

# Exhibit 10

To see if the Voters will adopt an ordinance entitled “An Ordinance to amend the Town Code, Chapter 225-27 Off street parking and loading; by deleting current parking standards and replacing with new standards with reduced minimum parking standards and alternative parking plan standards.”

## ~~§ 225-27 Off-street parking and loading.~~

~~A.—General. A permitted use in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking spaces, on-street parking where allowed or shared parking arrangements where allowed, are provided in accordance with the following requirements. [Amended 5-17-2000 STM, Art. 15; 5-24-2007 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]~~

- ~~(1) —Parking areas with more than two parking spaces shall be arranged so that it is not necessary for vehicles to back into the street, except where on-street parking is allowed.~~
- ~~(2) —Each off-street parking area shall have no more than two openings onto the same street, each opening not to exceed 26 feet in width, except as further limited below:~~
  - ~~(a) —Within CC and BP2 Zones, only one twenty-six-foot-wide access drive shall be allowed per 100 feet of frontage.~~
  - ~~(b) —Within RCU Zones, only one twenty-six-foot-wide access drive shall be allowed per 200 feet of frontage.~~
  - ~~(c) —Within MUC and MUC-1 Zones only one twenty-six-foot-wide access drive shall be allowed per 100 feet of frontage.~~
  - ~~(d) —Within the LV, VC and R4 Zones, only one twenty-foot-wide drive shall be allowed for lots with less than 100 feet of frontage.~~
  - ~~(e) —Within the MV Zone, only one twenty-six-foot-wide access drive shall be allowed for lots with less than 200 feet of frontage.~~
  - ~~(f) —Within the LI Zone, and that portion of the CC that fronts on Rt. 201, only one twenty-six-foot-wide access drive shall be allowed per 200 feet of frontage on Rt. 201. For lots without frontage on Rt. 201, only one twenty-six-foot-wide access drive shall be allowed per 100 feet of frontage.~~
- ~~(3) —The use of shared parking and driveways on-site or off-site is allowed. Required off-street parking may be located off-site when the developer/owner demonstrates right and availability of parking within that zone. The following criteria must be met in order for the Planning Board to grant the right to shared parking or driveways: accessible to the site; walking distance to the facility; reasonable sharing with the sharee; provides enough spaces for each business to function in a reasonable manner. If businesses change hands, the~~

property owner must return to the Planning Board for re-approval of the shared parking. **[Amended 5-17-2000 STM, Art. 15]**

- (4) ~~Off-street parking and loading spaces for nonresidential uses, where not enclosed within building, shall be effectively screened from view by a continuous landscaped area not less than six feet in height, unless waived by the Planning Board for expressed reasons, along exterior lot lines adjacent to residential properties and all public roads, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this chapter.~~
- (5) ~~The joint use of a parking facility by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees of such establishments. The proposed use of joint parking facilities in the LV, VC, LI, BP2 and R4 Zones, and that portion of the CC that fronts on Rt. 201, does not require approval from the Board of Appeals, but shall meet the standards in accordance with § 225-27A(3).~~
- (6) ~~Parking spaces shall be provided as required and made available for use prior to the issuance of the certificate of occupancy.~~

~~B.—Additional requirements for commercial and industrial establishments.~~

- (1) ~~Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.~~
- (2) ~~All parking areas, driveways and other areas serving 10 or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel subbase at least six inches in thickness, and shall have appropriate bumper or wheel guards where needed. Porous bituminous concrete and pavers designed for low-impact development applications approved by the Planning Board are acceptable alternatives. Gravel parking/work yard areas are allowed subject to Planning Board approval with the specific requirement that there will be no environmental impacts such as dust, erosion or the tracking of gravel onto public rights-of-way. **[Amended 5-20-2009 STM, Art. 15]**~~
- (3) ~~All driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 30 (as measured along the property line) feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles. **[Amended 5-24-2007 STM, Art. 16]**~~
- (4) ~~Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any Town way.~~
- (5) ~~The following minimum off-street loading bays or berths shall be provided and maintained~~

