

Can 40B be used to by-pass Town Regulations for parking
for function halls, churches, offices and retail spaces?

SECTION 5.0 GENERAL REGULATIONS

5.1 OFF-STREET PARKING REQUIREMENTS

5.1.1 General. Required parking shall be provided on the same lot as the main use it is to serve. All required parking spaces shall be 9' x 18'.

5.1.2 Applicability. In the B1 District only, no structure shall be changed from residential to nonresidential or multifamily use and no permit to construct or enlarge a business structure shall be issued unless adequate off-street parking is provided and approved by the Planning Board.

5.1.3 Required Off-Street Parking Spaces in the B1 District.

1. Retail sales and services establishments: one parking space for each 100 sq. ft. of new floor area for the first 500 sq. ft. and one parking space for each additional new 200 sq. ft.
2. Places of public assembly: one parking space for every additional five seats within.
3. Restaurants, Theaters, Halls, Clubs: one parking space for each additional four seats.
4. Office or professional use: one parking space for each 150 sq. ft. of new gross floor area.
5. Inns, hotel or guest houses: one parking space for each 24 of the first additional five bedrooms and one parking space for each three additional bedrooms.
6. Other undefined uses: the number of parking spaces required will be determined by the Planning Board after evaluating the projected demands.

5.1.4 Special Permit. Except in the B-1 District, any parking requirements set forth herein may be reduced upon the issuance of a special permit by the Planning Board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

- a. Use of a common parking lot for separate uses having peak demands occurring at different times.
- b. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage.
- c. Peculiarities of the use which make usual measures of demand invalid.
- d. Availability of on street parking or parking at nearby municipally owned facilities.

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Thank You Don Muckerhiede 5-29-08
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- e. Where a special permit is granted, a reserve area to be maintained indefinitely as landscaped open space may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out to provide the otherwise required number of spaces.

5.1.5 Special Permit in the B-1 District.

1. **Purpose.** The B-1 District is the business area of Oak Bluffs. Parking generally provided on street to shoppers and business employees. This by-law has been adopted pursuant to M.G.L. c. 40A, s 9 in order to authorize an increase in intensity of uses in the B-1 District where the applicant provides traffic and pedestrian improvements and other amenities.
2. **Required Parking** Uses in the B-1 District shall meet the off street parking requirements set forth in Section 5.1.1, herein
3. **Special Permit** Where a proposed use in the B-1 District cannot meet the off street parking requirements set forth in Section 5.1.1 such off street parking requirements may be waived by special permit granted by the Planning Board where the applicant makes a payment in lieu to the Oak Bluffs B-1 District Parking Mitigation Trust.
4. **Payment in Lieu** Payments in lieu shall be calculated using the following formula:

Number of Required Off-street Parking Spaces	1-5	Each additional space 6-15	Each additional space after the first 15
Annual Payment in	\$100/space	\$75/space	\$50/space

5.1.6 Shared Parking. Parking required for two (2) or more buildings or uses may be provided in combined facilities where it is evident that such facilities shall continue to be available for the several buildings or uses and where the parking provided meets all of the requirements of this section for each of the uses in the combination.

1. Evidence shall be submitted that parking is available within five hundred (500) feet of the premises, which lot satisfies the requirements of this by-law and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.
2. A contract, agreement, or suitable legal instrument acceptable to legal counsel, shall be

filed with the application for building permit, occupancy permit, or special permit which shall specify the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.

3. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space; such area shall be computed at the rate of four hundred (400) square feet per parking space.

4. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this by-law if subsequently the joint use of parking facilities shall terminate.

5.2 LOADING AREAS.

5.2.1 General All buildings requiring the delivery of goods as part of their function shall be provided with bays and suitable space for the off street maneuvering and loading of vehicles.

5.2.2 Layout and Design of the Loading Facilities

1. Individual loading spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Building Commissioner.
2. Screening and Landscaping Requirements. Loading areas shall be screened in accordance with Section 5.4, herein.

5.2.3 Special Permit. The Planning Board may vary any requirement of Section 5.2 upon the grant of a special permit, where such relief will not result in substantial detriment to the neighborhood or the town.

5.3 SIGNS

5.3.1 Purpose. The purpose of these regulations is to encourage signage in Oak Bluffs which will be appropriate to the Town's architectural styles and visual qualities, compatible with the Town's architecture and visual setting, appropriate to the activity announced, legible in the circumstances in which they are seen, and professional in appearance, construction and material.

5.3.2 Definitions. The following special definitions shall apply in this Section 5.3:

ARCHITECTURAL SIGN: An integral decorative or architectural feature of a building which may include letters or numbers relating to the building.

AWNING SIGN: An awning is any temporary or retractable covering or shelter which is supported entirely from the exterior wall of a building.