

TITLE OF LL:

An act to remove minimum off-street parking requirements.

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this local law is to amend various Town Code Chapters to remove minimum off-street parking requirements and to revise various other parking requirements, as necessary.

SUMMARY OF SPECIFIC PROVISIONS:

See redline draft.

JUSTIFICATION:

Minimum Off-Street Parking requirements were initially added to local codes throughout the United States in mid-century. At the time, automobile traffic was booming and the various uses associated with vehicles were seen as the way of the future. There were shopping malls, drive in theatres, drive through restaurants, etc. In an effort to promote and protect the driving economy, Towns like Canandaigua passed rules requiring space for vehicle parking. Current off-street parking requirements have not been substantially modified for at least 30 years (1989).

This change has the potential to benefit the Town in numerous ways. For one, our current requirements are not based on objective research and studies, and do not illustrate a realistic estimate of potential parking demand. For instance, home occupations require 3 spaces for client use but do not consider at all what type of "client use" are referred to. The Town has recently issued a Special Use Permit for a Major Home Occupation to roast coffee. This generates ZERO parking demand and yet we require 3 spaces or 900 square feet of parking.

As another example, consider the Tops Plaza. We are all aware that this plaza has an enormous parking lot that is rarely, if ever, fully utilized. Enforcement of our code for this building would have required 575 parking spaces or approximately **4 Acres of Parking**. They only built 373 (2.5 Acres), and they are normally completely empty. Similarly, when Roseland Plaza was developed in the late 1980's, they were required to provide 1 space per 100 square foot of retail space. They received a variance to cut in half that requirement and provide 1/200, and we still see how many empty spaces there are. The code

requirement is still 1/100. Developers of LNB, Creekview Apartments, Hallstead Dental and many more have requested relief from our requirements. In short, our current requirements are inefficient and wasteful. Of course, developers can build more parking than is required. So, in effect, the Town is mandating more parking than the market requires.

This waste has serious, harmful effects on the Town of Canandaigua. Parking is harmful to the environment. It creates large patches of impervious surface that would otherwise allow stormwater and run-off to infiltrate into the ground. As one of our main environmental concerns is the watershed, parking requirements mandate a greater adverse impact. Dark pavement can artificially raise air temperature, resulting in "heat-islands". It usually requires lots of salt in the winter time which salinates water supply and harms biodiversity. By promoting driving it increases carbon consumption and reduces demand for multi-modal transportation.¹

Parking is expensive and requiring excessive parking requirements can make good projects infeasible. As mentioned previously, Tops would have been required to build 4 Acres of only parking. Using assessor's data, the land value for that parcel is \$65,866/AC. This required parking lot would have theoretically cost the developer \$263,464. By building a smaller but oversized lot at 2.5 AC, the developer would save approximately \$98,799 in land costs. Keep in mind, this does not include potential tax savings, maintenance costs, costs for stormwater management facilities and other costs. Planning literature has also pointed out that minimum parking requirements have hampered the ability to build affordable housing. Studies show parking can cost approximately \$5,000 per space to build and that it can add 17% to a unit's rent. (I.e. A \$1,000 apartment would cost \$1,170).²

Expansive parking runs counter to the Town's multi-modal goals. When the Town requires over and above the market supply of parking, we signal to potential consumers to drive to their destination, when we might otherwise prefer people to walk, bike or take the bus. Additionally, for consumers who do walk or bike, parking lots create an unattractive and inhospitable

¹ <https://journalistsresource.org/studies/environment/transportation/parking-environmental-impacts-development-policies-research-roundup/>; and, <https://archive.epa.gov/greenbuilding/web/pdf/epaparkingspaces06.pdf>

² <https://www.planning.org/planning/2018/oct/peopleoverparking/>; <https://www.nytimes.com/2014/09/15/arts/design/9-x-18-plan-ties-development-rules-to-public-benefits.html>; and, https://www.cnt.org/sites/default/files/publications/CNT_Stalled%20Out_0.pdf

environment. It also represents a serious physical barrier to walkers. We know many residents from Trolley Station, Candlewood, and Liberty Apartments walk to Tops and the required parking area adds almost 600 feet (2 minutes one-way) to their trip. Further, for people with mobility impairments either from disability or age, this increased distance makes getting around much more difficult. In a similar vein, minimum parking requirements increase the lot size required for uses, making distances between uses greater, further necessitating driving.

Finally, excessive parking requirements costs the Town tax dollars. Assume that our requirements create wasted spaces - which they do. Perpetually empty parking spaces do not add value to a business, they add cost. If the land devoted to empty parking could be repurposed into apartments, a bank, a shop, whatever, that land would be assessed at significantly more and provide a broader tax base to the Town.

Developers, Businesses, Renters, and Financiers are making tremendous investments in our community. Whether the Town requires parking or not, people will build it, banks will require it for loans, and businesses will request it before becoming tenants. Essentially, parking is a market driven phenomenon. It's why we see some developers build over and above our requirements and why some developers request substantial variance from them.