~~in the case of new construction, alterations and changes of use:~~

- ~~(a) Retail, office, consumer services, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:~~

<del>Square Feet</del>	<del>Number of Bays</del>
<del>5,001 to 20,000</del>	<del>1</del>
<del>20,001 to 50,000</del>	<del>2</del>
<del>50,001 to 100,000</del>	<del>3</del>
<del>100,001 to 150,000</del>	<del>4</del>
<del>150,001 to 300,000</del>	<del>5</del>

- ~~(b) Each 150,000 square feet over 300,000 square feet requires one additional bay.~~

- ~~(6) No loading docks shall be on any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.~~

~~C. Additional requirements for Mixed Use Limited (MUL) and Mixed Use Commercial (MUC) Zones: [Added 5-15-1996 STM, Art. 31]~~

- ~~(1) Driveways are not permitted within the setback areas of a lot except for access drives which are perpendicular to the setback for access to parking areas.~~

- ~~(2) All parking in the Mixed Use Limited Zone must be located to one side and/or the rear of buildings.~~

- ~~(3) Side yard driveways serving commercial properties and multifamily developments must have a planting strip and sidewalk which leads from the parking area to the street.~~

- ~~(4) A sidewalk with a minimum width of six feet must be constructed the width of the front property line of each developed property.~~

- ~~(5) A minimum six foot wide raised or physically separated pedestrian walk must be constructed between all parking areas and drives which abut buildings, except in areas of drive-through facilities and loading bays.~~

~~D. Parking lot design criteria (not applicable to single family dwellings and duplexes). [Amended 5-21-1997 STM, Art. 34]~~

- ~~(1) Vehicular entrance and exit.~~

- ~~(a) Entrances and exits should be clearly identified by the use of signs, curb cuts and~~

landscaping.

~~(b) Entrance/exit design should be reviewed by and be in conformance with the standards of the Maine Department of Transportation traffic personnel for size, location, sight distance, grade separation and possible future changes in highway alignment on any affected public roads.~~

~~(2) Interior vehicular circulation:~~

~~(a) Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.~~

~~(b) Enclosures, such as guardrails, curbs, fences, walls and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.~~

~~(3) Parking:~~

~~(a) Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way, except where on street parking is allowed. [Amended 5-20-2009 STM, Art. 15]~~

~~(b) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles, except in the LV, MV, VC, LI, R4 and BP2 Zones where it can be demonstrated that stacked parking arrangements are feasible. The Planning Board shall approve a parking management plan. [Amended 5-20-2009 STM, Art. 15]~~

~~(c) Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.~~

~~(d) All parking spaces and access drives shall be at least five feet from any side or rear lot line, except for the additional requirements in buffer yards.~~

<b>Parking Angle</b>	<b>Stall Width</b>	<b>Skew Width</b>	<b>Stall Depth</b>	<b>Aisle Width</b>
90°	9' 0"	N/A	18' 5"	24' 0"
60°	8' 6"	10' 5"	18' 0"	*16' 0"
45°	8' 6"	12' 9"	17' 5"	*12' 0"
30°	8' 6"	17' 0"	17' 0"	*12' 0"
Handicapped	12' 0"	N/A	18' 5"	24' 0"

**Parking Angle**

**Stall Width**

**Skew Width**

**Stall Depth**

**Aisle Width**

~~\* One-way only~~

- ~~(e) Painted stripes should be used to delineate parking stalls. Stripes should be a minimum of four inches in width. Where double lines are used, they should be separated a minimum of one foot on center.~~
- ~~(f) In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.~~
- ~~(g) Bumpers and/or wheel stops should be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscape materials.~~
- ~~(h) Handicapped spaces shall be in accordance with the requirements of the current edition of CABO Accessible and Usable Buildings and Facilities Code.~~
- ~~(i) Parking spaces shall be provided to conform to the number required in the following schedule, unless it can be demonstrated that fewer parking spaces for on-site parking can meet anticipated demand in the LV, MV, VC, LI, BP2 and R4 Zones in accordance with § 225-27A(3). [Amended 5-24-2006 STM, Art. 14; 1-23-2008 STM, Art. 3; 5-20-2009 STM, Art. 15]~~

