

Old Zoning Ordinance
ARTICLE XXI
OFF-STREET PARKING AND LOADING

175-110. Compliance Required; Applicability.

No use of premises shall be authorized or extended and no building shall be erected or enlarged unless parking and loading requirements are met for the new or added use. Any use existing prior to passage of this chapter which is later changed or enlarged shall provide an additional number of parking spaces at least equal to the difference between the numbers required for the total proposed use less the number which would have been required for the prior use under this chapter.

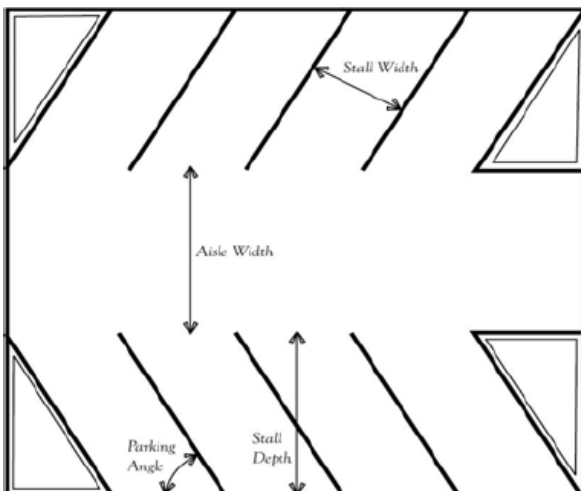
Parking lots and parking spaces shall also comply with the Americans with Disabilities Act (ADA) Regulations, the current edition of the NH State ICC Building Code and the current edition of the ICC/ANSI A117.1.

175-111. General Requirements.

A. *Standard vehicle parking space size and aisle width.* For 90 degree parking a standard vehicle parking space shall measure nine by eighteen (9 x 18) feet, and the aisle width shall be twenty-two feet. For 60 degree angled parking a standard vehicle parking space shall measure nine by seventeen (9 x 17) feet, and the aisle width shall be twenty feet.

The nine (9) foot vehicle parking space width may be reduced to eight (8) feet, with an additional eight (8) foot access aisle, in order to comply with accessibility requirements under ADA or State Building Codes where an access aisle is required adjacent to the space.

Figure 1 – Parking Space Dimensions



- B. **Compact parking space size.** A compact parking space shall be no smaller than eight by sixteen (8 x 16) feet. No more than thirty percent (30%) of the off-street parking requirement shall be met by the use of compact spaces, and all such spaces shall be suitably marked on the site.
- C. **Storage.** The parking or storage of any truck or truck trailer in excess of one (1) ton for more than twenty-four (24) hours in any three-day period shall not be allowed in the front or side yard setback.
- D. No driveway in the front yard setback shall be wider than twenty-two (22) feet, except as permitted under 175-118 C 3.
- E. Parking spaces, excluding employee parking, shall be on the same lot with the principal building unless arrangements have been made for shared parking on another property and approved by the Planning Board.
- F. **Bicycle Racks.** For all parking facilities that provide ten or more parking spaces, the installation of bicycle racks shall be required. The bicycle racks shall be designed to provide for secure locking of bicycles.
- G. **Design Requirements.**
 - 1. All parking areas and access driveways shall have, at a minimum:
 - a. A smoothly graded stabilized dust-free gravel surface, or similar surface type, for single-family, duplex dwelling units, and agricultural uses.
 - b. A hard surface (concrete, asphalt, gravel, porous asphalt or cement, interlocking brick pavers, etc.) for:
 - (1.) All multi-unit dwellings, fraternities, sororities and rooming and boarding houses.
 - (2.) All nonresidential uses.
 - c. Adequate drainage to prevent runoff from flowing onto adjacent property, sidewalks and public roads. The infiltration of stormwater on site is strongly encouraged.
 - d. Appropriate bumper guards or curbs where needed to define parking spaces or limits of paved areas, or to prevent vehicles from projecting into any setback or other portion of a lot where parking is prohibited.
 - 2. Parking lots for ten (10) or more vehicles shall be clearly marked with properly painted lines or other method approved by the Code Enforcement Officer.

