

Date: 6/15/16
Memo from: Drew Kartiganer, President, DGI
Subject: Parking Analysis
Reference: Mid Broadway development

This memo and attachments is an analysis for use by the City of Newburgh Planning Board to review parking requirements for the Mid Broadway Project by Mill Street Partners. Mill Street Partners have proposed this development in its current form with only 111 on-site parking spaces. It is my position that this is far less than required to provide sufficient parking. The result, if the project is approved as proposed, will place an extreme hardship surrounding property owners and residents who will not be able to find parking as a result of Mill Street failing to provide the parking required for this project.

The following is a summary of the information and attachments to this memo. It is analysis of the parking required in communities surrounding and similar to the City of Newburgh as a basis for review of the parking proposed for Mid Broadway. It has been prepared for presentation in the Public Hearing before the City of Newburgh Planning Board to counter Mill Street Partners position that 111 Parking spaces are all that is required for the Mid Broadway Project.

Based on this memo and attachments, It is my opinion and position that the Developers of the Mid Broadway project are proposing **less than 50% of the parking that should be required for this development** based on the following information:

My understanding of the Mid Broadway Project Uses and Density for parking purposes is as follows:

1. Retail space totaling 13,000 sf
2. Apartments totaling 91 apartments
3. Bedrooms totaling 153 bedrooms:
4. Total parking spaces proposed by the Developer on site: **111 parking spaces**

If this project were located in the following surrounding or nearby Towns and Cities, for the same use and development density, the number of parking spaces that would be required are as follows:

1. **Town of Newburgh:** **269 spaces,** 158 more than Mid Broadway
2. **Town of New Windsor:** **293 spaces,** 182 more than Mid Broadway
3. **City of Kingston:** **196 spaces,** 85 more than Mid Broadway
4. **City of Beacon:** **194 spaces,** 83 more than Mid Broadway
5. **City of Poughkeepsie:** **199 spaces,** 88 more than Mid Broadway
6. **City of Middletown:** **219 spaces** 108 more than Mid Broadway

Average of parking required for the same use in communities listed based on the above: **228 space/**

Difference of average parking required in 6 communities compared to proposed by Mid Broadway project: **-117 short/ 105.6% short**

The numbers listed are based on Published Zoning Ordinances and Parking requirements for each of the Municipalities listed. The detailed analysis is attached. I would welcome review of this information and greatly appreciate any corrections as may be appropriate, if any.

Based on the analysis provide in this document, it is my opinion for the Density of Development currently proposed by the Mill Street Partners there should be

NO LESS THAN

225 parking spaces provided for the Mid Broadway project.

Providing anything less than this amount of parking for this development would place an extreme and unjustifiable burden hardship on existing residents & property owners as well as future development in the surrounding neighborhoods and community.

In closing, it is my opinion that if Mill Street Partners are unable to provide the 225 Parking Spaces proposed above, then the Planning Board should require a reduction in the project development density to reflect the amount of Parking they are providing accordingly.

Respectfully submitted:



Drew Kartiganer

- Attachments:
1. separate zoning analysis for each community listed (6)
 2. Copies of parking ordinances per zoning for each community
(as provided to Planning Board chair/ not all submittals have this info)

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Date 6/17/2016
 Subject Parking analysis/
 Reference Overview

	parking required per municipality	% percent difference
1	Town of Newburgh	269 142%
2	Town of New Windsor	293 164%
3	Kingston	196 77%
4	Beacon	194 75%
5	City of Poughkeepsie	199 79%
6	City of Middletown	219 97%
<hr/>		
	total	1369
	divided by municipality	6
	average	228
	Parking as proposed by Mill Street Partners/ Mid Broadway Projectd	111
	differnce between average parking for surrounding municipalities and as proposed for Mid Broadway Project	-117
	percent short	-105.6%

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 Savedin: Politics zoning

Date 6/17/2016

Parking analysis/

Municipality **Town of Newburgh**

total parking required

269

Basis of analysis as follows:

ordinance reference Retail Residential
 see page 3 of 23 see page 4 of 23

			(bdrm count to be confirmed)	
use	sf supermarket	apartments	bedrooms	
	sf/ apt. count	13,000	91	150

	units	type	required space per use	parking spaces required	resd.	comm.
parking required						
residential uses	91	apts	2 per apt	182.00		
commercial uses	13,000		150 1 per			86.67

parking req						
per use	residential			182.00		
	commercial use					86.67

total parking required **268.7**

mid roadway parking 111

mid roadway short on parking by **158**

percent short 142%

Article V: Supplementary Regulations Applicable to All Districts

§ 185-12 Required performance standards.

No use shall be permitted that does not conform to the following standards of use, occupancy and operation, which are hereby established as the minimum standards to be maintained:

- A. Noise. Noise from a use or activity on a site as measured at the boundaries of the lot where such use is situated shall not exceed in intensity, occurrences and duration the noise of street traffic at adjoining streets according to the hour of the day and the day of the week.
- B. Atmospheric effluence. No dust, dirt, smoke, odor or noxious gases shall be disseminated beyond the boundaries of the lot on which such use is situated.
- C. Glare and heat. No glare or heat shall be produced from any use that is perceptible beyond the boundaries of the lot on which such use is situated.
- D. Industrial wastes. No solid or liquid wastes shall be discharged into any public sewer, private sewage disposal system or stream or on or into the ground, except in accordance with the standards approved by the Town and the New York State Department of Environmental Conservation, the Federal Environmental Protection Agency or similarly empowered agency.
- E. Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided with state of the art safety devices against the hazard of fire and explosion and state of the art fire-fighting and fire-suppression equipment and devices. Burning of waste materials in open fires is prohibited. The relevant provisions of federal, state and local laws shall also apply.
- F. Radioactivity and electromagnetic disturbance. No activities shall be permitted which emit either dangerous radioactivity beyond the structure in which such activity is situated or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. If federal and/or state licenses are required, the absence of a valid license is sufficient grounds for the Building and Code Enforcement Officer to revoke the certificate of occupancy.

§ 185-13 Off-street parking and loading facilities.

- A. Permitted accessory parking.
[Amended 3-3-2014 by L.L. No. 3-2014]
 - (1) There is no limitation on the number of agricultural vehicles permitted accessory to farm use.
 - (2) The storage of not more than one camping trailer or recreational vehicle and not more than one boat is permitted, provided that no such trailer, recreational vehicle or boat is stored within a required front yard setback.
- B. Permitted accessory loading facilities. Accessory on-street loading facilities are not permitted. Off-street loading facilities are permitted accessory to any use except residential, according to the Schedule of Off-Street Truck Loading Space Facilities Requirements and subject to the following conditions:
 - (1) All such facilities shall be on the same lot as the use to which they are accessory. However, such facilities may be designed to serve two or more establishments on the same lot.
 - (2) Such facilities shall not be located in a required front yard or in a side yard adjacent to a residential district.
 - (3) Unobstructed access at least 12 feet wide shall be provided between any loading facility and a street.

- (4) No access for any such facility shall be located within 50 feet of any street intersection.
- (5) All such facilities shall conform to the minimum required setbacks for the district in which they are situated, and they shall be screened from view from any residential district. All screening shall be in accordance with the standards and requirements contained in § 185-21.
[Amended 3-5-2007 by L.L. No. 1-2007]
- (6) Every building or structure or lot used for nonresidential purposes shall be provided with off-street truck loading spaces in accordance with the following schedule:

Schedule of Off-Street Truck Loading Space Facilities Requirements

Floor Area (square feet)	Number of Spaces
Under 25,000	1
25,000 to 39,999	2
40,000 or more	1 additional space for each 40,000 square feet in addition to the first 40,000 square feet

C. Minimum required off-street parking spaces.

- (1) Accessory off-street parking spaces, either outdoors or enclosed, shall be provided according to the Schedule of Off-Street Parking Space Requirements for Residential or Nonresidential Uses. A variation of these requirements may be necessary for the applicant to comply with this section. To assist the applicant and the Planning Board in determining parking requirements not covered by the schedule, the standards cited in the most recent edition of the Institute of Traffic Engineers' publication Parking Generation (see Chart 1 included at the end of this chapter) and the completion of the applicable portions by the applicant of Chart 3^[1] may be necessary.

- (a) Off-street parking for residential uses.

Schedule of Off-Street Parking Space Requirements for Residential Uses

Use	Number Of Spaces
Single-family and 2-family dwelling unit	2 per dwelling unit
 Multiple dwelling	2 per dwelling unit
Residential membership club or fraternity	1 per residence unit plus 1 per each 2 employees on the premises at 1 time
Senior assisted-care facility [Added 9-23-1998 by L.L. No. 10-1998]	1 per employee on the premises at any one time, plus 1 per 2 to 4 dwelling units or partial units (with or without kitchen), depending on the precise nature of the facility

- (b) Off-street parking for nonresidential uses.

Schedule of Off-Street Parking Space Requirements for Nonresidential Uses

Use	Number of Spaces
Animal hospital	1 per 200 square feet of floor area
Auditorium, church, convention hall, stadium, theater, studio or other place of public assembly not otherwise classified	1 per 3 permanent seats or 1 per each 40 square feet of seating area where fixed seating is not provided
Bank or savings and loan association	See "office"
Bowling alley	3 per alley
Drive-in facility or outdoor sales lot [Amended 9-23-1998 by L.L. No. 10-1998]	1 per each 600 square feet of lot area devoted to outdoor sales or display. Drive-in facilities will be dealt with in terms of parking requirements based on their basic use, plus the additional spaces for the drive-up window(s)
Funeral home	1 per 40 square feet of public room floor area

Furniture and heavy appliance store	1 per 500 square feet of gross leasable floor area
Gasoline station, parking garage or repair garage	Sufficient parking spaces for all vehicles stored or being serviced at any 1 period of time plus a minimum of 5 additional spaces
Home occupation or home professional office	2 per 150 square feet of area given over to this component of the land use plus 1 for each additional 150 square feet or fraction thereof, but in no case fewer than 2 spaces
Hospital	1 1/4 per bed plus 1 per each 2 employees on the premises at any 1 period of time
Hotel or motel	1 per guest bedroom plus 1 per each 2 employees on the premises at any 1 period of time
Manufacturing or industrial establishment, research institute or laboratory	Parking area reservation equivalent to the total ground coverage of the building, with a minimum of 2 improved spaces per 3 employees on the premises at any 1 period of time, with a minimum of 2 spaces
Nursing home	1 per each 3 beds plus 1 per each 2 employees on the premises at any 1 time
Office or office building [Amended 9-23-1998 by L.L. No. 10-1998]	1 per 200 square feet of floor area for the first 20,000 square feet of floor area, and then 1 per 300 square feet of any additional floor area
Public or semipublic art gallery, library or museum	See "auditorium" etc.
Restaurant, club, eating or drinking place, including fast-food and drive-thru facilities [Amended 9-23-1998 by L.L. No. 10-1998]	1 per 4 seats, or per 40 square feet of seating area or as required by the Planning Board for restaurants demonstrating greater parking space needs in the judgment of the Planning Board
Retail store, shopping center and personal service store	1 per 150 square feet of gross leasable floor space
Retail store in excess of 25,000 square feet of gross leasable floor area	1 per 200 square feet of gross leasable floor area
School	1 per employee plus 1 per each 8 students in the 12th grade or above or the parking requirement for the auditorium or gymnasium component of the use, whichever is the greater
Shop for custom work	1 per 250 square feet of floor area
Shopping center in excess of 25,000 square feet of gross leasable floor area	1 per 225 square feet of gross leasable floor area
Trucking station	Sufficient parking spaces for all trucks stored or being serviced at any period of time plus 2 per 3 employees on duty or on the premises at any 1 time
Wholesale establishment or warehouse	See "manufacturing or industrial establishment"

(c) Development characteristics. The development characteristics shall be as set forth in Chart 2, included at the end of this chapter.
[Amended 11-6-1995 by L.L. No. 7-1995]

[1] Editor's Note: Chart 3 is included at the end of this chapter.

- (2) The Planning Board's determination of the minimum required number of parking spaces for any use shall include all spaces required by state law to serve handicapped persons.
- (3) For the purpose of determining the parking requirements for structures, any land developed as a unit, under single ownership and control, shall be considered a single lot.

