

Local Law Filing

Village of Port Chester, New York

Local Law No. 03 of the Year 2024

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345,
“ZONING” TO AMEND PROVISIONS RELATING TO PARKING SPACE REQUIREMENTS**

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

SECTION 1: Purpose and Intent

The Village of Port Chester adopted its Character-Based Zoning Code in May 2020. The SEQRA environmental review of the Character-Based Zoning Code indicated a twenty-year build-out by 2040. Since that time, the Village has received numerous applications for site redevelopment in furtherance of the Village’s goal of downtown redevelopment. The applications already approved or pending approval would put the Village of Port Chester near its estimated twenty-year buildout well before 2040.

Subsequent to the adoption of the Character-Based Zoning Code in 2020, and based upon the ongoing review of numerous development proposals within the Village, it has become apparent to the Board of Trustees that the parking requirements in the Character-Based Zoning Code are insufficient, and could result in potentially significant adverse impacts on parking in the Village, especially in downtown areas. The Board took initial action to remedy this potential impact by modifying the parking requirements in 2022. However, the Board finds that such action is not sufficient. Planning staff has informed the Board as follows:

- two (2) existing major downtown residential developments providing Parking Ratios between 1.4 and 1.5 are, in fact, not currently over-served by off-street parking capacity;
- a downtown residential development providing a Parking Ratio of 1.0 is, in fact, underserved by its off-street parking capacity, as noted by its developer and former owner, as well as advertisements for its units offering off-site parking arrangements at a location not known to the Village;
- a residential development at the very center of downtown, offered considerably reduced rent for extended lease periods for its inaugural leases, where no off-street parking is provided, and limited remote offsite parking is available;
- a downtown residential development, now nearing completion, obtained an amended Site Plan approval to increase the off-street parking ratio to 1.35, after purchasing the approved project that previously provided a parking ratio of less than 1.0.

The Zoning Code sought to foster a consensus as to an adequate off-street Parking Ratio from among downtown developers themselves. The experience of often-concurrent Site Plan review for more than 2,500 residential units over more than three (3) years has not resulted in any such consensus among downtown developers

thereby necessitating renewed attention and action by the Board of Trustees.

The purpose and intent of this Local Law is to revise parking space requirements, and advance the general purpose, intent & objectives of the Character-Based Zoning Code.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, Zoning, Article 4: Building and Lot Plans & Standards, is hereby amended as follows:

Section 345-405.N.1(h)[1][a]-[b], is deleted in its entirety and replaced by the following:

For a lot greater than 12,000 square feet, where a ratio of off-street parking spaces per unit less than 1.5 but no less than 1.0 is proposed, a parking fee in lieu shall be required in a pro-rated amount of \$15,000 per space.

Table 345.405.N-1 shall be amended as follows:

Table 345.405.N-1 Vehicular Parking Requirements	
Principal Use	Minimum Number of Spaces of Parking available to Lot Per Unit of Measure
Residential/Dwelling Uses Category	
Multifamily Dwelling	2 per Dwelling Unit in SD-PRD; 1.5 per Dwelling Unit in other Districts
Residence Portion of a Live/Work, Mixed-Use, Shop House, or Flex Building	1.5 per Dwelling Unit

SECTION 3: Applicability.

This local law shall not apply to any site plan approved prior to the adoption of this local law. Notwithstanding the foregoing, however, this local law shall apply to any amended site plan application that proposes a parking ratio in derogation (e.g. less parking) than originally proposed.

SECTION 4: Supersession.

Any provisions of the Village Code that are in conflict or inconsistent with the provisions of this local law are hereby superseded to the extent necessary to give this local law full force and effect.

SECTION 5: Severability.

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provisions or part thereof and the remaining part of such provision and all other provisions shall continue in full force and effect.

SECTION 6: Effective Date.

This local law shall be effective immediately upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF PORT CHESTER, NEW YORK
Luis A. Marino, Mayor
Janusz R. Richards, Village Clerk

Adopted: March 18, 2024

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

I hereby certify that the local law annexed hereto, designated as local law No. 03 of the 2024 of the Village of Port Chester was duly passed by the Village Board of Trustees on March 18, 2024 in accordance with the applicable provisions of law.

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 _ of the Village of Port Chester was duly passed by the Village and was (approved) (not approved) (repassed after disapproval) by the and was deemed duly adopted on in accordance with their applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. __ of Year 20__ of the Village of Port Chester was duly passed by the _____ on __, 20__ and was (approved) (not approved) (repassed after disapproval) by the _____ on __, 20__. 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 Town of Rye 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.

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 the 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 hereto, designated as local law No. __ of 20__ of the County of Westchester, State of New York, having been submitted to the electors at the General Elections 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 the 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 there from and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Janusz R. Richards, Village Clerk
Village of Port Chester

Date: March 21, 2024, 2024

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