

VILLAGE OF LARCHMONT
PROPOSED LOCAL LAW _____-2017

A local law to permit in certain circumstances payment in lieu of providing off-street parking in certain zoning districts within the Village of Larchmont

Be it enacted by the Board of Trustees of the Village of Larchmont as follows:

Section One. New § 381-65 is hereby added to Article VII of the Zoning Code of the Village of Larchmont to read as follows:

Article VII. Off-Street Parking and Loading

§ 381-65. Payment in lieu of parking. Where, because of limitations of size, dimensions, or topography of a lot, or for other site-specific planning reasons, an applicant for new construction, chase of use, expansion, or enlargement of the premises requiring additional off-street parking within the MF, RB, or RC zoning district believes it impracticable to provide all of the off-street parking spaces required, the applicant may seek approval from the Board of Trustees for payment in lieu of parking. The Board of Trustees may accept such payment to satisfy the off-street parking requirement subject to compliance with the following standards:

- (1) Districts. Only properties within the MF, RB, and RC zoning districts are eligible for approval of payments in lieu of parking.
- (2) Amount and time of payment. The amount shall be as established by resolution of the Board of Trustees from time to time per parking space and may be adjusted on a case-by-case basis. Unless otherwise approved by the Board of Trustees, the payment in lieu of parking fee shall be due and payable prior to the issuance of a building permit.
- (3) Referral to Planning Board. When received, all applications for payment in lieu of parking shall be referred to the Planning Board for a presubmission conference. The Planning Board shall prepare and forward its comments and recommendations to the Board of Trustees promptly after completion of such conference.
- (4) All applications for payment in lieu of parking shall be made to the Board of Trustees in writing, and each application shall fully set forth the circumstances of the case and refer to the specific provision of the law involved. The Board of Trustees, at its discretion, may reasonably require further information including, but not limited to, plans, texts, measurements, or photographs to aid in deliberations. All review boards, including the Board of Trustees, may retain consultants to assist them in the review of the application at the cost of the applicant.
- (5) Use of funds. Monies in the account shall be used solely for the construction of a parking facility/facilities, transportation and vehicular traffic improvements, improvements to pedestrian and bicycle facilities, and similar transportation or mobility-related facilities or programs, as well as acquisition of real and personal property to effect such construction or improvements. Monies in the account 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.

- (6) Acceptance of payment in lieu of part off-street parking spaces required. The Board of Trustees may accept payment in lieu of parking only upon a determination that the development of all of the minimum required on-site parking is not practicable and/or creates undesirable visual or other impacts.
- (7) No variance required. If the Board accepts payment in lieu of parking pursuant to this section, the applicant is not required to seek a variance with respect to compliance with the required minimum off-street parking spaces for which a payment in lieu has been accepted as set forth in this chapter.
- (8) Developments that are potentially eligible to request payments in lieu of parking as above may receive a fifty percent payment reduction where the Board of Trustees determines that the proposed development includes the offer of donated land or easement to the Village that provides a significant enhancement to the Village.

Section Two. Severability.

If any section, subsection, clause, phrase, or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Three. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.