

## **6.2 PARKING AND OFF-STREET LOADING REQUIREMENTS**

### **6.2.1 INTENT**

This Article sets minimum standards for off-street parking and loading for new construction and for the expansion or change to existing uses. The purpose of this Article is to ensure that uses have a minimum level of off-street parking to avoid congestion on surrounding streets while avoiding excessive parking.

### **6.2.2 APPLICABILITY**

A. The parking and loading requirements shall apply to all zoning districts with the following exception: there are no minimum off-street parking requirements in the Transect-6 district.

B. The Planning Board shall have the authority to waive the minimum number of required parking spaces in any Commercial, Transect, Neighborhood Complementary Use, or Urban Residential-4A district, provided:

1. the applicant can demonstrate that sufficient parking accommodations can be provided; and
2. the applicant can demonstrate that the waiver will not result in any adverse impacts on the subject site or within the District

### **6.2.3 CALCULATION OF REQUIRED PARKING**

A. Uses not identified

For uses not expressly listed in the mandatory off-street parking table, required parking shall be calculated on the basis of the most similar use listed as determined by the Zoning Officer.

B. Multiple uses

In instances of multiple uses, the required off-street parking calculation shall include the minimum standards that apply to each use.

C. Fractional measurements

When calculating the required number of parking spaces, any fraction up to and including  $\frac{1}{2}$  shall be disregarded and fractions over  $\frac{1}{2}$  shall require one parking space.

D. Floor area measurement

When calculating the required number of parking spaces on the basis of floor area square footage, the gross floor area devoted to the use shall be used.

E. Number of employees

When calculating the required number of parking spaces on the basis of the number of employees or staff, the maximum number present at any one time (greater than 30 minute period) shall govern.

F. Maximum Parking Allowed

No use may provide parking quantities greater than 20% over the amount specified in

this Article unless waived by the Planning Board.

G. Off-street loading areas may not be used to satisfy off-street parking requirements.

**6.2.4 OFF-SITE PARKING**

In general, off-street parking shall be provided on the same lot or tax parcel as the principal use. Required off-street parking may be provided on a separate lot or tax parcel provided:

1. that lot is within 300 feet of the parcel with the principal use; and
2. there are covenants that tie the two lots together as set forth in 6.2.5(3) below.

**6.2.5 SHARED PARKING**

In any district, the Planning Board may approve the shared use of a parking facility and up to a 30% reduction in the total parking requirement for two or more principal buildings or uses, either on the same, adjacent or nearby parcels, provided:

1. It is clearly demonstrated that the shared use or reduction in spaces will substantially meet the parking needs of the envisioned patrons and employees; and
2. There is a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of any of the principal uses having beneficial use of the shared parking. Said covenant shall:
  - a. be executed by the owner of said lot or parcel of land and the parties having beneficial use thereof; and
  - b. be enforceable by any one or all of the parties having beneficial use thereof; and
  - c. be enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.

**6.2.6 OFF-STREET PARKING SCHEDULE**

Except where waived in accordance with the above provisions, off-street parking spaces shall be provided and maintained by the owner of the property as follows:

USE/ACTIVITY	MINIMUM SPACES
Agricultural activity (farming)	1 per employee
Art gallery	1 per 400 sq. ft. of floor area plus 1 per 2 employees
Animal clinic/kennel	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Automotive sales and service	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Bottling plant	1 per 2 employees plus 1 per company vehicle