- (4) In addition to the minimum required number of off-street parking spaces, the Planning Board may require a reserve area of up to 20% of the total area required for off-street parking to provide for additional parking, should future demand for parking spaces exceed the number of spaces provided. Such reserve area, which shall not reduce the maximum permitted percent of lot coverage, must be graded and available for parking use if required but need not be surfaced or otherwise developed for parking use until such area is required as determined by reconsideration of the minimum required off-street parking spaces by the Planning Board.
- (5) For any public assembly or restaurant use where a maximum occupancy figure is posted by the Code Enforcement Officer, one space shall be provided for every four persons up to the maximum occupancy if this figure is known at the time of site plan approval.
[Added 9-23-1998 by L.L. No. 10-1998]

D. Parking space standards.

- (1) Areas which may be considered. Areas which may be computed as the required off-street parking space may include a garage, carport or other area available for parking, other than a street. A driveway within a required front yard setback area in a residence district may be counted as one space.
- (2) Location of parking spaces. Required accessory parking spaces, open and enclosed, may be provided upon the same lot as the use to which they are accessory or elsewhere, provided that all spaces therein are located within 500 feet of walking distance of such use or intended use. In all cases such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residential district unless the uses to which they are accessory are permitted in such districts or by permission of the Planning Board. Such spaces shall be in the same ownership as the use to which they are accessory or leased for not less than 50 years, and said owner or lessee shall maintain the required number of spaces available either throughout the existence of such use or until such spaces are provided elsewhere.
- (3) Availability of spaces. All required parking spaces shall be available for the use to which they are related and shall not be otherwise used for long-term parking, parking unrelated to the use of the lot or storage.
- (4) Parking for handicapped drivers. Parking areas and parking garages shall provide parking spaces for handicapped drivers with dimensions, locations and number as required by applicable provisions of the New York State Uniform Fire Prevention and Building Code.
- (5) Parking space size. The minimum parking space width shall be nine feet, and the minimum length shall be 18 feet. Each space shall be delineated on the surface of the parking area by two painted lines parallel to the longest dimension of the space, each of which lines shall be four inches in width and beginning eight inches and ending 12 inches inside both dividing lines of the space. See Sketch B below.

Sketch B

Typical Parking Space

Scale: 1/8 - 1 - 0

Detail @ Parking Space

Scale: 3/4 - 0

- (6) Access to street.
- (a) Unobstructed access to and from a street shall be provided. Such access shall consist of at least two lanes of ten-foot width apiece.
- (b) No entrance or exit for an accessory off-street parking area with over 10 parking spaces or any loading berth shall be located within 150 feet of a street intersection.
- (7) Surface. All open parking areas shall be constantly maintained so as to prevent potholes and to retain the clarity of all required markings. They shall also be properly drained with a dustless surface. All parking areas in regular usage shall be paved with a year-round surface of oil and stone, asphalt or concrete.
- (8) Combined parking areas.
- (a) Required parking spaces may be provided in spaces designed to serve jointly two or more establishments,

whether or not located on the same lot, and the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.

- (b) When any lot contains two or more uses having different parking requirements, the minimum parking requirement for each use shall apply to the extent of that use. Where it can be reasonably demonstrated, based on Chart 3 (see end of chapter), that one or more such uses will generate a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may adjust the number of parking spaces required.

(9) Landscaping.

- (a) All open parking areas shall be suitably landscaped. In parking lots with more than 20 spaces, at least 5% of the area of the parking lot shall be devoted to landscaping within the interior of the parking lot. Such landscaping shall be in addition to that which may be required along the street line, the lot lines or the building foundation. In all parking lots providing eight or more off-street parking spaces, one shade or flowering ornamental tree shall be planted for each eight parking spaces and any additional number thereof, said tree or trees to be planted in median dividers, islands or such other locations as may be acceptable to the Planning Board.
- (b) All planting beds, landscaped islands and pedestrian walkways, if provided, shall be protected by curbs, sturdy posts, rails or walls 1 1/2 to two feet in height or other protective devices and shall be of sufficient width to prevent damage or injury to both plant materials and pedestrians. Additional barriers may be required by the Planning Board to give better protection and to improve pedestrian and vehicular circulation.

E. Off-street parking of commercial and recreation vehicles in all residential districts. Commercial vehicles may be parked off street in residential districts, provided that:

[Amended 9-23-1998 by L.L. No. 10-1998; 3-3-2014 by L.L. No. 3-2014]

- (1) The vehicle is engaged in the provision of service, delivery or pickup at a residence.
- (2) The vehicle is on a private lot, other than those cited in Subsection **E(1)** above, and is operated by an occupant of the principal building and the commercial vehicle is totally contained within a garage or carport. Notwithstanding the foregoing and the provisions of § **185-46**, one commercial vehicle having a gross vehicle weight of not more than 16,500 pounds, operated by an occupant of the principal building, and not contained in a garage or carport, is permitted to be parked on a private lot, provided that any other commercial vehicle within a carport on the lot is completely screened from view.
- (3) Farm and agriculturally related commercial vehicles located on agricultural residential parcels are exempt from these regulations.
- (4) Campers or recreational vehicles, camper trailers and utility trailers may not be parked in a residential district in a required front yard setback nor between the street line and the principal building other than those cited in Subsection **A(2)** above. In no event shall such parked vehicles be used for residential purposes.

§ 185-14 Sign regulations.

A. No sign, poster, advertising display, structure or device shall be erected, moved, enlarged or reconstructed except as expressly permitted by this chapter.

B. Permitted types of signs.

- (1) The following types of signs may be permitted as indicated in Article **IV**, Schedules of District Regulations, Use Table, Column A, of this chapter:
- (a) Professional: a sign in a residential district, freestanding or attached to the building, which shall have an area not greater than four square feet and, if freestanding, shall be set back at least 10 feet from any designated street line. Such signs may be indirectly illuminated by a light integral to the sign. In a nonresidential district a professional sign shall be regulated as a business sign [see Subsection **B(1)(c)** below].

Date 6/17/2016

Parking analysis/

Municipality **Town of New Windsor**

total parking required **292.5**

Basis of analysis as follows:

ordinance reference Retail Residential
 see page 3/6 see page 2/6

use	sf supermarket	apartments	(bdrm count to be confirmed)
	sf/ apt. count	91	bedrooms
	13,000	153	

	units	type	required space per use	parking spaces required	resd.	comm.
parking required						
residential uses	91	apts	2.5 per apt	227.50		
commercial uses	13,000		200 sf			65.00

parking req per use	residential	227.50
	commercial use	65.00

total parking required **292.5**

mid roadway parking 111
 mid roadway short on parking by **182**

percent short 164%

Town of New Windsor 2014 CODE

Article IX: Off-Street Parking

§ 300-59 General requirements.

Off-street parking spaces, open or enclosed, are permitted as accessory to any use subject to the following provisions:

- A. Schedule of parking requirements. Accessory off-street parking spaces, open or enclosed, shall be provided for any use as specified in § 300-60. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for structures and uses which do not fall within the categories listed shall be determined by the Planning Board upon consideration of all factors entering into the parking needs of each such use.
- B. Areas computed as parking spaces. Areas which may be computed as open or enclosed off-street parking spaces shall include any private garage, carport or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a one-family or two-family residence may count as one parking space, other than on that portion of a corner lot which is subject to the provisions of § 300-11B(1).
- C. Size of spaces. Each parking space (stall) for automobiles shall have a minimum width of nine feet and a minimum length of 19 feet. Adequate aisle space shall be provided for standing area and maneuvering. Minimum aisle space shall be as follows: for ninety-degree angle parking, 25 feet; for sixty-degree angle parking, 18 feet; and for forty-five-degree angle parking, 15 feet. Additional requirements may be made of the applicant regarding reserved handicapped spaces and directions for vehicular circulation patterns. Painted delineation of spaces is required unless waived by the Planning Board.
- D. Access. Unobstructed access to and from a street with an internal turnaround area shall be provided. Such access shall consist of at least two ten-foot lanes for parking areas with 20 spaces or more. No entrance or exit for any off-street parking area of five or more spaces shall be located within 75 feet of any street intersection.
- E. Drainage and surfacing. All open parking areas shall be properly drained and all such areas shall be provided with a dustless surface, except for parking spaces accessory to a one-family or two-family residence.
- F. Joint facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.
- G. Combined spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning Board may reduce the total parking spaces required for that use to the least requirement.
- H. Location and ownership.
 - (1) Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use or uses to which they are accessory or may be provided elsewhere, provided that all spaces are located within 500 feet walking distance of such lot. The Planning Board may approve spaces located a distance greater than 500 feet, provided that alternative transportation or shuttle services are provided to the location of the use or uses, as a condition of the site plan. Such spaces may be required to be in the same ownership as the use to which they are accessory and may be subject to deed restrictions, approved by the Planning Board, binding the owner and his heirs and assigns to maintain the required number of spaces available either throughout the existence of the use to which they are accessory or until such spaces are provided elsewhere.
 - (2) In all cases, parking spaces shall conform to all the regulations of the district in which the parking spaces are

located, and in no event shall such parking spaces be located in any residential district unless the use to which the spaces are accessory is permitted in a residential district, or upon the approval of the Planning Board.

- I. On lots divided by district boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to the entire lot. Parking spaces on such lot may be located without regard to district lines, provided that no such parking spaces shall be located in any residence district, unless the use to which they are accessory is permitted in such district, or upon approval by the Planning Board.

§ 300-60 Minimum off-street parking requirements.

- A. Regardless of zoning district, there shall be provided on the same site (or adjoining the site where permitted by the Planning Board) with any use off-street parking to meet or exceed the minimum requirements.
- B. Where any site or building shall include mixed uses of those listed, the parking shall be based on a sum of the parking required for each of the individual uses, as acceptable to the Planning Board.
- C. For any permitted use not specifically listed, there shall be provided reasonable and appropriate parking areas based on the highest anticipated parking required to meet maximum employee parking plus visitor and customer parking, as determined by the Planning Board.
- D. Minimum parking requirements are as follows:
 - (1) Single-family and two-family dwellings (including apartments): two spaces per dwelling. Garage (indoor) spaces are included in the count.
 - (2) Multiple dwellings, including workforce housing: 2.5 spaces per dwelling unit. Garage (indoor) spaces and driveway spaces to the units are included in the count. Additional spaces for accessory buildings such as clubhouses or other recreational facilities shall be required.
 - (3) Senior citizen housing: 2.5 spaces per dwelling unit. Garage (indoor) spaces are included in the count. Additional spaces for accessory buildings such as clubhouses or other recreational facilities shall be required.
 - (4) Bed-and-breakfast inns: parking spaces for the residential use plus 1.25 spaces per rental room.
 - (5) Reserved.
 - (6) Home occupation: a minimum of four, including the two required for the residential use, or more as determined by the Planning Board in connection with the special permit. Garage (indoor) spaces are included in the count for the residential use. Access to the home professional office spaces cannot be obstructed by any other spaces.
 - (7) Mobile homes: two spaces per unit.
 - (8) Recreation areas with no buildings: four spaces per acre, or as deemed appropriate by the Planning Board based on the proposed use.
 - (9) Recreation areas with buildings: four spaces per acre of outdoor use, plus spaces as determined by the parking requirements for the building use, including but not limited to retail stores, restaurants and eating and drinking establishments (if permitted).
 - (10) Fraternal, social and annual membership clubs: one space for each 300 square feet of total floor area, plus additional spaces as determined by the Planning Board for other accessory or principal uses.
 - (11) Hunting preserves (as approved by the New York State Department of Environmental Conservation): as deemed appropriate by the Planning Board based on the proposed use.
 - (12) Boat docks, marinas and related clubhouses: one for each two slips, plus the use of the building or clubhouse.
 - (13) Buildings or open stands for the display of agricultural products: one for each 300 square feet of total floor area.