3. Parking serving single-family and duplex units will be permitted in the front yard setback for up to three (3) vehicles per household; however, the parking must be on paved, gravel, or similar pervious surfaces as required in G.1.a and b above.
4. Adequate parking spaces for disabled persons will be provided as necessary under the ADA and NH State Building Code Regulations.
5. Parking is allowed in the side yard setbacks and rear yard to serve residential uses and all nonresidential uses, provided that:
 - a. A five-foot strip of landscaping and solid screening is provided and maintained adjacent to the adjoining property boundary or a public right-of-way.
 - b. A commercial residential or commercial use does not abut a single-family or duplex household.
6. Buildings should be sited closer to the street and parking areas shall be located on the side or rear of lots in an effort to reduce the visual dominance of parking areas, improve pedestrian safety, and increase the visibility of businesses to drivers.

175-112. Central Business District Special Conditions.

- A. **Exemptions.** All permitted uses shall be exempt from the parking requirements of this chapter within the Central Business District, provided that:
1. A one-time parking impact fee (as set by the Town Council) is paid by the owner and/or developer for the number of spaces required less the number of on-site spaces provided. The parking impact fee shall be reviewed by the Durham Town Council on an annual basis.
 2. The existing number of required parking spaces shall not be reduced by any proposed development unless approved as part of a property redevelopment plan by the Planning Board.

175-113. Required Parking.

Parking shall be required as follows and shall be rounded up to the nearest whole number:

TYPE OF USE	NUMBER OF REQUIRED PARKING SPACES
<i>Residential</i>	
Single-family duplex or multiunit dwellings	2 per dwelling unit

OR

Dwelling units permitted to be occupied by 3 or more unrelated individuals	1 per resident
Rooming or boarding houses, fraternities, sororities, dormitories, or congregate housing	1 per resident
Elderly housing	1 per dwelling unit or lodging unit, plus 1 per employee
Homes for aged, disabled, or handicapped	1 per 5 beds, plus 1 per employee of the maximum shift
Educational facilities	1 per staff member, plus 1 for 4 seats in the largest public assembly room

Commercial

Bed and breakfasts or Hotels and motels	2 for the resident family or manager, plus 1 per room rented, plus 1 for each 2 outside employees on the maximum shift, plus 1 per 400 square feet of meeting place
Veterinary clinics or commercial kennels	1 per 400 square feet of gross floor space; minimum of 4
Auditoriums, theaters, churches, or other places of assembly with fixed seating	1 per 4 seats or 40 square feet of gross floor area used for assembly purposes; whichever is greater
Libraries, museums, and art galleries	1 for every 500 square feet of gross floor area.
Day care	1 per 6 supervised children or adults, plus 1 per employee
Restaurant Carry-out	1 space per every two (2) seats, plus (1) space per each employee in the maximum shift, or one (1) space per fifty square feet of gross floor area, plus one (1) space per each employee in the maximum floor shift.

Restaurants less than 4,000 square feet	1 per 100 square feet of seating area, plus 1 per employee on the maximum shift
Restaurants over 4,000 square feet	40, and 1 per 200 square feet of gross floor area in excess of 4,000 square feet
Banks and financial institutions	1 per 250 square feet of gross floor area
Professional offices	1 per 350 square feet of gross floor area
Medical and dental offices	1 per 250 square feet of gross floor area, plus 1 per employee
Offices not providing customer service	1 per employee, but not fewer than 1 per 400 feet of gross floor area
Retail or personal service stores	1 per 250 square feet of gross floor area
Retail II (furniture, hardware or carpets)	1 space per 600 hundred square feet of gross floor area.
Service stations	3 per service bay, plus 1 per employee
Manufacturing uses, research testing and processing, assembling, all industries	1 per 1.5 employees on a maximum shift, but not less than 1 space for every 400 square feet of gross floor area
Other Uses	Closest similar use as shall be determined by the Director of Planning and Zoning Administrator.

Maximum Number Allowed. Parking lots may contain up to ten percent (10%) more spaces than the required minimum. Any additional spaces above ten percent (10%) shall be allowed only as a conditional use upon the finding that such additional spaces are needed.

