TO: **Hampden Town Council**
FROM: **Robert Osborne, Town Planner**
SUBJECT: **Draft Zoning Ordinance Text Amendment, Municipal Parking Exceptions to Parking Regulations**
DATE: **April 15, 2015**

This draft amendment provides a mechanism for the Code Officer to consider municipal on-street and off-street parking spaces

4.7. Off-Street Parking, Loading, Drive-Thru Design and Bufferyard Requirements – The purpose of this section is to provide minimum standards and design guidelines for off-street parking, and loading areas, drive-thru businesses and bufferyards. *(Amended: 10-12-04)*

4.7.1. Parking Basic Requirement - No use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street parking spaces in accordance with the following parking requirements. No required parking space shall serve more than one use. Parking areas with more than five (5) parking spaces shall be so arranged that vehicles can be turned around within such area and are prevented from backing into the street.

4.7.1.1. Minimum Off-Street Parking Space Requirements. The following are the minimum number of off-street parking spaces that may be provided for each of the uses stated. *(Amended: 10-12-04)*

1. Elderly housing; one (1) space per dwelling unit plus one (1) additional space for every ten (10) dwelling units or fraction thereof.

2. Congregate care facility; one (1) space per dwelling unit.

3. All other dwellings; two (2) spaces for each dwelling unit.

4. Hotels, motels, tourist homes, rooming houses, bed and breakfast establishment; one (1) space per guest room.

5. Hospital or nursing home; one (1) space per three (3) patient beds.

6. Restaurant parking space requirement is based on the following formula:

   A. Divide the total seats by three. Where seating is provided by bench, booth or picnic table a seat shall be considered two linear feet.
   B. Divide the total restaurant sq. ft. floor area by 75 sq. ft.

   Restaurant minimum parking spaces shall be the sum of A plus B divided by 2.
   Parking shall also be provided for outdoor seating in excess of 12 outdoor seats at one parking space per three seats. *(Amended: 10-12-04)*

7. Other places of assembly such as churches, theaters, funeral homes, auction houses and galleries, where seating can be determined; one (1) space per three (3) seats or one (1) space per six (6) linear feet of bench space. Where seating cannot be determined; one (1) space per one hundred-fifty (150) sq. ft. of gross floor area.

8. Office use; one (1) space per two hundred-fifty (250) sq. ft. gross floor area.

9. Retail and service businesses; one (1) space per two hundred (200) sq. ft. gross floor area (minimum of five [5] spaces).

10. Industrial use, wholesale, warehouse, manufacturing plant; three-quarters (3/4) of a space per employee (minimum of five [5] spaces).

11. Golf course including miniature golf; one and one half (1.5) spaces per hole.

12. Marina; one (1) space per berth, ten (10) spaces per boat launching ramp.

13. Campgrounds, tenting areas, and recreational vehicle parks; one and one half (1.5) spaces per camp site.

14. Preschool facility; one (1) space per three (3) students. *(Amended: 8-22-94)*

15. Auto service; four (4) spaces per service bay (non drive thru service) Drive thru service; two (2) spaces per service bay.

16. Outdoor display and sales such as automobiles, farm equipment, heavy machinery, boats, recreational vehicles; one (1) space per five thousand (5,000) sq. ft. of display area.

17. Uses not listed in this schedule; the standard shall be determined by the planning board based on the most similar use listed or on other available adopted zoning ordinance or published sources of parking standards.

18. Notwithstanding these Minimum Off-Street Parking Space Requirements a site development established prior to the adoption of this ordinance for which a change of use is proposed shall meet parking space requirements for the new use to the maximum practical extent as determined by the Code Enforcement Officer provided that at least 75 percent of the required parking spaces are provided. This provision shall apply to both on-site and off-site parking spaces. Determination of the number of parking spaces in parking lots where spaces are not delineated shall be based on the traditional usage of the lot. It is not the intent of this regulation to retroactively apply current parking location, setback and design standards to site developments established prior to the adoption of this ordinance. *(Amended: 10-12-04)*

19. For medical a marijuana dispensary, five (5) spaces per one thousand (1,000) square feet total floor area, plus one additional space for every two (2) employees. *(Amended 03-07011)*

20. For methadone clinic, five (5) spaces per one thousand (1,000) square feet total floor area, plus one additional space for every two (2) employees. *(Amended 03-07011)*

4.7.1.2. Location of Parking - All parking shall be on the same lot as the principal use/building served or in accordance with the following provisions.