- (14) Hospitals, sanatoriums, and philanthropic and eleemosynary institutions: one space for each two beds, plus five spaces for each operating room and clinic suite.
- (15) Medical and dental clinics: one space per 175 square feet of total floor area.
- (16) Convalescence facility and nursing homes: one space per each four beds, plus one space per employee.
- (17) Undertaking establishments and funeral homes: 30 spaces per parlor or chapel.
- (18) Cemeteries: off-street standing area to accommodate 50 automobiles.
- (19) Railroad, public utility, radio and television transmission antennas and essential services: minimum one space, or one space per 300 square feet of total floor area or one space per employee, as determined by the Planning Board.
- (20) Churches and other places of worship: one space per each three-person seating capacity.
- (21) Schools (non-adult): one for each 12 seats for students or one for each four seats in auditoriums, whichever is greater.
- (22) Day-care centers: one space per employee, plus one space per five children. A turnaround shall be provided so that no vehicle is required to exit the facility by backing onto a public road.
- (23) Schools of special or private instruction: one space per each student, plus one space per employee, or one space per 200 square feet of total floor area, as determined by the Planning Board.
- (24) Dormitory: one space per resident.
- ~~(25) Retail stores: one space per 200 square feet of total floor area.~~
- (26) Wholesale establishments or warehouses: one space for each two employees in the maximum work shift or one space for every 1,000 square feet of total floor area, or as deemed appropriate by the Planning Board based on the proposed use.
- (27) Shopping malls (exceeding 50,000 square feet of gross area): four spaces per 1,000 square feet of total floor area.
- (28) Service establishments and personal service establishments and shops: one space per 150 square feet of total floor area.
- (29) Theaters and cinemas: one space per four seats.
- (30) Banks: one space per 250 square feet of total floor area and a minimum of five cars stacking per drive-through lane.
- (31) Offices: one space per 200 square feet of total floor area.
- (32) Office complex (exceeding 20,000 square feet of total floor area per building): four spaces per 1,000 square feet of total floor area.
- (33) Laboratory or research offices: one space for each two employees in maximum work shift or one for each 400 square feet of total floor area, whichever is greater.
- (34) Restaurants, eating and drinking establishments and catering facilities: one space for each three-person seating capacity.
- (35) Motor vehicle sales: one space per 1,000 square feet of total floor area.
- (36) Vehicle service repair establishment and gasoline service stations: four spaces per service bay (400 square feet area of vehicle repair), plus one space for each 300 square feet of floor area outside of service area.
- (37) Automobile car wash facility: four spaces plus minimum stacking room for seven vehicles, as approved by the Planning Board.

- (38) Laundromats: one space per each four machines installed.
 - (39) Dry-cleaning and laundry establishments: four spaces or one space per 1,000 square feet of total floor area, whichever is greater.
 - (40) Commercial dog or veterinary clinics and kennels: one space per 175 square feet of total floor area.
 - (41) Hotels and motels: one space per rental room, plus additional spaces for conference rooms, restaurants, etc., based on one space per three-person seating capacity.
 - (42) Bowling alleys: five spaces per lane.
 - (43) Mini warehouses: five spaces for the office and management area, plus additional convenience spaces distributed on site as deemed appropriate by the Planning Board. Parking spaces cannot be used for vehicle, boat, RV or other storage.
 - (44) Light manufacturing and assembly: one per each two employees in maximum work shift or one per 400 square feet of total floor area, as deemed appropriate by the Planning Board.
 - (45) Libraries, museums and galleries: one space per 300 square feet of total floor area.
- E. Fractional spaces shall be rounded to the next highest number.
- F. The Planning Board, in its sole discretion, may modify the requirements of this subsection, upon:
- (1) Good cause shown;
 - (2) A showing that such modified parking requirements will meet the needs of the proposed use; and
 - (3) Upon a showing and determination that such modification will not adversely affect the public health, safety, or welfare.
- G. Shared parking.
- (1) The Planning Board, in its sole discretion, may allow the use of shared parking amongst adjoining lots upon:
 - (a) Good cause shown;
 - (b) A showing that such modified parking requirements will meet the needs of the proposed use; and
 - (c) Upon a showing and determination that such modification will not adversely affect the public health, safety, or welfare.
 - (2) The use of shared parking may be conditioned upon the establishment of permanent cross-easements to ensure that future parking requirements are met despite any changes in ownership amongst the lot owners.
- H. Land-banked parking. Land banking allows for designating a portion of land on a site that would be required for parking to be held and preserved as open space, rather than constructed as parking. The Planning Board may permit land banking of up to 25% of the required parking spaces through the site plan review process, subject to the following.
- (1) Sufficient evidence is provided by the applicant that supports the reduced parking needs;
 - (2) The area proposed for land banking of parking spaces must be an area suitable for parking at a future time;
 - (3) Landscaping of the land-banked area must be in full compliance of the zoning regulations and, at a minimum, landscaped with turf or left in its natural state. As a result of the site plan review process, the Planning Board may require additional landscaping of the land-banked area;
 - (4) The land-banked area cannot be used for any other use and must be part of the same lot and all under the same ownership;

- (5) As part of the site plan review process, the applicant must show the area to be banked on the site plan and marked as "Land-Banked Future Parking"; and
- (6) The Code Enforcement Officer, on the basis of increased parking demand for the use, may require the conversion of all or part of the land-banked area to off-street parking spaces.

§ 300-61 Parking spaces adjacent to lots in any residence district.

- A. Wherever a parking area of over five spaces abuts or is within 15 feet of the side or rear lot lines of a lot in any residence district, said parking lot shall be screened from such adjoining lot by a substantial wall, fence or thick hedge, approved by the Planning Board. Generally, such screen shall be not less than five nor more than eight feet in height.
- B. Whenever a parking area of over five spaces is located across the street from other land in any residence district, it shall be screened from the view of such land by a thick hedge, wall or fence approved by the Planning Board, located along a line drawn parallel to the street and a distance of five feet therefrom, such screening to be interrupted only at points of ingress and egress. In general, no such screening shall be less than three feet nor more than eight feet in height. Such fencing shall supersede the requirements of § 300-11C(1)(d). The open area between such screening and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. Two identification and directional signs located on the street side of such screening shall be permitted; however, they shall not exceed an area of three square feet each.

§ 300-62 Driveways.

No driveway shall provide access to a lot located in another district, which lot is used for any use, except residential, prohibited in the district in which such driveway is located.

§ 300-63 Commercial vehicles.

- A. One commercial vehicle not exceeding 25 feet in length may be parked on an occupied lot in any residence district, but not within the required yards of such lot. For purposes of this section, trucks or sport utility vehicles not exceeding 10,000 pounds shall not be deemed commercial vehicles.
- B. Commercial farm vehicles are permitted as accessory to a commercial farm use in any residence district.

§ 300-64 Trailers and boats.

- A. The storage or parking and use of a trailer by any person or persons is hereby prohibited in all districts, except that:
 - (1) One camping trailer or motor home may be stored, but not used for any purpose, on an occupied lot in any residential district.
 - (2) Where a building permit has been issued for the construction or alteration of a building, the Code Enforcement Officer may issue a temporary permit for one trailer for a period not to exceed six months. Said temporary permit may be extended for one additional period of six months if the Code Enforcement Officer finds that construction has been diligently pursued and that justifiable circumstances require such an extension.
- B. Not more than one boat per dwelling unit may be stored on an occupied lot in any residential district.

§ 300-65 Unregistered vans; storage vehicles; donation boxes.

- A. The storage, parking or use for storage purposes or otherwise of an unlicensed or unregistered van, truck box, trailer box, trailer, truck, bus or other vehicle of any size, with or without wheels, is hereby prohibited in all districts. The storage, parking or use of any such object as of the effective date of this section shall not be deemed to be of such substantial nature as to warrant a preexisting use status for the object or the activity.
- B. Boxes. The use of dropoff or donation boxes shall be allowed in nonresidential districts subject to approval by the Building Department and upon the following conditions:

- (1) The lot owner provides written permission for the location of the box.
 - (2) The location of the box cannot consume or obscure off-street parking, and in no event can the location of the box reduce the amount of off-street parking to an amount less than that required.
 - (3) The box and its surroundings must be maintained and kept clear of debris, refuse or abandoned property.
 - (4) The box shall be removed if not in use.
 - (5) If the box is located on a lot that has received site plan approval from the Planning Board, then the Building Inspector may refer the proposal to locate a box on such lot to the Planning Board for its review and comment, and the Planning Board may, in its sole discretion, require an amendment to the approved site plan.
- C. The prohibitions and restrictions set forth in § **246-3C** shall also apply.

Date 6/17/2016

Parking analysis/

Municipality **Kingston**

total parking required

196

Basis of analysis as follows:

ordinance reference Retail Residential
 see page 38/59 see page 37/59

use sf supermarket apartments (bdrm count to be confirmed)
 sf/ apt. count 13,000 91 bedrooms
 153

	units	type	required space per use	parking spaces required	resd.	comm.
parking required						
residential uses	9	studio	1		9	
	40	one bdr	1.5		60	
	42	2 bdrms	2		84	
commercial uses	13000		space per	300 sf		43.3

total uses 91 apartments
 13000 sf commercial space

parking req						
per use	residential				153.0	
	commercial use					43.3

total parking required

196

mid roadway parking 111

mid roadway short on parking by **85**

percent short 77%

provisions of Article VI hereof.

Kingston Zoning

§ 405-34 Off-street parking and loading.

- A. Landscaping. Whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line. The planting plan for this strip shall be approved by the Planning Board as part of the site plan review. Further, not more than 12 parking spaces shall be permitted in a continuous row, and not more than 24 spaces shall be permitted in a single parking area without being interrupted by landscaping approved by the Planning Board. However, if a parking area is located in a side or rear yard, the Planning Board shall have the authority to waive the landscaping requirement of not having more than 12 parking spaces in a continuous row without being interrupted by landscaping.
[Amended 6-6-1995; approved 6-8-1995]
- B. Screening. Where a parking area for three or more vehicles abuts a residential property, it shall be screened from view by landscaping an opaque fence or wall or other means approved by the Planning Board.
- C. Two or more uses on the same lot. Except as specified in Subsection D, where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements, if any, for each individual use on the lot.
- D. Joint use of parking areas.
- (1) In the case of two or more establishments on the same lot or on contiguous lots, the Planning Board may approve the joint use of parking areas with a total capacity of not less than 50% of the sum of the spaces required for cars and using the same driveways giving access thereto, provided that the same Board finds that the proposed capacity will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments.
 - (2) Joint use of parking areas shall be subject to the following requirements:
 - (a) If a use is enlarged or changed, the Planning Board shall have the discretion to require full compliance for each separate use upon finding that conditions justifying joint use no longer exist.
 - (b) Such area shall be sufficient to provide the total number of parking and loading units required collectively of the participating owners.
 - (c) An agreement for the construction, use and maintenance of such joint parking and loading area, and the cost thereof, shall be entered into by all participating owners on a basis deemed equitable by the Planning Board, and the continuance of such agreement and such proper maintenance shall be guaranteed by a covenant filed with the site plan and attached to the deed of each participating property binding each participating owner and his successors in interest for the life of the joint use of the facility and a bond in an amount sufficient to cover maintenance and repair as estimated by the City Engineer and satisfactory to the Corporation Counsel as to form and adequacy of guaranty, which covenant and bond shall run for a period of not less than 20 years.
 - (d) Upon findings that the foregoing conditions have been met and where the joint parking facility adjoins or straddles a joint lot line, the Planning Board may, for the period covered by such agreement and bond, waive temporarily the requirements for side yards, including landscaping along property lines.
- E. Layout and location of off-street parking facilities.
- (1) The plans for new buildings or the enlargement of floor areas in existing buildings or the conversion to additional dwelling units shall show specifically the location and size of off-street parking facilities required to comply with any applicable requirements hereof and the means of access to such space from the public streets or highways.
 - (a) Access shall consist of at least one fifteen-foot-wide lane for parking areas with fewer than 20 spaces and at least two ten-foot-wide lanes for parking areas with more than 20 spaces.

- (b) No entrance or exit to any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection nor exceed a grade in excess of 6% within 25 feet of any street line nor 10% at any other point. All points of ingress or egress shall be appropriately signed unless such signing is considered unnecessary by the Planning Board.
 - (c) Where the topography of a site is such that a potential safety hazard for parked vehicles exists, the Planning Board may require barriers or other safety devices to be incorporated into the design of the parking area.
 - (2) Each required space, exclusive of drives and aisles, shall be not less than 18 feet long nor less than nine feet wide and shall be served by an aisle between rows of parking spaces not less than 22 feet wide. The minimum aisle space may be reduced for angle parking, but in no case shall the aisle space be less than 16 feet. All spaces shall be clearly marked. Except as may be otherwise provided, required off-street parking facilities may be enclosed in a structure or may be located in the open, provided that such required parking facilities are graded, surface drained and maintained to the extent necessary to avoid nuisances of dust, erosion or excessive water from across public ways; or paved with asphalt, oil and chip or other material that is equivalent in durability. Upon a determination by the Planning Board that the required number of parking spaces would be greatly in excess of the need of a particular use on a given lot, said Board may waive the requirement that all such spaces be surfaced to the extent that it may deem the number required to exceed the actual need.
 - (3) Off-street parking areas shall be adequately illuminated for convenience and safety, but no lighting in parking areas shall cause glare on adjoining property.
 - (4) Off-street parking spaces in residential districts shall not project nearer to the street on which the principal building fronts than the required front yard setbacks for such building.
[Added 7-7-1987; approved 7-8-1987]
 - (5) Compact car parking, up to a maximum of 30% of the required parking, shall be allowed with the approval of the Planning Board. Such compact car spaces shall be not less than eight feet wide and 16 feet long. Minimum aisle width shall not be less than 22 feet wide.
[Added 7-7-1987 approved 7-8-1987; amended 7-7-1992, approved 7-8-1992]
- F. Connections between abutting parking areas. Where appropriate, the Planning Board may require paved connections between abutting parking areas in different ownerships so as to facilitate the flow of traffic.
- G. Operation and maintenance of off-street parking facilities. Required off-street parking facilities shall be maintained throughout the life of any use or structure which said facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times for the use of those persons who are employed at, or making use of, such structures and uses, except when dedicated to, and accepted by, the City as public parking areas.
- H. Waiver of parking requirements. All or portions of the on-site off-street parking requirements may be waived by the Planning Board, provided that:
- (1) The proposed use is within 400 feet of a municipally operated off-street parking facility or privately owned and operated parking area.
 - (2) The Planning Board shall, at the time of its approval of a site development plan, certify on such plan that the municipally operated off-street parking facility or, in the case where a nearby private parking area is to be utilized, the private parking facility has adequate capacity for storage of passenger vehicles generated by activities proposed to be conducted on the subject lot in addition to those generated by any other lots already serviced by such off-street parking facility. In determining the existence of such adequate capacity, the Planning Board shall consider the need for preventing frequent parking on the street by persons visiting or connected with each use which is proposed to be served by such off-street municipal or private parking facility.
 - (3) Where a private facility is to be utilized, the applicant shall provide assurance that such facility will be available for the life of the proposed use.
- I. Effect of parking requirements on existing uses.