**Activity**

**Minimum Required Parking**

**Residential**

With 2 or more bedrooms

2 spaces per dwelling unit

With 1 bedroom

1 1/4 space per dwelling unit

Elderly housing

1 space per dwelling unit

Tourist home, boarding, lodging house, motel, hotel, inn

1 space per room/unit rental and for each employee on the largest shift

**Church**

1 space per three seats based upon maximum seating capacity

**Schools**

Primary

1.5 spaces per classroom

<b>Activity</b>	<b>Minimum Required Parking</b>
Secondary	8 spaces per classroom
Post-secondary	1 space for each student and 1 space for each faculty and staff member
Child care facility	1 space for every 6 children facility is licensed to care for
Private clubs or lodges	1 space for every 75 square feet of floor space
Theater, auditorium	1 space for three seats based upon public assembly areas maximum seating capacity
Funeral homes	1 space for every 100 square feet of floor space
Medical care facilities	1 space for every 3 beds and every 2 employees on the maximum working shift
Offices, banks	1 space for every 250 square feet of floor space
Medical offices	MD's, 10 spaces for each doctor, dentist, OD's dentists or other medical practitioner
Veterinarian clinic, kennel	5 spaces/veterinarian
Retail and service businesses	1 space for every 250 square feet of floor space
Barber/beauty shop	4 spaces per chair
Restaurant	1 space per 3 seats based upon maximum seating capacity
Industrial businesses	1 space/employee on the maximum working shift
Warehouse, wholesale	1 space per employee on the maximum working shift

<b>Activity</b>	<b>Minimum Required Parking</b>
Flea market	3 spaces per table
Mixed use	Total of individual uses
Automobile repair garages	5 spaces for each bay or area used and gasoline filling for repair work
Library, museum, art gallery	1 space for each 150 square feet of floor space
Marina	1 space for each boat slip and mooring
Commercial recreation	1 space for each 150 square feet of facility, fitness spa floor area
Natural resource related business	1 space for each 350 square feet of floor space
Rural entrepreneurial activities, reuse of existing agricultural buildings for nonresidential use	Parking in accordance with the use category that most closely matches the use (i.e., a use that is an office use must meet the parking requirement for offices listed above)

**NOTES:**

1. ~~Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.~~
2. ~~The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.~~
3. ~~Where floor space is to be used in calculating the number of required parking stalls, gross floor space shall be used unless otherwise noted.~~
4. ~~In the LV, MV, VC, LI and R4 Zones, the first two residential spaces may be waived in calculating the total required parking for a mixed use building or project.~~

~~E. Drive through services. Drive through services shall comply with the following requirements: [Added 5-17-2000 STM, Art. 15; amended 5-24-2007 STM, Art. 15; 11-13-2008 STM, Art. 8; 5-20-2009 STM, Art. 15]~~

~~(1) Within the CC, RCU, MUL and MUC Zones, drive through services shall be placed to the~~

~~side or rear of the building.~~

- ~~(2) Within the LV and VC Zones, drive-through services shall be placed to the rear of the building.~~
- ~~(3) Within the MV, R4, BP2 and CC 196 Zones, drive-through services are not permitted.~~
- ~~(4) Within the MUC 1 Zone, drive-through services shall be placed to the side or rear of the building or, if part of a planned mixed-use development, the location and design shall conform to the master plan for the planned mixed-use development.~~
- ~~(5) Within the LI Zone, and that portion of the CC that fronts on Rt. 201, no drive-through services shall be placed such that more than a single drive-through lane or window is visible from Rt. 201. No drive-through services shall be placed on the side of the building facing Rt. 201.~~

