

## **ARTICLE XIX. PARKING/OFF-STREET LOADING REQUIREMENTS**

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### **Sec. 80-19.1. Purpose.**

These off-street parking requirements are intended to provide accessible, attractive and well-maintained off-street parking facilities; reduce traffic congestion and hazards; protect neighborhoods from the unwanted effects of vehicular traffic and parking generated by adjacent nonresidential land uses; ensure the maneuverability of emergency vehicles; and provide aesthetically pleasing parking facilities in proportion to individual land use needs.

### **Sec. 80-19.2. Applicability.**

Off-street parking and loading spaces shall be provided in accordance with the provisions of this article when any of the following situations occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

- (a) When a principal or accessory building is erected;
- (b) When a principal or accessory building is relocated or expanded;
- (c) When a use is changed to one requiring more or less parking or loading spaces.

### **Sec. 80-19.3. Required plans.**

Building permits and city business licenses shall not be issued until there is an approved site plan identifying parking and loading facilities in accordance with this chapter.

### **Sec. 80-19.4. Unlawful removal.**

It is unlawful to discontinue prior approved parking or off-street loading facilities without establishing alternate facilities that meet the requirements of this article. Parking and loading facilities meeting the requirements of this article shall be maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared or combined parking agreement is canceled, or a change in occupancy or use of premises has occurred that results in a reduction of required parking.

### **Sec. 80-19.5. Use of facility.**

The property owner is responsible for ensuring that parking and loading facilities are only used by tenants, employees, visitors or other persons for which the facilities are provided including shared and combined parking.

### **Sec. 80-19.6. Off-site parking as a primary use.**

Parking lots may be established as a separate and primary land use in zones where they are listed as permitted or conditional uses.

### **Sec. 80-19.7. Landscaping requirements.**

Refer to section 80-20.7 for landscaping requirements for parking areas.

### **Sec. 80-19.8. Unlisted uses.**

Any use clearly similar to any of the uses listed in schedule 80-19.16 as determined by the codes enforcement officer shall meet the requirement for such use. If a similarity of use is not apparent, the codes enforcement officer may require a parking demand study to determine the standards that should be applied to the use in question.

### **Sec. 80-19.9. On-street credit.**

All commercial properties located adjacent to a public right-of-way where on-street parking is permitted may receive credit for one (1) off-street parking stall for each twenty (20) linear feet of abutting right-of-way for parallel parking, and thirteen and three-tenths (13.3) linear feet of abutting right-of-way for diagonal parking, excluding curb cuts; provided, that the city engineer must approve a proposal for diagonal parking within a public right-of-way. This provision shall be applied for on-street parking on the same side of the street

as the proposed land use, or on the opposite side of the street if the property on that side of the street does not have the potential for future development. In considering credit for on street parking, all fractional spaces are rounded down.

**Sec. 80-19.10. Fractional spaces.**

When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half ( 1/2) shall be disregarded and any fraction of one-half ( 1/2) or greater shall be counted as one (1) required space.

**Sec. 80-19.11. Maintenance.**

It shall be the duty of the owner(s) of a required parking area to maintain the area in a safe condition and in compliance with section 80-19.15.

**Sec. 80-19.12. Residential off-street parking.**

Required residential off-street access lanes or driveways and parking spaces shall consist of an uncovered parking area, garage, carport, or combination thereof; shall be located on the premises they are intended to serve; and shall have a hard surface as approved by the codes enforcement officer, such as concrete, asphalt or turfstone. Additionally:

