

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. B-14

August 13, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 30 ZONING** as follows:

**Insert, after Sec. 6.7.6, the following new Sec. 6.7.7:**

6.7.7. Accessory Shared-Parking

- A. **Defined.** Accessory Shared-Parking is the use of accessory parking stalls, authorized under the Accessory Shared-Parking Pilot for shared use in off- peak times. Accessory Shared-Parking is an allowed accessory use only when the owner or operator of the parking stalls has been approved as a participant in the Pilot and the stalls so identified and approved are utilized in strict accordance with the requirements, terms, and conditions of the Pilot to be issued by the Director of Planning and Development.
- B. **Accessory-Shared Parking Pilot.** The Accessory Shared-Parking Pilot is intended to optimize existing parking resources in village centers by making underutilized private parking available to the public in select commercial areas.
- C. **Standards.**
  1. The Pilot will be administered by the Director of Planning and Development, in consultation with the Commissioner of Inspectional Services. The Director of Planning and Development shall prepare and issue rules/guidelines, not inconsistent with the provisions of this Chapter, that clarify the criteria and requirements for participation in the Pilot and set forth the terms and conditions that will apply to approved participants. A copy of these guidelines shall be posted on the City website.
  2. Participation in the Pilot shall be limited to accessory parking located in a Business, Mixed Use, or Manufacturing District or a non- residential use

property abutting or across a public way from a Business, Mixed Use, or Manufacturing District. Accessory parking to residential uses are not eligible. Parking stalls already shared pursuant to a non-accessory parking agreement are not eligible.

3. The owners of properties participating in the Accessory Shared-Parking Pilot shall be responsible for ensuring that the use of their existing parking stalls will not render any required parking stalls unavailable to the persons whom the stalls are designed to serve in accordance with Sec. 5.1.3.E., 5.1.4, and any special permit granted pursuant to Sec. 5.1.3.D. and 7.3.3.D.3.

**D. Process.**

1. An application for participation shall be on such form and shall provide such information as the Director of Planning and Development and the Commissioner of Inspectional Services may reasonably require.
2. All accessory shared-parking spaces must receive review and written approval by the Commissioner of Inspectional Services, with the advice of the Director of Planning, prior to participating in the Pilot Program to confirm that all applicable criteria and requirements have been met.

Any property with a special permit relating to parking shall be reviewed to determine how the special permit and its conditions relate to participation in this program. The Planning Department will inform and discuss the applications from properties with parking special permits with the Chair of the Land Use Committee and the Councilors from that property's ward prior to submitting a recommendation to the Commissioner of Inspectional Services.

3. The Commissioner of Inspectional Services shall have the right to revoke or cancel an approval for participation in the Pilot if the parking is not being utilized in accordance with the requirements, terms, and conditions of the Pilot.

**E. Applicability.** The provisions of this Sec. 6.7.7 are not intended to conflict or be inconsistent with any other provisions of this Chapter. All applicable provisions of this Chapter shall still apply to participants in the Pilot.

**F. Reevaluation.** The Director of Planning shall conduct an annual reevaluation of the Pilot and its guidelines. Such reevaluation shall include a report provided to the City Council reviewing participation activity and statistics, as well as to the extent it can be determined, the types and locations of users, enforcement, and costs associated with the Pilot, to be reviewed annually by the Zoning and Planning Committee for

any recommendations to the Director of Planning and Development or to the Council.

- G. **Expiration.** This provision shall expire three (3) years from the date of adoption on August 13, 2021.

Approved as to legal form and character:

OIDA C. M. YOUNG

Acting City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

21 yeas 0 nays 3 absent (Councilors Cote, Krintzman, and Rice)

EXECUTIVE DEPARTMENT

Approved:

(SGD) DAVID A. OLSON

City Clerk

(SGD) RUTHANNE FULLER

Mayor