

Article XIX - Parking, Stacking and Loading Requirements

§ 136 Purpose

Off-street parking, stacking and loading requirements, must meet the standards set forth in this Article. As permitted uses in certain zones, they shall be considered an accessory use when required or provided to serve conforming uses in any zone. The following off-street parking, loading and stacking requirements are established to:

- 1) Relieve congestion and facilitate the movement of vehicular traffic;
- 2) Promote the safety and convenience of pedestrians by locating parking and areas so as to reduce the impact of vehicles;
- 3) Protect adjoining residential uses from negative impacts of on-street parking;
- 4) Promote the general convenience, welfare and prosperity of commercial, service, research, production and industrial development;
- 5) Ensure parking facilities are designed and consider orderly arrangement, topography, landscaping and ingress/egress as part of the overall site design; and
- 6) Provide regulations and standards for development of off-street parking to protect the character of the town of Dunkirk.

§137 General Provisions

- 1) Employee Parking - Whenever parking requirements are based on the number of employees, it shall mean the maximum number of employees on duty in the premises at one time or any two (2) successive shifts.
- 2) Net Floor Area - The net floor area is defined as the total floor area less permanent concourses, stair halls, lobbies, elevator shafts, areas permanently devoted to warehousing and rooms housing equipment servicing the entire building.
- 3) Fractional Requirements - When units of measurements used in computing the number of required off-street parking, loading and stacking spaces result in the requirement of the fractional space, the nearest whole number of off-street parking spaces shall be required.
- 4) Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area or before conversion from one zoning use or occupancy to another. Such space shall be deemed to be reduced or encroached upon in any manner. No required front yard or portion thereof in any residential district or for any other residential uses in other districts shall be utilized to provide parking space required in this Chapter.
- 5) If the vehicle storage space or standing space required by this Chapter cannot be reasonably provided on the same lot on which the principal use is conducted, the Town Board may permit such space to be provided on other off-street property, provided that such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 6) Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this Chapter shall be continued and may not be counted as serving a new building, structure, addition or land

use, nor shall any required parking space be substituted for an off-street loading and unloading space or any required loading and unloading space be substituted for a parking space.

§ 138 Residential Districts

- 1) Location - If the required off-street parking space cannot reasonably be provided on the same lot as the principal building, such parking space may be provided on other property located not more than three hundred (300) feet as measured along the nearest pedestrian route.
- 2) Front Yard Parking - Permanent front yard parking areas for residential uses are prohibited; parking in the driveway accessing a garage or designated parking area in compliance with this Chapter is allowed. No front yard area shall be used for parking except on a driveway.

§ 139 Commercial and Industrial Districts

- 1) Off-street parking, stacking and loading improvements:
 - a) Will not increase the congestion on adjoining residential streets in such a way as to promote a traffic hazard or a nuisance to adjoining resident
 - b) Will be properly screened, lighted and designed so as to prevent nuisance to adjoining residents
 - c) Will be landscaped as required by this chapter
 - d) Will be used for the purpose of passenger automobiles or commercial vehicles only
 - e) No commercial repairs, sales or services shall be conducted
 - f) Shall be located not less than ten (10) feet from any adjacent residential lot line
- 2) There shall be no required off-street parking requirements for the C-1 District as established on the Zoning Map of the Town of Dunkirk, provided that the use of the premises is in compliance with this Chapter and provided further that the structure in which the use is conducted is in existence and does not require a site plan review, special permit, rezoning or variance as outlined in this Chapter.

SEE TYPICAL PARKING LOT GRAPHIC

§ 140 Special Parking Restrictions

- 1) Civic Uses and Places of Assembly - Parking areas serving churches, clubs, community centers and other public facilities within or adjacent to a residential district shall be located within the side and rear yards. Driveways may be located within the front yard. Driveways and parking areas shall be located not less than ten (10) feet from any adjacent residential lot lines.
- 2) Motor Vehicle Service Station - Unenclosed parking of motor vehicles at gasoline service stations shall be limited to four (4) vehicles, and no vehicle shall remain so parked in excess of twenty-four (24) hours. Unenclosed overnight parking of motor vehicles at automobile washing establishments is prohibited.
- 3) No more than one (1) commercial vehicle shall be permitted in any residential zone.

§ 141 Payment in Lieu of Providing Off-street Parking

Municipal off-street parking facilities shall, upon payment of the fee adopted by the Town Board, be used in lieu of off-street parking required to be provided by existing and future buildings, structures and uses.

