

November 10, 2022

LOCAL LAW NO. OF THE YEAR 2022

A LOCAL LAW AMENDING THE PARKING REGULATIONS

OF THE VILLAGE OF GREENPORT

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE
OF GREENPORT AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date,
Purpose and Intent.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions.

2.1 Amendment of Section 150-12(C).

2.1 Amendment of Section 150-16(A)(1).

2.2 Deletion of Section 150-16(A)(2)

2.3 Amendment of Section 150-16(G).

3.0 Severability.

1.1 Title.

This Local Law shall be entitled “Local Law of 2022 Amending
the Parking Regulations of the Village of Greenport.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State
of New York, the Incorporated Village of Greenport, County of Suffolk and State of
New York, hereby enacts by this Local Law of 2022, a Local Law of the Village of

Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Findings, Purpose and Intent of Local Law.

The Board of Trustees hereby finds that it is necessary to amend the off-street parking requirements contained in Chapter 150 of the Greenport Village Code due to the fact that that the existing requirements were adopted in 1990, and there have been significant changes in the development of the Village, the uses in the commercial and residential districts, and the needs of the residents, workers, visitors and guests of the Village for parking in the more than thirty years that the existing regulations have been in effect. It is therefore necessary to amend the off-site parking requirements to protect the health, safety and welfare of the residents, workers, visitors and guests of the Village and, and the continued growth and success of the businesses and institutions of the Village.

The purpose and intent of this Local Law is to adopt amendments to the off-site parking regulations contained in Chapter 150 that will benefit the residents, guests, workers and visitors of the Village of Greenport and the businesses and institutions of the Village of Greenport by amending the parking regulations contained in Chapter 150 of the Greenport Village Code to address the need for parking in the Village, to promote the orderly development of the Village, to provide reasonable access to the services and benefits offered in the Village, and to provide the parking and access that is required for the workers, residents, guests, and visitors in the Village.

2.0 General Provisions.

2.1 Amendment of Section 150-12(C)

Section 150-12(C) of the Greenport Village Code is hereby amended to read as follows:

“150-12(C) 1. For any property or use that at the time of the adoption of this local law is located in either the CR Retail Commercial District or WC Waterfront Commercial District, or CG General Commercial District (including the current area of one of those districts that may subsequently be rezoned), and for nonresidential uses requiring off-street parking that may be existing in a zoning district other than one of those districts; for which there is (a) an alteration, expansion, reconstruction or other change in a premises requiring a building, demolition or other permit or site plan or other approval from the Village; or (b) a change in the nature of use or expansion of use resulting in the intensity of use of a property or premises; then

2. There shall be an off-street parking requirement for the property or use which shall be the increase in the off-street parking requirement for the property or use pursuant to (1) above, being the difference between the requirement of the new or altered use of the property over the off-street parking requirement of the use of the property calculated as of the date of the filing of this law with the Secretary of State, without taking into consideration any exemption pursuant to the former Section 150-12(C), and the off street parking requirement of the new use or altered premises.

2.2 Creation of Section 150-12(D)

Section 150-12(D) shall be created to read as follows:

“150-12(D) (1) The off-street parking requirements contained in Sections 150-12(A) and 150-12(B) are the minimum off-street parking requirements for properties located in the residential and commercial zoning districts respectively, of the Village.

(2) The off-street parking requirements contained in 150-12(B) are the minimum off street

parking requirements for properties located in the specified commercial districts of the Village.

(3) In the event that the use or uses of a property are contained in the table located in Section 150-16 of the Greenport Village Code, then the off-street parking requirement for a property or a use of a property or portion of a property shall be the greater of the off-street parking requirement as calculated by Section 150-12(A) or 150-12(B) or the off-street parking requirement as calculated by Section 150-16.

(4) In the event that the particular use or uses of a property for which an off-street parking requirement is being calculated are not specified in Section 150-16 but another use is listed in Section 150-16 that is similar to the use, then the greater of the requirement for that similar use or the requirement calculated by Section 150-12(A) or 150-12(B) shall be the applicable off-street parking requirement.

(5) In the event that a building or property contains both residential and commercial uses; then the off-street parking requirement for the building, property or use shall be the greater of the combined off-street parking requirements for the uses as calculated pursuant to Section 150-12(A) and Section 150-12(B) or Section 150-16.

2.3 Amendment of Section 150-16(A)(1).

A. The first paragraph only of Section 150-16(A)(1) shall be amended to read as follows:

“§ 150-16(A)(1)

Parking and loading regulations.

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

(1) Schedule of parking requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any use as 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 parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed below shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.

2.3 Deletion of Section 150-16A(2)

Section 150-16A(2) of the Greenport Village Code shall be deleted and Section number 150-16A(2) shall be reserved for future use by the Village.

2.4 Amendment of Section 150-16(G) of the Greenport Village Code.

Section 150-16(G) of the Greenport Village Code shall be amended to read as follows:

“G. (1)(A) The Planning Board may require an owner to deposit a payment in lieu of any parking requirements set forth in this section or § 150-12. The number of parking spaces for which a payment in lieu is granted by the Planning Board shall not exceed 50 % of the number of required parking spaces. The amount per space to be paid under a payment in lieu shall be \$1,000 for the first five spaces paid in lieu, \$2,500 for the sixth through the tenth spaces paid in lieu, and \$5,000 for the eleventh space and every space thereafter;

(1)(B) The Planning Board may grant a payment plan to the owner or entity responsible to provide off-street parking where a party may pay the payment in lieu amount to the Village, plus interest in the amount of ten percent (10%), in equal payment over up to ten years.

(2) The funds paid to the Village in lieu pursuant to this Section shall be deposited in a segregated fund maintained by the Village and used by the Village for the construction, acquisition or maintenance of public parking facilities.

(3) The Planning Board may determine to not grant any waiver for any portion of the off-street parking requirement, as may be determined by the Planning Board to be in the best

interests of the Village of Greenport. Any decision of the Planning Board as to the granting or denial of a grant of payment in lieu of parking pursuant to this section may be appealed to the Village Board of Trustees only, within 60 days of the filing of the Planning Board's decision with the Village Clerk.

3.0 Severability

In the event that any section or portion of this Local Law or Chapter shall be deemed void or not effective, the remaining provisions of this Local Law and Chapter shall remain in full force and effect.