

Statement of Intent and Findings.

Following a twenty-one month moratorium of Chapter 225, Article XII, of the Village Code, it is the judgment of the Village Trustees that it is necessary and appropriate to reduce the amount of the "off-street parking space fee" associated with the granting of certain variances by the Zoning Board of Appeals, as provided for in Section 225-58. The public interest will be served by reducing the "off-street parking space fee" from \$7,500 per space to \$1,500 per space.

Authority.

This Local Law is enacted pursuant to the authority of the Municipal Home Rule Law, Section 10.

Text of Proposed Local Law.

Section 225-58 F(5) is hereby amended to read as follows (new language underlined).

"(5) Amount of off-street parking space fee. The amount of the off-street parking space fee to be paid to the Village for each parking space for which a variance or waiver is granted, shall be \$1,500."

Effective Date: This local law shall take effect immediately upon its adoption.

Adopted: July, 2011

Motion by: _____

Seconded by: _____

Voting in Favor: _____

Voting in Opposition: None

Village of Skaneateles, Ch. 225, Zoning:

ARTICLE XII, Off-Street Parking and Loading

§ 225-57. Intent.

The legislative intent of this article and the following regulations is to ensure the provision of appropriate off-street parking and loading space in order to facilitate the movement of traffic and avoid congestion in the streets while maintaining the pedestrian-oriented character of the Village.

§ 225-58. Requirements for off-street parking spaces and loading berths; Parking Trust Fund.

A. General. In all districts, the following off-street automobile parking spaces and truck loading berths for the various uses deemed permitted in such district shall be required at the time any of the buildings or structures of such uses shall be constructed or existing buildings or structures converted to a new use, or added to by alteration. The minimum cumulative number of off-street automobile parking spaces required to be provided pursuant to the provisions of this article shall be established as a rebuttable presumption as provided in Subsection B. An applicant may rebut such presumption by presenting evidence to the Planning Board indicating that the actual parking demand generated by a proposed use will be, and is likely to continue to be, less than required in Subsection B. The Zoning Board of Appeals upon receipt of a favorable recommendation from the Planning Board may approve a lesser parking requirement in such cases, by the granting of a partial waiver of the required number of parking spaces, up to a maximum of 20% of the required spaces, upon receipt of compelling evidence that such waiver is warranted, and/or a variance, granted in accordance with § 225-58F below. If the Planning Board and Zoning Board believe that it is in the overall public interest to grant a waiver for more than 20% of the required spaces, they may refer such a recommendation to the Board of Trustees for a decision. In making such determinations, the Planning and Zoning Boards shall consider the following factors: [Amended 10-10-2005 by L.L. No. 3-2005]

- (1) The maximum number of persons who would actually be driving to the use at times of peak usage. Parking spaces shall be sufficient to satisfy 85% of the anticipated annual peak demand. The likelihood of people walking or bicycling to the proposed use shall also be taken into consideration.
- (2) The size of the structure(s) and the site. The Board may require a reduction in the size of a proposed new structure so that the available parking on site and in the surrounding area will be sufficient.

- (3) The environmental, scenic, or historic sensitivity of the site.
 - (4) The overall public interest in the availability of adequate public parking.
 - (5) If the application involves less than all of the entire building or structure on a property, consideration of the extent to which the aggregate number of parking spaces provided for the entire property, including the applicant's spaces, is adequate to meet the code requirement for the entire property.
- B. Required off-street automobile parking spaces. The minimum cumulative number of off-street automobile parking spaces required to be provided pursuant to the provisions of this article shall be determined by the amount of dwelling units, bedrooms, floor area, equipment, employees or seats contained in all new buildings or structures, or existing buildings or structures converted to a new use or added to by alteration, as follows:
- (1) Residential uses.
 - (a) One- and two-family dwellings, conversion of existing dwellings, townhouse dwellings and cluster housing: two spaces for each dwelling unit. Such spaces may be provided in garages, carports and driveways.
 - (b) Multifamily dwellings: two spaces for each dwelling unit.
 - (c) Rooming house: 1 1/4 space for each bedroom available for rent.
 - (2) General uses.
 - (a) Places of public assembly, including but not limited to churches, theaters, concert halls, auditoriums and similar uses: one space for each five persons to be accommodated.
 - (b) Other cultural facilities or philanthropic use: one space for each 800 square feet of gross floor area.
 - (c) Elementary school or day nursery: two spaces for each classroom.
 - (d) High school or college: five spaces for each classroom.
 - (e) Care home: one space for each two beds.
 - (f) Hospital, sanitarium or other such building or institution: one space for each bed.
 - (g) Nonprofit club or recreation use: one space for each 100 square feet of gross floor area or every four seats, whichever is greater.
 - (h) Commercial recreation use: one space for each 200 square feet of space enclosed for indoor facilities plus one space for each 5,000 square feet, or major fraction thereof, of outdoor facilities, up to 10 spaces, and thereafter one space for every 20,000 square feet, or major fraction thereof, of outdoor facilities.

