

**Zoning Amendments (paper #23-323)**

*Approved by City Council, 9/5/2023*

Legend	
Text	Original Zoning
Text	Changes adopted by City Council on 9/5/2023
Text	Commentary on changes

*A. Change to Table of Use and Parking Regulations H. Motor Vehicle Related Uses and I. Miscellaneous Commercial Uses - Medford's Use Table does not align with the current goals and development priorities for commercial and industrial districts. Because of this misalignment and potential negative impacts of the following uses, it is important to closely review and evaluate proposals.*

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC	LC
<b>H. MOTOR VEHICLE RELATED USES</b>															
1. Motor vehicle light service station	N	N	N	N	N	N	N	<del>CC</del> CD	<del>CC</del> CD	<del>CC</del> CD	<del>CC</del> N	N	N	G	B
2. Motor vehicle repair establishment	N	N	N	N	N	N	N	N	<del>CC</del> CD	<del>CC</del> CD	N	N	N	G	B
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	N	N	N	N	<del>CC</del> CD	<del>CC</del> CD	<del>CC</del> CD	N	N	N	H	B
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	N	N	N	N	<del>CC</del> N	<del>CC</del> CD	N	N	N	N	NA	NA
5. Motor vehicle sales and storage, outdoors	N	N	N	N	N	N	N	N	N	N	N	N	N	NA	NA
6. Class II used motor vehicle sales	N	N	N	N	N	N	N	N	<del>CC</del> CD	N	N	N	N	NA	NA
7. Motor vehicle wash within enclosed structure	N	N	N	N	N	N	N	N	<del>BA-CC</del> CD	<del>BA-CC</del> CD	N	N	N	G	B

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC	LC
<b>I. MISCELLANEOUS COMMERCIAL USES</b>															

1. Parking area or garage not accessory to permitted principal use:	N	N	N	BA	BA	BA	N	Y	Y	Y	N	N	Y	NA	NA
Residential	N	N	N	CD	CD	CD	N	CD	CD	CD	Y	N	CD	NA	NA
Nonresidential				N	N	N		Y	Y	Y	CD		Y		

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC	LC
<b>J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES</b>															
1. Fuel and ice sales	N	N	N	N	N	N	N	N	Y BA	Y	N	N	N	K	B
2. Motor freight terminal	N	N	N	N	N	N	N	N	N	N	N	N	N	NA	NA
3. Printing and publishing	N	N	N	N	N	N	N	N	BA	Y	N	N	N	H	B
4. Railroad right of way	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	NA	NA
5. Manufacturing	N	N	N	N	N	N	N	N	BA	Y	Y	Y	BA	J	B
6. Research and testing laboratory	N	N	N	N	N	N	N	N	BA	Y	Y	Y	BA	J	B
7. Plumbing or carpentry shop, and other similar service or repair shops	N	N	N	N	N	N	N	N	BA	Y	N	N	N	G	A
8. Wholesale bakery or food processing plant	N	N	N	N	N	N	N	N	BA	Y	N	N	N	J	A
9. Wholesale laundry, cleaner, dyer or similar use	N	N	N	N	N	N	N	N	BA	Y	N	N	N	H	B
10. Warehouse, Wholesale establishment	N	N	N	N	N	N	N	N	Y BA	Y	N	N	BA	K	A
11. Mini or self storage warehouse	N	N	N	N	N	N	N	N	Y BA	Y	N	N	BA	K	A

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC	LC
<b>K. ACCESSORY USES</b>															
1. Home occupation (see s. 3.4)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	G	NA
As of right	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y		
OR															
by special permit															
2. Accessory child care center or school aged child care program	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
3. Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	J	NA
4. Family day care home, large	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	N	BA	J	NA
5. Adult day care home	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	J	NA

6. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	Y	C	NA
7. Noncommercial greenhouse, tool shed, or similar accessory structure	CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	NA	NA
8. Swimming pool, on a lot with: Less than 4,500 sq. ft. More than 4,500 sq. ft.	BA BA	BA Y	BA Y	BA Y	BA Y	BA Y	BA Y	Y Y	Y Y	Y Y	N N	N N	Y Y	NA NA	NA NA
9. Scientific research and development, as provided at Section 3.3.3.1	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y	NA	NA
10. Keno	N	N	N	N	N	N	N	CC	CC	CC	N	N	N	NA	NA
11. Open storage	N	N	N	N	N	N	N	N	<del>Y-CD</del>	<del>Y-CD</del>	N	N	N	K	A
12. Heavy repair operations	N	N	N	N	N	N	N	N	CC	Y	N	N	N	G	A

**B. Multiple Principal Structures on a Lot *Change to 3.1.1(1) - recodification passed in March 2022 created the unintended consequence of rendering many existing multifamily and commercial properties non-conforming, such as Medford Housing Authority’s Walkling Court and LaPrise Village properties. Multiple appropriately scaled buildings rather than one large building on a lot is often the preferable and more appropriate development typology within the existing neighborhood context.***

1. In any district, two principal structures shall not be permitted on the same lot, other than in the ~~MUZ District, SF-1, SF-2, and GR zoning districts except by Special Permit from the Community Development Board,~~ or as otherwise authorized in this Ordinance., ~~other than in the MUZ District.~~