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Parking requirements may be waived by the Town Board providing the proposed use is within four hundred (400) feet of a municipally operated off-street parking facility. The Town Board shall, at the time of approval of the site plan, certify on such plan that the municipally operated off-street parking facility has adequate capacity to accommodate the need generated by the use.

- 1) Changes or Alterations: When in the C-1 or C-2, additional off-street parking is required to be provided for an existing building because of:
 - a) Change of use that requires a site plan review, special permit, rezoning or variance for a) Or any portion of a building or structure
 - b) An interior increase of floor area for which off-street parking must be provided, and such required off-street parking cannot be. Provided because of the non-availability of space in the zoning lot upon which the building is located
- 1) The Town Board, upon written application, may permit the payment of a fee by the applicant to allow the Town to provide such additional required off-street parking in lieu of the applicant providing such required off-street parking.
- 2) New Construction: When, in the C-1 or C-2 Districts, a new building or structure is erected or a structural addition is added to an existing building or structure for which off-street parking is required by the provisions of this Chapter, upon written application, the Town Board may authorize the payment of a fee by the applicant to allow the Town to provide such required off-street parking in lieu of the applicant providing such off-street parking.
- 3) Collected Fees: All fees collected and all interest earned under the provisions of this Chapter shall be placed in the Parking Facilities Fund established by the Town Board and shall be used only for the acquisition of land, improvement or maintenance of municipally owned or leased off-street parking facilities for the benefit of those buildings, structures and uses in the C-1 or C-2 Districts and the general community.

§ 141 Parking Incentives (ALTERNATIVE TO EXISTING 141 IF DEEMED UNNECESSARY)

In order to facilitate and encourage low impact development, a reduction in pavement, and proper access management, the Town Board may grant an applicant/owner an incentive such as, but not limited to, an adjustment in permissible density, development area/coverage, height, or open space otherwise required in the applicable zoning district; the Town Board reserves the authority to determine the adequacy of the methods/amenities to be accepted and the particular incentive to be provided to an owner/applicant. Continued maintenance and use of the amenity(ies) is required as a condition of any incentive granted. Where mitigation is required as part of the environmental review process that incorporate any of the amenities noted below, incentives shall not be granted.

- 1) Shared driveway/access between two uses or lots (shared use agreements may be needed) resulting in no more than one (1) driveway per use.
- 2) Cross access driveways, thereby resulting in no more than one (1) access driveways (shared use agreements may be needed).
- 3) Significant reductions in stormwater management or more than 50% of any parking area utilizing "green infrastructure" techniques such as, but not limited to, vegetated swales, permeable pavers, bioretention facilities or constructed wetlands, grey water systems for recycle and on-site use, or rain gardens.

- 4) Provisions for parking spaces for compact cars, electric vehicle charging stations, or other vehicle fuel-reduction measures.
- 5) A dedicated bus/transit stop and shelter
- 6) Internal circulation systems to minimize access onto main thoroughfares

§ 142 Exceptions

The requirements of this Article may be reduced to the extent that the applicant can demonstrate that less parking is required for one of the following reasons. Where modifications in the required number of parking spaces pursuant to this section is made, the Town Board shall impose any such condition(s) as it deems necessary and shall make findings supporting their decision.

- 1) Unique use times - uses operate at times other than "normal" business hours and, thus, could make arrangements with surrounding landowners to utilize their parking facilities through a formal agreement (i.e., shared or joint parking).
- 2) Overlap coverage - adjacent uses may operate at different times and could, thus, develop a shared parking facility.
- 3) The regulation is excessive for proposed development, as applied to individual landowner, and the applicant/owner can show that a reduction in parking is feasible. Applicant/owner shall indicate areas of the property that could be utilized for expanded parking in the event it is needed, temporary or permanent.
- 4) The new development is within five-hundred (500) feet of a public parking facility.
- 5) 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.
- 6) Applicant provides a transportation management plan documenting off-peak work hours, preferential parking, financial incentives, or some other manner for reducing parking demand.

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§ 143 Off-street Parking Requirements

In all zones, the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of required parking units and changes in use that require a site plan review, special use permit, rezoning or variance;

- 1) Amusement facilities (including, but not limited to: recreation centers and facilities, skating rinks): One (1) parking space for every five (5) customers computed on the basis of maximum servicing capacity at any one (1) time, plus one (1) additional space for every two (2) regularly employed on the premises.
- 2) Auditoriums, theaters, gymnasiums and other places of public assembly: One (1) parking space for each five (5) seats.
- 3) Automobile Repair Shops: Two (2) parking spaces per bay with a minimum of six (6) parking spaces.
- 4) Automobile (new and used) facilities: Two (2) parking spaces for each employee.
- 5) Barber Shops/Beauty Parlor: Two parking spaces per barber or beauty chair.
- 6) Boarding or rooming houses: One (1) space for each sleeping room occupied by roomers or boarders, plus one (1) parking space for each dwelling unit on the premises and plus one (1)