- (3) Accessory uses.
 - (a) One supplemental apartment in compliance with § 225-23 of Article V: one space for such apartment plus the required space for the primary dwelling unit. Such space may be provided in garages, carports and driveways.
 - (b) Home occupation: for a customary home occupation or professional office in a dwelling unit, one space for each 200 square feet devoted to such customary home occupation or professional office plus one space for each employee, plus the required spaces for the primary dwelling.
- (4) Commercial uses.
 - (a) Retail business, bank or post office use: where such use is located in the Downtown D District, one space for each 300 square feet of gross floor area. Otherwise, one space shall be provided for each 200 square feet of gross floor area. [Amended 3-22-1999 by L.L. No. 1-1999]
 - (b) Office, professional office, personal service, and public utility use: one space for each 200 square feet of gross office floor area.
 - (c) Restaurant, bar or nightclub: one space for each 100 square feet of gross floor area or for every four seats, whichever is greater.
 - (d) Funeral home: one space for each five seats in the chapel or for each five persons of the chapel's capacity.
 - (e) Hotel, motel and tourist home: 1 1/4 space for each bedroom available for rent.
 - (f) Wholesale, warehouse or storage uses, or commercial assembly and other similar uses: one space for each two employees.
 - (g) Lumber, building materials and similar yards and printing, plumbing, heating, electrical, and similar service establishments: two spaces for each three employees.
 - (h) Additional required spaces. In addition to the foregoing, all commercial uses shall provide one additional parking space for each company vehicle when such vehicle is parked on site when not in use. [Amended 3-22-1999 by L.L. No. 1-1999]
- (5) Requirements for other uses not listed in this subsection. For uses not listed in this subsection, the required number of off-street automobile parking spaces shall be that number established by the Zoning Board of Appeals upon interpretation of the proposed use similar to the specified uses under residential, general, accessory and commercial. [Amended 6-24-2002 by L. L. No. 4-2002]
- (6) Calculation of required off-street parking spaces. [Amended 6-24-2002 by L. L. No. 4-2002; 10-10-2005 by L.L. No. 3-2005]

- (a) Combination of uses. In case of a combination of uses on a single lot, the total requirements for off-street automobile parking spaces shall be the sum of the requirements for the various uses; provided, however, that where it can be proved to the Zoning Board of Appeals that staggered hours of use of such parking spaces would permit modification of this requirement, the Zoning Board of Appeals may modify this requirement.
- (b) Fractions. Whenever a fraction of a space greater than 0.75 is required, a full space shall be provided, with a minimum of one space.
- (c) Spaces in other parking lots.
 - [1] Spaces in private parking lots owned by or leased to the applicant for required parking may be credited toward the parking requirements for nonresidential and multifamily residential uses in the Commercial C and Downtown D Districts, provided that:
 - [a] The spaces are within 500 feet of the uses to be served.
 - [b] If the spaces are leased, the applicant demonstrates the existence of a valid, renewable lease for at least three years.
 - [c] The number of any spaces to be provided by lease shall be excess spaces of the lessor, over and above those needed to satisfy the lessor's parking requirement under this article (i.e., surplus spaces) and such surplus spaces shall not be credited to the lessor to satisfy its parking space requirement and shall not be leased to others during the term of the lease to the lessee/zoning applicant.
 - [d] Any such lease arrangement shall be reflected in a written lease agreement, with an attached map reflecting the exact location of the leased parking spaces and a narrative legal description of the lessor's property. Said lease agreement shall be presented to the Zoning Board of Appeals for review and, as a condition of the granting of a parking space variance, shall be recorded in the County Clerk's office.
 - [2] Upon the expiration or other termination of said lease, such expiration shall be promptly reported to the Code Enforcement Officer by the lessee/zoning applicant. The Code Enforcement Officer shall require the applicant to present satisfactory proof of replacement parking spaces to replace his/her parking space shortfall or, in the alternative, to pay into the Parking Trust Fund, at the then applicable rate, the parking space fee for the number of spaces established by the prior variance. A failure of a variance holder to report the expiration of a parking space lease, or to otherwise comply with this section, shall constitute a violation of the variance and may, at the discretion of the Zoning Board of Appeals, result in the termination of the variance.
- (7) Dimensions of required off-street parking spaces.

