

ARTICLE 6.000 OFF STREET PARKING AND LOADING REQUIREMENTS AND NIGHTTIME CURFEW ON LARGE COMMERCIAL THROUGH TRUCKS

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6.10 INTENT AND APPLICABILITY OF PARKING, BICYCLE PARKING AND LOADING REQUIREMENTS

6.11 *Intent.* It is the intent of this Article 6.000 to reduce traffic congestion, noise, vibrations, fumes and safety hazards caused by large commercial trucks, thereby promoting the safety, health and welfare of the public, by establishing requirements for off street parking, bicycle parking and loading and restrictions on the use of City street during the night-time by large commercial trucks with points of origin and destinations outside the City of Cambridge in order to implement the purposed of the The Zoning Act, Section 2A of Chapter 808, and Article 1.000. Section 1.30 of the Cambridge Zoning Ordinance, including:

- to lessen congestion in the streets
- to conserve health
- to conserve the value of land and buildings
- to prevent pollution of the environment
- to protect residential neighborhoods from incompatible activities, and
- to preserve and increase the amenities of the city.

The number of parking and loading spaces required herein varies according to type, location and intensity of development in the different zoning districts, and to proximity of public transit facilities. This Article 6.000 requires development of adequate parking facilities to meet the reasonable needs of all building and land users without establishing regulations which unnecessarily encourage automobile usage. The parking and bicycle parking standards contained herein are intended to encourage public transit, bicycle usage and walking in lieu of automobiles where a choice of travel mode exists. It is also the purpose of this Article to allow flexibility in providing required parking through shared or off site arrangements in order to accommodate the automobile in the urban environment in a less disruptive way. Development regulations and design standards have been established to reduce hazard to pedestrians on public sidewalks, to ensure the

usefulness of parking, bicycle parking and loading facilities, and where appropriate, to avoid potential adverse impacts on adjacent land uses, and to enhance the visual quality of the city.

6.12 Applicability. The off street parking and loading provisions of this Article 6.000 shall apply as follows:

- (a) For new structures erected and new uses of land established or authorized after the effective date of this Article 6.000 or any amendment thereto, as well as for external additions of Gross Floor Area to existing structures for any use, accessory off street parking and loading facilities shall be provided as required by the regulations for the districts in which such structures or uses are located.

In the case of an addition of Gross Floor Area to an existing structure (lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto), which addition contains nonresidential uses, off street parking and loading facilities shall only be required when the total of such additions occurring from the effective date of this Article 6.000 or any amendment thereto increases the Gross Floor Area of the existing structure by fifteen (15) percent or more. If such an increase occurs, additional off street parking or loading facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

- (b) When the intensity of an existing use within any existing structure (or lot in the case of 6.36.7 l and m and 6.36.8 f and g) is increased through addition of dwelling units, floor area, seating capacity or other units of measurement specified in Section 6.30 or Section 6.60 (but not including any uses in a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above), off street parking and loading facilities shall be provided as required for such increase in intensity of use.

However, a nonresidential use lawfully established prior to the effective date of this Article 6.000 or any amendment thereto shall not be required to provide off street parking and loading facilities for such increase unless and until the aggregate increase in units of measure shall equal fifteen (15) percent or more of the units of measurement existing upon said effective date. If such an increase occurs, additional off street parking or loading facilities as required herein shall be provided for the total increase in intensity subsequent to the effective date of this Article 6.000 or any amendment thereto.

- (c) When the use of an existing structure (but not including the use of a new external addition to that structure, which shall be subject to the provisions of Paragraph (a) above) is changed to a new nonresidential use, off street parking and loading facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36 and the schedule of loading requirements in Subsection 6.60. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto, additional off street parking and loading facilities shall be required only to the extent that the required amount for the new

nonresidential use would exceed the amount required for the previous use if said previous use were subject to the schedule of parking and loading requirements.

In either case, the first four (4) spaces required need not be provided.

- (d) When the nonresidential use of an existing structure is changed to a residential use, off street parking facilities shall be provided as required in the schedule of parking requirements in Subsection 6.36. Any maximum requirements specified in Subsection 6.36, as well as minimum requirements, shall be applicable to such changes in use.
- (e) *Bicycle Parking.* Bicycle parking shall be provided according to the requirements set forth in Section 6.100. Wherever the term "parking" is used in this Zoning Ordinance without specific reference to bicycles, such term shall refer to parking for motor vehicles and not bicycles.

However, if said structure was lawfully erected prior to the effective date of this Article 6.000 or any amendment thereto and the nonresidential use of the structure is proposed to be changed to an Affordable Housing Project as herein defined, additional off street parking facilities shall be required as provided above, except that for that portion of the Project consisting of Affordable Units additional off street parking shall be provided at the rate of 60% of the parking otherwise required in Section 6.36.

For purposes of this Section 6.12 (d) an Affordable Housing Project shall be a residential development in which at least fifty percent (50%) of the dwelling units are considered Affordable Units for occupancy by Eligible Households as defined in Section 11.200 of the Zoning Ordinance.