175-114 Shared Parking

A. When required parking reductions are anticipated, as a result of sharing between intermittent, seasonal, or compatible uses with non-conflicting parking demands (e.g. a church and a bank), then the reduction can be considered for approval by the Planning Board

without a parking study. Individual spaces identified on a site plan for shared users shall not be shared by more than one user at the same time.

B. If a privately owned parking facility is to serve two or more separate properties, then a "Shared Parking Agreement" shall be filed with the Town of Durham for consideration by the Planning Board. Unless explicitly stated to the contrary, the property owner of the parking facility accepts responsibility for operating, maintaining, and accepting liability for personal injury and property damage.

175-115. Loading Spaces or Bays.

A. Every retail business and restaurant outside of the Central Business District shall have direct access to an off-street exterior loading space or interior loading bay. Where the gross floor area of a retail business or restaurant in the CBD exceeds ten thousand (10,000) square feet, an off-street loading space or bay shall be provided on the premises. In the OR Districts, at least one (1) off-street loading space or bay shall be provided for the first twenty-five thousand (25,000) square feet of gross floor area and two (2) such spaces or bays for the first fifty thousand (50,000) square feet of gross floor area.

175-116. On Site Landscaping and Exterior Screening.

All surface parking areas for over five (5) vehicles shall meet the following conditions below

- A. A minimum of five percent (5%) of the total parking and driveway area, in addition to a buffer strip of at least ten-feet in width abutting a public right-of-way, shall be landscaped.
- B. Parking lots shall be broken up into smaller parking areas with landscaping and bio-retention features. The total parking area required shall be broken into sections not to exceed forty (40) spaces unless otherwise approved by the Planning Board or other appropriate municipal official.
- C. The perimeter landscape buffer along a street shall consist of native planting materials, or planting materials and man-made features to create at a minimum a three-foot-high visual relief screen in the form of a hedge, fence, planter box, berm, dividers, shrubbery or trees, or a combination thereof. All landscaping to form such visual relief shall create a two-foot-tall minimum screen at planting.
- D. All islands, peninsulas and medians required in the parking areas shall be more or less evenly distributed throughout such parking areas. The distribution and location of landscaped areas may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas and medians for the respective parking area is satisfied. All landscaped islands, peninsulas and medians shall be a minimum of six feet in width and shall be separated from the parking area by adequate curbing or tire stops. The design and use of islands for bio-retention is encouraged as a Low Impact Development (LID) application. Some islands shall be used to provide pedestrian walkways.

- E. There shall be a six-foot-high solid screen composed of evergreens or fencing when bordering or adjacent to a residential zone.
- F. Corner clearance, as defined in Section 175-7, shall be observed regarding all landscaping or screens.
- G. Trees for parking lots shall be species selections recommended for the Durham area. They shall be selected to endure urban environment, shall be tolerant of salt, shall be resistant to disease and shall require little maintenance. Trees that drip sap or drop large seeds or blossoms onto parked vehicles shall not be used.
- H. All trees and other vegetation within parking lot landscaped areas are subject to maintenance requirements as outlined in Section 175-124 Maintenance Requirements. All trees and other vegetation are also subject to protection during construction as outlined in Section 175-123.
- I. A performance bond or letter of credit is required to insure compliance with this section and to cover maintenance for a period not to exceed one (1) year after the time of planting.

175-116.1. Lighting.

Any lighting provided to illuminate any parking area shall be arranged so as to direct the light away from any abutting or adjacent residential district or residential use. All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

175-117. Driveway Permits; Penalty; Fees.

A. *Access to town roadways.*

- 1. A written permit from the Director of Public Works is required prior to the construction or alteration of any driveway, entrance, exit or approach within the limits of right-of-way of the Durham roadway system.
- 2. A written construction permit application must be obtained from and filed with the Durham Public Works Department by any abutter intending driveway work as per Subsection A(1) above. Said permit shall have been reviewed and a construction permit issued prior to the final approval of the site plan or building permit.

B. *Construction requirements.*

- 1. Driveway construction shall meet the requirements of the Public Works Department. The latest Policy and Procedure for Driveways and Other Accesses to the State Highway System, as published by the New Hampshire Department of Transportation, will be used for design guidelines.
- 2. Engineered construction plans shall be required for commercial or industrial enterprises and all subdivisions.