- (a) Accessory parking spaces in addition to required parking are allowed only on prepared surfaces such concrete, asphalt or turfstone and said accessory parking spaces shall not be allowed within a required set back area(s).
- (b) Driveways must consist of a hard surface as approved by staff, except that driveways providing ingress and egress to residential properties in the outside corporation district served by gravel roadways may be surfaced with gravel; however, any driveway providing ingress/egress to any residential property in the outside district served by a hard surface roadway, must consist of a hard surface for, a minimum, of the first thirty (30) feet from the property boundary into the property.
- (c) Permanent parking spaces for single-family units and duplexes may be allowed in any yard if located within an approved driveway subject to the provisions of i. and ii. below:
  - i. Except as noted in [subsection] ii. below, a driveway located in a front yard shall not occupy more than twenty-five percent (25%) of the total area of said yard.
  - ii. A driveway can exceed twenty-five percent (25%) of the total front yard area only if the driveway width is less than or equal to ten (10) feet.
- (d) Existing lots of record two (2) acres or larger in size, located in a residential zone, and legally established prior to the adoption date of this chapter, shall have the option of using gravel as a surface material for off-street parking spaces and driveways.
- (e) Parking for commercial vehicles in residential districts is prohibited unless the property has garage space for all commercial vehicles to be stored at the property. In the event the required garage space is provided, said commercial vehicles must be stored in said garage at all times while on the property. Nothing contained in this provision regarding off-street parking shall be construed as superseding any other provision of this chapter regarding a property owner's need to obtain a home occupation license or variance(s).
- (f) There shall be no more than one (1) unregistered vehicle or trailer allowed on any residentially zoned property other than in a completely enclosed structure. Said unregistered vehicle must be stored in the rear yard and be fully covered with a tarp or fully enclosed with a six(6)-foot-high fence. An unregistered vehicle may be allowed in the front yard of a residentially

zoned property for the purpose of advertisement of sale for a period of thirty (30) days. This vehicle must be owned by the owner of the property on which the car is displayed and in good condition, defined as having fully inflated tires, all doors, including the hood and trunk, intact, and no broken or missing windows.

- (g) Prior to any work being commenced to construct a new or to recondition any residential driveway(s), parking area(s) and/or access lane(s), the property owner or the contractor performing the work must first obtain a permit as required by chapter 58 of the Rome Code of Ordinances, or any successor or superseding regulation or law thereto.

**Sec. 80-19.13. Parking facility location.**

Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within five hundred (500) feet of the primary entry area to the building.

**Sec. 80-19.14. Off-street parking within required yard areas.**

Off-street parking areas shall be permitted within a required front, side or rear yard setback area, provided that said parking area shall be no less than five (5) feet from the property line and that all other applicable regulations of this Code, including chapter 80, article XX, are complied with.

**Sec. 80-19.15. Off-street parking area design requirements.**

The following requirements shall apply to an off-street parking area to accommodate four (4) or more vehicles:

- a) Each parking area shall be designed to enable ingress or egress without requiring the vehicle to back over property lines or onto any roadway.
- b) Parking areas should be designed to:
  - i. Utilize ninety-(90)degree parking if possible;
  - ii. Orient parking rows perpendicular to the building to enhance pedestrian safety.
- c) Parking spaces shall be defined by white or yellow striping a minimum of four (4) inches wide to facilitate movement and to maintain an orderly parking arrangement.
- d) Sidewalks or walkways shall be designed to ensure pedestrian safety by separating any driveway or parking area from a building or roadway. Parking spaces must utilize approved wheelstops to prevent vehicle overhang of a sidewalk or walkway.
- e) The surface of all parking and vehicle maneuvering areas shall have an approved hard surface such as asphalt, concrete, turfstone or other product as approved by the code enforcement officer or, if site-plan review is required under section 80-5, the planning board. Prior to any work being commenced to construct a new or to recondition any existing parking area(s), vehicle maneuvering lane(s) and/or access lane(s), the property owner, or the contractor performing the work, must first obtain a permit as required by Chapter 58 of the Rome Code of Ordinances, or any successor or superseding regulation or law thereto.
- f) Parking facilities shall be designed and maintained in accordance with the minimum parking space and aisle dimension standards in schedule 80-19.15.
- g) Accessible parking shall be provided in accordance with section 1106 of the Building Code of New York State.
- h) Parking lot lighting not exceeding twenty-four (24) feet in height is required to provide safe access for pedestrians. Outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from these requirements, but must comply with provisions of

article 80-26, Regulation of Sign. A plan for proposed lighting shall be submitted to the codes enforcement officer for review and approval prior to final site plan approval.