- 6.13** *Scope of Off Street Parking Regulations.* All accessory parking facilities shall conform to all regulations set forth in this Article governing the use, design and operation of such facilities. However, the provisions of this Article 6.000, notwithstanding, any special parking requirements for townhouse developments specified in Section 11.10, for planned unit developments specified in Article 13.000, for projects in the Mixed Use Development District specified in Article 14.000 or for special permits specified elsewhere in this Ordinance shall be applicable for those projects.
- 6.14** *Restoration.* When an existing structure or use is restored and resumes operation after being destroyed or damaged by fire, explosion, or other catastrophe, off street parking, bicycle parking and loading facilities shall be provided at least equivalent to that in existence at the time of such destruction or damage. If the extent of such damage is such that the cost of restoration is fifty (50) percent or more of the replacement value of the structure or use, then parking, bicycle parking and loading facilities meeting the requirements of this Article 6.000 shall be provided. However, in no case shall it be necessary to replace or continue any parking, bicycle parking or loading facilities which were in excess of those required by the schedules of parking and loading requirements for equivalent amounts of new uses or construction.
- 6.15** *Existing Parking Facilities.* Accessory off street parking facilities established after March 15, 1961, shall not hereafter be reduced below - of if already less than, shall not be further reduced below - the minimum requirements under the provisions of this Article 6.000.

Accessory off street parking facilities in existence as of March 15, 1961 shall only be required if such facilities have been used to satisfy parking requirements after March 15, 1961.

- 6.16** *Dedicated Off Street Parking Facilities.* Required off street parking facilities which after development are later dedicated to and accepted by the City and maintained by the City for off street parking purposes, shall be deemed to continue to serve the structures or uses to meet the requirements for which they were originally provided.
- 6.17** *Compatibility with the E.P.A. Clean Air Regulations* In addition to the regulations contained in this Article, all off street parking facilities must comply with restrictions contained in the Transportation Control Plan for the Metropolitan Boston Interstate Air Quality Control Region as promulgated by the United State Environmental Protection Agency to the extent the same are in force and effect.
- 6.18** *Compatibility with Handicapped Access Rules.* In addition to the regulations contained in this Article 6.000, all off street parking facilities must comply with the currently applicable "Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts" to the extent the same are in force and effect.

6.20 OFF STREET PARKING REGULATIONS

- 6.21** *Use.* All accessory parking facilities provided in accordance with this Article shall be maintained exclusively for the parking of motor vehicles so long as the use exists which the facilities were designed to serve. Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind, with the exception of emergency service when needed. **Notwithstanding anything to the contrary in this Ordinance, parking facilities maintained in accordance with this Article 6.000 may be used by Carsharing Vehicles subject to the provisions and limitations set forth in Section 6.24 of this Zoning Ordinance.**
- 6.22** *Location.* All accessory off street parking facilities shall be located in accordance with the provisions of subsections 6.22.1, 6.22.2 and 6.22.3. For purposes of this Section 6.22 lot shall also mean the Development Parcel of any Planned Unit Development regulated by the provisions of Article 12.000 and Article 13.000 without regard to a lot or lots that may initially constitute the Development Parcel or any lot or lots created within the Development Parcel subsequent to the approval of the PUD by the Planning Board.
- 6.22.1** Accessory off street parking facilities may be located on the same lot as the use being served or on another lot that has the same or less restrictive zoning classification as the lot on which the use being served is located in accordance with the following conditions:
- (a) (1) said other lot is contiguous to the lot on which the use being served is located;
or
 - (2) said other lot is within three hundred (300) feet of the lot on which the use being served is located and the use being served is nonresidential; or
 - (3) said lot is within three thousand (3000) feet of the lot on which the use being served is located, such use is an institutional use listed in Subsection 6.36.3b

and said use is located within a five acre area containing one or more lots, contiguous except for streets, owned by a single institution; and

- (b) said lot is not now and was not within the past five (5) years the location of a preferably preserved significant building (as defined in the General Ordinances of Cambridge) as determined by the Cambridge Historical Commission.
- (c) however, no off site accessory parking facilities shall be allowed to meet the requirements for Subsection 6.36.5h "Theatre or hall for public gatherings".

6.22.2 The Board of Zoning Appeal may grant a special permit for off site accessory parking not allowed in Subsection 6.22.1 (a) provided that convenient and safe access from the parking facility to the use being served is provided in accordance with the following conditions:

- (a) No off site accessory parking facility may be located on a lot which has a more restrictive zoning classification than the lot on which the use being served is located.
- (b) Off site accessory parking facilities shall be located within four hundred (400) feet of the lot being served for residential uses and within one thousand (1000) feet of the lot for other uses.

6.22.3 [PARAGRAPH DELETED]

6.22.4 Accessory off street parking spaces required under the provisions of this Article 6.000 need not be in the City of Cambridge.

6.22.5 Distance Measurements For Parking Facilities. In all cases where distance measurements between a lot and off site parking facilities or other specified area are specified in this Article 6.000, such distance shall be measured as a straight line from the nearest point for the lot on which the off site accessory parking is located, to the nearest transit station entrance, or to the nearest street line or other boundary of another specified area.