C. *Number of curb cuts.*

Applicants seeking approval for curb cuts on State Roadways are required to communicate with both the Town of Durham and the NH Department of Transportation, and to identify the agreed upon locations and configuration of the curb cuts prior to applying for a driveway permit.

1. In the RA, RB, RC and R Zoning Districts, there shall be not more than one (1) driveway where the frontage is less than two hundred (200) feet. One (1) additional driveway for each additional one hundred (100) feet or major fraction thereof may be permitted by the Public Works Department should site conditions warrant.
2. In the OR 108, CB, PO, CH, C, CC, MUDOR, ORLI, and DBP Zoning Districts, a maximum of two (2) driveways per lot may be permitted by the Public Works Department should site conditions warrant.
3. In addition to limiting the number and location of driveways, the Town of Durham encourages the use of shared driveways for adjoining parcels, the elimination of existing driveways, and the construction of fewer driveways than permitted. It is envisioned that by limiting the number of highway access points, the number of points where turning vehicles and through vehicles conflict will be reduced. To provide incentives for shared driveways in the OR 108, CB, PO, CH, C, CC, MUDOR, ORLI, and DBP Zoning Districts, an incentive system has been developed. An applicant may increase the maximum lot coverage permitted in their District by electing to use one or more of the provisions listed below. The Planning Board shall decide if the applicant complies with the provisions of the incentive system. An applicant may utilize one or more of the following voluntary provisions:
 - a. Provide a shared driveway as the sole access to the subject parcel and one or more adjacent parcels. To qualify for this incentive, the applicant shall provide appropriate easements to insure that the shared driveway will remain in existence and will be adequately maintained.
 - b. For parcels with existing driveways, reduce either the number of separate driveways or the total width of the existing driveways (as measured at the right-of-way line) by at least fifty percent (50%), or reduce the number of driveways to one driveway of not more than thirty-two (32) feet in width.
 - c. Reduce the total number of driveways permitted.

If the Planning Board finds that an applicant has complied with one or more of the voluntary provisions outlined above the Planning Board shall permit additional impervious surface coverage above the maximum permitted in the District. This additional impervious surface coverage may be five percent (5%), or the equivalent of the surface area eliminated by the voluntary provisions, whichever is less.

D. ***Interconnections Between Parcels.*** In order to reduce the number of vehicles entering and exiting arterial and collector roads, the provision of interconnecting driveways is encouraged whenever feasible. These interconnecting driveways or service roads are provided to allow customers and employees to move from site to site without repeatedly using Durham's main streets. If an adjacent parcel(s) is vacant, the applicant shall grant an easement for future access. The easements shall be written to insure that the interconnection(s) will remain open and will be adequately maintained. The cross connections shall be located to encourage internal traffic between abutting properties and shall be adequately marked with directional signs. If the Planning Board finds that an applicant has complied with the provision outlined above, the Planning Board shall permit an additional five percent (5%) of impervious surface coverage above the maximum permitted in the District.

E. ***Maintenance responsibility.***

1. The total cost of all construction and maintenance of the work specified shall be borne by the applicant, his/her grantees, successors and assignees. With the exception of certain drainage structures constructed according to permit specifications by the applicant, the Department of Public Works will assume the maintenance responsibility for:
 - a. The driveway culverts carrying surface water in roadside ditches under driveways within the town right-of-way.
 - b. Catch basins constructed at the end of cross-road culverts under the town roadway system.
 - c. Drainage systems along existing roadways constructed for the purpose of disposing of roadway drainage.
2. In the case where adjoining property has been or is being developed which requires the extension of a pipe, ditch or drainage system, it is the responsibility of the abutting property owner to construct according to permit specifications and maintain said extensions. The Department assumes the responsibility of maintenance for the catch basin at the roadside (in the ditch or gutter line within the town right-of-way), and the abutting landowner is responsible for extensions from said catch basin.

F. ***Penalty.*** Whoever violates any provision of this section or the rules and regulations made under authority thereof shall be fined as set forth in Section 175-10 of this Code and, in addition, shall be liable for the cost of restoration of the roadway to a condition satisfactory to the person empowered to give such written permission.

G. ***Permit fees.*** Permit fees shall be as set by the Town Council from time to time and shall be payable upon the filing of the application.