

*Local Law Filing*

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**Village of Port Chester, New York**

**Local Law No. 10 of 2024**

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,  
CHAPTER 345, “ZONING,” TO ADD A NEW SECTION 345.405.X, “PUBLIC PARKING  
INCENTIVE ZONING”

**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 Comprehensive Plan was adopted on December 17, 2012. The Comprehensive Plan included goals and recommendations related to parking in the Village’s downtown, and identified the need for additional parking to addresses parking needs in the downtown as well as in the Village’s residential neighborhoods. The Comprehensive Plan suggested that the Village support the development of a multi-level parking structure in the Village’s downtown to meet the then-current and anticipated future demands of the Village’s residents and businesses.

As the need for additional parking in the Village’s downtown (as identified in the Comprehensive Plan) remains, the Village Board of Trustees has found it necessary to consider other ways to encourage the development of parking, including through the use of a public parking incentive. This Local Law would incentivize the creation of public parking within new developments in certain areas proximate to the Metro North train station, generally bounded by North Main Street, the Metro North Railroad right-of-way, Westchester Avenue, and Mill Street, through an incentive program whereby additional building height is granted in return for the provision of public parking within the development.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, “Zoning,” Article 4, “Building and Lot Plans and Standards,” is hereby amended to add a new section 345.405.X., “Public Parking Incentive Zoning,” as follows:

(1) Legislative Intent. In accordance with the Village’s general zoning powers, including but not limited to, those granted by §7-703 of Village Law, the Village finds it necessary to provide for a system of zoning incentives in exchange for specific community benefits. The system defined herein is consistent with the Village’s Comprehensive Plan, as well as the Village’s planning efforts, which seek to continually balance economic development, the creation of new housing, the provision of public parking, and the minimization of environmental impacts.

(2) Lots designated in the CD-5 Character District and that are located west of North Main Street, east of the Metro North Railroad right-of-way, north of Westchester Avenue, and south of

Mill Street may make use of the following incentive system. This incentive shall be subject to the following standards and conditions, as well as all other requirements of this Chapter.

- a. Parcels/Lots shall earn two (2) additional stories of permitted height if they provide a number of “municipal parking spaces,” defined below, equal to at least one-half (50%) of the number of dwelling units proposed. In no case shall the maximum height of a building making use of this incentive program exceed eight (8) stories.
- b. Parcels/lots utilizing this incentive may reduce the amount of off-street parking required for multifamily residential uses to 1.0 space per dwelling unit.
- c. The “Municipal parking spaces” provided shall reduce the number of off-street parking spaces otherwise required on the Parcel/Lot owing to non-residential uses. A minimum of one off-street parking space per residential unit shall be provided in addition to any “municipal parking spaces.”
- d. Parcels/lots utilizing this incentive zoning shall comply with the following additional standards:
  - i. Façade articulation must include “stepbacks” along the building’s North Main Street frontage whereby the façade of the building, above a certain height, is set back from the frontage line. Required stepbacks include:
    - 1) The façade of the top-most story of the building facing North Main Street must be set back at least 10 feet from the frontage line.
    - 2) For buildings with at least 200 feet of frontage along North Main Street: At least 25% of the length of the building’s North Main Street frontage beginning with the second, third, or fourth story, and continuing to the top story, must be set back at least 25 feet from the frontage line.
  - ii. The “Municipal parking spaces” may not be accessed directly from North Main Street.
- e. “Municipal parking spaces,” for the purposes of this subsection only, shall mean off-street parking spaces for use by the general public in accordance with a Memorandum of Understanding (MOU), or similar instrument, executed among the Village Board of Trustees and a property owner or Applicant. Nothing herein shall require the Board of Trustees to enter into an MOU with a property owner or Applicant. The Board of Trustees retains the discretion to determine whether entering into an MOU pursuant to this section is in the best interest of the Village.
  - i. The MOU shall generally address the following items, which items may be subject to final agreement among the parties at a later date:
    - 1) The general characteristics of the proposed development within which the municipally available parking would be located.
    - 2) The general location of the municipally available parking spaces and the access thereto.
    - 3) The intended hours of operation and other access restrictions for the municipally available parking.
    - 4) General operating rules, including methods of collecting payment for the municipally available parking.
    - 5) The potential of revenue sharing for the municipally available parking.

- 6) Other items deemed necessary by the Board of Trustees.
- ii. The MOU shall be executed prior to Planning Commission action on the Site Plan.
- iii. An MOU (draft or final) shall not be a required element of determining the completeness of a site plan application for the purposes of commencing the application's review by an Approving Agency.

SECTION 3: The Code of the Village of Port Chester, Chapter 345, "Zoning," Article 4, "Building and Lot Plans and Standards," is hereby amended as follows:

Section 345-405.A(6)(i)[1], "District Standards: Urban Center Character District," is amended as follows:

[1] Building Height	
Principal Building	2 Stories minimum, 6 Stories maximum, except as provided in Section 345.405.X

Section 345-405.N(1)(a) is amended as follows:

Vehicular Parking must be provided in accordance with this § 345-405N and Table 345.405.N-1 (Vehicular Parking Requirements), must comply with and be located and in accordance with Tables 345.405.A-1 through 345.405.A-14 (District Standards) and Table 345.405.B (Civic District Standards) and must be designed in accordance with Table 345.405.N-3 (Off-Street Vehicular Parking Space Dimensions), except as modified by lots making use of the public parking incentive program as provided in Section 345.405X.

Section 345-405.N(1)(h)[1] is amended as follows:

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, except for lots making use of the public parking incentive program as provided in Section 345.405.X.

SECTION 4: Supersession

This local law shall supersede any inconsistent or conflicting provisions of Chapter 345 of the Village Code to provide for this local law to have full force and effect.

SECTION 5: Severability

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or

section or part of this local law directly involved in the controversy in which said judgment shall have been involved.

SECTION 6: Effective Date

This Local Law shall become effective 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: August 5, 2024

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

I hereby certify that the local law annexed hereto, designated as local law No. 10 of the 2024 of the Village of Port Chester was duly passed by the Village Board of Trustees on August 5, 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.

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Janusz R. Richards, Village Clerk  
Village of Port Chester

Seal

Date: August 8, 2024