

**NOTICE OF JOINT PUBLIC HEARING
TOWN COUNCIL AND TOWN OF
BARNSTABLE PLANNING BOARD
PROPOSED ZONING AMENDMENT – TC ITEM NO.**

2016-166

**TO CREATE THE “HYANNIS PARKING OVERLAY DISTRICT”
JULY 21, 2016 AT 7:00 P.M.**

The Town Council of the Town of Barnstable and the Barnstable Planning Board, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a joint public hearing on Thursday, July 21, 2016, at 7:00 p.m. in the Second Floor Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA. The purpose of this joint public hearing is to take comment on a proposal to amend the Town of Barnstable zoning ordinance and zoning map by adding the “Hyannis Parking Overlay District”, with the potential to take final action on or after this date.

Copies of the proposed amendments and maps are available for review at the Barnstable Town Clerk’s Office and at the Office of the Barnstable Town Council, both located at 367 Main Street, Hyannis, MA, Monday through Friday 8:30 a.m -4:30 p.m. The proposed zoning amendments are as follows:

2016-166 AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Section 240-6 the Zoning Map, to create a new overlay zoning district known as “Hyannis Parking Overlay District” which includes the area shown on the reference map entitled “Hyannis Parking Overlay District”, dated November 30, 2015, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading “Overlay Districts” the term “Hyannis Parking Overlay District”

SECTION 3

Re-numerate sections as follows:

| | | |
|-------------|----|-------------|
| 240-24.1.10 | to | 240-24.1.11 |
| 240-24.1.11 | to | 240-24.1.12 |
| 240-24.1.12 | to | 240-24.1.13 |

SECTION 4

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-24.10, Hyannis Parking Overlay District

240-24.1.10 Hyannis Parking Overlay District (HPOD)

240-24.1.10 Purposes and Intent.

- A. This section allows as of right permitting for land located south of Main Street in Hyannis which land has some legal pre-existing nonconforming status or was licensed as of May 1, 2014 as an open air parking lot involving the temporary storage of vehicles. The scope of such uses would otherwise have to be clarified through a quasi-judicial or regulatory process. The purpose of this section is to:
- (1) Clarify this land use and create as of right permitting for land now used as open air parking lots and located south of Main Street in Hyannis;
 - (2) Protect the safety of the users of the lot and the general public through site development standards providing constant access for emergency responders;
 - (3) Ensure safe access to structures for emergency responders;
 - (4) Protect adjacent property from nuisance which may result from the operation of cars and parking off streets;
 - (5) Enhance and protect the visual quality of the Hyannis harbor area;
 - (6) Reduce congestion on lot access streets which also serve residential areas; and
 - (7) Contribute to traffic safety by ensuring orderly access to and egress from such lots.

240-24.1.10.2 Relationship to underlying districts and regulations.

A. The Hyannis Parking Overlay District (HPOD) shall overlay all underlying districts so that any parcel of land lying in the HPOD shall also lie in the zoning district or districts in which it is otherwise classified by this chapter.

B. All regulations of the underlying zoning district(s) shall apply within the HPOD to the extent that they are not inconsistent with the specific provisions of this section 240-24.10. To the extent the provisions of this section 240-24.10 are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section 240-24.10 shall govern and prevail even if such other provisions are more restrictive than those set forth in this section 240-24.10.

240-24.1.10.3 Definitions

Aisle - An aisle is that portion of the Commercial Surface Parking Lot circulation area providing safe and constant access for emergency responders and access to parking spaces for lot patrons. Aisle area is calculated exclusive of any other area on the lot such as driveway, parking stalls, and attendant areas.

Commercial Surface Parking Lot - The commercial parking of vehicles where parking is a principal use on the property. Commercial surface parking lots shall not include structures, fully or partially enclosed, that accommodate vehicle parking spaces. Non-commercial trucks, vans and other vehicles not exceeding 7.5 feet may use a Commercial Surface Parking Lot.

Emergency Access Aisles and Fire Lanes - Aisles, unobstructed at all times, for the safe and immediate access of emergency response vehicles. At no time shall any portion of a designated Emergency Access Aisle be used for parking or storing vehicles for any length of time no matter how short.

Kiosk - A structure, which may be temporary or seasonal, located on the Commercial Surface Parking Lot from which parking transactions are conducted.

Parking Attendant - An employee of the Commercial Surface Parking Lot available to customers to park and retrieve vehicles within the licensed lot.

Remote Parking Sites - Sites accommodating excess parking for HPOD parking lots that are located in another area of Hyannis where such parking use is allowed. Such remote parking lots shall be permitted and licensed only in connection with the HPOD parking lot.

Second Principal Use - A second principal use, lawfully permitted and established at the time of the adoption of this ordinance, may share a parcel with a Commercial Surface Parking Lot.

Stacked Parking: Parking of vehicles in a line or stack that may be up to three vehicles deep at a Commercial Surface Parking Lot. The lot operator shall have an attendant present to move vehicles out of the stack at all times that the lot is open for vehicle pick-up by vehicle owners.

