

Article 44

Whether the Town will amend Zoning Bylaw Section 4.2.3 (Combined business/residence) to add a new subsection 4.2.3.5, and Zoning and Zoning Bylaw Section 7,7 Off Street Parking, Loading, and Design Standards table IV Minimum Parking to add the following Footnote 1 to Business Uses (amendment shown below is ***bold italics***). All other sections shall remain unchanged.

Subsection 4.2.3.5 In Commercial Districts, a change in use form a permitted Business use to another permitted Business use that does not increase the square footage of use or commercial space, shall not be required to provide additional off-street parking.

Concord's four Commercial Districts are: Nine Acre Corner, West Concord, Thoreau Depot, and Concord Center. Maps of these four districts are reproduced below.

It should be noted that the proposed original zoning change included a change in use to a new business/*residential* use. We initially considered including residential, but other regulations would still be in place to limit ease of changing to residential uses, and concerns around overnight parking for residents needs further study. Therefore, the residential component was dropped. Additionally, questions were raised at the Planning Board public hearings about a changes is the square footage accompanied changes is use. It was our intension in proposing the amendment, that it would apply only when there was no increase in the square footage of the new commercial space. To make this explicit, we decided to include such a clause in the final version of the amendment.

Parking requirements are complicated and often contentious. This amendment is a small step aimed at reducing the complexity and cost of the permitting process for new businesses trying to come to Concord.

Concord's current zoning requirements mandate private parking for every business coming to town. However, if a new business that is the same type as the departing business (new candy store replacing a flower shop – both retail businesses) there are no parking requirements. It is when there is a change in use (a barber shop replacing the flower shop – a service business replacing a retail business) that triggers parking requirements. The new business can request a waiver from the Planning Board. However, to apply for the waiver, a parking study must be undertaken. Such a study that takes time and costs money. If the study determines that additional parking is necessary, in our commercial districts, what is the applicant to do? The applicants simply cannot create additional parking spots – there is no space to do so!

A waiver is almost always granted. The bottom line – money and time have been spent by the applicant and, no new parking spots have been created. This makes coming to Concord more difficult and extends the duration of storefront vacancies.

The Economic Vitality Committee urges your support of Article 44.