#### A. Purpose

The purposes of the off-street parking and loading regulations are to:

1. Ensure that off-street parking and loading facilities are provided for new land uses and for major alterations and enlargements of existing uses in proportion to the need for such facilities created by each use.
2. Establish parking standards for commercial and residential uses consistent with need and with the feasibility of providing parking on specific sites.
3. To allow flexible methods of providing an adequate number of parking and loading spaces, while creating or improving a pedestrian-oriented community, and reducing excessive paved surfaces which lead to unnecessary heat buildup and stormwater runoff.
4. Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and, where appropriate, insulate surrounding land uses from adverse impacts.

#### B. General Standards.

A permitted use in any district shall not be expanded, and no structure shall be constructed or enlarged, unless off-street automobile and bicycle parking spaces, on-street parking where allowed, shared parking arrangements where allowed, or alternative parking arrangements<sup>1</sup> are provided in accordance with the following requirements.

1. Handicapped spaces shall be provided in accordance with the requirements of the current edition of ADA Standards for Accessible Design.
2. Parking spaces shall be provided as required and made available for use prior to the issuance of the certificate of occupancy.

---

<sup>1</sup>Alternative parking arrangements are based upon an alternative parking analysis approved by the planning board which consists of a parking analysis submitted by a Maine licensed engineer and outlined in section 225-27.C.2.

3. Off-street parking and loading spaces for nonresidential uses shall conform to the parking standards found within chapter 175-10 and 175-12.
4. All of the performance standards for parking found within this section (excluding table 225-27.C.2) may be waived utilizing the waiver procedure found in 225-27.I.

### C. Minimum Parking Requirements

Parking in accordance with the requirements of this section shall be provided for the enlargement of a permitted use in any district and the construction or enlargement of any structure. Parking shall meet the minimum requirements set forth in Table 225-27.C.1 or in an alternative parking plan approved by the Planning Board or Planning Office per staff review following the standards found within 225-27.C.2.

#### 1. Minimum Parking Standards

Parking spaces shall be provided to conform to the number required in the following schedule, unless the Planning Board has approved an Alternative Parking Plan in accordance with § 225-27.C.2.

(INSERT TABLE)

#### 2. Alternative Parking Plan

A property owner or applicant for new or existing development approval may prepare an Alternative Parking Plan in accordance with the provisions of this subsection. If the Plan is approved by the Planning Board, the standards of the Plan shall govern the provision of parking to serve the property rather than the minimum standards of 225-27.C.1. The provisions for an alternative parking plan as detailed in this section are applicable to all zoning districts.

(a) An alternative parking plan must conform to the following requirements:

- (1) Be prepared by a professional engineer with experience in traffic and parking planning;
- (2) Identify project uses and parking demand of each use. The parking demand shall include an analysis of peak and off-peak use including employees, customer/user demand, residential demand, and service demand (i.e., deliveries). The projection of parking demand may utilize either common industry standards such as the most current Institute of Transportation Engineers (ITE) parking demand manual or other applicable published parking standards by that are applicable to the proposed use in a community like Topsham, or parking demand data from professional sources for similar uses in a community like Topsham;
- (3) Identify surrounding land uses and their associated parking demand within 1000 feet of the project site including any available public parking, and quantify potential impacts to surrounding properties; and
- (4) Include recommendations to ensure the long-term availability of off-street parking for the proposed use and protection from negatively impacting surrounding properties.

(b) The Planning Board shall review the Alternative Parking Plan to determine if it will provide adequate parking to serve the uses without negatively impacting surrounding properties or public

health, safety, and welfare. If the Plan is approved it shall be established as a condition of approval for any use relying on an alternative parking plan.

(c) If sufficient parking is not provided, the use or that portion of the use out of compliance shall be terminated or the property owner(s) will be subject to code enforcement in accordance with 225-65 & 225-66.

