

## SECTION 62 – PARKING AND LOADING

### 62.1 General:

Parking spaces and loading spaces shall be provided off the street for any use of land, buildings or other structures in accordance with the standards hereinafter specified. Off-street parking and loading spaces required by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land, buildings and other structures for which such spaces are herein required. All off-street parking and loading spaces here after established, whether required by this Section or not, shall conform to the standards of the paragraph headed “Standards” below.

#### 62.1.1 Existing Uses:

Any use already existing shall conform to the standards to the extent that it conforms at the time of adoption of this Section. If any existing use of land, building or other structure is changed to a use require an additional off-street parking and loading spaces to comply with this Section, the additional spaces shall be provided for the new use in accordance with the standards hereinafter specified. Any existing use which it does not conform to the standards of this Section shall not be changed it to a use which would need additional off-street parking and loading spaces to comply with the standards herein unless off-street parking and loading spaces are provided for such new use as required by this Section.

### 62.2 Dimensions:

For the purpose of this Section, one (1) parking space shall constitute an area with such shape, vertical clearance, access and slope as to accommodate one (1) automobile having an overall length of 20 feet and shall contain an area of 180 square feet, (concerns with large parking areas may designate smaller size parking spaces for compact cars if they desire). One (1) LOADIN space shall constitute an area 12 feet in width in 30 feet in length with a vertical clearance of 15 feet with such shape, access and slope as to accommodate one (1) truck having an overall length of 30 feet.

### 62.3 Parking Spaces:

Off-street parking spaces shall be provided in such number and location specified as follows:

#### 62.3.1 Dwellings (and rented rooms):

Two (2) spaces for each family or dwelling unit plus one (1) space for each bed in the rented room for tourists or roomers, and located on the same lot with the dwelling.

- 62.3.2 Professional Office (in a dwelling unit):  
Four (4) spaces per professional person, and located on the same lot with the dwelling.
- 62.3.3 Auditorium (churches, places of worship, theaters, assembly halls or stadium):  
One (1) space for each four (4) seats, and located on the lot not more than 300 feet in a direct line from the building; if the building is located in the Residence District, such parking spaces shall be located on the same lot with the building.
- 62.3.4 Undertaker:  
One (1) space for each Four (4) seats, and located on the same lot with the building.
- 62.3.5 Stores and Offices (Retail Stores, business and professional office is, post offices, financial institutions and medical and dental clinics):  
One (1) space for each 200 square feet of ground floor area of the building and each 300 square feet of upper floor area, and located on the lot not more than 300 feet in a direct line from the building.
- 62.3.6 Restaurants (and other establishments serving food or beverages):  
One (1) space for each 45 square feet of patron floor area, and located on the same lot with the building.
- 62.3.7 Hospitals and Motels (and hotels, convalescent homes and sanitarium):  
One (1) space for each bed for patients or guests plus one (1), and located on the same lot with the building.
- 62.3.8 Service Stations (and automobile repair garages):  
10 spaces plus five (5) spaces for each garage bay in excess of one (1), and located on the same lot with the building.
- 62.3.9 Commercial and Industrial (including warehouses, wholesale businesses, trucking terminals, research nor laboratories and establishments for the manufacture, processing or assembling of goods):  
One (1) space for each 1.5 employees during the largest daily work shift. And located on a lot not more than 400 feet in a direct line below the building,
- 62.3.10 Corporate Offices when located in an office park setting in the LI-200 zone: One (1) space for each three hundred (300) square feet of floor area, ( $\frac{3}{4}$ ) of such space is to be located on the same property not more than five hundred (500) feet into direct line from the building with the balance of the spaces to be located on an adjacent property subject to the provisions of Section 62.4.1 of these Regulations.

- 62.3.11 Supportive Rental Housing for Persons with Physical Disabilities:  
Two (2) off-street parking spaces shall be provided for each dwelling unit one of which shall be designed as handicapped parking meeting the requirements of the State Building Code.

Purposes for which there are different numbers of parking spaces required in the preceding Subsection entitled "Parking Spaces", the number of spaces required shall be determined by adding the number of spaces required for each separate use. When two or more classifications provided in said paragraph or applicable to a use of land, buildings or other structures, the classification requiring the larger number of spaces shall apply.

- 62.3.12 Other Uses:  
Sufficient off-street parking spaces, as approved by resolution of the Zoning Commission shall be provided in connection with any use not specified in Sections 62.3.1 through 62.3.9 to accommodate the vehicles of all persons occupying the premises so that the purpose and intent of this Section is maintained.

## **62.4 Joint Use of Parking Space and Deferred Parking Spaces**

- 62.4.1 Joint Use of Parking Spaces  
The owners of two or more separate premises may establish a joint parking area to provide the total number of required parking spaces.

