LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, August 7, 2017, at 7:00 p.m. at 121 West Broadway, Port Jefferson, New York, by the Village Board of the Incorporated Village of Port Jefferson **TO AMEND SECTION 250-27(D) OF CHAPTER 250 OF THE VILLAGE CODE TO INCREASE THE PARKING REQUIREMENT FOR EATING AND DRINKING ESTABLISHMENTS TO ONE PARKING SPACE PER 100 SQUARE FEET OF FLOOR AREA OR OCCUPANT AS ESTABLISHED BY THE STATE UNIFORM BUILDING CODE (WHICHEVER IS LARGER)**, by proposed local law, a copy of which is on file at the Office of the Village Clerk.

At said Public Hearing any person interested will be given the opportunity to be heard.

_____
Robert Juliano
Village Clerk

Dated: July ___, 2017

Proposed Local Law No. 2 - 2017

AMENDING SECTION 250-27(D) OF CHAPTER 250 OF THE VILLAGE CODE TO INCREASE THE PARKING REQUIREMENT FOR EATING AND DRINKING ESTABLISHMENTS TO ONE PARKING SPACE PER 100 SQUARE FEET OF FLOOR AREA OR OCCUPANT AS ESTABLISHED BY THE STATE UNIFORM BUILDING CODE (WHICHEVER IS LARGER)

Be it enacted by the Village Board of the Incorporated Village of Port Jefferson:

The Code of the Incorporated Village of Port Jefferson, County of Suffolk, New York, is amended by:

AMENDING Section 250-27(D) to the Village Code which shall read as follows:

[New Language] **[~~Language to be Deleted~~]**

§ 250-27 Schedules of regulations.

D. Additional parking requirements.

(1) Off-street parking requirements. Off-street parking spaces, open or enclosed, are permitted accessory to any use, subject to the following provisions:

(a) Schedule of parking requirements.

[1] Accessory off-street parking spaces, open or enclosed, shall be provided for any use as specified below. Any business in which the allowable occupancy is increased, as established by Section 1003.2.2 of the New York State Building Code, shall be required to provide additional parking as may be required below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations.

Use	At Least One Parking Space for Each
Places of worship, libraries and other public buildings	200 square feet of floor area, but not less than one space for each five seats where provided
Golf courses and other country clubs	2 members or 2 accommodations (such as lockers), whichever is greater

Schools	12 seats or students
Hospitals, sanatoriums, philanthropic or eleemosynary institutions	400 square feet of floor area
Eating and drinking establishments	~~150~~**100** square feet of floor area or ~~1.5~~ occupant~~s~~, as established in accordance with NYSBC Section 1003.2.2, whichever is larger
Clubs and lodges	200 square feet of floor area
Undertakers	2 employees, plus 1 space for each five seats for each chapel
Hotels	Guest room
Home occupation or accessory professional office	3 spaces per each home occupation, plus one space for each employee
Office of health service professionals, such as, but not limited to, chiropractors, counselors, dentists, optometrists, osteopaths, physicians, podiatrists, psychologists, social workers and therapists	100 square feet
Bars/taverns/nightclubs	2 linear feet of outer bar perimeter or occupant as established in accordance with NYSBC Section 1003.2.2, whichever is larger
Retail food establishments	100 square feet of floor area

[2] Any premises containing a combination of uses (permitted, conditional or accessory) shall be required to provide parking spaces equal to the total required for each use contained therein.

[3] Any relief or waiver from these requirements shall be subject to the payment in lieu of parking fee set forth in § 250-27(B)(1).

(b) Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport or other area available for parking, other than a street or a driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than on a corner lot as provided in § 250-28B.

(c) Size of spaces. Two hundred seventy square feet shall be considered one parking space, to provide room for standing area and aisles for maneuvering. Entrance and exit lanes shall not be computed as parking space, except for driveways for one-family and two-family residences as set forth in Subsection A(2). Minimum parking stall width shall be nine feet; minimum length shall be 20 feet.

(d) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve-foot lane for parking areas with less than 10 spaces, and at least two twenty-five-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area shall be located within 50 feet of a street intersection.

(e) Lighting, drainage and surfacing. All open parking areas shall be properly drained and lit, and all such areas shall be provided with a paved surface, except for parking spaces accessory to a one-family or two-family residence. The planning board may waive the requirement that a parking area be provided with a paved surface if it is deemed appropriate for the subject use and location.

(f) Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments, whether or not located on the lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

(g) Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use with the least requirement.

(h) Location and ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 300 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which the parking spaces are located and in no event shall such parking spaces be located in any residence district unless the use to which the spaces are accessory is permitted in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, approved by the Planning

Board, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of such use to which they are accessory or until such spaces are provided elsewhere.

(i) Lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residence district unless the use to which they are accessory is permitted in such district or upon approval of the Planning Board.

(2) Off-street requirements. Off-street loading berths, open or enclosed, are permitted accessory to any use, except one- or two-family residences, subject to the following provisions:

(a) Uses for which required. Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements.

[1] For a public library, museum, art gallery or similar quasi-public institution or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged or school with floor area of 10,000 square feet: one berth; for each additional 25,000 square feet or fraction thereof: one additional berth.

[2] For buildings with professional, governmental or business offices or laboratory establishments with floor area of 10,000 to 25,000 square feet: one berth; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet: one additional berth; for each additional 50,000 square feet or fraction thereof: one additional berth.

