

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of CANANDAIGUA

10/22/2020

Local Law No. _____ of the year 20²⁰

A local law TO AMEND TOWN CODE WITH RESPECT TO OFF-SITE PARKING REQUIREMENTS
(Insert Title)

DRAFT

Be it enacted by the TOWN BOARD _____ of the
(Name of Legislative Body)

☐ County ☐ City ☒ Town ☐ Village
(Select one:)

of _____ as follows:

SEE ATTACHED SCHEDULE "A"

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2020 of the (County)(City)(Town)(Village) of CANANDAIGUA was duly passed by the TOWN BOARD on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*)
on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.

Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

(Seal)

Date: _____

TOWN OF CANANDAIGUA
LOCAL LAW # ____ OF 2020

ATTACHMENT "A"

SECTION ONE. The definition of PARKING SPACE, OFF-STREET contained in Town Code § 1-17 shall be replaced in its entirety with the following:

PARKING SPACE, OFF-STREET. A space located outside a public right-of-way adequate for parking a motor vehicle, exclusive of passageways and driveways appurtenant thereto.

SECTION TWO. Town Code § 174-22(A) shall be replaced in its entirety with the following:

- A. In addition to the requirements in this section, proposed parking, loading areas and site access shall comply with Town Code §§ 220-9V, 220-73, 220-74, 220-75, and 220-76 respectively.

SECTION THREE. Town Code § 174-22(B) shall be replaced in its entirety with the following:

- B. All parking areas, passageways and driveways, except when provided in connection with one- and two-family residential uses, shall be surfaced with a dustless, durable, all-weather surface.

SECTION FOUR. Town Code § 174-22(D) shall be removed in its entirety, and listed as "Reserved."

SECTION FIVE. Town Code § 174-22(E) shall be replaced in its entirety with the following:

- E. In locations where deterrence of unwanted parking is necessary, pavement striping is discouraged in favor of alternate means.

SECTION SIX. Town Code Chapter 220, Attachment 3 – Schedule II, Off-Street Parking, shall be deleted in its entirety.

SECTION SEVEN. Town Code § 220-9(C) shall be replaced in its entirety with the following:

- C. Every developed lot of record shall have access to a public street. Access may be either direct or by private road or drive. All structures shall be so located on lots so as to provide safe and convenient access for servicing, fire

protection and required off-street parking. Further standards may be found within the Town of Canandaigua Site Design and Development Criteria.

SECTION EIGHT. Town Code § 220-20(D)(1)(c)(9) shall be replaced in its entirety with the following:

[9] Common off-street parking areas may be allowed.

SECTION NINE. Town Code § 220-20(D)(1)(c)[10] shall be deleted in its entirety.

SECTION TEN. Town Code § 220-20(D)(1)(c)[12] shall be deleted in its entirety.

SECTION ELEVEN. Town Code § 220-20(D)(1)(g)[1] shall be deleted in its entirety.

SECTION TWELVE. Town Code § 220-61(F) shall be deleted in its entirety.

SECTION THIRTEEN. The "Purpose" provision in Town Code § 220-73 shall be replaced in its entirety with the following:

Purpose: There are no provisions that establish a minimum number of off-street parking spaces for development. However, certain development proposals are required to complete a parking demand analysis, which will assist in determining off-street parking spaces required. In all districts there shall be provided, at the time any building or structure is erected, enlarged, increased in capacity or changed in use, improved and usable off-street parking spaces for motor vehicles in accordance with the requirements of this article, the New York State Uniform Fire Prevention and Building Code, and Federal Americans with Disabilities Act.

SECTION FOURTEEN. Town Code § 220-73(A) shall be replaced in its entirety with the following:

(A) Authority. Parking requirements shall be determined by the Planning Board in the course of their respective reviews of any site plan, subdivision, special use permit, or other necessary review.

SECTION FIFTEEN. Town Code § 220-73(B) shall be replaced in its entirety with the following:

(B) Design requirements.

(1) Off-street parking space shall be provided as further specified in this chapter and shall be furnished with necessary passageways and driveways. Required dimensional standards can be found within the Town of Canandaigua Site Design and Development Criteria.

- (2) Off-street parking areas for nonresidential uses shall provide sufficient area for access drives and aisles.
- (3) Off-street parking areas with a capacity for more than 20 vehicles shall delineate fire lanes and post "no parking" markers.
- (4) Any off-street parking area with at least 20 off-street parking spaces shall designate a minimum of 10% of those spaces as reserved only for the handicapped and clearly mark them for such use. Parking spaces designated to serve handicapped individuals shall be at least 14 feet in width and 20 feet in depth.
- (5) All parking areas, passageways and driveways (except where provided in connection with one- and two-family dwellings, or farm residences and buildings) shall be adequately drained and will have a durable surface, subject to approval of the Town Planning Board.
- (6) Each off-street parking space shall be so designed, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any motor vehicle may be parked and unparked without moving or damaging another.
- (7) Parking areas may be located in any yard space for nonresidential uses but shall not be located:
 - (a) So as to impinge on the minimum required buffer width, as measured from the property lot line, as established in § **220-76D**; or
 - (b) For properties of 60,000 square feet or less in size, any closer than 10 feet to any side or rear property line unless specifically approved by the Planning Board as part of a multiple-parcel shared parking plan; or
 - (c) For properties greater than 60,000 square feet in size, any closer than 20 feet to any side or rear property line unless specifically approved by the Planning Board as part of a joint use parking plan.
- (8) Driveways to Off-Street Parking.

