

MEDFORD ZONING ORDINANCE

CHAPTER 94

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SECTION 94-1.0 PURPOSE AND AUTHORITY

94-1.1 PURPOSE. The Medford Zoning Ordinance (“this Ordinance”) has been enacted to promote the health, safety, morals, convenience and general welfare of its inhabitants, to lessen the danger from fire, congestion, and confusion, and to improve and beautify the City under and pursuant to the provisions of M.G.L. Chapter 40A and all amendments thereto the use, construction, and alteration of buildings or structures and the use of premises in said City are hereby restricted and regulated as hereinafter provided, all as authorized by, but not limited to, the provisions of the Zoning Act, General Laws, Chapter 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Section 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

94-1.2 AUTHORITY. This Ordinance is enacted in accordance with the provisions of the G.L. c. 40A, and any and all amendments thereto, and by Section 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

94-1.3 SCOPE. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the City, shall be in conformity with the provisions of this Ordinance. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Ordinance imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Ordinance shall control.

94-1.4 APPLICABILITY.

94-1.4.1 Continuation of Regulation. This chapter is a further amendment of the zoning ordinance and zoning map adopted October 28, 1925, as amended, and shall be construed be a continuation of the regulations contained therein, regardless of changes in wording or arrangement, except insofar as amendments constitute changes in meaning. In the event of a discrepancy in meaning as between the ordinance as originally adopted, and later amendments, the meaning in the most recent amendment shall exclusively prevail.

94-1.4.2 City of Medford Projects. The requirements of this chapter shall not apply to the use or improvement of land or structures by the City of Medford or to the use or improvement of land structures by the City of Medford or to the use or improvement of land or structures owned by the City of Medford (“City Projects”), provided that any City Project which would otherwise constitute a “major project” pursuant to Section 94-11.7.2, shall be subject to site plan review by the Community Development Board. The purpose of such review shall be to gather staff and public input regarding City Projects, to identify significant impacts, and to identify reasonably practicable measures to mitigate such impacts without interfering with the purpose and feasibility of such projects. In conducting its review, the Community Development Board may waive any of the submittal requirements and review criteria set forth in Section 94-5.11.7 if it determines such waiver to be in the public interest, and it may request information regarding efforts by the project proponent to comply to the extent reasonably practicable with the requirements of this chapter that would be applicable to comparable private projects. The Community Development

Board may adopt and from time to time amend regulations relative to its review of City Projects and shall file a copy of said regulations with the office of the City Clerk.

94-1.5 AMENDMENTS. This Ordinance may from time to time be changed by amendment, addition, or repeal in accordance with the procedures specified in G.L. c. 40A, s. 5, and as herein provided.

94-1.5.1 Submittal. Petitions for proposed changes in this Ordinance shall be submitted to the City Council and may be initiated by the City Council, by an individual owning land to be affected by change or adoption, by request of ten registered voters, by the Community Development Board or by the metropolitan area planning council. The City Council shall within 14 days of receipt of such proposed zoning ordinance or amendment submit it to the Community Development Board for review.

94-1.5.2 Form of Petition. Petitions for proposed changes to this Ordinance shall be in writing and shall identify: the petitioner, the specific sections or subsections to be amended, and the manner in which it is proposed to be changed. If an amendment to the zoning map is a subject of a petition, it shall also include a complete description of the property proposed to be changed; and, if the petitioner is not a board of the City acting in their official capacity, be accompanied by plans prepared by a registered professional engineer or registered land surveyor at an appropriate scale. The plans shall show and identify the zoning districts as they appear on the current Zoning Map, City of Medford Massachusetts, the zoning districts proposed, all property proposed to be changed, and the property immediately adjacent thereto.

94-1.5.3 Fees. The City Council may adopt and from time to time amend a schedule of fees and establish a payment procedure except that any board of the City acting in their official capacity shall be exempt from payment of such fee.

94-1.5.4 Plans. The Community Development Board shall within a reasonable time submit all plans to the chief engineer for his approval as to scale, and description of the property and existing zoning information.

94-1.6 SEVERABILITY. Should any section or item of this Ordinance be declared by the courts to be unconstitutional or invalid, it is the intention that such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 94-2.0 DISTRICTS

94-2.1 DIVISION INTO DISTRICTS. The City of Medford, Massachusetts, is hereby divided into these Zoning Districts, designated as follows:

Full Name	Classification	Abbreviation
Recreational Open Space	Recreational	ROS
Single Family 1	Residential	SF-1
Single Family 2	Residential	SF-2
General Residence	Residential	GR
Apartment 1	Residential	APT-1
Apartment 2	Residential	APT-2
Apartment 3	Residential	APT-3
Commercial 1	Commercial	C-1
Commercial 2	Commercial	C-2
Industrial	Industrial	I
Office	Office/Light Manufacturing	O
Office 2	Office/R&D	O-2
Mixed use	Office and Commercial	MUZ
Mystic Avenue Corridor District	Residential, Office, Commercial, and Light Manufacturing	MACD
Salem Street Neighborhood Corridor District	Residential, Office, and Commercial	SSNCD
Medford Square District	Residential, Office, and Commercial	MSD

94-2.2 ZONING MAP. The location and boundaries of the zoning districts are as shown, defined, and bounded on the set of maps accompanying this Ordinance entitled, "Zoning Map, City of Medford, Massachusetts," dated April 13, 1965. The set of maps consists of a one inch = 600 feet map of the entire city and a series of 218 one inch = 80 feet maps. In the event of a discrepancy in delineation of any area, the one inch = 80 feet map shall control. The zoning map, its amendments and all explanatory matter thereon are hereby made a part of this Ordinance.

94-2.3 OVERLAY AND SPECIAL DISTRICTS. The following overlay and special districts are also established, as set forth in Section 9.0, herein:

Mixed Use Zone	MUZ
Planned Development District	PDD
Medford Square City Hall Overlay District	MSO

94-2.4 BOUNDARIES OF DISTRICTS. Boundaries of the zoning districts where indicated on the zoning map as approximately following City limits; platted lot lines or the centerlines of streets, water courses, or railroad lines as they existed at the effective date of adoption or amendment of this Ordinance; or extensions thereof shall be construed to follow respectively such City limits; platted lot lines or centerlines of streets, water courses or railroad lines; or extensions thereof unless otherwise delineated on the zoning map.

94-2.5 SPLIT LOTS.

94-2.5.1 By City Boundary. When a lot is situated in part in the City and in part in an adjacent municipality, the provisions of this Ordinance shall be applied to the portion of such lot in the City of Medford in the same manner as if the entire lot were situated in the City of Medford.

94-2.5.2 By Zoning District Boundary. When a lot is transected by a zoning district boundary, the regulations of this Ordinance applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth beyond such zoning district boundary.

SECTION 94-3.0 USE REGULATIONS

94-3.1 PRINCIPAL USES.

94-3.1.1 Applicability of Use Regulations. Except as provided by law or in this Ordinance, in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations. Any use not listed shall be construed to be prohibited.

1. In any district, two principal structures shall be permitted on the same lot, other than in the SF-1, SF-2, and GR zoning districts except by Special Permit from the Community Development Board, or as otherwise authorized in this Ordinance.

94-3.1.2 Key to Table of Use Regulations. In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section 11.6, shall be designated by identification of the Special Permit Granting Authority, which is either:

BA	Board of Appeals
CDB	Community Development Board
CC	City Council

In addition, “PC” shall mean the Parking Code set forth in Section 6.1.3, and “LC” shall mean the Loading Code set forth in Section 6.1.6.

94-3.2 TABLE OF USE REGULATIONS.

See **Table A Table of Use and Parking Regulations.**

94-3.3 ACCESSORY USES.

94-3.3.1 Area of Accessory Use. The area to be occupied by an accessory use is limited as follows:

1. No accessory use within a principal structure, other than an Accessory Dwelling Unit, and other than required off-street parking, shall occupy more than 25 percent of the floor area of that principal structure.
2. No accessory use not within a structure other than required off-street parking shall occupy more than 25 percent of the unbuilt lot area.

94-3.3.2 Operation. The operation of an accessory use shall be such as does not alter the scale or visual impact of the premises on which they are located or of the neighborhood. Any accessory activity that involves noise, glare, heat, smoke, or electromagnetic transmission shall be adequately shielded to achieve these ends.

94-3.3.3 Accessory Uses in All Districts. See the Table of Use and Parking Regulations for a complete list of allowed and prohibited accessory uses. The following accessory uses are specifically permitted as indicated by right or by special permit:

1. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals as set forth in the Table of Use and Parking Regulations, provided that the Board finds that the proposed use does not substantially derogate from the public good.
2. Family Day Care Homes. Small and large family day care homes are allowed as of right as an accessory use as set forth in the Table of Use and Parking Regulations, subject to site plan approval by the Community Development Board.

94-3.3.4 Accessory Uses in Industrial Districts. Principal uses listed in the Table of Use and Parking Regulations which are permitted by special permit in Industrial Districts, may be permitted by special permit as accessory uses provided they meet the following requirements:

1. The use is confined to the interior of any permitted building.
2. The primary purpose of such accessory use is to serve the occupants of the building in which such use is located.
3. There is no external advertising of such accessory use.

94-3.3.5 Residential Accessory Uses. The following accessory uses are specifically permitted as of right or by special permit in the Residence Districts, as set forth herein:

1. Renting of rooms for not more than two lodgers;
2. Housing of resident domestic employees including for health care, child care, or other household support;
3. Parking as provided in Section 6.1, below;
4. Home occupations as provided in Section 3.4; and
5. Accessory Dwelling Units as provided in Section 8.2, below.

94-3.3.6 Prohibited Accessory Uses. The following accessory uses are prohibited:

1. Unregistered Motor Vehicles. See Revised Ordinances City of Medford, Section 38-35.

2. Residence Districts. In the Residence Districts, the following accessory uses are prohibited:

- a. Commercial auto repair or service.
- b. Outdoor storage or display of materials or goods.
- c. Overnight parking (except in an enclosed garage) of any commercial vehicle with a gross vehicle weight of more than 15,000 pounds.

94-3.4 HOME OCCUPATIONS.

94-3.4.1 Home Occupation - As Of Right. A home occupation may be allowed as of right on a lot, provided that it:

- 1. Is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;
- 2. Is clearly incidental and secondary to the use of the premises for residential purposes;
- 3. Does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
- 4. No regular sales of wares of goods shall be conducted on the premises;
- 5. Does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
- 6. Does not exhibit any exterior indication of its presence or any variation from residential appearance, except a pole sign or wall sign no larger than 2 square feet;
- 7. Does not produce any customer or client trips to the location and has no nonresident employees.

94-3.4.2 Home Occupation - By Special Permit. One (1) home occupation may be allowed by special permit issued by the Board of Appeals on a lot, provided that it:

- 1. Fully complies with subsections 3.4.1.2, 3, 4, and 5, above;
- 2. Is conducted within a dwelling and solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two nonresident employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
- 3. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.2;

4. A special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips;
5. The special permit shall terminate at transfer of ownership of the property or end of lease term for the property.

SECTION 94-4.0 DIMENSIONAL REGULATIONS

94-4.1 TABLE OF DIMENSIONAL REQUIREMENTS.

94-4.1.1 Table of Dimensional Requirements. Dimensional requirements shall be as specified in the Table of Dimensional Requirements. The letter "H" denotes the height of the building. The letter "L" denotes the horizontal dimension of the side of the building substantially parallel to the lot line or street line that bounds the yard in question. The letters "N/A" in this table denote types of structures to which particular dimensional requirements are not applicable.

See Table B.

94-4.1.2 Supplementary Dimensional Requirements.

1. **Maximum Setback.** No part of any building shall be located more than 300 feet from a street in a residential district, or more than 265 feet from a street in any other district unless all such parts of said building are within the same distance from an operative fire hydrant connected to the public water supply and approved as to clearance and location by the chief of the City fire department.
2. **Courts.** In any district, inner courts and outer courts shall be permitted only in accordance with the following dimensional requirements:
 - a. Inner courts shall have a width of at least 30 feet but not less than the height, and shall have a length of not less than twice nor more than four times the width.
 - b. Outer courts shall have a width of at least 30 feet but not less than the height. Such a court with one end open shall not have a length more than the width, and with two ends open a length more than three times the width.
3. **Minimum Distance Between Structures.** In any district, the minimum distance between any point of any structures on the same lot shall be as follows:
 - a. Buildings accessory to single or two-family detached dwellings shall not be less than ten feet from that detached dwelling unless part of and attached to that dwelling, nor less than ten feet from another accessory building.
 - b. Buildings accessory to dwelling structures other than single- or two-family detached dwellings shall not be less than 15 feet from that dwelling structure, nor less than ten feet from another accessory building.
 - c. Buildings accessory to other permitted principal structures shall not be less than the same distance from that principal structure and from any other accessory building as if they were on separate lots.

94-4.2 DIMENSIONAL REQUIREMENTS; SPECIAL CASES.

94-4.2.1 Intent. The intent of this Section is to provide rules for application of dimensional requirements in special cases, to define special applications of dimensional requirements that may be applied and to further clarify the application of the dimensional requirements within the intent of this Section.

94-4.2.2 General Application of Yard Requirements.

1. Parking spaces not enclosed in a structure but required for any use may be provided in any required yard subject to the provisions of Section 6.1.4.
2. Loading spaces not enclosed in a structure but required for any use may be provided in a side yard of a commercial or industrial district or rear yard of any district subject to the provisions of Section 6.1.4.

94-4.2.3 Application of Front Yard Requirements.

1. Where, within a distance of 150 feet on each side of a lot on the same side of the same street, front yards of two or more existing buildings have been established to a greater or lesser depth than the required front yard depth, then the average depth of such yards of such existing buildings within such distance shall be the required front yard depth for that lot.
2. Front yard requirements shall not apply to terraces, steps, uncovered porches, or other similar features at or below the elevation of the floor of the first story, nor to fences, hedges, or walls less than four feet above the grade in the required front yard.
3. Balconies, and uncovered porches not over half the length of the front building wall, may project into a required front yard but not more than one-third of its width. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard. In no case shall any such projection come within eight feet of any front lot line.

94-4.2.4 Application of Side Yard Requirements.

1. Where a side lot line in a commercial district abuts a residential district, the side yard requirements of that residential district shall apply to the abutting yard in the commercial district.
2. On a corner lot, the side yard adjacent to a street shall be at least that distance required for front yards.

3. Where a side yard which is required to be in excess of 15 feet is adjacent to a park, reservation or other permanent public open space, then all but 15 feet of the required yard may be measured from the center of said open space.
4. Bays, balconies, chimneys, flues, and fire escapes, and uncovered porches not over the length of the side building wall may project into a required side yard but not more than one-third of its width. Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required side yard. In no case shall any such projection come within four feet of any side lot line.
5. Side yard requirements shall not apply to terraces, steps or other similar features at or below the elevation of the floor of the first story, nor to fences, hedges, or walls less than four feet above the grade in the required yard within 15 feet of a street line, and not over six feet above the grade in the required yard in all other cases.

94-4.2.5 Application of Rear Yard Requirements.

1. No structure shall be built within the rear yard except for a structure accessory to a one or two-family dwelling which may occupy up to 25 percent of the rear yard area.
2. Where a rear yard which is required to be in excess of 15 feet is adjacent to a park, reservation or other permanent public open space, then all but 15 feet of the required yard may be measured from the center of said open space.
3. Such projections as are permitted by subsection 4.2.4 into side yards are also permitted into rear yards to the same extent.

94-4.2.6 Application of Height Requirements.

1. The height restriction will be determined in accordance with the definition in Section 4.2.6.
2. Church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, flag poles, windmills, chimneys, smokestacks, silos, derricks, conveyors, masts, aerials, water tanks or other structures normally built above the roof and not devoted to human occupancy may be built to a height not greater than 150 percent of the height of the principal structure. Such structures, however, shall be erected only to such heights as are necessary to accomplish the purpose they are normally intended to serve.
3. No structure within 100 feet of the boundary of an SF-1, SF-2, GR or APT-1 district shall exceed four stories, or 50 feet, in height.

94-4.2.7 Application of Minimum Open Space Requirements.

1. Landscaped open space and usable open space may be included within the front, side, and rear yards, but shall be exclusive of parking and loading areas and access drives.
2. Landscaped open space and usable open space shall be mutually exclusive.
3. The requirement for minimum usable open space shall not apply to nonresidential structures, nor to hotels, or other residential structures intended and designed primarily for transient occupancy.

94-4.2.8 Application of Dimensional Requirements to Certain Cases.

1. If two or more permitted principal uses occupy the same structure, then:
 - a. The yard requirements for the entire structure for each use shall be determined, and the greater of the yard requirements of each of the principal uses that occupies each floor shall be applied to that floor; and
 - b. All other dimensional requirements shall be the sum of the dimensional requirements for each of the principal uses computed separately except as provided in Section 6.1.6.
2. The lot, yard, open space and coverage requirements shall not be applied to a grave site or structure erected thereon.
3. A parcel consisting of an unregistered lot and a contiguous registered lot may be treated as a lot under the provisions of this Ordinance only on presentation of a single deed referring to the fact that a lot therein is unregistered and another lot therein is registered, and incorporating a description of the entire parcel, which deed has been recorded in both the Middlesex South District Registry of Deeds and the Middlesex South Land Registry District.
4. The minimum total lot area for an institutional use in a residential district shall be 80,000 square feet.
5. The Community Development Board, acting as SPGA, shall have the authority to grant a special permit for applications in the Office 2 District seeking relief from the dimensional requirements as provided in Section 4.0 and Table B – Dimensional Requirements.

94-4.3 DIMENSIONAL REQUIREMENTS FOR ACCESSORY STRUCTURES.

94-4.3.1 Height of Accessory Structure. The height of accessory structures is limited as follows:

1. Structures accessory to one- and two-family dwellings shall not exceed 15 feet in height.
2. Structures accessory to other uses shall not exceed the height restriction of the principal structure.

94-4.3.2 Location of Accessory Structure. The location of accessory structures shall be limited as follows:

1. In residential districts, no accessory structure shall be located within the required front or side yard or any court but may be built in the rear yard subject to Section 4.2.5.
2. In commercial and industrial districts, no accessory structure shall be permitted within any required yards.
3. Any accessory structures must be set back a minimum of 3 feet from rear and side lot lines, or a 1 foot separation from lot lines if constructed of fire -resistance wall assemblies, as defined by the State Building Code,
4. A swimming pool must be set back a minimum six (6) feet from rear and side lot lines measured from the water's edge to the lot lines, and a minimum setback of twelve (12) feet from the lot lines for any type of pump equipment.

SECTION 94-5.0 NONCONFORMING USES AND STRUCTURES

94-5.1 APPLICABILITY.

94-5.1.1 Applicability; Nonconformities. Except as herein after provided, this Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Ordinance or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure. See G.L. c. 40A, s. 6, para. 1.

94-5.1.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Ordinance, unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. See G.L. c. 40A, s. 6, para. 2.

94-5.2 NONCONFORMING USES. The Zoning Board of Appeals may award a special permit to change or extend a nonconforming use in accordance with this Section only if it determines that such change or extension is not substantially more detrimental to the neighborhood than the existing nonconforming use.

94-5.2.1 Permissible Changes. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another nonconforming use which is not substantially more detrimental to the neighborhood. When a special permit is granted under this subsection, no use variance shall be required with regard to use or dimensional aspects of the application.

94-5.3 NONCONFORMING STRUCTURES. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change is not substantially more detrimental to the neighborhood than the existing nonconforming structure.

94-5.3.1 Permissible Changes. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

94-5.4 VARIANCE REQUIRED. Except as provided in Section 5.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to create a new nonconformity, shall require the issuance of a variance; increasing an existing nonconformity and the horizontal or vertical extension of an exterior wall at or along the same nonconforming distance within a required yard shall require the issuance of a special permit from the Zoning Board of Appeals.

94-5.5 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES.

Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure and adds not more than 100% to its gross floor area.

94-5.5.1 Permissible Changes. The following circumstances shall not be deemed to increase the nonconforming nature of said structure and a building permit may be issued:

1. *Insufficient Area.* Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements.
2. *Insufficient Frontage.* Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.
3. *Encroachment.* Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and not result in any increase in building height in the area of encroachment.

If the Building Commissioner determines that proposed alteration, extension or change exceeds all of the criteria set forth above, the Board of Appeals may, by special permit, allow such alteration, extension or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term “reconstruction” shall not include the voluntary demolition of such structure and its rebuilding. See Section 5.7.

94-5.6 ABANDONMENT OR NON-USE. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to

all of the provisions of this Ordinance; provided, however, that by special permit the Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

94-5.7 RECONSTRUCTION AFTER CATASTROPHE OR VOLUNTARY

DEMOLITION. Any nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following provisions.

94-5.7.1 Procedures.

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in gross floor area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit from the Board of Appeals shall be required.

94-5.8 REVERSION TO NONCONFORMITY. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

94-5.9 SUBSTANDARD LOTS. When a prior lawful nonconforming structure is located on a lot which does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

94-5.10 EMINENT DOMAIN. When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, any structure located thereupon shall be considered a nonconforming structure subject to the rules of this Section 5.0.

SECTION 94-6.0 GENERAL REGULATIONS

94-6.1 PARKING AND LOADING.

94-6.1.1 Purpose. The purpose of this Section is:

1. To reduce congestion in the streets and contribute to traffic safety by assuring adequate places for the standing and storing off the street of motor vehicles associated with any use of land;
2. To ensure that any use of the land involving the arrival, departure, storage, or entry upon the land of motor vehicles be so designed and operated as to reduce hazard to pedestrians upon the public sidewalks; and
3. To protect the use of adjoining property from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation and parking of motor vehicles off the street.

94-6.1.2 Table of Off-Street Parking and Loading Requirements. The off-street parking and loading requirements are contained in the Table of Use Regulations and Off-Street Parking and Loading Requirements in Section 3.2.

94-6.1.3 Parking Requirements. The following parking requirements shall apply to the uses in the Table of Use Regulations and Off-Street Parking and Loading Requirements.

PARKING CODE**	REQUIRED SPACES
A	2 per Dwelling Unit
A1*	1.5 per Dwelling Unit
B	1 per 4 beds
C	1 per Guestroom
D	1 per 2 Units
E	1 per 750 s.f.
F	1 per 140 s.f.
G	1 per 350 s.f.
H	1 per 1,040 s.f.
I	1 per 850 s.f.
J	1 per 2 employees
K	1 per 1,400 s.f.
L	1 per 500 s.f.

* Incentives for alternative minimum residential parking requirements

Affordable housing units	.5 per Dwelling Unit
Located within ½ mile of high-frequency transit	.8 per Dwelling Unit

****** Notwithstanding the above tables, Non-residential uses with five-thousand (5,000) square feet or less of gross leasable floor area are exempt from any minimum parking requirements.

94-6.1.4 Off-Street Parking Requirements; General.

1. In any district, parking spaces shall be provided at a rate specified in Section 3.2 or 6.1.3.
2. In residential districts, the number of off-street parking spaces shall not exceed 200 percent of the minimum requirements. This maximum shall include both uncovered and enclosed parking spaces, and apply whether or not those spaces are used for parking.
3. Parking spaces not enclosed in a structure may be provided anywhere on the lot except in an inner court, except that no parking may be provided within the front yards in SF-1, SF-2, and GR district.
4. Any parking space not located on the same lot as the structure or use to which it is assigned, whether or not in the same ownership, in order to be credited to such structure or use in meeting the requirements of this Ordinance, must be legally available and be within 500 feet of the structure, measured within street rights-of-way. Proof of legal availability and permanence consistent with Section 6.1.5 shall be required. Failure to retain the availability of such parking space for the need it is required to serve shall be sufficient cause to deny or revoke an occupancy permit until such space is restored or replaced.
5. Parking spaces shall be designed for occupancy only by passenger cars and commercial vehicles not exceeding 7½ feet in width or 18 feet in length, unless the parking spaces are specifically identified on a plan accompanying an application for a building permit or occupancy permit with sufficient area and adequate width of aisles for the vehicle intended.
6. Except for vehicles exceeding 7½ feet in width or 18 feet in length:
 - a. The minimum parking space will include a rectangular area not less than nine feet in width and 19 feet in length for all angle parking, or 22 feet in length for parallel parking and eight feet of clear height.
 - b. For multiple dwellings where the required parking is 20 or more spaces, up to 30 percent of the angle parking spaces may be designated for compact cars, and include a minimum rectangular area of not less than eight feet in width and 17 feet in length per space.

c. For nonresidential structures, up to 30 percent of all spaces may be designated for compact cars, and include a minimum rectangular area of not less than 7½ feet in width by 19 feet in length for parallel spaces and 7½ feet in width by 17 feet in length for angle spaces.

7. The minimum width of aisles providing access to more than two spaces, and designed for two-way traffic shall be at least 24 feet.

8. The minimum width of aisles providing access to more than two spaces, and designed for one-way traffic only, depending on the angle of parking shall be:

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30°	11 feet
45°	13 feet
60°	18 feet
90°	20 feet

9. The width of entrance and exit drives at the street line which provide access to parking areas shall be as follows:

a. The minimum width of entrance and exit drives shall be 12 feet for one-way use, or for driveways providing access primarily for overnight parking with only incidental day-use, and 20 feet in all other instances.

b. The maximum width of drives at the street line shall be 20 feet in residential districts and 30 feet in all other districts.

10. No part of any outdoor parking area provided for multiple dwellings shall be located closer than six feet from a principal building. The ends and sides of parking spaces adjacent to such buildings shall be defined by a raised curb or berm.

11. Additional provisions for driveways in residential districts:

a. New driveways shall require a permit from the City Engineer.

b. Driveways must be paved with paving stones, grass pavers, pervious concrete, or porous asphalt unless graded to direct runoff onto on-site permeable areas or granted a waiver by the City Engineer to mitigate adverse site conditions.

c. Ribbon driveways are highly encouraged. Ribbon driveways must have paved tracks that are at least two (2) feet in width and five (5) feet on center with an unpaved area that is at least three (3) feet in width.

94-6.1.5 Off-Street Parking and Loading Requirements; General.

1. All required parking and loading spaces shall be provided and maintained for as long as the use exists for which these spaces were designed and required. No off-street parking or loading area shall be used for any use that interferes with its availability for the need it is required to serve.
2. No parking area containing more than two spaces and no loading area shall be designed or located so as to require or encourage motor vehicles to back or otherwise maneuver on the sidewalk.
3. There shall be easy and ordinarily available access from any off-street parking or loading space to the street.
4. No part of any entrance and exit drives for parking areas containing more than two spaces and loading areas shall be closer than 20 feet to one another, nor located closer than ten feet from a side lot line, measured at the street line. No part of any entrance and exit drive for parking areas and loading areas shall be closer than 20 feet from a street intersection, measured at the street line.
5. All parking and loading spaces and their access shall be graded, surfaced with asphalt or other suitable material and drained to the extent necessary to prevent dust, erosion, or excessive water flow injurious to the use of surrounding property.
6. Any outdoor lighting of parking or loading area shall be so arranged that no light source shall be visible from any point on surrounding properties.
7. No part of any parking or loading area shall be located closer than five feet from a lot line if the provisions of Section 6.3.2 apply, or three feet from a lot line in all other instances. The ends and sides of parking and loading spaces adjacent to a lot line shall be defined by a raised curb or berm.

94-6.1.6 Computation of Parking Spaces and Loading Spaces. In computing the required number of parking and loading spaces, if the application of the rate results in a fraction of one half or greater, an additional full space shall be required. Each parking and loading space provided shall be exclusive of drives and maneuvering space.

1. Where mixed uses occur, parking and loading spaces required shall be the sum of the requirements for the several individual uses, computed separately except when it can be demonstrated to the Building Commissioner reasonable satisfaction that such uses are not in operation at the same time and that adequate spaces exist to handle the requirements for each use during each of the relevant time periods.

94-6.1.7 Off-Street Loading Requirements; General. In any district, loading spaces shall be provided at the rate specified in Section 3.2, and as follows:

Gross Floor Area in Square Feet						
Loading Space Rate	2,000 to 14,999	15,000 to 49,999	50,000 to 99,999	100,000 to 149,999	150,000 to 299,999	Each additional 150,000 or fraction thereof over 300,000
A - 1/15,000 s.f.	1	2	3	4	5	1
B - 1/50,000 s.f.	1	1	2	3	4	1

1. Where retail sales, consumer service business or other uses are designed or constructed as a group or as a unified building, and while common loading facilities are shared, the aggregate of individual uses may be treated as one building for the purpose of calculating off-street loading requirements.
2. Loading spaces not enclosed in a structure may be provided in a side or rear yard, but not in a front yard or court. However, loading spaces serving enclosed retail malls, where individual stores front inward onto a mall-type pedestrian area, may be located in a front yard provided that said spaces are adequately screened and protected.
3. All loading spaces shall be provided entirely on the lot with the principal use served.
4. The minimum loading space shall include a rectangular area not less than 12 feet in width, 30 feet in length, and 14 feet of clear height directly accessible to aisles of adequate width.
5. The minimum width of entrance and exit drives which provide access to loading spaces shall be 20 feet and the maximum width shall be 30 feet, measured at the street line.
6. Loading spaces may be enclosed in a structure and must be so enclosed if located in or within 50 feet of a residential district where the use involves regular night operation.