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Bowling alley	1 per 3 persons of design capacity
Broadcasting station	1 per 2 employees plus 1 per company vehicle
Bus depot	1 per 5 seats in waiting room plus 1 per 2 employees
Building material storage and sales	1 per 200 sq. ft. of sales floor area plus 1 per company vehicle
Car rental agency	1 per 250 sq. ft. of sales floor area plus 1 per company vehicle
Car wash	1 per bay plus 1 per 2 employees
Cemeteries	1 per 2 acres
Convenience sales	1 per 200 sq. ft. of sales floor area plus 1 per 2 employees
Convalescent homes/nursing homes	1 per 2 beds plus 1 per 2 employees
Corridor bed & breakfast	1 per guest room plus 2 per resident manager or residential unit
Corridor rooming house	0.5 per guest room plus 2 per resident manager or residential unit
Cultural facility	1 per 300 sq. ft. of floor area
Day care center	1 per employee
Eating & drinking establishments	1 per 4 seats plus 1 per 2 employees
Educational facilities	1 per 5 students (>16 yrs) plus 1 per 2 employees
Equipment repair shop	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Extraction industry	1 per 2 employees plus 1 per company vehicle
Financial institutions & banks	1 per 200 sq. ft. of floor area plus 1 per 2 employees
Funeral home	1 per 400 sq. ft. of floor area plus 1 per company vehicle
Group entertainment (nightclubs, theaters, etc.)	1 per 4 seats
Heavy equipment storage, sales & maintenance	1 per 200 sq. ft. of sales floor area plus 1 per 600 sq. ft. of service floor area plus 1 per company vehicle
Horse barn	1 per 10 stalls
Horse race track & grandstand	1 per 4 seats
Hospitals	1 per 2 beds plus 1 per 2 employees

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Hotel/motel	1 per guestroom plus 1 per 2 employees
Inn	1 per guestroom plus 1 per 2 employees
Laboratory	1 per 2 employees
Machine shop	1 per 300 sq. ft. of sales floor area plus 1 per 2 employees
Manufacturing and assembly	1 per 2 employees plus 1 per company vehicle
Marina & docks	1 per 3 slips
Medical offices/clinics	1 per 200 sq. ft. of floor area
Movie theater	1 per 4 seats
Neighborhood bed & breakfast	1 per guestroom plus 2 per resident manager or resident unit
Neighborhood rooming house	0.5 per guestroom plus 2 per resident manager or residential unit
Newspaper plant	1 per 2 employees plus 1 per company vehicle
Nurseries	1 per 300 sq. ft. of sales area plus 1 per 2 employees plus 1 per company vehicle
Office (incl. real estate)	1 per 300 sq. ft. of floor area
Open air market	1 per 500 sq. ft. of floor area
Outdoor recreation/entertainment	1 per 200 sq. ft. within enclosed buildings plus 1 per 3 persons for outdoor facilities at maximum capacity:  Miniature golf, skateboard park, water slide and similar uses: 1 per 300 sq. ft. of facility area plus 1 per 200 sq. ft. of building floor area;  Driving range: 1 per tee plus 1 per 200 sq. ft. of building floor area; Par Three Course: 2 per golf hole plus 1 per 200 sq. ft. of building floor area
Private/civic clubs	1 per 4 seats plus 1 per 2 employees
Recreational facility	1 per 5 seats
Religious institutions	1 per 10 seats
Residences	2 per unit; 1.5 per unit in a UR-4, UR-5, T-4 or T-5 District
Retail	1 per 300 sq. ft. of sales area plus 1 per 2 employees
Riding stable	1 per 2 horse stalls

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Salvage & scrap processing	1 per 2 employees plus 1 per company vehicle
Self storage facility	1 per 2 employees
Senior assisted care facility	1 per employee plus 1 per 4 residential units (with or without kitchen)
Senior housing	1 per residential unit
Service establishment	1 per 200 sq. ft. plus 1 per 2 employees
Solid waste transfer station	1 per 2 employees plus 1 per company vehicle
Trucking & freight terminals	1 per 2 employees and 1 per company vehicle
Utility establishment	1 per 2 employees plus 1 per company vehicle
Vehicle fueling station	2 per facility and 2 per repair bay
Warehouse	1 per 2 employees and 1 per company vehicle
Waste recycling center	1 per 2 employees plus 1 per company vehicle