- (a) No driveway to an off-street parking area shall be located closer than 50 feet to the intersection of any two streets or within 10 feet of any side lot line identified in § 220-9V(3) or 20 feet servicing a lot identified in § 220-9V(4) of this chapter, provided further that

[1] Sufficient distance will always remain for all required radii for said driveway,

[2] Said driveway will not be determined by the Planning Board to adversely affect the minimum sight distance for motorists, as recommended in various Town, county and state highway design and traffic safety manuals, or prevent the stacking of vehicles along the highway where there is a traffic control device operating.

- (b) The Planning Board may require a different distance to the intersection of any two streets as a condition of approval where a traffic study identifies that said distance would improve safety and efficiency.
- (c) The distance from the driveway to the intersection shall be measured by extending the curb or pavement line of the intersecting street until it intersects the curb or pavement line, extending, if necessary, to the driveway in questions.
- (d) The maximum separation required by § 220-9V(2), (3), or (4) shall be maintained between two driveways located on any one frontage.

SECTION SIXTEEN. Town Code § 220-73(C) shall be replaced in its entirety with the following:

- (C) Location of off-site parking facilities. Required off-street parking is allowed on a separate parcel within 1,320 feet of the use served, as measured by closest walking distance from the closest public entrance to the off-site parking lot. Where parking is provided off-site, adequate provisions for safe, pedestrian travel shall be required.

SECTION SEVENTEEN. Town Code § 220-73(D) shall be replaced in its entirety with the following:

- (D) Screening and landscaping.

- (1) Off-street parking areas for more than five vehicles shall be effectively screened on the rear and side yards by a fence of acceptable design, unpierced masonry wall, landscaped berm or compact evergreen hedge. Such fence shall be erected and maintained in accordance with § 220-9K of these regulations. Such wall or hedge shall not be less than six feet in height and shall be maintained in good condition.
- (2) When a parking area for five or more vehicles is within or abuts a residential district, a planted buffer area shall be provided in addition to the fence or wall specified in Subsection C(1) above. Landscaping utilized to provide this buffer shall not be less than four feet in height at the time of planting and spaced not more than three feet apart. The planted buffer area shall not be less than 10 feet in depth.

SECTION EIGHTEEN. Town Code § 220-73(E) shall be replaced in its entirety with the following:

(E) Lighting.

- (1) All off-street parking areas and appurtenant passageways and driveways (excluding areas serving one- and two-family dwellings and farm dwellings) shall be illuminated adequately during the hours between sunset and sunrise when the use is in operation.
- (2) Any lights used to illuminate an off-street parking area shall be so arranged as to reflect the light away from all adjoining property.
- (3) Lighting shall comply with the requirements of Town Code § 220-77.

SECTION NINETEEN . Town Code § 220-73(F) shall be deleted in its entirety.

SECTION TWENTY. Town Code § 220-73(G) shall be replaced in its entirety with the following:

- (G) Joint use. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading

space used jointly if supported by a shared parking analysis. This analysis shall be based upon accepted standards. The right to joint use of the parking space must be evidenced by a deed, lease, contract, contract or other appropriate written document to establish the joint use.

SECTION TWENTY ONE. Town Code § 220-73(H) shall be replaced in its entirety with the following:

(H) Required off-street parking spaces. Off-street parking shall be provided to meet the realistic demand for the proposed land use. The applicant shall calculate this demand based on standards such as the Institute of Transportation Engineer's Parking Generation Reports, Urban Land Institute, observed local demand analysis, or any other standard acceptable to the Planning Board.

(1) Applicability. Projects exceeding the following thresholds shall provide a parking demand analysis:

- a. New construction of principle building/s in excess of 5,000 square feet of gross floor area; or
 - b. The substantial renovation of a principal building with a gross floor area of at least 50,000 square feet and involving a change of use;
 - c. Or upon request of the Planning Board during the course of their review.
-

(2) Exemptions:

- a. All Single-Family Dwellings and Two-Family Dwellings; or
 - b. Generally accepted agricultural operation or practice occurring within an established Ontario County Agricultural District, and Temporary Farm Stands; or
 - c. As otherwise stated within Chapter 220.
-

(3) Waiver for current construction:

- a. Applicant may request the Planning Board waive the requirement to construct off-street parking spaces during initial construction.
- b. Applicant shall specify on a Site Plan which off-street parking spaces are to be delayed, including the total number of spaces, and to provide justification for the waiver request.
- c. Such off-street parking spaces shall be included as if to be constructed in any SEQR consideration and planning approvals.