240-24.1.10.4 Permitted Uses

- A. Principle Uses.
Commercial Surface Parking Lot

240-24.1.10.5 Site Development Standards

(A) Access Management

- (1) Entrance and exit driveways shall be a minimum of fourteen (14) feet wide for one-way use only and a minimum of twenty (20) feet wide for two-way use and shall be delineated.
- (2) Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

(B) Parking Spaces

(1) Computation

- (a) Within the property boundaries the number of parking spaces is limited only by the required dimensions for parking spaces, aisles, emergency access aisles, and fire lanes.
- (b) Where another principal use, lawfully permitted and established at the time of the adoption of this ordinance, is located on the same parcel as the Commercial Surface Parking Lot the number of parking spaces required to support that use shall be deducted from the number of spaces for the Commercial Surface Parking Lot use; provided that the number of Commercial Surface Parking spaces shall not exceed the number determined as of the effective date of this ordinance, even if any other principal use is subsequently discontinued.
- (c) Where another principal use not located on the same parcel as the Commercial Surface Parking Lot uses some of the Lot's spaces as shared parking for the off lot use, those spaces shall be deducted from the zoning and licensing number of spaces for the Commercial Surface Parking Lot; provided that the number of Commercial Surface Parking spaces shall not exceed the number determined as of the effective date of this ordinance, even if any shared parking use is subsequently discontinued.
- (d) Up to 10% of parking spaces may be designed for and allocated to compact spaces.
- (e) Parking facilities shall provide specially designated parking spaces according to 521 CMR the Architectural Access Board.

(2) Dimensions

- (a) Non-compact spaces 9' X 18'
- (b) Compact spaces 6' x 14'

(3) Demarcation

- (a) The lot owner shall submit to the Building Commissioner a plan of the Commercial Surface Parking lot drawn and stamped by a Registered Professional Land Surveyor, known as the "record parking plan." Any changes to the lot boundaries or internal configuration shall require that a new record parking plan be prepared and filed in the same manner. All property lines and Emergency Access Aisles and Fire Lanes shall be marked as shown on the record parking plan. In addition to showing the number of spaces that can be accommodated according to the dimensions herein, such plan shall depict demarcations for emergency access aisles through a method permanently affixed to the ground and approved by the Building Commissioner and Fire Safety Official.
- (b) Wheel stops and/or striping shall be installed and maintained to mark each permitted parking space. Stacked parking spaces shall be marked using ground mounted delineators or other demarcation.
- (c) Property boundaries for properties abutting other separately owned properties shall be marked with fencing or other means as may be approved by the Building Commissioner.

B. Stacked Parking

- (1) Stacked parking in compliance with Section 204-24.10.4 B. may be permitted subject to the approval of the Building Commissioner and the Fire Safety Official.
- (2) Lots using stacked parking configurations shall have a full-time attendant supervising the lot and to enable owner access to vehicles at all times.

C. Aisle Width

- (1) Unless otherwise provided for in this section, parking lots shall be designed so that each motor vehicle is able to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.
- (2) All angle parking shall have one way circulation with an aisle width of at least 14 feet.
- (3) Fire lanes and emergency access aisles shall be provided as required by the Building Commissioner and the Fire Safety Official.

D. Lot Circulation

- (1) Dead end aisles including but not limited to emergency access aisles, and fire lanes are prohibited.

E. Landscaping and Fencing

- (1) Parking lots shall install perimeter landscaping area along street frontages.
- (2) Fencing other than split rail fencing is prohibited.

F. Lighting - Lighting shall not cause glare for motorists, pedestrians or neighboring premises. Full cut-off light fixtures shall be used in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.

G. Signage – Signage provisions rely on the requirements of the underlying zoning district or on rights that may be vested in the property as determined by the Building Commissioner.

H. Accessory Structures

- (1) Parking Lot Kiosk - A kiosk for parking lot attendants and/or business needs may be allowed. Kiosks are typically located at the main entrance(s) to or exit(s) from the lot. Each kiosk shall not exceed 150 SF in gross floor area and shall be located so as not to interfere with fire lanes, emergency access aisles, or site circulation. Kiosks shall include temporary sanitary facilities for employees. In no case shall the temporary sanitary facility be visible from any public way. Such structures shall be subject to applicable code or other permitting requirements and shall not host other principal or accessory uses such as retail without the required approvals.
- (2) Trash receptacles – all lots shall provide accommodations for client and employee trash. Trash receptacles and/or dumpsters shall be located near each Parking Lot Kiosk as may be required by the Building Commissioner and the Fire Safety Official. In no case shall the receptacles be visible from any public way.

Section 5

Amend Section 240-51 Location of Parking Spaces by deleting the words , *"except that in the MA-1 Business District, parking spaces may be located on another lot within 500 feet of the use, provided that no parking lot shall be created by the demolition of buildings within the MA-2 Business District, OR Office Residential District, or buildings with frontage on Main Street in the MA-1 Business District"* from existing Section 240-51:

By re-numerating Section 240-51 to Section 240-51 A, and

By adding new Section 240-51 B. as follows:

Section 240-51 Location of Parking Spaces

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by Sections 240-24.1.11 (as re-numerated herein). Site Development Standards Subsection A.(4) [4] [d] and Section 240-24.1.10 Hyannis Parking Overlay District may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to Site Plan Review.

Section 6

Amend Section 240-128 Definitions by adding the following definition:

Shuttle Service – Use of a multi-passenger vehicle to shuttle parking lot patrons between remote parking lots, parking facilities, and transportation terminals.