#### D. Methods of Meeting the Parking Requirements

A property owner or applicant for development approval may meet the minimum parking requirements established in C. by one or more of the following methods:

1. On-site exclusive use vehicle parking – Some or all of the required parking may be met with parking spaces and ancillary facilities meeting the requirements of 225-27.E.

2. Shared use vehicle parking – Some or all of the required parking may be met through the use of shared parking spaces approved by the Planning Board except that the use of shared parking facilities in the LV, VC, LI, BP2 and R4 Zones, and that portion of the CC that fronts on Rt. 201, does not require approval from the Planning Board. The joint use of a parking space by two or more principal buildings or uses is permitted when the property owner or applicant for development approval clearly demonstrates that such use will meet the intent of these parking requirements by reason of the variation in the times or days of maximum use by patrons, residents, or employees of the buildings or uses.

3. Off-site vehicle parking -- Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Planning Board may authorize off-street parking to be located within one thousand (1,000) feet of the lot on which the principal use is located, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the uses served and evidence of such control or lease shall be required. In cases in which off-street parking is provided upon leased land, the Code Enforcement Officer shall not issue a certificate of occupancy for such premises valid for a period longer than the duration of such lease.

4. Public parking – The Planning Board may permit the required off-street parking for all nonresidential uses to be provided by municipal parking facilities, including public parking lots and on-street public parking spaces. The availability of public parking shall be shown to be representative of the off-street parking turnover or requirements of the particular business or use in question and shall take into consideration the needs of other businesses with similar demands upon such public parking spaces. No public parking spaces shall be considered as meeting the parking requirement unless located within one thousand (1,000) feet of the principal building as measured along lines of public access.

5. Motorcycle, scooter, bicycle parking -- When a property in a nonresidential use or a mixed use is required to provide more than forty (40) parking spaces, the property owner or applicant for development approval may meet up to two and a half percent (2.5%) of the required parking spaces (or one space per forty required spaces) with designated motorcycle, scooter, e-bike, or bicycle parking

spaces. Any parking spaces for such use must be appropriately signed and must meet the following minimum size:

(a) Motorcycle – four (4) feet by eight (8) feet

(b) Scooter – three (3) feet by five (5) feet

(c) E-Bike or Bicycle – two (2) feet by five (5) feet or space on a bike rack or other facility for locking up the bike.

E. Parking design criteria (not applicable to single-family dwellings and duplexes).

1. Parking areas -- Parking areas with more than two parking spaces shall be arranged so that it is not necessary for vehicles to back into the street, except where on-street parking is allowed.

2. Limits on vehicular entrances and exits -- Each off-street parking area shall have no more than two openings onto the same street, each opening not to exceed 26 feet in width, except as further limited below:

(a) Within CC, BP2, MUC, and MUC-1 Zones, only one twenty-six-foot-wide access drive shall be allowed per 100 feet of frontage.

(b) Within RCU Zones, only one twenty-six-foot-wide access drive shall be allowed per 200 feet of frontage.

(c) Within the LV, VC and R4 Zones, only one twenty-foot-wide drive shall be allowed for lots with less than 100 feet of frontage.

(d) Within the MV Zone, only one twenty-six-foot-wide access drive shall be allowed for lots with less than 200 feet of frontage.

(e) Within the LI Zone, and that portion of the CC that fronts on Rt. 201, only one twenty-six-foot-wide access drive shall be allowed per 200 feet of frontage on Rt. 201. For lots without frontage on Rt. 201, only one twenty-six-foot-wide access drive shall be allowed per 100 feet of frontage.

3. Entrances and exits shall be clearly identified by the use of signs, curb cuts and landscaping.

4. Entrance/exit design shall be reviewed by the Town of Topsham Public Works Director, and be in conformance with the standards found in Chapter 184 of the Town of Topsham Code, as well as Maine Department of Transportation access management standards for size, location, sight distance, grade separation and possible future changes in highway alignment on any affected public roads.

