

1 RCNY §30-02

CHAPTER 30 STORAGE OF CERTAIN WASTE MATERIALS

§30-02 Open Lots Used for Storage or Sale of Motor Vehicles.

(a) *General.* (1) (i) These Rules shall apply to all open premises used for the storage or sale of more than four motor vehicles except as otherwise noted, including public parking lots, motor vehicles sales lots, accessory open parking spaces, etc. hereafter established and to all such existing premises hereafter enlarged or changed in location.

(ii) Before any premises is occupied for the storage or sale of motor vehicles, plans or diagrams and [sic] application shall be filed with the Department of Buildings by an applicant and a Certificate of Occupancy obtained from the Department. Application shall be made on forms furnished by the Department. Such Certificate of Occupancy shall contain inter alia, the maximum number of vehicles to be accommodated and the type of vehicle (private passenger or commercial).

(2) An application for or including an open parking lot shall be accompanied by a plan showing:

- (i) dimensions of the plot and its location in relation to adjoining streets;
- (ii) any structure existing or to be erected on the plot;
- (iii) the relative elevations of the parking area, curbs and adjoining yards or courts;
- (iv) the nature of the walls of adjoining structures, if any, i.e., whether masonry, frame, metal, etc.;
- (v) retaining walls to be built;
- (vi) retaining walls and open spaces, if any, on adjoining premises;
- (vii) existing curb cuts and fences;
- (viii) method of providing drainage of the lot;
- (ix) material used to surface lot;
- (x) etc. The applicant shall also submit such other information as may be requested by the Commissioner.

3. (i) Construction of curb cuts and sidewalks shall comply with the provisions of §27-558 of the Administrative Code. No Certificate of Occupancy shall be issued unless a drop curb permit has been obtained.

(ii) Curb cuts must be a minimum of five feet from the intersection of two street lines.

(iii) For passenger vehicles with a capacity of not more than nine persons, the minimum width of a curb cut shall be 10 feet including splays, and the minimum width of all entrances and driveways leading to parking spaces shall be eight feet. For all other motor vehicles the minimum width of all driveways shall be 10 feet.

(iv) No motor vehicle may be stored or parked in any location where it would obstruct a required window or required exit.

(4) Openings in enclosures shall be restricted to vehicular entrances and exits on the street frontages. The width of a vehicular entrance and exit shall not exceed the length of the curb cut plus eight feet on each side or 46 feet, whichever is smaller.

(5) (i) Open parking lots shall be graded to conform approximately to the elevation of the abutting sidewalks and properties and shall be maintained so that no drainage will flow onto abutting sidewalks and adjoining properties. Grade separation between the parking lot and properties may be established if masonry retaining walls approved by the Commissioner are installed.

(ii) No resurfacing of porous surfaces shall be done which would increase the thickness to more than 1 1/2 inches after compaction. Maintenance repairs to maintain level surface or to insure adequate drainability of porous surfaces shall be preceded by breaking up and removal of existing asphaltic concrete. The Commissioner of Buildings may require suitable tests to be submitted of the materials used.

(iii) The entrance and exit driveways between the curb line and the open parking lot shall be paved in accordance with the provisions of §27-558 of the Administrative Code. The width of the driveway shall be the width of the opening in the enclosure.

(6) A sign which does not comply with all the requirements of the Administrative Code and the Zoning Resolution shall not be erected or maintained. Signs which may be erected shall be made secure, neatly lettered and properly maintained.

(7) (i) An open parking lot shall be occupied and used for the purpose stated on the Certificate of Occupancy; no other use, occupancy or service shall be conducted on the premises.

(ii) Space used for parking shall be entirely within the lot lines of the premises. Vehicles shall not encroach upon the sidewalks. Where a zoning restriction limits parking to a portion of the plot, the limit of the parking area shall be defined by a fence, wall milling or screening erected and maintained to the satisfaction of the Commissioner.

(iii) Every open parking lot shall be maintained in a clean and sanitary condition. The accumulation of rubbish or the storage of any kind of junk or waste is prohibited. Where a wood frame shelter, wood fence or railing are permitted, they shall be painted periodically in a [sic] neat, workmanlike manner and shall be properly maintained.