Where all of the required parking cannot be provided on the same lot, parking shall be allowed on another lot within three hundred (300') feet, provided that the lot is in the same ownership or lease and is in the same or a less restrictive district than the use served.

EXCEPTION: Lots located within the Village Commercial District on Main Road may also utilize municipal on-street parking where it is available and may count such parking spaces as available parking.

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Off-site parking shall meet the following standards:

1. Leased parking must provide for a minimum of one (1) year availability through a recordable document and provide notification to the code enforcement officer upon termination.
2. No more than fifty (50%) percent of required spaces shall be provided off-site.
3. Off-site spaces shall conform to *Articles 4.7.1.3, 4.7.1.4, and 4.7.1.5.* ***(Amended: 10-12-04)***

4.7.1.3. Parking Setbacks - All parking shall be setback in accordance with the following minimum standards. ***(Amended: 10-12-04)***

ZONE	STREET YARD	OTHER YARD	PRINCIPAL BLDG.
BB IA, IB, I2,	20'	10'*	5'
B, BR, CS, INT, VC, VCII	10'	5'*	3'
RA, R, S	10'	5'	N/A
RB	10'	10'	5'
RP Subject to Site Plan Approval			

* Where any property line abuts a residentially zoned or used property the standard shall be doubled.

4.7.1.4. Minimum Parking Space Design Standards - All off-street parking areas shall be constructed in conformance with the following minimum standards.

PARKING ANGLE (Degrees)	STALL WIDTH (Feet)	STALL DEPTH (Feet)	(Travel) AISLE WIDTH (Feet)
90	9	18	24
60	9	19	16 One Way
45	9	17.5	12 One Way

4.7.1.5. Required Improvements and Landscaping for Large Parking Lots.
Parking lots of fifty (50) or more spaces shall meet the following additional requirements.

1. Raised landscaped traffic islands shall separate parking areas from access aisles.

2. A minimum of ten (10%) percent of the interior area of the parking lot shall be landscaped and planted with trees (minimum of one [1] tree per ten [10] spaces).

3. The parking lot shall be designed to prevent travel across parking stalls.

4. Parking aisles should be oriented perpendicular to building entrances to enhance pedestrian

access and safety.

5. Parking lots shall be a level, uniform, dust free surface constructed of concrete, bituminous asphalt, brick or pavers, or other similar material.

4.7.1.6. Handicapped Parking - Any building or facility constructed as a place of public accommodation, a place of assembly, a place of employment or a dwelling unit which is designed to be handicapped accessible shall provide handicapped parking in accordance with the following standards:

1. *Minimum Off-Street Handicapped Parking Space Requirements* – This standard requires provision of one off-street handicapped parking space out of every twenty-five (25) off-street parking spaces provided, to be reserved for the exclusive use of the handicapped.

2. *Off-Street Handicapped Parking Space Design Standards.* Spaces reserved for the handicapped shall include the following minimum design features.

   a. A five (5) foot access aisle in addition to the space required under *Article 4.7.1.4.*

Five foot shared access aisle.

   b. One access aisle may be shared by two (2) parking spaces.

   c. All handicapped parking spaces shall be located within the shortest barrier free accessible route to a handicapped accessible entrance.

4.7.2. Off-Street Loading. The following uses shall provide off-street loading spaces in accordance with this regulation: Retail and service businesses, warehouses, wholesale distributors, industrial and manufacturing uses. ***(Amended: 10-12-04)***

4.7.2.1. ***Minimum Off-Street Loading Space Requirements.*** A minimum number of off street loading spaces shall be provided in accordance with this section. The following table provides the minimum loading area required (based on square footage of gross floor area).