5. Interior vehicular circulation.

(a) Major interior travel lanes shall be designed to allow continuous and uninterrupted traffic movement.

(b) Enclosures, such as guardrails, curbs, fences, walls and landscaping, shall be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

6. Parking.

(a) Access to parking stalls shall not be from major interior travel lanes, and shall not be immediately accessible from any public way, except where on-street parking is allowed.

(b) Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles, except in the LV, MV, VC, LI, R4 and BP2 Zones where it can be demonstrated that stacked parking arrangements are feasible.

(c) Parking aisles shall be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
<u>90°</u>	<u>9' 0"</u>	<u>N/A</u>	<u>18' 5"</u>	<u>24' 0"</u>
<u>60°</u>	<u>8' 6"</u>	<u>10' 5"</u>	<u>18' 0"</u>	<u>*16' 0"</u>
<u>45°</u>	<u>8' 6"</u>	<u>12' 9"</u>	<u>17' 5"</u>	<u>*12' 0"</u>
<u>30°</u>	<u>8' 6"</u>	<u>17' 0"</u>	<u>17' 0"</u>	<u>*12' 0"</u>

\* One-way only

(d) All parking spaces and access drives shall be at least five feet from any side or rear lot line, except for the additional requirements in buffer yards.

(e) Painted stripes shall be used to delineate parking stalls. Stripes shall be a minimum of four inches in width. Where double lines are used, they shall be separated a minimum of one foot on center.

(f) In aisles utilizing diagonal parking, arrows shall be painted on the pavement to indicate proper traffic flow.

(g) Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscape materials.

(h) Parking spaces shall be provided to conform to the number required in table 225-27.C.1, unless it can be demonstrated that fewer parking spaces for on-site parking can meet anticipated demand in accordance with § 225-27.C.2 or an alternative parking plan approved by the Planning Board.

#### F. Additional requirements for commercial and industrial establishments.

1. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

2. All parking areas, driveways and other areas serving 10 or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel subbase at least six inches in thickness, and shall have appropriate bumper or wheel guards where needed. Porous bituminous concrete and

pavers designed for low-impact development applications approved by the Planning Board are acceptable alternatives. Gravel parking/work yard areas are allowed subject to Planning Board approval with the specific requirement that there will be no environmental impacts such as dust, erosion or the tracking of gravel onto public rights-of-way.

3. All driveway entrances and exits shall be kept free from visual obstructions higher than three feet above street level for a distance of 30 (as measured along the property line) feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any Town way.

5. No loading docks shall be on any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

#### G. Additional requirements for Mixed Use Limited (MUL) and Mixed Use Commercial (MUC) Zones:

1. Driveways are not permitted within the setback areas of a lot except for access drives which are perpendicular to the setback for access to parking areas.

2. All parking in the Mixed Use Limited Zone must be located to one side and/or the rear of buildings.

3. Side yard driveways serving commercial properties and multifamily developments must have a planting strip and sidewalk which leads from the parking area to the street.

4. A sidewalk with a minimum width of six feet must be constructed the width of the front property line of each developed property.

a. When the Planning Board finds that a sidewalk is not appropriate, the applicant may pay an in-lieu fee equal to the cost of providing one upon their own frontage. The calculated costs must be reviewed and approved by the Planning Board and a payment must be made prior to any construction.

5. A minimum six-foot wide raised or physically separated pedestrian walk must be constructed between all parking areas and drives which abut buildings, except in areas of drive-through facilities and loading bays.

#### H. Drive-through services.

Drive-through services shall comply with the following requirements:

1. Within the CC, RCU, MUL and MUC Zones, drive-through services shall be placed to the side or rear of the building.

2. Within the LV and VC Zones, drive-through services shall be placed to the rear of the building.

3. Within the MV, R4, BP2 and CC 196 Zones, drive-through services are not permitted.

4. Within the MUC-1 Zone, drive-through services shall be placed to the side or rear of the building or, if part of a planned mixed-use development, the location and design shall conform to the master plan for the planned mixed-use development.

