

## MEMORANDUM

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To Members of the Planning and Permitting Committee  
Alicia Hunt, Director of Planning, Development & Sustainability  
Danielle Evans, Senior Planner  
Brenda Pike, Climate Planner

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From Emily Keys Innes, AICP, LEED AP ND, President

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Date May 03, 2024

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Project 23146 – Medford – Zoning

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Subject Zoning Memorandum #3

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Cc: Paula Ramos Martinez, Senior Urban Designer/Planner  
Jimmy Rocha, GIS Analyst/Data Scientist  
Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC

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Agenda for the next Planning and Permitting Committee Meeting on May 8,2024:

- Updates
  - Zoning Status memo.
  - Status of changes to Site Plan Review.
  - Work plan on mapping analysis,
- Changes to send to City Council
  - Discuss definitions to be sent to City Council.
- Introduce next round of potential changes
  - Zoning strategies from the Climate Adaptation Action Plan
  - Initial changes to Inclusionary zoning.
  - Accessory Dwelling Units

This is the third memorandum for the Planning and Permitting Committee. After the April 24, 2024 meeting, the following changes were made:

- As President Zac Bears suggested, the table of Proposed Changes is now divided in two. The first table contains proposed changes for Phase I and

the second table contains proposed changes that will take place in Phase II and III.

- As President Zac Bears also suggested, there is a new table for items that need further study, with an added column for Financing.
- Added “wall” to Window and Roof Gardens in recommendation **B-49**  
Added to the table the proposal **B-34** from Cllr. Leming: Replace "Vacant and Foreclosing Properties" ordinance with an ordinance in Chapter 10.

## Status Updates (schedule)

As this table is updated, the actual zoning sections for each topic will be added. The recommended changes listed in Phase 1 are not part of this table; it is intended to be a holding document for potential changes that have not yet been addressed.

	TOPIC	PHASE
CR	Climate resiliency	II and III
HP	Housing production	I and II
HA	Housing affordability	II and III
SQR	Major squares	All three
COR	Mixed use corridors	All three
MGB	Streets/neighborhoods	II and III
ED	Economic development and business growth	All
MAP	Map and districts	All three
UDR	Uses and dimensional requirements	All three
T	Transportation/multi-modal ways	II and III

## Proposed Changes in Phase I

Number	Proposed Change	Topic	Origin	Phase	Status
<b>A-1</b>	Inclusionary Housing	HA	Mayor	I and II	
<b>A-2</b>	94-12.0 Expand the definition of terms with language as follows; Terms or words not defined herein but defined in the Building Code shall have meanings given therein, unless a contrary intention clearly appears, otherwise as the meaning quoted in the latest edition of Webster's Unabridged Dictionary.	Definitions	Building Department	I and II	
<b>A-3</b>	94-5.0 Re-introduce use of Finding, rather than Special Permits; for judging changes to nonconforming preexisting use and structures. Ch40A specifically views Special Permits as addressing Uses allowed in Districts that need additional review to add conditions for safeguards and limitations on tie and use.	Process	Building Department	I and II	
<b>A-4</b>	Reviewing Nonconforming Use and Structures for changes are more concerned with whether a permanent change is	Process	Building Department	I and II	

Number	Proposed Change	Topic	Origin	Phase	Status
	'substantially more detrimental than what currently exists'.				
<b>A-5</b>	94-5.9 Add language to address an ability to limit merger doctrine where it would be in the City's best interest for lots held in common ownership; perhaps as a Variance.	Process	Building Department	I and II	
<b>A-6</b>	94-4.2.4 Clear up ambiguities in this section regarding the many parts and pieces specified in Paragraphs 4 & 5.	Check!	Building Department	I and II	
<b>A-7</b>	Fencing – Consider allowing fencing up to 7' high to be zoning exempt in concert with the Building Code.	Dimensions	Building Department	I and II	
<b>A-8</b>	94-4.3 (4) clarify pool setback as 'to the water's edge' to limit arguments that the concrete skirting around a pool is part of the setback.	Definitions/ Dimensions	Building Department	I and II	
<b>A-9</b>	94-5.2 Clarify if extension of a use includes accessory structures on a single lot. Also clarify if a nonpermitted, nonconforming use can be allowed by the passage of time being viewed as not substantially detrimental.	Definitions/ Process	Building Department	I and II	
<b>A-10</b>	94-5.4 Expand the definition and criteria by which a Variance is granted in accordance with Ch40a.	Definitions/ Process	Building Department	I and II	
<b>A-11</b>	94-6.0 Consider removing parking from the use table and consolidating within this Chapter.	Format	Building Department	I and II	
<b>A-12</b>	94-6.2.9 Sign Renewal Permits? Feasible?	Process	Building Department	I and II	
<b>A-13</b>	94-7.4 Review solar energy systems for conformity to newest energy codes.	Consistency	Building Department	I and II	
<b>A-14</b>	94-7.7 Consider adding fall zone setback requirements to WTF's.	Dimensions	Building Department	I and II	
<b>A-15</b>	94-8.1.8 Inclusionary Housing – review language the controls a developer ability to subdivide, ANR or otherwise alter a property prior to creating a development so to avoid compliance by adding 'common control' in addition to common ownership.	Process	Building Department	I and II	