6.23 *Control of Off Site Parking Facilities.* Where accessory parking facilities are allowed on land other than the lot on which the use being served is located said other land shall be in identical ownership or binding commitments shall exist to guarantee, to the reasonable satisfaction of the Superintendent of Buildings or to the special permit granting authority, that the off site parking will continue to be available for the period during which the use or uses that the parking serves may be expected to be in existence. Such commitments shall be evidenced by negotiated lease agreement, recorded covenant or comparable legal instrument. Such instrument shall be duly recorded at the Middlesex County Registry of Deeds and certification of such recording provided to the Superintendent of Buildings or the special permit granting authority.

6.24 **Carsharing Provisions. The provisions of this Section 6.24 shall govern the allowed use of parking spaces for carsharing. Where the provisions of this Section 6.24 may conflict with any requirements set forth elsewhere in this Ordinance, the provisions of this Section 6.24 shall control.**

6.24.1 **Intent. This Section 6.24 is intended to allow the limited use of parking spaces for Carsharing as a means to provide mobility options for Cambridge residents, employees and visitors who may not possess a private automobile, thereby**

promoting City goals by increasing mobility, reducing reliance on automobile ownership and use, and lessening the total demand for parking spaces.

6.24.2 Definitions. For the purpose of this Ordinance, Carsharing shall mean the use of parking spaces by Carsharing Vehicles and Carsharing Organizations, as defined below:

- (a) Carsharing Vehicle shall be defined as a private passenger motor vehicle that is made available to multiple authorized users primarily for hourly or other short-term use through a self-service fully automated reservation system, but not by means of a separate written agreement that is entered into each time a vehicle is transferred to a customer. A Carsharing Vehicle may be owned, maintained or administered by a Carsharing Organization or other entity.
- (b) Carsharing Organization shall be defined as a membership-based entity with a distributed fleet of Carsharing Vehicles that charges a use-based fee related to a specific vehicle.

6.24.3 General Limitations

- (a) Carsharing Vehicles shall only be allowed in parking facilities that are lawfully established and conforming to the dimensional and other requirements of Article 6.000, or, if not, are lawfully non-conforming.
- (b) A Carsharing Vehicle authorized pursuant to this Section 6.24 shall be properly registered under the appropriate jurisdictions.
- (c) A Carsharing Vehicle located within an authorized parking facility shall be maintained for active use by authorized operators and not stored for other purposes. No sales, servicing, dead storage, repair, administrative or similar functions shall occur and no personnel shall be employed on the site except for occasional short-term maintenance of vehicles (such as interior vacuuming) unless otherwise permitted by the use regulations in the zoning district.
- (d) Carsharing Vehicles administered by a Carsharing Organization shall be routinely accessed directly by users without any assistance or supervision by company personnel.
- (e) All owners of that portion of a lot accommodating a Carsharing Vehicle, or their legally authorized representative, including a condominium association where applicable, shall be required to grant permission for the operation of a Carsharing Vehicle on their property.

6.24.4 Principal Use Parking Provisions.

- (a) Within principal use parking facilities established under the provisions of Section 4.32 (b) (Automobile Parking Lot for Private Passenger Cars) or Commercial Parking Facilities registered with the Department of Traffic, Parking and Transportation per the provisions of Chapter 10.16 of the Cambridge Municipal Code, there shall be no limitation on the number of Carsharing Vehicles that may be maintained for active use at the facility.

- (b) **Notwithstanding anything to the contrary in this Ordinance, the maintenance of Carsharing Vehicles for active use within a principal use or commercial parking facility in accordance with this Section 6.24 shall not cause any change in the use designation of that facility or affect any other regulation that may be applicable to that facility.**

6.24.5 Accessory Parking Provisions.

- (a) **Within parking facilities that are accessory to non-residential uses, there shall be no limitation on the number of Carsharing Vehicles that may be maintained for active use at the facility.**
- (b) **Within parking facilities that are accessory to residential uses, the number of parking spaces maintained for active use by Carsharing Vehicles shall not exceed thirty percent (30%) of the number of spaces located within the facility or two vehicles, whichever is greater. Carsharing Vehicles shall not be permitted in driveways of single-family residential homes.**
- (c) **Carsharing Vehicle parking spaces not otherwise permitted in Section 6.24.5 above shall be permitted by special permit from the Planning Board. The Board may specifically allow more principle use Carsharing Vehicle parking spaces than are allowed.**
- (d) **Notwithstanding anything to the contrary in this Ordinance, the maintenance of Carsharing Vehicles within an accessory parking facility in accordance with this Section 6.24 shall not cause any change in the use of that facility nor any violation of the accessory parking requirements applicable to the principal uses served by that facility, provided that such Carsharing Vehicles are available for use by any occupant of the principal use that is otherwise qualified to operate a motor vehicle. Where a Carsharing Vehicle is owned or operated by a Carsharing Organization, ordinary fees and other terms of service may apply.**