5. Within the LI Zone, and that portion of the CC that fronts on Rt. 201, no drive-through services shall be placed such that more than a single drive through lane or window is visible from Rt. 201. No drive through services shall be placed on the side of the building facing Rt. 201.

I. Waiver Procedures for parking Performance Standards

A. Waiver. The Planning Board may modify or waive any of the above performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the town.

B. The approval of a waiver shall not have the effect of making null and void the intent and purpose of this chapter. In the approval of a waiver, the Planning Board may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter.

C. Procedure for waiver. All requests for waivers shall be processed in accordance with the following:

1. A request for a waiver shall be submitted to the Town of Topsham Planning Office on any business day. The request shall be made in writing and identify a) the specific section of this chapter which is requested for waiver; b) the proposed alternative to the requirement, when applicable; and c) justifications for an approval of the waiver or appeal.

2. The Planning staff shall a) schedule the request for consideration by the Planning Board at a public meeting within sixty (60) days of receipt and b) provide adequate notice to the applicant and any other involved parties of the meeting to which consideration of the request is scheduled.

3. The Planning staff or Planning Board at their discretion shall refer the matter to the Town Peer Review Engineer for recommendations.

4. The Planning Board shall, following the consideration of the request, take such public action as it shall deem advisable.

**Table 225-27.C.1**

**Off Street Vehicle Parking Space Requirements**

Principal Use	Minimum Number of Parking Spaces
---------------	----------------------------------

**Residential Use**

Per Dwelling Unit 1 per unit

**Group Living**

Per Facility 1 per 5 beds  
 Addiction Treatment Facility  
 Nursing Home/ Congregate Care

**Public, Institutional, Civic Uses**

Facility

Church 1 per 5 seats

Club 1 per 125 s.f. of assembly space

Day care/ Pre School 1 per 6 children

Hospital 1 per 6 inpatient beds

Medical Clinic 3 per doctor

Library/ Museum 1 per 500 s.f.

School

Primary 1 per classroom

Secondary 4 per classroom

Post Secondary 4 per classroom

**Agriculture, Animal Care**

Farm n/a

Veterinary 1 per 500 s.f.

Kennel 1 per 500 s.f. of boarding area

**Food, Beverage, Entertainment**

Adult entertainment 1 per 500.sf.

Golf Course 1 per 500 s.f. + number of holes

Commercial Recreation 1 per 500 s.f. of indoor area

Restaurant 1 per 6 seats

Theater 1 per 6 seats

Amusement Facility/ Park 1 per 500 s.f. of activity area

**Lodging**

Campground 1 per campsite

Hotel/ motel/ Inn 1 per guest room + 1 per 800 s.f. of assembly space

#### **Retail Sales and Services**

Auto Sales	1 per 500 s.f. of sales area
Food Processing	1 per 400s.f. of office area
Gasoline Sale	1 per 500 s.f.
Motor Vehicle Service/ Repair	2 per service bay
Neighborhood Grocery Store	1 per 400 s.f. of sales area
Professional Office	1 per 400 s.f.
Seasonal Retail Sales	1 per 500 s.f. of sales area
Service Business	1 per 500 s.f. of office area
Retail Business	1 per 500 s. f.

#### **Industrial Uses/ Wharehousing**

\*\*\*All Uses noted below require 1 space per employee on maximum working shift in addition to the following:

Auto Salvage	1 per 300 s.f. of office area
Batch Plant	1 per 300 s.f. of office area
Manufacturing	1 per 300 s.f. of office area
Transmission Tower	na
Wholesale Business	1 per 300 s.f. of office area
Wharehouse	1 per 300 s.f. of office area
Self Storage	1 per 300 s.f. of office area

#### **Notes:**

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor space shall be used unless otherwise noted.
4. In the LV, MV, VC, LI and R4 Zones, the first two residential spaces may be waived in calculating the total required parking for a mixed-use building or project.