**6.2.7 DESIGN REQUIREMENTS**

**A. Parking Space Dimensions**

1. Each off-street parking space shall have the following minimum dimensions:
  - a. Parallel parking  
Width = 9 feet; length = 22 feet; height = 7 feet
  - b. Perpendicular parking  
Width = 9 feet; length = 18 feet; height = 7 feet
  - c. Parking on angle  
Containing an unobstructed rectangle measuring at least:  
Width = 9 feet; length = 18 feet; height = 7 feet

**B. Parking Aisle / Access Drive Dimensions**

1. Parking aisle widths shall conform to the following table based on the angle of parking:

Parking Angle (Degrees)	Aisle Width (feet)	
	<u>One-way traffic</u>	<u>Two-way traffic</u>
0 (parallel)	13	19
30	11	20
45	13	21
60	18	23
90 (perpendicular)	22	24

2. For off-street parking areas with more than 4 spaces, driveways shall have a minimum width of 10 feet for one-way traffic and 22 feet for two-way traffic with the following exception: a 10 foot wide driveway is permitted for two-way traffic when:

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- a. the driveway is not longer than 50 feet; and
  - b. it provides access to not more than 10 spaces; and
  - c. sufficient turning space is provided so that vehicles need not back into a public street.
3. Access drives to off-street parking areas shall not occupy more than 25% of the total lot frontage with the following exception: on lots with greater than 150 feet of frontage, the aggregate width of such drives shall not exceed 48 feet for each 300 feet of lot frontage.

C. Accessible Parking

- 1. Accessible parking spaces shall be at least 8 feet wide and shall have an adjacent aisle at least 8 feet wide. Two accessible parking spaces may share a common access aisle.
- 2. Accessible parking shall be provided in accordance with the following:

<u>Total Parking Spaces in Lot or Garage</u>	<u>Number of Accessible Parking Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	20 plus 1 for each 100 over 1000

- 3. Each accessible parking space shall be marked with ADA-compliant signage and any other applicable standards of the Americans with Disabilities Act (ADA).

D. Parking Location

Required off-street parking is permitted within required yard areas for allowed single- and two-family uses in the UR-1, UR-2 and UR-3 zoning districts but prohibited elsewhere.

E. Pavement

All parking spaces shall be constructed with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust. Spaces shall be appropriately demarcated with painted lines or other markings.

F. Landscaping

At least 10% of the area of any parking lot containing more than 15 parking spaces shall consist of landscaped green space to minimize the impact of extensive impermeable areas.

G. Drainage

All parking areas shall be adequately drained. All lots with more than 4 parking spaces shall have drainage connected to a public storm sewer if located within 500 feet of an available public storm sewer system.

**6.2.8 OFF-STREET LOADING AREAS**

A. Calculation

Off-street parking areas may not be used to satisfy off-street loading requirements.

1. Nonresidential Uses

One space for a building with a floor area of 5,000 to 20,000 square feet. No space will be required if it can be demonstrated that deliveries do not exceed one vehicle per day.

2. Hotels

None required for hotels with less than 10,000 square feet floor area. One space required per 30,000 feet of floor area thereafter.

3. Industrial Uses

One space for 5,000 to 10,000 square feet. One space required for each additional 75,000 square feet thereafter.

B. Dimensions

Each required off-street loading area shall have the following minimum dimensions:  
Width = 12 feet; length = 55 feet; height = 14 feet

C. Location

Off-street loading areas shall be located and designed to permit safe access to and from a public right-of-way and safe loading and unloading without obstructing any public right-of-way, parking space or parking lot aisle.

1. Drive-in establishment driveways and vehicle staging areas are not permitted within required yard areas.

2. Off-street loading areas are not permitted in front of any principal building.

D. Construction

Except for unique circumstances, off-street loading areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.

**6.2.9 BICYCLE PARKING**

Within the Transect Districts, one bicycle parking or storage space should be provided for every 15 off-street vehicular parking spaces.

### **6.3 SUPPLEMENTAL REGULATIONS FOR SPECIFIC USES**

#### **6.3.1 INTENT**

This section establishes supplemental regulations for specific uses in addition to those otherwise established in this Chapter.

