

Sponsor (Name or Committee):

Planning Board

Article Contact (Name, Title, Email, Phone):

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Article Title:

Zoning Bylaw Amendment - Joint Parking Bylaw

Article (Warrant Language):

ARTICLE XX. To determine whether the Town will delete entirely Section 7.7.2.4 (Joint parking facilities) in the Town's Zoning Bylaw and amend the Zoning Bylaw as follows: (1) insert a new Section 7.7.2.4 (Joint parking facilities); and (2) amend Section 7.7.2.7 (Location) as follows (for Section 7.7.2.7 only, deletions are shown in ~~strikeout~~ and changes or additions are shown in **bold italics** for emphasis only; where only a portion of a section is quoted, other sections shall remain unchanged) or take any other action relative thereto:

7.7.2.4 Joint parking facilities: Shared or joint use of off-street parking is strongly encouraged. Off-street parking facilities for two (2) or more buildings or uses may be provided and used collectively or jointly in any zoning district in which the separate uses would be permitted, subject to Site Plan Review and the following provisions:

(a) A written joint parking agreement shall be approved as to form by the Planning Board and executed by all parties concerned prior to the issuance of an occupancy permit.

(b) Off-street parking spaces for one (1) building and/or use shall not be considered as providing the required spaces for another building and/or use, except when it can be clearly demonstrated that the need for parking occurs at different times. The Applicant may propose a reduction in off-street parking requirements based on an hour-by-hour analysis, or a credible combination of hours, of parking demand. The establishment of projected parking demand will be based on the following characteristics:

i. The joint parking spaces for the uses shall be within six hundred (600) feet as measured from the subject building and/or uses to the parking spaces that serve them.

ii. Evidence that parking demand values have been projected based on data published through the transportation engineering and planning profession such as, but not limited to, the latest edition of the Institute of Transportation Engineers Parking Generation publication or the latest edition of the Urban Land Institute Shared Parking publication. The Planning Board may allow for empirical parking demand data from comparable uses to be utilized where the data is found to be satisfactory by the Building Commissioner. The Planning Board may

require review of such data by an Outside Consultant pursuant to MGL Ch. 44, Section 53G.

iii. Parking demand data by use shall be documented based on a joint parking demand analysis through an hour-by-hour and/or creditable combination analysis worksheet. The typical weekday, Saturday, and/or Sunday documentation for parking demand shall be defined for seasonal characteristics in consultation with the Planning Board based on the uses.

iv. The minimum allowable off-street parking spaces to service the building(s) and/or uses shall be equal to the largest of the use totals by timeframe presented in the joint parking demand analysis worksheet(s).

(c) Reduction in the minimum parking requirement shall not pertain to individual land uses where assigned parking is in effect unless it can be demonstrated that the assigned parking occupant(s) are not affected by the use of joint parking in the corresponding spaces.

(d) If a lower number of parking spaces than the cumulative number of minimum required parking spaces defined in Table IV is approved, no change in any use shall thereafter be permitted without review and approval by the Building Commissioner of further documentation that the parking will remain adequate following occupancy of the new use(s) and receipt of an executed joint parking agreement by all parties. If the Building Commissioner determines that said documentation is not satisfactory or that additional parking spaces are required, then additional parking spaces shall be provided prior to the change in use.

(e) The approval of joint parking facilities may be rescinded, and additional parking shall be provided by the owners, in the event that the Planning Board, after notice and public hearing thereon, determines the joint use is resulting in a public nuisance or other adverse effects on the public health, safety, and welfare.

(f) Joint parking facilities may be located on separate lots subject to the provisions of Section 7.7.2.7.

7.7.2.7 Location Off-site parking: All required parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where, in the opinion of the Planning Board, there are practical difficulties in satisfying the requirement for parking spaces and/or if the public safety and convenience would be served better by another **off-site** location, the Planning Board may authorize an alternative location **off site** for ~~nonresidential~~ parking subject to the following provisions:

(a) The property to be occupied as parking shall be in the same possession as the facility served either by deed, by easement, or by long-term lease. If the property is leased, the terms of the lease shall be subject to Planning Board approval as to form and length of time and a copy of the lease, **executed by all owners and tenants**, shall be filed with and made part of the application for a building or occupancy permit.

~~(b) The distance between the use or building and its parking area shall not be more than six hundred (600) feet.~~ **All parking spaces shall be within six hundred (600)**

feet as measured from the subject building or uses that those parking spaces are intended to serve.

(c) The separated parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic due to travel between it and the use or building to which it is appurtenant.

(d) The parking area shall be located on property zoned for the same or less restrictive use as the principal uses or building it serves.

Article Explanation:

This proposed Zoning Bylaw Amendment is substantially similar to the amendment that the Planning Board brought forth under Article 37 at the 2025 Annual Town Meeting. There was an issue with the wrong presentation being shown and the presenter's comments therefore not following what was shown on the screen. The Planning Board was informed by various citizens that this created confusion about the always complicated topic of parking and was the reason they did not vote in favor of the amendment. The Planning Board believes that this bylaw amendment is important, and that the citizens of Concord deserve to have the correct presentation, understand what the Board is trying to accomplish and then vote. This is the reason the Board is bringing this amendment back to Town Meeting.

The current Zoning Bylaw allows for a decrease in the minimum parking requirements up to 50% for joint parking facilities, but only for educational, religious, lodge and club, indoor amusement, and restaurant uses whose parking is used jointly by banks, offices, retail stores, repair shops, service establishments, and other uses not normally open, used, or operated during similar hours. In other words, the Zoning Bylaw limits the overall decrease in the minimum parking requirements while also limiting the potential uses that can utilize joint parking.

In July 2019, the Metropolitan Area Planning Council completed the Concord Parking Policy Analysis, which included a recommendation to "build on the existing joint parking bylaw to allow developers to build less on site if they can demonstrate how parking demand varies over the course of the day."

This Zoning Bylaw amendment would allow any uses to utilize joint parking if it can be clearly demonstrated that larger levels of off-street parking are not truly needed based on credible industry parking demand data and an hour-by-hour analysis. This analysis must show that the number of spaces that are proposed for all the uses can accommodate the highest hourly parking demand. A business will not be permitted to change use until the Building Commissioner receives a new hour-by-hour analysis that once again clearly demonstrates that there is sufficient parking.

In the event that a joint parking use results in a public nuisance or other adverse effects on the public health, safety, and welfare, the approval of joint parking facilities may be rescinded, and additional parking shall be provided by the owners.

If a property owner is unable to provide additional parking, the Planning Board can require operational changes for the joint uses that reduce the overall demand for parking. For joint uses, an example would be a change in the hours of operation to reduce overlap.

The benefits of this amendment are in line with the Town's sustainability and economic vitality goals.

Motion (if known at time of submission):

[Insert proposed motion language, if available.]