Schedule 80-19.15 Minimum Parking Space and Aisle Dimensions [1,2]					
Parking Angle (A)	Stall Width (B)	Curb Length (C)	Aisle Width (1 Way) (D)	Aisle Width (2 Way) (D)	Stall Depth (E)
0 (Parallel)	8'0"	22'0"	12'0"	20'0"	8'0"
30	9'0"	17'0"	12'0"	20'0"	15'0"
45	9'0"	12'0"	12'0"	20'0"	17'0"
60	9'0"	9'9"	16'0"	20'0"	17'6"
90	9'0"	8'6"	20'0"	20'0"	16'0"

- 1 Definitions for letters in parenthesis appear in figure 80-19.15 below.
- 2 Dimensions of parking spaces for the disabled are regulated by section 1106 of the Building Code of New York State.

**Sec. 80-19.16. Required number of off-street parking spaces**

Required off-street parking spaces shall be calculated using the standards outlined in schedule 80-19.16. Required spaces represent the minimum required number of spaces unless otherwise noted. A decrease in the number of off-street parking spaces requires a modification in accordance with section 80-19.17. All vehicle parking standards are based on gross square feet of building area, unless otherwise noted.

Schedule 80-19.16 Minimum Parking Space Requirements	
<i>Residential Uses</i>	
Single-family dwelling (includes duplex and townhouses)	Minimum of 1 space per dwelling unit
Accessory dwelling	1 space per dwelling unit
Multifamily dwelling (buildings with 3 or more dwellings)	1.5 spaces per dwelling unit plus 1 guest space for every 10 units
Senior citizen apartment	1 space per unit plus 1 guest spaces for every 10 units
Bed and breakfast inn	1 space for each guest bedroom and 1 space for the operator.
Group foster home	1 space in addition to the space(s) required for the residential unit
Adult care home	1 space for each staff member plus 1 space for every 5 residents. Additionally, 1 space shall be provided for each vehicle used in connection with the facility.
Manufactured home park	See Sec. 80-21.3(d)(xi)
Home occupation	1 space for each employee outside of the immediate family in addition to the spaces required for the dwelling unit. If the occupation requires any customers and/or clients to visit the premises, at least 2 additional spaces shall be provided.
<i>Commercial uses</i>	
Service businesses (e.g. salons, barber shops, dry cleaners, Laundromat)	3.5 spaces per 1,000 gross square feet
Banks, savings and loans, credit unions	4 spaces per 1,000 gross square feet
Carpet and furniture showrooms	1.25 spaces per 1,000 square feet of gross showroom floor area. Each store shall have a minimum of 4 spaces.

Group family daycare, family daycare home	1 space for each staff member plus 1 space per 10 children. A facility located in a family residence must also provide required parking for a dwelling unit.
Hotel and motel	1 space for each room or suite and 1 space per managers unit. Banquet and meeting rooms shall provide 6 spaces per 1,000 square feet of seating area. Restaurants are figured separately.
Retail/commercial use, including shopping centers	4.25 spaces per 1,000 gross square feet
Home occupation	1 space for each employee outside of the immediate family in addition to the spaces required for the dwelling unit. If the occupation requires any customers and/or clients to visit the premises, at least 2 additional spaces shall be provided.
<i>Commercial uses</i>	
Service businesses (e.g. salons, barber shops, dry cleaners, Laundromat)	3.5 spaces per 1,000 gross square feet
Banks, savings and loans, credit unions	4 spaces per 1,000 gross square feet
Carpet and furniture showrooms	1.25 spaces per 1,000 square feet of gross showroom floor area. Each store shall have a minimum of 4 spaces.
Group family daycare, family daycare home	1 space for each staff member plus 1 space per 10 children. A facility located in a family residence must also provide required parking for a dwelling unit.
Hotel and motel	1 space for each room or suite and 1 space per managers unit. Banquet and meeting rooms shall provide 6 spaces per 1,000 square feet of seating area. Restaurants are figured separately.
Retail/commercial use, including shopping centers	4.25 spaces per 1,000 gross square feet
Ministorage facility	1 space for every 100 storage units, plus 2 spaces for permanent on-site managers with a minimum of 3 spaces for all facilities, regardless of size.
Mixed use	Shared or combined parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See section 80-19.18, Shared and combined parking facilities.
Mortuary and funeral parlor	1 space per 75 square feet of assembly area or 13 stalls per 1,000 square feet of gross area, which is greater.
Offices, general	3.5 spaces per 1,000 square feet gross floor area
Offices, medical or dental	4 spaces per 1,000 gross square feet
Gas station (including a minimarket)	3.5 spaces per 1,000 gross square feet
Quick vehicle servicing	5 spaces per 1,000 gross square feet
Vehicle repair	2 spaces per 1,000 gross square feet
Motor vehicle, boat and trailer sales, rental and showroom	2 spaces per 1,000 gross square feet with a minimum of 4 spaces
Neighborhood commercial (C-1) and mixed commercial/residential (C-2) districts	Half (50%) of use requirement specified in section 80-19.16
Central business (C-4) district	Parking spaces not required
<i>Restaurant uses</i>	
Cafe, bar and other eating and drinking establishments	12 spaces per 1,000 gross square feet
Car hop (auto-borne customers served outside of building only)	1 space per 15 gross square feet
Fast food	10 spaces per 1,000 gross square feet plus 1 lane for each drive-up window with stacking space for 6 vehicles before the menu board

