

Local Law 12 -2023

A local law amending chapter 270 (Zoning) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 270, section 270-30 (Zoning- Parking and Loading Regulations) is amended with new matter underlined and deleted matter in **[brackets]**.

§ 270-30 Parking and loading regulations.

A. Off-street parking. Off-street parking spaces, open or enclosed, are subject to the following provisions:

- (1) Off-street parking requirements for each District shall be as provided in Appendix C and as detailed in this section. For uses which do not fall within the categories listed in Appendix C, the Planning Board will determine the necessary parking needed to prevent frequent parking on the street by persons visiting or connected with each such use.

(a) Non-residential parking in the VC, SP-N and NC-2 zoning districts for building or area expansion: Off-street parking is required only for the enlarged or expanded area, not the entire building, as long as the proposed non-residential use is to remain unchanged, and the proposed expansion does not result in the loss of existing off-street parking spaces.

(b) Residential dwelling units in the VC, SP-N and NC-2 zoning districts: Off-street parking is required only for new dwelling units, or existing dwelling units that propose an increase in bedrooms as long as the proposed additional dwelling units or bedrooms do not result in the loss of existing off-street parking spaces.

(c) Non-residential parking in the VC, SP-N and NC-2 zoning districts for a change of non-residential use that does not involve an increase in gross floor area: If there is a change from one non-residential permitted or conditional use to another non-residential permitted or conditional use, off-street parking is required only for the net increase in parking as a result of the change of use. The first requested ten (10) parking spaces shall be waived.

(d) Non-residential parking in the VC, SP-N and NC-2 zoning districts for a change of residential use to non-residential use that does not involve an increase in gross floor area: If there is a change from a residential use to a non-residential permitted or conditional use, off-street parking is required only for the net increase in parking as a result of the change of use. The first required ten (10) parking spaces shall be waived.

(e) Where it is determined that the required parking cannot be accommodated including through parking at accessory locations [See section 270-30A (10)], then the applicant either shall seek a variance from the Zoning Board of Appeals or otherwise provide the required parking. Notwithstanding the foregoing, within the VC, SP-N and NC-2 zoning districts, no required parking shall be eligible to have parking requirements satisfied pursuant to section 270-30A(1)(d) except pursuant to the fee-in-lieu of parking procedure set fourth in section 270-30A(12).

- (2) 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. Each space shall be independently accessible with the exception that one space behind each

garage or carport space may be counted as a parking space to meet parking requirements. Otherwise, tandem parking with access from only one direction shall be computed as one space.

- (3) All driveways, blacktop or loading docks must be at least four feet away from the property line in the following residential districts (S-50, S-100, S-125, MF-1, MF-2, PRD), all driveways, blacktop or loading docks must be at least two feet away from the property line in the following residential districts (S-75, T), and all driveways, blacktop or loading docks must be at least two feet away from the property line in nonresidential districts (PW-a, PW-b, PW-c, SP-N, SP-S, CDD, RDD, IR, O-R, VC, PC, NC-1, NC-2, GB and P-O) unless otherwise noted in Appendix B. **[Amended 8-2-2011 by L.L. No. 3-2011; 7-7-2021 by L.L. No. 7-2021]**
- (4) Size of spaces. Each parking space shall be a minimum of nine feet wide by 18 feet deep. The minimum parking aisle width shall be 24 feet for spaces at a ninety-degree angle, 18 feet for spaces at a sixty-degree angle, 13 feet for spaces at a forty-five-degree angle and 12 feet for spaces at a thirty-degree angle. Where parking is arranged back-to-back, each parking space may share a common backup space. Entrance and exit lanes shall not be computed as parking space, except for driveways in one- and two-family residences, as set forth in Subsection **A(1)**.
- (5) Prohibited parking areas. Except in the PC District, parking shall not be permitted in the required front yard except as set forth in Subsection **A(1)**. In addition, except as provided in Subsection **A(1)**, parking shall not be permitted anywhere in the front yard of any single- or two-family dwelling, except that where the Building Inspector finds that, due to unique conditions, compliance with this limitation will cause practical difficulties and tend to increase on-street parking by residents, he may authorize parking anywhere in the front yard of such dwellings, except for that portion thereof which is directly in front of the principal building, exclusive of garage structures.
- (6) Access. Unobstructed access to and from a street shall be provided. Such access shall consist of at least one twelve-foot-wide lane for parking areas with less than 20 spaces and at least two twelve-foot-wide lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection, nor exceed a grade in excess of 6% within 25 feet of any street line, nor 10% at any other point.
- (7) Drainage and surfacing. All parking areas shall be properly drained and all such areas, except for parking spaces accessory to a one- or two-family dwelling, shall be provided with a dustless surface in accordance with specifications of the Village of Ossining. The maximum slope of a parking area shall not exceed 5%.
- (8) Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the full extent. 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 by up to 100% of the parking spaces required for that use with the least requirement.
- (9) Enclosed facilities.
 - (a) Required parking areas may be constructed within or under any portion of a main building, provided that the access driveway does not at any point have a grade in excess of 10%. Access

driveways should be placed to intersect streets with lower pedestrian traffic and less retail frontage so as to avoid disrupting the streetscape on principal pedestrian streets.