Number	Proposed Change	Topic	Origin	Phase	Status
<b>A-16</b>	Consider requiring an agreement be reached, and recorded, prior to issuance of a building permit in lieu of waiting for occupancy. This should not be contravened in the event a permit is issued without an agreement having been reached and recorded.	Process	Building Department	I and II	
<b>A-17</b>	94-8.2 Review whether an accessory structure can be converted to a dwelling unit and how that fits with allowing two principal structures on a lot.	Definitions/ Dimensions	Building Department	I and II	
<b>A-19</b>	94-11.1.5 Entry rights as written are constitutionally vague and can create problems. See also 94-11.3	Process	Building Department	I and II	
<b>A-20</b>	94-11.2 Do we really post a sign?	Process	Building Department	I and II	
<b>A-21</b>	94-11.4.2 Revisit the ZBA ability to grant use variances; provide definition to that term.	Definitions/ Process	Building Department	I and II	
<b>A-22</b>	94-12.0 Review definitions for medical uses, eating places,	Definitions	Building Department	I and II	
<b>A-23</b>	Should 'Keeping of Animals' include doggie daycare; should doggie daycare be a Special Permit?	Definitions/ Process	Building Department	I and II	
<b>A-24</b>	Lot Frontage – clarify to confirm avoiding overlapping rights.	Definitions	Building Department	I and II	
<b>A-25</b>	Mobile home – is this an RV, Tiny home, or manufactured home (as HUD has called mobile homes since 1976)? Most of these come with dimensional clarifications.	Definitions	Building Department	I and II	
<b>A-26</b>	Motor Vehicles – Class 3 for junkyards?	Definitions	Building Department	I and II	
<b>A-27</b>	Story Half – review for conformance to building code	Definitions	Building Department	I and II	
<b>A-28</b>	Yard v Lot definitions?	Definitions	Building Department	I and II	
<b>A-29</b>	Table of Uses – Consider exempting City from Zoning compliance, with conditions.	Process	Building Department	I and II	

## Proposed Changes in Phase II and III

Number	Proposed Change	Topic	Origin	Phase	Status
<b>B-30</b>	Refer to legal counsel for review: <ul style="list-style-type: none"> <li>Replace Director of Community Development with “Director of Planning, Development &amp; Sustainability”</li> <li>Replace “Office of Community Development” with “Department of Planning, Development &amp; Sustainability”</li> </ul>	General	PDS		
<b>B-31</b>	Other edits from Legal Counsel	General	Jonathan Silverstein		
<b>B-32</b>	Accessory Dwelling Units	HP, HA	Cllr. Leming		
<b>B-33</b>	Transportation Demand Management	T	Cllr. Leming		
<b>B-34</b>	Replace “Vacant and Foreclosing Properties” ordinance under section 94-7.5. with an ordinance in Chapter 10.		Cllr. Leming		
<b>B-35</b>	Identify changes to zoning districts – consider squares, corridors, neighborhoods.	SQR, COR, MGB, MAP, UDR		II	
<b>B-36</b>	Change dimensional standards to match new zoning districts and use types (including mixed-use buildings).	SQR, COR, MGB, UDR		II	
<b>B-37</b>	Update MUZ.	MAP, UDR			
<b>B-38</b>	Fences/ Visibility Requirements.	General, UDR			
<b>B-39</b>	Non-conforming Uses and Structures	UDR			
<b>B-40</b>	Parking and Loading/ Landscaping, Buffers, and Screening	UDR			
<b>B-41</b>	Signage				
<b>B-42</b>	Incorporate policy suggestions and goals from Medford <a href="#">Climate Action &amp; Adaptation Plan</a> (2022), Medford <a href="#">Comprehensive Plan</a> (2023), Medford	All	Vice President Collins	II and III	

