

**ARTICLE XII Off-Street Parking and Loading**

**§ 210-68. Off-street parking.**

The following shall be the minimum requirements for accessory off-street parking spaces in each district where such use is permitted. (Off-street parking shall be permitted only on designated and improved parking areas in accordance with site plan approval by the Planning Board.)

<b>Use</b>	<b>Required Number of Parking Spaces</b>
Art studios, art galleries and antique shops	1 for every 150 square feet of total floor area
Boatels and motels	1 per room, plus 1 per 3 employees
Boat sales, repair and service	1 for every 150 square feet of floor area devoted to retail or service activities, plus 1 for each two-boat dry-docking facility
Churches, places of worship, Sunday school buildings, parish houses and rectories	1 for every 200 square feet of floor area, but not less than 1 for each 5 seats, where provided
Community centers, libraries, museums, publicly owned art galleries and similar public facilities	1 for every 200 square feet of floor area, but not less than 1 for each 5 seats, where provided
Dwellings	1 for each dwelling unit, plus 2 for any accessory home occupation
Fraternal and social clubs	1 for every 200 square feet of floor area, but not less than 1 for each 5 seats, if provided
Funeral parlors	1 for every 2 employees, plus at least 10
Heliports	1 for every 2 employees, plus 1 for each private aircraft parking space and 5 per scheduled aircraft arrival or departure within the peak 3-hour period
Indoor theaters	1 for every 5 seats
Light industrial research and development laboratory use or public utility facilities	1 for every 300 square feet of gross floor area or 2 for every 3 employees, whichever is less
Marinas	1 for each boat-mooring facility or 3 seats in commercial craft or 3 employees
Multifamily dwellings	1 1/2 per dwelling unit
Professional, business and governmental offices	1 for each office, plus 1 for every 150 square feet in floor space in such use

Public or private clubs, fraternity houses or lodges	1 for every 2 members or accommodations such as lockers, whichever is greater
Public utility facilities	1 for every 2 employees or 300 square feet of floor area, whichever is greater
Restaurants, tearooms, taverns or places serving food or beverage	1 for every 3 seats
Retail or service business of floor area devoted to retail or service activities	1 for every 150 square feet
Public or parochial schools or schools of special instruction	1 for every 12 seats or students of elementary grades and 6 seats or students for other schools
Telephone exchanges	1 for every 2 employees or 300 square feet of floor area, whichever is less
Wholesaling, warehousing, distribution business	2 for every 3 employees; however, additional area should be allocated on the basis of 1 space per 300 square feet of floor area

**§ 210-68.1. Exceptions to off-street parking requirements in the Business B Zoning District.**

A.	The required number of off-street parking spaces for “Retail or service business of floor area devoted to retail or service activities” in Business B is modified as follows: There is no required number of off-street parking spaces for “Retail or service business of floor area devoted to retail or service activities” under a threshold floor area of 600 square feet; the required number of parking spaces for floor area above 600 feet is one space for every additional 150 square feet.
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B.	<p>“Restaurants, tearooms, taverns or places serving food or beverage” (hereinafter “food/beverage service establishment”) in Business B, that cannot provide the required number of parking spaces on site, may use leased or rented spaces, from a different site (i.e., “off-site”), to satisfy the off-street parking regulation, subject to the restrictions and conditions set forth below. Such food/beverage service establishment, that is leasing or renting off-street parking spaces off-site, is hereinafter referred to as “the food/beverage service establishment lessee.” The owner of the real property that is the situs of the leased or rented off-street parking spaces (that are being utilized off-site by the food/beverage service establishment lessee) is hereinafter referred to as “the lessor.”</p> <ul style="list-style-type: none"> <li>(i). Off-site leased or rented off-street parking spaces must either be within the Business B Zoning District or (if not in Business B) be within 250 feet of the food/beverage service establishment lessee’s business.</li> <li>(ii). Annual evidentiary proof of continued lease or rental of the off-site, off-street parking spaces must be provided by the food/beverage service establishment lessee to the Building Inspector by January 31 of each year, which evidentiary proof must be satisfactory to the Village Board of Trustees.</li> <li>(iii). If, during the year, the off-site, off-street parking spaces lease agreement or rental contract has expired, or is cancelled, terminated or no longer in effect, the food/beverage service establishment lessee must communicate such status to the Building Inspector within thirty days of such expiration, cancellation or termination.</li> <li>(iv). If a food/beverage service establishment lessee’s access to the off-site leased or rented off-street parking spaces is not on a 24-hour basis, the leased or rented spaces must be available for the primary business hours of the food/beverage service establishment lessee.</li> <li>(v). A lessor of off-street parking spaces shall be subject to the requirements of this Article XII, even if the lessor is a pre-existing non-conforming use or non-conforming as to its bulk (at the time of the adoption of this Local Law). The lessor shall satisfy the minimum quantity of off-street parking spaces that are required for the lessor’s use, and the lessor’s parking lot shall also be adequate to fulfill the quantity of off-street parking spaces that are being leased or rented to all lessees of the lessor.</li> <li>(vi). Leasing or renting of parking spaces in single-family residential lots (whether improved or vacant) is prohibited.</li> </ul>
C.	<p>Businesses, commercial establishments and residences in existence at the time of the adoption of this Local Law shall be considered pre-existing non-conforming buildings as to their bulk regarding the off-street parking requirements of this Article XII.</p>