94-6.1.8 Screening and Buffers.

1. When parking is provided in a front yard, buffer strips at least three feet in width and planted with dense planting material or an opaque fence of uniform appearance, should be provided on the side(s) of the parking area visible from the abutting street(s) and lot(s).
2. All outdoor parking areas containing more than four spaces shall be screened from adjacent property in manner and to the extent required by Section 6.3.2.
3. Loading spaces provided in or within 100 feet of a residential district must be adequately screened from adjacent residences.

94-6.1.9 Shared Parking. “Shared parking” shall be defined as parking spaces that can be commonly shared or used to serve two or more individual land uses without conflict or encroachment and may include properties in the same or different ownership. Notwithstanding any other provisions of this Ordinance, shared parking may be permitted by the SPGA or by Site Plan Approval, as the case may be, provided that:

1. The Applicant submits a shared parking analysis by a qualified traffic engineer or other parking professional demonstrating the availability of parking space supply to satisfy the peak parking space demand of the various uses during all or part of the day. The Applicant may use off-site parking for shared parking provided the off-site parking is located within five hundred (500) feet of the premises.
2. In the event that shared parking involves properties in different ownership, or the same ownership that is off-site, a proposed contract, agreement, or suitable legal instrument acceptable to the SPGA or during Site Plan Approval, specifying the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking, shall be recorded with the Middlesex Registry of Deeds with a copy thereof filed with the SPGA or other authorizing entity.
3. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space.
4. Nothing in this Section 6.1.9 shall relieve the owner from providing parking facilities in accordance with this Ordinance if subsequently the joint use of parking facilities shall terminate.

94-6.1.10 Special Permit to Waive or Reduce Requirements. The SPGA or Site Plan Review Authority may 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 SIGNS.

94-6.2.1 Purpose. The purpose of this Section is:

1. To preserve and enhance the substantial and respective interests of the citizens, property owners, business owners, and the government of the City; and
2. To regulate the manner in which signage affects the natural, scenic, historic, cultural, and aesthetic qualities of life and neighborhoods of the City;
3. To prevent hazards to vehicular and pedestrian traffic;

4. To preserve the amenities and protect the visual quality of the City;
5. To improve the physical appearance of the City;
6. To reduce visual clutter and blight;
7. To protect property values; and
8. To enhance the economic climate of the City.

The City through this Section recognizes that signs perform important functions in the community which are essential for the conduct of private and public business, and for the safety of its citizens. Also recognized is the need for signage to display noncommercial messages by noncommercial entities such as civic, religious, and political organizations. These matters are of significant importance and interests to the City, and therefore serve as a proper basis for the legitimate regulation of signs.

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.

94-6.2.3 Authority and Interpretation. This Section is declared to be remedial and protective, and is adopted pursuant to the authority conferred by G.L. c. 93, s. 29, and G.L. c. 43B and every other power and authority pertaining thereto.

94-6.2.4 Applicability. No private sign, billboard, or other advertising device shall be erected, enlarged, displayed, altered (except for repainting in the colors and format as depicted in the original application), or permitted, except in accordance with this Ordinance. This Section shall not apply to regulatory, directional, or identification signs erected by the City, county, or state, or agencies thereof. All signs shall comply with the regulations for erection and construction of signs contained in the building codes of the commonwealth and other applicable state laws and City ordinances. The owner of record of the premises where a sign is located and the tenant or advertiser who owns or leases the sign shall be responsible for complying with the provisions of this Section.

94-6.2.5 Permit Required. Any person wishing to erect a sign in the City, as required by this Section, shall first obtain a permit from the City Building Department, according to the following procedure.

94-6.2.6 Application. An application for a sign permit shall be obtained at the Building Department in Medford City Hall. The official application form, in duplicate, shall be completed by the applicant, and shall include, but is not limited to, the following:

1. Photographs of existing buildings and signs.
2. Two accurately scaled and detailed drawings of the proposed sign, including location, dimensions, projection, materials, elevations, indication of colors to be used, illumination, etc.
3. Site plan indicating building setback and proposed sign setback from property lines.
4. Any other information deemed necessary by the Building Commissioner or Office of Community Development.
5. Filing fee as set forth in the fee schedule in Appendix A to this Ordinance.

94-6.2.7 Procedures. The completed application forms, photographs, drawings, and fee shall be submitted to the Building Department, and forwarded by the Building Department to the

Office of Community Development for review to ensure conformity with all the guidelines set forth in this Section. The review shall be completed within ten working days of the date of application.

1. Approval of the application by the Office of Community Development shall result in the issuance of a sign-design certificate, which shall be forwarded to the Building Department, for issuance of a regular permit for the sign.
2. An application disapproved shall contain written reasons for disapproval, including specific references to the cited sections in this Ordinance. Appeal of such disapproval may be made to the City Council according to the provisions of Section 6.2.6.4.
3. Failure of the Building Department or the Office of Community Development to act on an application within ten days of the filing date shall result in automatic forwarding of the application to the City Council.
4. Right to Appeal. An appeal by any person aggrieved under the provisions of this Ordinance may be taken to the City Council. Any appeal to the City Council shall be taken within 14 days of the date of the decision which is being appealed. Notice of appeal, including a copy of the rejected application and all related materials, shall be filed with the City Clerk at least one week prior to the next regularly scheduled City Council meeting for consideration.

94-6.2.8 Enforcement. The Building Commissioner shall interpret, administer, and enforce this Section on his own initiative, on referral from other City officials, or on a written complaint. The means and penalties associated with such enforcement are outlined in Section 11.0 of this Ordinance.

1. A violation of this Section as determined by the Building Commissioner, relating to a sign for which a permit has been granted, other than violations described in Section 6.2.16, shall be addressed in the following manner: The Building Commissioner shall notify in writing, by certified mail, return receipt requested, the person deemed responsible for such violation, citing the nature of the violation, ordering the corrective action to be taken, and specifying a 30-day period to remedy the violation. If at the end of the 30-day period the cited violation has not been corrected, the Building Commissioner shall revoke the regular permit and order the sign removed within 15 days. If the sign has not been removed within the 15-day period the Building Commissioner shall cause the sign to be removed forthwith. All expenses for the removal shall be borne by the responsible party as referenced in Section 6.2.3.
2. A violation of this Section as determined by the Building Commissioner, relating to a sign for which a special permit has been granted, shall be addressed in the following manner: The Building Commissioner shall notify in writing, by certified mail, return receipt requested, the person deemed responsible for such violation, citing the nature of the violation, ordering the corrective action to be taken, and specifying a 30-day period to remedy the violation. If at the end of the 30-day period the cited violation has not been

corrected, the Building Commissioner shall petition the City Council to revoke the special permit.

3. A violation of this Section as determined by the Building Commissioner, relating to a sign for which a permit is not required (see Section 6.2.16) shall be addressed in the following manner: The Building Commissioner shall notify in writing, by certified mail, return receipt requested, the person deemed responsible for such violation, citing the nature of the violation, ordering the corrective action to be taken, and specifying a 30-day period to remedy the violation. If at the end of the 30-day period the cited violation has not been corrected, the Building Commissioner shall order the sign removed within 15 days. If the sign has not been removed within the 15-day period the Building Commissioner shall cause the sign to be removed forthwith. All expenses for the removal shall be borne by the responsible party as referenced in Section 6.2.3.

4. Appeal of Building Commissioner's decisions. All actions of the Building Commissioner may be appealed by the sign owner to the City Council. Appeal of the Building Commissioner's written order to repair or remove a sign shall be made within 14 days of receipt of such written order. All actions by the Building Commissioner to remove or revoke its permit shall be stayed if an appeal by the sign owner is made to the City Council within the 14 days. The stay shall remain in effect until the matter has been redressed by the City Council, or other authorized appeals board, or court of law.

5. Penalties. Any person who violates any provision of this Section shall be subject to a fine in accordance with Section 11.3.1.

94-6.2.9 Permit Rights. The rights granted via a special permit or regular permit issued under this Section or previous ordinances to erect, enlarge, display, or alter a sign are, herein, vested with the person, company, corporation, or other entity to whom the permit has been issued and cannot be assigned. When a change occurs in ownership of a sign permitted under this Section or previous ordinances, or granted by special permit, the new owner shall so register with the Building Commissioner. Any sign permitted under this Section or previous ordinances, or granted by special permit, shall not be enlarged, altered, or replaced until the design review process has been completed by the new owner. All current or new owners of approved signs legally obtained by regular permit or by special permit shall not forfeit or lose the intended rights granted in the original permit or special permit upon re-registration.

94-6.2.10 Permit Renewals. All signs in existence by permit or special permit granted under this Section or previous ordinances shall be reinspected every three years from date of issue or from date of enactment of the ordinance from which this Section is derived, and every three years thereafter. The Building Department shall mail a reinspection application to each sign owner 60 days prior to the expiration of every three-year period. The reinspection application shall be completed by the sign owner and submitted to the Building Department before the expiration of the three-year period. The application shall include a recent color photograph of the sign showing its setting and location, and the designated fee. The Building Commissioner shall examine the sign and determine that it is in good repair, prior to issuing a reinspection certificate. If the Building Commissioner determines that the sign is in disrepair, the matter shall proceed as

directed in Section 6.2.16. The reinspection fee schedule shall be as set forth in the fee schedule in Appendix A to this Ordinance. Additional fines shall be levied according to this Section if the reinspection application is not received within 60 days from receipt of notice. Redress for violation of this subsection shall be as provided herein.

94-6.2.11 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.

94-6.2.12 Signs in All Zones on Property Whose Principal Use is Residence. On-premises commercial and noncommercial signs located in all zones are permitted on property used primarily for residential purposes, as indicated by the records of the Board of Assessors, provided they are limited to and conform with the following:

1. Temporary sign. As provided in Section 6.2.14.
2. Primary wall sign. Not permitted.
3. Secondary wall sign. Not permitted.
4. Projecting sign. One projecting sign per residence. No permit required. Sign shall be located at or near the primary entrance to residence. Sign shall not exceed four square feet in area, shall be attached at a right angle to the wall of the residence, and shall not project more than two feet from the wall. The bottom of the sign shall be at least eight feet above grade. The top of the sign shall be no higher than whichever of the following

is lower: 20 feet above grade or the top of the sills of the first level of windows above the first story.

5. Freestanding sign. One permanent freestanding sign per lot, provided that it is in conjunction with a permitted nonresidential use. Permit required. One temporary freestanding real estate sign per lot. No permit required. A permanent freestanding sign shall have no more than two faces. Area of the sign face shall not exceed 12 square feet. The height of a permanent or temporary freestanding sign shall not exceed six feet above grade, measured to the topmost portion of the sign or sign structure. A freestanding sign shall not be located within six feet of a lot line.

6. Window sign. One window sign per residence, if in conjunction with a permitted nonresidential use, shall not exceed 35 percent of the glassed area to which it is attached. Permit required. Noncommercial signs may be displayed and are not subject to the 35 percent rule. No permit required.

7. Illumination. For signs displayed on property used primarily for residential purposes, including commercial signs as permitted in this Section, if illuminated, the illumination shall be continuous, indirect, natural, or external, and shall not make use of neon. Internal illumination is not permitted. Direct light from illumination shall not shine onto any adjacent residential property, nor shine onto a public way so as to create a traffic hazard. Signs shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

8. Movement. Movement is not permitted. Signs shall have no moving parts and shall not convey changing images and messages.

9. Business/professional use. Any person using a portion of a residentially zoned property for business or professional use as permitted by the Table of Use Regulations in Section 3.2 who wishes to advertise or erect a sign for such use shall obtain a sign permit, and shall conform to the requirements of this Section. No other commercial sign is permitted on residential property, unless specifically permitted or regulated elsewhere in this Section.

10. Subdivision identification sign. One sign shall be permitted for each separate street and/or separate building and/or for each means of entrance to or exit from the subdivision, apartment, or condominium complex. Size shall not exceed 12 square feet. The sign may be freestanding. Permit required.

11. Prohibited signs. The following additional signs are not permitted in any zone on property used primarily for residence: Awning; Banner; Billboard; Canopy; Marquee; Off-premises; Portable; Roof; Time/temperature; As otherwise designated in this Section.

94-6.2.13 Signs in Commercial, Office, Industrial, and Multi-use Zones. On-premises commercial and noncommercial signs are permitted in commercial office, industrial, and multi-use zones, provided they are limited to and conform with the following:

1. Temporary signs. As provided in Section 6.2.14.
2. Primary wall sign. Permit required. Each business establishment shall be permitted one primary wall sign. The area of the sign shall not exceed two square feet for each linear foot of building frontage upon which the sign is affixed, or 100 square feet, whichever is less. The area of a primary wall sign may be increased by the sum of the following formula: one square foot for each two linear feet of building facade setback from the sidewalk, or 300 square feet, whichever is less. If a business is located on a lot that has building frontage on a secondary street or parking lot, and the building frontage on the secondary street or parking lot exceeds 75 percent of the building frontage on the primary street, or, in particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, then the total allowable sign area of the primary wall sign, as specified in the formula in this Section, may be divided between two such wall signs which would together constitute the primary wall sign. One or both signs shall be placed on the primary facade, or divided between the primary and secondary facades. The width of the primary wall sign, whether affixed to the primary side of the building or the secondary side, shall not exceed 90 percent of the total linear building frontage of the face of the building to which the sign is attached, or 50 linear feet, whichever is less. The width of a primary wall sign may be increased by the sum of the following formula: one linear foot for each 25 feet of building facade setback, not to exceed a resulting maximum width of 65 linear feet.
3. Secondary wall sign. Permit required. Each business establishment, if it has building frontage on a secondary street or parking lot, shall be permitted one secondary wall sign. The area of the sign shall not exceed one square foot per linear foot of building frontage of the building facade to which the sign is affixed, or 40 square feet, whichever is less, provided that no portion of the primary sign is affixed to the same building frontage on the secondary street or parking lot.
4. Projecting sign. One projecting sign per business establishment. Permit required. Sign shall be located at or near the primary entrance. Sign shall not exceed four square feet in area, shall be attached at a right angle to the wall of the building, and shall not project more than two feet from the wall. The bottom of the projecting sign shall be at least ten feet above grade. The top shall be no higher than whichever of the following is lower: 25 feet above grade, or the top of the sills of the first level of windows above the first story. In one-story buildings with a continuous horizontal parapet, such sign shall be mounted no higher than the top of the parapet. Continuous, direct, and indirect illumination is permitted. Interior illumination and neon are not permitted. Applicants for a projecting sign over public property shall submit proof of liability insurance or bond for the sign.
5. Freestanding sign. One freestanding sign per lot is required in a C-1 zone. Sign shall have no more than two faces, each of which shall not exceed 30 square feet, and shall not be located within six feet of the front lot line. The sign shall not exceed a height of six feet above grade, measured to the topmost portion of the sign or sign structure. One freestanding sign per lot is permitted in C-2, O and I zones. The sign shall have no more

than two faces, each of which shall not exceed 60 square feet, and shall not be located within six feet of the front lot line. The sign shall not exceed a height of 20 feet above grade, measured to the topmost portion of the sign or sign structure. In shopping centers and other commercial developments consisting of a single parcel occupied by two or more businesses, the area of each face shall not exceed 90 square feet. The sign must serve one of the following uses: identification of the entire complex, composite identification naming each establishment individually, or identification of the primary establishment.

6. Window sign. Permanent window signs, including exposed neon type, shall require a permit. Permanent window signs and temporary window signs shall not in the aggregate exceed 35 percent of the glassed area in which they are displayed. Two signs, of the exposed neon type or internally illuminated, may be displayed. If two signs are displayed, each sign shall not exceed four square feet in area. If an applicant wishes to display one sign, the sign shall not exceed six square feet in area. The total signage, including permanent and temporary signs, permitted to be displayed in a window shall not exceed 35 percent of the total glassed area, regardless of the number of businesses occupying and sharing the premises containing the glass. This subsection shall not operate to permit at any time more than two four-square-foot neon-internally illuminated signs per premises, or one six square foot neon/internally illuminated sign per premises, or any combination of signs which will exceed 35 percent of the glassed area. Noncommercial window signs may not be of the exposed neon type, nor be internally illuminated. They shall not require a permit, and shall not be subject to the 35 percent rule.

7. Illumination. Illumination is permitted except as specifically prohibited in this Section. Illumination shall be continuous. A sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business. Signs may remain lighted for one-half hour after closing, and may be relighted one-half hour before opening. Outdoor floodlighting must be installed in a manner that will prevent direct light from shining onto any street or adjacent property. Illumination of the exposed neon type is allowed only as directed herein.

8. Movement. Movement is not permitted, except that which is allowed in Section 6.2.13.11.

9. Awnings. Permit required. One awning is permitted for each display window and primary entrance. If the awning is to contain copy in the form of letters, characters, logos, company name, etc., the total area of copy permitted shall be according to one and only one of the following choices: (1) If an applicant chooses to erect simultaneously a primary sign and an awning, the signage copy may be divided equally or unequally between the two, for a total combined sign area not to exceed 110 percent of the total allowable primary sign area. (2) If an applicant chooses to erect an awning subsequent to the erection of the primary wall sign, and the primary wall sign is already of maximum allowable size, the applicant may apply signage copy to the awning in an amount not to exceed ten percent of the total permitted primary wall sign area. (3) If an applicant chooses to erect a wall sign subsequent to the erection of an awning which already

contains signage equal to the maximum allowed in a primary wall sign, the applicant shall be permitted additional signage not to exceed ten percent of the total allowable primary sign area. This new sign shall not be attached to the awning, but shall be affixed to the wall of the building facing the primary street.

10. Off-premises noncommercial sign. All off-premises noncommercial signs are permitted on businesses and residences in commercial, office, and industrial zones as provided in this Section.

11. Time and temperature sign. Time and temperature signs are permitted. No additional movement is permitted other than that which specifically constitutes the time and temperature indications.

12. Marquees. Theaters, cinemas, hotels, and motels shall be permitted one marquee sign. The maximum area shall be limited to 40 square feet. Theaters and cinemas may increase their maximum allowable area by 20 square feet for each additional theater or cinema, not to exceed an aggregate total of 100 square feet.

13. Barbershop pole sign. Permit required. One sign per business establishment. Permit required. This subsection shall not operate to permit at any time more than one projecting sign. The sign, including its frame, shall not exceed 30 inches in height. If mounted on the building facade, no portion of the sign or frame shall extend more than 14 inches from the building facade, nor extend below the height of ten feet above grade, and the sign and frame shall conform with this Section. Illumination is permitted per Section 6.2.13.7.

14. Prohibited signs. The following signs are not permitted in commercial, office, industrial, and multi-use zones: Billboard; Inflatable; Off-premises commercial; Roof; Signs otherwise designated in this Section.

94-6.2.14 Signs in Residential Zones Identifying Permitted Nonconforming Commercial Uses. This Section recognizes that preexisting, nonconforming commercial uses are located in residential zones (SF-1, SF-2, GR, APT-1, APT-2, APT-3). On-premises commercial signs and noncommercial signs are permitted in these zones on property identifying permitted nonconforming commercial uses, provided they are limited to and conform with the following:

1. Temporary signs. As provided in Section 6.2.14.

2. Primary wall sign. Permit required. Each business establishment shall be permitted one primary wall sign. The area of the sign shall not exceed two square feet for each linear foot of building frontage upon which the sign is affixed, or 100 square feet, whichever is less. The area of a primary wall sign may be increased by the sum of the following formula: one square foot for each two linear feet of building facade setback from the sidewalk, or 200 square feet, whichever is less. If a business is located on a lot that has building frontage on a secondary street or parking lot, and the building frontage on the secondary street or parking lot exceeds 75 percent of the building frontage on the

primary street, or, in particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, then the total allowable sign area of the primary wall sign, as specified in the formula in this Section, may be divided between two such wall signs which would together constitute the primary wall sign. One or both signs shall be placed on the primary facade, or divided between the primary and secondary facades. The width of the primary wall sign, whether affixed to the primary side of the building or the secondary side, shall not exceed 90 percent of total linear building frontage of the face of the building to which the sign is attached, or 50 linear feet, whichever is less. The width of a primary wall sign may be increased by the sum of the following formula: one linear foot for each 25 feet of building facade setback, not to exceed a resulting maximum width of 65 linear feet.

3. Secondary wall sign. Permit required. Each business establishment, if it has building frontage on a secondary street or parking lot, shall be permitted one secondary wall sign. The area of the sign shall not exceed one square foot per linear foot of building frontage of the building facade to which the sign is affixed, or 40 square feet, whichever is less, provided that no portion of the primary sign is affixed to the same building frontage on the secondary street or parking lot.

4. Projecting sign. One projecting sign per business establishment. Permit required only if sign extends over public property. Sign shall be located at or near the primary entrance. Sign shall not exceed four square feet in area, shall be attached at a right angle to the wall of the building, and shall not project more than two feet from said wall. The bottom of the projecting sign shall be at least ten feet above grade. The top shall be no higher than whichever of the following is lower: 25 feet above grade, or the top of the sills of the first level of windows above the first story. In one-story buildings with a continuous horizontal parapet, such sign shall be mounted no higher than the top of the parapet. Continuous, direct, and indirect illumination is permitted. Interior illumination and neon are not permitted. Applicants for a projecting sign extending over public property shall submit proof of liability insurance or bond for the sign.

5. Freestanding signs. One freestanding sign per lot is permitted. The sign shall have no more than two faces, each of which shall not exceed 12 square feet. A freestanding sign shall not be located within six feet of a front lot line. The sign shall not exceed a height of six feet above grade, measured to the topmost portion of the sign or sign structure.

6. Window sign. Permanent window signs, including exposed neon type, shall require a permit. Permanent window signs and temporary window signs shall not in the aggregate exceed 35 percent of the glassed area in which they are displayed. Two signs, of the exposed neon type or internally illuminated, may be displayed. If two signs are displayed, each sign shall not exceed four square feet in area. If an applicant wishes to display one sign, the sign shall not exceed six square feet in area. The total signage, including permanent and temporary signs, permitted to be displayed in a window shall not exceed 35 percent of the total glassed area, regardless of the number of businesses occupying and sharing the premises containing the glass. This Section shall not operate to permit at any time more than two four-square-foot neon-internally illuminated signs per premises, or

one six square foot neon/internally illuminated sign per premises, or any combination of signs which will exceed 35 percent of the glassed area. Noncommercial window signs may not be of the exposed neon type, nor be internally illuminated. They shall not require a permit, and shall not be subject to the 35 percent rule.

7. Illumination. Illumination is permitted except as specifically prohibited in this Section. Illumination shall be continuous. A sign shall not be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business. Signs may remain lighted for one-half hour after closing, and may be relighted one-half hour before opening. Outdoor floodlighting shall be installed in a manner that will prevent direct light from shining onto any street or adjacent property.

8. Movement. Movement is not permitted, except that which is allowed in Section 6.2.13.11.

9. Awnings. Permit Required. One awning is permitted for each display window and primary entrance. If the awning is to contain copy in the form of letters, characters, logos, company name, etc., the total area of copy permitted shall be according to one and only one of the following choices: (1) If an applicant chooses to erect simultaneously a primary sign and an awning, the signage copy may be divided equally or unequally between the two, for a total combined sign area not to exceed 110 percent of the total allowable primary sign area. (2) If an applicant chooses to erect an awning subsequent to the erection of the primary wall sign, and the primary wall sign is already of maximum allowable size, the applicant may apply signage copy to the awning in an amount not to exceed ten percent of the total permitted primary sign area. (3) If an applicant chooses to erect a wall sign subsequent to the erection of an awning which already contains signage equal to the maximum allowed in a primary wall sign, the applicant shall be permitted additional signage not to exceed ten percent of the total allowable primary sign area. This new sign shall not be attached to the awning, but shall be affixed to the wall of the building facing the primary street.

10. Off-premises noncommercial sign. All off-premises noncommercial signs are permitted.

11. Time and temperature sign. Time and temperature signs are permitted. No additional movement is permitted other than that which specifically constitutes the time and temperature indications.

12. Barbershop pole sign. One sign per business establishment. Permit required. This subsection (12) shall not operate to permit at any time more than one projecting sign. The sign, including its frame, shall not exceed 30 inches in height. If mounted on the building facade, no portion of the sign or frame shall extend more than 14 inches from the building facade, nor extend below the height of ten feet above grade, and the sign and frame shall conform with this Section. Illumination is permitted. See Section 6.2.13.7.

13. Prohibited signs. The following signs are not permitted in residential zones on property used primarily for commercial purposes: Billboard; Inflatable; Off-premises commercial; Roof; Signs otherwise designated in this Section.

94-6.2.15 Temporary Signs in All Zones. Unless otherwise regulated by specific provisions of this Section, or elsewhere in this Ordinance, a temporary sign shall not require a permit, but is subject to all applicable regulations in this Section. A temporary sign shall not be internally illuminated nor make use of neon. A temporary sign shall be allowed for a period not to exceed 30 days. The Building Commissioner may grant an extension for one additional period of 30 days; however, in no case shall the temporary sign be permitted for a period to exceed 60 continuous days in any one period of 365 days. At the expiration of the approved period, the temporary sign shall be removed. No sign bearing the same or similar message or information may be displayed in its place. Unless otherwise regulated by specific provisions of this Section relating to size, use, and zone in which placed, a temporary sign shall be subject to the following regulations and shall include the following:

1. Real estate sign. One real estate sign, not exceeding 12 square feet, may be displayed on property used primarily for residence. One real estate sign, not exceeding 32 square feet, may be displayed on property primarily used for commercial purposes. The sign may be freestanding and, if freestanding, shall not exceed six feet above grade, measured to the topmost portion of the sign or sign structure. The sign shall be removed within ten days after execution of an agreement of sale, rent, or lease.
2. Contractor sign. One contractor sign may be displayed during construction. The sign shall be placed only on the property containing the building or structure, or on the site of the land construction project. The sign may advertise the contractors, architects, owners, leasing or rental and promotion agents, related consultants, or trades people (including but not limited to roofers, carpenters, electricians, plumbers, landscapers, etc.), as they pertain to the work or project on the site for which the sign is erected. The sign shall not exceed in total area that area permitted by the application of the following formula: one square foot for each linear foot of building frontage on the lot (after construction), or 40 square feet in commercial, office, and industrial zones, or ten square feet on property used primarily for residence, whichever is smaller. The sign may be freestanding and, if freestanding, shall not exceed six feet above grade, measured to the topmost portion of the sign or sign structure. The sign shall be removed within ten days of the substantial completion of the work or project.
3. Political sign. One or more signs may be displayed on private property. A sign shall not exceed 12 square feet in area.
4. Noncommercial sign. One or more signs may be displayed on private property. A sign shall not exceed 12 square feet.
5. Window sign. See Sections 6.2.10-12 if the sign is permanent.

6. Garage/yard sale sign. One garage/yard sale sign, not to exceed five square feet, may be displayed on private property. The sign shall be removed by the owner and/or poster within 24 hours of the last date of the sale.

7. Banner sign. No banner sign shall be permitted on any property where there is an established primary sign. A temporary banner sign shall be permitted in accordance with the time frames set forth in this Section or until a permanent primary sign is erected, whichever comes first. A permit shall be required.

94-6.2.16 Exempt Signs. Signs noted in this Section are exempt from the requirements of obtaining a permit, but may be regulated in this Section as to location, quantity, size, use, duration of display, etc. It is the sign owner's responsibility to comply with all guidelines and regulations of this Section for exempt signs. In all zones:

1. Signs not visible from a public or private way. All illumination permitted.
2. Official traffic signs and official directional signs. All illumination permitted for such signs.
3. Signs identifying public buildings, or necessary for public safety, convenience, and information, not exceeding six square feet per sign face, provided such signs contain no advertising.
4. Flags of a city, state or county.
5. Memorials such as gravestones and cornerstones.
6. Historical site plaques installed or approved by a public agency or duly established historical society.
7. Window displays of merchandise or signs incidental to such displays, in all zones.
8. Alarm/security sign. One sign per premises not to exceed one square foot. May be freestanding.
9. Temporary signs as defined in Section 6.2.14.

