

C-1 Exemption and Parking and Loading Clean-Up

Relevant New Definitions:

Large Parking Area: [tbd...right now more than 35 spaces].

Substantial Building or Structure Change: Any Construction that increases the above-ground Gross Floor Area by more than 25% or 1,000 square feet, whichever is smaller.

Parking Area: In definition lets say vehicle not vehicular, check capitalization of any other defined terms – but what does it mean not one and two family driveways – WE NEED TO GO OVER THIS DEFINITION IN OUR LIST OF QUESTIONS

Use: The purpose for which a Building, Structure or Lot may be occupied, commercialized, designated, arranged, intended, or maintained.

Landscaping: Living vegetation that consists of one or any combination of grass, ground covers, shrubs, vines, hedges, or trees (minimum of three-inch caliper at planting). Required landscaping also may include up to 50 percent, measured by square footage at the base, of non-living durable materials commonly used in landscaping such as but not limited to rocks, pebbles or wood chips, but excluding asphalt or concrete. Existing healthy trees shall be preserved wherever possible.

- Question: Checking whether Landscaping limitations are repeated anywhere else besides Parking; if so, put those requirements here or make them their own section?

SECTION 7. GENERAL REGULATIONS

7.1. PARKING AREA AND LOADING SPACE REQUIREMENTS

7.1.1. General.

A Building or Structure to be Constructed or to have a change in Use must comply with the requirements provided in this Section.

7.1.2 Commercial “C” (Lenox Village Center) Zoning District Exemptions.

This exemption promotes adaptive re-use of existing Buildings and Structures and the replication of historic massing and density in the Commercial “C” Lenox Village Center zoning district:

<p>Commercial “C” Zone Exempt from:</p> <ul style="list-style-type: none"> • 7.1.4 Parking Space Quantity Requirements • 7.1.16 Loading Standards • Once everything is in numbered place, review whether there are any other exemptions that should be noted here 	
Change of Use with no <i>Substantial Building or Structure Change*</i>	Yes
Change of Use with <i>Substantial Building or Structure Change</i>	No
Construction with no <i>Substantial Building or Structure change</i>	Yes
Construction with <i>Substantial Building or Structure Change (which includes new Construction on buildable Lots.)</i>	No

7.1.3 Location.

Parking Areas and Loading Spaces shall be on the same Lot as the Building or Structure they serve unless otherwise allowed by 7.1.5 (Shared Parking).

7.1.4 Parking Space Quantity Requirements.

Parking spaces shall be provided according to the following Table of Uses. A fraction of one-half (½) or more shall be counted as one (1).

Table 7.1.4: Parking Space Quantity Requirements:

Use	Number of Spaces
Multiple Uses	Where a Building, Structure or group of Buildings and/or Structures is used for more than one Use, parking space quantity requirements shall be computed for each Use. For example, a Motel with a Restaurant would be required to provide parking for both Motel Units and for seating capacity of the Restaurant; a Home Occupation in a Single-Family Dwelling must provide the space for the office use in addition to the residential use.
Single-Family Dwelling Units; Two-Family Dwelling (Duplex) Units	Two (2) spaces per dwelling unit
Apartment Units, Multi-Family Dwelling Units; Townhouses; Assisted Living Residences	Two (2) spaces per every three (3) bedrooms
Bed and Breakfast; Seasonal Rental of Rooms	One (1) space per rented room
Motels, Hotels, Resorts	One (1) space for each sleeping room, plus two (2) spaces for employees, plus one (1) space for each 250 square feet of floor space for public functions
Home Occupation; Farm Stand, Nonexempt	One (1) customer space and one (1) space for each nonresident employee. No outside parking of more than two commercial vehicles as defined by the Registry of Motor Vehicles in 540 CMR 4.02.
Retail businesses, consumer service establishments, and offices	One (1) space for each 300 square feet of gross floor area
Eating Establishments, other places of assembly	One (1) space for each three seats
Warehouses and other commercial or industrial buildings	1 (one) space for each 1,000 square feet of gross floor area
Classrooms and/or dormitories: Grades 1-10	1 (one) space for each staff member
Grades 11-12	1 (one) space for each staff member plus 1 (one) space for every two students
College	1 (one) space for each staff member plus two (2) spaces for every three (3) students.