Number	Proposed Change	Topic	Origin	Phase	Status
	<p><a href="#">Housing Production Plan</a> (2022), and <a href="#">Medford Bicycle Infrastructure Master Plan</a> (2016)</p> <ul style="list-style-type: none"> <li>Review policy suggestions from all Plans to ensure inclusion and alignment in relevant parts of our zoning code.</li> <li>Ensure that conditions on large developments are consistent with goals and policies put forward in these Plans.</li> </ul>				
<b>B-43</b>	<p>Review/update of Zoning map and districts towards stated community goals from above plans, including:</p> <ul style="list-style-type: none"> <li>Business development in Medford Square</li> <li>Multimodal transit/access into Medford Square</li> <li>Residential development especially near transit hubs and university buildings</li> <li>Mixed-use business/residential development along key commercial corridors (i.e. Mystic Avenue)</li> </ul>	All	Vice President Collins	II and III	
<b>B-44</b>	<p>Tree Ordinance (19-070)</p> <ul style="list-style-type: none"> <li>One of our in-progress Tree Ordinances touches on tree canopy protection, replacement, and/or mitigation for private property developments of different size thresholds. I would like to review that during our conversations about dimensional requirements and conditions for large resident and housing developments to ensure that ordinance goals are implemented in the zoning code, where appropriate.</li> </ul>	CR, MGB	Vice President Collins	II and III	
<b>B-45</b>	<p>Condo Conversion Ordinance (23-077)</p> <ul style="list-style-type: none"> <li>This is an in-progress ordinance project, initiated in 2023, that would create a permitting and licensing process for conversion of rental units into condominiums by certain types of developers. I would like to review it in context of our other housing-related zoning changes to ensure alignment with housing production goals and use/dimensional requirements.</li> </ul>	HP, HA, UDR	Vice President Collins	II and III	
<b>B-46</b>	<p>Complete Streets/Vision Zero</p> <ul style="list-style-type: none"> <li>Review aspects of zoning ordinance governing conditions and site plan review for larger developments to ensure alignment with Complete Streets Policy and to advance Vision Zero policy for all streets, corridors, and neighborhoods.</li> </ul>	MGB, T	Vice President Collins	II and III	

Number	Proposed Change	Topic	Origin	Phase	Status
	<ul style="list-style-type: none"> <li>• Consider alongside Transportation Demand Management (TDM) policy proposal.</li> </ul>				
<b>B-47</b>	<p>Zoning incentives</p> <ul style="list-style-type: none"> <li>• Density bonuses <ul style="list-style-type: none"> <li>▪ Net zero design</li> <li>▪ Certifications include Architecture 2030's Zero Code</li> <li>▪ Low embodied carbon</li> </ul> </li> <li>• Lower parking ratios [lower than Medford already has?] <ul style="list-style-type: none"> <li>▪ Affordable housing</li> <li>▪ Near transit</li> </ul> </li> <li>• Floor area ratio exclusions [would these be included in FAR in the first place?] <ul style="list-style-type: none"> <li>▪ Window shading/overhangs</li> <li>▪ Exterior insulation</li> <li>▪ Green roofs</li> <li>▪ Heat pump condensers</li> <li>▪ Driveway solar canopy</li> </ul> </li> <li>• Setback exemptions [would these even require an exemption?] <ul style="list-style-type: none"> <li>▪ Heat pump condensers</li> <li>▪ Energy storage</li> <li>▪ Window shading and overhangs</li> <li>▪ Exterior insulation</li> <li>▪ Driveway solar canopy</li> </ul> </li> <li>• Height exemptions <ul style="list-style-type: none"> <li>▪ Heat pump condensers</li> <li>▪ Solar PV</li> <li>▪ Solar thermal</li> <li>▪ Micro-scale wind</li> </ul> </li> <li>• Expedited site plan review (with checklist and specific timeframe promised) [for certain size projects?] <ul style="list-style-type: none"> <li>▪ Net zero design</li> <li>▪ Passive house [part of specialized code for four stories and above, but we do want to make it as simple as possible]</li> <li>▪ Low embodied carbon</li> </ul> </li> <li>• Use variances <ul style="list-style-type: none"> <li>▪ Net zero design</li> <li>▪ Low embodied carbon</li> </ul> </li> <li>• Reduced permit fees (CDB, in rules and regs) <ul style="list-style-type: none"> <li>▪ Net zero design</li> <li>▪ Low embodied carbon</li> </ul> </li> </ul>	CR	PDS	II and III	