**C. Second Associate Member for Board of Appeals and Clarification of Term Length *Change to 11.4.1 - Reduce occurrences of not meeting quorum or disadvantaging applicants to obtain the necessary quantum of vote due to member absences or recusals. Additionally, change the number of terms that expire in one year to be “at least” one rather than the mathematically impossible “not more than one.”***

11.4.1 Establishment. A Board of Appeals, provided for under G.L. c. 40A, s. 12, is hereby established consisting of five members who shall be appointed by the mayor. The members shall serve for a term of three years which shall expire the first Monday of March, staggered so that the term of ~~not more than one member expires annually~~ **one member shall expire each year.** The members shall be residents of the City. The Board shall annually elect a chairman from among its own members and a clerk. The mayor shall also annually appoint ~~one~~ **two** associate members of such Board of Appeals who shall be appointed for a one-year term and who shall sit on the Board upon the designation of the chairman to act in the event of a vacancy or the absence, inability to act, or interest on the part of a member thereof. Members and the associate member shall serve until a successor is appointed and qualified, unless sooner removed.

- D. Correcting unintended additional referrals to CDB** *Change to 94-11.6.4 - The Community Development Board has always been listed as needing to review some special permits for some use categories. During the recodification, changes to language expanded required referral of all special permits [for uses], however many additional regulatory actions such as “findings” were reclassified as Special Permits. It was not intended that the CDB review all these additional new Special Permits for matters such as minor dimensional relief for pre-existing non-conforming structures. By adding the language “as required by the Table of Use and Parking Regulations” this clarifies that only Special Permits for Uses require review by the Community Development Board.*

94-11.6.4 Referral. The City Council and Board of Appeals shall forward any special permit application **as required by the Table of Use and Parking Regulations** to the Community Development Board. The Community Development Board, shall, within 45 days, review said application and make recommendations as it deems appropriate and send copies thereof to the City Council or Board of Appeals and to the applicant. Failure of the Board to make recommendations within 45 days of receipt by said Board of the application shall be deemed lack of opposition thereto.

- E. Clarify/Deconflict which authority is the SPGA when there are multiple forms of relief required**

*Reason for the amendment: there are conflicts and inconsistent language throughout the ordinance making it unclear which body is the SPGA or Site Plan Review Authority when there may be relief required by more than one granting authority.*

*Proposed amendment: amend language throughout the ordinance to reflect that the Site Plan Review Authority aligns with the SPGA for special permits for uses in the Table of Uses and Parking Regulations” and that Special Permits and Variances for dimensional relief from the Board of Appeals do not supersede the CDB as the Site Plan Review Authority.*

94-6.1.10 Special Permit **to Waive or Reduce Requirements**. The SPGA or ~~Community Development Board~~ **Site Plan Review Authority** may, ~~by special permit or in site plan review, as the case may be,~~ reduce or waive the requirements of this Section **by special permit** if warranted considering, among other factors: specific site or public safety considerations; access to public transportation; the supply and demand of on-street parking in the vicinity; mobility management/shared vehicle programs and services to be provided by the applicant; and if no substantial detriment shall result to the neighborhood.

94-6.2.20 Special Permit **to Exceed Size and Quantity of Signs**. The SPGA or ~~Community Development Board~~ **Site Plan Review Authority** may, ~~by special permit or in site plan review, as the case may be,~~ approve larger signs or additional on-premises signs **by special permit**, if warranted considering, among other factors: the nature and use of the premises; the architecture of the building or its location with reference to the street; the compatibility of the signage in visual scale to its surroundings; and that no substantial detriment shall result to the neighborhood.

94-6.3.7 Berms. The SPGA or ~~Community Development Board~~ **Site Plan Review Authority** may require a berm or berms in appropriate circumstances to promote the goals of this Section.

94-6.3.11 **Special Permit to Waive or Reduce Requirements.** The SPGA or ~~Community Development Board~~ **Site Plan Review Authority** may, ~~by special permit or in site plan review, as the case may be,~~ reduce or waive any provision of this Section **by special permit** if warranted considering, among other factors: a waiver is offset by other beneficial aspects of the proposal relevant to the provisions of this Section; the overall design and site planning enhances the visual and civic quality of the site; the overall design and experience for residents and visitors; and that no substantial detriment shall result to the neighborhood.

*In Section 94-6.4 PERFORMANCE STANDARDS FOR MULTIPLE DWELLING OR NONRESIDENTIAL USE, replace all instances of “Community Development Board” with “Site Plan Review Authority” as listed below.*

*Amend the following sections as follows:*

94-6.4.7.10. Mitigation. The SPGA or ~~Community Development Board~~ **Site Plan Review Authority** may require as a condition of ~~any special permit~~ **approval** off-site improvements to mitigate the impact of the proposed development.

94-11.4.2 Powers. The Board of Appeals shall exercise the powers and perform the duties prescribed for a Board of Appeals under the provisions of G.L. c. 40A and c. 40B, or any amendments thereto. Any action of such board shall be in accordance with and subject to the terms thereof.

Whenever a petitioner or applicant seeks relief or action from **an additional SPGA or Site Plan Review Authority** ~~both the City Council and the Board of Appeals~~, in order to obtain relief, such petitioner, applicant or other person shall first file with the Board of Appeals for the relief which such board has jurisdiction to grant and only after a favorable decision by the said board, shall a petitioner, applicant, or other person be permitted to file with City Council **and/or the Community Development Board** for further relief **or action**.

