

Local Law T of 2022

A Local Law amending Chapter 140 of the Code of the Town of Rochester

§ 140-17 Parking, loading, access, and traffic standards.

Section 1. Chapter 140 Amendment

Chapter 140 of the Code of the Town of Rochester **§ 140-17 Parking, loading, access, and traffic standards.** shall be amended as follows.

§ 140-17. Parking, loading, access, and traffic standards.

- A. Off-street parking and loading and unloading facilities shall be provided as necessary in connection with every use. One-family and two-family residential uses shall be provided with two off-street parking spaces per dwelling unit. Multifamily dwelling parking standards are found in § 140-26. Parking needs with respect to all other uses shall be determined during site plan review as follows. The Planning Board shall apply the following standards to determine parking needs in cases of uncategorized uses.
- B. For such uses where the **above** standards may **be** only be partially or not directly applicable, parking requirements shall be the same as for the most similar use listed as determined by the Planning Board at the time of special permit and/or site plan review and may be reduced or increased by the Planning Board based upon the following criteria.
- C. An applicant may similarly request, in writing, a modification of parking standards, and the Planning Board shall decide using these same standards. The applicant shall identify the reasoning for the request and the Planning Board shall include this reasoning in their findings should the request be granted.
 - (1) Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Board may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
 - (2) The characteristics **and use patterns** of the proposed customers, residents, occupants, or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time- shared recreational units, even though the number of dwelling units is the same.
 - (3) The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
 - (4) Recommendations, if any, from Town consultants, other public agencies or information sources that suggest, based on experience, the appropriate amount of parking in connection with a given use.
 - (5) The likelihood that parking will be shared with adjoining facilities, the

impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.

(6) The availability of reserve areas designated on the site plan for future parking development in the event of demonstrated need, as determined, and directed by the Building Inspector or Planning Board.

(7) The use of pervious surfacing to reduce stormwater impacts.

D. The following parking standards shall apply to all applications for new, expanded, or modified land uses and apply cumulatively in the case of mixed-use projects, provided that the Planning Board may make adjustments as detailed in this subsection. Standards as set by the New York State Uniform Fire Prevention and Building Code, Americans with Disabilities Act (ADA), and New York Vehicle and Traffic Code shall apply.

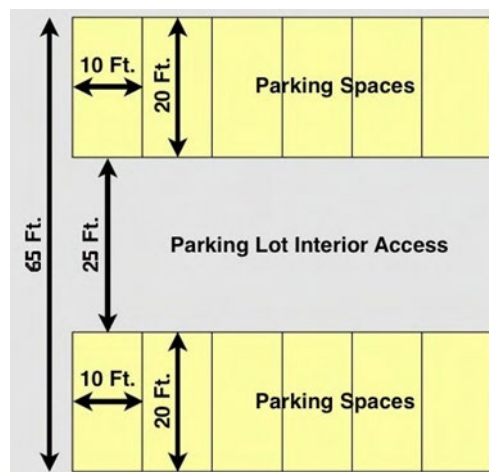
Basic Parking Requirements

Land Use	Parking Requirement
Home occupations	1 space per 250 400 square feet of floor area devoted to use
Hotels/motels	1 space per rental room plus 1 space for each 4 employees
Industrial uses	1 space per 500 400 square feet floor area plus 1 space per employee
Commercial uses	1 space per 250 475 square feet floor area
Places of public assembly	1 space per 4 seats
Offices	Open to the public: 1 space per 250 200 square feet of gross floor area. Not open to the public: 1 space per employee or owner plus necessary spaces for visitors
Vehicle service establishments	4 spaces plus 1 space per employee
Restaurants Eating and Drinking Establishments	1 space per 3 seats inclusive of outdoor seating, or 50 square feet of floor area available to patrons, whichever is greater, whether such seats or floor area is situated within an enclosed building or outdoor service are

E. Parking shall be required to be provided for any public or commercial use for persons with physical disabilities using these standards to determine the number of spaces required. All spaces shall be ADA compliant.

Total Parking Spaces Required	Minimum Number of Accessible Spaces	Total Parking Spaces Required	Minimum Number of Accessible Spaces
1 to 25	1	201 to 300	7
26 to 50	2	301 to 400	8
51 to 75	3	401 to 500	9
76 to 100	4	501 to 1,000	2% of the total
101 to 150	5	1,001 and over	20 plus 1 for each 100 over 1,000
151 to 200	6		

F. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces. Parking spaces shall be a minimum of 10 feet wide and 20 feet deep. Perpendicular parking spaces shall be accessed by an interior drive of no less than 25 feet in width for turning purposes (see illustration). This distance may be reduced to 20 feet for sixty-degree angle parking, 15 feet for forty-five-degree angle parking and 13 feet for thirty-degree angle parking. The Planning Board may modify these standards in conjunction with site plan review to fit the needs of particular enterprises.



G. Any lighting used to illuminate any off-street parking shall be so shielded as to deflect the light downward and away from adjoining premises and public rights-of-way and shall avoid light spillage onto adjacent properties.