94-6.2.17 Restrictions. In all zones, no sign shall be erected or displayed whose configuration could be construed as a facsimile of a traffic control device, or which could create a motor vehicle driving hazard, as determined by the Building Commissioner with the advice of the Chief of Police.

94-6.2.18 Improperly Maintained and Abandoned Signs.

1. A sign that is abandoned shall be cause for its removal. The Building Commissioner shall revoke the permit and notify the sign owner in writing, specifying a 45-day period

to remove the abandoned sign. If the sign has not been removed within the time period, the Building Commissioner shall cause the sign to be removed forthwith. All expenses for the removal shall be borne by the sign owner. If the abandoned sign appears to have historical significance, then the Building Commissioner shall consult with the mayor and/or the City Council for guidance on its removal or retention.

2. A sign, in existence by virtue of a regular permit or a special permit issued under this Section or a previous sign ordinance, that has fallen into disrepair, as determined by the Building Commissioner, shall not be cause for its removal, but shall be cause for the Building Commissioner to issue an order for its repair. The Building Commissioner shall notify the sign owner in writing, specifying the corrective action to be taken, and further specifying a 30-day period to complete the repairs to the sign. If the sign, in existence by virtue of a regular permit, has not been repaired within the 30-day period the Building Commissioner shall revoke the permit and order the sign removed within 15 days. If the sign has not been removed within the 15-day period the Building Commissioner shall cause the sign to be removed forthwith. All expenses for the removal shall be borne by the owner of the sign. If the sign, in existence by virtue of a special permit, has not been repaired within the 30-day period the Building Commissioner shall petition the City Council to revoke the special permit.

3. If the Building Commissioner determines that a sign is an immediate threat to public safety, irrespective of any stays granted to the sign owner in section 94-305, the Building Commissioner may cause any sign, abandoned or not, and any portion of its support structure if deemed part of the public threat, to be immediately removed, and/or the threatened public area cordoned off. All expenses for protecting the public, including the removal or stabilization of the public safety threat, shall be borne by the sign owner. A sign which is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat abated.

94-6.2.19 Nonconforming Signs.

1. All signs erected, posted, displayed, or otherwise in existence on the date of enactment of this Ordinance from which this Section is derived, without benefit of a permit or special permit by any previous sign ordinance, shall be brought into compliance within six months of the enactment of this Ordinance from which this Section is derived, or the sign shall be removed within the same six-month period.

2. This Section shall not apply to any sign existing by special permit issued by the City Council or other official body under previous sign ordinances, but such sign shall be subject to Sections 6.2.4, 6.2.5, and 6.2.16.

94-6.2.20 Existing Advertising Devices. An existing advertising device which is the subject of a special permit or regular permit under previous sign ordinances shall be permitted to continue in existence as a matter of right, but shall comply with Sections 6.2.4, 6.2.5, and 6.2.16.

94-6.2.21 Special Permit to Exceed Size and Quantity of Signs. The SPGA or Site Plan Review Authority may 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 LANDSCAPING, BUFFERS, AND SCREENING.

94-6.3.1 Applicability. Due to the higher density and mix of commercial, retail and residential uses in the MUZ District, the requirements of this Section shall not apply to the MUZ District.

94-6.3.2 Height of Buffer Strip. Except as provided hereinafter there shall be placed and maintained a buffer strip to a height:

1. Not less than six feet above the finished surface of the side or rear lot line, in any district along any side or rear line within the side or rear yard of a lot which is occupied by an institutional use; or a principal use allowed in a commercial or industrial district, but not allowed in a residential district; and where said side or rear lot line is in common with a lot in residential use in a residential district.
2. Not less than three and one-half feet above the surface of a parking area, in any district between the edge of any parking area and the adjacent lot or street line except at entrance and exit drives where the parking area contains more than four spaces; and where said lot or street line is in common with or opposite a lot in a residential district.
3. Where the surface of the abutting street or lot adjacent to the street or lot line is elevated at least the required height of buffer strip above the finished surface of the side or rear line of the lot to which (1) applies, or the surface of the parking area to which Section 6.3.2 applies, no landscaped area, wall or fence shall be required.

94-6.3.3 Substitution. Where a lot subject to the requirements of Section 6.3.2 is to be occupied by a use the special permit for which is subject to the procedures specified in Section 11.6, the special permit granting authority may specify substitute materials for the buffer strip, and may change its extent and specify minimum and maximum dimensions; increasing the requirement in accordance with the characteristics of the proposed use and its relationship to adjoining streets, and uses, and to the neighborhood, but not decreasing or eliminating the requirement. Fencing up to seven (7) feet in height, may be allowed in lieu of or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval.

94-6.3.4 Screening and Buffers Between Residential and Nonresidential Uses. On any lot with a nonresidential use, where such a lot adjoins a lot with a residential use, screening and buffers shall apply as follows: A buffer strip shall be at least 15 feet in width and shall contain a screen of plantings of vertical habit located at the border of the lot with the nonresidential use and shall be not less than three feet in width and six feet in height at the time of occupancy of

such lot or as early as deemed possible by the Building Commissioner. Individual shrubs shall be planted not more than 15 feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. A permanent irrigation system may be required for such landscaped areas, as required and approved by the Building Commissioner. At least 50 percent of the plantings shall be evenly spaced. A fence, other than a chain link fence not to exceed six feet in height complemented by suitable plantings and located at the border of the lot with the nonresidential use, may be substituted for such landscaped buffer strip if and as approved by the Director of the Office of Community Development. A solid wall may be required to mitigate incompatible land uses, noise, visual and/or other impacts, as required by the Director of the Office of Community Development or Building Commissioner.

1. These provisions shall also apply for any lot with a nonresidential use that includes open storage and borders a public way. In such cases, a buffer strip or screen which complies with the above provisions, shall be located at a minimum where the lot borders the public way. Upon the determination of the Director of the Office of Community Development, the buffer strip or screen may be required to be extended to other areas to mitigate against development impacts on adjacent property, views, or significant structures whether such adjacent use is residential or not, from the use of property for open storage.
2. When parking is provided in a front yard, buffer strips at least three feet in width and planted with dense planting material or an opaque fence of uniform appearance, should be provided on the side(s) of the parking area visible from the abutting street(s) and lot(s).

94-6.3.5 Large Parking Areas. Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within ten feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary. Use of paving stones, grass pavers, pervious concrete, or porous asphalt is strongly encouraged, wherever possible.

94-6.3.6 Retaining Walls. Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Any retaining wall greater than 36 inches in height shall be designed by a structural engineer. The face of any retaining wall visible from a facing residential district shall be designed with textured or natural stone, solid fieldstone or fieldstone veneer or other similar material.

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

94-6.3.8 Unsightly Uses and Areas. Exposed storage areas, refuse disposal facilities, HVAC, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

94-6.3.9 Maintenance. All landscaping features, structures and areas required for buffering or screening shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

94-6.3.10 Visibility Requirements. In any district, no planting shall be placed or maintained, and no parking space, loading space, fence, building wall or other structure other than necessary retaining walls shall be constructed if such planting or structure thereby obstructs vision at any point within the corner visibility space. Poles, posts, and guys for street lights and other utility services, and tree trunks bare of leaves and branches shall not be considered obstructions to vision within the meaning of this provision.

94-6.3.11 Special Permit to Waive or Reduce Requirements. The SPGA or Site Plan Review Authority may 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.

94-6.4 PERFORMANCE STANDARDS FOR MULTIPLE DWELLING OR NONRESIDENTIAL USE.

94-6.4.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of nonresidential and multiple dwelling developments that require a special permit and/or site plan review.

94-6.4.2 Procedures; Rules and Regulations. Applicants for special permits or site plan approval for nonresidential or multifamily uses shall comply with these Performance Standards. “Nonresidential or multiple dwelling use” shall mean any use any nonresidential use or a multiple dwelling or mixed use structure with six (6) or more dwelling units. The SPGA or the Site Plan Review Authority (as the case may be) may adopt rules and regulations for these Performance Standards. The SPGA or Site Plan Review Authority may require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G during the special permit process or site plan approval, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, fiscal analysts, and other professionals.

1. Applicants may seek a credit for Development Linkage Fees otherwise due for work required under this Section 6.4. See Section 10.6.1.

94-6.4.3 Exemptions. The following are exempt from these special permit standards:

1. **Emergency Response.** Emergency responses performed by a private entity or a public agency and fire or burglar alarms.
2. **Events.** Properly permitted or authorized parades, fairs or outdoor entertainment between the hours of 7:00 a.m. and 11:00 p.m.

94-6.4.4 Lighting Standards. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the City. Lighting practices and systems shall (i) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the City; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the City.

1. **Shielding.** All outdoor light fixtures shall be shielded so as to meet the goals of this Section.
2. **Light Trespass.** Light overspill and glare, including direct light from the light source, is to be confined within the property boundaries. Lighting shall also comply with International Dark Sky Standards when feasible.
3. **Light Intensity.** Outdoor lighting shall be designed to provide the minimum intensity needed at any particular time. LED lighting is preferred.
4. **Illuminated Surfaces.** Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The SPGA or Site Plan Review Authority may require an electrical configuration for parking areas which support shut off for specific unused areas to reduce the glare from lighting.
5. **Searchlights.** The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the SPGA or Site Plan Review Authority.
6. **Indoor Lighting.** Indoor light sources will not be projected outside in a manner to defeat the intent of this Section.
7. **Outdoor Signs.** Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.
8. **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

9. Height of Fixtures.

- a. *Wall Mounted Fixtures.* Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade;
- b. *Pole Mounted Fixtures.* Pole mounted exterior lighting fixture types shall be mounted no higher than 20 feet above grade.

10. **Hours of Operation.** Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises. Motion activated lights are encouraged for security purposes.

94-6.4.5 Noise Standards. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the City as a result of the generation of noise. Practices and systems shall (i) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the City; (ii) preserve property values; and (iii) not increase noise levels then present in the neighborhood, nor introduce new types of noise, as regulated by Medford Code of Ordinances Section 38-34; and (iv) set operating hours as authorized by Section 7.2 herein.

1. **Limitation.** No person or entity shall operate or cause to be operated any source of sound in a manner that creates a sound level of 10 dBA above ambient, as set forth in 310 CMR 7.10, measured at the property boundary of the receiving land use. The Board of Health shall administer this provision.

2. **Hours of Operation.** As a condition of any special permit or site plan approval, the SPGA or Site Plan Review Authority may prohibit or regulate the following circumstances regarding hours of operation.

- a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of 6:00 p.m. and 8:00 a.m. across a real property boundary in any district established under this Ordinance.
- b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of 6:00 p.m. and 8:00 a.m. on weekdays or Saturday or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.
- c. The operation of construction devices between the hours 8:00 a.m. and 6:00 p.m. including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided

by the application of best available technology, which might include mufflers where commercially available.

94-6.4.6 Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the development and the City.

1. **Land Disturbance.** Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.

2. **Replication.** Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

3. **Clearing for Utility Trenching.** Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

4. **Site Design.**

a. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

b. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to take advantage of the natural terrain.

c. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

5. **Archeological or Historical Resources.** If the structure is not subject to demolition delay, the SPGA or Site Plan Review Authority may require applicants to submit the proposed development plan to the City's Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

6. **Preservation of Existing Vegetation.** Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees. Understory vegetation beneath the dripline of preserved trees shall be retained in

an undisturbed state. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

7. Revegetation. Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within seven (7) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

8. Limit of Clearing. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading. In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities may be limited to areas already planned for permanent structures. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

9. Finished Grade. Finished grades should preserve, match, or blend with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the SPGA or Site Plan Review Authority or its agent.

10. Topsoil. A minimum of 6 inches of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

11. Irrigation. The SPGA or Site Plan Review Authority may require that water for the purpose of irrigation shall be provided by an on-site well, after consultation with the Water Department.

12. Phasing of Development. After consultation with the Water Commission and Board of Health, the SPGA or Site Plan Review Authority may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

94-6.4.7 Transportation Access and Impacts. The proposed development and/or redevelopment shall be designed to (i) minimize hazards to public health and safety as a result of transportation generated by the development; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, bicycles, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the City; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The development

shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, transit users, or property.

1. **Access.** To the extent feasible, vehicle access to nonresidential uses and structures shall be provided via one of the following: (i) Access via a driveway or driveways directly serving the property; (ii) access via a shared driveway with an adjacent lot (s), both of which access a street whether public or private. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the SPGA or Site Plan Review Authority. Pedestrian and cycle access should appropriately connect to the existing pedestrian and cycle networks.

2. **Driveways.** Each development shall be served by an adequate driveway. The SPGA or Site Plan Review Authority may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian and bicycle access to adjoining sidewalks, paths, walking trails or bikeways.

3. **Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular, bicycle, and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

4. **Site Plan.** A site plan showing the proposed parking, loading, and traffic circulation within the site, including for coordination of delivery vehicles, parcels, waste removal, and ride services; access and egress points; and other features related to traffic generated by the proposed use. ADA compliant pedestrian routes to and through the development from abutting streets should be included. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bikeways, and vehicular traffic.

5. **Traffic Impact and Access Plan.** Applicant for the proposed development shall provide a Traffic Impact and Access Plan to the SPGA or Site Plan Review Authority, which shall include the following information:

- a. A Traffic Impact and Access (TIAS) study, or traffic memorandum, prepared by a qualified traffic engineer licensed by the Commonwealth of Massachusetts, or professional with demonstrated relevant experience, detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet, the required traffic study shall substantially conform to the Institute of Transportation Engineers "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition with a forecast for the

next 5 years, at minimum, from the time of the opening of the development. The Director of Traffic and Transportation shall approve the scope of the TIAS, or traffic memorandum, depending on the size of the project. Proposed development in excess of 25,000 square feet of gross floor area shall further include information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.).

b. Transportation access materials should include proposed measures to reduce the impact of single occupancy vehicle trips to the development. Proposed mitigation measures, if any, may be considered if deemed appropriate by the SPGA or Site Plan Review Authority.

c. For new development resulting in ten (10) or more Dwelling Units, or new construction resulting in 10,000 square feet of occupied floor area or more; or any change of use resulting in 25,000 square feet of occupied floor area or more, a Transportation Demand Management (TDM) Plan shall be included as part of any TIAS. It should be tailored to the specific uses and the geographic location with the objective of minimizing vehicle miles traveled (VMT) to, from, and around the site. In addition to the mitigation measures described above, the TDM plan may also incorporate one or more, but not limited to, of the following strategies to reduce the number of single occupancy vehicle trips:

- (1) Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuttle services, rideshare, transit access or other services as may be appropriate;
- (2) Carpools or vanpools sponsored by the property owner or the TMA;
- (3) Subsidized transit or commuter rail passes, provided by the property owner, and sold on the site or offered through payroll deduction;
- (4) Monetary incentives to residents or employees who do not use a parking space, such as through implementing separate (unbundled) pricing for parking access;
- (5) On-site showers and lockers, secure bicycle parking, bikeshare, and/or sponsorship of shared bike facilities;
- (6) On-site retail, child care, or other amenities;
- (7) Other strategies that may be deemed appropriate by the SPGA or Site Plan Review Authority or its traffic consultant.

6. Reduction in Parking. In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the SPGA or Site Plan

Review Authority may reduce the number of required parking spaces below what would ordinarily be required by Section 6.1 of this Ordinance. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the reduced parking demand for the project, as well as reduction in needed parking spaces.

7. **Intersections.** The SPGA or Site Plan Review Authority may require mitigation for any net increase in traffic volumes of 10% or more at an intersection within the study area that has a history of more than five vehicular crashes or more than one pedestrian or bicycle crash in the last three years for which data is available.

8. **Sight Distance.** Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances.

9. **Maximum Parking.** The maximum parking allowed for a development shall be no more than 200% of the minimum number of spaces required under zoning.

10. **Mitigation.** The SPGA or Site Plan Review Authority may require as a condition of approval off-site improvements to mitigate the impact of the proposed development.

11. **Pedestrian and Bicycle Safety.** Pedestrian and bicycle circulation and access, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

- a. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the SPGA or Site Plan Review Authority.
- b. ADA complaint pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.
- c. All new traffic signals or modification of existing traffic signals, and roadway geometry modifications, required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.
- d. The SPGA or Site Plan Review Authority may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.
- e. Sidewalks, crosswalks, walkways, bike racks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.

f. If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

g. Use of on-site dedicated bike storage is strongly encouraged.

12. Location of Parking Areas. Where feasible, the SPGA or Site Plan Review Authority may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The SPGA or Site Plan Review Authority may require alternative studies of parking area layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking areas of adjacent nonresidential uses and land zoned for nonresidential uses.

13. Parking in Required Front Setback. The SPGA or Site Plan Authority may prohibit parking within the required front setback.

14. Vehicle Charging Stations. The applicant will incorporate vehicle charging infrastructure to the maximum extent feasible into its parking areas, and make provision for the future expansion of such infrastructure over the next 10 years. This information will be clearly indicated in the applicant's engineering plans.

94-6.4.8 Aesthetic Standards. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

1. Compatibility with Neighborhood. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

a. Harmony in scale, bulk, exterior building materials, massing, and density;

b. Consistency with the goals and objectives of the Master Plan and with any other plan that has been adopted by the City.

2. The addition of public art (e.g., murals, sculptures, or building materials) and/or historical elements and information that provides for a pleasant, rich, and diverse experience for pedestrians, preserves and highlights local history, or creates a stronger sense of place, is strongly encouraged.

3. In residential developments, the use of balconies is strongly encouraged, and proposals should endeavor to secure fresh air and natural light for as many residential dwelling units as possible.

4. Emphasis should be placed on maximizing open/green spaces for the enjoyment of those who will live, work, and visit at the property as well as preserve or restore historic landscape to the extent possible.

94-6.4.9 Utilities; Security; Emergency System Standards. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

1. **Wastewater Treatment and Disposal.** The SPGA or Site Plan Review Authority may require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Board of Health.
2. **Water.** There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the City.
3. **Site Security.** There shall be a certification by the Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief.
4. **Underground.** All electrical, cable and telecommunications services shall be installed underground.
5. **Fire Alarm System.** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under applicable codes, regulations, and statutes enforce by the Fire Chief.

94-6.4.10 Fiscal Analysis Standards. The SPGA or Site Plan Review Authority may consider the financial impact of the proposed development. The proposed development shall consult with the Office of Planning, Development, & Sustainability to provide a summary of potential impacts on City services, infrastructure, tax base, and employment.

94-6.4.11 Miscellaneous Performance Standards.

All uses of land shall comply with the following performance standards; provided, however, that these performance standards shall not be applicable to demolition, construction or rehabilitation work performed pursuant to an applicable demolition or building permit. If the building inspector has reasonable grounds to believe there is a violation of performance standards, such violation shall be subject to the performance standards procedure set forth herein.

1. **Vibration.** An operation which creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.

2. Radioactivity. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter I, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revision or amendments.

3. Odor. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

4. Toxic or noxious matter. No discharge beyond lot lines of any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare, or cause injury or damage to property or business, shall be permitted.

5. Dust and fly ash. No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

6. Smoke. No smoke shall be emitted in such quantity as to become a nuisance.

94-6.4.12 Waiver of Standards. The SPGA or Site Plan Review Authority, in the course of granting a special permit or site plan approval for nonresidential or multiple dwelling development as defined in Section 6.4.1, may waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this Section because the proposed development will adequately serve the goals and objectives set forth in Section 6.4.1, hereof.

94-6.4.13 Enforcement. Issuance of an Occupancy Permit is contingent upon compliance with all conditions set forth in any special permit or site plan approval, including conditions required by this Section 6.4. The SPGA or Site Plan Review Authority may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the SPGA or Site Plan Review Authority may require a monitoring program post permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval.

94-6.5. GREEN SCORE.

94-6.5.1. Purpose. The purpose of the Green Score is to:

1. Provide flexibility in meeting environmental performance standards.
2. Promote attractive and environmentally functional landscapes.
3. Strengthen climate adaptative goals established in the Climate Action and Adaptation Plan released in 2022 by improving flood resilience, heat mitigation, storm infiltration, and water, air, and soil quality.

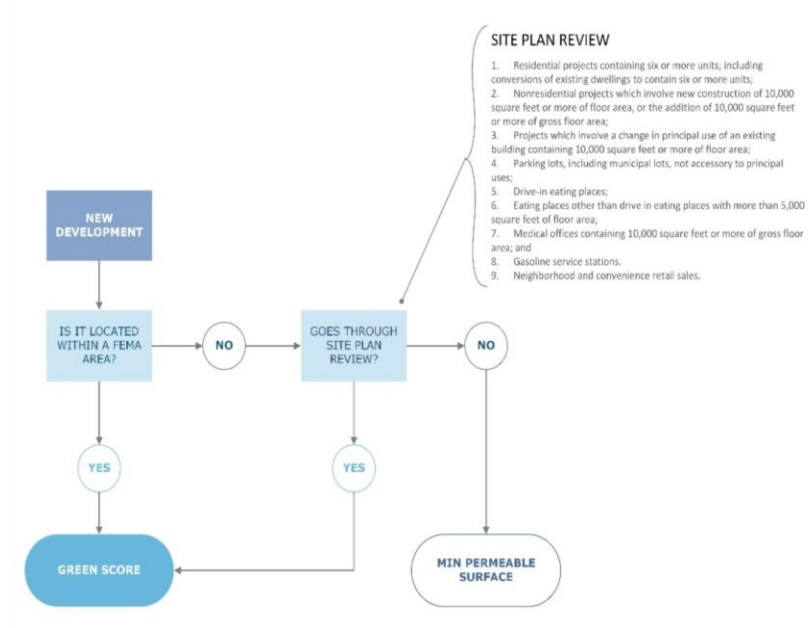
4. Offer many free ecosystem services including mitigation of pollution, shade and energy savings, recreational opportunities, and enhanced property values and quality of life.

94-6.5.2. Overview.

1. The Green Score is an environmental sustainability zoning regulation that sets standards for landscape and site design to help reduce stormwater runoff; improve air, water, and soil quality; and keep the city cooler.
2. Green Score provides a weighted menu of landscape elements with the intention of being flexible and providing options that can be tailored to different building and site conditions. These landscape elements include green roofs, rain gardens, vegetated walls, and plants, among others. The minimum required Green Score needed to reach compliance differs by zoning district.
3. The environmental performance of each landscape element is quantified by assigning a unique multiplier to each feature. This multiplier gives landscape elements with greater environmental value a higher Green Score. Landscaped areas that earn a higher green score correlate to higher environmental sustainability than sites that earn a lower score.

94-6.5.3. Applicability. This section applies to the construction of any new principal building or major renovation that:

1. Is located within the FEMA National Flood Hazard Layer including the following zones:
 - a. Zone A, AE. The 1% Annual Chance Flood Hazards and,
 - b. Zone X. The 0.2% Annual Chance Flood Hazard or Area with Reduced Risk Due to Levee.
2. Require Site Plan Review. Major renovation projects are defined as where the work area exceeds 50% of the aggregate building area, includes the removal and replacement of existing elements, equipment or reconfiguration of the space and whereas the work value exceeds 50% of the assessed value of the structure.



94-6.5.4. Zoning Districts.

Zoning District	Green Score (Min/Ideal)*
Mystic Avenue Corridor Mixed-Use 1	25/30
Mystic Avenue Corridor Mixed-Use 2	25/30
Mystic Avenue Corridor Mixed-Use 3	25/30
Mystic Avenue Corridor Commercial	20/30
Salem Street Neighborhood Corridor Multi-Unit Residential	--
Salem Street Neighborhood Corridor Mixed-Use 1	25/30
Salem Street Neighborhood Corridor Mixed-Use 2	25/30
Salem Street Neighborhood Corridor Commercial	20/25

*Projects that provide more affordable units than the minimum required or provide affordable units with deeper affordability are allowed to reduce the required Green Score by 5 points.

94-6.5.5. Calculation. The green score is calculated as follows:

1. Determined total lot area in Square Feet (SF)
2. Identify all the proposed landscape elements, sorted into the categories presented in Table 6.5-1.
3. Calculate the area of each proposed landscape element or equivalent square footage where applicable. Equivalencies are presented in Table 6.5-2.

4. Multiply the square feet, or equivalent square footage, of each landscape element by the multiplier provided for that element in Table 6.5-2.
5. If the landscape elements follow the conditions presented in Table 6.5-3 their multiplier can be summed to the element's multiplier as a bonus credit and then multiply the square feet or equivalent to the new multiplier.
6. Add the weighted score of all landscape elements together.
7. Divide the resulting sum by the area of the lot to determine the final green score and multiply by 100.

Table 6.5-1. Eligible Landscape Elements

LANDSCAPE ELEMENTS	MULTIPLIER
A-Planted Areas	
A-1- Planted areas with soil depth of 24 inches or more.	0.6
A-2- Bioretention facilities	1.0
B-Plants	
B-1- Mulch, ground covers, or other plants normally expected to be less than 2 feet tall at maturity	0.1
B-2- Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	0.3
B-3- Large shrubs or other perennials at least 4 feet tall at maturity	0.3
B-4- Small trees	0.3
B-5- Small/medium trees	0.5
B-6- Medium/large trees	0.7
B-7- Large Trees	0.9
B-8- Preservation of existing trees at least 6 inches in diameter at breast height	1.0
C- Roofs	
C-1- Extensive vegetated roof over at least 2 inches but less than 8 inches of growth medium	0.6
C-2- Intensive vegetated roof over at least 8 inches of growth medium	0.8
C-3- Blue roofs	1.0
C-4- High SRI	0.2
D- Vegetated Wall	
D-1- Green Wall	0.3
D-2- Living Wall	0.1
E- Permeable paving	
LANDSCAPE ELEMENTS	MULTIPLIER
E-1- Installed over at least 6 inches and less than 24 inches of soil and/or gravel	0.3

E-2- Installed over at least 24 inches of soil and/or gravel	0.5
F- Enhanced tree growth systems	0.5

Table 6.5-2. Equivalent square feet of tree canopy and large shrubs.

LANDSCAPE ELEMENTS	EQUIVALENT SQUARE FOOTAGE (SF)
B-2- Medium shrubs or other perennials at least 2 feet tall, but less than 4 feet tall, at maturity	1 plant = 9 sf
B-3- Large shrubs or other perennials at least 4 tall at maturity	1 plant = 36 sf
B-4- Small trees	1 tree = 75 sf
B-5- Small/medium trees	1 tree = 150 sf
B-6- Medium/large trees	1 tree = 250 sf
B-7- Large Trees	1 tree = 350 sf
B-8- Preserved trees	1 inches = 20 sf

Table 6.5-3. Bonuses applied to Green Score Landscape Elements:

BONUS CREDIT	MULTIPLIER
Landscaping that consists entirely of native or adaptive (non-invasive) plant species.	0.1
Minimum of 50% of annual irrigation is met through the use of harvested rainwater or collected greywater.	0.2
Landscaping is visible from adjacent public right-of-way or public open spaces.	0.1
Landscape includes food cultivation and the right to harvest for residents, tenants, or neighbors of the subject property.	0.1

8. Nearly every landscape element is stackable. To demonstrate how elements may be stacked, consider the illustration below:



94-6.5.6. General Standards.

1. **Tree and plant selection.** Tree and plant selection should be based on climatic and topographic conditions as well as design criteria to ensure compatibility with the site.
2. **Tree and plant preservation.** If an applicant counts existing shrubs, perennials, groundcovers, or trees toward meeting any code requirements (including but not limited to Green Score), those planted areas must be protected during construction. Preservation must include specific protection measures and/or details on the approved plan set to ensure compliance during construction to make sure preserved trees and plants are adequately protected.
 - a. Trees and other plants bordering driveways and parking areas shall be protected from vehicles with wheel stops, curbs, or similar devices, to be shown on the approved plan set.
3. **Invasive species.** Invasive species are prohibited for new plantings. All invasive species must be removed from the development site before new planting. Additionally, a minimum 10' buffer around all planted areas must be cleared of invasive species, except in portions of the buffer which extend beyond the development site.
4. **Maintenance.** All plantings and landscape elements required as part of a land use permit or building permit must be maintained by the property owner or designer for the life of the project
 - a. When planting, ample clearance shall be provided so that plants have enough space and light, considering existing conditions on adjacent lots. All landscape improvements must be designed to allow access to conduct maintenance.
5. **Soil and Mulch.** Decompact (loosen) subsoil at a minimum 4 inches depth (whether amended or imported soil) to produce a minimum 12-inch depth of uncompacted soil in all planting areas.