- d. The future construction of the subject spaces shall require a Site Development Permit and be exempt from Site Plan review if in substantial conformance with the approved plans.
 - e. If granted, the Planning Board may also impose additional conditions as needed to achieve the objectives of this chapter.
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SECTION TWENTY TWO. Town Code § 220-73(l) shall be replaced in its entirety with the following:

(l) Authority for Planning Board to modify requirements of § 220-73.

(1) The Planning Board is hereby authorized to modify the required number of off-street parking spaces.

(2) Such modification may take place after the Planning Board finds that:

(a) Applicant has demonstrated that adequate, public off-street parking facilities are available within 1,320 feet of the primary entrance of all uses served as measured along the shortest legal, practical walking route; or

(b) Applicant can document that a notable percentage of their customers will be transported to and from their premises in buses, bikes, walking or other forms of alternative transportation; or

(c) Applicant provides a Transportation Management Plan documenting off-peak work hours, preferential parking, financial incentives, or some other manner for reducing parking demand.

(d) The requirement is found not to be requisite in the interest of the public health, safety, and general welfare or inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the site plan.

(3) Where the Planning Board modifies the required number of parking spaces pursuant to this section, the Planning Board shall impose such conditions as it deems necessary and shall make findings supporting their decision regarding a waiver.

SECTION TWENTY THREE. The following shall be added to the Town of Canandaigua's Site Design and Development Criteria under Article II – Design Standards as § 2.13(A):

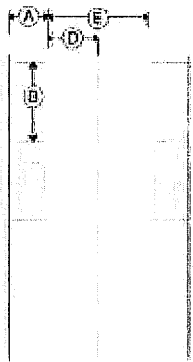
Stall and Aisle Dimensions. All off-street parking spaces and drive aisles must comply with the minimum dimensional standards shown below in "Parking Stall and Drive Aisle Dimensions" with the following exceptions:

1. Motorcycle and scooter parking stalls must measure at least four feet in width and eight feet in depth.
2. Mechanical access parking is exempt from parking stall and drive aisle dimensional requirements.

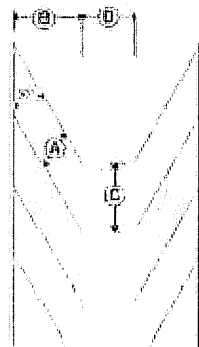
PARKING STALL AND DRIVE AISLE DIMENSIONS

STALL ANGLE	STALL WIDTH (MIN) (A)	STALL DEPTH (MIN) (B)	SKEW WIDTH (MIN) (C)	DRIVE AISLE WIDTH, 1-WAY (MIN) (D)	DRIVE AISLE WIDTH, 2 WAY (MIN) (E)	VERTICAL CLEARANCE (MIN)
0 degrees (parallel)	8'	18'	8'	11'	22'	7' 6"
30 degrees	8' 6"	15'	16' 6"	11'	—	7' 6"
45 degrees	8' 6"	17' 9"	11' 8"	11' 10"	—	7' 6"
60 degrees	8' 6"	19'	9' 6"	13' 6"	—	7' 6"
90 degrees (head-in)	8' 6"	18'	8' 6"	—	23'	7' 6"

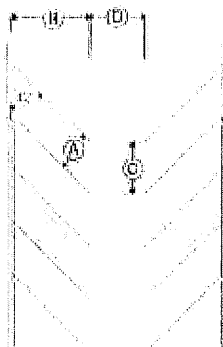
0° (Parallel)



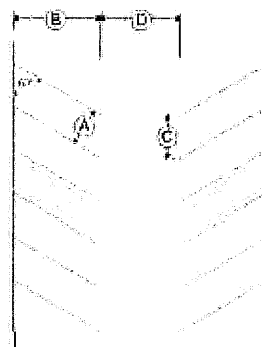
Angled (30°)



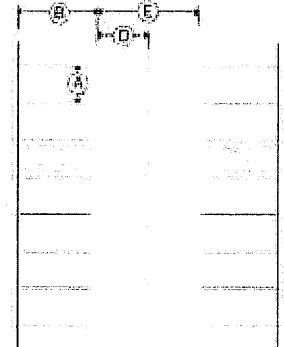
Angled (45°)



Angled (60°)



90° (Head-In)



SECTION TWENTY FOUR. Severability. If any portion of this Local Law shall be deemed by a court of competent jurisdiction to be invalid, illegal, or unenforceable, the remainder of this Local Law shall remain in full force and effect to the extent practicable.

SECTION TWENTY FIVE. Effective Date. This Local Law shall be effective immediately upon its filing with the New York State Secretary of State.