[3] For buildings with offices and retail sales and service establishments: one berth for 8,000 to 25,000 square feet of floor area, and one additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.

[4] For hotels: one berth for each 25,000 square feet of floor area.

[5] For manufacturing, wholesale and storage uses and for dry-cleaning and rug cleaning establishments and laundries: one berth for 5,000 to 10,000 square feet of floor area in such use, and one additional berth for each additional 20,000 square feet of floor area or fraction thereof so used.

(b) Size of spaces. Each required loading berth shall be at least 12 feet wide, 33 feet long and 14 feet high.

(c) Location and access. Unobstructed access at least 12 feet wide, to and from a street, shall

be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory, except as provided in Subsection B(4). No entrance or exit for any off-street parking area shall be located within 50 feet of a street intersection. No off-street loading berth shall be located in any front yard.

(d) Joint facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.

(e) Lots divided by district boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to all of the lot. Loading berths on such a lot may not be located in any residence district unless the use to which they are accessory is permitted in such district or upon approval by the Planning Board.

(3) Parking regulations in multiple residence districts. In multiple residence districts, wherever space is provided for the parking of five or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. No parking space shall be located in any front yard or within 10 feet of any lot line in side or rear yards. The parking of motor vehicles is prohibited within 15 feet of any wall or portion thereof of a two-or-more-family dwelling, which wall contains windows or other-than-legal bathroom or kitchen windows with a sill height of less than eight feet above the level of said parking space. No service of any kind shall be permitted to be extended to users of the lot, including automobile service, repair or fueling, and no gasoline, oil, grease or other supplies shall be stored or sold in any such lot or in any garage on such lot. Parking areas shall be screened by a substantial wall, fence or thick hedge with a height of not less than 6 1/2 feet and approved by the Planning Board.

(4) Regulations for parking spaces adjacent to lots in any residence districts.

(a) Wherever a parking area of over five spaces abuts the side or rear lot line of a lot in any residence district, said parking lot shall be screened from such adjoining lot by a substantial wall, fence or thick hedge at least 6 1/2 feet high and approved by the Planning Board.

(b) Whenever a parking area of over five spaces is located across the street from other land in any residence district, it shall be screened from the view of such land by a thick hedge, wall or fence, approved by the Planning Board, located along a line drawn parallel to the street and a distance of 20 feet therefrom, such screening to be interrupted only at points of ingress and egress. The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Two identification and directional signs located on the street side of such screening shall be permitted; however, they shall not exceed an area of three square feet each.

This Local Law shall take effect immediately.

Aye	Nay		Aye	Nay	
___	___	Mayor Garant	___	___	Trustee Loucks
___	___	Trustee D'Abramo	___	___	Trustee LaPointe
___	___	Trustee Miller			

Dated: August 7, 2017

_____
Robert Juliano - Village Clerk

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, N.Y. 11231

Local Law Filing

(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 **The Incorporated Village of Port Jefferson**
~~Town~~
Village

Local Law No. ____ of the year 2017.

A LOCAL LAW OF THE VILLAGE OF PORT JEFFERSON

The Amended Section 250-27(D) of the Village Code which shall read as follows:

§ 250-27 Schedules of regulations.

D. Additional parking requirements.

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(a) Schedule of parking requirements.

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Golf courses and other country clubs	2 members or 2 accommodations (such as lockers), whichever is greater
Schools	12 seats or students
Hospitals, sanatoriums, philanthropic or eleemosynary institutions	400 square feet of floor area
Eating and drinking establishments	100 square feet of floor area or occupant, as established in accordance with NYSBC Section 1003.2.2, whichever is larger
Clubs and lodges	200 square feet of floor area
Undertakers	2 employees, plus 1 space for each five seats for each chapel
Hotels	Guest room
Home occupation or accessory professional office	3 spaces per each home occupation, plus one space for each employee
Office of health service professionals, such as, but not limited to, chiropractors, counselors, dentists, optometrists, osteopaths, physicians, podiatrists, psychologists, social workers and therapists	100 square feet
Bars/taverns/nightclubs	2 linear feet of outer bar perimeter or occupant as established in accordance with NYSBC Section 1003.2.2, whichever is larger
Retail food establishments	100 square feet of floor area

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contained therein.

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parking spaces shall conform to all the regulations of the district in which the parking spaces are located and in no event shall such parking spaces be located in any residence district unless the use to which the spaces are accessory is permitted in such residence districts or upon approval by the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of such use to which they are accessory or until such spaces are provided elsewhere.

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a distance of 20 feet therefrom, such screening to be interrupted only at points of ingress and egress. The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Two identification and directional signs located on the street side of such screening shall be permitted; however, they shall not exceed an area of three square feet each.

Effective Date:

This Local Law shall take effect immediately.

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

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2017 of the Incorporated Village of Port Jefferson was duly passed by the Village Board on _____ 2017 in accordance with applicable provisions of law.

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 matter indicated in paragraph 1 above.

_____
Robert Juliano - Village Clerk

(Seal) Dated: _____, 2017

(Certification to be executed by Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

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.

Dated: August 7, 2017

_____
Signature: Brian T. Egan
Title: Village Attorney
Incorporated Village of Port Jefferson