#### **6.3.2 TELECOMMUNICATIONS FACILITIES AND TOWERS**

This section is intended to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations; to encourage the shared use of existing buildings and telecommunication towers; to provide the process for the establishment of new telecommunication towers; and to minimize adverse visual effects from telecommunication facilities and towers.

##### **A. Required Approvals**

1. Placement on existing telecommunication facility  
New telecommunication equipment that is proposed to be added to (co-located) a previously approved telecommunication facility shall be a permitted use but shall require architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
2. Placement on an existing structure  
New telecommunication equipment that is proposed to be added to an existing approved structure, other than an approved telecommunications facility, shall require a special use permit, architectural review (or historic review if located within an historic district), and site plan review if applicable per Article 7.2 Site Plan Review.
3. New telecommunication tower/facility  
The construction of a new telecommunication tower/facility shall require a use variance, architectural review (or historic review if located within an historic district), and site plan review.

##### **B. Additional Requirements for Telecommunications Tower/Facility Approvals**

1. Architectural and historic review  
In addition to the respective requirements associated with Historic and Architectural Review in Articles 7.4 and 7.5, the following may be considered in association with telecommunication tower/facility review.
  - a. Pictorial representations of "before and after" views from key viewpoints selected by the City.
  - b. Alternative designs, materials, finishes and color schemes to minimize visual discord with neighboring areas.
  - c. No portion of any tower or accessory structure shall be used for a sign or other advertising purpose.
2. Special use permit  
In addition to the requirements associated with Special Use Permit in Article 7.1, the following may be considered in association with telecommunication



tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities including demonstration that such co-location is not feasible.
- b. Demonstration that any new facility or tower may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- c. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- d. Certification of a valid Federal Communications Commission (FCC) license.

3. Use variance

In addition to the requirements associated with a Use Variance in Article 8.0, the following may be considered in association with telecommunication tower/facility review.

- a. Demonstration that that the applicant has explored co-location opportunities at existing approved telecommunication facilities and other structures including demonstration that such co-location is not feasible. Demonstration shall include an inventory of all existing telecommunication facilities and other structures within a reasonable distance as determined by the ZBA in consultation with the applicant.
- b. Demonstration that a new tower/facility is necessary to meet current or expected demand for services including demonstration that existing facilities, structures, or combination thereof, could not provide the intended service.
- c. Justification for proposed height and design of the new telecommunications tower including an analysis of alternative heights and design.
- d. Visual impact of the proposed tower/facility from abutting properties and streets. In addition to a completed Visual Environmental Assessment Form, a "Zone of Visibility Map" may be required to determine locations where the facility may be seen.
- e. Demonstration that any new tower/facility may accommodate future shared use by other telecommunications providers including a letter of intent from the current property owner insuring good faith negotiation for future shared use of this facility/tower for telecommunication purposes.
- f. Certification that the new facility will not interfere with radio or television service to the adjacent properties or with public safety telecommunications.
- g. Certification of a valid Federal Communications Commission (FCC) license.

4. Use variance - additional notifications

In addition to the notification requirements associated with Article 8.0, the applicant shall send written notification via the U.S. Postal Service of a use variance application to the following:

- a. Property owners within a geographic radius of 500 feet from the subject property boundary
- b. Respective Town Clerk for the Towns of Greenfield, Malta, Milton, Saratoga and Wilton
- c. Saratoga County Planning Board
- d. Director of Saratoga County Emergency Services
- e. Administrator of any State and Federal Parklands from which the tower may be seen

Notice shall describe the proposed facility including the height and exact location of the tower and its capacity for future shared use. The applicant shall submit documentation of this mailing to the ZBA at the time of application.

5. Site plan review

In addition to the requirements associated with a Site Plan Review in Article 7.2, the following may be considered in association with telecommunication approvals.