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- additional space for every two (2) persons regularly employed on the premises.
- 7) Bowling Alleys: Two (2) parking spaces per alley.
 - 8) Church: One parking space for each five (5) fixed seats. If no fixed seats, one (1) parking space for each twenty-five (25) square feet of net floor area.
 - 9) Civic Center: parking or storage space for all vehicles used directly in the operation of such establishment, plus four (4) parking spaces for the first one thousand (1000) square feet of total floor area and one (1) additional space for every additional one hundred-fifty (150) square feet of floor area.
 - 10) Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor and other similar organizations: One (1) space for every fifty (50) square feet of net floor area in the auditorium, assembly hall and dining room of such building, plus one (1) space for every two (2) persons regularly employed on the premises.
 - 11) Colleges and Universities: One (1) space for every five (5) seats occupied at maximum capacity in the assembly hall, auditorium stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution, plus five (5) additional spaces for each classroom.
 - 12) Convenience Store: One space for every one hundred-fifty (150) square feet of gross floor area. Dancing Studios: One (1) parking space per seventy-five (75) feet of net floor area devoted to the activity.
 - 13) Dormitories: One (1) parking space for every two (2) beds computed on the basis of the maximum bed capacity of the structure. This requirement is in addition to the parking requirement for colleges and universities.
 - 14) Dwelling (single and two family, townhouse, row house, condominium): Two (2) spaces per dwelling unit.
 - 15) Dwelling (multiple family): One and one half (1.5) spaces per dwelling unit.
 - 16) Dwelling (senior): One (1) parking space per dwelling unit.
 - 17) Dry Cleaning: One (1) space for each three hundred (300) square feet of gross floor area.
 - 18) Funeral Homes: One space for each one hundred (100) square feet of gross floor area.
 - 19) Health Spas and Swimming Pools: One (1) parking space per fifty (50) square feet of net floor area and pool area devoted to activity.
 - 20) Hospitals: One (1) parking space for each patient bed.
 - 21) Hotels: One (1) parking space for each guest room plus one (1) space per six (6) seats for the restaurant or bar area.
 - 22) Industrial plants, wholesale distribution, laboratories, etc.: One (1) parking space per employee for two consecutive shifts.
 - 23) Laundromats (self-service): One (1) space for each two hundred (200) square feet of gross floor area used by the general public.
 - 24) Libraries: One (1) space for each one thousand (1000) square feet of gross floor area.
 - 25) Medical and Dental Offices/Clinics: One (1) space for each employee plus one (1) space for each examining room.
 - 26) Miniature Golf: One (1) parking space for each hole.
 - 27) Museums: One (1) space for each one thousand (1000) square feet of gross floor area.

- 28) Offices (General): One (1) parking space for each four hundred (400) square feet of net floor area.
- 29) Private Clubs: One space per three (3) seats and one (1) parking space per one hundred fifty (150) square feet for customer area or takeout services.
- 30) Public and Semi-Public Buildings: One (1) parking space per two hundred (200) square feet of net floor area. If devoted to uses other than office, one (1) parking space per five (5) seats.
- 31) Restaurant Bar and Banquet Hall: One space per three (3) seats and one (1) space per one hundred-fifty (150) square feet for customer area or takeout services.
- 32) Retail Stores: One (1) parking space for each two hundred-fifty (250) square feet of sales floor area.
- 33) Nursing Homes: One (1) parking space for each five (5) beds plus one (1) parking space for each employee.
- 34) Schools (nursery and primary): One (1) space for each teacher, employee and administrator.
- 35) Schools (secondary): One (1) parking space for each ten (10) seats used for purposes of instruction. If no fixed seats, one (1) parking space for each one hundred (100) square feet used for purposes of instruction.
- 36) Shelters: One (1) parking space for every two (2) employees.
- 37) Shopping Centers: Six (6) parking spaces for each one thousand (1000) square feet of net floor area.
- 38) Taverns, Bars: One (1) space for every fifty (50) square feet of total floor area. Tennis Clubs: Three (3) parking spaces per court.
- 39) Tourist Home, motel: One (1) parking space for each sleeping room.

§ 144 Stacking Requirements

In addition to minimum parking requirements established in this Chapter, the following stacking areas are required. The size of a stacking space shall be twenty (20) feet in length by nine (9) feet in width.