(b) *Additional rules to be applied where there are 10 or more motor vehicles.*

(1) Curb cuts shall conform to the requirements of §27-480(b), except for additional street frontage over 100 feet, there may be an additional curb cut for each 50 feet of frontage or major fraction thereof.

(2) (i) The premises shall have an enclosure on all interior lot lines and on street lines consisting of a substantial woven wire fence, iron picket fence, or masonry wall. A wood fence or railing may be acceptable at the discretion of the Commissioner in sparsely settled areas or outlying sections of the city. All enclosures shall be substantial and at least 4 feet high but may be omitted in cases where masonry walls of adjoining buildings abut the parking space. Such fences shall be installed in a permanent manner.

(ii) Bumpers shall be situated not less than one foot from adjacent property lines [sic] when vehicles are parked parallel to such adjacent property lines. Bumpers shall be situated not less than four feet from adjacent property lines when parked other than parallel to such adjacent property lines.

(iii) A steel guard rail or other substantial barrier designed in accordance with the provisions of §27-558(b) of the Administrative Code which will prevent any part of a vehicle from extending across a property line, may be accepted in lieu of bumpers.

(3) (i) Open parking lots which are to be operated during any portion of the time from 6 p.m. through 6 a.m. shall be adequately illuminated, and the minimum illumination shall be one-tenth of one watt per square foot of parking area, distributed over the entire area. Lights shall be provided with reflectors arranged so that the illumination is directed downward and away from adjacent buildings. Floodlights may also be used where such floodlights do not project light upon adjacent or nearby property.

(ii) For a public parking lot, an attendant's shelter conforming to the Construction Classification I-E of §27-271 of the Administrative Code, 100 square feet or less in area may be erected three feet from a lot line with no fire rating of the exterior walls required. Within three (3) feet, a fire resistive rating of at least two hours is required for the wall nearest the lot line.

(iii) Where there is an attendant's shelter, a copy of the Certificate of Occupancy shall be posted and maintained under glass in the shelter and a copy of the plan or diagram approved by the Department of Buildings shall be kept on the premises. Certified, reduced size, legible copies may be used for this purpose.

(4) Where strict compliance with any of these rules and regulations will create unnecessary hardship or will serve no useful purpose, the Commissioner may modify any part of these rules and regulations in a specific case if, in his opinion, the public health, safety and general welfare will not be endangered thereby, and such modification is in conformity with the general purpose of these rules and regulations.

(c) *Parking lots for four or fewer motor vehicles.*

Where there is hereafter established, provision for 4 or less motor vehicles, the premises shall comply with the applicable provisions of the Zoning Resolution in addition to sections of the above rules numbered (a)(1)(ii), (a)(2), (a)(3)(i), (a)(3)(ii), (a)(3)(iii), (a)(3)(iv)-(a)(5)(i), (a)(5)(ii)-(6)-(a)(7)(i), (a)(7)(ii), (a)(7)(iii)-(b)(4).

(d) *Existing open parking lots.*

Existing Open Parking Lots shall comply with the condition of their prior approval and with sections of the above rules numbered (a)(3)(i), (a)(3)(iv), (a)(4)-(a)(5)(i), (a)(5)(ii), (a)(5)(iii)-(a)(7)(ii), (a)(7)(iii)-(b)(1)-(b)(2), (b)(2)(ii), (b)(2)(iii)-(b)(3)(i)-(b)(4).

Note: Before any business is conducted on any premises coming within the scope of these regulations, the person conducting or maintaining the business shall obtain such licenses as may be necessary from the Commissioner of Licenses, Department of Consumer Affairs, as required by §20-321 of the Administrative Code.

In addition to compliance with these rules, open parking lots shall comply with applicable provisions of the Zoning Resolution and such other laws as may apply.

The following rules previously promulgated by the Commissioner of Buildings will be repealed:

- (1) Public Parking Lots, Filed with City Clerk October 13, 1964.
- (2) Use of Vacant Land for Outdoor Motor Vehicle Sales Lot, filed with City Clerk April 22, 1955.
- (3) Parking spaces Accessory to Permissible Uses, filed with City Clerk, January 11, 1955.
- (4) Accessory Garages and Parking Spaces for Dwellings, filed with the City Clerk January 22, 1951.
- (5) Open Parking Lots—Proposed Rules as published in November, 1968.