

October 21, 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.

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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.

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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) Where for any property that at the time of the adoption of this local law is located in either the CR Retail Commercial District or the WC Waterfront Commercial District, or is a use in another district with a requirement to provide off-street parking, and for which there is (1) an alteration of a premises; (2) an application for building permit or site plan change or approval is applied for or required; (3) a building department inspection is applied for or required; or (4) a change in the use or nature of use of a property or portion of a property that requires a building permit, site plan approval, or building department inspection, for a change of use; the off-street parking requirement for the use of the property or portion of the property shall not be increased unless the off-street parking requirement for the use of the property or the subject portion of the property increases above the off-street parking requirement of the property or portion of the property as of the date of the filing of this local law with the New York State Secretary of State without regard to the exemption that was previously allowed for properties in existence as of July 1, 1991; whereupon the person or entity owning or occupying the property or portion of the property affected by the change or increase shall be required to provide off-street parking for the amount by which the off-street parking requirement for the property or portion of the property has increased above the amount that the off-street parking requirement that either was required as of the date of the filing of this Local Law or would have been required as of the date of the filing of the Local Law without taking into account any exemption that was previously provided for a property in existence as of July 1, 1991.

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2.2 Creation of Section 150-12(D)

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

150-12(D) 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.

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. 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) and the off-street parking requirement as calculated by Section 150-16.

In the event that the particular use or uses are not specified in Section 150-16 but another use is listed 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.

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 combined off-street parking requirements for the uses as calculated pursuant to Section 150-12(A) and Section 150-12(B) and Section 150-16.

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2.2 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 cash 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 more than 50 % of the 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 paces paid in lieu, and \$5,000 for the eleventh space and every space thereafter;

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(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. Said funds will be deposited and maintained by the Village in a special fund and used by the Village for the construction, acquisition or maintenance of public parking facilities.

(2) Any decision of the Planning Board pursuant to this section may be appealed to the Village Board of Trustees within 60 days of the filing of the Planning Board's decision with the Village Clerk.

(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.

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.