- (1) Structures and land uses in existence, or for which building permits shall have been approved as of the effective date of this chapter, shall not be subject to the requirements for off-street parking spaces set forth in this chapter, provided that any parking facilities now existing and serving such structures or uses shall not in the future be reduced, except to the extent that they exceed such requirements.
- (2) In the event that it is proposed to expand any use not now meeting the parking requirements, the applicant shall be required to provide additional facilities so that the use, as expanded, shall meet fully all parking requirements.

J. Parking space ratios.

- (1) Residential and related uses.
[Amended 12-18-2002, approved 12-23-2002]

Use

1- or 2-family residence
Multifamily dwelling

Minimum Parking

2 spaces per dwelling unit
1 space for each studio or efficiency apartment; 1.5 spaces for each 1-bedroom apartment; 2.0 spaces for each 2-bedroom or larger apartment; for dwellings designed to be occupied at least 90% by persons 62 years of age or older, 0.5 spaces per apartment, plus an additional 10% of the total required spaces for visitor parking in all cases

X Residential

Church or place of worship
Elementary or junior high school
High school

1 space per 4 seats
1.25 spaces per staff member
1 space per staff member, plus 1 space for each 5 seats in the largest assembly hall

College or university

1 space per staff member, plus 0.75 spaces per student, plus 1 space for each 5 seats in the largest assembly hall

Day-care center or nursery school
Museum, art gallery, library or cultural center

1 space per staff member, plus 1 space for each classroom
1 space per 300 square feet of gross floor area

Golf, swimming or country club
Membership club or lodge

1 space per member or member family
1 space per 5 members or 1 space for each 4 seats in the largest assembly hall or meeting area or 1 space per 100 square feet of space in the largest meeting room, whichever is greatest

Community center floor area
Hospital

1 space per 300 square feet of gross
1.5 spaces per each patient bed

Convalescent home, skilled nursing home, residential care/assisted-living facility

1 space per 3 beds, plus 1 space for each staff member on the largest shift

Kennel, animal hospital

1.25 spaces per employee or 1 space for each 200 square feet of gross floor area, whichever is greater

Group home or agency community residence

1 space per full-time staff member, plus 1 space for each 3 resident children or 1 space for each adult in facilities where residents may drive

Rooming house or boarding-house

1 space per roomer and/or boarder, plus 1 space for each employee

- (2) Commercial and office uses.

Use

Professional office in a residence
Home occupation
Office buildings, other than medical or dental office
Medical or dental office
Theater

Minimum Parking

3 spaces per office in addition to that which is required for the residential use
2 spaces in addition to that which is required for the residential use
1 space per 300 square feet of gross floor area
4 spaces per doctor or dentist, plus 1 for each 2 employees
1 space per 4 seats or 1 space for each 100 square feet of gross floor area,

whichever is greater

Conference center or training facility	1 space per 4 seats in the largest assembly hall or meeting area, plus 1 space for each 4 seats in classroom facilities
Bank or post office	3 spaces per teller or service window
Hotel or motel	1 space per guest room, plus 1 space per 600 square feet of space outside of guest rooms, corridors and equipment storage areas
Retail sales	1 space for each 300 square feet of floor area
Personal service establishment	1 space per 200 square feet of customer service area
Restaurant (standard)	1 space per 3 seats or 1 space for each 100 square feet of gross floor area, whichever is greater
Fast-food restaurant	1 space per 3 seats or 1 space for each 75 square feet of floor area, whichever is greater
Drive-in food establishment (donut shops, ice cream, etc.)	1 space per 50 square feet of gross floor area
Drinking establishment or discotheque	1 space per 1.5 persons permitted under maximum occupancy or 1 space for each 100 square feet of gross floor area, whichever is greater
Bowling alley	4 spaces per alley
Indoor tennis facility	5 spaces per court
Racquetball facility and similar court games	2.5 spaces per court
Dry cleaning or hand laundry	1 space for each 300 square feet of gross floor area
Funeral parlor	1 space for each 3 seats provided therein or 1 space for each 60 square feet of space available for public use, whichever is greater
Marina	0.60 cars per slip
[Added 7-7-1992; approved 7-8-1992]	

(3) Industrial and heavy commercial uses.

Use

Minimum Parking

Light manufacturing use	1 space for each 300 square feet of gross floor area or 1 space per employee, based on the number of employees during the largest shift, whichever is greater
Lumber and building equipment sales and storage	1.25 spaces per employee
Wholesale, storage and warehousing	1 space for each 3,000 square feet of gross floor area or 1 space for each employee on the largest shift, whichever is greater
Printing plant	1 space for each 400 square feet of gross floor area
Car wash	1 space for each employee, excluding storage lanes
Motor vehicle sales	10 spaces or 1 space per each 300 square feet of sales area, whichever is greater
Gas station	1 space for each 100 square feet of gross floor area
Outdoor industrial use (coal, coke, fuel oil, junkyards, etc.)	10 spaces or 1 space for each 5,000 square feet of gross floor area, whichever is greater

- (4) All other uses not mentioned or variations of above uses: as determined by Planning Board to be needed to prevent frequent parking on the street. Where the Planning Board determines the number of parking spaces, the decision of said Board shall be based upon standards set forth herein for uses with similar characteristics and previous experience with similar uses.

K. Off-street loading facilities.

(1) Required off-street loading facilities shall be required in the following ratio:

Use	Square Feet of Gross Floor Area or Major Fraction Thereof (in 1,000's)		
	1 Berth	2 Berths	Plus 1 Berth For Each Additional
Office, research and development	50	100	100
Retail, personal, service, restaurant	25	100	25
Manufacturing, printing	10	20	25
Wholesale and distribution	5	10	20
Public institutional	10	50	50
Other uses not mentioned	As determined by the Planning Board		

- (a) Where the Planning Board determines the number of loading berths, the decision of said Commission shall be based upon standards set forth herein for uses with similar characteristics and previous experience with similar uses.
- (b) Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these loading requirements.

- (2) Size of spaces. Each required loading berth shall be at least 15 feet wide, 45 feet long and 14 feet high.
- (3) Location and access. Said loading berths may be provided in the principal building or in any side or rear yards. No off-street loading berths shall be located in any front yard. Unobstructed access, at least 10 feet wide, to and from a street shall be provided. Such access may be combined with the access driveway to a parking lot, provided that said driveway has a minimum width of 25 feet. All loading berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any loading area shall be located within 50 feet of any street intersection.
- (4) Joint facilities. Required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two or more adjacent establishments, provided that the number of required berths in such joint facilities shall not be less than the aggregate of all such requirements.

§ 405-35 Cluster developments.

The Planning Board may approve cluster developments in RRR or RR Districts according to the procedures and requirements specified below. The purpose of such development is to provide flexibility in design and development of land in such a way as to promote the most appropriate use of land, to facilitate the adequate and economical provision of streets and utilities and to preserve the natural and scenic qualities of open space.

- A. The maximum number of single-family lots that may be approved in a cluster development shall be computed by subtracting from the total gross area a fixed percentage of 20% of said area and dividing the remaining 80% of the area by 10,000 square feet in a RRR Zone and 6,000 square feet in a RR Zone, which will result in a gross density that is no higher than would occur under conventional development in the particular zoning district. In computing the maximum number of lots that may be created, any lands which are subject to flooding or which are occupied by public utility easements in such a manner as to prevent their use and development shall not be considered part of the total gross area.
- B. The minimum area of a cluster development shall be 10 acres and shall be in single ownership or under unified control.
- C. Prior to the issuance of a building permit in a cluster development, a site plan shall be submitted to and approved by the Planning Board in accordance with § 405-30 and the following conditions:
 - (1) Said site plan shall include areas wherein such structures may be located, the height and spacing of buildings, open

Date 6/17/2016

Parking analysis/

Municipality **Beacon**

total parking required

194

Basis of analysis as follows:

ordinance reference Retail Residential
 see page 39/45 see page 39/45

use	sf supermarket	apartments	(bdrm count to be confirmed) bedrooms
sf/ apt. count	13,000	91	153

parking required		required space per use	parking spaces required resd. comm.
residential	1 space required/ apartment 0.25 space required/ bedroom	91 apt 153 bdrms	91 38.25

commercial uses 13,000 sf 200 1 sp/ sf 65.00

parking req			
per use	residential		129.25
	commercial use		65.00

total parking required

194

mid roadway parking 111

mid roadway short on parking by **83**

percent short 75%

[1] Editor's Note: This local law also redesignated former Subsections H and I as Subsections I and J, respectively.

- I. Public hearing(s).
 - (1) A public hearing shall be held by the Planning Board on each site development plan application. Notice of said hearing shall be published in a newspaper circulating within the City of Beacon at least five days prior to the date of the public hearing, and any mailing of notices that may be required shall be at least five days before such hearing. The preparation and cost of publication and mailing of any notice required for such presentation shall be at the cost and expense of the applicant.
 - (2) Notice of any hearing by regular mail shall be sent to all property owners within a distance of 250 feet of the subject property on both sides of the street on which the subject property fronts, and to the adjoining property owner or owners to the rear of the property affected. In addition, the Planning Board shall give any other notice required by law.
 - (3) With respect to the two-phase site plan approval process for nonresidential projects provided for in Subsection C above, a public hearing shall be held by the Planning Board during both the conceptual and project-specific phases, respectively.
- J. Expiration of approval. At the time of approving the site development plan, the Planning Board may set forth the time period in which construction is to begin and be completed. The Planning Board may, in its discretion, extend any time period it has previously set where it finds that changing market conditions or other circumstances have acted to prevent the timely commencement or completion of work, and that the developer has proceeded with reasonable diligence in an effort to assure completion of the work within the permitted time period. The extension of these time periods shall not require the holding of a new public hearing.
[Added 9-15-2003 by L.L. No. 14-2003]

§ 223-26 Off-street parking, loading and vehicular access.

- A. General.
 - (1) All structures and land uses hereafter erected, enlarged, created or extended shall be provided with the amount of off-street automobile parking space and loading and unloading space required by the terms of this section to meet the needs of persons making use of such structures or land. A permit for the erection, replacement, reconstruction, extension or substantial alteration of a structure or the development of a land use shall not be issued unless off-street automobile parking facilities and, where required loading and unloading spaces shall have been laid out in plan in accordance with the appropriate requirements for structures and uses as set forth in this section, and such required parking and loading facilities shall be completed before a certificate of occupancy shall be issued. As used herein, "parking facilities" shall be construed to include loading and unloading spaces required by this section.
 - (2) In case of exceptional difficulty or unusual hardship to such properties arising out of the requirements of this section, the Board of Appeals may reduce the parking requirements but shall require such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming and shall not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or expansion and shall not permit reduction or elimination of whatever quantity of parking may already exist, unless it is in excess of requirements.
 - (3) Required off-street parking facilities which, after development, are later dedicated to and accepted by the City shall be deemed to continue to serve the uses or structures for which they were originally provided.
- B. Effect on existing uses.
 - (1) Structures and land uses in existence on April 20, 1964, or structures and uses for which building permits had been approved on or before said date, shall not be subject to the requirements set forth in this section, unless there shall occur an increased intensity of use, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirement, in which case they may not be reduced below such requirement.