- a. Mulch is required in all planting areas to suppress weeds, conserve water, and improve soil health. Mulch counts for credit on the Green Score if it is coarse, maintained at a depth of 2 to 4 inches, and covers the soil below shrubs and trees. Fine bark is discouraged because it can create hydrophobic conditions at the soil surface.
- 6. **Landscape elements in the right of way.** Applicants should be aware of building code issues involved with planting in containers or over structures: structural weight, drainage, soil mix, irrigation and maintenance, and plant selection. Irrigation and drainage are required for all container plantings for the life of the project.

94-6.5.7. Standards for Landscape Elements. The purpose of the standards in this section is to clarify what types of plantings, structures, systems, and fixtures are eligible for Green Score points. Each element has specific requirements for installation, configuration, and maintenance that shall be followed to maintain Green Score compliance for the life of the project.

1. Planted areas.

- a. **Planted areas with a soil depth of 24 inches or greater.** Planted areas earn credits for having soil with a depth of 24 inches or greater in addition to earning credits for specific plants or features in the planted areas. There is no credit awarded for planted areas with less than 24 inches of soil.
- b. **Bioretention facilities.** Bioretention facilities use soils and plantings to manage stormwater runoff. Bioretention facilities include but are not limited to rain or rainwater gardens, bioretention planters, or linear cells or swales. These do not include structures made of cement or concrete alone. Stormwater will pond at the surface before it filters through the underlying soil. Most water infiltrates into the underlying soil or, in places with lower infiltration rates, is collected by an underdrain and discharged to the drainage system. Stormwater that exceeds the surface storage capacity overflows to the drainage system.

2. Plantings.

- a. **Mulch, ground covers, or other plants less than 2 feet tall at maturity.** Evergreen ground covers are spreading plants typically less than 12 inches tall which provide year-round soil coverage when established. For Green Score, areas covered with evergreen perennials or shrubs less than 2 feet tall are awarded the same credit as areas covered with evergreen ground cover. Non-evergreen plants (e.g. grasses) of any height qualify as ground covers so long as they provide soil coverage year-round. Plants that die back below the soil each year do not qualify for Green Factor credit.

- b. **Medium shrubs or perennials 2 to 4 feet tall at maturity.** To earn credits as shrubs or perennials, plant selections must have a mature height as specified and be non-herbaceous. Otherwise, they are counted as groundcovers.
 - i. Shrubs and perennials must be at least 9 inches tall when planted.
 - ii. Preserving existing trees counts for more credit than newly planted trees.
 - iii. Fencing and signage requirements are the same as those for tree preservation, and the protection area may not be any smaller than the drip line of affected shrubs and perennials.
 - iv. Spacing between shrubs shall be at least 18 inches apart on-center.
- c. **Large shrubs or perennials 4 feet tall or more at maturity.** All of the height, size, and preservation standards specific to Medium shrubs or perennials also apply to Large shrubs or perennials.
 - i. Spacing between shrubs shall be at 24 inches apart on-center.

d. Trees.

- i. Size categories: for purposes of determining the size category of a tree species, the tree must have a mature canopy spread of the following:

TREE CATEGORY	CANOPY SIZE
Small Trees	8 ft to 16 ft
Small/ Medium Trees	16 ft to 21 ft
Medium/ Large Trees	21 ft to 26 ft
Large Trees	26 ft or more

- 1. Size at the time of installation on private property:
 - a. Deciduous trees with one trunk must be at least 1.5 inches in diameter, measured 6 inches above the ground.
 - b. Multi-stemmed deciduous trees must have at least 3 stems and be at least 6 feet tall.
 - c. Evergreen trees must be at least 4 feet tall.
 - d. In the right-of-way, because street trees face more difficult growing conditions, DPW requires larger trees at time of installation.

- e. In the right-of-way, deciduous trees with one trunk must be 2 to 2.5 inches, measured 6 inches above the ground. The Urban Forestry Division of DPW requires that they inspect and approve street trees before planting.
- ii. Spacing: Trees in private property shall be planted no closer than the following minimum spacing:
 1. 10 feet on center between small trees.
 2. 14 feet on center between small/medium trees.
 3. 18 feet on center between medium/large trees.
 4. 22 feet on center between large trees.
 5. Trees in the right-of-way shall be sized according to DPW standards based on growing conditions.
- iii. Soil requirements for trees and trees in containers: Soil volume is critical to tree health and survivability. Trees and trees in containers must have a minimum of 30-inch soil depth and a minimum soil volume as follows:

TREE CATEGORY	SOIL VOLUME	AREA (30-in depth)
Small Trees	150 cu ft	6 ft X 10 ft
Small/Medium Trees	250 cu ft	10 ft X 10 ft
Medium/Large Trees	400 cu ft	10 ft X 16 ft
Larges Trees	550 cu ft	11 ft X 20 ft

1. Trees will be healthier, bigger, and longer-lived with greater soil volume. Smaller surface areas can achieve the same volume with greater depth if adjacent paved surfaces are installed over structural soil or similar technologies.
- iv. Preserving trees: Every development that is proposing to protect trees must include locations and dimensions of the basic tree protection area for all trees six inches or more at standard height to be retained, whose basic tree protection areas would be affected by proposed construction. The basic protection area for trees to be preserved is generally considered to be the area within the dripline and is a no-disturbance area.
 1. Plans must demonstrate avoidance of all proposed construction impacts and all tree protection measures.

b. Roofs

- i. Green Roofs:

1. Green Roofs are plantings on top of a structure at least 10 feet above grade with at least 2 inches of soil, including extensive green roof systems and rooftop gardens. Green roof planting areas that are drought-tolerant are eligible for the drought-tolerance bonus credit.
2. Green roof vegetation is not eligible for groundcover credits, but rooftop vegetation taller than 2 feet at maturity (shrubs, perennials, and trees) may be counted for their respective credits.

ii. Blue Roofs:

1. Blue roofs are flat roofs that are designed to temporarily store water to reduce flooding to the surrounding area and help prevent sewer overflow. The stored water is gradually released as residents use it for various purposes like watering plants or flushing toilets, or it is simply returned to the ground or sewage system in a controlled way after the storm has moved on.
2. All blue roofs shall be designed to safely convey system overflows to downstream drainage systems. The design of the overflow structure must be sufficient to provide safe, stable discharge of stormwater in the event of an overflow.
3. Blue roofs shall not permit any standing water to remain 72 hours after a rain event, in order to allow for sufficient storage for the next rain event. Storage in excess of 72 hours may render the blue roof system ineffective and may result in anaerobic conditions, odor, and both water quality and mosquito breeding issues.
4. Blue roofs systems may be designed to allow other uses of the roof. Any equipment stored on a blue roof should be protected to ensure that it is not damaged as a result of ponded water. A blue roof system may also be designed with solar panels, provided that the solar panels are designed to allow rainfall to reach the roof surface and will not be damaged by ponded water.
5. Blue roofs, like all other stormwater BMPs (Best Management Practices) require maintenance; therefore, all maintenance personnel shall access the roof. Additionally, if the roof is open to the public, measures shall be included to ensure safety.
6. General Maintenance:

- a. Blue roofs shall be inspected at least four times annually and after every storm event exceeding 1 inch of rainfall. Blue roofs located in areas with significant tree cover or in areas with a high potential for airborne debris may require more frequent inspections due to the potential for clogging.
- b. All structural components shall be inspected for cracking, spalling, and deterioration at least once annually.
- c. Access points for maintenance are required on all blue roofs; these access points should be clearly identified in the maintenance plan.
- d. A method for detecting leaks shall be included in the blue roof's maintenance plan. Location of physical leak detection systems will depend on the manufacturer's specifications and should be placed accordingly.
- e. Disposal of debris, trash, sediment, and other waste material shall be done at suitable disposal/recycling sites and in compliance with all applicable local, state, and federal waste regulations.

iii. Green-blue roofs:

- 1. Green-blue roofs are classic green roofs systems elevated with a crate system underneath that brings significant water storage capability, as well as an additional value system to control the water level in the water storage underneath the green roof.
- 2. Green-blue roofs shall follow all the standards for green and blue roofs, as stated in this ordinance.
- 3. To calculate the Green Score of a blue-green roof, the same area will be calculated separately as a green roof and as a blue roof.

iv. High Solar Reflective Index (SRI) Roof:

- 1. Solar Reflective Index (SRI) is defined as an indicator of the ability of a roof surface to return solar energy to the atmosphere. It is expressed as a unitless value ranging from 0 to 100, with 0 representing the lowest possible solar reflectance and 100 representing the highest possible solar reflectance.
- 2. Using roofing materials with a higher SRI values can enhance building occupant comfort and reduce air conditioning use.

3. To be eligible for this credit the roofing material of such roof shall have a minimum initial SRI of 82.
4. Roofs with a slope of 2:12 or steeper shall not be subject to a minimum SRI requirement.

c. Vegetated walls

- i. Vegetated walls are vertical surfaces covered by plants. Green walls (climbing vines with vertical structural support) and living walls (built-in-place growing media) are designed approaches that achieve credit as vegetated walls. Vegetated walls allow sites to gain credit using minimal site area.
- ii. The maximum calculated vertical dimension must not exceed 30 feet unless the vegetated wall features a built-in growth medium and irrigation.
- iii. To establish successfully, vegetated walls need soil and light. Vegetated walls planted at grade (i.e. where planting medium is not incorporated into the vegetated wall structure) earning credit must include planting medium at least 24 inches deep, with surface dimensions no smaller than 12 inches in any direction.
- iv. Vegetated walls earning credit must include dedicated irrigation for the life of the project as well as drainage suitable for the specified plant species.
- v. The walls shall be at least five feet (5 ft.) from a side or rear lot line.

d. Permeable pavement

- i. Permeable pavement allows water to pass through voids in the paving material or between pavers while providing a stable, load-bearing surface. Porous asphalt and pervious concrete allow water infiltration. Permeable interlocking concrete pavers can also be used if they are installed with gaps between them to allow stormwater to infiltrate into the subsurface.
- ii. Green Score applicants receive credit for the total area of all permeable pavement.
- iii. Permeable pavement in the right-of-way can be counted for credit and requires the DPW approval.
- iv. Porous asphalt and pervious concrete are only recommended for light automobile traffic. To maintain long-term performance of porous asphalt

pavements' stormwater management capabilities, it is recommended that the surface infiltration rates be inspected annually during rain events to observe any changes in effectiveness of infiltrating stormwater. In addition, to remove any solids and debris that could lead to more permanent clogging of the pavement, it is recommended that porous asphalt pavements be vacuumed two to four times a year or power-washed.

- v. Grass pavers, Reinforced Turf, Flexible Porous Surface Treatment, or other similar installations, are not eligible for permeable paving credit but are eligible for ground cover credit if used in areas with low traffic volume, such as fire lanes or event parking. Grass pavers and other similar installations cannot be counted for credit in any area used to meet parking requirements.
- vi. Permeable paving and structural soil together cannot add up to more than one-third of a site's Green Score.

e. Enhanced tree growth systems

- i. Enhanced tree growth systems, including CU-Structural Soil, Silva Cells, and their performance equivalents support pavement while avoiding subsurface compaction, allowing air and water infiltration, and contributing to larger, healthier plants.
- ii. For Green Score credit, these systems must be at least 36 inches deep, under pavement, and adjacent to and continuous with the root zone of one or more planting areas.
- iii. Green Score Credit is calculated by the square footage of the system's footprint.
- iv. Structural soil systems in the right-of-way must be approved by the DPW.
- v. Permeable paving and structural soil together cannot added up to more than one-third of a site's Green Score.

94-6.5.8. Bonuses Applied to Green Factor Landscape Elements. Any landscape feature that has claimed credit under the regular Green Score categories can also count for one or more bonus credits if it meets the criteria below. Bonus credits cannot total more than Green Score elements subtotal.

1. ***Landscaping that consists entirely of native/adaptive non-invasive plant species.*** Square footage for this credit is calculated as the area covered by native/adaptive non-invasive groundcovers, shrubs, and trees.

2. ***50% of annual irrigation needs are met through the use of harvested rainwater or collected greywater.*** For each area claimed under this bonus, 50% of annual irrigation needs must using harvested rainwater or collected greywater.
 - a. This can be demonstrated by drainage or plumbing documents showing a water storage system.
 - b. Square footage for this credit is calculated as the area plumbed for irrigation with rainwater or greywater.
3. ***Landscaping visible from adjacent public right-of-way or public open spaces.*** To earn this credit, landscaping must be planted between the street-facing façade and the street right-of-way or public open spaces, where the planting medium is no higher than 15 feet above grade.
 - a. Square footage for this credit is calculated as the area covered by visible groundcovers, vegetated walls, all visible shrubs and trees.
4. ***Landscape includes food cultivation and the right to harvest for residents, tenants, or neighbors of the subject property.*** Food cultivation areas are designed to grow edible plants by the residents or occupants of a building. They can be planted with annual fruits and vegetables; edible-fruit-producing perennials, shrubs, and trees; and /or nut-bearing plants.
 - a. All food cultivation areas must be easily accessible to at least some residents or occupants of a building and must have a source of water that can reach all portions of the food cultivation area.
 - b. Food cultivation areas and proposed plantings in the right-of-way are subject to approval by the DPW.
 - c. Square footage for this credit is calculated as the area of all edible food-producing shrubs and trees.

SECTION 94-7.0 SPECIAL REGULATIONS

94-7.1 ADULT ENTERTAINMENT ESTABLISHMENTS.

94-7.1.1 Purpose. It is the purpose of this Section governing Adult Entertainment Establishments to address and mitigate the secondary effects of Adult Entertainment Establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the City, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the City. All of said secondary impacts are adverse to the health, safety and general welfare of the City and its inhabitants.

1. The provisions of this Ordinance have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Ordinance to restrict or deny access by adults to Adult Entertainment Establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Ordinance to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

94-7.1.2 Authority. This Ordinance is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling City interests of limiting the location of and preventing the clustering and concentration of certain Adult Entertainment Establishments for the reasons set forth, above.

94-7.1.3 Locational Requirements. Adult Entertainment Establishments shall not be located less than 750 feet from the nearest lot line of:

1. Each other;
2. Public or private nursery school;
3. Public or private family day care homes, child care centers, or school aged child care programs;
4. Public or private kindergartens;
5. Public or private elementary schools;
6. Public or private secondary schools;
7. Playgrounds;
8. Churches; and
9. Residential properties or residentially zoned property.

94-7.1.4 Applicability. An Adult Entertainment Establishment may be permitted as set forth in the Table of Use Regulations by special permit by the Board of Appeals provided a written determination is issued by said Board that the special permit decision criteria of Section 11.6 have been met.

94-7.1.5 Conditions.

1. In no instance shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.
2. No pictures, publications, electronic media, or other implements, items, or advertising that fall within the definition of adult merchandise shall be displayed in store windows or be visible from areas used by the general public.

94-7.2 HOURS OF OPERATION OF RETAIL OR WHOLESALE STORE, FACTORY, OR MANUFACTURING PLANT.

94-7.2.1 General. No retail or wholesale store, factory or manufacturing plant shall conduct business or operate in a single-family, general residence, apartment, commercial or industrial zone between the hours of 11:00 p.m. and 7:00 a.m.

94-7.2.2 Extended Hours. A special permit to extend the hours of operation between 11:00 p.m. and 7:00 a.m. may be granted by the City Council as provided for in section 94-81 hereof.

94-7.3 LIMITATIONS ON GENETIC, BIOMEDICAL, AND CHEMICAL RESEARCH.

94-7.3.1 General. Companies engaging in chemical, genetic, and biomedical research and development will report the nature of their activities to the city Board of Health to ensure that these activities will be performed in compliance with all applicable safety and public health regulations and guidelines. In all events, biological research requiring BL3 or BL4 containment, as defined by the Guidelines for research involving DNA molecules in the Federal Register, shall not be permitted.

94-7.4 SOLAR ENERGY SYSTEMS.

94-7.4.1 Solar Energy Systems Definitions.

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.

94-7.4.2 Projects Requiring Solar Energy System. The following projects shall include a solar energy system that is equivalent to a minimum of 50 percent of the roof area of all buildings. In cases where a site includes an uncovered parking structure the structure shall also have a solar energy system installed to cover a minimum of 90 percent of its top level. These projects are:

1. Residential projects containing ten or more units; including conversions of existing dwellings to contain ten or more units.
2. Nonresidential or residential projects which involve new construction of 10,000 square feet or more of floor area, or the addition of 10,000 square feet or more of gross floor area.
3. Projects which involve a change in practical use of an existing building containing 10,000 square feet or more of floor area.
4. Nonresidential or residential projects which involve the substantial rehabilitation of a structure containing 10,000 square feet or more of floor area, or the addition of 10,000 square feet or more of gross floor area. "Substantial rehabilitation" shall mean expenditure of more than 50 percent of the appraised value of the structure for such work.

94-7.4.3 Solar Energy System Assessment. A solar assessment shall be submitted and the assessment must include, at a minimum:

1. An analysis for solar energy system(s) for the site detailing layout and annual production.
2. Include the maximum feasible solar zone area of all structures and potential ground-mounted canopies.
3. An initial solar energy system assessment shall be submitted with the required application for site plan review under Section 11.7.
4. A final solar installation plan must be reviewed and approved by the Director of Energy and Environment prior to the issuance of a building permit.

94-7.4.4 Exemptions. A project will not be required to install a solar energy system on the roof when there is no solar ready zone, or the solar-ready zone is shaded for more than 50 percent of daylight hours annually, or for building conversions with insufficient structural load capacity.

Further, in the case of a mixed or ground-mounted installation the requirement may be reduced or waived if the assessment determines there is not a viable location to meet the solar requirement. The determination of the applicability of exemption shall be within the discretion of the Director of Energy and Environment prior to the issuance of a building permit.

94-7.4.5 Location. Emergency access. Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof, as required by the MA Fire Code, as updated.

94-7.4.6 Safety. No roof-mounted solar energy system shall be located in a manner that would cause the shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

94-7.5 VACANT AND FORECLOSING PROPERTIES.

94-7.5.1 Purpose. It is the intent of this Section to protect and preserve public safety, security, and quiet enjoyment of occupants, abutters, and neighborhoods by:

1. Requiring all residential, commercial, and industrial property owners, including lenders, trustees, and service companies, to properly maintain vacant and/or foreclosing properties; and
2. Regulating the maintenance of vacant and/or foreclosing residential, commercial, and industrial properties to prevent blighted and unsecured properties.

94-7.5.2 Enforcement. The Building Commissioner, pursuant to G.L. c. 143, s. 3, the State Building Code, and the Revised Ordinances of the City of Medford, is hereby designated as the enforcement authority.

94-7.5.3 Definitions. 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.

94-7.5.4 Registration of Property; Notice of Foreclosure. All owners shall register vacant and/or foreclosing residential, commercial, or industrial properties with the Building Commissioner on forms provided by the Commissioner. All registrations must state the owner's or agent's phone number and mailing address. The mailing address may not be a post office box. This registration must also certify that the property was inspected by the owner or agent and identify whether the property is vacant at the time of filing. If the property is vacant, the owner or agent shall designate and retain a local individual or local property management company responsible for securing and maintaining the property. This designation shall state the individual's or company's name, phone number and 24-hour emergency contact information, and local mailing address. The mailing address may not be a post office box. If the property is in the process of foreclosure, then the registration shall be filed within seven days of the initiation of

the foreclosure process as defined herein. If the Commissioner determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the Commissioner's first citation for improper maintenance.

1. All property registrations are valid for one calendar year. An annual registration fee as determined by the Building Commissioner shall accompany the registration form. Subsequent annual registrations and fees are due at least 30 days prior to the expiration of the previous registration and must certify whether the foreclosing and/or foreclosed property remains vacant.
2. Once the property is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of occupancy to the Building Commissioner.

94-7.5.5 Maintenance Requirements. Properties subject to this Section shall be maintained in accordance with the relevant sanitary codes, building codes, and local regulations concerning external and/or visible maintenance. The owner, local individual or local property management company shall inspect and maintain the property on a monthly basis for the duration of the vacancy.

1. The name and 24-hour contact phone number of the local individual or property management company responsible for maintenance shall be affixed to the property. This sign shall be posted on the front of the property.
2. Compliance with this Section article does not relieve the owner of any applicable obligations set forth in City ordinances or regulations, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

94-7.5.6 Inspections. The Commissioner or designee shall have the authority and the duty to inspect properties subject to this article for compliance and to issue citations for any violations. The Commissioner or designee shall have the discretion to determine when and how such inspections are to be made, provided that such policies are reasonably calculated to ensure that this article is enforced.

94-7.5.7 Violations and Penalties.

1. Failure to register with the Commissioner shall be considered a violation of this Section and is punishable by a fine of \$300.00. Each day that such violation continues shall be considered a separate offense.
2. Failure to identify the local individual or local property management company shall be considered a violation of this Section and is punishable by a fine of \$300.00. Each day that such violation continues shall be considered a separate offense.
3. Failure to maintain the property shall be considered a violation of this Section and is punishable by a fine of \$300.00. Each day that such violation continues shall be

considered a separate offense. Any expenses incurred by the City of Medford relative to securing or maintaining property shall be recoverable by placing a lien on the property.

94-7.5.8 Appeal. Any person aggrieved by the requirements of this Section article may seek an administrative appeal by making written application to the Board of Appeals. The written application must be filed in the office of the Board of Appeals within 30 days of the imposition of an order or penalty pursuant to Section 11.4.2. The Board of Appeals may designate Zoning Administrator to hear appeals pursuant to this Section. Any person aggrieved by a final decision issued under this Section may seek relief in any court of competent jurisdiction as provided by the laws of the commonwealth. Any appeal made shall be requested in writing within 30 days of the date of the decision.

94-7.5.9 Regulations. The Building Commissioner has the authority to promulgate rules and regulations necessary to implement and enforce this Section.

94-7.6 ADULT USE MARIJUANA ESTABLISHMENTS.

94-7.6.1 Purpose. The purpose and intent of this Section is to provide for Adult Use Marijuana Establishments in the City of Medford in accordance with G.L. c. 94G and its implementing regulations at 935 CMR 500.000. It is the aim of this Section to minimize any adverse impacts that Marijuana Establishments may have on adjacent or nearby properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification and discontinuance of Marijuana Establishments subject to reasonable conditions aimed to protect public health, safety and welfare. This Section is intended to be used in conjunction with other applicable ordinances of the City of Medford that are designed to encourage appropriate land use and impose reasonable safeguards to govern the time, place and manner of Marijuana Establishment operations and any business dealings in marijuana accessories in such a fashion as to protect public health, safety, well-being, and to minimize undue impacts on the natural environment.

94-7.6.2 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).

94-7.6.3 Applicability. This Section applies to all Marijuana Establishments including Marijuana Cultivators, Craft Marijuana Cooperatives, Marijuana Product Manufacturers, Marijuana Microbusinesses, Independent Testing Laboratories, Marijuana Retailers, Marijuana Transporters, Marijuana Research Facilities, Delivery-Only Licensees, and Medical Marijuana Treatment Centers licensed by the Commonwealth pursuant to G.L. c. 94G and G.L. c. 94I. Nothing in this Section shall be construed to supersede federal and state laws or regulations governing the sale and distribution of marijuana.

94-7.6.4 Special Permit Granting Authority. The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) in the City of Medford and may grant a special permit for a Marijuana Establishment in accordance with the standards set forth in this Section and the general criteria for granting a Special Permit contained in Section 11.6.2 of this Ordinance. The fee requirement to apply for a special permit shall be set by the Building Commissioner.

94-7.6.5 General Requirements.

1. It shall be unlawful for any person or entity to operate a Marijuana Establishment without obtaining a special permit from the Special Permit Granting Authority to operate pursuant to the requirements of this Ordinance.
2. A separate special permit is required for each different Marijuana Establishment. In the case that two or more different types of Marijuana Establishments are proposed, each establishment type shall require a special permit as defined in this Ordinance.
3. An applicant shall be eligible to apply for a special permit upon receipt of a recommendation from the Cannabis Advisory Committee in accordance with this Section. No special permit shall be issued until an applicant has successfully negotiated a Host Community Agreement with the City.
4. The special permit requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law or required by the SPGA.
5. The issuance of a special permit pursuant this Ordinance does not create an exception, defense, or immunity to any person or entity in regard to any potential criminal liability the person or entity may have for the production, distribution, or possession of marijuana.
6. A special permit issued for a Marijuana Establishment is not transferable nor assignable to a different location or to a different type of Marijuana Establishment.
7. Marijuana Establishments shall comply with applicable state and local laws, regulations, Ordinances, codes, conditions and agreements with the City, including, but not limited to, G.L. c. 94G, G.L. c. 94I, 935 CMR 500.000, 935 CMR 501.000, the

Revised Ordinances of the City of Medford, this Ordinance, all applicable City building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Establishment (including, but not limited to those imposed by the SPGA) and agreements between the Marijuana Establishment and the City of Medford, including Host Community Agreements.

8. Marijuana Establishments shall maintain all permits and licenses required by state and local laws. Any actions voiding the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Establishment's Cannabis Control Commission license shall result in an suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Establishment and pending further determination by the Zoning Board of Appeals of the City.

9. All taxes and charges owed to the City must be paid on a current basis. The City may place a lien on the property of any person or entity who has an outstanding balance due the City from any fee, charge or tax, which balance is at least three (3) months past due. The City has adopted the provisions of G.L. c 40, s. 57.

10. Retail Marijuana Establishments shall not be managed by any person other than the licensee or their assign. Such licensee or assign shall be on the premises during regular hours of operation and responsible for all activities within the licensed business and shall provide up to date emergency contact information for the City of Medford Police, Fire and Building Department to have on file.

11. On-site social consumption of marijuana is prohibited at all Marijuana Establishments as are vending machines and other "self-service" devices.

12. Pursuant to G.L. c. 94G, s. 5(b)(3), a Marijuana Establishment shall not be located within five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The five hundred (500) foot distance shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located.

13. All Marijuana Establishments' licensed operations, with the exception of delivery licenses and marijuana transporters, shall be conducted within a building at a fixed location. A Marijuana Establishment shall not be located in a trailer, storage freight container, motor vehicle or other similar movable enclosure.

14. A Marijuana Establishment may only be involved in the use permitted by its definition. Retail Marijuana Establishments may only be located in buildings with other uses, including other types of Marijuana Establishments, if the Marijuana Establishment is separated by full walls from the other use.

15. All aspects of a Marijuana Establishment relative to the cultivation, possession, processing, manufacture, sale, distribution, dispensing or administration of marijuana, marijuana products, or related supplies must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building.
16. Marijuana Establishments may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Establishment to access the area.
17. The hours of operation of Marijuana Establishments and all standards or requirements relating to exterior signs and advertisement shall be those that are set by the Marijuana Establishment's Host Community Agreement with the City.
18. Marijuana Establishments shall ensure that their hours and methods of transportation of product shall not be a detriment or be a nuisance to the surrounding area and nearby uses.
19. Marijuana Establishments shall not permit any disorder, disturbance, nuisance or illegality under state or local law of any kind on the premises.
20. Marijuana Establishment operations shall not result in illegal redistribution under state or local law of Marijuana obtained from the Marijuana Establishment, or in use of Marijuana in any manner that violates state or local law.
21. Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment's premises, electrical lighting, illegal drug activity under state or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of state traffic laws and regulations and/or Transportation Division Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.
22. Marijuana Establishments may be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and Fire Departments (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sergeant or higher) at any time during normal business hours to determine the Marijuana Establishment's compliance with the requirements of applicable state and local laws, regulations, codes.

23. Marijuana Establishments are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel and include vending machines.
24. All business signage shall be subject to the requirements to be promulgated by the Cannabis Control Commission, the Sign Ordinance set forth in Section 6.2 of this Ordinance and as set forth in the Host Community Agreement.
25. No drive-through service shall be permitted at a Marijuana Establishment.
26. No outside storage of marijuana, marijuana products, or related supplies is permitted.
27. The consumption of Marijuana in the interior or exterior of the premises is not permitted. No marijuana or marijuana product shall be smoked, eaten or otherwise consumed or ingested on the premises where sold. All Marijuana Establishments permitted in the City of Medford shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
28. A Marijuana Establishment and the owner of the premises where the Marijuana Establishment is located shall comply with the provisions of G.L. c 40 s. 57.
29. A Marijuana Establishment shall be required to remove all Marijuana and Marijuana Products by the earlier of: (a) prior to surrendering its state-issued license or (b) within one (1) month of ceasing operations.