- (b) Except for one- or two-family dwellings, parking is not permitted in the portion of the first floor (or of any basement or cellar not entirely below ground) extending a minimum of 40 feet back from the front building line. Such area shall be utilized for a permitted main use, other than parking, in the zoning district in which the building is located. This requirement applies to buildings in which parking is a main use.
 - (c) Notwithstanding the above, in a building on a corner lot, parking is permitted in the front portion of the first floor (or basement or cellar not entirely below ground) facing the street with the lower pedestrian traffic function. Along the street frontage, such parking shall be concealed with facade materials comparable to those used on the remainder of the building. To the extent practical, eye-level fenestration with translucent, but not transparent, glass shall be provided, or the portion of the building devoted to parking shall be screened with landscaping subject to approval by the Planning Board.
 - (d) All buildings with enclosed parking shall provide horizontal and vertical articulation across the entire facade of the building on all streets to provide for visual interest. To fulfill this requirement, an articulation element shall be required at least every 10 feet, measured both horizontally and vertically.
- (10) 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 no required spaces are located farther than 200 feet in walking distance from such lot, or 700 feet in the VC Zone **unless provided for by an In Lieu of Parking agreement pursuant to section 270-30A(12)**. In all such cases, the 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 either the use to which the spaces are accessory is located 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 restrictions, 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 the use to which they are accessory or until such spaces are provided elsewhere, in a location and manner acceptable to the Planning Board.
- (11) On 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 the entire lot. Parking spaces on such lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residence district, unless either the use to which they are accessory is located in such district or upon approval by the Planning Board.
- [(12) Waiver for changes of use in existing buildings in the VC, SP-N and NC-2 Districts. The parking space requirements shall be waived in the VC, SP-N, and NC-2 districts where all of the following conditions are met:
- (a) The change is from one permitted or conditional use in the district to another permitted or conditional use in the district.

- (b) The proposal does not involve construction of a new building or alterations or additions to an existing building which will result in an increase in gross floor area that will take away already existing off-street parking spaces and the Planning Board shall make a finding that the proposed new construction or addition will not be able to provide any additional off-street parking due to the existing conditions of the site.
- (c) The proposal does not result in the loss of existing off-street parking spaces.
- (d) The new use shall continue to have access to any parking spaces to which the existing use in the same location was granted access.]

12. Fee in Lieu of Parking for new or infill construction in the VC, SP-N and NC-2 zoning districts (Payment in Lieu of Parking Program).

(a) Rather than providing all or a portion of the required off street parking for a new development, change in use, expansion or enlargement of a premises that requires additional off-street parking, an applicant may apply to the Board of Trustees for permission to make a contribution to an interest-bearing account ("The Downtown Parking In Lieu of Fund") in lieu of the required parking for the proposal.

(b) Applications for the Payment in Lieu of Parking program shall be presented to the Board of Trustees with a copy to the Planning Board.

(1) Applicants must first appear before the Planning Board if the proposal requires site plan or other approvals from the Planning Board. The Planning Board shall refer the proposal to the Board of Trustees with the Planning Board's recommendation, if any. The referral to the Board of Trustees shall occur after receipt of a complete application for all Planning Board approval(s) and completion of any required environmental review pursuant to the State Environmental Quality Review Act and the Village Code.

(2) Upon receipt of a complete application for the Payment in Lieu of Parking program and the recommendation of the Planning Board, the Board of Trustees shall consider the application. The Board of Trustees may grant, grant with conditions or deny the application. A resolution incorporating the decision shall be filed with the Village Clerk with a copy mailed to the applicant. If the application is granted or granted with conditions, the applicant will then proceed with site plan approval or other required approvals from the Planning Board.

(3) Any person aggrieved by the decision of the Board of Trustees pursuant to this subsection may, within thirty (30) days of the filing of the board's decision with the Village Clerk, seek judicial review pursuant to Article 78 of the Civil Practice Law and Rules.

(c) Determination of the Board of Trustees. In making its decision on an application to participate in the Payment in Lieu of Parking program, the Board of Trustees shall make an inquiry and determination that the proposal presents an appropriate case that parking cannot be appropriately located on the proposed site plan and the site-specific plan is equal to or better than the strict application requiring on-site parking.

(d) The following standards are required to approve an application for the Payment in Lieu of Parking Fund (ILPF):

(1) Districts. Only properties within the VC, SP-N and NC-2 zoning districts are eligible for the Payment in Lieu of Parking program.

(2) Amount of payment. The applicant shall make a one-time only payment to the village, the amount of which shall be established in the Village of Ossining Fee Schedule reviewed annually by the Board of Trustees. The payment shall be based upon a review of labor/supply cost and standards in similar communities, balanced with an interest in providing ILPF as an attractive option and the need to provide for a reasonable fee allowing for additional parking construction.

(3) Timing of payment. Unless otherwise approved by the Board of Trustees, payment to the ILPF shall be made in full prior to the issuance of any building permits associated with the project. All payments shall be collected by the Building Department and conveyed to the Village Treasurer for deposit in a separate interest-bearing account.

(4) Use of funds. Monies in the ILPF account shall be used for the following purposes only:

- (a) Construction of a public parking facility.
- (b) The operation and maintenance of public parking facilities and functions.
- (c) Transportation and mobility improvements.
- (d) Transportation demand management facilities or programs.
- (e) Similar transportation or mobility-related facilities.
- (f) Programs as deemed appropriate by the village.
- (g) Acquisition of real and/or personal property to affect such construction and/or improvements.
- (h) Planning, feasibility, environmental, and other studies.
- (i) Professional fees including, but not limited to:
 - 1. Engineering and legal services related to items a-h.
 - 2. Acquisition.
 - 3. Construction.
 - 4. Improvements.

(5) Timing of ILPF use. Funds deposited in the ILPF account shall be used on a "first-in, first-out basis". Funds deposited must be entirely spent within ten (10) years of initial collection. Should the funds deposited in the ILPF account not be fully spent within ten (10) years of initial collection, the funds will be returned with interest to the applicant within ninety

(90) days.

Section 2. Effective date.

This local law shall be effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.