- (2) Whenever a building or structure erected prior to or after April 20, 1964, or any land use shall undergo any increase in intensity of use in the number of dwelling units, floor area, seating capacity, number of employees or other unit of measurement specified hereinafter for required parking facilities, or from other causes, and further when said increase would result in a requirement for additional parking facilities through application of the Schedule of Off-Street Parking Requirements (Subsection **F**), additional parking facilities shall be provided accordingly, except that no building or structure erected prior to said date shall be required to provide parking facilities unless the aforesaid additional required facilities amount to a cumulative total increase of at least 25% over the existing use as of said date, in which case parking spaces shall be provided on the basis of the total units of measurements of the new use or of the alteration or expansion of the existing use.

C. Location, use, design, construction and maintenance.

- (1) Location. The off-street parking facilities which are required by this section shall be provided on the same lot or premises with such structure or land use; except that off-street parking spaces required for structures or land uses on two or more adjoining lots may be provided in a single common facility on one or more of said lots, provided that a binding agreement, in a form approved by the Corporation Counsel, assuring the continued operation of said parking facility during the life of the structure or the land use the parking is designed to serve, is filed on the land records prior to approval of the plans for said parking facility. In any residence district, no off-street parking facility shall be developed in any required front yard or in any required side or rear yard adjacent to a street line or in any other side or rear yard within five feet of the lot line. However, off-street parking spaces shall be permitted in residential districts as indicated in § **223-17C**.
- (2) Parking specifications.
- (a) Each parking space provided in an unenclosed area shall be at least nine feet wide and at least 20 feet long, except that the Planning Board, in approving a plan under § **223-25**, may permit that portion of the total required parking which is specifically set aside for and limited to employee parking to have a width of at least 8 1/2 feet and a depth of at least 20 feet. This possible exception shall not be permitted in the CB District.
- (b) Each parking space which is bordered by walls or columns on two or more sides shall be not less than 10 feet wide nor less than 20 feet long. Enclosed or garaged parking areas shall not contain any columns, walls or other obstacles which would prevent or obstruct the use of any parking space.
- (c) The maneuvering area needed to permit parked vehicles to enter and exit off-street parking spaces shall have a width of at least 25 feet, except where the Planning Board approves a lesser distance as adequate for areas with parallel or angled parking spaces and except where such area is also utilized for the through circulation of vehicles, in which case a minimum width of at least 30 feet shall be provided.
- (3) Landscaping. Except for parking spaces accessory to a one-family dwelling, all off-street parking areas shall be curbed and landscaped with appropriate trees, shrubs and other plant materials and ground cover, as approved by the Planning Board based upon consideration of the adequacy of the proposed landscaping to assure the establishment of a safe, convenient and attractive parking facility with a minimum amount of maintenance, including plant care, snowplowing and the removal of leaves and other debris. At least one tree with a minimum caliper of three inches at a height of four feet above ground level shall be provided within such parking area for each 10 parking spaces.
[Amended 5-19-2014 by L.L. No. 6-2014]
- (a) Wherever possible, planting islands, at least eight feet in width, shall be provided to guide vehicle movement and to separate opposing rows of parking space so as to provide adequate space for plant growth, pedestrian circulation and vehicle overhang. Such planting islands and the landscaping within them shall be designed and arranged in such a way as to provide vertical definition to major traffic circulation aisles, entrances and exits, to channel internal traffic flow and prevent indiscriminate diagonal movement of vehicles and to provide relief from the visual monotony and shadeless expanse of a large parking area. Curbs of such islands shall be designed so as to facilitate surface drainage and prevent vehicles from overlapping sidewalks and damaging landscaping materials.

- (b) In all off-street parking areas containing 25 or more parking spaces, at least 10% of the total parking area shall be curbed and landscaped with trees, shrubs and other plant materials.
 - (c) No obstruction to driver vision shall be erected or maintained on any lot within the triangle formed by the street line of such lot, the outer edge of the access driveway to the parking area and a line drawn between points along such street line and access drive 30 feet distant from their point of intersection.
- (4) Grades, drainage, paving and marking. All proposed and required parking facilities, regardless of size, shall be graded, surfaced, drained and maintained throughout the duration of their use so as to comply with the New York State Stormwater Management Design Manual, as amended from time to time, and/or Chapter 190, Stormwater Management and Erosion and Sediment Control, of this Code, or other acceptable stormwater management practice(s), as deemed suitable to the City Engineer to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. The drainage analysis for said parking facilities shall include pre- and post-development conditions as well as remediation and/or mitigation of stormwater runoff. The maximum slope within a parking area shall not exceed 5%. In RD and RMF Districts and in nonresidential developments, the Planning Board shall require the provision of suitable markings to indicate individual parking spaces, maneuvering area, entrances and exits.
[Amended 5-19-2014 by L.L. No. 6-2014]
- (5) Traffic circulation. In order to encourage safe and convenient traffic circulation, the Planning Board may require the interconnection of parking areas via access drives within and between adjacent lots. The Board shall require written assurance and/or deed restrictions, satisfactory to the Corporation Counsel, binding the owner and his heirs and assignees to permit and maintain such internal access and circulation and inter-use of parking facilities.
- (6) Two or more uses on same lot. Where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements of each individual use on the lot, except that the Board of Appeals may approve the joint use of parking space by two or more establishments on the same lot or on contiguous lots, the total capacity of which is less than the sum of the spaces required for each, provided that said Board finds that the capacity to be provided will substantially meet the intent of this article by reason of variation in the probable time of maximum use by patrons or employees at such establishments and provided that such approval of such joint use shall be automatically terminated upon a change of use at any such establishment.
- (7) Designed residence and multifamily residence districts.
- (a) In RD and RMF Districts. in order that some of the required parking spaces may be convenient for use by visitors as well as by occupants, $\frac{2}{3}$ of the required car spaces for a residential building shall be directly accessible to the normal approach from the street to each main entrance to that building and within 100 feet of that entrance. Upon recommendation from the Planning Board that a specific parking plan will provide comparable convenience of parking space location, the City Council may so modify the above requirement in approving any specific apartment development plan.
 - (b) In RD or RMF Districts, not more than 50% of the required parking shall be provided in enclosed or garaged areas. Roofed areas, open on at least two sides, shall be considered open or unenclosed spaces.

D. Alternatives to providing parking spaces.
[Amended 6-15-1992 by L.L. No. 5-1992]

- (1) Conveyance of land. Where, because of limitations of size, dimensions or topography of a lot, an applicant for a building permit in a business district finds it impractical to provide all or a portion of the off-street parking spaces required by Subsection F herein, in connection with a proposed building or addition, he may grant and convey to the City of Beacon, and the City Council, at its discretion, may accept, appropriately located and developed land for commercial parking as a permitted use equivalent, provided that said land is permanently dedicated to the City.^[1]
[1] *Editor's Note: Former Subsection D(2), Fee in lieu of waived parking, as amended, which immediately followed, was repealed 4-7-2008 by L.L. No. 4-2008.*

E. Waiver of improvement. Except within the Central Business District and the Central Main Street District, and

Notwithstanding any other provision of this chapter, the City Council or Planning Board, in reviewing plans submitted in accordance with the provisions of this section or § 223-18 or 223-25, may waive the initial improvement of up to 50% of the required off-street parking spaces, provided that all of the required spaces are shown on the proposed plan and further provided that suitable agreements, satisfactory to the City Council or Planning Board, are obtained assuring the City that the property owner(s) will be responsible for the construction of such waived spaces, or any portion thereof, within six months of the date such spaces may be deemed necessary by the City Council or Planning Board.
[Amended 7-6-2004 by L.L. No. 13-2004; 2-19-2013 by L.L. No. 3-2013]

- F. Schedule of Off-Street Parking Requirements. Off-street parking spaces shall be provided as follows, except that the Board of Appeals may modify these provisions as a condition of the issuance of a special permit according to the provisions of § 223-19.

Use

1- and 2-family dwelling

Multifamily dwelling and/or apartment or artist live/work space

[Amended 8-6-2001 by L.L. No. 12-2001]

Professional office or home occupation permitted in a residential district

Bed-and-breakfast establishment, rooming house or boardinghouse

[Amended 3-18-2002 by L.L. No. 9-2002]

Hotel

Place of worship, theater, auditorium, athletic field or other place of assembly

Nursery school or day-care center

[Added 3-18-2002 by L.L. No. 10-2002]

Primary or secondary school

[Added 3-18-2002 by L.L. No. 10-2002]

Dance, art, tutorial, martial arts or similar instructional school

[Added 11-4-2002 by L.L. No. 29-2002]

Hospital, nursing home, convalescent home or home for the aged

Golf and country club

Bowling alley or other place of commercial recreation or public amusement

[Amended 7-6-2004 by L.L. No. 13-2004]

Retail or service business, including auction gallery

[Amended 2-18-1992; 6-21-1999 by L.L. No. 14-1999]

Restaurant or coffee house

[Amended 7-6-2004 by L.L. No. 13-2004; 5-2-2005 by L.L.

Minimum Off-Street Parking

2 spaces for each dwelling unit

1 space for each dwelling unit, plus 1/4 space for each bedroom, plus 1/2 space for each live/work space containing retail area

2 spaces in addition to spaces required for the residential use, except that there shall be 4 spaces for each medical or dental practitioner in addition to spaces required for the residential use

1 space for each guest sleeping room, plus 2 spaces for the dwelling unit, plus 1 space for each nonresident employee

Subject to § 223-20L

1 space for each 4 seats or pew spaces or, in places or, in places without seats, 1 space for each 100 square feet of floor space used for public assembly

1 per employee plus 1 per classroom

1 per employee plus 1 per 5 students in the 11th grade or above, or 1 per 4 assembly seats, whichever is greater

1 space for each 150 square feet of gross floor space

1 space for each 3 resident persons, plus space for each employee, including medical, nursing and service staff employed at the same time when the building is operating at full capacity

1 space for each 2 memberships

5 spaces for each bowling lane; all others, 1 space for each 4 persons of maximum occupancy or 1 space for each 200 square feet of gross floor area, whichever is greater

1 space for each 200 square feet of gross floor area, excluding utility areas

1 space for each 3 patron seats or 1 space for each 150 square feet of gross floor area, excluding kitchen and

No. 2-2005] Office for business or pro-fessional use (other than accessory to residential use) [Amended 6-21-1999 by L.L. No. 14-1999]	storage areas, whichever is greater 1 space for each 200 square feet of gross floor area, excluding utility areas
Banking office [Amended 6-21-1999 by L.L. No. 14-1999]	1 space for each 200 square feet of gross floor area, excluding utility areas
Funeral parlor or under-taking establishment Motor vehicle sales and service	10 spaces per establishment, plus 1 space per employee 1 space per employee, plus 1 space per 150 square feet of gross floor space
Veterinary office	1 space per employee, plus 1 space per 300 square feet of gross floor space
Car washing establishment Research or development laboratory	Subject to § 223-21F 1 space per employee, but not less than 1 space per 600 square feet of gross floor space
Manufacturing or industrial use	1 space per 2 employees but not less than 1 space per 400 square feet of gross floor space
Wholesale, storage, utility or other similar commercial use	1 space per employee but not less than 1 space per 1,000 square feet of gross floor space
Senior citizen use [Added 3-22-1982]	2 spaces for each 3 dwelling units
Museums in LI and/or LB Zone located within walking distance (3,000 feet) of entrance to train station [Added 2-7-2000 by L.L. No. 5-2000; amended 5-2-2005 by L.L. No. 2-2005]	1 parking space per 3,000 feet of gross floor space
Artist studio [Added 6-16-2003 by L.L. No. 6-2003]	1 space for each 500 square feet of gross floor space
Art gallery/exhibit space [Added 5-2-2005 by L.L. No. 2-2005]	1 space for each 250 square feet of gross floor area
Bar or brew pub [Added 5-2-2005 by L.L. No. 2-2005]	1 space for each 3 patron seats or 1 space for each 50 square feet of gross floor area, excluding kitchen and storage areas, whichever is greater
Microbrewery or microdistillery [Added 5-2-2005 by L.L. No. 2-2005; amended 5-19-2014 by L.L. No. 8-2014]	1 space for each employee on the largest shift, plus 1 space for each 3 patron sitting or standing spaces in any tasting room or other visitor facility open to the general public
Museum [Added 5-2-2005 by L.L. No. 2-2005]	1 space for each 300 square feet of gross floor area
Other uses not listed Amended 5-2-2005 by L.L. No. 2-2005]	Off-street parking requirements for types of uses which do not fall within the categories listed above shall be determined by the Planning Board upon consideration of relevant factors entering into the parking needs of each such use