94-7.6.6 Security Plan. An applicant for a special permit pursuant to this Section shall, at least thirty days prior to the public hearing on the application, submit a security plan to the Chief of Police of the City of Medford describing adequate and proper security at the premises so as to avoid, deter and prevent illegal activities from taking place upon or about the applicant's premises and to demonstrate that there is limited undue burden on city public safety resources as a result of the proposed business prior to the issuance of a certificate of occupancy. The Security Plan shall include the details of all security measures for the site and the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees and the public and to protect the premises property from theft or other criminal activity. The applicant shall meet with the Chief of Police or his designee regarding the applicant's Security Plan prior to the issuance of the special permit.

94-7.6.7 Emergency Response Plan. An applicant for a special permit pursuant to this Section shall submit proposed Emergency Response Plan to the SPGA and shall meet with the Fire Chief of the City of Medford and the Police Chief of the City of Medford prior to the public hearing to discuss and identify emergency plans/contingency plans for the site prior to the issuance of a certificate of occupancy. The Emergency Response Plane shall include but not be limited to a description of the work, tasks and activities to take place on the premises, and a plan to implement proper protocols and take proper steps so as to prevent hazardous activities from taking place upon or about the premises. A written Emergency Response Plan shall be filed with

the Medford Fire Department and the Medford Police Department pursuant to G.L. c. 94G, s. 12. Marijuana Establishments shall comply with 527 CMR 1.00 et seq. and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.

94-7.6.8 Disposal and Odor Control Plans. An applicant for a special permit pursuant to this Section shall submit plans for waste disposal, trash pick-up and rubbish removal that serve the Marijuana Establishment. All trash pick-up and rubbish removal shall be provided by a private rubbish removal service and the City of Medford shall not be required to provide any trash pick-up or rubbish removal for the Marijuana Establishment. The Marijuana Establishment shall comply with all applicable federal, state and local laws, regulations, rules and ordinances pertaining to the disposal of trash or refuse from the Marijuana Establishment and any other conditions required by the Director of the City of Medford Health Department. This shall include but not be limited to Massachusetts Waste Disposal Regulations set forth in 310 CMR 19.017 et seq.

1. Cultivation or Product Manufacturing. An applicant for a special permit to engage in cultivation or product manufacturing pursuant to this Section shall submit an odor control plan that provides for proper and adequate ventilation at such facilities in such a manner so as to prevent pesticides, insecticides or other chemicals used in the cultivation or processing of marijuana or marijuana related products from being dispersed or released outside the facilities. All resulting odors, smoke, vapor, fumes, gases and particulate matter from marijuana or its processing or cultivation shall be effectively confined to the premises or so disposed of so as to avoid any air pollution and so that no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property and to minimize any adverse impacts to human beings, the environment and abutting properties from odor-emitting activities to be conducted on-site.

2. The applicant shall additionally provide the Director of the City of Medford Health Department copies of all documents submitted under this subsection for review and comment.

94-7.6.9 Environmental Impact Plan. An applicant for a special permit pursuant to this Section shall submit a plan to reduce the impact of its intended activity on the environment. The applicant shall additionally provide the Director of Energy and Environment of the City of Medford copies of all documents submitted under this Section for review and comment.

94-7.6.10 Application Procedure and Submission Requirements. An applicant for a special permit shall submit a standard application or form along with all materials as required by the SPGA. In addition, each applicant shall submit the following materials:

1. Payment for publication and mailing of notice of the date, time and place of the hearing on the petition for a special permit before the SPGA to the owners of all property within 750 feet of the property line of the location of the proposed Marijuana Establishment as it appears on the most recent tax list maintained by the Assessor's Office of the City of Medford. The City shall also provide notice generally to the

residents of the City of Medford by way of a telephone call or a text message that uses a computerized autodialer to deliver a pre-recorded message or its equivalent no less than 14 days prior to the hearing on the petition for a special permit setting forth the date, time and place of the hearing. The Applicant shall be responsible for any cost associated with such notice.

2. The applicant shall submit proof of site control and right to use the premises proposed for the Marijuana Establishment and may include a deed, notarized statement from the property owner and a copy of the lease agreement, or real estate contract contingent upon successful licensing, or a letter of intent by the owner of the premises indicating intent to lease the premises to the applicant contingent upon successful permitting.

3. In addition to complying with any other state or City requirement related to good character and criminal background, any person or entity proposed to have interests in the license to operate a Marijuana Establishment shall not have committed any marijuana licensing violation affecting public safety or received any suspension or revocation of any other state or local marijuana business licenses.

4. A statement signed by the applicant's chief executive officer disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals. If any of the above are entities rather than persons, the Applicant must disclose the identity and current contact information of all responsible individuals.

5. A detailed description of the proposed activities to occur on site in relation to the standard special permit criteria set out in Section 11.6.2 of this Ordinance and specific requirements set forth in this Section.

6. The applicant shall submit a Security Plan to the Medford Police Chief to demonstrate that there is limited undue burden on city public safety officials as a result of the proposed business prior to the issuance of a certificate of occupancy.

7. The applicant shall submit an Operation and Management plan with an additional copy to the Building Commissioner and the Director of the Board of Health.

8. The applicant shall submit a copy of an Emergency Response Plan with an additional copy to the Police Chief and the Fire Chief of the City of Medford.

9. The applicant shall submit a copy of the Disposal and Odor Control Plan with an additional copy to the Director of the Health Department.

94-7.6.11 Special Permit; Additional Findings. In addition to the findings for a special permit in Section 11.6.2 of this Ordinance, the SPGA must also make the following findings:

1. The applicant demonstrates that the Marijuana Establishment will meet all of the permitting requirements of all applicable agencies within the Commonwealth and will be

in compliance with all applicable state laws and regulations, including, but not limited to G.L. c. 94G, s. 12 General Marijuana Establishment Operation.

2. The applicant has satisfied all of the conditions and requirements of this Section and other applicable sections of this Ordinance and any applicable City ordinances.
3. The facility provides adequate security measures to ensure that there are not direct threats to the health or safety of employees, staff, or members of the public and that storage and location of cultivation is adequately secured.
4. The Marijuana Establishment does not derogate from the purposes and intent of this Section and this Ordinance.
5. The application information submitted is adequate for the SPGA to consider approving the special permit request.
6. The proposed establishment is designed to minimize any adverse impacts on human beings, the environment and abutting properties.
7. The Security Plan provides sufficient assurance that adequate security controls have been implemented to ensure the protection of the public health and safety during hours of operation and that any marijuana or marijuana related products are adequately secured on-site or via delivery.
8. The Operation and Management Plan includes all required components and can be implemented to meet the requirements of this Section.
9. The Emergency Response Plan includes all required components and can be implemented to meet the requirements of this Section.
10. The Disposal and Odor Control Plan includes all required components and can be implemented to meet the requirements of this Section.
11. The SPGA may require a Marijuana Establishment to post a bond or other resources held in an escrow account in an amount sufficient to adequately support the dismantling and winding down of the Marijuana Establishment.
12. No special permit shall be issued by the SPGA until an applicant has submitted proof of an executed Host Community Agreement with the City of Medford.

94-7.6.12 Requirements Specific to Marijuana Cultivation Facilities. As the cultivation and processing of marijuana is not considered agriculture under G.L. c. 128, s. 1A, and is subject to G.L. c. 94G, s. 12, the following restrictions to ensure the health, safety, well-being of the public, and limit undue impacts on the natural environment as it relates to cultivation, shall apply:

1. All Marijuana Cultivators shall use high-efficiency lights and equipment to limit energy and water usage demand.
2. All Marijuana Cultivators shall use LEDs for all fixtures except for those that are used in flowering rooms. High Pressure Sodium grow lights may be used for no more than 50 percent of the total square footage of the cultivation area to maximize flowering conditions and limit electricity demand.
3. No pesticides, insecticides, or other chemicals shall be used in the cultivation of marijuana. Marijuana Cultivators shall use the best practices to prevent pests and contamination as set forth in 935 CMR 500.120(9).
4. Marijuana Cultivators shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

94-7.6.13 Requirements Specific to Marijuana Product Manufacturers. Marijuana Product Manufacturers shall be subject to G.L. c. 94G, s. 12 and the following restrictions to ensure the health, safety, and well-being of the public, and limit any undue impacts on the natural environment as it relates to manufacturing, shall apply:

1. All Marijuana Product Manufacturers shall use high-efficiency lights and manufacturing equipment to limit energy and water usage demand.
2. All Marijuana Product Manufacturers shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

94-7.6.14 Requirements Specific to Independent Testing Laboratories.

1. All Independent Testing Laboratories shall use high-efficiency lights and equipment to limit energy and water usage demand.
2. Independent Testing Laboratories shall be subject to the requirements of G.L. c. 94G, s. 15 and any regulations that the Cannabis Control Commission may promulgate thereunder to ensure there are no undue impacts on the health, safety, and well-being of the public.

94-7.6.15 Requirements Specific to Marijuana Retailers. Marijuana Retailers shall be subject to G.L. c. 94G, s. 12 and the following restrictions to ensure there are no undue impacts on the health, safety, and well-being of the public:

1. As defined in G.L. c. 94G the number of marijuana retailers shall be limited to no more than 20 percent of the number of licenses issued within the city for the retail sale of alcoholic beverages not to be drunk on the premises where sold under G.L. c. 138, s. 15. In accordance with G.L. c. 94G, on the effective date of this Section the number of marijuana retailers shall be limited to no more than three (3) except that this limitation shall not include delivery only licensees.

2. All Marijuana Retailers shall comply with all regulations that may be promulgated by the Cannabis Control Commission.
3. Marijuana Retailers shall not sell marijuana or permit marijuana, as defined herein, to be sold to a person under the minimum legal sales age; or give, gift or transfer marijuana or marijuana products as defined herein, to a person under the minimum legal sales age.
4. Marijuana Retailers when selling or distributing marijuana or marijuana products as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth and showing that the purchaser is 21 years of age or older.
5. All retail sales of marijuana or marijuana products shall be face-to-face between the seller and the buyer and occur only at the permitted location.
6. Marijuana Retailers shall only be permitted in the C2 and Industrial Zoning Districts as specified in the Table of Uses.
7. Marijuana Retailers shall not exceed 10,000 square feet in retail floor space.

94-7.6.16 Unlawful Acts.

1. It shall be unlawful for any person to operate any Marijuana Establishment in the City without a valid license issued by the state licensing authority under the G.L. c. 94G.
2. When a Marijuana Establishment has received a renewal license from the state, the business shall submit a copy to the City Clerk, Chief of Police, Fire Chief, Building Commissioner and the Director of the Board of Health within thirty (30) days of receipt.
3. It shall be unlawful for any person to operate any Marijuana Establishment without a special permit from the SPGA.
4. No person shall gift marijuana or marijuana products to a consumer contingent upon the sale of any other products.
5. No person shall accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides marijuana or a marijuana product without charge.

94-7.6.17 Compliance. A special permit held by a Marijuana Establishment under this Ordinance is conditional on the holders continued compliance with all requirements and conditions that apply to the special permit and to its compliance with all applicable local ordinances, state and federal laws and regulations. A violation by a Marijuana Establishment that holds a special permit of all requirements and conditions that apply to the Special Permit and with all applicable local ordinances, state and federal laws and regulations shall be good cause

for and may result in a penalty of \$300 per violation. Each day the violation continues shall be deemed a separate offense.

94-7.7 WIRELESS TELECOMMUNICATIONS FACILITY (WTF).

94-7.7.1 Purpose. The purpose of this Section is to establish regulations and procedures for Wireless Telecommunications Facilities (WTF) so as to allow and encourage such uses in the City of Medford with minimal harm to the public health, safety, and general welfare. Specifically, the purposes of this Section are to:

1. Protect and preserve the visual and civic quality of the City, including, but not limited to, the scenic, historic, environmental, natural and man-made resources, residential areas and land uses from potential adverse impacts of wireless communications facilities;
2. Encourage the location of telecommunications facilities in nonresidential areas;
3. Minimize the overall number and height of such facilities throughout the community;
4. Encourage facilities to be located in areas where the adverse impact will be minimal on adjacent properties and residential neighborhoods;
5. Encourage facilities to be configured in ways that minimize the adverse visual impact of the facilities through careful design, siting, landscape screening, and innovative camouflaging techniques;
6. Enhance the ability of the providers of WTF to provide such services to the community quickly, effectively, and efficiently;
7. Avoid potential damage to adjacent properties from tower and antenna failure through sound engineering and careful siting of structures; and
8. Guide sound development while promoting the health, safety and general welfare of the City of Medford consistent with all applicable local, state, and federal laws.

94-7.7.2 Applicability. The provisions of other Sections of this Ordinance notwithstanding, the regulations and restrictions set forth herein shall apply to the placement, construction, installation, modification, monitoring and removal of Wireless Telecommunications Facilities. No WTF shall be placed, constructed, installed, or modified within the City of Medford on or after the date of enactment of this Section, except in accordance with the provisions of this Section.

1. **Facilities Permitted by Right.** A concealed WTF may be installed in a structure on a lot in a nonresidential district provided all the requirements for a building permit are met.

2. Facilities by Special Permit. All other WTFs shall require the issuance of a Special Permit by the Zoning Board of Appeals, referred to in this Section as the Special Permit Granting Authority (SPGA).

94-7.7.3 Exemptions. The following shall be exempt from the provisions of this Section:

1. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that: (1) the tower is not used or licensed for any commercial purpose; (2) the tower must have a cost or replacement value of less than ten thousand dollars (\$10,000); and (3) the tower must be removed if the use is discontinued for six (6) months or longer.
2. Communications facilities used for the purposes set forth in G.L. c. 40A, s. 3.
3. Facilities used for noncommercial City or State public safety purposes..
4. Licensed commercial mobile radio services primarily used in support of the licensee's own business purpose, provided that (i) such services are not used as a dispatching or communication service for third parties and (ii) any facilities used in connection therewith may not exceed the maximum height allowed under Section 4.0. Examples include, but are not necessarily limited to: commercial mobile radio services used by a taxi or limousine company to communicate with its vehicles and repair, service, delivery, towing and fuel delivery companies communicating with their respective vehicles.

94-7.7.4 Location. WTFs shall be located according to the following priorities. Applicants shall demonstrate that they have investigated locations higher in priority ranking than the one for which they are applying and whether such sites are available and, if applicable, under what conditions. The priorities are:

1. Within an existing structure concealed.
2. On industrial or commercially zoned land.
3. Within an existing structure and camouflaged.
4. Camouflaged on an existing structure, such as but not limited to an existing electric transmission tower or an existing radio antenna, a water tower, or building, and of a compatible design.
5. Co-located with an existing WTF.
6. On City of Medford owned land which complies with other requirements of this Section and where visual impact can be minimized and mitigated.
7. If adequately demonstrated to the SPGA in the special permit process that each of the priorities set forth above is not feasible, erection of a new facility that complies with the

other requirements of this Section and where visual impact can be minimized and mitigated.

94-7.7.5 Height. Towers and/or mountings shall be designed to structurally accommodate the maximum number of foreseeable users (within a ten-year period) technically practical;

1. Ground-Mounted Facilities. The maximum height of a ground mounted WTF shall not exceed one hundred (100) feet.
2. Roof-Mounted Facilities. A roof-mounted WTF shall not project more than fifteen (15) feet above the height of the building or structure on which they are mounted nor project more than fifteen (15) feet above the height limit of the zoning district within which the facility is located, whichever is less.
3. Side-Mounted Facilities. A side-mounted WTF shall not project above the parapet of the building or top of any wall or structure on which they are mounted.
4. Side and roof-mounted WTFs shall not be allowed on a building or structure of less than two stories.

94-7.7.6 Setbacks.

1. Ground-Mounted Facilities. Any new ground mounted WTF shall be set back at least one time the height of the WTF plus ten (10) feet from each lot line of the site on which the WTF is located.
2. Non-Concealed Antenna. Any non-concealed antenna shall be set back at least one time the height of the antenna, as measured from the ground level, from each lot line of the site on which the antenna is located. However, if the antenna is being attached to an existing tower whose setback is already approved, either by right, by special permit or by variance, and if the SPGA determines that the addition of the antenna does not materially alter the basis of that prior approval, then no new, independent setback requirement shall be created by the addition of the antenna.
3. Reduction of Setback. In nonresidential districts or on City of Medford owned land, the SPGA may grant a special permit to allow a lesser setback if it makes a finding that such lesser setback provides adequate safety, promotes co-location or improves design, and Is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood and eliminates and mitigates against development impacts on adjacent residential uses and neighborhoods.

94-7.7.7 Screening and Landscaping.

1. Existing on-site vegetation shall be preserved to the maximum extent practical.

2. To the maximum extent feasible, facilities shall minimize adverse visual effects on the environment. The SPGA may impose reasonable conditions to ensure this result, including landscaping, painting, and lighting standards.
3. Satellite dishes and/or antennas shall be situated on a structure in the least obtrusive location feasible, preferably with limited visibility from abutting streets.

94-7.7.8 Miscellaneous Standards.

1. To the maximum extent feasible, all network interconnections from the communications site shall be via underground lines.
2. Traffic associated with the WTF shall not adversely affect abutting ways.
3. Night lighting of any WTF shall be prohibited unless required by the Federal Aviation Administration.
4. There shall be no signs associated with facilities, except for small instructional signs, "No Trespassing" signs, and a required sign giving a phone number where the owner can be reached on a 24-hour basis. All signs shall conform to the provisions of Section 6.2 of this Ordinance.
5. Roof-mounted Personal Wireless Service Facilities shall not individually or in the aggregate have a front surface area facing surrounding streets and adjacent properties that exceeds fifty (50) square feet in area.

94-7.7.9 Prohibitions. The following shall be prohibited:

1. Lattice style towers, guyed towers and other WTFs requiring three or more legs and/or guy wires for support shall not be allowed.
2. Advertising signs shall not be allowed.
3. Fences using razor wire or barbed wire or similar types shall not be allowed.
4. A WTF shall not be located on a nonconforming building or structure, unless zoning relief is granted to extend, alter or change the building or structure in accordance with G.L. c. 40A, s. 6 and Section 5.0 of this Ordinance.

94-7.7.10 Justification of Need. The following standards shall apply in the issuance of any special permit for a WTF and shall be prepared by a licensed professional engineer:

1. Coverage area. The applicant shall provide a map of the geographic area in which the proposed facility will provide adequate coverage.

2. Adequacy of other facility sites controlled by the applicant. The applicant shall provide written documentation of any facility sites in the City and in abutting towns or cities in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate that these facility sites do not already provide, or do not have the potential to provide by site adjustment, adequate coverage.
3. Capacity of existing facility sites. The applicant shall provide written documentation that it has examined all facility sites located in the Town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage.
4. Adequate coverage through the least disruptive means. The applicant shall provide written documentation that the proposed facility uses the least disruptive technology (through the use of repeaters or other similar technology as it may be developed subsequent to adoption of this Section) in which it can provide adequate coverage in conjunction with all facility sites listed above.

94-7.7.11 Application; Procedures. The applicant or co-applicant for any permit for a WTF must be a licensed carrier who has authority from the FCC to provide wireless communications services for the facility being proposed. The applicant shall submit documentation of the legal right to install and use the proposed facility mount at the time of the filing of the application for the permit and the following additional information:

1. A color photograph or rendition of the proposed equipment and mountings. A rendition or computer-simulated photograph shall also be prepared illustrating the WTF at the proposed location, viewed from at least two (2) prominent locations along the surrounding rights-of-way.
2. A description of the proposed equipment and mountings.
3. A Justification of Need, as defined in Section 7.1.10 above.
4. Confirmation that the WTF complies with all applicable Federal and State standards.
5. A description of the capacity of the WTF, including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.
6. A map and list describing all of the Applicant's current and expected future sites for WTFs in the City.
7. A locus plan at a scale of 1" = 40' showing the exact location of the proposed WTF and all property lines, streets, landscape features, residential dwellings, and buildings within three hundred (300) feet of the facility.

94-7.7.12 Regulations. The SPGA shall maintain a set of regulations that contains the necessary policies, procedures, and standards to implement the provisions of this Section.

94-7.7.13 Special Permit Criteria. A special permit shall be granted under this Section only if the SPGA shall find that the project is in harmony with the general purpose and intent of this Section and the SPGA's regulations. In addition, the SPGA shall make the findings required by Section 11.5 of this Ordinance and the following additional findings:

1. That the applicant is not already providing adequate coverage or is unable to maintain adequate coverage without the special permit;
2. That the applicant is not able to use existing facility sites either with or without the use of repeaters to provide adequate coverage;
3. That the proposed WTF minimizes any adverse impact on historic resources, scenic views, residential property values, and natural or man-made resources;
4. That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities;
5. That the WTF shall comply with the appropriate FCC regulations regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant; and
6. That the applicant has agreed to rent or lease available space on any tower it controls within Medford or its contiguous towns, under the terms of a fair market lease, without discrimination to other wireless service providers.

94-7.7.14 Conditions. If a special permit is granted, in addition to such terms and conditions as may be authorized by Section 11.5 of this Ordinance, the SPGA may impose such additional conditions and safeguards as public safety, welfare and convenience may require.

94-7.7.15 Denial. Any decision by the SPGA to deny a special permit under this Section shall be in conformance with the Telecommunications Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

94-7.7.16 Term of Permit. In its informed discretion, the SPGA may limit the special permit to a fixed or conditional period of time as it may determine appropriate. At the end of the approved time period, the facility shall be removed by the carrier or a new special permit shall be required.

94-7.7.17 Report. All permitted and special permitted wireless communications facility carriers shall periodically file with the SPGA, every five years (or sooner if specified in a special permit), on operational aspects of the facility including: power consumption; power radiation; frequency transmission; the number, location, and orientation of antennas; and types of services provided.

94-7.7.18 Removal Requirements. Any WTF that ceases to operate for a period of one year shall be removed. Cease to operate is defined as not performing the normal functions associated with the WTF and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all WTFs that have ceased to operate are removed. If all ground mounted Facilities have ceased to operate, the mount (including the foundation) shall also be removed and the site shall be revegetated by the owner. Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a financial surety or other form of financial guaranty acceptable to the SPGA, to cover the cost of removal of the facility and the remediation of the landscape, should the facility cease to operate.

SECTION 94-8.0 SPECIAL RESIDENTIAL REGULATIONS

94-8.1 INCLUSIONARY HOUSING.

94-8.1.1 Purpose. The purpose of this Section is to encourage development of new housing that is affordable to income eligible households in applicable zoning districts that require site review. At a minimum, affordable housing produced through this Section should be in compliance with the requirements set forth in G.L. c. 40B § 20-23 and other affordable housing programs developed by federal, state, and local governments. It is intended that the affordable housing units that result from this Section be considered as local initiative units, in compliance with the requirements for the same as specified by the Executive Office of Housing and Livable Communities (EOHLC).

94-8.1.2 Definitions.

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.

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.

94-8.1.3 Applicability. In all zoning districts, the inclusionary zoning provisions of this Section shall apply to the following uses:

1. Any project that results in a net increase of ten or more dwelling units over a five-year period, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space;

2. Any subdivision of land for development of ten or more dwelling units over a five -year period; and
3. Any Senior Housing Facility development that includes ten or more assisted living units and accompanying services.

94-8.1.4 Requirements of Covered Projects.

1. Covered projects requiring a special permit from the Board of Appeals or City Council. 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, the Community Development Board shall submit its recommendation relative to inclusionary housing within 45 days of the date of submission to the SPGA for comment. The recommendation of the Community Development Board shall be attached as a condition of approval of the special permit which shall be conducted pursuant to the provisions of Section 11.6.
2. Covered Projects requiring site plan 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 8.1.4.1, the Community Development Board shall conduct a public hearing and its review shall be consistent with the provisions of Section 11.7.

94-8.1.5 Mandatory Provision of Affordable Units. Covered projects shall contribute to the local stock of affordable unit 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.

94-8.1.6 Restriction and Regulatory Agreement. 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 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 their representative that the project is progressing in a satisfactory manner in fulfilling its affordable housing requirement.

94-8.1.7 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.

94-8.1.8. 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.
3. Marketing plan for affordable units. Applicants under this Section shall submit an affirmative marketing plan to the Director of Diversity and 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.

94-8.1.9 Maximum Incomes and Selling Prices; Initial Sale.

1. The proponent of a covered project shall engage a EOHLC and Office of Community Development approved lottery agent who shall ensure affirmative marketing and 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 EOHLC, and as may be revised from time to time. The maximum housing cost for affordable units is as established by the 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.

94-8.1.10 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 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 EOHLC, granting, among other things, the municipality's and EOHLC's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
3. The Building Commissioner shall not issue an occupancy permit for any affordable unit without evidence of the recording of the affordable deed restriction.

94-8.1.11 Conflict with Other Ordinances. The provisions of this Section shall be considered supplemental to this Ordinance. To the extent that a conflict exists between this Section and other sections of this Ordinance, the more restrictive ordinance, or provisions therein, shall apply.

94-8.2 ACCESSORY DWELLING UNITS (ADU).

94-8.2.1 Purpose. The purpose of this Section is to:

1. Provide small additional dwelling units to rent without adding to the number of buildings in the City or substantially altering the appearance of the City;
2. Provide alternative housing options for elder residents and small families; and

3. Enable owners of single-family dwellings larger than required for their present needs to share space and the burdens of home ownership.

94-8.2.2 Procedures. Accessory dwelling units may be allowed as of right in an existing principal dwelling or by special permit from the Community Development Board (the SPGA) in an existing detached structure on the same lot, provided that each of the following additional conditions are met.

94-8.2.3 Conditions.

1. A plot plan of the existing dwelling unit and proposed accessory dwelling unit shall be submitted to the SPGA, or Building Commissioner, as the case may be, showing the location of the building on the lot, the proposed accessory dwelling unit, location of any septic system and required parking. A mortgage inspection survey shall be sufficient to meet this requirement.
2. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence. No accessory dwelling unit shall be held in separate ownership from the principal structure/dwelling unit.
3. Not more than one accessory dwelling unit may be established on a lot.
4. The accessory dwelling unit shall not be larger in floor area than $\frac{1}{2}$ the floor area of the principal dwelling, or 900 square feet, whichever is smaller. Exceptions may be made by the SPGA in the event that the detached accessory structure has some preservation value, as with a carriage house or a barn.
5. The external appearance of the structure in which the internal accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure or accessory structure thereto. "Significantly altered" shall mean no increase in gross floor area greater than 10% shall be allowed and no additional entrances facing the principal street. Exterior alteration to an existing detached accessory structure are permitted provided they improve the materials, design, and visual screening of the existing structure, subject to the direction of the SPGA.
6. Where the accessory dwelling unit or the principal dwelling is occupied as a rental unit, the minimum occupancy or rental term shall be 30 days.
7. Sufficient and appropriate space for no more than one (1) additional parking space, when necessary and feasible, shall be accommodated on-site by the owner to serve the accessory dwelling unit. If newly constructed, said parking space shall be permeable, incorporate visual screening, and have vehicular access to the driveway.

8. The special permit shall expire after five years; provided, however, that the special permit may be renewed every five years by the Building Commissioner without a public hearing if the permittee submits an affidavit to the Building Commissioner prior to such expiration date indicating that there has been no change in circumstances with regard to the accessory dwelling unit and that one of the dwelling units on the property continues to be owner occupied.

94-8.2.4 Decision. Special permits for an accessory dwelling unit may be granted by the SPGA upon a finding that the construction and occupancy of the accessory dwelling unit will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in Section 11.6 of this Ordinance.

94-8.3 SENIOR HOUSING FACILITY.

94-8.3.1 Purpose. The purpose of this Section is as follows:

1. To provide for the development and use of alternative housing and nursing care for the elderly;
2. To create home health care, housing and other supportive services for the senior population outside of an institutional setting;
3. To encourage the preservation of open space;
4. To provide alternative housing for seniors that cause relatively little demand on City services;
5. To preserve the City's residential character;
6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space;
7. To provide housing which is affordable seniors who are Medford residents.

94-8.3.2 Definitions. See Section 12.0, "Senior Housing Facility".

94-8.3.3 Applicability. The Community Development Board may grant a special permit for a Senior Housing Facility as defined in Section 12.0 as set forth in the Table of Use Regulations, subject to the requirements of this Section.

1. This Section shall not apply to Senior Housing Facilities existing on the date of adoption of this Section.

94-8.3.4 Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. Minimum Lot Size. The minimum lot size (square feet) shall be that required in the district.
2. Building Height. Any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code. This shall not preclude the reuse and renovation of existing structures which may exceed this height limit.
3. Building Setbacks. Buildings shall be set back twenty (20) feet in the side and rear yards.
4. Setback from Residential Dwellings. All buildings associated with the Senior Housing Facility shall be no closer than 30 feet from existing residential dwellings unless reduced by the SPGA.
5. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.
6. City Services. Facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.
7. Transportation Services. The operator of the facility shall be required to provide or arrange for transportation to City services and facilities.
8. Parking. The minimum number of parking spaces provided on the lot shall be 0.5 spaces per bedroom, plus spaces equal to the largest employee shift, plus one visitor space per every ten bedrooms. These requirements may be reduced by the SPGA where public transit is reasonably available.
9. Access and On-site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.
10. Public Safety. The facility shall have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.
11. Landscaping. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations, and loading areas, except for their points of ingress and egress, shall be 15 feet.

