

Proposed Local Law 8-2022

A local law amending Chapter 270 (Zoning-Parking and loading regulations) 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 (Zoning) section 270-30A (Parking and loading regulations) of the Village of Ossining Code is amended as follows 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.^[1] 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.

[1]Editor's Note: Appendix C, Parking Requirements, is included at the end of this chapter.

(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. 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 Zoning Districts where additional off-street parking will not be required. The parking space requirements in the aforementioned zoning districts shall be waived upon application to the Planning Board [in the VC, SP-N, and NC-2 districts] where the Planning Board has made findings that [all] each of the following conditions are met:

- (a) The change in use is from one permitted or conditional use in the zoning district to another permitted or conditional use in the zoning district [and the change requires equivalent] requiring the same or [lower quantities of] fewer parking spaces[.];
- (b) The proposal to change the use of an existing building in the aforementioned zoning districts does not involve new construction [of a new building], [or] alterations or additions [of] to an existing building [which will result] resulting 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[.]; and
- (d) The new permitted or conditional use shall continue to have access to any parking spaces to which the existing use in the same location was granted access.

(13) In Lieu Fund for Parking for New or Infill Construction in the VC, SP-N and NC-2 Districts.

(a) Except as provided in section 270-30(a) 12, where as a result of new construction, change of use, alteration, expansion or enlargement of property in the VC, SP-N or NC-2 zoning districts, off-street parking is required by this chapter, the Board of Trustees may grant a special permit authorizing the applicant to make a payment of money in lieu of parking to a fund as detailed herein. The Board of Trustees may accept such payment to satisfy the off-street parking requirements subject to compliance with the following standards:

- [1] Districts. Only properties within the VC, SP-N and NC-2 Zoning Districts are eligible for approval of payments in lieu of parking.
- [2] Amount of payment. The applicant shall make a one-time-only payment to the Village, the amount of which shall be as established in the Village of Ossining's Fee Schedule, and reviewed annually by the Board of Trustees. The fee is to be based on a review of labor/supply cost and standards in other similar communities, balanced with an interest in providing an attractive option to pursue in lieu

fund parking (ILF) and the need to provide a reasonable fee that allows for additional parking construction.

[3] Timing of payment. Unless otherwise approved by the Board of Trustees, payment to the ILF must be made in full prior to the issuance of any building permits associated with the project. All funds shall be collected by the Building Department and conveyed to the Village Treasurer for deposit in a separate interest-bearing trust account. The funds in the ILF trust fund shall be used by the Board of Trustees as detailed below.

[4] ILF Special permit process. The applicant seeking to make a payment in lieu of off-street parking shall submit a special permit application to the Board of Trustees in accord with section 270-54. The procedures detailed in section 270-54 shall be followed for the ILF Special Permit

[5] Use of funds. Monies in the trust fund shall be used solely for the construction of a public parking facility, the operation and maintenance of public parking facilities and functions, transportation and mobility improvements, transportation demand management facilities or programs, and similar transportation or mobility-related facilities or programs as deemed appropriate by the Board of Trustees, as well as acquisition of real and personal property to effect such construction and/or improvements. Monies in the trust fund may also be used for planning, feasibility, environmental, and other studies, and for professional fees including, but not limited to, engineering and legal services, related to such studies, acquisition, construction and improvements. Use of the trust funds shall be approved by resolution of the Board of Trustees.

[6] Timing of use ILF trust funds. Monies deposited in the ILF trust fund shall be used on a "first-in, first-out" basis. All deposits must be spent in their entirety within ten (10) years of their initial collection; failure of the Village to spend the monies will result in returning payment, with interest, within ninety (90) days.

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

(1) Loading requirements. Accessory off-street loading berths shall be provided for any use specified herein. 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. Reasonable and appropriate off-street loading requirements for structures and uses which do not fall within the categories listed herein shall be determined by the Planning Board upon consideration of all factors entering into the loading needs of each such use.

(a) For a public library, museum 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:

[1] If the floor area does not exceed 10,000 square feet: one berth.

[2] For each additional 25,000 square feet or fraction thereof: one additional berth.

(b) For buildings with professional, governmental or business offices or laboratory establishments:

[1] If the floor area is less than 8,000 square feet: none.

[2] If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3] For each additional 25,000 square feet or major fraction thereof up to 100,000 square feet: one additional berth.

[4] For each additional 50,000 square feet or major fraction thereof: one additional berth.

(c) For retail sales and service establishments:

[1] If the floor area is less than 8,000 square feet: none.

[2] If the floor area amounts to between 8,000 and 25,000 square feet: one berth.