94-11.7.4 Review by Community Development Board.

1. In the case of a major project which requires a special permit **under the Table of Use and Parking Regulations, the designated SPGA shall also serve as the Site Plan Review Authority.** ~~from the Board of Appeals or City Council,~~ **When not serving as the SPGA,** the Community Development Board shall perform **the initial** site plan review and submit its recommendations to the City Council or Board of Appeals within forty-five (45) days of the date of filing with the Community Development Board. Otherwise, failure to make such recommendations shall be deemed a lack of opposition thereto. In the event the public hearing is held prior to the expiration of the 45-day period, the Board of Appeals or City Council shall continue the hearing to permit the submission of recommendations within that period. The decision of the Board of Appeals or City Council shall contain explanatory reasons for its action if it is contrary to the recommendations of the Community Development Board.

2. In the case of a major project not requiring a special permit under the Table of Use and **Parking Regulations and Off-Street Parking**, the Community Development Board shall serve as the ~~s~~**Site Plan Review Authority**, shall conduct a public hearing in accordance with G.L. c. 40A, s. 11, and file its written decision, reached by majority vote of the Board as constituted, with the City Clerk within ninety (90) days after the close of the public hearing. Failure to file a decision within said 90-day period shall constitute approval of the site plan.

94-11.7.5 Procedures.

1. In the case of major project which requires a special permit from the City Council or Board of Appeals as identified in ~~section 94-148~~ **the Table of Use and Parking Regulations**, three copies of the above site plan review application shall be provided by the applicant and submitted to the Community Development Board at the same time application is made to the City Council or Board of Appeals for a special permit.

94-11.7.10 Standards for Approval. The ~~special permit-granting~~ **Site Plan Review Authority** ~~or Community Development Board~~ shall approve a site plan if consistent with Section 6.4, and after making the following written findings with respect to the proposed development:

94-11.10 REPETITIVE PETITIONS; WITHDRAWAL.

94-11.10.1 Repetitive Petition. No appeal, application or petition which has been unfavorably and finally acted upon by the Board of Appeals, ~~or the City Council,~~ **or the Community Development Board** shall be acted favorably upon within two years after the date of final unfavorable action unless said Board of Appeals, by a unanimous vote, or said City Council, by a two-thirds vote, finds specific and material changes in the conditions upon which the previous unfavorable action was based and describes such changes in the record of its proceedings, and unless all but one of the members of the Community Development Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

94-11.10.2 Withdrawal. Any petition for a variance or application for a special permit which has been transmitted to the City Council ~~or,~~ Board of Appeals, **or Community Development Board** may be withdrawn without prejudice by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter be withdrawn without prejudice only with the approval of the City Council~~, or,~~ Board of Appeals, **or Community Development Board**.

*Amend the definition of Special Permit in the Definitions section.*

Special Permit: Permission to make use of land or to erect and maintain buildings or other structures thereon in specified instances after application for a special permit for an exception and the granting thereof by the City Council, ~~or~~ Board of Appeals, **or Community Development Board** in accordance with the provisions of this chapter and G.L. c. 40A.

- F. Eliminate Superfluous Requirement for a Special Permit for Inclusionary Housing** *Changes to sections 94-8.1.4 through 94-8.1.11 - Compliance with Inclusionary Housing requirements as prescribed in the Ordinance is not something that should need a Special Permit as it is a requirement, not unlike landscaping or parking regulations. Inclusionary Housing provisions are triggered for projects with 10 or more units. Per the Zoning Ordinance, any project with 6 or more units requires Site Plan Review, therefore, any project subject to Inclusionary Housing would be reviewed by the SPGA or Site Plan Review Authority. In addition, requiring a Special Permit would not comply with the new MGL Ch 40A section 3A "MBTA Communities Zoning" as multifamily housing must be "by-right" and only subject to Site Plan Review without the need for a Special Permit.*

~~94-8.1.4 Procedures and Fees. Procedures and fees associated with the filing of a special permit for inclusionary housing shall be established by the Community Development Board by the adoption of rules and regulations.~~

~~94-8.1.54 Special Permit Requirements of Covered Projects. The development of any project set forth in this Section shall require the grant of a special permit from the Board of Appeals or other designated SPGA. A special permit shall be granted if the proposal meets the requirements of this Section.~~

- ~~1. Covered projects requiring a special permit and/or a variance from the Board of Appeals or City Council in accordance with the Table of Uses and Parking Requirements. In the case of a covered project which requires a special permit from the City Council, or the Board of Appeals as identified in the Table of Use and Parking Regulations, or site plan review pursuant to Section 11.7, the Community Development Board shall submit its recommendation relative to inclusionary housing within 45 days of the date of submission to the Board SPGA for comment. The recommendation of the Community Development Board shall be attached as a condition of approval of the special permit for the use which shall be conducted pursuant to the provisions of Section 11.6.~~
- ~~2. Covered Projects requiring a site plan approval review from the Community Development Board. In the case of a covered project which requires site plan review and all other covered projects not subject to subsection 8.1.54.1, the Community Development Board shall conduct a public hearing and its review shall be consistent with the provisions of Section 11.7.~~
- ~~3. Nothing shall prevent the SPGA to combine public hearings for a special permit for use or site plan review with the special permit for inclusionary housing.~~