- a. All proposed telecommunication structures shall be located on a single parcel. If the land is leased, the leased area shall include the entire telecommunications facility including any required yard setback areas.
- b. Each freestanding telecommunication tower shall be located at a minimum setback from any property line equal to the height of the tower. Accessory structures shall comply with setback requirements of the underlying zoning district.
- c. Existing on-site vegetation shall be preserved to the maximum extent possible. An inventory may be required to document existing vegetation. No trees, measuring more than 4 inches in diameter at a height of 4 feet off the ground, shall be cut prior to approval. Additional plantings may be required to screen the facility from neighboring areas
- d. The tower and accessory structures shall be adequately enclosed by a fence or other confined means to ensure the security of the facility.

C. Notice of discontinuance and removal

The property owner or lessee shall notify the Zoning Officer in writing within 30 days of the discontinuance of the approved telecommunications use. All telecommunication facilities and structures shall be removed from any site within four (4) months of the date of discontinued use.

**6.3.3 VEHICLE FUELING STATIONS**

In any district where vehicle fueling stations are permitted, the following shall apply:

- A. No fuel pump shall be located closer than 20 feet from any property line.

- B. No property line associated with a vehicle refueling station shall be located within:
1. 500 feet of a school, park, playground, fire station, public library, theater, religious institution, or other place of public assembly as defined by the NYS Uniform Fire Prevention and Building Code
  2. 250 feet of ingress or egress ramps to limited access highways
  3. 250 feet of an abutting residential district.
- C. No new or used vehicles or trailers shall be sold or rented at a vehicle refueling station.

**6.3.4 MOBILE HOMES**

A. Residential Mobile Homes

Residential mobile homes are permitted only within approved mobile home parks in the Urban Residential-6 District, or for farm workers within State-established Agricultural Districts. Single lot residential mobile homes may only be permitted under extraordinary temporary conditions (e.g., emergency shelters, and the like) by the issuance of a temporary special use permit.

B. Non-residential Mobile Homes

1. A mobile home may be used for temporary business/office purposes-during construction of a permanent facility as approved by the Planning Board.
2. A mobile home may be used as a temporary field office or tool house in conjunction with an approved construction or other similar work project.
3. Temporary mobile homes shall be removed after project completion.

**6.3.5 ADULT BOOK STORES AND ADULT ENTERTAINMENT ESTABLISHMENTS**

Adult Book Stores and Adult Entertainment Establishments are recognized as having serious negative secondary effects such as increased crime rates, decreased property values, curtailed retail trade, deterioration of the quality of life, and spread of sexually transmitted diseases, as based on documented evidence and concluded within:

- the “Adult Entertainment Study”, NYC Department of Planning, 1994, which contains summaries of impact studies from the cities of Islip, New York; Los Angeles, CA; Indianapolis, IN; Whittier, CA; Austin, TX; Phoenix, Arizona; Manatee County, Florida; New Hanover County, North Carolina and the State of Minnesota; and
- “Adult Use Study, Town of Clifton Park”, Clifton Park and RMPC, 2000;

The adverse impacts are compounded when several establishments are concentrated under certain circumstances and in close proximity of one another, thereby having a deleterious effect upon the adjacent area. Special regulations of such uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and, thereby, have a direct deleterious effect on the health, safety and general welfare of the City and its inhabitants. These supplemental regulations are for the purpose of preventing a concentration of this use in any one area.

A. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any school, library, park, playground, or religious institution.

B. No adult book store and/or adult entertainment establishment shall be permitted within 2,500 feet from the nearest property line of any other adult book store or adult entertainment establishment.

C. Penalties. In addition to the penalties specified by Article 9.2.2 of this Chapter, violation of this Section is punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding 6 months, or by both fine and imprisonment. Each day, or any portion thereof, in which any violation of this Section is committed or continued shall constitute a separate offense. In addition to these penalties, the City may institute any appropriate action or proceedings to enjoin the establishment or continuance of such use in violation of the provisions hereof, or take such other legal or administrative action deemed necessary or desirable to correct or abate such violation.