- (1) Notwithstanding § 223-26F above, with respect to lots which, on the effective date of this section, are located wholly or partially within 2,500 feet of the train station platform, the City Council shall have the authority to limit the amount of parking to be provided for multifamily and nonresidential development projects on said lots having a

parking requirement in accordance with § **223-26F** of 25 spaces or more, in the interest of appropriately and reasonably minimizing the environmental impact of the project's vehicular traffic accessing the train station. In such cases, the City Council shall ensure that convenient pedestrian access is provided by the project, or is otherwise available between the project and the train station. Where a substantial change in elevation exists between the project and the train station, the City Council may require the project to provide, if deemed feasible by the Council, an elevator, escalator, stairs and/or other similar pedestrian conveyance or access for such purpose.
 [Added 6-7-2010 by L.L. No. 8-2010]

- G. Operation and maintenance of off-street parking facilities. Required off-street parking facilities shall be maintained as long as the use of the structure exists which the facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times to those persons who are employed at or make use of such structures and land uses, except when dedicated to and accepted by the City as public parking areas.
- H. Off-street loading requirements. Off-street loading and unloading facilities shall be located on the same site with the use to be served, except as provided in Subsection **C(1)**, and shall be provided as follows:
- (1) Size. Each off-street loading space shall be at least 14 feet in width, at least 35 feet in length and at least 14 feet in height, exclusive of access and turning areas, except that adjacent loading spaces may be each 12 feet in width.
 - (2) Required number of spaces.
 - (a) For retail and/or service business establishments: a minimum of one space for the first 7,500 square feet or major portion thereof, plus one space for each additional 10,000 square feet of gross floor area or major portion thereof, except that no berths shall be required for buildings with a gross floor area of less than 5,000 square feet.
 - (b) For office establishments: a minimum of one space for the first 20,000 square feet of gross floor area or major portion thereof, plus one space for each additional 40,000 square feet of gross floor area or major portion thereof, except that no berths are required for buildings of less than 10,000 square feet of gross floor area.
 - (c) For research establishments: a minimum of one space for the first 12,000 square feet of gross floor area of building or major portion thereof, plus one space for each additional 20,000 square feet of gross floor area or major portion thereof.
 - (d) For wholesale business, industry, storage, warehouses and other commercial establishments: a minimum of one space for each establishment, plus one space for each 10,000 square feet of gross floor area or major portion thereof.
 - (e) For nursing homes: a minimum of one space for each establishment.
 [Added 12-21-1998 by L.L. No. 17-1998^[2]]

[2] *Editor's Note: This local law also provided for the renumbering of former Subsection H(2)(e) as Subsection H(2)(f).*

 - (f) For museums, a minimum of one space for each establishment.
 [Added 2-7-2000 by L.L. No. 4-2000^[3]]

[3] *Editor's Note: This local law also provided for the renumbering of former Subsection H(2)(f) as Subsection H(2)(g).*

 - (g) Other uses which do not fall within the categories listed above shall be determined by the City Council and adopted as an amendment to this section.
- I. Driveways.
- (1) General. For reasons of traffic and pedestrian safety, both on and off 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

Date 6/17/2016

Parking analysis/

Municipality **City of Poughkeepsie**

total parking required

199

Basis of analysis as follows:

ordinance reference

Retail
see page 5/45

Residential
see page 4/45

use	sf supermarket sf/ apt. count	apartments	bedrooms			
	13,000	91	153			
		units	type	required space per use	spaces required resd.	comm
parking required						
residential uses						
apartment types		9	studier	1	9	
		35	one bdr	1.5	52.5	
		34	2 bdrms	2	68	
		13	3 bdrms	2	26	
commercial uses	sf					
	13000	space per		300 sf		43.3

total uses 13000 sf 91 apartments commercial space

parking req per use	residential	commercial use
	155.5	43.3

total parking required

199

mid roadway parking 111
 mid roadway short on parking by 88
 percent short 79%

Chapter 19: ZONING AND LAND USE REGULATIONS

Article IV: Supplementary Regulations ^[1]

[1]: This Article covers a number of items that are applicable to all or substantial portions of the city.

Section 19-4.1 Home occupations.

[Ord. of 4-11-1996, § 3]

- (1) Home occupations shall be conducted by members of the family residing on the premises. Not more than two nonresidents shall be employed therein.
- (2) Said home occupation shall not occupy more than 25% of the total floor area of the principal building. No home occupation shall be conducted in an accessory building. The provision of this subsection shall not apply to work/live lofts.
- (3) In no manner shall the appearance of the building be altered, nor shall the occupation within the residence be conducted in a manner that would cause the premises to lose its residential character, either by the use of colors, materials, construction or lighting. No display of products shall be visible from the street, and no stock in trade shall be kept on the premises.
- (4) The home occupation shall not increase the vehicular traffic flow by more than one additional vehicle per hour and shall not involve the use of commercial vehicles for delivery of materials to and from the premises.
- (5) No home occupation shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard or any other nuisance that is perceptible beyond the lot lines.
- (6) Home occupations shall in no event be deemed to include: animal hospitals, kennels, barbershops, beauty parlors, clinics or hospitals, dancing schools, mortuaries, nursery schools, clubs, auto repair shops, restaurants, tourist homes, rooming houses or boardinghouses and uses similar to those listed above.

Section 19-4.2 Professional offices in residences.

Professional offices in dwellings in R-1, R-2, R-3 or R-4 Residence Districts shall comply with the following:

- (1) Said office shall be limited to one professional who shall reside on the premises and not more than two nonresident assistants.
- (2) Said office shall be incidental and subordinate to the residential use of the building and shall not occupy more than 25% of the total floor area of the principal building. No office shall be located in an accessory building.
- (3) In no manner shall the appearance of the building be altered, nor shall the office within the residence be conducted in a manner that would cause the premises to lose its residential character, either by use of colors, materials, construction or lighting.
- (4) No professional office shall create noise, dust, vibration, odor, smoke, electrical interference, fire hazard or any other nuisance that is perceptible beyond the lot lines.

Section 19-4.3 Off-street parking and loading.

[Ord. of 6-17-1985, § 1; Ord. of 6-20-1988, § 1; Ord. of 8-1-1988, § 1; Ord. of 3-20-1989, § 1; Ord. of 9-5-1995, § 3; Ord. of 10-16-1995, § 3; Ord. of 4-11-1996, § 4; Ord. of 6-20-1996, § 1; Ord. of 7-11-1996, § 1]

- (1) *Off-street parking.* Whenever a parking area containing three or more spaces faces a street or a property line, a planting area of a minimum width of three feet with plantings at least three feet high planted three feet on center shall be provided between the parking area and the street line or property line. The planting plan for this strip shall be approved

- by the Planning Board as part of the site plan review. Further, not more than 12 parking spaces shall be permitted in a continuous row, and not more than 24 spaces shall be permitted in a single parking area without being interrupted by landscaping approved by the Planning Board.
- (2) *Screening.* Where a parking area for three or more vehicles abuts a residential property, it shall be screened from view by landscaping, opaque fence or wall or other means approved by the Planning Board.
 - (3) *Two or more uses on same lot.* Except as specified in Section 19-4.3(4), where two or more different uses occur on a single lot, the total amount of parking facilities to be provided shall be the sum of the requirements, if any, for each individual use on the lot.
 - (4) *Joint use of parking areas.* In the case of two or more establishments on the same lot or on contiguous lots, the Planning Board may approve the joint use of parking areas with a total capacity of not less than 50% of the sum of the spaces required for cars and using the same driveways giving access thereto, provided that the same Board finds that the proposed capacity will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees among such establishments. Joint use of parking areas shall be subject to the following requirements:
 - (a) If a use is enlarged or changed, the Planning Board shall have the discretion to require full compliance for each separate use upon finding that conditions justifying joint use no longer exist.
 - (b) Such area shall be sufficient to provide the total number of parking and loading units required collectively of the participating owners.
 - (c) (Reserved)
 - (d) Upon finding that the foregoing conditions have been met and where the joint parking facility adjoins or straddles a joint lot line, the Planning Board may, for the period covered by such agreement and bond, temporarily waive the requirements for side yards.
 - (5) *Layout and location of off-street parking facilities.*
 - (a) The plans for new building or enlargement of floor area in an existing building or conversion to additional dwelling units shall show specifically the location and size of the off-street parking facilities required to comply with any applicable requirements hereof and the means of access to such space from the public streets or highways. Access shall consist of at least one fifteen-foot wide lane for parking areas with fewer than 20 spaces and at least two ten-foot wide lanes for parking areas with more than 20 spaces. No entrance or exit to any off-street parking area with a capacity of more than four spaces shall be located within 50 feet of any street intersection, nor exceed a grade in excess of 6% within 25 feet of any street line nor 10% at any other point. All points of ingress or egress shall be appropriately signed unless such signing is considered unnecessary by the Planning Board. Where the topography of a site is such that a potential safety hazard for parked vehicles exists, the Planning Board may require barriers or other safety devices to be incorporated into the design of the parking area.
 - (b) Each required space, exclusive of drives and aisles, shall be not less than 20 feet long nor less than nine feet wide and shall be served by an aisle between rows of parking spaces of not less than 22 feet wide. Notwithstanding the requirements of the preceding sentence, up to 33% of the required spaces in a structured parking facility of two or more levels, containing 100 or more spaces, or in an at-grade surface parking lot, containing 185 or more spaces, may be not less than eight feet four inches wide, and all of the spaces in such facility or at-grade surface parking lot may be not less than 18 feet long, exclusive of drives and aisles, provided that they are served by an aisle between rows of parking spaces of not less than 22 feet wide. The minimum aisle space may be reduced for angle parking, but in no case shall the aisle space be less than 16 feet. All spaces shall be clearly marked. Except as may be otherwise provided, required off-street parking facilities may be enclosed in a structure or may be located in the open, provided that such required parking facilities be graded, surface drained and maintained to the extent necessary to avoid nuisances of dust, erosion or excessive water from across public ways or paved with asphalt, oil and chip or other material that is equivalent in durability. Upon a determination by the Planning Board that the required number of parking spaces would be greatly in excess of the need of a particular use on a given lot, said

Board may waive the requirement that such spaces be resurfaced to the extent that it may deem the number required to exceed the actual need.

- (c) Off-street parking areas shall be adequately illuminated for convenience and safety, but no lighting for parking areas shall cause glare on adjoining property.
- (6) *Location and ownership of required accessory parking facilities.* Required access parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or anywhere within 600 feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner or his heirs and assigns to maintain the required number of spaces available either (a) throughout the existence of the use to which they are accessory, or (b) until such spaces are provided elsewhere. Required off-street parking facilities which, after development, are dedicated to and accepted by the city, shall be deemed to continue to serve the uses for which they were originally provided.
- (7) *Connections between abutting parking areas.* Where appropriate, the Planning Board may require paved connections between abutting parking areas in different ownerships, so as to facilitate the flow of traffic.
- (8) *Operation and maintenance of off-street parking facilities.* Required off-street parking facilities shall be maintained throughout the life of any use or structure which said facilities are designed to serve. Required parking areas developed for specific structures and uses shall be reserved at all times for the use of those persons who are employed at or making use of such structures and uses, except when dedicated to, and accepted by, the public as public parking areas.
- (9) *Waiver of parking requirements.* All or portions of the off-street parking requirement may be waived by the Planning Board, provided that:
 - (a) The proposed use is within 600 feet of a municipally operated off-street parking facility or privately owned parking area.
 - (b) The Planning Board shall, at the time of its approval of a site development plan, certify on such plan that the municipally operated off-street parking facility or, in the case where nearby private parking area is to be utilized, the private parking facility has adequate capacity for storage of passenger vehicles generated by activities proposed to be conducted on the subject lot in addition to those generated by any other lots already serviced by such off-street parking facility. In determining the existence of such adequate capacity, the Planning Board shall consider the need for preventing frequent parking on the street by persons visiting or connected with each use which is proposed to be served by such off-street municipal or private parking facility.
 - (c) Where a private parking facility is to be utilized, the applicant shall provide assurance that such facility will be available for the life of the proposed use.
- (10) *Effect of parking requirements on existing uses.*
 - (a) *General provisions.* Except as otherwise provided in Subsection (10)(b), structures and land uses in existence or for which building permits shall have been approved as of the effective date of this Chapter, shall not be subject to the requirements for off-street parking spaces set forth in this Chapter, provided that any parking facilities now existing and serving such structures or uses shall not in the future be reduced, except to the extent that they exceed such requirements. In the event that it is proposed to expand any use not now meeting the parking requirements, the applicant shall be required to provide additional facilities so that the use, as expanded, shall meet fully all parking requirements.
 - (b) *Special provisions for commercial use of existing buildings in the W Zone.* Where the owner of an existing or proposed commercial use, reuse, expansion of use or change of use in the W Zone is unable to meet part or all of the parking requirements otherwise imposed under the provisions of this Chapter on the lot on which the existing building is located, then no additional parking or loading spaces shall be required beyond those which the owner is able to provide on the lot, provided that:
 - (1) The use to be served by the parking is housed in a building constructed prior to the effective date of this

amendment, to wit July 11, 1996;

