

A LOCAL LAW TO AMEND
CHAPTER 220 OF THE CODE OF THE
VILLAGE OF BRIARCLIFF MANOR
WITH RESPECT TO PARKING AND
SPECIAL PERMIT USES IN RETAIL
BUSINESS DISTRICTS

Be it enacted by the Village Board of Trustees of the Village of Briarcliff Manor, as follows:

Section 1. Section 220 of the Village Code is amended at Schedule 220:A7, “Schedule Limiting the Use of Buildings and Land and the Location, Arrangement, Bulk and Size of Buildings,” Column 2 entitled thereof “Permitted Principle Uses” for the Class of District and Symbol identified in Column 1 thereof as “Retail Business B1” to read as follows:

"(1) “A fully enclosed structure containing retail, personal service or restaurant, performance of customary personal service or services clearly incidental to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality, provided, however, that no fabricating or assembling shall be permitted which would be offensive, obnoxious, or detrimental by reason of vibration, dust, fumes, odor, noise, lights or traffic generation and resultant congestion, and provided further, however, that no such retail establishment, or a designed group of establishments, shall be permitted to have a floor area used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking spaces, unless a Special Use Permit therefor is approved by the Board of Trustees, pursuant to Section 220-6.K (4) allowing any such floor area in excess of such 100 off-street parking space requirement.”

Section 2. Briarcliff Manor Village Code Section 220-6, “Special permit uses” is amended at Section K, “Special uses in retail business district” to add a new Subsection 4 to read as follows:

“(4) Floor area of any enclosed structure for sale of goods at retail, or performance of customary personal service or services clearly incidental to retail sales, primarily for the convenience of the inhabitants of the Village and the immediate locality, or a designed group of such retail establishments used for merchandising or personal service in excess of that which, under this chapter, requires 100 off-street parking spaces may be permitted if situated on the same lot or lots aggregating in excess of 2 acres that together form a single functional shopping center, upon the Board of Trustees determination that:

- a) At least 4.5 parking spaces per 1,000 square feet of floor area shall be provided for such retail establishment or designed group of such retail establishments.
- b) The requirement of 4.5 parking spaces per 1,000 square feet of floor area may be reduced by the Board of Trustees if the applicant demonstrates and the Board of Trustees finds that the capacity of such on-site parking is sufficient to meet the demands of such retail establishment or designed group of such retail establishments by reason of the provision of non-reserved parking spaces and variation in the probable time of maximum use by visitors, patrons and employees of such use(s), but:
 - i) In connection with existing uses, the Board of Trustees shall require a parking accumulation study to be prepared during peak hour utilization to demonstrate that sufficient parking spaces exist so that no overflow parking is likely to occur in any public street; and
 - ii) Any reduction in parking granted by the Board of Trustees below the 4.5 spaces per 1,000 square feet of floor area shall be provided in land banked areas indicated on an approved site plan; and
 - iii) Notwithstanding the provisions of 220-6.K(4)(a) above, at no time shall any such parking requirement be reduced to less than 4.0 parking spaces per 1,000 square feet of floor area.
- c) Traffic access to, from and within any such retail establishment or designed group of such retail establishments shall be from a public street of adequate capacity and design to safely and conveniently accommodate the expected traffic from such use.
- d) Any change in use of more than 10,000 square feet of floor area, shall require:
 - i) If land banked parking units are available:
 - A) Amendment on reapproval of the Special Use Permit by the Board of Trustees in accordance with Section 220-6.K(4), and
 - B) If less than 4.5 spaces per 1,000 are to be provided submission of a parking accumulation study for referral to and recommendation from the Planning Board and if the Planning Board determines on the basis thereof that additional parking spaces are required to accommodate the demand of such use, land banked spaces shall be made available for use,

ii) If land banked parking spaces are not available, amendment of the Special Use Permit by the Board of Trustees in accordance with Section 220-6.K(4).

Section 3. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any part of this local law which can be given effect without such valid part or parts.

Section 4. Effective Date. This local law shall take effect immediately upon filing in the Office of the Secretary of State of New York.