<i>Industrial uses</i>	
Manufacturing use (including greenhouses and nurseries without retail sales)	1 space for each 2 employees on the largest shift, with a minimum of 2 spaces
Warehouse	1 space per 1,000 gross square feet
<i>Institutional uses</i>	
Elementary and middle schools	1 space per 12 students at design capacity
High school	1 space per classroom or office, plus 1 space per 4 students of legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that are primary uses may be considered a separate use.
Commercial or trade schools	1 space per two employees, plus 1 space for every 5 students.
Hospital, sanitarium, nursing home, congregate care, rest home, hospice care home and mental health facility	1 space per 2 beds, plus 1 space for every 2 employees on the largest shift.
Library and museum	3.5 spaces per 1,000 square feet of public floor area
<i>Places of assembly</i>	
Church	1 space per 4 seats or 1 space per 6 feet of bench or other seating. 6 spaces/1,000 square feet of assembly area where seats or pews are not provided or when circumstances warrant increased parking, such as a church which attracts a large, regional congregation or one which has multiple functions.
Private club or lodge	6 spaces per 1,000 gross square feet
Theater and auditorium with fixed seats	1 space per 3 fixed seats. If the theater or auditorium is a component of a larger commercial development, the above parking standard may be modified to account for shared or combined parking
Theater and auditorium without fixed seats	1 space per 3 permitted occupants
<i>Recreational uses</i>	
Bowling alley	5 spaces per alley
Health club	4.5 spaces per 1,000 gross square feet
Skating rink and other commercial	4.5 spaces per 1,000 gross square feet
Hockey arena	1 space for each 4 seats or 8 feet of bench length

**Sec. 80-19.17. Administrative modification.**

**(a) General provisions.**

An administrative modification of required off-street parking spaces must be received prior to issuance of building and engineering permits. Administrative decisions may be appealed pursuant to article XXII.

The project developer shall present all findings and completed worksheets to the codes enforcement officer prior to any final, discretionary approvals; e.g. site plan approval, environmental review or any planning, building or engineering permits. The codes enforcement officer shall authorize decrease in parking based upon compliance with the criteria listed below.

**(b) Criteria for modification of required parking.**

i. Submit evidence that decreased parking is necessary. This may take the form of a brief report for decreases of up to ten percent. The codes enforcement officer may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study

conducted by a transportation engineer licensed by the state is required for decreases greater than ten percent. The codes enforcement officer shall not grant decreases greater than 20 percent.

- ii. Describe site characteristics, specifically:
  - a. Site accessibility for pedestrian, bike and transit.
  - b. Shared use of off-site and adjacent parking.
  - c. Shared use of new proposed parking by existing or future adjacent land uses.
  - d. Combined on site parking; e.g. shopping centers.
  - e. Lower than typical employee density for the proposed use.