Commented [pk1]: Continue to research whether/how we can reduce requirements ala Smart Growth – look for templates

Accessory Dwelling Unit	One (1) space .
Open Space Flexible Development	Parking spaces in front of garages may count in this computation. The Planning Board (Board of Appeals?-check) may in appropriate cases allow some of the required parking to be located along the street, provided adequate width is provided for the on-street parking.
Residential Inclusionary Development	Parking spaces in front of garages may count in this computation.

7.1.5 Shared Parking.

To minimize large expanses of unused parking spaces, we encourage shared parking arrangements between and among different Buildings, Structures, Uses, and Mixed Uses; these can include properties with different owners. A Special Permit is required.

Required by applicant(s) for both On-Site and Off-Site Shared Parking:

1. File Jointly: All participants in a shared parking arrangement shall be considered applicants and shall file jointly for a Special Permit. Abutter notifications shall be made recognizing the locations of all applicants.
2. Peak Usage Study: The number of spaces applicant(s) may be permitted to share will be based on the applicant(s)' analysis of the competing- or non-competing Uses involved. The existence of shared service drives also may be considered as part of the determination. Applicant(s) may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Board of Appeals.
3. Use Violation if Shared Parking is Discontinued: If the conditions for shared parking become null and void and the Shared Parking arrangement is discontinued, this will constitute a zoning violation for any Use approved expressly with Shared Parking. The applicant(s) or property owner(s) must then provide written notification of the change to the Zoning Enforcement Official and, within 60 days of that notice, provide a remedy satisfactory to the Board to provide adequate parking. In addition, a new Special Permit is required if any changes are made to Buildings, Structures, Uses, or any of the details and conditions approved as part of the Special Permit.

Additional requirements for On-Site Shared Parking:

1. Non-competing Uses. Up to 75% of the Parking Space Quantity Requirements may be waived by the Board of Appeals if the applicant(s) can demonstrate that the peak demands for Uses do not overlap.
2. Competing Uses. The Board of Appeal may reduce the Parking Space Quantity Requirements of the predominant use by up to 30% where peak demands do overlap.

3. Shared Service Drives: Where service drives exist between or among contiguous Buildings, Structures or Lots the Board of Appeals may be permit a 10 percent reduction in the Parking Space Quantity Requirements. If the peak usage study can show that peak demand periods of Use with shared parking [<< ??] or a service drive connection are not simultaneous, the Parking Space Quantity Requirements may be reduced by 20 percent.

Additional requirements for Off-Site Shared Parking:

1. May be applied for separate from, or in conjunction with, on-site Shared Parking.
2. Typically used for employee parking. Discouraged for customers of commercial Uses, but may be approved.
3. Shall be within 600 feet of the Building or Structure for which it is being requested.
4. Up to 50 percent of Parking Space Quantity Requirements may be shared if Uses are not normally operated during competing hours.
5. Applicant(s) shall be responsible for providing safe, convenient walking between Uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.
6. Shall be subject to a legally binding agreement between all parties involved that will be presented to the Board of Appeals during the Site Plan Review process or as a condition of approval.

7.1.6 Parking Design Standards for All Zoning Districts.

1. All Parking Areas shall be located beyond the required front setback, except for approved accessible parking.
2. Parking Areas shall have maneuvering areas and appropriate means of vehicle access to a street and shall be designed to not constitute a nuisance, hazard, or unreasonable impediment to traffic.
3. Minimum width for a one-way driveway shall be 12 feet and for a two-way driveway shall be 24 feet.

7.1.7 Parking Design for All Zoning Districts exempting Single- and Two-Family (Duplex) Dwelling Units.

Table 7.1.7: Parking Space and Travel Lane Dimensional Requirements:

Parking Angle	Parking Stall Width ¹		Travel Lane (one way)		Travel Lane (two way)	
	Standard Space	Add length	Standard Space		Standard Space	
Parallel	9'		12'		24'	
45°	18'		14'		24'	
60°	21'		16'		24'	
75°	22'		19'		24'	
90°	20'		22'		24'	

¹ Measured from the inner most point on the parking space centerline perpendicular to the edge of the Travel Lane.