94-8.3.5 Accessory Uses. The operator of the Senior Housing Facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the Senior Housing Facility and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

94-8.3.6 Special Permit Procedure. The procedure for a special permit under this Section shall be governed by Section 11.6.

94-8.4 SHORT TERM RENTALS.

94-8.4.1 Purpose. This Section is intended to set forth regulations through which certain dwelling units within the City of Medford may be utilized as short term rental units. This regulation is designed to allow for the operation of such rentals for Medford residents, protect the safety of renters and residents, ensure the primary use of such rentals remains residential, and ensure that the operation of such short term rentals does not create a safety concern or detriment to the surrounding residential neighborhood.

94-8.4.2 Definitions. See Section 12.0, “Short Term Rentals”.

94-8.4.3 Applicability. No residential unit shall be offered as a short term rental except in compliance with each of the provisions of this Section.

94-8.4.4 Requirements for the Operation of Short Term Rentals. A residential unit offered as a short term rental shall comply with all standards and regulations promulgated by the Commissioner. The following additional requirements shall apply to all short term rentals:

1. **Operator's Primary Residence.** A residential unit offered as a short term rental shall be the operator's primary residence.
2. **One Party of Renters.** A residential unit offered as a short term rental shall be rented to only one party of short term renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.
3. **Number of Short Term Renters.** A residential unit offered as a short term rental shall be limited to six guests, or two guests per guest bedroom, whichever is fewer.
4. **One Listing per Booking Agent.** A residential unit offered as a short term rental shall not have more than one listing per booking agent associated with it.

94-8.4.5 Rental Availability.

1. **Short Term Rental of a Shared Residential Unit.** An operator may offer bedrooms within their residential unit as a short term rental 365 days per year. One bedroom in the

unit shall be reserved for, and occupied by, the operator during the entire term of the rental.

2. Short Term Rental of an Unoccupied Residential Unit. Short term rentals shall not exceed, in the aggregate, ninety (90) consecutive or nonconsecutive calendar days per year, when the operator is not occupying the residential unit during the entire term of the short term rental.

94-8.4.6 Rental Period and Use. Renting for an hourly rate, or for rental durations of fewer than ten (10) consecutive hours shall not be permitted. Commercial meetings and uses are prohibited in short term rentals.

94-8.4.7 No Outstanding Violations. The residential unit offered as a short term rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders, unpaid taxes, water/sewer or tax liens, any other judgements or penalties imposed by the City that remain unresolved, or other requirements, laws, or regulations that prohibit the operator from offering the residential unit as a short term rental.

1. If a violation or other order is issued, upon notice of said violation or order short term rental use shall be terminated until the violation has been cured or otherwise resolved.

2. If a property receives three or more violations within a six-month period under this Section, or of any municipal ordinance, state law, or building code, any residential unit within the property shall be ineligible to be used as a short term rental for a period of six months from the third or subsequent violation.

94-8.4.8 Compliance and Interaction with Other Laws. Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.

94-8.4.9 Retention of Records. The operator shall retain and make available to the Building Department, upon written request, records to demonstrate compliance with this Section, including but not limited to: records demonstrating the number of months that the operator has resided or will reside in residential unit, if applicable; records showing consent of the owner of the residential unit to the residential unit's use as a short term rental, if applicable; and records demonstrating number of days per year that the residential unit is offered as a short term rental. The operator shall retain such records for as long as he or she desires to use the residential unit as a short term rental.

94-8.4.10 Notifications. The operator shall post and maintain a sign on the inside of the short term rental on the entry level, visible to and reasonably likely to be readily accessed by individuals utilizing the short term rental, with the following information:

1. Instructions for the disposal of waste per the City's recycling and trash programs.

2. Information regarding the City's parking regulations, including but not limited to visitor parking passes, street sweeping, and snow emergencies.
3. The local noise ordinances of the City.
4. Contact information for the operator, or when the operator is not present, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period.
5. On a sign on the inside of the residential unit, the operator shall provide information on the location of all fire extinguishers in the unit and, if applicable, the location of all exits and manual fire box alarms located in the common areas of the building.

94-8.4.11 Community Information Card. The operator shall furnish each guest with a community information card containing, at a minimum:

1. Emergency telephone numbers for the Medford Police Department and Medford Fire Department.
2. A description of the regulations relative to on-street parking and any associated fines, if any, for such violations.

94-8.4.12 Booking Agent Report. All booking agents with any listings in the City shall provide to the City on a quarterly basis an electronic report, in a format to be determined by the City. The report shall include a breakdown of where the listings are located, whether the listing is for a room or a whole unit, the number of nights each unit was reported as occupied during the applicable reporting period, and the operator's name and full contact information.

94-8.4.13 Registration Process. An operator who wishes to offer his or her residential unit as a short term rental shall register with the Building Department, online or in a paper form prescribed by the Building Department, to be listed on a database maintained by the City that includes information on operators who are permitted to offer their residential units as short term rentals.

1. Permission of Owner. An operator must certify at the time of registration that he or she has the following permissions to offer his or her residential unit as a short term rental:
 - a. Operator is the owner of the residential unit offered as a short term rental or is a tenant who uses the residential unit as his or her primary residence and has the permission of the owner; and
 - b. That offering the residential unit as a short term rental complies with applicable condominium documents, ordinances, leases, and any or all other applicable governing documents.

2. Fees. Units shall be annually recorded in the Short Term Rental Registry and pay an annual registration fee to the City of Medford in the amount of two hundred dollars (\$200.00).

3. Re-registration upon Unit Turnover. A registration shall be tied to both the residential unit and the operator and will not automatically transfer upon the sale of the unit. New operators are responsible for ensuring that they re-register with the Building Department to obtain a new registration number if they wish to continue to list the residential unit on the Short Term Rental Registry.

94-8.4.14 Penalties; Enforcement. No person or entity may offer a residential unit as a short term rental in violation of this article. No booking agent may accept a fee for booking a residential unit which is in violation of this ordinance, provided that the City has first notified the booking agent of such violation of the residential unit. All violations of this Section may be penalized by a noncriminal disposition as provided for in G.L. c. 40, s. 21D. All violations of this Section are subject to penalty in accordance with Section 1-13 of the Medford Code of Ordinances. Each day on which a violation exists shall be deemed a separate and distinct offense. The provisions of this Section may also be enforced, if applicable, by the Commissioner seeking an injunction from a court of competent jurisdiction prohibiting the offering of the short term rental. Nothing herein shall be construed to preclude the City from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

1. The Commissioner may enter into agreements with booking agents or any other third parties for assistance in enforcing the provisions of this Section.

2. Violations may include any failure to abide by this Section including but not limited to, offering an ineligible unit, failure to furnish a copy of the booking agent listing or include required parking information in such listing, failure to furnish a community information card to guests or furnishing such card without the required minimum information, or failure to remit any required excise tax or surcharge as required by law. Unpaid taxes or surcharges shall also be lien against the property.

94-8.4.15 Regulations. The Commissioner shall have the authority to promulgate regulations to carry out the provisions of this Section.

SECTION 94-9.0 SPECIAL DISTRICT REGULATIONS

94-9.1 MIXED USE ZONING DISTRICT.

94-9.1.1 General Provisions. Any land contained within the Mixed Use Zoning (MUZ) District shall be subject to all of the provisions of this Section, and to all of the other provisions of this Ordinance, except where the provisions of this Section conflict with other provisions of this Ordinance, in which event the provisions of this Section shall govern. Without limiting the foregoing, the provisions of Section 6.2 (Signs) shall apply in the MUZ District.

94-9.1.2 Height Limitations. Any building or structure in a MUZ District shall not exceed 100 feet or seven stories in height (exclusive of mechanical and elevator penthouses), except that: A building principally devoted to hotel or multiple dwelling residential use adjacent to a public open space may have a height which does not exceed the lesser of 130 feet or 12 stories. A building shall be considered to be adjacent to a public open space if it is on a lot which abuts land held for or devoted to recreational use open to the public, such as a park, marina or forest, and there exists no principal structure between such building and such land so held or devoted.

94-9.1.3 Landscaped Open Space; Lot Coverage.

1. Any lot in a MUZ District, other than a lot having a principal structure devoted primarily to parking uses, shall have landscaped open space equal to at least ten percent of the lot area. Any lot having a principal structure devoted primarily to parking uses shall contain landscaped open space equal to at least ten percent of the lot area. Notwithstanding any contrary provision of this Ordinance, in the MUZ District, landscaped open space shall include, in addition to planted areas, such items as streetscape elements (lights, planters, benches, etc.), outdoor areas devoted to dining, cafe or similar uses, and decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobblestones or concrete surface treatments designed to resemble pavers or cobblestones).
2. Any lot in a MUZ District, other than a lot having a principal structure devoted primarily to parking uses, shall have lot coverage which does not exceed 45 percent, except that the City Council may, by special permit granted pursuant to Section 11.6, increase by ten percent (i.e., to 49.5 percent) the maximum lot coverage. Any lot in a MUZ District having a principal structure devoted primarily to parking uses may have lot coverage not in excess of 85 percent, except that the City Council may, by special permit granted pursuant to Section 11.6, increase by ten percent (i.e., to 93.5 percent) the maximum lot coverage. Lot coverage shall exclude below grade parking.

94-9.1.4 Floor Area Ratio.

1. Floor area ratio (FAR) shall mean the ratio of gross floor area of a structure or structures on a lot to the area of the lot. For the purposes of calculating floor area ratio, gross floor area (GFA) shall have the meaning set forth in Section 12.0; provided

however, that no parking garage or underground parking area, whether or not required to meet the minimum parking requirements of this chapter, shall constitute GFA.

2. In a MUZ District, any lot shall not have an FAR in excess of the "FAR base" (as hereinafter defined), except as set forth in subsection 3, below. There shall be no FAR for residential uses in the MUZ District.

3. Notwithstanding the foregoing, in a MUZ District, the FAR on a lot may exceed the FAR base if there is a corresponding decrease in GFA and FAR on another lot within the same MUZ District, as hereinafter specified, provided, however, that the FAR on a lot shall not exceed the "FAR Maximum" (as hereinafter defined). The FAR base shall be 2.25, except that the City Council may, by special permit granted pursuant to Section 11.6, increase by ten percent (i.e., to 2.475) the FAR base, and, the FAR maximum shall be 2.475, except that the City Council may, by special permit granted pursuant to section 94-220, increase by ten percent (i.e., to 2.7225) the FAR maximum. FAR shall be increased on a lot or lots (a lot on which such an increase occurs being referred to as a "benefited lot") and correspondingly decreased on another lot or lots (a lot on which such a decrease occurs being referred to as a "burdened lot") as follows:

a. The FAR on a benefited lot shall be increased as follows: the then permitted FAR on the benefited lot (i.e., 2.25, as the same may have been previously increased or decreased by operation of this section 94-214) shall be multiplied by the lot area of the benefited lot; to that product there shall be added the number of square feet of GFA transferred from the burdened lot or lots, and the resulting sum shall be divided by the lot area of the benefited lot to yield the then-permitted FAR for the benefited lot.

b. The FAR on a burdened lot shall be reduced as follows: the then-permitted FAR on the burdened lot (i.e., 2.25, as the same may have been previously increased or decreased by operation of this section 94-214) shall be multiplied by the lot area of the burdened lot; from that product there shall be subtracted the number of square feet of GFA transferred to the benefited lot or lots, and the resulting sum shall be divided by the lot area of the burdened lot to yield the then-permitted FAR for the burdened lot.

By way of example, if, in a MUZ District, Lot A contained a lot area of 80,000 square feet and Lot B contained a lot area of 100,000 square feet, and neither the FAR base nor the FAR maximum has been increased by special permit, without any transfer of GFA or FAR under this section, the maximum GFA on Lot A would be 180,000 s.f. ($80,000 \times 2.25$) and the maximum GFA on Lot B would be 225,000 s.f. ($100,000 \times 2.25$). The FAR on Lot A could be increased and the FAR on Lot A could be decreased by the transfer from Lot B to Lot A of 10,000 s.f. of GFA. In that event, the FAR of Lot A would be increased to 2.375 and the FAR of Lot B would be decreased to 2.15, determined as set forth in (1) and (2) above, as follows:

Lot A: 2.25 (then-permitted FAR) times $80,000$ (lot area of Lot A) = $180,000$ plus $10,000$ (GFA transferred) = $190,000$, divided by $80,000$ (lot area of Lot A) = 2.375 .

Lot B: 2.25 (then-permitted FAR) times $100,000$ (lot area of Lot B) = $225,000$ minus $10,000$ (GFA transferred) = $215,000$, divided by $100,000$ (Lot area of Lot B) = 2.15 .

Under the foregoing example, because the resulting FAR on Lot A would not exceed 110 percent of the 2.25 FAR (i.e., 2,475), such a transfer is allowed.

4. No building permit shall be issued for a building which would result in an FAR in excess of the FAR base on a benefited lot unless (i) the record owner of the burdened lot or lots has executed and recorded at the Middlesex South Registry of Deeds or the Middlesex South Registry district of the land court, as the case may be, an agreement, running with his land and binding on his successors and assigns, agreeing to a decrease in his GFA and FAR pursuant to the terms of the immediately preceding paragraphs and (ii) the Building Commissioner has been supplied with copies of such evidence deemed reasonably necessary to satisfy himself that the person executing such agreement is the true record owner of the burdened lot, and that such agreement has been duly recorded or registered.

94-9.1.5 Setbacks. In a MUZ District there are no side or rear yard setback requirements, so that a building may abut a side or rear lot line or a single building may be located on more than one lot and in so doing may be located over a side or rear lot line; provided that:

1. The front yard setback of 15 feet for property within a MUZ District shall apply only to front yards abutting a municipally owned street, laid out and accepted as a City street pursuant to G.L. c. 82 as of the date on which such property is placed in a MUZ District; for any other street not so laid out and accepted, there shall be no front yard setback requirement, except as set out in subsection 2, below.

2. No principal building or structure shall be located within 40 feet of the street sideline, existing on the date that property is placed in a MUZ District, of any of the numbered state highways, or county streets laid out and accepted as a street pursuant to G.L. c. 82 as of the date on which such property is placed in a MUZ District, in or adjacent to the City; in such locations the 40-foot setback shall be maintained as a front yard and loading spaces shall not be permitted within said 40-foot area. In addition, that portion of any building or structure which is above the lesser of five stories or 75 feet in height shall not be located within 50 feet of the street sideline, existing on the date that property is placed in a MUZ District, of any of the numbered state highways or said county ways in or adjacent to the City.

3. All freestanding multi-story principal buildings or structures in the same MUZ District shall be located at least 40 feet from each other (unless attached to each other), without regard to the location of lot lines.

4. No principal building or structure shall be located within five feet of property located in a zone other than a MUZ District.

94-9.1.6 Parking and Loading Requirements. Certain of the parking and loading requirements of Section 6.1 shall be inapplicable to development in a MUZ District and in lieu thereof the parking and loading requirements set forth in this Section shall govern as follows (except that Section 6.1.3 sets forth the parking requirements for multiple dwelling residential in the MUZ District):

1. In a MUZ District, the parking requirements calculated pursuant to Section 3.2 shall be reduced by five percent for any use, the parking requirements of which may be satisfied in whole or in part by spaces in a structure. Further, whenever a use requires one space per 350 square feet of gross floor area and that use is reasonably accessible, by foot or shuttle, to public transportation, the City Council may, by special permit granted pursuant to Section 6.1.10, require only one space per 400 square feet of gross floor area. Further, for a structure in a MUZ District which is devoted principally to hotel uses and contains dwelling units and other uses which are accessory to hotel uses (such as restaurants, conference centers, function rooms, health clubs, or retail uses), the parking spaces required shall be one space per guest sleeping room plus 50 percent of the number of parking spaces required for accessory uses within a hotel under the provisions of this Section and the other provisions of this Ordinance.
2. Any parking space located on the same lot as the structure or use to which is assigned, whether or not in the same ownership, but located in the same MUZ District, in order to be credited to such structure or use in meeting the requirement of this Section, must be legally available, as evidenced by bond, long term lease, easement or other assurance of permanence, the closest point of which garage or area is within 500 feet of the closest point of such structure, measured within public ways or private driveways, regardless of whether the space itself is within such distance.
3. The minimum parking space will include a rectangular area (i) in the case of parking spaces required for all hotel, retail and restaurant uses ("high turnover uses"), not less than 8½ feet in width and 15 feet in length for all angle parking and nine feet in width and 22 feet in length for parallel parking, and (ii) in the case of parking spaces required for all other uses ("regular uses"), not less than eight feet in width and 18 feet in length for all angle parking and nine feet in width and 22 feet in length for parallel parking, and seven feet of clear height in all events.
4. The minimum width of aisles providing access to more than two spaces, and designed for two-way traffic shall be (i) in the cases of that portion of an aisle abutting spaces designed for high turnover uses, as set forth in paragraph (3) above, at least 24 feet, and in the case of any other aisles or portion thereof, at least 22.5 feet.
5. There shall be no maximum width of drives.

6. There shall be no minimum distances between two or more entrances and exit drives, and no minimum distances between entrance and exit drives and side lot lines.
7. There shall be no minimum distance between any parking or loading area and a lot line.
8. Loading spaces shall be provided for uses in a MUZ District at the following rates:
 - a. For any use item for which Section 3.2 specifies one loading space per 50,000 square feet of gross floor area (a "type A use"), there shall be provided one loading space per 100,000 square feet of gross floor area;
 - b. For any use item for which Section 3.2 specifies one loading space per 15,000 square feet of gross floor area (a "type B use"), there shall be provided one loading space per 50,000 square feet of gross floor area; provided further that, as part of site plan review under this Section, there may be restrictions imposed upon the hours of operation of certain on-site parking spaces so that such areas may be used at certain times as loading spaces to meet the requirements of this subsection b;
 - c. For any use item for which Section 3.2 specifies no loading space requirement, no loading space shall be required (there shall be no loading space requirement for residential uses in the MUZ District); and
 - d. In any building containing both a type A use or uses and a type B use or uses, the total number of loading spaces required shall be determined by adding A and B, and rounding to the nearest whole number, where A is the product of the number of square feet of a type A use or uses divided by 100,000, and B is the product of the number of square feet of a type B use or uses divided by 30,000. For example, in a building containing 140,000 square feet of type A uses and 40,000 square feet of type B uses, the total number of loading bays required for the building would be three, determined as follows:

$$A = 140,000 / 100,000 = 1.40$$

$$B = 40,000 / 30,000 = 1.33 / 2.73$$

$$A + B = 2.73 - \text{rounded to nearest whole number} = 3.$$

Numbers ending in .50 shall be rounded up.

9. Loading spaces may be provided in a front yard or court, subject, however, to the provisions of Section 9.1.5.
10. There shall be no maximum width of entrance and exit drives which provide access to loading spaces.

11. Any parking structure shall be either underground or, if at grade or above grade, shall be either (i) located in a building the principal use of which is a parking garage, or (ii) if located in a building the principal use of which is not a parking garage, fully enclosed in a manner approved pursuant to site plan review.

94-9.1.7 Uses. The Table of Uses set forth in Section 3.2 governs the use of land in a MUZ District. In addition to the requirements of that section the following additional requirements shall apply:

1. Use item D.2 (private entertainment and recreational facilities) are limited to health clubs.
2. Use item B.10 (hospital). In no event shall any hospital, whether or not operated as a gainful business, be permitted in a MUZ District.
3. Use item H.4 (outdoor automobile sales and storage). In no event shall outdoor storage of automobiles, whether or not associated with automobile sales, be permitted in a MUZ District.
4. Use item J.5 (manufacturing, including assembly, fabrication and processing and reprocessing of materials) is permitted in a MUZ District only to the extent (i) that such use is light industrial in nature (such as the manufacture, fabrication, processing, assembling and testing of products), (ii) is accessory to a principal use, and (iii) does not exceed 25 percent of the gross floor area of the structure; any manufacturing which is not accessory to a main use or exceeds 25 percent of the gross floor area of a structure shall be permitted only upon the grant of a special permit by the City Council pursuant to Section 11.6, provided that in any event only manufacturing which is light industrial in nature shall be permitted.
5. Use item B.5 (child care, principal or accessory) is permitted in a MUZ District only to the extent that there is provided, on the same lot or on another lot in the same MUZ District or in a ROS District, an outdoor play area conforming to size requirements under 102 CMR 7.00 (Commonwealth of Massachusetts Standards for the Licensure or Approval of Group Day Care Centers). To the extent that an outdoor play area which services a day care use in a MUZ District is located in a ROS District, such use of a ROS District for an outdoor play area is permitted, notwithstanding anything to the contrary in the Table of Uses.
6. Notwithstanding anything to the contrary contained in the Table of Uses, any private way included in a MUZ District may be used for ingress, egress and access to industrial uses in adjacent districts.

94-9.1.8 Special Permit. Whenever the grant of a special permit is authorized pursuant to this Section, the following procedures and standards shall govern:

1. In each instance in which the grant of a special permit is authorized pursuant to this Section, the City Council shall decide such questions as are involved in determining whether special permits should be granted, hear applications for special permits, and grant a special permit when all necessary conditions are met or deny that special permit when all necessary conditions are not met, or when the matter which requires a special permit is, in their judgment, not in harmony with the general purpose and intent of this Section.
2. The City Council, upon receipt of an application for a special permit, shall forward such application 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 and to the applicant. Failure of the Board to make recommendations within 45 days of receipt by said Board of the petition shall be deemed lack of opposition thereto.
3. In granting a special permit, additional specific conditions, safeguards and limitations on time or use as are deemed necessary to insure compliance with the intent of this Section or to protect the neighborhood may be attached.
4. A special permit granted under this Section shall lapse within two years, and including such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

94-9.1.9 Special Permit Criteria. In addition to the criteria in Section 11.6.2, applications for special permits shall not be approved unless the following standards are met and the City Council so finds:

1. That the use of the structures is permitted as of right or by special permit.
2. That the use and structures are so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
3. That the use and structures will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
4. That the use and structures will be compatible with the size, scale, and design of other structures in the adjoining development and the proposed neighborhood of the district where it is to be located.
5. That adequate landscaping and screening is provided as required herein so as to minimize the impact of the proposed use or structure and any incidental effects thereof.

6. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.

7. That the use conforms with all applicable regulations governing the district where located.

94-9.1.10 Site Plan Review in MUZ District. In a MUZ District, no structure shall be constructed, reconstructed or used, and no improvements to any lot shall be made, unless such development is in conformity with a site plan which has been reviewed by the Community Development Board (CDB) in accordance with the provisions of Section 11.7. No building permit shall be issued under this Section until a final site plan has been approved or deemed to have been approved by the Community Development Board. Site plans shall be prepared by a registered architect, landscape architect, surveyor or professional engineer. Any person desiring review of a site plan under this Section, whether for a zoning change or for a specific project, shall submit eight copies of said plan to the Community Development Board. The Community Development Board shall hold a public meeting in compliance with G.L. c. 40A, § 9 and 11, within 45 days of such filing, and shall file a written determination on said plan with the City Clerk within 90 days after such filing, unless such deadline is extended upon the request of the applicant. The vote of a majority of the members of the Community Development Board, as constituted, shall be required for a decision. The failure of the Community Development Board to file a decision with the City Clerk within the time period specified herein shall be deemed to constitute a determination that the site plan submitted to the Community Development Board conforms with the criteria set forth in this Section.

94-9.1.11 Contents of Site Plan. A site plan shall consist of a map or maps prepared to a scale of not less than one inch to 40 feet and shall set forth:

1. The boundaries of the parcel or parcels for which the applicant is seeking site plan review. Lot numbers, dimensions of lots in feet, sizes of lots in square feet, and the width of abutting street and ways shall be shown. The plans shall include a scale (which may not be greater than one inch equals 40 feet), north arrow, legend, name of record owners of parcel or parcels for which approval is sought and names of owners of all abutting land as appearing on the current tax assessor's list.
2. The location of existing wetlands, water bodies, wells and 100-year flood plan elevations within the area subject to review.
3. The location of existing and proposed structures, as well as the distance between those structures and the lot lines and the distance between buildings on the same lot. Also, the percent of existing and proposed building lot coverage, the average finished grade of each proposed building at the base of each such building, the elevation above average finished grade of the ground floor and ceiling of the lowest floor of each proposed building, and the height of all proposed buildings above finished grade of abutting streets.

4. All principal landscape features, such as fences, walks, walls, exterior lighting and planting areas.
5. All easements within and abutting the parcel or parcels for which approval is being sought.
6. The location and number of all parking and loading spaces.
7. The location of all driveway openings and driveways, as well as the proposed traffic circulation patterns within the parcel or parcels for which approval is being sought.
8. Provision for and the location of all facilities for sewage, drainage, electric and water service.
9. Topography indicating existing and proposed contours at intervals of not more than two feet.
10. Location and intensity of outdoor lighting system.
11. Location, type and size of signs.

94-9.1.12 Other Submittals. The applicant shall submit a written statement, which shall consist of:

1. A description of the proposed uses to be located on the site.
2. A computation of total land area of the site, and the total floor area and ground coverage of each proposed building and structure.
3. General summary of existing and proposed easements or other burdens now existing or to be placed on the property.
4. The applicant's general evaluation of the availability and adequacy of public facilities including sewer, water and streets, including reasonable estimates of project requirements therefor.
5. A description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none.
6. An estimate of the time period required for completion of the development.
7. The applicant shall pay a fee as set forth in the fee schedule in Appendix A to this Ordinance. The fee shall be paid by certified check to the City of Medford upon submission of the plan to the Community Development Board. In the event that a site plan is modified subsequent to the initial determination, no additional fee shall be

required, unless, and to the extent that, such modification increases the gross floor area within the area included within such site plan by five percent or more.

94-9.1.13 Decision Criteria. In acting under this Section, the Community Development Board shall review a site plan to ensure that the public health, safety, and welfare are best served in light of the following criteria:

1. The provisions for vehicular loading and unloading, parking and for vehicular circulation on the site and onto adjacent public streets and ways will promote safety and safe traffic control and flow.
2. The bulk, location, density, setback, and height of proposed buildings and structures and paved areas and the proposed uses thereof are in conformity with the requirements of this Ordinance and will not be detrimental to development in the neighborhood.
3. The provision for on-site landscaping will provide a visual buffer to neighboring properties.
4. Provisions for pedestrian ways will provide safe and convenient access and egress (i) within the area of site plan review and (ii) to the boundary of such area in light of existing or proposed pedestrian ways beyond such boundary.
5. The site plan will provide for adequate and proper drainage, sewage disposal, and water supply.
6. The provisions for exterior lighting will promote safety to motorists traveling on adjacent public streets.
7. The proposed development will provide adequate access to the site, or to the buildings on the site, for emergency vehicles.
8. Parking structures shall comply with Section 6.0.

94-9.1.14 Lapse. Unless construction of a development which has been approved by the Community Development Board shall have commenced within 18 months from the date of approval of the site plan, the site plan approval shall be deemed to have lapsed, the building permit shall thereupon be revoked, and the Building Commissioner shall forthwith take the necessary steps to enforce this subsection.

94-9.1.15 Modifications to Approved Site Plans. If an owner wishes to modify an approved site plan, a revised site plan may be submitted to Community Development Board for review and approval, and the same standards and procedures applicable to, the review of the original site plan shall apply to such revised site plan.

94-9.1.16 Appeal. Any person aggrieved by any action of the Community Development Board under this Section 9.1, shall be entitled to an appeal therefrom pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

94-9.2 PLANNED DEVELOPMENT DISTRICT.

94-9.2.1 Purpose and Intent. The Planned Development District (PDD) is intended to:

1. Permit an entity to propose, and for City Council vote, a development proposal that specifies a mixture of commercial, industrial, residential, open space or other uses and the site development requirements to be used for a specific site.
2. Permit some flexibility in the development of individual tracts of land by required and predetermined standards.
3. Permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts.
4. Permit the City to evaluate the potential impacts of a proposed development and to authorize the Council, as the Special Permit Granting Authority (SPGA), to require that the development of the site substantially conforms to site development standards approved as part of the rezoning to PDD and intended to mitigate or compensate for the potential impacts.