D.	<p>If a commercial establishment located in the Business B Zoning District cannot satisfy, on-site, its required minimum number of off-street parking spaces, then a portion of the requirement may be satisfied by paying, to the Village of Piermont, a fee in lieu of parking (“FILOP”), subject to the following restrictions and conditions.</p> <ul style="list-style-type: none"> <li>(i). No greater than nine spaces, of a commercial establishment’s off-street parking space requirement, may be satisfied by a FILOP.</li> <li>(ii). The fees for FILOP spaces shall be established by Resolution of the Village Board of Trustees (“VBT”) on an annual basis.</li> <li>(iii). Partial year fees shall be pro-rated on a per diem basis.</li> <li>(iv). The FILOP fee shall not be refundable.</li> <li>(v). Each commercial establishment has, “by right” (i.e., no VBT review shall be necessary), three FILOP spaces, and the commercial establishment shall pay the required FILOP fee to the Village of Piermont, as established by the VBT for such “by right” FILOP spaces.</li> <li>(vi). A commercial establishment may submit an application to the VBT requesting approval of a Special Permit granting greater than three “by right” FILOP spaces, for the purpose of the commercial establishment seeking to satisfy the required minimum quantity of off-street parking spaces. If the said Special Permit is approved, the commercial establishment shall pay the required fees as established by the VBT. The quantity of such additional FILOP Special Permit spaces shall not exceed six spaces; the grand total of FILOP spaces (“by right” plus Special Permit) that may be issued to a commercial establishment is nine.</li> <li>(vii). FILOP shall not be available to a commercial establishment unless all lot area available on the commercial establishment’s premises, that may feasibly be utilized as off-street parking spaces in accordance with the Zoning Code, has been allocated to parking by the owner or occupant of the premises.</li> <li>(viii). Commercial establishments with FILOP spaces shall have the “right of first refusal” to the FILOP spaces that have been issued to them, which right must be exercised by January 31 of each year.</li> <li>(ix). If the Building Inspector shall determine that the supply of available Village-owned off-street parking spaces is exhausted, no new commercial establishment shall be entitled to FILOP spaces.</li> </ul>
E.	<p>The VBT shall adopt, by Resolution, before January 1 of each year, the following regulations:</p> <ul style="list-style-type: none"> <li>(i). Establish the number of off-street parking spaces (i.e., inventory) available for FILOP in the Village for the following year.</li> <li>(ii). The annual fee for FILOP spaces.</li> </ul>

F.	<p>(i). If a change of use, ownership or Certificate of Occupancy, of a commercial establishment that is pre-existing non-conforming as to its bulk, located in the Business B Zoning District, results in the same (or less) off-street parking space requirement for the new business operation, as compared to the prior use or occupancy, the change may be maintained as a pre-existing non-conformance as to bulk.</p> <p>(ii). If a change of use, ownership or Certificate of Occupancy of a commercial establishment that is pre-existing non-conforming as to its bulk, located in the Business B Zoning District, results in a greater off-street parking requirement, the net increase of required spaces shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).</p> <p>(iii). For new, or expansion of existing, commercial establishments located in the Business B Zoning District, additional off-street parking space requirements shall be satisfied by: on-site off-street parking spaces; private off-street parking space lease or rental at a different situs than the commercial establishment; or FILOP (unless the maximum number of FILOP spaces has already been issued to the commercial establishment).</p>
G.	<p>In its review of an application seeking approval of an area/bulk variance from the Zoning Code's off-street parking requirements, the Zoning Board of Appeals should note that it is the principle responsibility of the VBT to balance the availability of off-street parking spaces with the needs of the business and residential community, as enacted in the annual parking plan analysis.</p>