1. Parking Areas for more than five (5) vehicles shall average at least 300 square feet per vehicle exclusive of driveways.
2. Large Parking Areas shall be paved. Large Parking Areas used only from June 1 to October 31 are exempt from this requirement if the Superintendent of Public Works approves grass cover on top of a required gravel base.
3. All other Parking Areas shall be (i) paved or (ii) covered with a surfacing material meeting the following specifications and approved by the Superintendent of Public Works:
 - a. Face course to be minimum 8" thick compacted gravel - type B.
 - b. Layers to be 4" lifts maximum. Sub-base - rolled.
 - c. Areas unsuitable to be excavated -shall be replaced with road stone and re-rolled.

7.1.8 Curb Cuts.

Curb cuts on Town ways shall comply with the following standards:

1. Maximum width for a curb cut shall be 34 feet measured at the front Lot line.
2. No curb cut shall be located closer than 25 feet to a street or road intersection or within 15 feet of a crosswalk.
3. A Special Permit may be requested to increase the width to a maximum of 60 feet. Applications must show that (i) a larger curb cut is needed to accommodate traffic volume entering and exiting the Lot and/or traffic volume the public ways they are entering or exiting, and (ii) a larger curb cut would not cause danger to vehicles or pedestrians using the Town way and to vehicles entering and exiting the property, and (iii) the Lot will not generate traffic that will lower levels of service on the Town way or at any nearby intersection below a level of service C at peak hour as defined in **NAME SOURCE**.

4. No more than one curb cut per Lot. A Special Permit may be requested for an additional curb cut. Applications must show that the additional curb could would (i) materially improve safety for vehicle traffic or pedestrians using the site or traveling on adjacent public ways, or (ii) be desirable for emergency vehicle access secured for that purpose.
5. Sight distances for curb cut locations shall be based on the standards established by the American Association of State Highway and Transportation Officials in effect on May 1, 1988, as amended.

7.1.9 Driveways.

Driveways shall meet the following standards:

1. The minimum traveled width for a one-way driveway shall be twelve (12) feet. The minimum traveled width for a two-way driveway shall be twenty-four (24) feet.
2. No curb cut shall be located closer than 25 feet to a street or road intersection or within 15 feet of a crosswalk.

7.1.10 Layout and Marking of Parking Areas.

Any Parking Area located within a Building or Structure, unless it is completely underground, must conform to the Building or Structure (rather than parking-) setback requirements for the zoning district in which it is located.

Setbacks for on-grade open Parking Areas shall be provided as follows:

1. No parking space shall be located within ten (10) feet of that portion of a Building or Structure wall containing rooms at basement or first story levels habitable by people. However, parking spaces serving 1, 2, or 3 family dwellings may be located within five (5) feet of that portion of such Building or Structure wall.
2. No Parking Area or driveway shall be located within 30 feet of any side or rear Lot line.
3. In the C-3A district, no part of any Parking Area or internal roadway shall be located within 30 feet of a residential district or of an open space district, a park or public recreation area or within 50 feet of the right-of-way of Route 7/20.
4. All roads, streets, sidewalks and other public rights-of-way and all landscaped areas shall be protected from vehicle overhang by wheel bumpers, curbs or another suitable method.
5. Parking Areas shall have plainly visible, continuously maintained markings that clearly indicate the space to be occupied by each vehicle. Directional arrows and traffic signs shall also be provided as necessary for traffic control.

Commented [pk2]: Cross reference with use table, I think there are dimensional requirements there

7.1.11 Drainage, Surfacing, and Maintenance.

Paved Parking Areas shall be graded, surfaced and maintained to the satisfaction of the Department of Public Works to the extent necessary to prevent nuisance of dust, erosion, or excessive water flow onto any public way or onto another lot.

Parking Areas shall be kept plowed, clean and free from rubbish and debris. All Structures, landscaping and lighting shall be maintained and kept repaired or shall be replaced to satisfy the requirements of this Section.

7.1.12 Snow Storage.

Parking Areas shall have a designated area(s) to place snow. This snow storage area shall adjoin or be reasonably near the Parking Area and shall be sized to hold a reasonable amount of snow from the Parking Area after a heavy snowfall. In addition, or as an alternative, to providing a storage area, the Department of Public Works may approve a procedure for trucking snow from the area.

7.1.13 Lighting.

Parking Areas that are used at night shall be provided with adequate lighting. A recommended standard is a minimum intensity of one (1) foot candle on the entire surface of the Parking Area. All lighting will be designed, installed and maintained so that it does not reflect or cause glare on abutting or facing residential premises nor cause reflection or glare that adversely affects safe vision of operators of vehicles moving on nearby streets.