Number	Proposed Change	Topic	Origin	Phase	Status
<b>B-48</b>	Eco-roof ordinance <ul style="list-style-type: none"> <li>Require solar PV, solar thermal, small-scale wind, green roof, cool roof, blue roof, or mechanical equipment? [see Somerville]</li> </ul>	CR	PDS	II and III	
<b>B-49</b>	By-right allowances <ul style="list-style-type: none"> <li>EV charging stations</li> <li>Ultra-low emissions building systems <ul style="list-style-type: none"> <li>Heat pump condensers</li> <li>Battery storage</li> </ul> </li> <li>Renewables <ul style="list-style-type: none"> <li>Solar PV [is this already by right?]</li> <li>Solar thermal</li> <li>Driveway solar canopy</li> <li>Micro-scale wind</li> </ul> </li> <li>Small-scale green infrastructure <ul style="list-style-type: none"> <li>Window, wall, and roof gardens</li> <li>Permeable paving</li> <li>Composting</li> </ul> </li> </ul>	CR  Councilor Callahan	PDS	II and III	
<b>B-50</b>	Green code (points checklist for stormwater requirements) [compare against Medford's stormwater ordinance and Somerville's] <ul style="list-style-type: none"> <li>Stormwater requirements? <ul style="list-style-type: none"> <li>Green roof, blue roof</li> <li>Permeable paving</li> <li>Increase green area ratio</li> <li>Rain garden, bioswale, retention pond</li> <li>Rainwater barrels and right-sized gutters</li> </ul> </li> </ul>	CR	PDS	II and III	
<b>B-51</b>	Overlay districts <ul style="list-style-type: none"> <li>Flood zones [but Medford doesn't have many buildings in these?] <ul style="list-style-type: none"> <li>Elevate mechanical systems</li> <li>Elevate first floor and entries</li> <li>Grade highest around base of building</li> <li>Rain garden, bioswale, retention pond</li> <li>Permeable paving</li> <li>Rainwater barrels and right-sized gutters</li> <li>Backflow valves</li> <li>Wet or dry floodproofing</li> <li>Sump pumps</li> </ul> </li> <li>Density zone <ul style="list-style-type: none"> <li>Including exterior ADU by right and allow adding second floor to existing exterior ADU?</li> <li>Unit square footage limits</li> </ul> </li> </ul>	CR	PDS	II and III	

Number	Proposed Change	Topic	Origin	Phase	Status
	<ul style="list-style-type: none"> <li>• District energy zone [are there areas that are good prospects for this? Riverside] <ul style="list-style-type: none"> <li>▪ Co-locate residential and commercial</li> </ul> </li> <li>• Car-free zone (with exceptions for delivery trucks at certain times) [does Medford have districts where this would be appropriate?]</li> <li>• Net zero zone [does this make sense anymore, with updated building codes and the state reserving emissions standards and reporting for itself?]</li> <li>• Anti-heat island zone [do any of these impinge on code?] <ul style="list-style-type: none"> <li>▪ Minimum SRI for roofs and top level of parking lots</li> <li>▪ Preserve existing trees and require tree planting for larger sites</li> <li>▪ Window shading</li> <li>▪ Covered parking</li> <li>▪ Cool roof/green roof</li> <li>▪ Passive cooling – operable windows, design for airflow</li> </ul> </li> </ul>				
<b>B-52</b>	Energy efficiency requirements (or at least reporting) for rental units? [Medford doesn't currently have rental licensing?]	CR	PDS	II and III	
<b>B-53</b>	Increased EV ready requirement, with performance path for automated load management system (approved in Brookline).	CR	PDS	II and III	

### For Further Study

Number	Study Proposal	Topic	Origin	Phase	Status	Financing
<b>S.1</b>						
<b>S.2</b>						
<b>S.3</b>						