H. **Parking Standards**

- 1) **Parking landscaping plans shall be designed to accommodate storage areas for piling snow.**
- 2) **No**-Parking areas **shall should** be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area should be minimized and limited to connections from one lot to another and to the public highway or through road. Circular drives shall be discouraged.
- 3) Commercial parking areas, where possible, **shall should** generally be located in the side or rear yard of any use, with the principal building situated near the front lot line as permitted by Schedule of District Regulations. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify.



- (4) **Parking shall be placed between the principal building and a public street, if necessary due to specific site conditions and/or functional requirements, if the parking is screened by topography or a year-round vegetative buffer of sufficient density to substantially limit the view of the parking lot.**

I. Parking Landscape Guideline Standards

- 1) All parking areas which are designed to accommodate 12 or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective means of stormwater control. The following are guideline standards the Planning Board encourages use of and may require ~~may apply~~:
- 2) No more than 12 parking spaces should be allowed in a continuous row uninterrupted by landscaping or other **natural** features. Maintenance guarantees may be required to ensure replacement of damaged or dead landscape materials. **Each landscaped area shall be planted with native ground cover, grass, or shrubs, in addition to any shade tree requirements.**
- 3) **For parking spaces facing one another a landscaped island of at least four (4) feet in width and extending the full length of the 12 parking spaces of one hundred (120) feet should be established. The landscaped island shall include deciduous shade trees 6 inches in caliber at 4 feet from the ground a minimum of one every 12 feet between the parking rows. Trees species shall be chosen for their proven hardiness in a parking setting.**
- 4) **For 12 linear parking spaces each division should be landscaped. Landscaped divisions shall have a minimum dimension of at least four (4) feet in width and eighteen (18) feet in length and include one (1) deciduous shade trees 6 inches in caliber at 4 feet from the ground.**
- 5) **A landscaped area should also be provided at the ends of parking rows, where feasible, to separate parking spaces from the circulation aisles. Spaces which cannot be used for parking, such as perimeter corners between parking stalls, shall be incorporated into the landscaped area rather than being paved.**



Courtesy of Morris Niles Associates

- (5) **Parking Lot bioswales/bioretention and rain gardens shall be encouraged where feasible on Planning Board Review.**

- J. A single access to adjoining parking lots or an interconnection between adjoining parking lots is encouraged and may be required where necessary to provide safe traffic management. Parking should be organized into smaller interconnected lots behind retail and mixed-use buildings.



L30 Parking lot placement Preferred

The parking lot is in the middle of the block so that the impact on the street wall and sidewalk experience is minimized. The storefront is on the sidewalk.

- K. Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles, which shall generally be located along the side or rear of the building. Public rights-of-way shall under no circumstance be used for loading or unloading of materials. The minimum size loading space shall be 70 feet in depth and 14 feet in width, with an overhead clearance of 14 feet. An applicant may request a reduction from this dimensional standard using the same criteria as identified in Subsection A above. The circulation of vehicles to access the loading/unloading area from the public right-of-way shall be adequate to allow clear passage and turning radius capabilities. The loading/unloading area shall be accessible by driving in and not require backing in from off the public right-of-way.
- L. Access to and from all nonresidential off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- 1) Access drives shall comply with all requirements of the Town of Rochester. Access drives onto state and county highways shall be subject to New York Department of Transportation and Ulster County Department of Public Works standards, as the case may be.
 - 2) Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening to prevent access to the area from other than the defined entrance and exits.

- 3) All access drives shall ~~be subject to the requirement of~~ obtaining a driveway permit from either the Town of Rochester Highway Superintendent, the Ulster County Department of Public Works, or the New York State Department of Transportation, as the case may be, and approval of any permits hereunder may be conditioned upon the application for and/or receipt of such permits from these authorities. Existing access driveways, in the case of a change to a more intensive use of the property, shall be required to submit written documentation from the jurisdictional agency certifying that the access is acceptable or detailing required access revisions.
- 4) The Town of Rochester Planning Board may, in conjunction with site plan review, establish additional requirements pertaining to highway access permits on county and state roads, providing such additional requirements do not conflict with county or state requirements.
- 5) For reasons of traffic and pedestrian safety, both on and off the street, as well as to provide for possible future road widening or other improvements, all new driveways and sidewalk crossings entering onto any street shall comply with all the requirements of this chapter, including but not limited to obtaining the appropriate permits and the payment of any and all fees for said permits, and shall be subject to the approval of the Superintendent of Highways, except where such are part of a use subject to special permit or site development plan approval, in which case they shall also be subject to Planning Board approval.
- 6) No driveway center line shall intersect a street line less than 100 feet from the intersection of any two street lines, including intersections on the opposite side of the street, except by specific written approval of the jurisdictional agency.
- 7) The maximum grade for new driveways that are accessory to uses other than single-family dwellings and connecting the required off-street parking area to the street shall not exceed 15%. All driveways shall have a negative 2% grade within 50 feet of the centerline of the traveled way of the street, or within 25 feet of the property line of the street, whichever distance is greater. The Planning Board may require increased platform areas of this type in situations where, because of the nature of the proposed use, substantial traffic volumes are anticipated.
- 8) Clear visibility shall be provided in both directions at all exit points so that the driver of an automobile stopped on the platform portion of any new driveway will have an unobstructed view of the highway for a reasonable distance (commensurate with the speed and volume of traffic on such highway) and so that there is a similar view of the automobile in the driveway.
- 9) Intersections should be designed to be "traffic-calmed" and made pedestrian friendly where possible.
- 10) The Planning Board shall have authority to require additional traffic safety improvements in conjunction with site plan review for any project.