## **6.4 SUPPLEMENTAL REGULATIONS FOR ACCESSORY USES**

### **6.4.1 INTENT**

This section establishes supplemental regulations for specific accessory uses in addition to those otherwise established in this Chapter.

### **6.4.2 OUTDOOR EATING AND DRINKING FACILITIES**

Outdoor eating and drinking facilities shall be a permitted accessory use in association with approved eating and drinking establishments in districts where that use is permitted under Article 2 of this Chapter.

- A. The maximum number of seats permitted for any outdoor eating and drinking facility shall not exceed 50% of the approved number of indoor seats unless otherwise indicated by the issuance of a special use permit.
- B. Site plan review shall be required for any outdoor eating and drinking facility with more than 80 seats.
- C. Outdoor eating and drinking facilities can only be operated from March 1 through October 31 and shall not be occupied by patrons between the hours of 2:30 a.m. and 8:00 a.m. No music may be played on the premises outdoors between 12 a.m. and 8:00 a.m.

### **6.4.3 HOME OCCUPATIONS**

Home occupations are permitted as accessory uses, as identified in Article 2 and as follows, provided they do not compromise the residential character of an area, do not generate conspicuous traffic, do not visually call unusual attention to the home, and do not generate noise of a nonresidential level.

#### **A. Application**

The property owner shall seek a Building Permit and/or Certificate of Occupancy, as required by the Building Department, to establish a home occupation.

#### **B. Requirements**

- 1. The activity shall be conducted entirely within the structure and shall occupy no more than 15% of the total floor area of the residential dwelling units.
- 2. Only occupants of the residence and no more than one non-occupant may conduct the activity at any one time.
- 3. The activity shall generate no more than ten visits to the property per day. Visits may not occur before 8:00 a.m. or after 9:00 p.m.
- 4. Any need for additional parking generated by the activity shall be met onsite.
- 5. One non-illuminated, wall sign, not exceeding 1½ sq. ft. in area, is permitted in association with the activity.
- 6. No outdoor storage or display of products or equipment in association with the activity is permitted.

B. Permitted Activities

Permitted home occupations include but are not limited to the following non-residential activities:

1. Business and professional office facilities
2. Facilities for patient consultations
3. Instructional facilities for not more than 3 students at any given time
4. Workshop or studio facilities for artists, composers, crafts persons, photographers, tailors, writers, and the like

**6.4.4 TEMPORARY ACCESSORY DWELLINGS**

In order to provide flexibility for the temporary housing of family, employees and guests, a “temporary accessory dwelling” shall be permitted as an accessory residential use within an existing legal single-family residence, where identified in Article 2, as follows:

A. Application

The property owner shall seek a building permit to create a temporary accessory dwelling and indicate the period of time for which the temporary accessory dwelling is requested.

B. Size

A temporary accessory dwelling shall only be located in a residence with a minimum of 1,000 square feet. A temporary accessory dwelling shall not occupy more than 1/3 of the square footage of the primary dwelling.

C. Access

There shall be no exclusive access to the temporary accessory dwelling. Access shall only occur through a building entrance that serves both the principal dwelling and the temporary accessory dwelling and through a living area in the primary dwelling.

D. Utilities

A temporary accessory dwelling may have independent kitchen and bath facilities but shall not have separate utility meters or services from the street.

E. Compensation

Application for a temporary accessory dwelling shall include a notarized statement that no rent or other compensation shall be collected for occupancy of the temporary accessory dwelling.

**6.4.5 WALLS AND FENCES**

A. Height

Walls and fences shall be measured from the ground level at the base of the side directed toward the abutting property. Walls and fences, including combinations of both, shall be permitted up to a maximum height of 6 feet with the following exceptions:

1. A maximum height of 8 feet is permitted within any commercial or industrial district, or along any boundary between a residential and non-residential district.
2. Light fixtures, post tops, finials and other ornamentation above the mass of the