~~94-8.1.65 Mandatory Provision of Affordable Units. As a condition of approval for a special permit Covered projects, the applicant shall contribute to the local stock of affordable units in accordance with the following requirements:~~

- ~~1. Ten to 24 lots or units - Ten percent affordable units.~~
- ~~2. Twenty-five to 49 lots or units - Thirteen percent affordable units.~~
- ~~3. Fifty or more lots or units - Fifteen percent affordable units.~~

~~94-8.1.76 Restriction and Regulatory Agreement. As a condition for the granting of a special permit for a covered project, All affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Community Development Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the DHCD-Executive Office of Housing and Livable Communities (EOHLC) and any other applicable state or federal funding source and shall ensure that affordable units can be counted toward the City's subsidized housing inventory. In the case of a subdivision, no lot or unit shall be sold until an approved regulatory agreement is recorded at the registry of deeds. In the case of a construction project subject to a building permit, no certificate of final occupancy shall be issued until an approved regulatory agreement is recorded at the registry of deeds and the Building Commissioner is notified by the Director of the Office of Community Development or her their representative that the project is progressing in a satisfactory manner in fulfilling its affordable housing requirement.~~

~~94-8.1.87 General Requirements. All covered projects shall comply with the following:~~

- ~~1. Fractional units. Where the required number of affordable units results in a fraction of a unit, the required number should be rounded up to the nearest whole number.~~

2. Phasing. Affordable units should not be the last units to be developed or occupied in any covered project.
3. Non-avoidance by phasing or segmentation. A development shall not be phased or segmented in a manner to avoid compliance with this Section. The **SPGA or Site Plan Review Authority** shall not approve any covered project that results in ten or more dwelling units if the land or parcels of land were held in common ownership (including ownership by related or jointly controlled persons or entities) and were subdivided or otherwise modified within the previous five years to avoid compliance without complying with this Section. This Section shall also be enforceable against purchasers of land previously held in common ownership with land that received, after the date of adoption of this Section, approvals or permits for development, to the effect that units developed under such previous development shall be counted toward the calculation of number of units under this Section.

94-8.1.98. Provisions Applicable to Affordable Housing Units. The following criteria shall apply.

1. Siting of affordable units. All affordable units constructed or rehabilitated under this Section shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. **The number of bedrooms of the affordable units shall be proportionate to that of the market rate units.**
2. Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features and mechanical systems of affordable units shall conform to the same specifications as apply to market-rate units.
3. Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units.
4. Marketing plan for affordable units. Applicants under this Section shall submit an affirmative marketing plan to the Director of Diversity and ~~DHCD~~ **EOHLC**, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

94-8.1.409 Maximum Incomes and Selling Prices; Initial Sale.

1. The proponent of a covered project shall engage a ~~DHCD~~ **EOHLC** and Office of Community Development approved lottery agent who shall ensure affirmative marketing and ~~DHCD~~ **EOHLC** requirements regarding compliance with maximum income and maximum selling prices. For certain state and federally funded projects more restrictive requirements may supersede state requirements.
2. The maximum income level is as established by the ~~DHCD~~ **EOHLC**, and as may be revised from time to time. The maximum housing cost for affordable units is as established by the ~~DHCD~~ **EOHLC**, local initiative program or as required by other state or federal programs. If multiple funding sources are used, the units must still be eligible for inclusion on the subsidized housing inventory.

94-8.1.140 Preservation of Affordability; Restrictions on Resale. Each affordable unit created in accordance with this Section shall have limitations governing its resale through the use of a regulatory



agreement. The purpose of these limitations is to preserve the long term affordability of the unit and to ensure its continued availability for income eligible households. The resale controls shall be established through a restriction on the property and shall be in force for perpetuity.

1. Resale price. Sales beyond the initial sale to a qualified affordable income purchaser shall comply with the requirements of the ~~DHCD~~ **EOHLC** local initiative program.
2. Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this Section shall agree to execute a condition in its deed restriction to be approved by the City and ~~DHCD~~ **EOHLC**, granting, among other things, the municipality's and ~~DHCD's~~ **EOHLC's** right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
3. ~~The SPGA shall require, as a condition for special permit under this chapter, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider.~~ The Building Commissioner shall not issue an occupancy permit for any affordable unit without evidence of the recording of the affordable deed restriction.

**G. Update Reference to Renamed State Agency** *The City received notification on Tuesday, May 30th that DHCD is officially the Executive Office of Housing and Livable Communities (EOHLC). This announcement was accompanied by a request to update all references to reflect this change.*

Find all applications of the term “DHCD” and replace with “EOHLC”.