94-9.2.2 Types. There are two types of Planned Development Districts:

1. *Planned Commercial Development District (PCD).* Primarily Commercial, Industrial and other Nonresidential uses alone or in combination.
2. *Planned Residential Development District (PRD).* Primarily Residential uses alone or in combination with Nonresidential uses.

94-9.2.3 Procedures. A Planned Development District requires an amendment to this Ordinance. The PDD does not have any minimum lot size and there is no minimum lot area required to seek a rezoning to the PDD. Applicants for a PDD shall observe the following procedures in order to promote review of the proposed amendment and to facilitate public-private cooperation in the establishment of the PDD.

1. *Pre-Application Review.* Applicants are strongly encouraged to schedule a preapplication review with the Community Development Department. Pre-application review should precede the preparation of detailed plans or specifications. For the Pre-Application Review, an applicant will submit a project description that describes the uses to be proposed and the benefits to the City from those uses.
2. *Ordinance Submission.* The applicant shall submit a proposed amendment to this Ordinance for the PDD rezoning in consultation with the Community Development

Board. The proposed amendment shall contain the requirements set forth in Section 9.2.5. The Community Development Board shall hold a public hearing, prepare the text of the proposed amendment, and locate the new district on the Zoning Map. The finalized amendment shall be presented to the City Council for approval of the proposed PDD.

3. *Statutory Requirements.* The zoning amendment shall thereafter be processed in accordance with G.L. c. 40A, s. 5 and Section 1.5 of this Ordinance.

4. *Small Planned Developments.* An application for a proposed amendment that would result in less than 15,000 square feet of building(s) may be processed as a “Small PDD.” A waiver from some of the submittal requirements for an application for a Small PDD may be negotiated with the Director of the Office of Community Development prior to submittal.

94-9.2.4 Lapse. The development and uses approved in a rezoning to PDD must be commenced by obtaining a PD Special Permit as required in Section 8.6.6 within two (2) years. Until such time as the required PD Special Permit is granted and recorded by the property owner, or if a PD Special Permit is not obtained within two (2) years, the development of the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the PDD.

94-9.2.5 Submission Requirements for a PD Rezoning Ordinance. The application for a PDD Rezoning shall include a Preliminary Plan and the required submission fee.

1. **Submission Fee.** The SPGA shall specify submission fees for a PDD rezoning in its Rules and Regulations. The required fee shall be submitted with the rezoning request and Preliminary Plan.

2. A Preliminary Plan which shall include the following at a level of detail sufficient to enable a peer review, if required by the SPGA:

a. A narrative that describes:

- (1) Social, economic, or community needs which are served by the proposed development proposal;
- (2) Traffic flow and safety, including parking and loading;
- (3) Adequacy of utilities and other public services;
- (4) Size, scale, and design of structures in the neighborhood;
- (5) Impacts on the natural environment;

(6) Potential fiscal impact, including impact on City services, tax base, and employment; and

(7) The proposal's compatibility with the purposes of the City's Comprehensive Plan.

b. A preliminary site construction plan showing the proposed:

(1) Location of buildings, number of stories, approximate floor area and maximum height of each building, the distance (in feet) between buildings;

(2) Contours in addition to the existing contours;

(3) Lot lines;

(4) Grading and landscaping;

(5) Location and dimensions of drives and parking areas;

(6) Location and characteristics of any common open space or usable open space;

(7) Drainage system;

(8) Building elevations.

c. Uses to be allowed by special permit. A Zoning Table of uses shall be listed with a description of the type and character of uses requested. This may include a cross reference of uses to be permitted as they appear in Section 3.0.

d. A table showing:

(1) Total land area;

(2) Developable site area;

(3) Common or usable open space, if any;

(4) Site coverage of buildings;

(5) Impervious surface area;

(6) Impervious surface ratio;

(7) Gross floor area of all nonresidential buildings;

- (8) Floor area ratio if applicable;
- (9) Density of dwelling units, or their equivalent, if applicable;
- (10) Number of off-street parking spaces and, if applicable, loading bays.

e. A locus-context map of all land within 500 feet of any part of the tract and showing:

- (1) All dwellings and principal buildings;
- (2) The land use of each lot;
- (3) Lot and right-of-way lines;
- (4) Existing contours at two-foot intervals.

f. Principal natural features in general such as:

- (1) Significant rock outcroppings;
- (2) Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation);
- (3) Significant vegetation (including mature trees, unique specimens of vegetation, and vegetation that indicates wetness);
- (4) Zoning district boundaries;
- (5) Recorded easements on the site and within the 500-foot locus;
- (6) Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets;
- (7) Significant noise/visual impact (including views from the site and sources of noise affecting the site);
- (8) Historically or architecturally significant structures and sites on or adjacent to the site.

g. A property rights and dimensional standards plan showing:

- (1) The location of existing easements or other property rights affecting the development;

(2) The approximate locations of any sections of the land to which the City may be granted property rights, other easements or transfer of ownership for street, utility, conservation or other purposes;

(3) The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions;

(4) The yard setback, in feet, for buildings and parking lots from lot lines and, where applicable, a zoning district boundary, a brook or a pond. The Plan shall specifically show appropriate setbacks to adjacent Residential Districts, Business Districts, Industrial Districts, and PD Districts, considering the development potential of any vacant land in such districts using the setback requirements set forth in Section 4.0;

(5) The boundaries of any common open space or usable open space.

h. A utilities analysis showing:

(1) The location and size of the City's existing water mains, fire hydrants, sanitary sewers, and storm drains;

(2) The proposed locations and the approximate size of utilities to be constructed on the site and their proposed connections to the City's utilities, and any special features, such as culverts or pumping stations, that might affect the ability of the City to service the development.

i. A traffic analysis to be conducted by a traffic engineer who is a member of the Institute of Transportation Engineers (ITE). The analysis shall include:

(1) Traffic counts on arterial streets that provide access to the development site showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments);

(2) Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours divided into fifteen-minute segments);

(3) An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions;

(4) Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation;

- (5) The estimated distribution of new trips by approach streets;
- (6) The effect of additional traffic generated by the development on traffic "levels of service" on each approach street;
- (7) Estimated off-street parking and loading requirements and time of peak accumulation.

j. In addition to the submission requirements outlined in this Section, the SPGA may impose additional submission requirements through the adoption of Rules and Regulations for a PDD rezoning.

94-9.2.6 Administrative Requirements. All documents must be submitted in accordance with the rules and regulations of the SPGA.

94-9.2.7 Criteria for Approval. The SPGA may approve the PD Special Permit if the SPGA finds that all the following conditions are met:

1. The Site Development and Use Plan is substantially in conformance with the PD Rezoning Ordinance approved by the Council. The SPGA may permit insubstantial changes in view of the more detailed survey and engineering design provided that they do not conflict with the intent of the PD Rezoning Ordinance.
2. The PD Rezoning Ordinance approved by City Council and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.
3. Methods satisfactory to the SPGA of ensuring the performance of any special conditions included in the PD Rezoning Ordinance have been submitted by the developer.
4. Any land designated as common open space on the PD Rezoning Ordinance shall, at the SPGA's discretion, be either conveyed to the City or protected by an easement granted to the City.
5. The SPGA reserves the right to require that up to 20% of all new housing units be made affordable to persons of low and moderate income, according to the standards of the state and/or city, as determined by the SPG.
6. The project meets the evaluation criteria specified in this Section and the SPGA's Rules and Regulations.
7. The SPGA in granting a PD Special Permit may impose such additional conditions as the SPGA finds will serve the public interest and are consistent with the intent of the PD Rezoning Ordinance.

8. The SPGA may deny an application for PD Special Permit and base its denial on the finding that the development proposed in the Site Development and Use Plan did not meet one or more of these criteria for approval.

9. In the event the SPGA determines that the Site Development and Use Plan is not in substantial conformance with the PD Rezoning Ordinance, the application for a PD Special Permit shall be denied. The applicant shall be required to submit a new PD Rezoning Ordinance and zoning amendment to the City Council in order to proceed.

94-9.2.8 Changes in a Site Development and Use Plan. Changes in uses or substantial changes in the site development from that shown on the Site Development and Use Plan, referenced in the PD Special Permit, are not permitted without the approval by the SPGA. A new PD Rezoning Ordinance must be submitted in accordance with the procedures outlined herein.

94-9.2A PDD-1: WINCHESTER STREET PLANNED DEVELOPMENT DISTRICT

94-9.2A.1 Purpose and Intent. The Winchester Street Planned Development District (“PDD-1” or “District”) is adopted in furtherance of the stated purpose and intent set forth Section 94-9.2.1 of this Ordinance. More specifically, the PDD-1 is intended to promote beneficial and appropriate redevelopment of the land within the District by allowing flexible design and permitting.

94-9.2A.2 Overlay District. The PDD-1 is hereby established as an overlay district superimposed over, rather than replacing, the underlying zoning designations of the land known and numbered as 96-104 Winchester Street, as depicted on a plan entitled, “Winchester Street Planned Development District,” prepared by Boston Survey, Inc., and dated July 28, 2023. The owner(s) of land within the District may choose to develop such land in conformance with either, but not both, all of the controls and processes which govern the underlying zoning or all of the controls and processes contained in this Section 94-9.2A. The provisions and requirements of the otherwise applicable underlying zoning districts, and any rules, regulations, approval processes and/or design or performance standards contained elsewhere in this Zoning Ordinance, shall apply to any project reviewed and approved as a PDD-1 Project, except to the extent such provisions, requirements, rules, regulations, approval processes and/or design or performance standards conflict with the express provisions of this Section 94-9.2A (e.g., use and dimensional requirements), provided that the Special Permit Granting Authority, as hereinafter defined, shall be the site plan review authority and shall have the authority to waive such other requirements if it determines, in its sole discretion, that such waiver(s) will improve the PDD-1 Project and will be in the public interest.

94-9.2A.3 Definitions. Except as otherwise set forth in this Section 94-9.2A, the definitions set forth in Section 94-12.0 shall apply to PDD-1 Projects.

As used herein, the following terms shall be defined as follows:

Preliminary Plan: The preliminary plan submitted pursuant to Section 94-9.2.5.2.

PDD-1 Project: A project that is depicted on the Preliminary Plan.

Proponent: The applicant or developer of a proposed PDD-1 Project or any phase or portion thereof.

94-9.2A.4 PDD-1 Special Permit. In accordance with Section 94-9.2, any PDD-1 Project shall require issuance of a special permit from the City Council as the Special Permit Granting Authority (“SPGA”). The PDD-1 Special Permit application shall include a Site Development and Use Plan, in accordance with Section 94-9.2.7. The SPGA shall review Site Development and Use Plan for consistency with the Preliminary Plan but may approve deviations from the Preliminary Plan if it determines that such deviations will improve the PDD-1 Project. Issuance of a PDD-1 Special Permit shall be considered a master permit for development of the PDD-1 Project.

Each specific use within the PDD-1 Project shall separately be subject to the use regulations set forth in Section 94-9.2A.5 and may require additional special permit relief where indicated therein. For any use within a PDD-1 Project that requires a special permit from City Council, the Proponent may choose to request approval of such use in its application for the PDD-1 Special Permit.

94-9.2A.5 Table of Use Regulations. Individual uses within a PDD-1 Project shall be governed by the following Table of Use Regulations. Uses not specifically listed shall be deemed prohibited, except uses protected under G.L. c.40A, §3 or other state or federal law. Uses permitted by right in the District are designated by the letter (Y). Uses that may be permitted by special permit in the District shall be designated by identification of the Special Permit Granting Authority, which is either:

BA Board of Appeals
CD Community Development Board
CC City Council

A. RESIDENTIAL USES	
1. Multiple dwelling, Class A	Y
2. Multiple dwelling, Class B	Y
3. Senior housing facility	CC
B. COMMUNITY USES	
1. Community center or adult recreational center, nonprofit	CC
2. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y
3. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	Y
4. Child care center or school aged child care program	Y
C. OPEN RECREATIONAL AND AGRICULTURAL USES	
1. Private open recreational uses, available to the public	CC

2. Public open recreational uses	Y
D. COMMERCIAL USES	
1. Private nonprofit members only recreational club or lodge	CC
2. Trade, professional, or other school operated for profit	Y
E. OFFICE USES	
1. Business, professional, or government office	Y
2. Medical office	CD
3. Bank and other financial institution	CD
F. RETAIL AND SERVICE USES	
1. Retail sales	Y
2. Convenience retail	Y
3. Neighborhood retail	Y
4. Consumer service establishment	CD
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS	
1. Eating place, without drive through	Y
H. MISCELLANEOUS COMMERCIAL USES	
1. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y
2. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	BA
3. Radio and television tower	CC
4. Solar energy system	Y
I. ACCESSORY USES	
1. Home occupation (see §94-3.4) As of right OR by special permit	Y Y
2. Accessory child care center or school aged child care program.	Y
3. Noncommercial greenhouse, tool shed, or similar accessory structure	Y

94-9.2A.6. Dimensional Standards and Requirements. PDD-1 Projects shall be governed by the dimensional regulations and standards set forth below.

STANDARD	REQUIRED/ALLOWED
1. Number of Principal Structures	No limit
2. Minimum Lot Area	10,000 s.f.
3. Lot Area per Dwelling Unit	700 s.f.
4. Minimum Frontage	20'
5. Minimum Lot Width	100'
6. Minimum Lot Depth	70'
7. Maximum Gross Floor Area	No limit
8. Maximum Floor Area Ratio	No limit
9. Minimum Landscaped Open Space to Gross Floor Area	10%
10. Minimum Front Yard	15'
11. Minimum Side Yard	8'
12. Minimum Rear Yard	15'
13. Maximum Lot Coverage	50%
14. Maximum Number of Stories	6
15. Maximum Height	75'
16. Minimum Parking	a. 0.8 space per market-rate dwelling unit b. 0.5 space per affordable dwelling unit c. No required parking for commercial
17. Parking and Circulation Design a. Parking Space Size/Standard b. Parking Space Size/Compact c. Maximum Percentage Compact Spaces d. Parking Access Drive Width (Two-Way) 1. With Parking Spaces opening onto Access Drive 2. Without Parking Spaces opening onto Access Drive e. Parking Access Drive Width (One-Way) 1. With Parking Spaces opening onto Access Drive 2. Without Parking Spaces opening onto Access Drive f. Access Drives at Street Line Width	a. 9'x22' (Parallel); 9'x19' (Angled) b. 8'x17' c. 30% d. 1. 24' Minimum; 2. 20' Minimum e. 1. See §94-6.1.4.8 2. 12' Minimum f. 24' Maximum

94-9.2B PDD-2: MYSTIC AVENUE PLANNED DEVELOPMENT DISTRICT

94-9.2B.1 Purpose and Intent. The Mystic Avenue Planned Development District (“PDD-2”) is adopted in furtherance of the stated purpose and intent set forth Section 94-9.2.1 of this Ordinance. More specifically, the PDD-2 is intended to promote beneficial and appropriate redevelopment of the land within the PDD-2 by allowing flexible design and permitting for certain uses for which increased mass and density may be beneficial if the impacts are appropriately mitigated. The PDD-2 is in an area that transitions from commercial use to residential use and can be developed as a buffer between the predominantly residential neighborhoods on the west and the more industrialized and commercial neighborhoods on the east traversed by busy roadways such as I-93, Mystic Avenue, and the Mystic Avenue Parkway. The zoning district underlying the PDD-2 is Commercial 2 (C-2). Bordering the C-2 district on the west is a General Residence (GR) zoning district.

94-9.2B.2 Overlay District. The PDD-2 is hereby established as an overlay district superimposed over, rather than replacing, the underlying zoning designations of the land LOCATED ON THE CORNER OF Mystic Avenue and Harvard Street and known and numbered as 243 Mystic Avenue, as depicted on the Survey Plan, as defined below. The owner(s) of land within the PDD-2 may choose to develop such land in conformance with either, but not both, of (a) all the controls and processes which govern the underlying zoning, or (b) provided that it obtains a PDD-2 Special Permit within two years of the date of adoption of the PDD-2 Rezoning Ordinance as required by Section 94-9.2.4 of the Ordinance, all the controls and processes contained in this PDD-2 Rezoning Ordinance.

94-9.2B.3 Definitions. Except as otherwise set forth in this Section 94-9.2B, the definitions set forth in Section 94-12.0 shall apply to PDD-2 Projects.

As used herein, the following terms shall be defined as follows:

Cooperation Agreement: An agreement between the Proponent and the City Council entered into pursuant to Section 94-9.2B.7 of the PDD-2 Rezoning Ordinance.

Preliminary Plan: (i) The Preliminary Plan Set; (ii) Memorandum dated June 15, 2023, to the City of Medford Community Development Board (CDB), Project Name: PDD application for VERDYNT Medford Biolab Building; Project Location: 243 Mystic Avenue, Medford MA 02144; Project Number 200.20.23016, Purpose: Narrative Submittal for PDD Legal Notice; and (iii) a report entitled “Transportation Impact Assessment, Proposed Laboratory Building, 243 Mystic Avenue, Medford, Massachusetts,” prepared for 243 Mystic Ave LLC by Vanasse & Associates Inc., dated June 2023.

Preliminary Plan Set: (i) the Survey Plan; (ii) the set of plans entitled “Proposed Site Plan, 243 Mystic Avenue (Tax Map T-10 Lot 708),” prepared by Engineering Alliance, Inc. dated June 15, 2023, comprising four sheets designated Sheets C-2 through C-5; and (iii) a set of plans entitled “243 Mystic Ave. Medford, MA,” prepared by Ci, dated June 19, 2023, comprising four sheets (Floor Plans, Elevations, Building Sections, and Site Plan).

Survey Plan: The plan entitled, “Site Plan of Land, 243 Mystic Ave, Medford, MA., (Middlesex County),” prepared by Medford Engineering & Survey, Angelo B. Veneziano Associates, and

Engineering Alliance, Inc., dated November 19, 2022, File No. 21695, comprising one sheet designated Sheet C-1.

PDD-2 Project: The project that is depicted on the Preliminary Plan, as finalized through the Site Development and Use Plan.

PDD-2 Rezoning Ordinance: This Section 94-9.2B of the Ordinance.

PDD-2 Special Permit: The special permit required from the City Council in accordance with Section 94-9.2.7 of the Ordinance and Section 94-9.2B.4 of this PDD-2 Rezoning Ordinance.

Proponent: The applicant or developer of a proposed PDD-2 Project or any phase or portion thereof.

Site Development and Use Plan: The final plan proposed for approval through a PDD-2 Special Permit, containing all the elements of a Preliminary Plan set forth in Section 94-9.2.5 of the Ordinance. Updated plans and other components of the Preliminary Plan may be used for this purpose.

94-9.2B.4. PDD-2 Special Permit. In accordance with Section 94-9.2, a PDD-2 Project shall require issuance of a special permit from the City Council as the Special Permit Granting Authority (“SPGA”). Issuance of a PDD-2 Special Permit shall be considered a master permit for development of the PDD-2 Project. In addition to the criteria for approval set forth in Section 94-9.2.7, the City Council must find that the following conditions are met before issuing a PDD-2 Special Permit or incorporate conditions into the PDD-2 Special Permit or Cooperation Agreement, as the case may be, that if satisfied will cause the following conditions to be met:

1. The Site Development and Use Plan substantially conforms to the Preliminary Plan.
2. Any differences between the Preliminary Plan and the Site Development and Use Plan are insubstantial. A change shall be deemed insubstantial if it does not cause a new impact not adequately mitigated or compensated for by any single or combination of the following: (a) other changes in the Site Development and Use Plan designed to offset any new impacts; (b) provisions of a Cooperation Agreement, if applicable; or (c) conditions of the PDD-2 Special Permit.
3. The PDD-2 Project meets the special permit criteria set forth in Section 94-11.6.2 of the Ordinance and the standards for approval set forth in Section 94-11.7.10 of the Ordinance.
4. The Site Development and Use Plan incorporates the recommendations of the Community Development Board pursuant to site plan review to the greatest extent practical or, if it does not incorporate a recommendation, it incorporates an alternative measure satisfactory to City Council.

94-9.2B.5. PDD-2 Special Permit Application Requirements. In addition to the Site Development and Use Plan, an application for a PDD-2 Special Permit shall include the following:

1. An application fee calculated in the same manner as the application fee for the PDD-2 Rezoning Ordinance.
2. A report identifying any significant differences between the Preliminary Plan and the Site Development and Use Plan, including tables, figures and graphics as may be helpful to understanding and (where appropriate) visualizing these differences.
3. A table listing all uses proposed for the PDD-2 Project and plans or other graphics identifying the location of these uses in the proposed building or on the project site.
4. If applicable, a draft Cooperation Agreement.

94-9.2B.6. Site Plan Review. Prior to or contemporaneous with review of the PDD-2 Special Permit application, the Site Use and Development Plan shall undergo site plan review with the Community Development Board pursuant to Section 94-11.7. In carrying out site plan review, the Community Development Board (a) shall waive any technical application requirements that are satisfied by the Site Development and Use Plan and/or the application for the PDD-2 Special Permit, if one has been filed, and may waive any other technical application requirements in its discretion; (b) shall not recommend conditions of approval to the City Council that directly contravene the PDD-2 Rezoning Ordinance; and (c) shall keep in mind the purposes of the PDD-2 Rezoning Ordinance. To facilitate contemporaneous review of the site plan and the PDD-2 Special Permit application, the Community Development Board and the City Council may schedule one or more joint hearings in which both the board and the council participate, provided that a quorum of both the board and the council are present.

94-9.2B.7. Cooperation Agreement. To facilitate the expeditious review of a PDD-2 Special Permit Application while mitigating any project impacts and committing to certain project benefits, a Proponent may, at its option, offer to enter into a cooperation agreement, which, if acceptable to City Council, would be executed simultaneously with, and incorporated into, the PDD-2 Special Permit. If the Proponent opts to proceed under this Section 94-9.2B.7, it shall first reach agreement on the terms of the Cooperation Agreement with relevant City staff and consultants to the maximum extent possible and shall include, with its PDD-2 Special Permit application, (a) a draft Cooperation Agreement; (b) a description of any issues on which the Proponent and City staff and consultants were not able to reach agreement; and (c) a narrative, which may be in the form of a table, identifying the Proponent's position and the City staff or consultant's position on these issues. The City Council shall not be obligated to enter into any cooperation agreement and may opt to address issues in the PDD-2 Special Permit instead. The intent of this Section 94-9.2B.7, however, is to facilitate and maximize cooperative efforts between the City and the Proponent to address the potential impacts and benefits of a PDD-2 Project.

94-9.2B.8. Linkage. A PDD-2 Project that meets the definition of "Major Project" set forth in Section 94-11.7.2 of the Ordinance shall be subject to Section 94-10.0 of the Ordinance,

Development Linkage Fees. Prior to the issuance of a building permit authorized by a PDD-2 Special Permit, the Proponent and the Office of Planning, Development & Sustainability may enter into a written agreement allowing the Proponent to complete in-kind work, including, but not limited to, park, pedestrian safety, or streetscape improvements, in lieu of the payment of a Development Linkage Fee.

94-9.2B.9. Table of Use Regulations. Individual uses within a PDD-2 Project shall be governed by the following Table of Use Regulations. Uses not specifically listed shall be deemed prohibited, except uses protected under G.L. c.40A, §3 or other state or federal law. Uses permitted by right in the PDD-2 are designated by the letter (Y). Uses that may be permitted by special permit in the PDD-2 shall be designated by identification of the Special Permit Granting Authority, which is either:

BA Board of Appeals

CD Community Development Board

CC City Council

Each specific use within the PDD-2 Project shall separately be subject to the use regulations set forth in Section 94-9.2B.5 and may require additional special permit relief where indicated therein. For any use within a PDD-2 Project that requires a special permit from City Council, the Proponent may choose to request approval of such use in its application for the PDD-2 Special Permit.

A. RESIDENTIAL USES	
1. Senior housing facility	CC
B. COMMUNITY USES	
1. Museum	CC
2. Community center or adult recreational center, nonprofit	CC
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	CC
4. Childcare center or school aged childcare program	CC
5. Public fire station	Y
6. Other Municipal uses	Y
7. Essential Services	BA
8. Other Institution	CC
C. COMMERCIAL USES	
1. Private entertainment or recreation facility excluding adult uses	CC
2. Brewery or taproom	CC
D. OFFICE USES	
1. Business, professional, or government office	CC

2. Business, professional, or government office, large	CC
3. Medical office	CC
4. Laboratory office	Y
E. RETAIL AND SERVICE USES	
1. Retail Sales	CC
2. Convenience retail	CC
3. Neighborhood retail	CC
4. Consumer service establishment	CC
F. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS	
1. Eating place, without drive through	CC
G. MISCELLANEOUS COMMERCIAL USES	
1. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y
2. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	CC
3. Solar energy system	CC
H. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES	
2. Printing and Publishing	CC
4. Manufacturing	CC
5. Research and testing laboratory	Y
11. Scientific research and development	Y
I. ACCESSORY USES	
1. Accessory childcare center or school aged childcare program	CC
2. Family day care home	BA
3. Family day care home, large	BA
4. Adult day care home	BA
5. Noncommercial greenhouse, tool shed, or similar accessory structure	CC
6. Scientific research and development	Y
7. Keno	CC

94-9.2B.10. Dimensional Standards and Requirements. PDD-2 Projects shall be governed by the dimensional regulations and standards set forth below.

STANDARD	REQUIRED/ALLOWED
1. Number of Principal Structures	No limit
2. Minimum Lot Area	8,000 s.f.
3. Lot Area per Dwelling Unit	N/A
4. Minimum Frontage	35 feet
5. Minimum Lot Width	N/A
6. Minimum Lot Depth	N/A
7. Maximum Gross Floor Area	No limit
8. Maximum Floor Area Ratio	No limit
9. Minimum Landscaped Open Space to Gross Floor Area	0%
10. Minimum Front Yard	N/A
11. Minimum Side Yard	N/A
12. Minimum Rear Yard	N/A
13. Maximum Lot Coverage	100%
14. Maximum Number of Stories, including penthouses and levels predominantly containing mechanical equipment shall be counted as stories	10
15. Maximum Height, including mechanical equipment	160 feet
16. Minimum Parking	1 per 3,200 s.f.
17. Parking Design	
a. Parking Space Size/Standard	a. 9'x22' (Parallel); 9'x19' (Angled)
b. Parking Space Size/Compact	b. 8'x17'
c. Maximum Percentage Compact Spaces	c. 30%
d. Parking Access Drive Width (Two-Way)*	d. 24' Minimum; 18' Minimum
e. Parking Access Drive Width (One-Way)	e. 12' Minimum
18. Required Number of Loading Spaces	1

94-9.2B.11. Mechanical Equipment. All mechanical equipment shall be contained within the building, except that mechanical equipment located on the rooftop may instead be screened on all sides so as to appear to be contained in the building, or screened in another manner acceptable to the City Council as approved in the PDD-2 Special Permit, subject to the following exceptions: (i) containment or screening of mechanical equipment is not required if it substantially impairs the functionality and performance of the equipment, and (ii) the City Council, in the PDD-2 Special Permit, may permit certain mechanical equipment not to be contained within the building or screened if this does not significantly impair the aesthetic appearance of the building. For the avoidance of doubt, the mechanical equipment depicted behind screening on the roof in the Preliminary Plan Set shall be deemed “screened on all sides so as to appear to be contained in the building” for purposes of this paragraph 94-9.2B.11.

94-9.2B.12. Interpretation; Waiver. Where a direct conflict exists between the provisions of the PDD-2 Rezoning Ordinance and other provisions of the Ordinance, the provisions of the PDD-2 Rezoning Ordinance shall take precedence. Where no direct conflict exists, the provisions of the PDD-2 Rezoning District and other provisions of the Ordinance shall be construed harmoniously to achieve the purposes of the PDD-2 Rezoning Ordinance. The applicability of certain crucial provisions of the Ordinance (*e.g.*, Section 94-10.0 of the Ordinance, Development Linkage Fees) are expressly addressed in this PDD-2 Rezoning Ordinance for avoidance of doubt, but the failure to expressly incorporate a provision of the Ordinance herein does not mean that it does not apply: there shall be no exclusion by omission. Accordingly, unless expressly made inapplicable by this PDD-2 Rezoning Ordinance or directly inconsistent with this PDD-2 Rezoning Ordinance (*e.g.*, the maximum height limit in the Ordinance differs from the maximum height limit in the PDD-2 Rezoning Ordinance), the provisions of the Ordinance shall apply to a PDD-2 Project. Notwithstanding the foregoing, except where an Ordinance is expressly made applicable by this PDD-2 Rezoning Ordinance, the City Council may, in the PDD-2 Special Permit, waive provisions of this Ordinance where it finds that the waiver is consistent with the purposes of this PDD-2 Rezoning Ordinance.