- (a) General. Unless specified elsewhere in this article, off-street parking areas shall be calculated on the basis of a minimum of 400 square feet per space, including circulation and access drives.
- (b) Dimensions for off-street automobile parking spaces. Every space required by this article shall be at least nine feet wide and 20 feet long, and every such space shall have direct and usable driveway access to a street or alley with minimum maneuver area between spaces as follows:
 - [1] Parallel curb parking: five feet end to end with a twelve-foot aisle width for one-directional flow and twenty-four-foot aisle width for two-directional flow.
 - [2] Thirty-degree parking: thirteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [3] Forty-five-degree parking: sixteen-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [4] Sixty-degree parking: twenty-one-foot aisle width for one-directional flow and twenty-six-foot aisle width for two-directional flow.
 - [5] Perpendicular parking: twenty-six-foot aisle width for both one-directional and two-directional flow.
- (8) Location of required spaces.
 - (a) Front yards in residential districts. In a Residential A or Residential B District, no open or enclosed parking area shall encroach on any required front yard. However, parking is allowed on driveways in front of garages. Driveways and open parking areas may encroach on a required side or rear yard within three feet of a property line. [Amended 3-22-1999 by L.L. No. 1-1999]
 - (b) General requirements. Except as provided in Subsection B(6)(c), all such off-street automobile parking spaces shall be provided on the same lot as the use which requires said spaces and shall not thereafter be encroached upon in any manner. Such parking spaces shall be provided, to the extent feasible, behind the principal structure(s). Parking to the side shall be permitted, provided that it is screened by trees or a hedge. No parking shall be permitted in front of the principal structure, except for on-street parallel parking.
 - (c) Location of access drives. No entrance and exit drives connecting a parking area and the street shall be permitted within 25 feet of the intersection of two public rights-of-way.
- C. Required off-street truck loading berths. The minimum cumulative number of off-street truck loading berths required to be provided pursuant to the provisions of this article for the following uses shall be established as a rebuttable presumption as provided below. An applicant may rebut such presumption by presenting evidence to

the Zoning Board of Appeals or Planning Board indicating that the actual loading needs of a proposed use will be less than required below. The Zoning Board of Appeals or Planning Board may approve a lower loading berth requirement in such cases.

- (1) Hotels and motels: one berth if gross floor area exceeds 10,000 square feet.
- (2) Office, business and commercial uses: one berth if gross floor area exceeds 3,000 square feet but is no greater than 10,000 square feet; if gross floor area exceeds 10,000 square feet, one additional berth for each additional 10,000 square feet of gross floor area of such use, or portion thereof, except that no more than two such berths shall be required for any single use.
- (3) Wholesale, warehouse or storage uses, or commercial assembly and other similar uses: one berth for each 15,000 square feet of gross floor area, except that no more than three such berths shall be required for any single use.
- (4) Other nonresidential uses: one berth if gross floor area exceeds 3,000 square feet but is less than 10,000 square feet; if gross floor area exceeds 10,000 square feet, one berth for each additional 25,000 square feet of gross floor area of such use, unless it can be proved to the satisfaction of the Zoning Board of Appeals that truck deliveries shall not exceed one vehicle per day, in which case the requirement for each additional berth may be waived by the Zoning Board of Appeals.
- (5) Calculation of required off-street truck loading berths.
 - (a) Combination of uses. In case of a combination of uses on a single lot, the total requirements for off-street truck loading berths shall be the sum of the requirements for the various uses.
 - (b) Fractions. Whenever a fraction of a space greater than 0.75 is required, a full space shall be provided, with a minimum of one space. [Amended 6-24-2002 by L.L. No. 4-2002]
- (6) Dimensions for required off-street truck loading berths.
 - (a) General. Each required off-street truck loading berth shall be large enough to accommodate the type of truck anticipated.
 - (b) Minimum dimensions. Each required loading berth (open or enclosed) shall have the following minimum dimensions: 30 feet long, 12 feet wide, and 14 feet high, except that berths for funeral homes may be 20 feet long, 10 feet wide and eight feet high.
 - (c) Access. Every such berth shall have direct and usable driveway access to a street or alley.
- (7) Location of required off-street truck loading berths.
 - (a) General. All required off-street truck loading berths shall be located on the

same lot as the use for which they are permitted or required.