*Include in Section 94-12.0 (“Definitions”):*

**EOHLC: the Massachusetts Executive Office of Housing and Livable Communities**

**H. Restore Deleted Definitions** *Move to amend the following sections as listed below, 8.1.2, 94-10.1.2, 94-10.2.2, 94-10.3.2, 94-10.4.2, 94-7.5.3 , 94-7.6.2, 94-7.4.1 - In the recodification, definitions located in specific sections were intended to be relocated to the consolidated Definitions Section (section 94-12) but were inadvertently not included anywhere in the recodified zoning. The following previously existing definitions that were deleted are to be re-inserted into their respective sections pending a comprehensive audit of defined terms, with updated references to section numbers and titles and remove references to the requirement for a special permit for Inclusionary Housing as recommended above. Reinsert with the amendments listed below.*

94-8.1.2 Definitions. ~~See Section 12.0, “Inclusionary Housing”:~~

The following words, terms and phrases when used in this article shall have the meanings assigned to them below, except where the context clearly indicates a different meaning:

**Affordable Housing Restriction:** A right, either in perpetuity or for the longest period permitted by law, whether or not stated in the form of a restriction, easement, covenant or condition in any deed, mortgage, will, agreement, or other instrument executed by or on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to occupancy by persons, or families of low-to-moderate income

in either rental housing or other housing, (b) restricting the resale price of all or part of the property in order to assure its affordability by future low-to-moderate income purchasers or (c) in any way limiting or restricting the use of enjoyment of all or any portion of the land for the purpose of encouraging or assuring creation or retention of rental and other housing for occupancy by low-to-moderate income persons and families.

**Affordable Housing Unit (or Affordable Unit):** Any residential dwelling unit constructed as part of a covered project (a) for which the rent, including utilities, or monthly mortgage payment, including insurance, taxes and fees, does not exceed the maximum allowable percentage of the household's income allowable under law, (b) is affordable to and occupied by a low-to-moderate income household, and (c) meets the requirements of this article and the local initiative program (LIP) for the inclusion in the Chapter 40B Subsidized Housing Inventory.

**Area median income (AMI):** The median family income, adjusted for household size, for the metropolitan area that includes the City of Medford, as determined annually by the U.S. Department of Housing and Urban Development (HUD).

**Chapter 40B subsidized housing inventory:** The official listing of low-to-moderate income housing in the City of Medford, as determined by the Executive Office of Housing and Livable Communities under G.L. c. 40B, §§ 20—23.

**Covered project:** Any development containing ten or more residential dwelling units in a multiple-family, mixed-use, attached, single family dwelling, assisted living residence or subdivision creating ten or more lots. A covered project shall include projects that are incrementally divided or phased within a five-year period.

**Local initiative program:** A program administered by the Massachusetts Executive Office of Housing and Livable Communities pursuant to 760 CMR 45.00 (760 CMR 56) to develop and implement local initiatives that produce affordable housing for low-to-moderate income households.

**Low-to-moderate income household:** A household whose income is at or below 80 percent of the Boston Metropolitan Area Median Income (AMI) as defined by the U.S. Department of Housing and Urban Development, adjusted for household size.

**Market-rate housing:** Residential dwelling units for which prices are captured based on market conditions, without rent or income restrictions. In a development with affordable housing, market-rate housing means all units other than the affordable housing units as defined in this section.

**Maximum affordable purchase price or rent:** A maximum purchase price or monthly rent that complies with the regulations and guidelines of the local initiative program as published by the Executive Office of Housing and Livable Communities pursuant to 760 CMR 56 and G.L. c. 40B guidance, other subsidized funding programs whose regulations are consistent with state guidelines, or where no such regulations or guidelines exist, the regulations of the community development board.

**Segmented:** A covered project that has incrementally divided or phased one or more large tract(s), parcel(s), division(s) of land or project(s) linked in common ownership, control or purpose for which special permits are sought within a five-year period so as to appear unrelated, but such that the division(s) would cumulatively result in ten or more dwelling units. The special permit granting authority **or Site Plan Review Authority** shall determine if there is any shared impact amongst any segmented component(s) or if one or more component(s) relate to other identifiable phases. Segmented components need not be contiguous to relate to a larger, discernable plan or project.

~~Special permit granting authority: The Community Development Board shall be the special permit granting authority (SPGA) for an inclusionary zoning special permit, except for a use requiring a special permit consistent with section 94-148, Table of Uses. In such instances, the SPGA shall be the applicable special permit granting authority as defined in said table.~~

Substantial rehabilitation: To cause alterations or repairs to be made, to a structure or structures costing in excess of 50 percent of the assessed value for property tax purposes as defined in the City of Medford Zoning Code under section 94-382. Assessed value of a structure or structures shall be based on the assessed value as recorded on the assessment rolls of the city as of the first of January preceding the date of the application for development impact project plan approval.

*Reinsert this language as is to each of the sections 94-10.1.2, 94-10.2.2, 94-10.3.2, 94-10.4.2. The language is identical in each, with the name of the trust below being "Parks and Recreation Linkage Trust" (94-10.1.2), "Police and Fire Linkage Trust" (94-10.2.2), "Roads and Traffic Facilities Linkage Trust" (94-10.3.2), "Water and Sewer Facilities Linkage Trust" (94-10.4.2)*

94-10.1.2/94-10.2.2/94-10.3.2/94-10.4.2 Definitions. ~~See Section 12.0, "Development Linkage Fees"~~  
The following words, terms and phrases when used in this division shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Development impact project means any development in the city in which it is proposed to construct, enlarge, extend, substantially rehabilitate, or change in use for any nonresidential development of 10,000 square feet of gross floor area or more; any residential structure containing six dwelling units or more; any subdivision of property which creates six or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that requested for a project of 5,000 square feet or more, except those that are exempt pursuant to section 94-385. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.