- 62.4.2 Deferred Parking Spaces  
The Commission may permit the construction of up to twenty-five (25) percent of the required number of spaces to be deferred for large parking areas on nonresidential zones when it determines that the proposed use does not warrant the required number of spaces. However, the deferred parking shall be fully designed to the satisfaction of the Commission is part of the approval of the site plan. In the event that the use of the building or premises is changed or the Commission finds that the number of spaces is inadequate for the use, the Commission may direct the owner to construct some or all of the deferred spaces, said construction is to be completed within six (6) months or in such other time as the Commission deems to be appropriate. Upon approval by the Commission of the deferred parking, the applicant shall execute an agreement with the Commission to be recorded on the Land Records of the Town of Middlebury binding the applicant, its heirs, successors and assigns. The agreement shall set forth the terms of the different parking, acknowledge the responsibility of the owner to construct the deferred parking upon the

Commission's notice, and the provision for the owner to reimburse the Town for all costs incurred by the Commission to enforce its order including Attorney's fees and the Town's right to place a lien on the property to recover costs.

**62.5            Loading Space:**

Each building or structure other than a dwelling having a gross floor area in excess of 4,000 square feet, shall be provided with one (1) off-street loading space on the same lot with the building for each 40,000 square feet of gross floor area or fraction thereof.

**62.6            Standards:**

All off-street parking and loading spaces shall be designed and constructed in accordance with the following standards:

**62.6.1            Design:**

Except for parking spaces provided in connection with a dwelling, each parking space shall be provided with adequate area for approach, turning and exit of (an automobile having an overall length of 20 feet) a vehicle without need to use any part of the public street right-of-way. Points of entrance and exit for driveways onto the street shall be located so as to minimize hazards to pedestrian and vehicular traffic in the street. No off-street LOADIN space and no truck loading bay, ramp or deck shall be designed or arranged in a manner that trucks must use any part of a public street right-of-way for maneuvering, or for loading and unloading.

The minimum aisle width required to provide maneuvering space and access to parking stalls shall be as follows:

Full Size Vehicles

<u>Parking Angle (degrees)</u>	<u>Stall Width (feet)</u>	<u>Aisle Width (feet)</u>
45	8.5	13
	9.0	12
	9.5	12
60	8.5	18
	9.0	16
	9.5	15
75	8.5	22
	9.0	21
	9.5	20
90	8.5	24
	9.0	23
	9.5	22

The stall width shall be measured perpendicular to the direction of the parking.

The aisle width dimensions as set forth in the above chart assume one-way circulation for all parking angles. At a parking angle of ninety degrees (90°) the same dimensions apply for two-way circulation.

Where parking stalls are different dimensions share the same aisle, the parking stall required the greater aisle width shall govern.

In Commercial and Industrial Districts, individual parking and loading spaces, aisles, crosswalks, and entrances and exits shall be suitably identified with lines, arrows and signs.

62.6.2

Construction:

All off-street parking and loading spaces shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from

storm water flow onto any public street. In Commercial and Industrial Districts all driveways, parking and loading areas shall be constructed of asphaltic concrete, concrete or paving stone. Except for necessary driveway entrance is and except for parking spaces provided in connection with a dwelling, all off-street parking and loading spaces located within 10 feet of any public street right-of-way by a curb, fence or wall or an embankment in such a manner that cars will not overhanging the right-of-way. Where parking and loading spaces abut sidewalks, buffer strips, planting islands or similar construction, a curb or wheel-stop shall be provided to prevent vehicles from overhanging or otherwise damaging said improvements.

#### 62.6.3

##### Landscaping:

Any parking area accommodating 20 or more cars in connection with the use of land, building or other structures for which approval of a SITE PLAN or SPECIAL EXCEPTION is required under these Regulations shall be provided with shrubs and not less than one (1) tree for each 10 cars in the parking area, in suitably located in landscape islands within or border strips adjacent to the parking area so as to enhance the appearance of the premises. Trees shall be of a species approved by the Zoning Commission, shall be suitably planted and maintained and shall not be less than two (2) inches caliper and 10 feet in height. All landscaped islands shall be landscaped with trees and shrubs to channel internal traffic flow, prevent indiscriminate movement of vehicles, aid pedestrian circulation and improve the appearance of the parking area. In addition, all off-street parking and loading areas of five (5) or more spaces, located between a building or use and the street on which it fronts, shall be separated from the street with a buffer strip. Said strip shall be a minimum of five (5) feet in width and landscape with trees and shrubs to provide for driver and pedestrian safety and to improve the appearance of the parking area.

#### 62.6.4

##### Town Line Developments:

No premises located within the Town may be used for parking in connection with the use located in another town unless at least a pro rata portion of the buildings in structures comprising such commercial or industrial development are located within the Town. Thus the percentage of total buildings in similar structures of the development located in the Town must equal the percentage of total parking of the development which is located in the Town. The Commission, however, may vary the permissible percentages of buildings and similar structures by granting a Special Exception if it finds that in so doing a superior quality site development plan will result.

No use in another Town may be assessed from any highway or town road in the Town of Middlebury unless the property on which such use is located has no access to a road or highway in the town where it is located, with an access through the Town of Middlebury may only be granted by Special Exception. In granting such a special exception the commission capitalize must find that the increased traffic in the Town of Middlebury and the impact on the neighborhood and connecting roads will be minimal. The Commission may require affirmative covenants, restrictions and other action, which will prevent such access from becoming a through street without the consent of the Town