- (b) Encroachments prohibited. Open off-street loading areas shall not encroach on any required front or side yard or any access drives to a required off-street parking area (except that in the Commercial Mixed-Use C and Downtown D Districts, off-street parking areas existing as of the date of adoption of this chapter may be used for loading or unloading, provided that such spaces shall not be so used for more than three hours during the daily period that the establishment is open for business). [Amended 3-22-1999 by L.L. No. 1-1999]
 - (c) Prohibition. Loading of goods and material from or across any public sidewalk or right-of-way shall not be permitted except by approval of the Zoning Board of Appeals.
- D. Design requirements for required off-street automobile parking and off-street truck loading areas. Areas containing required off-street parking spaces for more than five automobiles or required off-street truck loading berths shall conform to the following regulations:
- (1) Construction. All such areas shall be paved with all-weather surface of asphalt, concrete or shale or gravel penetrated with oil. All such areas shall be properly drained.
 - (2) Marking. The individual spaces shall be visibly marked with paint or other durable material.
 - (3) Lighting. All such areas to be used at night shall be lighted. All lights shall be shaded or so directed as not to cause glare on adjoining residential properties and shall be so directed as not to cause a traffic hazard due to glare or color.
 - (4) Landscaping. At least 8% of the area of the lot usable for such areas shall be devoted to landscaping, and parking areas of five or more spaces that abut a residential lot line, and any parking lot for more than 20 cars, shall be screened by a six-foot-high solid masonry wall or compact evergreen hedge or a landscaped strip of trees and shrubs so designed as to form a visual screen from the adjoining property.
 - (5) Pedestrians. An adequate, safe and convenient vehicular and pedestrian circulation system shall be provided. Walkways shall be located so as to minimize contacts with normal automotive traffic.
 - (6) Size of access drives. No more than two driveway access points shall be provided from the street or highway from which the development derives its principal access, and such driveway access points shall not be more than 40 feet wide and shall be designed in a manner which will minimize their interference with any traffic movements on the street or highway.
 - (7) Open space strip adjacent to streets. A strip of open space not less than five feet in width shall be provided adjacent to all public street rights-of-way and such

open space shall extend the entire width of the lot except at permitted driveway access points. Such strip of open space shall be designed to prevent the unchannelled movement of motor vehicles and shall include appropriate planting of grass, shrubs and trees as determined by the Planning Board.

- (8) Maintenance. All parking areas, open space strips and landscaping shall be properly maintained at all times in a slightly and well-kept condition and shall be kept clean and free from rubbish and litter.
- (9) Adjacent premises. Where a nonresidential use is being developed on premises adjacent to another nonresidential use, consideration shall be given to the following:
 - (a) The location and planning of driveway access points to permit their joint use by the adjoining premises so as to minimize the number of intersections with the street or highway from which they derive their access.
 - (b) The development of parking and loading areas which permit convenient traffic circulation between adjoining premises.
 - (c) The development of pedestrian walkways between adjoining parking areas and buildings.
 - (d) The provision of landscaping and other features which will enhance the usability, character and attractiveness of the area.
- E. Prohibition. Except as otherwise provided in this chapter, no off-street automobile parking space or truck loading berth provided for a specific premises or use of premises to comply with the requirements of this chapter shall be so reduced in area that it does not meet the requirements of this chapter, nor shall such space or berth be considered as meeting, in whole or in part, the off-street automobile parking spaces or truck loading berths similarly required for any other building or use. All off-street automobile parking spaces or truck loading berths required to be provided by this chapter shall be considered to be required space on the lot on which they are located and shall not thereafter be encroached upon in any manner. Tandem parking is prohibited. [Amended 6-24-2002 by L.L. No. 4-2002]
- F. Parking Trust Fund [Added 10-10-2005 by L.L. No. 3-2005]
 - (1) Statement of intent and findings. After lengthy and careful study it has been determined that the public parking facilities available to users of the Skaneateles Village downtown area are, at times, overburdened and inadequate to meet demand. It has also been determined that a number of existing structures and uses in the Commercial C and Downtown D Districts do not conform to current zoning requirements with regard to the number of parking spaces required for such structures or uses, with many such structures or uses having previously been granted approvals varying the required number of parking spaces. Current Village Zoning Code (§ 225-58A and B) allows the Zoning Board of Appeals to reduce the required number of spaces for a proposed project or change of use for a variety of reasons. Under current Village Code provisions, applicants may be