Development impact project plan means a plan for a project which is a development impact project, including any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that is requested for a project of 5,000 square feet or more. The contents of the plan and accompanying narrative description shall be determined pursuant to regulations promulgated by the community development board.

Development impact project linkage fee means the assessment and payment of a sum of money by the project applicant by means of the park and recreational facilities linkage fee calculated according to the formula as set forth in subsection 94-384(b), to the park and recreational facilities trust.

Independent fee calculation study means the technical, engineering and/or economic documentation which the applicant shall cause to be prepared, in accordance with regulations promulgated by the community development board, for the purpose of allowing the applicant to document an alternative linkage fee payment other than that calculated by the city.

Park and recreational facilities linkage trust means a Massachusetts public trust created under the laws of the commonwealth. The mayor is directed to establish the trust for the collection and administration of all funds generated by this section in accordance with promulgated regulations.

Substantially rehabilitate means to cause alterations or repairs to be made, to a structure or structures costing in excess of 50 percent of the assessed value for property tax purposes. Assessed value of a structure or structures shall be based on the assessed value as recorded on the assessment rolls of the city as of the first of January preceding the date of the application for development impact project plan approval.

*Reinsert the language:*

94-7.5.3 Definitions. ~~See Section 12.0, "Vacant and Foreclosing Properties".~~

When used in this article, unless a contrary intention clearly appears, the following terms shall have the following meanings:

City: City of Medford.

Commissioner: Building commissioner.

Days: Consecutive calendar days.

Foreclosing: The process by which a property, placed as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

Initiation of the foreclosure process: Taking any of the following actions:

1. Taking possession of a residential, commercial, or industrial property pursuant to G.L. c. 244 § 1;
2. Commencing a foreclosure action on a property in either the Land Court or Middlesex Superior Court.

Local: Within 20 driving miles of the property in question.

Mortgagee: The creditor, including but not limited to service companies, lenders in a mortgage agreement and any agent, servant or employee of the mortgagee, or any successor in interest and/or assignee of the mortgagee's rights, interests, or obligations under the mortgage agreement or any identified banking or financial institutions.

Owner: Every person, entity, service company, property manager or real estate broker who alone or severally with others has legal or equitable title to any property or has care, charge or control of any property in any capacity, including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate or the holder of legal title; or is in mortgagee possession of any such property; or is an agent, trustee or other person appointed by the courts and vested with possession or control of any such property, or is an officer or trustee of the association of unit owners of a condominium. Each such person is bound to comply with the provisions of these minimum standards as if he/she were the owner. However, this article shall not apply to a condominium association created pursuant to G.L. c. 183A to the extent that such association forecloses on or initiates the foreclosure process for unpaid assessments due or owing to the association. "Owner" also means every person who operates a rooming house or is a trustee who holds, owns or controls mortgage loans for mortgage-backed securities transactions and has initiated the foreclosure process.

Property: Any real residential, commercial, or industrial property, or portion hereof, located in the City of Medford, including buildings or structures situated on the property. For purposes of this article, "property" does not include property owned or subject to the control of the City of Medford or any of its governmental subdivisions.

Securing: Measures that assist in making the property inaccessible to unauthorized persons.

Vacant: Any property not currently occupied unless there is a building permit issued by the building commissioner pertaining thereto which is currently pending.

*Reinsert the following language:*

94-7.4.1 Solar Energy Systems Definitions ~~Definitions. See [section 94-12.0](#), "Solar energy system"~~.

Solar energy system: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

1. Solar energy system, active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
  2. Solar energy system, ground-mounted/canopy: An active solar energy system that is structurally mounted to the ground and is not roof-mounted.
  3. Solar energy system, roof-mounted. An active solar energy system that is structurally mounted to the roof of a building or structure.

Solar-ready zone: The solar-ready zone area is 50 percent of the roof area that is either flat or oriented between 110 degrees and 270 degrees of true north, exclusive of mandatory access or set back areas as required by the MA Fire Code.

Substantial rehabilitation means to cause alterations or repairs to be made, to a structure or structures; costing in excess of 50 percent of the assessed value for property tax purposes. Assessed value of a structure or structures shall be based on the assessed value as recorded on the assessment rolls of the city as of the first of January preceding the date of the building permit application.

*Reinsert the following language:*

94-7.6.2 Definitions. ~~See Section 12.0, "Adult Use Marijuana Establishments"~~.

A. Definitions.

The following definitions, consistent with G.L. c. 94G and G.L. c.94I and the Cannabis Control Commission implementing regulations, 935 CMR 500.002 and 935 CMR 501.002 shall apply in the interpretation and enforcement of this section:

**Cannabis Control Commission:** The Massachusetts Cannabis Control Commission established by G.L. c.10, Section 76, or its representatives with authority to implement the state Marijuana laws.

**Craft Marijuana Cooperative:** A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership or cooperative corporation under the laws of the Commonwealth. A cooperative licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

**Delivery-Only Licensee:** An entity that is authorized to deliver directly to Consumers from a Marijuana Retailer or Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center (MTC) and that does not provide a retail location accessible to the public.