7.1.14 Landscaping and Screening of Large Parking Areas.

At least 15 percent of the interior space of the Parking Area and 100 percent of the Setbacks shall include Landscaping that is continuously maintained.

Interior Landscaping Requirements.

1. A row of 15 or more contiguous parking spaces shall contain a densely planted landscaped buffer of at least the dimensions of one (1) space.
2. The Parking Area as a whole shall contain at least one (1) tree for every ten parking spaces. These may be placed in either the landscaped Setbacks (described above) or in separate planting areas. Each planting area shall be at least 25 square feet in size with no dimensions less than five (5) feet. Each planting area shall contain at least one tree.
3. Existing and new trees shall be protected by bollards, high curbs, or other barriers sufficient to prevent damage.
4. The trees, whether coniferous or deciduous, flowering or non-flowering, should be tolerant of environmental conditions, be able to screen parking areas by virtue of their size, form, foliage density and spread, and be easy to maintain. A suggested list of trees that meet these criteria is:
 - a. Coniferous. Botanical name (common name): Pinus Strobus (Eastern White Pine); Tsuga Canadensis (Canadian Hemlock); Pinus Resinosa (Red Pine); Picea Glauca (White Spruce); Picea Abies (Norway Spruce); Picea Pungens

Glauca Kosteriana (Blue Spruce); *Picea Rubens* (Red Spruce).

- b. Deciduous. Botanical name (common name): *Fagus Grandifolia* (American Beech); *Acer rubrum* (Red Maple); *Acer saccharum* (Sugar Maple); *Fraxinus Americana* (White Ash); *Fraxinus Pennsylvanica* (Green Ash); *Thuja Occidentalis* (Eastern Arborvitae); *Quercus palustris* (Pin Oak); *Quercus rubra* (Red Oak); *Tilia cordata* greenspire (Littleleaf Linden); *Tilia Europaea* (Common Linden); *Ulmus Americana* (American Elm).
 - c. Removing any tree exceeding six-inch caliper to accommodate construction of a Parking Area is discouraged.
5. The Building Commissioner may issue a temporary certificate of occupancy for up to six months to allow owners to conform with these requirements.

Setback Landscaping and Screening Requirements.

- 1. Large Parking Areas not in a Structure shall be Landscaped as well as screened from abutting streets and Lots.
- 2. Screening shall consist of a strip of densely planted shrubs or trees that are at least three (3) feet high and five (5) feet wide at the time of planting and shall form a continuous, unbroken, year-round visual screen within three (3) years.
- 3. Alternatively, rear and side yards may meet this requirement with Fencing that is four-to six-feet high. Not more than 50 percent of the face shall be open.
- 4. To prevent obstruction of vehicle sight distances at entrances and exits, screening shall be less than two (2) feet high within 30 feet of an intersection and 10 feet of a driveway.
- 5. No advertising except for permitted identification signage shall be allowed in screening.
- 6. Screening requirements may be waived by the Building Commissioner if:
 - a. an adjacent Lot provides screening within five (5) feet of the common Lot line;
 - b. a Building is located on an adjacent lot within five (5) feet of the common Lot line; or
 - c. the Parking Area is screened by a natural terrain feature or change in grade.

7.1.15 Bicycles.

Bicycle parking spaces may be located near the entrance of the Use being served and within view of pedestrian traffic, if possible, and shall be sufficiently secure to reasonably reduce the likelihood of bicycle theft.

7.1.16 Loading Space Standards.

- 1. An adequate number of Loading Spaces must be provided so that no vehicle or vehicles need to back onto or park on a public way while in use or in a queue.
- 2. All Loading Spaces and the drives and maneuvering spaces they use shall be located entirely on the Lot with direct access to the Building or Structure intended to be served.
- 3. Each Loading Space shall be at least ten feet wide, thirty-five (35) feet long, and

fourteen (14) feet high, exclusive of drives and maneuvering space.

4. Loading Spaces shall be located so as to not interfere with internal traffic circulation.

7.1.17 Change of Parking and Loading Requirements.

Any requirements of this Section may be modified by a Special Permit from the Board of Appeals, or by the Building Commissioner or Superintendent of Public Works as noted herein, upon determination that specific circumstances render a lesser provision adequate for the Parking or Loading Space need(s) in question.