- 1) Car Wash (Coin Operated): Two (2) spaces per stall
- 2) Car Wash (Rapid): Ten (10) spaces per stall
- 3) Drive in Bank: Five (5) spaces per lane
- 4) Drive in Oil Change and Quick Lube Facility: Three (3) spaces per bay
- 5) Drive in Facilities (General): Five (5) spaces per booth, customer facility or service window

§ 145 Loading Requirements

On the same premises with every building or structure or part thereof hereafter erected and occupied for the purpose of business, trade or industry, there shall be provided and maintained adequate space for the parking of commercial vehicles while loading and unloading *off* the street or public alley. Such space shall have access to a public alley or, if there is no alley, to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. *Off-* street loading and unloading space shall be provided as set forth in this Article at the time of the erection of any building or structure and/or at the time any building or structure is enlarged or increased in capacity.

Off-street loading shall be provided and maintained as long as such building is occupied or unless equivalent facilities are provided in conformance with the regulations of this Article. Space required and allocated for any off-street loading facility shall not be used to satisfy the space requirements for off-street parking or stacking. An off-street loading space shall not be used for repairing or servicing of motor vehicles.

- 1) Location of Facility - All required loading facilities shall be related to the building and provide for loading and off-loading of delivery and other service vehicles and shall be so arranged that they may be used without blocking or otherwise interfering with the use of access ways, parking or stacking facilities, public streets or sidewalks. A required loading space shall not face or be visible from the frontage street and shall not be located in a required front yard or a required side or rear yard if adjoining a residential district.
- 2) Access Driveway - Each required off-street loading space shall be designed for vehicular access by means of a driveway, or driveways, to a public street in a manner which will least interfere with adjacent traffic movements and interior circulation.
- 3) Minimum Size Criteria - Off-street loading space shall be at least twenty (20) feet in length by twelve (12) feet wide. The area shall be exclusive of the maneuvering space and each loading facility shall have a vertical clearance of at least fourteen (14) feet.
- 4) Required Loading Facilities - The following off-street loading facilities shall be provided as required:

Use	Square Feet	Required Number
Retail Stores and Services	under 5,000	1 bay
	5,001 - 40,000	2 bays
	40,001 - 50,000	3 bays
	50,001 +	4 bays
Wholesale and industrial Operations	under 40,000	1 bay
	40,001 - 100,000	2 bays
	100,001 +	3 bays
Office Buildings, Hotels	100,000 +	1 bay
Hospitals and Nursing Homes		2 bays (1 of which is for emergency vehicles)

§ 146 Design Guidelines

- 1) Each space shall be provided access to a public street through a drive or aisle of not less than ten (10) feet wide.
- 2) Dimensions- Parking shall be designed in dimensions according with the following:

Angle	Stall Length	Stall Width	Aisle Width	Total Width
90	19'00"	9'00"	24'00"	62'00"
60	21'00"	10'05"	18'00"	60'00"
45	19'10"	12'09"	13'00"	52'08"
Handicap/accessible parking stall minimum widths (provided in accordance with all applicable regulations)				

90	12' 0"
60	13' 9"
45	16' 9"

- 3) Grading and Paving - Parking, stacking and loading areas and access shall be graded and drained so that surface water shall not be allowed to flow onto adjacent properties.
- 4) Maintenance - Parking, stacking and loading areas shall be arranged, marked and maintained as shown on the final approved site plan in order to provide for orderly and safe parking, storing and loading of vehicles. The Town Board may also require structural or landscape features including, but not limited to, bumper guards, curbs, walls or fencing, landscaping or berming, to ensure protection of property and persons and privacy screening for adjacent land uses with visual, noise and air standards. Landscaping, buffering, and/or screening shall be required for parking, loading, or stacking areas for commercial or industrial uses abutting residential uses.
- 5) Illumination - Parking, stacking and loading areas shall be illuminated only to the extent necessary to ensure public safety. Illumination shall not be used for the purpose of advertising or attracting attention to the principal use. Lighting fixtures shall be designed, sized and located so as not to cast direct rays of excessive brightness upon adjoining premises or cause glare hazardous to pedestrians or person using adjacent public streets – dark sky compliant or full cut off luminaries are encouraged.
- 6) Pedestrian Walkways - Walkways will be provided to link parking areas and buildings on the site to ensure pedestrian safety. Special consideration will be given when drive-thrus are incorporated in the design to ensure safety for pedestrians as vehicles are moving.
- 7) Driveways to Parking Areas - Entrance and exit driveways serving parking facilities drive in businesses and other parking areas shall be provided in location, size and number so as to minimize interference with uses on adjacent properties and the flow of traffic on adjacent streets.