- (2) The provisions of this Subsection (10)(b) shall apply only to the use or reuse floor space existing as of July 11, 1996, together with additional floor space of up to a maximum of 600 square feet. Additions exceeding 600 square feet must meet the parking requirements otherwise imposed under the provisions of this Chapter; and
- (3) The use to be served by the parking is one of the following commercial uses:
 - (a) Eligible uses permitted by right:
 - (1) Public or private marinas and parks and refreshment and service buildings accessory thereto.
 - (2) Small boat construction and repair.
 - (3) Boat charters.
 - (4) Retail stores, under the standards of Section 19-3.34.
 - (5) Libraries, museums, art or antique galleries.
 - (6) Arts and crafts studios or studios for teaching or practicing performing arts.
 - (7) Standard restaurants, under the standards of Section 19-3.34.
 - (b) Eligible uses subject to issuance of a special permit by the Planning Board in accordance with the requirements of Section 19-6.2 of this Chapter.
 - (1) Warehouse and fully enclosed storage, meeting the standards of Section 19-3.34.
 - (2) Light manufacturing, processing and assembly activities meeting the standards of Section 19-3.34.
 - (3) Buildings with mixed uses, meeting the standards of Section 19-3.34.
- (4) The provisions of this Subsection (10)(b) shall not apply to any residential uses. If a mixed-use development is proposed, only the eligible elements of the reuse plan shall qualify for treatment under this Subsection (10)(b), and all noneligible elements, both residential and commercial, must meet the parking required under Subsection (10)(a).
- (5) The owner shall allocate any available land, located on the same lot as the building to provide parking and to fulfill parking landscape requirements outlined in this Chapter, up to the maximum amount of parking and landscaping otherwise imposed under the provisions of this Chapter. In a mixed-use project, parking shall be first allocated to serve any residential component of the site plan, and the remainder of any available parking shall be allocated to serve the commercial uses on the site which are eligible for treatment under Subsection (10)(b). In no event shall any off-street parking already located on the same lot as the building, be reduced or diminished, except to the extent that it may exceed the requirements otherwise imposed under the provisions of this Chapter, unless such reduction is required by the Planning Board to improve safe ingress and egress, proper traffic circulation within the site, or other site plan considerations. The Planning Board, as part of its site plan approval, shall determine the extent to which the owner is unable to provide the required parking, and the extent to which land is available for parking as required herein.

(11) *Parking space ratios.*

(a) Residential and related uses:

Use

- One- or two-family residences
- Multifamily dwelling

Minimum Parking

2 spaces per dwelling unit

1 space for each studio or efficiency apartment; 1.5 spaces for each 1-bedroom apartment; 2.0 spaces for each 2-bedroom or larger apartment; for dwellings designed to be occupied at least 90% by persons 62 years of age or older, 0.5 spaces per apartment, plus an

	additional 10% of the total required spaces for visitor parking in all cases
Churches and places of worship	1 space per 4 seats
Elementary or junior high schools	1.25 spaces per staff member
High school	1 space per staff member, plus 1 space for every 5 seats in the largest assembly hall
Colleges and universities	1 space per staff member, plus 0.75 spaces per student, plus 1 space for every 5 seats in the largest assembly hall
Day-care center, nursery school	1 space per staff member, plus 1 space for each classroom
Museum, art gallery, library or cultural center	1 space per 300 square feet of gross floor area
Golf, swimming or country club	1 space per member or member family
Membership clubs, lodges	1 space per 5 members or 1 space for every 4 seats in the largest assembly hall or meeting area or 1 space per 100 square feet of space in the largest meeting room, whichever is greater
Community center	1 space per 300 square feet of gross floor area
Hospital	1.5 spaces per each patient bed
Convalescent home, skilled nursing home, proprietary home for adults	1 space per 3 beds, plus 1 space for each staff member on the largest shift
Kennel, animal hospital	1.25 spaces per employee or 1 space for each 200 square feet of gross floor area, whichever is greater
Group home or agency community residence	1 space per full-time staff member, plus 1 space for every 3 resident children or 1 space for each adult in facilities where residents may drive
Rooming or boarding house	1 space per roomer and/or boarder plus 1 space for each employee.
Work/live loft	1 space per loft

(b) *Commercial and office uses:***Use****Minimum Parking**

Professional office in a residence	3 spaces per office, in addition to that required for the residential use
Home occupation	2 spaces in addition to that which is required for the residential use
Office building, other than medical or dental offices	1 space per 300 square feet of gross floor area
Medical or dental offices	4 spaces per doctor or dentist, plus 1 space for every 2 employees
Theater	1 space per 3 seats or 1 space for each 100 square feet of gross floor area, whichever is greater
Conference center, training facility	1 space per 4 seats in the largest assembly hall or meeting area, plus 1 space for every 4 seats in classroom facilities
Bank, post office	3 spaces per teller or service window
Hotel, motel	1.25 spaces per rental unit
Retail sales and personal service establishment	1 space for each 300 square feet of gross floor area
Restaurants (standard)	1 space per 3 seats or 1 space for each 100 square feet of gross floor area, whichever is greater
Fast-food restaurant	1 space per 3 seats or 1 space for each 75 square feet of floor area, whichever is greater
Drive-in food establishments (donut shops, ice cream, etc.)	1 space per 50 square feet of gross floor area
Drinking establishments; discotheques	1 space per 1.5 persons permitted under maximum occupancy or 1 space for each 100 square feet of gross floor area, whichever is greater
Bowling alleys	4 spaces per alley

Indoor and outdoor tennis facilities	5 spaces per court
Racquetball facilities and similar court games	2.5 spaces per court
Dry cleaning or hand laundry	1 space for each 300 square feet of gross floor area
Funeral home	1 space for every 3 seats provided therein or 1 space for each 60 square feet of space available for public use, whichever is greater
Laundromat	1 space per 2 washing machines
Marina	2 spaces per boat-slip, in addition to that required for any commercial use associated with said marina

(c) *Industrial and heavy commercial uses:*

Use

Minimum Parking

Light manufacturing	1 space for each 400 square feet of gross floor area or 1 space per employee, based on the number of employees during the largest shift, whichever is greater
Lumber and building equipment sales and storage	1.25 spaces per employee
Wholesale, storage and warehousing	1 space for each 1,000 square feet of gross floor area or 1 space for each employee on the largest shift, whichever is greater
Printing plant	1 space for each 400 square feet of gross floor area
Car wash	1 space for each employee (excluding storage lanes)
Motor vehicle sales	10 spaces or 1 space per 300 square feet of sales area, whichever is greater
Gas stations	1 space for each 100 square feet of gross floor area
Outdoor industrial uses (coal, coke, fuel oil, junk yards, etc.)	10 spaces or 1 space for each 5,000 square feet of gross floor area, whichever is greater
Automobile repair shops	3 spaces for each work bay or 1 space per 300 square feet of gross floor area, whichever is greater, and 1 space for every 2 employees
Miniwarehouse	1 space for every 3 storage units, plus 1 space for each 300 square feet of gross floor area of office space associated with the use, plus 1 space per employee, and if there is a resident manager, then 2 additional spaces for the resident manager

(d) *All other uses not mentioned or variations of above uses:* as determined by Planning Board to be needed to prevent frequent parking on the street. Where the Planning Board determines the number of parking spaces, the decision of said Board shall be based upon (1) standards set forth herein for uses with similar characteristics, and (2) previous experience with similar uses.

(12) *Off-street loading facilities.*

(a) Required off-street loading facilities shall be required in the following ratio:

		Gross Floor Area or Major Fraction Thereof (in 1,000s)		
		1 Berth	2 Berth	+1 Berth for each Additional
1.	Office, research and development	50	100	100
2.	Retail, personal service and restaurants	25	100	25
3.	Manufacturing, printing	10	20	40
4.	Wholesale and distribution	5	10	20
5.	Public institutional	10	50	50
6.	Other uses not mentioned	As determined by the Planning Board		

Where the Planning Board determines the number of loading berths, the decision of said Board shall be based upon (1) the standard set forth herein for uses with similar characteristics, and (2) previous experience with similar uses.

Date 6/17/2016

Parking analysis/

Municipality City of Middletown

total parking required

218.6

Basis of analysis as follows:

ordinance reference	Retail see page 9 of 18	Residential 4.75 attachment #1 Multi residence in high density (bdrm count to be confirmed)
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use	sf supermarket	apartments	bedrooms
sf/ apt. count	13,000	91	153
	units	type	required space per use
			spaces required resd. comm

parking required

residential uses

apartment types	1.5	per stuc	9	13.50
	1.75	per 1 bc	35	61.25
	2	per 2 bc	34	68.00
	2.5	per 2 bc	13	32.50

commercial uses	sf	13000	space per	300	43.3
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total uses	sf	175.25	apartments	commercial space
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parking req

per use	residential	175.3
	commercial use	43.3

total parking required

219

mid broadway parking	111
mid broadway short on parking by	108
percent short	97%

ZONING

475 Attachment 1

City of Middletown
Table 1

Bulk and Parking Regulations for UR-3 Multiple-Residence High-Density District

11. 3 BRU
40 - 1 BRU
40

11. 3 BRU
22 @ 2 per
60 @ 1.5
70 @ 1.75

142

Retul 12,000.

80 1 pa 1301F
222 REED

Number of Habitable Rooms* in the Dwelling Unit (DU)	Multiple Dwellings				Attached Dwellings		
	1 (efficiency)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)
Minimum Required							
Lot area, total	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Lot area, per DU (square feet)**	1,800	2,700	3,000	3,600	3,000	4,000	5,000
Lot width (feet)	150	150	150	150	20 (a)	20 (a)	20 (a)
Lot depth (feet)	150	150	150	150	100	100	100
Front yard (feet)	40	40	40	40	30	30	30
One side yard (feet)	25	25	25	25	(a)	(a)	(a)
Both side yards (feet)	50	50	50	50	—	—	—
Rear yard (feet)	30	30	30	30	35	35	35
Livable floor area per DU (square feet)***	500	600	700	750	600	700	850
Off-street parking spaces per DU	1.50	1.75	2.0	2.5	1.75	2.0	2.5
Play lot area per DU (square feet)	200	250	350	400	100	125	175
Usable open space per DU (square feet)	525	950	1,125	1,250	950	1,125	1,250
Maximum Permitted							
Lot coverage	20%	20%	20%	20%	25%	25%	25%
Building height							
Number of stories	3	3	3	3	3	3	3
Feet	35	35	35	35	35	35	35

NOTES:

- * A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:
 - A. Kitchen.
 - B. Foyer, bathroom, toilet, public or private hall, corridor or passageways.
 - C. Dining alcove, dinette or other dining space (without limit as to size) when not separated by walls, doors from other habitable rooms or cooking spaces.
 As a guide, an efficiency apartment contains one habitable room; a one-bedroom apartment, two habitable rooms; a two-bedroom apartment, three habitable rooms; and a three-bedroom apartment, four habitable rooms.
- ** To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%.
- *** "Livable floor area" is defined in § 475-4 hereof.
- (a) All end row or attached dwellings shall have a minimum lot width of 35 feet and a side yard of at least 15 feet. All attached dwellings have a minimum building width of 20 feet.