**Independent Testing Laboratory:** A laboratory that is licensed or registered by the Cannabis Control Commission and is:

- (a) currently and validly licensed under 935 CMR 500.001: Application Requirements, or formerly and validly registered by the Commission
- (b) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission;
- (c) independent financially from any medical marijuana treatment center or any licensee or Marijuana Establishment for which it conducts a test; and
- (d) qualified to test marijuana in compliance with regulations promulgated by the commission.

**Marijuana:** all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in G.L. c 94C § 1; provided, however, that “marijuana” shall not include:

- (i) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(ii) hemp; or

(iii) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

**Marijuana Cultivator:** An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.

**Marijuana Establishment:** a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Microbusiness, Independent Testing Laboratory, Marijuana Retailer, Marijuana Transporter, Delivery-Only Licensee, Marijuana Research Facility, or any other type of licensed Marijuana-related business, including a Medical Marijuana Treatment Center (MTC).

**Marijuana Product Manufacturer:** An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

**Marijuana Retailer:** An entity licensed to purchase and transport marijuana and marijuana products from Marijuana Establishments and to transfer, sell or otherwise transfer this product to Marijuana Establishments and to sell to consumers. Marijuana Retailers are prohibited from offering Marijuana or Marijuana Products for the purpose of on-site social consumption on the premises of a Marijuana Establishment.

**Marijuana Transporter:** An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not for sale to consumers.

**Marijuana Research Facility:** An entity licensed to engage in research projects by the Cannabis Control Commission.

**Microbusiness:** a collocated marijuana operation that can be either a Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, in compliance with the 935 CMR 500.000 operating procedures for each license, and, if in receipt of a Delivery Endorsement issued by the Cannabis Control

Commission, may deliver Marijuana or Marijuana Products produced at the licensed location directly to consumers in compliance with the established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Product Manufacturer may purchase no more than 2,000 pounds of Marijuana per year from other Marijuana Establishments for the purpose of marijuana product manufacturing.

**Special Permit:** A Special Permit issued by the Special Permit Granting Authority to a Marijuana Establishment in accordance with the standards set forth in this Ordinance and the general criteria for granting a special permit contained in Section 94-11.6.2 of the Revised Zoning Ordinance of the City of Medford. A Special Permit issued under this Ordinance shall be for a term of 5 years from the date the Marijuana Establishment commences operations, unless sooner revoked or forfeited. At the expiration of the term a holder may apply for renewal according to the process established by the Special Permit Granting Authority.

**Special Permit Holder:** The person, persons or entity who desires to operate a Marijuana Establishment in the City of Medford and who has received a Special Permit issued by the Special Permit Granting Authority to operate a Marijuana Establishment, in accordance with the standards set forth in this Ordinance and the general criteria for granting a special permit contained in Section 94-11.6.2 of the Revised Zoning Ordinance of the City of Medford.

**Special Permit Granting Authority:** The Zoning Board of Appeals of the City of Medford.

**Host Community Agreement:** An agreement negotiated and executed between an applicant who proposes to locate a Marijuana Establishment in the City of Medford and the City, in accordance with G.L.

c.94G, §3(d).

*Reinsert the following language:*

94-6.2.2 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned sign* means a sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located, following a period of six months or longer.

*Affected person* includes the applicant, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters as in the rules of conducting business of the city's board of appeals.

*Alarm/security sign* means a noncommercial sign identifying an off-site alarm company or security business responsible for the monitoring of the activities of the premises on which it is located. Such sign is used primarily as an indication of security and to identify a source of contact in the event of a burglary or fire.



*Architectural projection* means any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building but which does not include signs as defined in this section.

*Area and height of signs.* Calculations for area and height of signs shall be as follows:

- (1) For a freestanding sign or sign attached to a building, the area of the sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (2) For a sign painted upon or applied to a building, the area of the sign shall be considered to include all lettering, wording, and accompanying designs or symbols together with any background of a color different from that of the building.
- (3) Where the sign consists of individual letters or symbols attached to or painted on a surface, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other geometric shape which encompasses all letters and symbols.
- (4) Only one face of a double-sided sign shall be counted in computing the area of a sign, provided the sign faces are parallel and of equal size.
- (5) The height of a sign shall be the vertical distance between the top of a sign and the mean grade of the ground adjoining that portion of the building to which the sign is attached; or that ground within ten feet of a freestanding sign.

*Area of sign* includes all lettering, designs and symbols, background area, and frames.

*Awning* means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

*Awning sign* means a sign displayed on or attached flat against the surface of an awning.

*Background area of sign* means the entire area of a sign on which copy and/or graphics could be placed.

*Back-lit awning* means an awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

*Banner sign* means a sign utilizing a flexible substrate on which copy or graphics may be displayed.

*Barbershop pole* means the traditional fixed or rotating pole, exhibiting spiraling bands of red, white, and blue.

*Billboard sign.* See Off-premises sign (nonaccessory) and Commercial sign.

*Building facade* means that portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

*Commercial sign* means a sign containing advertising designed to promote the sale of goods or services to the public.

*Canopy (attached)* means a multisided structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by other structural supports at additional points.

*Canopy (freestanding)* means a multisided structure supported by columns.

*Canopy sign* means a sign affixed to the visible surface of an attached or freestanding canopy.