Our current requirements ignore this reality and impose substantial cost on not just developers but the Town at large. Our rules effectively prohibit much of the affordable, multi-use development that we wish to see. They increase drainage problems and other adverse environmental impact. They break apart land use making it more difficult for people to get from point A to point B. Finally, because they mandate the waste of land, the Town is losing potential assessed value that could reduce taxes.

PLAN REFERENCE:

1) 2014 Comprehensive Plan Goals/Action Steps

- a. Establish a regulatory and economic framework that supports the protection and continued development of agriculture.
 - 1. Cluster development use to preserve agriculture
- b. Ensure the protection of the Town of Canandaigua's natural resources.
- c. Protect Canandaigua Lake and its watershed as a major natural resource enjoyed by the Town and greater Canandaigua area.
 - 1. revise (if necessary) regulations to reduce impact of impervious surfaces on water quality and quantity
- d. Conserve and maintain the land that provides critical open space and scenic resources.
- e. Promote development of a diverse and sustainable tax base.
- f. *Uncategorized Steps*
 - 1. Review and consider code updates to MUO to maximize opportunities
 - 2. development of outside referral process
 - 3. affordable housing
 - 4. senior housing
 - 5. complete streets
 - 6. analyze planning and development of future non-motorized transportation
 - 7. design intermodal transportation plan

2) [Comprehensive Plan 2011 Update](#)

- a. Resource Protection
 - 1. Environmental
 - a. Ensure the protection of the Town's natural resources.
 - b. Protect Canandaigua Lake and its watershed as a major natural resource enjoyed by the Town and greater Canandaigua area.
- b. Economic Development

1. Promote development of a diverse and sustainable tax base.
2. Maximize opportunities for large and small scale commercial development within the Town without compromising the Town's natural, scenic, cultural and historic resources.

c. Community Character

1. Structure land use regulations, design standards and zoning code to improve and protect the character of the Town's hamlets and gateways.

d. Housing

1. Encourage residential development patterns that are elder-friendly.
2. Support future residential growth that makes Canandaigua livable for people of all ages and income levels.
3. Encourage elder-friendly residential housing near the City of Canandaigua.

e. Transportation Network and Services

4. Work with Ontario County to provide the level of public transit that meets the community's needs.
5. Consider the needs of pedestrians and bicyclists during transportation planning.

3) [2016 Agricultural Enhancement Plan](#)

a. Manage land use and development to avoid or reduce impacts on farmland.

1. Maintain zoning regulations and district boundaries that encourage more intensive development outside of priority agricultural areas.
2. Revise and maintain local laws and land use regulations that support agricultural operations.
 - A. Retain Home Business provisions to accommodate complementary business uses on farms.

4) [2003 Comprehensive Plan](#)

Zoning and Subdivision Revisions to reflect the comprehensive plan's recommendations, including the following:

1. Create the Corridor Development Incentive Overlay District and the Corridor Conservation Overlay District for the Route 332 Corridor. This will include the incentive zoning provision and the development of specific design guidelines for each of the development nodes.
2. Create a mini-master plan for the Hamlet of Cheshire. As a product of this master plan, establish a new Cheshire Hamlet Zoning District with design guidelines for **hamlet infill and expansion**. Additional topics to be addressed in the master plan would include **streetscape improvements**, the provision of public sewer, incentives for building rehabilitation and façade improvements, and **small business development** loan programs.

5) Hamlet of Cheshire Master Plan

a. Commercial Area Redevelopment

1. It is recommended that infill opportunities be examined.
2. It is recommended that small business opportunities be investigated.
3. It is recommended that public parking be reconfigured to allow for more convenient and efficient use of the existing parking facilities. Currently the off-street parking requirements in the Town zoning are inappropriate for the hamlet.

b. Residential Growth Alternatives

1. It is recommended that future residential growth follow a Traditional Neighborhood Design (TND). A Traditional Neighborhood Design is typically compact and walkable.
2. It is recommended that future residential development have open space provisions and possibly connections to walking trails and Leonard R. Pierce Park.
3. It is recommended that a diversity of housing types, such as townhomes, patio homes and senior apartments be allowed when considering future residential development.

c. Zoning Revisions

1. Revising zoning to allow for mixed-use development, such as residential mixed with office uses, would assist in revitalizing the commercial area within the hamlet. Also,

establishing an overlay district could provide options for future growth. An overlay for a Traditional Neighborhood Design District, for example, may be a viable option for landowners.

6) Open Space, Conservation, Scenic Views Master Plan 2018

a. CONSERVE OPEN SPACE THROUGH LAND USE REGULATIONS

1. MAINTAIN/ STRENGTHEN CONSERVATION PROVISIONS OF LAND USE AND DEVELOPMENT REGULATIONS

7) Concept Mapping (2018)

a. Protect the Lake

1. Protection of Water quality is utmost importance.

b. Job Creation, Retention, Expansion

1. Manufacturing Jobs
2. Enable Development along Firehall-Parkside
3. Health care master plan