MIDDLETOWN

ZONING

475 Attachment 2

City of Middletown
Table 2

Bulk and Parking Regulations for SR-3 Multiple-Residence Low-Density District

Number of Habitable Rooms* in the Dwelling Unit (DU)	Single-Family Dwellings	Multiple Dwellings				Attached Dwellings		
		1 (efficiency)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)	2 (1 bedroom)	3 (2 bedrooms)	4 (3 or more bedrooms)
Minimum Required								
Lot area, total	15,000 sq. ft.	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres	5 acres
Lot area, per DU (square feet)**	—	3,100	3,600	5,400	7,200	3,600	5,400	7,200
Lot width (feet)	100	150	150	150	150	22 (a)	22 (a)	22 (a)
Lot depth (feet)	125	150	150	150	150	100	100	100
Front yard (feet)	30	40	40	40	40	30	30	30
One side yard (feet)	20	30	30	30	30	(a)	(a)	(a)
Both side yards (feet)	50	60	60	60	60	—	—	—
Rear yard (feet)	30	30	30	30	30	35	35	35
Livable floor area per DU (square feet)***	900	500	600	800	1,000	600	800	1,000
Off-street parking spaces per DU	—	1.50	1.75	2.0	2.5	1.75	2.0	2.5
Play lot area per DU (square feet)	—	200	250	350	400	100	125	175
Usable open space per DU (square feet)	—	525	950	1,125	1,250	950	1,125	1,250
Maximum Permitted								
Lot coverage	—	20%	20%	20%	20%	20%	20%	20%
Building height								
Number of stories	2½	3	3	3	3	3	3	3
Feet	35	35	35	35	35	35	35	35

NOTES:

* A habitable room is to be defined as a "living room," as specified in § 4 of the New York State Multiple Dwelling Law, within a dwelling unit, except that for the purpose of determining lot area requirements, a habitable room shall not include any of the following:

A. Kitchen.

B. Foyer, bathroom, toilet, public or private hall, corridor or passageway.

C. Dining alcove, dinette or other dining space (without limit as to size) when not separated by walls, doors from other habitable rooms or cooking spaces.

As a guide, an efficiency apartment contains one habitable room; a one-bedroom apartment, two habitable rooms; a two-bedroom apartment, three habitable rooms; and a three-bedroom apartment, four habitable rooms.

** To derive the acreage used in computing the allowable number of units on a given property, use the gross acreage minus the acreage allotted to bodies of water and areas which have a slope of over 20%.

*** "Livable floor area" is defined in § 475-4 hereof.

(a) All end row or attached dwellings shall have a minimum lot width of 37 feet and a side yard of at least 15 feet. All attached dwellings have a minimum building width of 22 feet.

- (2) The purpose of the bonus density enhancement in this district is to advance the City of Middletown's physical, cultural and social policies as outlined in the Master Plan of the City of Middletown. The provision of adequate and attractive housing, particularly affordable housing for senior citizens aged 62 and over (or such other age as superseding federal or state law may deem to mean "senior citizens"), is an important goal outlined in the City's Master Plan, and those projects which meet the above criteria of providing such housing with private, not public, resources shall advance those goals while not adding additional strain to the public works facilities or the existing taxpayers of the City of Middletown.
- (3) It is the judgment of the Common Council of the City of Middletown that those areas of the City to which this zoning district shall be applied have adequate resources, such as adequate fire protection and accessibility to water and sewage disposal resources, to handle any increase in density as may be allowed hereunder. Furthermore, the Common Council has determined that there is an approximate equivalence between potential affordable housing which has been lost due to the strictures of this zoning district when compared to the potential affordable housing, particularly affordable senior citizen housing, which can be gained through the award of bonus density in accordance with this Subsection **D**.
- (4) Applicants for bonus density, in addition to complying with any other requirements for special use permits and site plan approval imposed or required by this chapter or any other law, must pay the cost of preparing any generic environmental impact statement or other environmental impact statement required in connection with the application for bonus density and in connection with any environmental reviews and site-specific charges required by New York law.

§ 475-18 C-1 Neighborhood Business Districts.

- A. Permitted and accessory uses. None.
- B. Uses requiring issuance of both a special use permit and site plan approval by the Planning Board (all in accordance with C-1 requirements, except as otherwise noted).
- (1) One-family dwellings (subject to R-1 requirements). This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment.
[Amended 5-12-2003]
- (2) Municipal buildings or uses (subject to requirements in C-1 Zone).
- (3) Retail stores, providing that all goods prepared on the premises are sold at retail.
- (4) Places of worship, including related parish houses, seminaries, convents, cemeteries, offices, meeting rooms, dormitories and other accessory uses related thereto.
- (5) Public or private schools, elementary and high schools, colleges and universities, including playgrounds and other accessory uses required for operation.
- (6) Public utility buildings and electrical substations (but not antenna, antenna accessory structures, towers or buildings used in connection with personal wireless services), in accordance with the provisions of § **475-32**.
- (7) Membership clubs (except such clubs where the chief activity or primary purpose is a service customarily carried on as a business or primarily for gain). In conjunction with the use as a club allowed under this subsection, a dining room may be operated provided it is incidental to the activities of said club and is conducted for the personal use of members and guests only, and further provided no sign is displayed advertising such activity.
- (8) Hospitals, sanitariums, rest homes, philanthropic and charitable institutions or similar uses, provided no part of the buildings or structures for such use shall be permitted within 50 feet of any street or lot line.
- (9) Personal service store such as a barbershop, beauty shop, shoe repair, tailor or dry-cleaning service (excluding dry cleaning on the premises).
- (10) Service establishments for service other than of a personal nature, such as a car wash.

- (11) Convenience stores.
- (12) Eating and drinking places, but not places of assembly such as a theater, dance hall or similar uses and purposes.
 - (12.1) Eating and drinking places with a beer and wine license, but not places of assembly such as a theater, dance hall or similar uses and purposes.
[Added 11-20-2012]
 - (12.2) Eating and drinking places with a full liquor license, but not places of assembly such as a theater, dance hall or similar uses and purposes.
[Added 11-20-2012]
- (13) Bakery whose primary business is retail on the premises, but which may also sell and deliver its products wholesale to stores, hotels, restaurants or similar businesses.
- (14) Offices for the following:
 - (a) Accountants.
 - (b) Architects.
 - (c) Bonding and/or loan companies.
 - (d) Engineers and/or surveyors.
 - (e) Insurance.
 - (f) Lawyers.
 - (g) Medical/dental practitioners.
 - (h) Real estate.
 - (i) Stock brokerage companies.
 - (j) Business offices and necessary business activities related thereto, such activities to be limited by the terms of the authorization granted.
 - (k) Funeral homes and undertaking establishments.
- (15) Multiple dwellings, row houses or attached housing subject to the requirements of the UR-3 Zone, specifically § **475-12C(8)** and **(9)**, and provided that the first floor (street level) must be a commercial use as provided in this section unless waived by the Planning Board in its sole discretion. This subsection shall not apply to any dwelling units included in a subdivision application submitted after the effective date of this amendment, except that the first-floor commercial use is required unless waived by the Common Council in its sole discretion.
[Amended 5-12-2003]
- (16) Two-family dwellings [subject to requirements in the R-2 Zone, and provided that the first floor (street level) must be a commercial use as provided in this section unless waived by the Planning Board in its sole discretion].
[Added 5-12-2003; amended 7-10-2006]
- C. Building height limit. No structure or building shall exceed two stories.
- D. Required lot area. There shall be a minimum lot area of 7,500 square feet.
- E. Required lot width. There shall be a minimum lot width of 75 feet.
- F. Yards required.
 - (1) Each lot shall have front, side and rear yards with depths and widths of not less than the following:

New York, except for antenna, antenna accessory structures and towers. Public utility buildings and electrical substations are permitted in a residential district only when the location within such district is necessary for the furnishing of service to customers, and provided that no business offices, warehouses, construction or repair shops or garage facilities are included, and provided that the Planning Board approves such application in accordance with the provisions of § 475-53.

§ 475-33 Off-street parking.

- A. The following parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which, after the date when this chapter becomes effective, is erected, used, enlarged or altered for use for any of the following purposes:
- (1) Dwelling: At least one parking space for each dwelling unit in the building or buildings. No parking of any vehicles shall be allowed anywhere within the front yard of the lot upon which the dwelling unit(s) is/are located, except on a driveway which is no wider than 30 feet wide (unless the Commissioner of Public Works, in his sole discretion, allows a wider driveway to be constructed), and not more than two such driveways shall be allowed on such lot in the case of one-family and two-family dwellings.
[Amended 8-8-2000; 12-15-2015]
 - (2) Dwelling used as a doctor's or dentist's office: At least four parking spaces.
 - (3) Dwelling used as a professional office other than by a doctor or dentist, in which is located a home occupation: At least one parking space.
 - (4) Places of assembly such as a theater, dance hall, auditorium or stadium, or similar uses and purposes, including membership clubs where the chief activity or primary purpose is a service customarily carried on as a business or primarily for gain: At least one parking space for each eight seats provided for its patrons, based on maximum seating capacity.
 - (5) Hotel or motel: At least one parking space for each three guest sleeping rooms.
 - (6) Eating or drinking place: At least one parking space for each five seats, except when it is in a building which provides parking spaces, in which case the number of places already provided may be taken to be available for the eating or drinking places.
 - (7) Adult care facility, hospital, sanitarium or nursing home: At least one parking space for each five patients or residents.
 - (8) Stores and service establishments: At least one parking space for each 150 square feet of store floor area.
[Amended 12-7-2009]
 - (9) Office buildings: At least one parking space for each 300 square feet of office floor area.
 - (10) Industrial or manufacturing establishments: At least one parking space for each 400 square feet of gross floor area or for each two workers.
 - (11) For membership clubs catering to members and their guests and for any other use not listed, the number of spaces shall be determined by the Planning Board so that persons using or connected with such use shall not park on the street.
- B. Not more than one commercial vehicle, which shall be of not over 1 1/2 tons' capacity or two tons' weight, shall be housed or parked on any off-street parking area or yard in any R-1, R-2, OR-2, UR-3, SR-3, SR-3A, SR-3B or R-4 Residence District. These restrictions as to commercial vehicles shall not apply to farm implements or vehicles on farms.
- C. In all residential districts, no parking shall be allowed anywhere within the front yard of the lot upon which the dwelling unit(s) is/are located, except on a driveway which is wide enough to encompass up to three vehicles (unless the Commissioner of Public Works, in his sole discretion, allows a wider driveway to be constructed), and not more than two such driveways shall be allowed on such lot in the case of one-family and two-family dwellings. In addition, there shall be no dismantling, wrecking or repairing of motor vehicles or the storage or parking of disabled, dismantled, obsolete or

wrecked vehicles or parts thereof, except that nonconforming gasoline stations or public garages in residential districts may make minor repairs to motor vehicles as part of the service station business and except that motor vehicles owned by the occupants of the premises may be repaired or stored for personal use, not business or commercial use, of the occupants. In no event, however, shall more than one such motor vehicle be repaired at one time on any outside area on the premises, and in no event shall any such motor vehicle be stored or left standing for repairs or otherwise on the outside area of such premises for a period of time exceeding two weeks.

[Amended 12-15-2015]

- D. All parking spaces provided pursuant to this section shall be on the same lot with the building for which the parking is used, except that the Planning Board may permit the parking spaces to be on a lot within 500 feet of the building if it determines that it is impractical to provide parking on the same lot with the building.
- E. The Planning Board may permit a lesser number of parking spaces than those herein required to be provided whenever it determines that because of location there are sufficient other parking areas in the vicinity or when it is impractical and causes a serious hardship to the owner of the building to provide the number of required parking spaces.
- F. Inapplicability to existing building and uses. The provisions of this section, except Subsections **A(1)**, **B** and **C**, shall not apply to any building, structure or use lawfully in existence at the effective date of this chapter, whether continued as a permitted or nonconforming use, or to any enlargements, alterations or replacement of the same, whether of the same use or to a different use.

§ 475-34 Off-street loading.

- A. Berths required. In any district, in connection with every building or building group or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more which is to be occupied by manufacturing or commercial uses or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the following requirements:

Use	Floor Area (square feet)	Required Off-Street Loading Berths
Retail, commercial wholesale, manufacturing, storage and miscellaneous	From 10,000 to 25,000	1
	From 25,000 to 40,000	2
	From 40,000 to 60,000	3
	From 60,000 to 100,000	4
	For each additional 50,000 or major fraction thereof	1 additional

- B. Size and location. Each loading space shall be not less than 10 feet in width, 70 feet in length and 14 feet in height and may occupy all or any part of any required yard except the front yard (unless the Planning Board varies the requirement that no such loading space be located in a front yard).
- C. Inapplicability to existing buildings and uses. The provisions of this section shall not apply to any building, structure or use lawfully in existence at the effective date of this chapter, whether continued as a permitted or nonconforming use, or to any enlargements, alterations or replacement of the same, whether of the same use or to a different use.

§ 475-35 Boarders in residential districts and dwellings; boardinghouses.

- A. The taking of boarders by a residential family or the renting of a room in R-1, R-2 and OR-2 Districts is permitted, provided that:
- (1) The taking in of a boarder and renting of a room is incidental only to the family use of such residences; a dwelling unit in which the various occupants act as separate roomers may not be deemed to be incidental to family use; and
 - (2) The number of such boarders shall not exceed one person and the number of rooms rented shall not exceed one room per family, except that the Planning Board may grant a revocable special use permit, pursuant to the provisions of § 475-53, for a greater number of boarders or the renting of rooms in all R-1, R-2, and OR-2 Districts if