M. Access to State Route 44/55 and U.S. Route 209.

- 1) No tract shall be provided direct access to Route 44/55 or 209 if adequate alternate access can be provided by way of another road, a frontage or parallel access drive or a cross access drive.
- 2) No driveway shall be permitted within 100 feet of a public highway intersection on Route 44/55 or 209, provided that existing residential lots shall not be subject to this Subsection. Spacing between driveways on Routes 44/55 and 209 shall be as provided by state law.
- 3) Should a particular parcel lack sufficient frontage on Route 44/55 or 209 to accommodate adequate spacing, the landowner shall have the following options (in addition to the right to seek a variance from the Zoning Board of Appeals):
 - a. The landowner may establish a joint access driveway with an adjoining property. The driveway midpoint in such cases shall be the property line between the two parcels. Alternatively, the landowner may gain access from a cross access drive or frontage road that connects the subject property and the adjoining property or properties. A joint easement agreement shall, in either of these two cases, be executed and filed with the deed of the participating properties prior to a permit being granted.
 - b. The landowner may seek an exception from these requirements when the above cannot be fulfilled at the time of application. The landowner shall, in such case, provide proof of an attempt to secure access from a common driveway or cross access drive. The Planning Board shall impose the condition in such instance that the approved driveway is a temporary driveway, and the landowner shall submit a deed agreement with the Town of Rochester agreeing to close the driveway and to seek to establish a joint driveway or cross access driveway, if feasible, when an adjoining property is developed or redeveloped.
- 4) All landowners submitting a subdivision or site plan for property on Routes 44/55 or 209 shall address the feasibility of the use of joint access driveways, cross access drives and linked or shared parking lots. Use of such techniques shall be required wherever feasible.
- 5) Retail and service business subject to site plan review shall, where practical, be required to provide vehicular and pedestrian connections to adjoining retail and service properties along the frontage of regulated routes.
- 6) Any landowner of a tract adjoining the regulated routes who files a subdivision or site plan application shall submit, at the time of initial application, an overall development sketch plan. This sketch plan shall establish future access locations along Routes 44/55 and 209. Conditions of final approval shall establish the number of access ways permitted for the tract regardless of any future subdivision or development plan. No individual dwelling unit within any tract to be subdivided or developed for two or more dwelling units shall be provided with direct access to Route 44/55 or 209.
- 7) Curb line openings shall conform to New York State Department of Transportation standards.
- 8) Access points may be restricted to right-turn in, right-turn out if determined to be in the best interest of traffic operations. The Planning Board may require signs and barriers be installed to enforce such restrictions to the maximum degree practical.

- 9) When two adjacent landowners agree to combine access points, the Planning Board may grant an incentive bonus. The total lot size and road frontage normally required may be reduced by 15% for both landowners. The required number of parking spaces may, in addition, be reduced by 15% for each development. However, if the adjoining land uses are determined to have the same peak hour for parking generation, the Planning Board may withdraw the incentive bonus or require the developer to set aside land, clearly indicated on the site plan for future paving for parking, to meet statutory requirements if an analysis conducted within one year after occupancy determines parking is insufficient **or sharing of parking area is not feasible**. Such analyses may be provided for as a condition of approval at the expense of the applicant.
- N. Separation from road. All nonresidential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least 20 feet in depth landscaped as required herein.
- O. Traffic study. The Planning Board, at its discretion, may require a traffic impact study by an independent engineer with any Special Use application involving an activity likely to generate more than **300 500** trip ends per day or **likely to** create specific traffic issues. The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Board with the final product incorporated in the SEQRA submission. This requirement shall apply in the case of county or state, as well as Town, roads.
- P. No recreational vehicle or commercial vehicle shall be stored on any residential lot in any district, except in an existing driveway or the rear or side yard and not closer than the required side yard setback for accessory uses.
- Q. Residential access. At the discretion of the Town Superintendent of Highways, any residential use parcel which has frontage on two or more Town roads may be required to access the public road via the lesser-traveled roadway; similarly, any residential use parcel which has frontage on a private road and a Town road may be required to access the private road.

Section 2. Severability

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this Law even without such part or provision or application.

Section 3. Effective Date

This local law shall become effective immediately upon the filing in the office of the New York Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.