### **Sec. 80-19.18. Shared and combined parking facilities**

#### **(a) Definitions.**

- i. *Combined parking.* Two or more land uses or a multitenant building that merge parking needs to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and/or result in a superior grouping of building(s).
- ii. *Shared parking.* Two or more land uses or a multitenant building that merge parking needs based on different operating hours to gain a higher efficiency in vehicular and pedestrian circulation, economize space, reduce impervious surface and result in a superior grouping of building(s).

**(b) General provisions.** The codes enforcement officer may require an applicant to demonstrate that shared or combined parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

- i. *Authority.* In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the codes enforcement officer is authorized to group cooperative parking facilities in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.
- ii. *Agreement.* If authorized by the codes enforcement officer, an agreement establishing shared or combined use of a parking area, approved by the corporation counsel, shall be recorded with the city clerk. Such agreements shall run with the land for all properties with shared or combined parking and require City approval for any change or termination.
- iii. *Termination of combined or shared use.*

- a) In the event that a combined or shared parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the codes enforcement officer within ten (10) days and take one (1) of the following actions:
  - (1) Provide at least fifty percent (50%) of the required parking within one hundred eighty (180) days, and provide the remaining required parking within three hundred sixty-five (365) days following the termination of the shared or combined use; or
  - (2) Demonstrate, based upon a study deemed reliable by the codes enforcement officer, that the available parking is sufficient to accommodate the use's peak parking demand; or
  - (3) Apply for and receive an administrative parking modification. (Section 80-19.17)
- b) If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in subsection (b)iii.a. above. This requirement shall be established as a condition of the occupancy permit for uses relying on combined or shared parking.

iv. *Allocation.*

a. *Shared parking.* For land uses in close proximity of each other that operate or are used at entirely different times of the day or week, the codes enforcement officer may allow shared parking facilities to satisfy the parking requirements of such uses if the parking facilities are within five hundred (500) feet of all primary entry areas to buildings being served by such facilities.

- (1) When two (2) or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.
- (2) If two (2) or more land uses, or uses within a building, have different daytime hours of operation (e.g. bowling alley and auto parts store), such uses may qualify for a total parking reduction of no more than fifty percent (50%).

b. *Combined parking.* Two (2) or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking spaces. The combined parking facility must be cooperatively established and operated in accordance with subsection (b)ii. above. The codes enforcement officer may require a parking demand study to ensure sufficient parking is provided.

**Sec. 80-19.19. Off-street loading facilities.**

(a) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

(b) *Freight.* Freight facilities shall be provided as required for loading and unloading of trucks on the site of the use served. As a general requirement, all proposals for commercial, industrial and multifamily residential uses which will require servicing by trucks shall detail on the site plan the manner in which such servicing is to be provided, whether off-street provisions are required or not. Generally, where servicing is provided from a public right-of-way, the following principles should be followed:

- i. *[Loading; unloading.]* Trucks should be parked for loading and unloading purposes on other than the principal street serving the use, on side streets or alleys when available.
- ii. *[Servicing.]* Servicing should be provided from other than the principal entrance of the use or uses.
- iii. *[Interior loading.]* When such side streets, alleys or alternative entrances are not available, effort shall be made to provide interior loading areas or to schedule appropriate loading and delivery times.

iv. *Scheduled amount.*

a. For commercial or industrial uses having to ten thousand (10,000) square feet of floor area, an accessible loading area of at least two hundred fifty (250) square feet shall be provided.

b. For commercial or industrial uses having more than ten thousand (10,000) square feet of floor area, an accessible loading area of at least two hundred fifty (250) square feet shall be provided for the first ten thousand (10,000) square feet of floor area. Additional loading area shall be provided at a rate of two hundred fifty (250) square feet of accessible loading space for each additional twenty-five thousand (25,000) square feet (or portion thereof) of floor space.

Example: Off-Street Loading Required for 70,000 Square Feet

	Loading Area Required	Increase Increments	Cumulative Square Feet of Development
	250 sq. ft.	for first 10,000	10,000
+	250 sq. ft.	for next 25,000	35,000
+	250 sq. ft.	for next 25,000	60,000
+	250 sq. ft.	for next partial 25,000	70,000
=	1,000 sq. ft total required		