given credit for nearby spaces in municipal parking lots to satisfy the number of parking spaces required for their project, without regard to actual conditions and the availability of parking spaces in such municipal lots. The long-standing practice of providing parking space credits to applicants seeking approval for projects in the Commercial C or Downtown D District has contributed to a shortage of parking in municipal parking lots. An increase in commercial development and redevelopment in recent years in the downtown area and the continued application of credits to satisfy the parking requirements of the Village Code have exacerbated the shortage of parking in municipal parking areas. Village taxpayers will bear the cost of any action undertaken by the Village to acquire, develop or otherwise provide, manage, and maintain public parking facilities in the downtown area. Therefore, in light of the foregoing considerations, and in order to more equitably distribute the costs associated with providing public parking to meet existing uses as well as new development or redevelopment of downtown properties, the Village of Skaneateles hereby establishes a Parking Trust Fund. The Parking Trust Fund shall be dedicated to the uses established herein.

- (2) Establishment of Off-Street Parking Trust Fund. There is hereby established the Village of Skaneateles Off-Street Parking Trust Fund, (hereafter the "Parking Trust Fund" or "Fund") to be administered by the Board of Trustees exclusively for off-street parking and truck loading purposes, including the acquisition of land for such purposes, by purchase or lease, and the construction of improvements incidental to such purposes. The Fund may also be used, in the discretion of the Trustees, for such additional purposes as are reasonably intended to ease the shortage of public parking in the downtown area, to include the purchase or lease of remote lots and supporting improvements and the purchase, lease and/or operation of shuttle buses or other equipment reasonably related to that purpose. Expenditures from the Fund need not be confined to the immediate downtown area so long as such expenditures are likely to have a beneficial effect on public parking in the downtown area. The Fund may not be used for purposes that are not reasonably related to the establishment of public parking in the downtown area and may not be used for ordinary maintenance of parking facilities, enforcement activity or other municipal operations.
- (3) Parking space variance. Every decision of the Zoning Board of Appeals which grants a parking space variance waiving, varying or modifying the requirements of this article, to the extent that the number of spaces required by this article for off-street parking and/or truck loading is reduced, shall clearly set forth the extent of such variance(s) by stating the number of spaces required pursuant to this article, the reduced number of spaces required by reason of the decision of the Board of Appeals and the number of spaces thus avoided or waived by the decision of the Board of Appeals. The number of spaces so waived by the Board of Appeals shall constitute the number of spaces for which a variance is granted. A parking space variance shall terminate upon the cessation of the use for which the variance was granted. A parking space variance shall be transferrable to a new owner or occupant only to the extent that the transferee's use requires no

greater parking space variance.

- (4) Off-street parking space fee. Every such variance granted by the Board of Appeals waiving, varying or modifying the requirements of this article for off-street parking and/or truck loading spaces, in whole or in part, in the Downtown D District, shall be made subject to a condition requiring the payment of a sum of money to be known as the "off-street parking space fee" to the Village of Skaneateles. The amount of the fee shall be as set forth below and shall be subject to change, from time to time, by the Board of Trustees. Said fee shall be paid for each and every space as to which a variance or waiver is granted. Said fees to be paid to the Village shall be deposited into the Off-Street Parking Trust Fund, to be used solely for the purposes set forth herein. The payment of the off-street parking space fee shall be made a condition for each variance granted.
- (5) Amount of off-street parking space fee. The amount of the off-street parking space fee to be paid to the Village for each parking space for which a variance or waiver is granted, shall be \$7,500.
- (6) Exemptions. State-chartered churches, libraries, and municipal buildings within the Downtown D District shall be exempt from any obligation under this section to contribute monies to the Parking Trust Fund upon the granting of variances or waivers related to off-street parking requirements.
- (7) Additional funding sources. In addition to off-street parking space fees paid to the Village by applicants obtaining a variance or waiver, the Village shall apply the gross receipts of parking meter revenue and/or parking pay stations, derived in the Central Municipal Lot, to the Parking Trust Fund. The Village shall also be authorized to receive contributions from other parties, either of funds or in-kind contributions of land. Additionally, the Village may, from time to time, in the discretion of the Board of Trustees, allocate funds to the Off-Street Parking Trust Fund, which Fund shall be administered in accordance with the provisions of this article.