[3] If the floor area exceeds 25,000 square feet: one additional berth for each additional 25,000 square feet of floor area or major fraction thereof.

(d) For undertakers and funeral homes: one berth for each chapel. Such berths shall be at least 10 feet wide, 20 feet long and 14 feet high.

(e) For hotels or similar establishments: one berth for each 25,000 square feet, or major fraction thereof, of floor area.

(f) For manufacturing, wholesale and storage uses and for dry-cleaning and rug-cleaning establishments and laundries: one berth for each 10,000 square feet of floor area or less; and one additional berth for each additional 20,000 square feet of floor area, or major fraction thereof, so used.

(g) For multiple dwellings in structures with a height of over 2.5 stories: one berth for each structure or for each 150 dwelling units, or major fraction thereof, whichever results in the lesser number.

(2) Size of spaces. Except as provided hereinbefore, each required loading berth shall be at least 12 feet wide, 35 feet long and 15 feet high.

(3) 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 loading area shall be located within 50 feet of any street intersection. No loading berths shall be located in any required yard and shall be screened where visible from any residential district boundary.

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

(5) On 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 the entire lot. Loading berths on such lot may be located without regard to district lines, provided that no such berths shall be located in any residence district, unless either the use to which they are accessory is permitted in such district or upon approval by the Planning Board.

C. Parking regulations in multiple dwellings. Whenever 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. The parking of motor vehicles is prohibited within 15 feet of any wall, or portion thereof, of a dwelling for two or more families, which wall contains windows (other than 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 thoroughly screened, subject to approval by the Planning Board. Generally, such screening shall be at least six feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching at least eight feet in height at maturity.

D. Regulations for parking spaces adjacent to lots in any residence district.

(1) Wherever a parking area of over five spaces is within 15 feet of the side or rear lot lines of a lot in any residence district, said parking lot shall be thoroughly screened from such adjoining lot, subject to approval by the Planning Board. Generally, such screening shall be eight feet in height and, if composed of plants, shall not be less than three feet in height, but capable of reaching eight feet in height at maturity.

(2) Whenever a parking area of over five spaces is located across the street from any land in a residence district or abuts a lot in a residence district, it shall be thoroughly screened, subject to approval by the Planning Board.

E. Driveways. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located. No driveway shall provide access to a lot located in a nonresidential district across land in a residential district.

(1) The maximum slope of a driveway shall not exceed 10%.

(2) A driveway serving a commercial use or more than two residences shall be not less than 20 feet wide for two-way operation or 10 feet wide for one-way operation and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police or emergency vehicles.

F. Trailers and boats.

(1) The storage or parking and use of a trailer by any person or persons is hereby prohibited in all districts, except that:

(a) One camping trailer not over 20 feet in length may be stored, but not used for any purpose, on an occupied lot in any residence district, provided that such trailer is not stored within any required yard, nor between the street line and the principal building.

(b) Where a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit for one trailer for a period not to exceed six months. Said trailer may be occupied during the term of the temporary permit and shall be situated upon the lot for which the building permit has been issued.

(2) Not more than one boat per dwelling unit may be stored on an occupied lot in any residence district, provided that such boat is not stored within any required yard nor between the street line and the principal building nor in a required parking space nor blocking a required parking space.

G. Commercial vehicles in a residential district.

(1) **For purposes of this section and subsection H, "commercial vehicles" are defined as follows:**

a) **A trailer, boat, vessel, boat trailer or motor home, whether or not such vehicle is supported on wheels;**

b) **Any vehicle which, by reason of the attachment of advertising or commercial messages and/storage of service equipment or other commercial merchandise or hardware, presents the outward appearance of a vehicle which is utilized primarily in the furtherance of commercial or industrial enterprise; or**

c) **Any vehicle which is defined or considered a "commercial vehicle" for the purposes of vehicle registration requirements of the State of New York.**

([1]2) Parking of commercial vehicles in a residential district shall not be permitted, except for cars, vans and pickups not exceeding 20 feet in length and eight feet in width.

([2]3) Not more than one such commercial vehicle may be parked on a developed lot or in a private garage or carport in any residence district, but not within the required yards of such lot and in no case between the street line and the principal building.

([3]4) No vehicle, or part(s) thereof, shall be parked or stored on any unimproved lot.

H. Commercial vehicles in a nonresidential district.

(1) Commercial vehicles are permitted as accessory to a nonresidential use (in a nonresidential district) and can be stored on an improved parking lot, but shall not be stored or parked within the front setback or any required yard.

(2) No commercial vehicle, or parts thereof, shall be parked or stored on any unimproved lot.