BUILDING SIZE	LOADING AREA REQUIRED
<5,000 SF	NONE
5,000 - 25,000 SF	25 feet plus 25 feet per each additional 10,000 SF over 5,000 SF
>25,000 SF	50 feet plus 50 feet for each additional 25,000 SF over 25,000 SF

4.7.2.3. Minimum Off-Street Loading Space Dimensional Requirements. ~~*Spaces required*~~ - Loading spaces provided shall be a minimum of ten (10) feet in width and provided in twenty (25') foot increments. Spaces shall be a minimum of ten (10') foot by twenty-five (25') foot bays or ten (10') foot by fifty (50') foot bays depending on needs of the use.

4.7.2.4. ***Special Provisions***

1. Joint use of loading spaces by two (2) abutting users in a shopping center shall be allowed.

2. No loading spaces shall be allowed which require trucks to maneuver in the public street.

3. No loading spaces shall be allowed within the required parking setbacks.

4. Loading spaces shall not be located in the street yard.

4.7.3. Drive thru Business - In addition to the parking requirements of *Article 4.7.1.* all drive thru businesses including fast food restaurants and automobile service uses are subject to the following standards. ***(Amended: 11-05-90)-(Amended: 10-12-04)***

4.7.3.1. Location.

1 Drive-thru windows, ATMs, or other devices by which a customer may conduct business shall not be located in the street yard space or in front of the principal use building. Notwithstanding this requirement gasoline service islands may be located in front of principal use structures.

2 Drive-thru businesses shall have direct access to principal arterials, minor arterials or major collectors as identified in the Federal Highway Functional Classification Map. Notwithstanding this requirement drive-thru businesses may be an element of a group development which has direct access to said street types.

3 Drive-thru business shall not be located within any building located in a Historic District that the Historic Preservation Commission determines is a "contributing structure", nor shall they be located on a "historic landmark" or within a "historic site" as defined in the Hampden Historic Preservation Ordinance.

4.7.3.2. Lot Coverage. That portion of a site development that is solely related or dedicated to the drive-though use shall not cover more than ten percent (10%) of the lot.

4.7.3.3. Site Design and Layout.

1. *Driveway Curb Cuts.* A drive-thru business shall not be designed with multiple driveway curb cuts except as authorized by the Planning Board through site plan review. Two curb cuts may be considered where one serves as an entrance to the site development and one serves as an exit. Curb cuts shall be located such that neither the vehicles entering or exiting the site nor vehicles standing in a related off-site center turn lane would create conflicts with vehicles utilizing neighboring curb cuts.

2. *Site to Accommodate Larger Vehicles.* A drive-thru business shall be designed to

accommodate class A commercial delivery vehicles. The purpose of this provision is to provide adequate radius, lane widths and other design considerations so delivery vehicles entering the site can circle and leave the site without backup. This provision does not require drive thru queues, windows and overhangs be designed to accommodate class A vehicles for service direct to the vehicle.

3. Maneuvering space shall be provided in the rear or side yard.

4 The radius of drive through lanes shall be a minimum of forty-five (45) feet.

5. *Drive thru Vehicular Queue Requirements.*

   a. Each service window, ATM, side of a gasoline pump island or service bay, shall be considered as a separate activity which must meet the queue requirements of this section. However, where two (2) or more windows are used in tandem, they shall be treated as one, and gasoline pump islands with multiple pumps shall be treated as one.

   b. The design standard for a single space in a queue shall be ~~10~~ 9 feet in width and 18 feet in length.

   c. Queue lanes shall be designed with a tandem bypass lane to allow vehicles to exit the queue and leave the site.

   d. Queue lanes shall be designed to not interfere with access and egress to the site, vehicle maneuvering areas and customer parking.

   e. ATMs, service bays and each side of a gasoline pump island shall require five queueing spaces. Service windows and remote tellers shall require a minimum of eight queueing spaces.

   f. A minimum of 180 feet total driveway stacking area must be provided between the entrance curb of the site development and any drive thru window or speaker device for fast food restaurants and other intensive uses as may be determined by the Planning Board.

   g. Both the queuing lane and the drive-in window shall be at least fifty (50) feet from any residentially zoned property.

   h. The queue lane shall provide an area for two vehicles to wait just beyond the drive thru service window for services or products not immediately available. This area shall not be considered parking spaces but rather part of the drive thru queue. Notwithstanding this regulation if the location this waiting area conflicts with Zoning District regulations or the Historic Preservation Ordinance the Planning Board may approve alternative locations for such spaces.