*Continuous illumination* means illumination which is prolonged, without break, and uninterrupted.

*Contractor sign* means a temporary sign intended to be displayed only in association with the construction, remodeling, or repair of a building or structure, or a land construction project.

*Copy* means the graphic content or message of a sign.

*Copy area of sign* means the actual area of the sign as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed areas encompassing separate individual letters, words, or graphic elements on that background.

*Directional sign* means any sign, containing no advertising, that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

*Facade.* See Building facade.

*Freestanding sign* means any sign which is not attached to any building, but is supported on poles, frames, wheels, skids, or similar structures, placed in or upon the ground.

*Frontage (building)* means the exterior length of a building wall or structure of a single premises along a public or private way, or other abutting properties.

*Garage/yard sale sign* means a temporary sign intended to advertise a current or upcoming garage/yard sale of goods.

*Illuminated sign* means a sign characterized by the use of artificial light, either projecting through its surface (internally illuminated), or reflecting off its surface (externally illuminated).

*Illumination* means as follows:

(1) *Natural* means natural or ambient light.

(2) *External* means artificial illumination from a light source, except exposed neon tubing, which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer.

(3) *Internal* means artificial illumination from a light source that is incandescent, fluorescent, neon, or similar lighting from any source, and which is located behind the sign face and transmits light through the sign face or portions of the sign face to the viewer.

(4) *Indirect* means placement of the artificial light device such that the source of light cannot be seen from a public way.

*Interior sign* means any sign placed within a building, but not including window signs as defined by this section.

*Mansard* means a roof-like architectural facade structure or parapet projection; its primary purpose is to function as an integral part of the exterior building wall.

*Marquee sign* means a sign which is affixed to a roof-like structure projecting from the facade of a building and extending out over the primary entrance, such as that of a theater, hotel, motel, or cinema.

*Movement* means a particular arrangement of related parts or lights, accomplishing a motion or change of position.

*Noncommercial sign* means a sign, including flags, containing any noncommercial message such as civic, philanthropic, charitable, religious, historic, cultural, recreational, political, ideological, or advocacy messages, time, temperature, bus stop, and traffic signs.

*Off-premises sign (nonaccessory)* means a sign that identifies a use, facility, or service which is not located on the premises, or which identifies a product, service, activity, event, person, institution, or business that either occurs, is generally conducted, or is sold, manufactured, produced, or offered elsewhere, other than on the premises where such sign is located.

*On-premises sign (accessory)* means a sign which is erected and maintained according to the activities conducted on that premises on which it is located. Such a sign shall advertise only the business, facility, or point of interest conducted thereon.

*Outdoor advertising board* means the outdoor advertising board of the commonwealth or any board or official which may succeed to its power or functions.

*Parapet* means a low wall extension of a building facade above the line of the structural roof.

*Permit, regular* means a permit issued by the building department, or other issuing authority, under this article or a previous sign ordinance, for a sign which meets the requirements of the ordinance in effect at the time of issuance.

*Permit, special* means a permit issued by the city council or other authorized appeals board, for a sign which does not meet the requirements of the ordinance in effect at the time of issuance.

*Pole sign.* See Freestanding sign.

*Political sign* means a temporary sign intended to advance a political statement, cause, or candidate for office.

*Portable sign* means any sign not permanently attached to the ground or to a building or building surface.

*Primary wall sign* means a wall sign mounted on the building face which is directed toward the mainstream of traffic, i.e., the primary entrance.

*Projecting sign* means a sign attached at a right angle to the wall of a building.

*Real estate sign* means a temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

*Roofline* means the median uppermost line of the roof a building or, in the case of an extended facade or parapet, the median uppermost point of the facade or parapet, or the uppermost horizontal line of the fascia, soffit, or gutter on a gable or hip roof.

*Roof sign* means any sign which extends above the roof line of a building.

*Secondary sign* means a sign mounted on a building face other than that of the primary sign.

*Sign* means any structure, display, logo, letter, character, icon, or device, visible from a public or private way, whose essential purpose and design is to convey either commercial or noncommercial messages by

means of graphic presentation of alphabetic or pictorial symbols or representations. A flag, pennant, or insignia of any nation, state, or town is not considered a sign.

*Sign support and bracing* means any pole, post, cable, or other structural fixture or framework necessary to secure and hold a sign.

*Subdivision identification sign* means a sign intended to identify apartment, condominium complexes, or residential developments.

*Temporary sign* means a sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs, or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are also considered temporary signs.

*Time and temperature sign* means a sign or portion of a sign the purpose of which is to display the current time and temperature. No additional movement is permitted other than that which constitutes the time and temperature indications.

*Wall sign* means a sign which in any manner is affixed to the exterior surface of a facade, an exterior wall, a mansard, a parapet, or an architectural projection of a building or structure, and is parallel to the plane of the surface, and which projects from the surface not more than 18 inches.

*Window sign* means a sign painted, posted, or hung on the interior transparent surface of a window or door, with its message intended to be visible to the exterior environment, whether or not such sign is physically attached to the window or door. The term also means a sign painted or otherwise affixed to the exterior surface of a window or door, provided such sign does not exceed one-eighth inch thick.

*Zoning ordinance* means the zoning ordinance of the city, which is in force and effect, and as may be amended, and which is codified in this chapter.