6. Additional provision shall be made for parking of vehicles where any product is to be consumed on premises or where service to vehicles away from drive-up windows or stations is contemplated or possible.

7. Site design and layout shall minimize impacts to traffic circulation on adjacent public streets and arterials; where impacts cannot be avoided, the applicant shall be required to mitigate

such impacts by making improvements to public roadways, including but not limited to, the addition of center/ turn lanes, breakdown lanes, widening, or other measures to mitigate unavoidable impacts to adjacent roadways. If an MDOT Traffic Permit is required for the drive-through use, the Town shall coordinate its traffic mitigation recommendations for the site development with MDOT at the MDOT Traffic Permit scoping meeting. However, securing an MDOT Traffic Permit shall not relieve applicants from demonstrating that the traffic and safety considerations found in this Ordinance are met.

4.7.3.5. Landscaping. Drive-through facilities shall be buffered with landscaping pursuant to *Article 4.7.4, Screening/Buffers*. Where abutting residential districts, such buffer shall include a solid wall or fence of at least six (6) feet in height.

4.7.3.6. Additional Standards

1. Signs associated with a drive-through facility shall be regulated pursuant to *Article 4.8, Sign Regulations.*

2. All utilities associated with a drive through facility shall be entirely enclosed or buried. ***(Amended: 11-05-90)***

4.7.4. Screening/Buffers

4.7.4.1. ***Basic requirement*** - No use shall be authorized or extended, and no building or structure shall be constructed or enlarged unless the applicable bufferyard and screening requirement is met in accordance with this section.

4.7.4.2. ***Bufferyard Types***

1. *Class I Bufferyard* is either: 1) a hedge or buffer strip at least five (5') feet wide consisting of densely planted shrubs or trees, at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet; or, 2) a wall or fence at least six (6') feet in height, but not exceeding eight (8') feet, which provides an effective visual barrier.

2. *Class II Bufferyard is a* buffer strip at least twenty-five (25') feet wide of which a ten (10') foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet.

3. *Class III Bufferyard is a* buffer strip at least fifty (50') feet wide of which a twenty-five (25') foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet.

4.7.4.3. ***Location of Class I Bufferyards.***

1. All off-street parking areas containing five (5) or more spaces and all outdoor off street loading areas shall have screening on each side adjoining or fronting on any residential district or any public or private street or way.

2. Any non residential use in a residential district shall have screening along each property line abutting a residential use.

3. Any commercial or industrial use shall provide a buffer along each property line abutting a residential use or district.

4.7.4.4. Location of Class II Bufferyards.

1. Any use in a commercial or industrial district in excess of five thousand (5,000) square feet in floor area, or one (1) acre in land development, shall provide a buffer strip along each property line abutting a residential use or district.

2. Any multi-family development of fifty (50) units or more shall have a buffer strip along each property line abutting a residential use or district.

4.7.4.5. Location of Class III Bufferyards. Any multi-family development of one hundred (100) or more units shall have a buffer strip along each property line abutting a residential use or district.

4.7.4.6. ***Special Provisions***

1. Where two (2) or more classes of buffers are required, the stricter requirement shall apply.

2. All screening/buffers required by this section shall be maintained so as to provide an effective visual barrier. ***(Amended: 11-05-90, 06-03-91)***

3. In its review the Planning Board may waive or reduce the screening requirements along property lines where the adjacent property has an existing vegetated buffer and written permission is provided by the applicable property owner. ***(Amended: 1-16-96)***