94-9.2C PDD-3: WALKLING COURT PLANNED DEVELOPMENT DISTRICT

94-9.2C.1 Purpose and Intent. The Walkling Court Planned Development District (“PDD-3”) is adopted in furtherance of the stated purpose and intent set forth Section 94-9.2.1 of this Ordinance. More specifically, the PDD-3 is intended to aid in the goal, as laid out in the 2023 Medford Comprehensive Plan, of adding a minimum of 600 subsidized housing units to the Court by FY2025. The proposed redevelopment and addition of new units on the Walkling Court site was a key component of the City of Medford Housing Production Plan FY 2021-2025, as approved by the City Council on September 27, 2022, in addressing the shortage of affordable housing in Medford. The PDD-3 Project will add an additional 94 affordable apartments to the already existing 114 units on the site, meeting over 15% of the 2025 goal set out by the City. Additionally, the lot is suitable for such redevelopment given its proximity to industrial, commercial, and residential zoning districts, thereby promoting beneficial development of land.

94-9.2C.2 Overlay District. The PDD-3 is hereby established as an overlay district superimposed over, rather than replacing, the underlying zoning designations of the land known and numbered as 3-20 Walkling Court, as depicted on the Survey Plan, as defined below. The owner(s) of land within the PDD-3 may choose to develop such land in conformance with either, but not both, of (a) all the controls and processes which govern the underlying zoning, or (b) provided that it obtains a PDD-3 Special Permit within two (2) years of the date of adoption of the PDD-3 Rezoning Ordinance as required by Section 94-9.2.4 of the Ordinance, all the controls and processes contained in this PDD-3 Rezoning Ordinance.

94-9.2C.3 Definitions. Except as otherwise set forth in this Section 94-9.2C, the definitions set forth in Section 94-12.0 shall apply to PDD-3 Projects.

As used herein, the following terms shall be defined as follows:

Cooperation Agreement: An agreement between the Proponent and the City Council entered into pursuant to Section 94-9.2C.7 of the PDD-3 Rezoning Ordinance.

Preliminary Plan: The preliminary plan submitted pursuant to Section 94-9.2.5.2.

Survey Plan: The plan entitled, “Preliminary Site Construction Plans” prepared by Fuss & O’Neill, Inc., comprising of [] sheets designated Sheets [] through [].

PDD-3 Project: The project that is depicted on the Preliminary Plan, as finalized through the Site Development and Use Plan.

PDD-3 Rezoning Ordinance: This Section 94-9.2C of the Ordinance.

PDD-3 Special Permit: The special permit required from the City Council in accordance with Section 94-9.2.7 of the Ordinance and Section 94-9.2C.4 of this PDD-3 Rezoning Ordinance.

Proponent: The applicant or developer of a proposed PDD-3 Project or any phase or portion thereof.

Site Development and Use Plan: The final plan proposed for approval through a PDD-3 Special Permit, containing all the elements of a Preliminary Plan set forth in Section 94-9.2.5 of the Ordinance. Updated plans and other components of the Preliminary Plan may be used for this purpose.

Lot Line, Front: the front lot line for the PDD-3 shall be located along North Street, Medford.

94-9.2C.4. PDD-3 Special Permit. In accordance with Section 94-9.2, a PDD-3 Project shall require issuance of a special permit from the City Council as the Special Permit Granting Authority (“SPGA”). Issuance of a PDD-3 Special Permit shall be considered a master permit for development of the PDD-3 Project. In addition to the criteria for approval set forth in Section 94-9.2.7, the City Council must find that the following conditions are met before issuing a PDD-3 Special Permit or incorporate conditions into the PDD-3 Special Permit or Cooperation Agreement, as the case may be, that if satisfied will cause the following conditions to be met:

1. The Site Development and Use Plan substantially conforms to the Preliminary Plan.
2. Any differences between the Preliminary Plan and the Site Development and Use Plan are insubstantial. A change shall be deemed insubstantial if it does not cause a new impact not adequately mitigated or compensated for by any single or combination of the following: (a) other changes in the Site Development and Use Plan designed to offset any new impacts; (b) provisions of a Cooperation Agreement, if applicable; or (c) conditions of the PDD-3 Special Permit. The SPGA may approve substantial changes from the Preliminary Plan if it determines such changes to be in the public interest.

3. The PDD-3 Project meets the special permit criteria set forth in Section 94-11.6.2 of the Ordinance and the standards for approval set forth in Section 94-11.7.10 of the Ordinance.
4. The Site Development and Use Plan incorporates the recommendations of the Community Development Board pursuant to site plan review consistent with the purpose and intent of the PDD-3 or, if it incorporates an alternative measure satisfactory to City Council.

94-9.2C.5. PDD-3 Special Permit Application Requirements. In addition to the Site Development and Use Plan, an application for a PDD-3 Special Permit shall include the following:

1. An application fee calculated in the same manner as the application fee for the PDD-3 Rezoning Ordinance.
2. A report identifying any significant differences between the Preliminary Plan and the Site Development and Use Plan, including tables, figures and graphics as may be helpful to understanding and (where appropriate) visualizing these differences.
3. A table listing all uses proposed for the PDD-3 Project and plans or other graphics identifying the location of these uses in the proposed building(s) or on the project site.
4. If applicable, a draft Cooperation Agreement.

94-9.2C.6. Site Plan Review. Prior to or contemporaneous with review of the PDD-3 Special Permit application, the Site Use and Development Plan shall undergo site plan review with the Community Development Board pursuant to Section 94-11.7. In carrying out site plan review, the Community Development Board (a) shall waive any technical application requirements that are satisfied by the Site Development and Use Plan and/or the application for the PDD-3 Special Permit, if one has been filed, and may waive any other technical application requirements in its discretion; (b) shall not recommend conditions of approval to the City Council that directly contravene the PDD-3 Rezoning Ordinance; and (c) shall take account of the purposes of the PDD-3 Rezoning Ordinance. To facilitate contemporaneous review of the site plan and the PDD-3 Special Permit application, the Community Development Board and the City Council may schedule one or more joint hearings in which both the board and the council participate, provided that a quorum of both the board and the council are present.

94-9.2C.7. Cooperation Agreement. To facilitate the expeditious review of a PDD-3 Special Permit Application while mitigating any project impacts and committing to certain project benefits, a Proponent may, at its option, offer to enter into a cooperation agreement, which, if acceptable to City Council, would be executed simultaneously with, and incorporated into, the PDD-3 Special Permit. If the Proponent opts to proceed under this Section 94-9.2C.7, it shall first reach agreement on the terms of the Cooperation Agreement with relevant City staff and consultants to the maximum extent possible and shall include, with its PDD-3 Special Permit application, (a) a draft Cooperation Agreement; (b) a description of any issues on which the

Proponent and City staff and consultants were not able to reach agreement; and (c) a narrative, which may be in the form of a table, identifying the Proponent's position and the City staff or consultant's position on these issues. The City Council shall not be obligated to enter into any cooperation agreement and may opt to address issues in the PDD-3 Special Permit instead. The intent of this Section 94-9.2C.7, however, is to facilitate and maximize cooperative efforts between the City and the Proponent to address the potential impacts and benefits of a PDD-3 Project.

94-9.2C.8. Inclusionary Housing. The special permit requirements of Section 94-8.1 of the Ordinance shall be satisfied by the issuance of a PDD-3 Special Permit, which may include one or more conditions relative to affordability of the units within the PDD-3 Project and cooperation in ensuring inclusion of such units on the City's Subsidized Housing Inventory. A PDD-3 Project shall satisfy the affordability restrictions and regulatory requirements set forth in Section 94-8.1

94-9.2C.9. Table of Use Regulations. Individuals uses within a PDD-3 Project shall be governed by the following Table of Use Regulations. Uses permitted by right in the PDD-3 are designated by the letter (Y). Uses not specifically listed shall be deemed prohibited, except uses protected under G.L. c.40A, §3 or other state or federal law and permitted as of right in an Apt-1 District under the Ordinance. The City Council shall be the Special Permit Granting Authority for any uses that may be permitted by special permit in the PDD-3, and such uses shall be designated as "CC" in said table.

Each specific use within the PDD-3 Project shall separately be subject to the use regulations set forth in Section 94-9.2C.9 and may require additional special permit relief where indicated therein. For any use within a PDD-3 Project that requires a special permit, the Proponent may choose to request approval of such use in its application for the PDD-3 Special Permit.

	PDD
A. RESIDENTIAL USES	
1. Detached single family dwelling	Y
2. Attached single family dwelling:	
Two dwelling structure	Y
Three or more dwelling structure	Y
3. Detached two-family dwelling	Y
4. Multiple dwelling, Class A	Y
5. Multiple dwelling, Class B	Y
6. Dormitory, fraternity, or sorority house	CC
7. Lodging or boarding house	CC
8. Senior Housing Independent Living Facility	Y
9. Senior housing facility	CC

General office use accessory to a permitted residential use is permitted as of right in the PDD-3 provided that such use is clearly incidental and secondary to the residential use, is confined to the interior of any permitted building, is to service the occupants of the residential use, and there is no external advertising.

94-9.2C.10. Dimensional Standards and Requirements. PDD-3 Projects shall be governed by the dimensional regulations and standards set forth below.

STANDARD	REQUIRED/ALLOWED
1. Maximum No. Of Principal Structures	No limit
2. Minimum Lot Area, Per Dwelling Unit (sf)	750 per dwelling unit
3. Minimum Lot Area, Total (sf)	10,000
4. Minimum Frontage	35 feet
5. Minimum Lot Width	35 feet
6. Minimum Lot Depth	75 feet
7. Maximum Gross Floor Area	N/A
8. Maximum Floor Area Ratio	N/A
9. Open Space, Landscaped	10% of gross floor area
10. Open Space, Useable	10% of gross floor area
11. Minimum Front Yard	15 feet
12. Minimum Side Yard	10 feet
13. Minimum Rear Yard	15 feet
14. Maximum Lot Coverage	35%
15. Maximum Height (ft)	75 for Multiple Dwelling 35 for Attached Single Family Dwelling
16. Maximum Number of Stories	6 for Multiple Dwelling 3 for Attached Single Family Dwelling
17. Minimum Parking	0.5 spaces per unit
18. Required Number of Loading Spaces	N/A

94-9.2C.11. Principal Structures on Lot. More than one principal structure shall be permitted on the same lot in the PDD-3. Each structure shall be located at a distance of at least fifteen (15) feet from any other principal structure on such lot.

94-9.2C.12. Parking Area Setbacks. No setback shall be required for parking spaces or areas located in front yard of any lot in the PDD-3.

94-9.2C.13. Screening of Mechanical Equipment. All mechanical equipment contained outside of any building, whether located on the rooftop or at ground level, shall be appropriately screened to the extent necessary to minimize equipment is not required if it substantially impairs the functionality and performance of the equipment, or (ii) the City Council, in the PDD-3 Special Permit, permits certain mechanical equipment not to be contained within any building or screened if this does not significantly impair the aesthetic appearance of any building.

94-9.2C.14. Interpretation Waiver. Where a direct conflict exists between the provisions of the PDD-3 Rezoning Ordinance and other provisions of the Ordinance, the provisions of the PDD-3 Rezoning shall take precedence. Where no direct conflict exists, the provisions of the PDD-3 Rezoning Ordinance and other provisions of the Ordinance shall be constructed harmoniously to achieve the purpose of the PDD-3 Rezoning Ordinance. The applicability of certain crucial

provisions of the Ordinance are expressly addressed in this PDD-3 Rezoning Ordinance for avoidance of doubt, but the failure to expressly incorporate a provision of the Ordinance herein does not mean that it does not apply: there shall be no exclusion by omission. Accordingly, unless expressly made inapplicable by this PDD-3 Rezoning Ordinance or directly inconsistent with this PDD-3 Rezoning Ordinance (*e.g.*, the percentage of useable open space in Ordinance differs from the percentage of usable open space in the PDD-3 Rezoning Ordinance), the provisions of the Ordinance shall apply to a PDD-3 Project. Notwithstanding the foregoing, except where an Ordinance is expressly made applicable by this PDD-3 Rezoning Ordinance, the City Council may, in the PDD-3 Special Permit, waive provisions of this Ordinance where it finds that the waiver is consistent with the purposes of this PDD-3 Rezoning Ordinance.

94-9.3 WELLINGTON STATION MULTI-FAMILY OVERLAY DISTRICT

94-9.3.1. Purpose. The purpose of the Wellington Station Mutli-family Overlay District (WSMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels.
2. Locate housing within walking distance of public transit to promote public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
3. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.

94-9.3.2. Establishment and Applicability. This WSMOD is an overlay district having a land area of approximately 138 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

1. **Applicability of WSMOD.** An applicant may develop multi-family housing located within a WSMOD in accordance with the provisions of Section 94-9.3.
2. **Underlying Zoning.** The WSMOD is an overlay district superimposed on underlying zoning districts. The regulation for use, dimension, and all other provisions of the Zoning Ordinance governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the WSMOD. Uses that

are not identified in Section 94-9.3.5 are governed by the requirements of the underlying zoning district(s).

94-9.3.3. Definitions. For purposes of this Section 94-9.3, the following definitions shall apply.

1. **Active Ground Floor Use.** Active ground-floor uses are those that promote significant pedestrian traffic in and out of the ground floor. These uses can include restaurant, retail, personal services, and lobbies for office and residential uses that also serve other active uses. The active ground floor spaces should be directly accessible from the sidewalk or a public open space.
2. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, Special Permit, or other zoning relief.
3. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
4. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking. Building coverage also does not include any portion of the building above the ground floor that overhangs such ground floor. If the overhang does not exceed 10% of the footprint of the ground floor of the building, then the overhang is not part of the calculation of building coverage. Overhangs greater than 10% are counted as part of the building coverage.
5. **Private entertainment/recreational facility.** A type of Retail or Consumer Service Establishment whose principal use is to provide entertainment or recreation services to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit, such as but not limited to a bowling alley, rock climbing gym, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, or game room.
6. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
7. **Development Incentive Bonus.** An incentive that allows one or two additional stories in exchange for incorporating provisions into the development that provide community

benefits and support City goals as provided for in Section 94-9.3.5.2 Development Incentive Bonuses

8. **Development Standards.** Provisions of Section 94-9.3.5 Dimensional Standards made applicable to projects within the WSMOD.
9. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
10. **Mixed-use development.** Development containing a mix of residential uses and nonresidential uses, including commercial, institutional, industrial, or other uses.
11. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
12. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
13. **Open Space.** Contiguous undeveloped land within a parcel boundary.
14. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a

parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

15. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

16. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

17. **Section 3A.** Section 3A of the Zoning Act.

18. **Site Plan Review.** A comprehensive review procedure established by local ordinance by which a Site Plan Review Authority reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.

19. **Site Plan Review Authority.** The Site Plan Review Authority shall be the Community Development Board.

20. **Special permit granting authority.** The Special Permit Granting Authority shall be the Community Development Board for the issuance of special permits in the Wellington Multi-Family Overlay District (WSMOD).

94-9.3.4. Table of Uses and Parking Regulations.

	WSMOD
A. RESIDENTIAL USES	
8. Senior housing facility	Y
9. Multi-family	Y
B. COMMUNITY USES	
2. Community center or adult recreational center, nonprofit	Y
5. Child care center or school aged child care program	Y
C. COMMERCIAL USES	
1. Private entertainment or recreational facility excluding adult uses	Y
6. Hotel, large	Y
9. Brewery or taproom ¹	Y
D. OFFICE USES	
1. Business, professional, or government office	Y
2. Business, professional, or government office, large	Y
3. Medical office	CD
4. Bank and other financial institution	CD
F. RETAIL AND SERVICE USES	
1. Retail sales ²	Y

2. Convenience retail ²	Y
3. Neighborhood retail	Y
4. Drive through retail and consumer service	CD
5. Consumer service establishment	Y
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS	
1. Eating place, without drive through	Y
2. Eating place, with drive through	CD
I. MISCELLANEOUS COMMERCIAL USES	
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	Y
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES	
6. Research and testing laboratory	Y
K. ACCESSORY USES	
1. Home occupation (see §94-3.4), As of right	Y
2. Accessory child care center or school aged child care program	Y
7. Noncommercial greenhouse, tool shed, or similar accessory structure	Y
8. Swimming pool, on a lot with more than 4,500 sq. ft.	Y
9. Scientific research and development, as provided at section 94-3.3.3.1	Y

94.9.3.5. Dimensional Standards

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the WSMOD are as follows:

Baseline Standards	
Minimum Lot Size (SF)	7,000 s.f.
Maximum Building Coverage (%)	80%
Maximum Height	
Stories (minimum)	2
Stories (maximum)	4
Stories (maximum with bonus incentives)	9
Feet (maximum)	80'
Feet (maximum with bonus incentives)	140'
Front Yard Setback (a,b)	
Min. To Max. (ft.)	0 to 15 feet.

Side Yard Setback (a,b,c)	
Corner (ft.)	Same as front yard setback
Interior (ft.)	0 to 10 feet.
Rear Yard Setback (c,d)	
Min. To Max. (ft.)	10 feet to 40 feet.

- a. The building façade must be set back from the lot line at a distance sufficient to create a 12-15-foot sidewalk in conjunction with an existing City sidewalk. A maximum setback of an additional ten feet is allowed for the purpose of creating an active public plaza.
- b. The required setback distances may be waived to allow for a cut-out along the curb for loading and short-term parking for deliveries or drop-off/pick-up zones. Such a cut-out must be coordinated with City staff. The required setback distance may also be waived to allow a development to meet the requirements of Chapter 91.
- c. A setback next to an existing lot with a residential use of fewer than 5 units must include a landscaped buffer at least 10 feet wide or a fence of eight feet in height a minimum of five feet from the lot line. The area between the lot line and the fence must be landscaped. The property owner must maintain the buffer, landscaping, and fence, as applicable.
- d. Deeper setbacks are encouraged along the rail line.
- e. For any lot subject to a building restriction held by a state agency, including, but not limited to, an easement, a taking, or deed restriction, the maximum front and rear yard setbacks shall be the minimum setback allowed by the state-agency held restriction for the applicable lot line.

2. Table of Development Incentive Bonuses. In exchange for incorporating certain provisions that further the City’s goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for certain development permissions beyond what is allowed as of right.

Development Incentive Bonuses	
Provide active ground floor space at no less than 75% of the ground floor.	1 additional story
Provide a minimum of 50% or the ground floor at rents no less than 15% below market for a minimum tenancy of three years to qualified nonresidential tenants (nonprofits, local business under 10 employees)	1 additional story
Affordability Requirements	
• Designate 20% of the total required affordable units at or below 65% AMI, OR • Designated 30% of the total required affordable units at or below 65% AMI	1 additional story OR 2 additional stories

• Provide an additional 20% additional affordable units above the required number, OR • Provide an additional 30% additional affordable units above the required number,	1 additional story OR 2 additional stories
Building is certified as Net Zero Emissions Building	1 additional story
Development is: Certifiable as LEED Gold or equivalent standard, OR Certifiable as LEED Platinum or equivalent standard	1 additional story OR 2 additional stories

3. **Multi-Building Lots.** In the WSMOD, lots may have more than one principal building.

4. **Exceptions.** The limitation on height buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of ground floor area of the building.

5. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in Section 94-9.3.5 Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-storage heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

94-9.3.6. Off-Street Parking Refer to existing parking. Development in the WSMOD is subject to the requirements of Section 94-6.1 Parking and Loading except for the provisions below.

1. **Number of parking spaces.** The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces	Maximum Spaces
Multi-family	0.5 spaces per dwelling unit	1.2 spaces per dwelling unit

2. **Number of bicycle parking spaces.** The following minimum numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per dwelling unit
Mixed-Use (Non-residential)/Commerical	0.5 spaces per 1,000 SF

3. **Bicycle storage.** For a multi-family development or a mixed-use development, a minimum of 50% of the required bicycle spaces shall be covered or integrated into the structure of the building(s). E-bike storage is only permitted in an area that is separated from the dwelling units by a fire-rated structure.

4. **Number of electric vehicle (EV) charging stations.** For all uses within the WSMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations.

94-9.3.7. Design Guidelines and General Development Standards.

1. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this WSMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable.
2. Development standards in the WSMOD are applicable to all projects submitted under this WSMOD. These standards are components of the Site Plan Review process in Section 94-9.3.9 Site Plan Review.

3. Site Design.

- a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
- b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged. Designated drop-off and pick-up areas for deliveries and ridesharing companies should be incorporated to reduce conflicts associated with double-parking and blocking of bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.
- c. **Open Space.** Open Space shall be contiguous and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or public. Public open space shall be in the front or side setback.
- d. **Screening for Surface Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [six (6)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited

- e. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure
- f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- j. **Stormwater management.** Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

4. **Buildings: General.**

- a. **Position relative to principal street.** The primary buildings shall have its principal façade and entrance facing the principal street. See also Section 94-9.3.7.8. Building: Corner Lots.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

5. **Buildings: Multiple buildings on a lot**

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.

- b. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

6. Buildings: Mixed-use development

- a. In a mixed-use building, access to an egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the buildings or within a lobby space shared among different uses.
- b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.

7. Buildings: Shared Outdoor Space. Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

8. Buildings: Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.

- c. Fire exists serving more than one story shall not be located on either street-facing façades.
- 9. **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 94-9.3.5 Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.
- 10. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be setback between the building and any lot line adjacent to the parking right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking Structures.** Above grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses. Ground floor parking levels shall be wrapped with active uses such as commercial/retail, community spaces, or residential amenity spaces. Exposed façades of upper parking levels shall incorporate design treatments such as public art installations, vertical planting, or other architectural features for visual interest and to disguise the parking uses within. Vehicular openings shall have doors.
- 11. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, The Site Plan Review Authority may waive the requirements of this Section 94-9.3.7 Design Guidelines and General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the WSMOD.

94-9.3.8. Affordability Requirements. Development in the WSMOD is subject to the requirements of Section 94-8.1 Inclusionary Housing.

94-9.3.9. Site Plan Review. Development in the WSMOD is subject to the requirements outlined in Section 94-11.7 Site Plan Review.

94-9.3.10. Severability. If any provision of this Section 94-9.3 is found to be invalid by a court of competent jurisdiction, the remainder of Section 94-9.3 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 94-9.3 shall not affect the validity of the remainder of the City of Medford's Zoning.

94-9.4 MYSTIC AVENUE CORRIDOR DISTRICT

94-9.4.1. Purpose. The purpose of the Mystic Avenue Corridor District (MACD) is to allow a mix of uses, including multifamily, commercial, and light industrial to meet the following needs for this corridor:

1. Wider variety of uses and building types to support jobs and economic development near established residential neighborhoods, providing options for living within walking distance of jobs, goods, services.
2. Mixed-use, multifamily, and commercial uses at a density appropriate to a walkable, urban corridor.
3. Design standards to buffer abutting neighborhoods from the higher intensity of uses and reinforce a corridor identity along the length of Mystic Avenue.

94-9.4.2. Applicability. The MACD replaces the existing zoning districts and is shown on the Zoning Map, City of Medford, Massachusetts, as amended. An applicant may develop within this district in accordance with the provisions of Section 94-9.4 and other relevant sections of the Zoning Ordinance.

1. The MACD is comprised of the following subdistricts:
 - a. **Mixed-use 1.** The Mixed-Use 1 Subdistrict allows a mix of residential and commercial uses at a lower scale of building size and massing.
 - b. **Mixed-use 2.** The Mixed-Use 2 Subdistrict allows a mix of residential and commercial uses at a medium scale of building size and massing.
 - c. **Mixed-use 3.** The Mixed-Use 3 Subdistrict allows a mix of residential and commercial uses at the highest scale of building size and massing.
 - d. **Commercial.** The Commercial subdistrict does not include residential uses. The buildings vary in scale and massing. A greater variety of commercial uses are allowed in this district than in the mixed-use districts.

94-9.4.3. Dimensional Requirements and Waivers. The following waivers are available to the Site Plan Review or Special Permit Authority for projects within the MACD.

1. **Front Setbacks.** The building façade must be set back from the lot line at a distance sufficient to create a 12-15-foot sidewalk in conjunction with an existing City sidewalk. A maximum setback of an additional ten feet is allowed for purposes of creating an active public plaza
2. **Side and Rear Setbacks.** A setback next to an existing lot with a residential use of fewer than 5 units must include a landscaped buffer at least 10 feet wide or a fence of eight feet

in height a minimum of five feet from the lot line. The area between the lot line and the fence must be landscaped. The property owner must maintain the buffer, landscaping, and fence, as applicable.

3. **Multi-Building Lots.** In the MACD, lots may have more than one principal building.
4. **Ground Floor Active Use.** Active uses are required on the ground floor of any building abutting Mystic Avenue subject to the percentages set forth in Section 94-4.1 Table of Dimensional Requirements (Table B). Active Uses are defined as arts-related uses, retail (including retail accessory to an artisanal, maker, or manufacturing use), restaurant, personal services, publicly-accessible spaces, residential lobbies and common amenities, and other uses that encourage high levels of pedestrian activity and create a perception of safety.
5. **Transition to adjacent residential districts.** Buildings adjacent to a residential zoning district should step down to the base height required by the subdistrict of the MACD in which the project is located for any buildings between twenty and thirty feet of the rear or side setback abutting a parcel within that residential zoning district. If the side or rear setback is adjacent to an active public way, no stepback is required.
6. **Setbacks for Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 94-4.1 Table of Dimensional Requirements. Otherwise, infill building may match the setback line of either adjacent building or an average of the setback of the two buildings to provide consistency along the street.
7. **Drop-off zone.** The required setback distances may be waived to allow for a cut-out along the curb for loading and short-term parking for deliveries or drop-off/pick-up zones. Such a cut-out must be coordinated with City staff. The required setback distances may also be waived to allow a development to meet the requirements of Chapter 91.
8. **Height Waiver.** The limitation on the height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
9. **Height Waiver 2.** The minimum height requirement may be waived by a Special Permit from the Community Development Board for projects that are consistent with the purpose of the district and the goals of the Medford Comprehensive Plan.
10. **Energy-Efficiency.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in 94-9.4.6 Development Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be

appropriately integrated into the architecture of the building and the layout of the site.
The installations shall not provide additional habitable space within the development.

94-9.4.4. Development Incentives. In exchange for incorporating certain provisions that further the City’s goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for certain development permissions beyond what is allowed as of right. These permissions include one or more additional stories, up to the maximum number of stories allowed in each subdistrict. Additional stories must comply with any setback, setback, or other dimensional requirements and the development and design standards in 94-9.4.6 Development Standards.

Table of Development Incentive Bonuses.						
Affordability Requirements						
Deeper Affordability						
	# of Lots or Units in Proposed Project	Required Minimum/ Total Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI	Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI
1	10-24	10%	8%	2%	5%	5%
2	25-49	13%	8%	5%	6%	7%
3	50+	15%	10%	5%	8%	7%
More Affordable Units						
	# of Lots or Units in Proposed Project	Required Minimum Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI	Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI
1	10-24	10%	3%	13%	5%	15%
2	25-49	13%	3%	16%	5%	18%
3	50+	15%	3%	18%	5%	20%
Community Amenities (privately maintained)						
- Indoor pedestrian seating or outdoor pedestrian plaza - Neighborhood open space: - Pocket Park - Garden - Playground - Skate Park - Fountain/Water element					1 additional half-story for each element	
Low-Income Shared Community Solar					To be confirmed	
Community Amenities (publicly maintained)						
Streetscape Improvements along a public street					1 additional half-story	
Vibrant Neighborhoods						

Parking concealed below grade or within a building structure	1 additional half-story
Provide a minimum of 50% or ground floor at rents no less than 15% below market for a minimum tenancy of three years to qualified nonresidential tenants (nonprofits, local businesses under 10 employees)	1 additional story
Environmental Resilience	
Ideal Green Score	1 additional story
Building is certified at Net Zero Emissions Building	1 additional story
Development is certifiable as LEED Platinum or equivalent standard	1 additional story

94-9.4.5. Design Guidelines and Applicability of Development Standards.

1. **Design Guidelines.** The Community Development Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this MACD. Such Design Guidelines may address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable.
2. **Applicability of Development Standards.** Sections 94-9.4.6 Development Standards shall apply to all projects submitted under this MACD. These standards, along with any Design Guidelines adopted under paragraph 1, above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.

94-9.4.6. Development Standards.

1. **Site Standards.**
 - a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Sidewalk Width.** Along Mystic Avenue, for any lot abutting a public sidewalk that is less than fifteen (15) feet in width, the frontage area must be paved to provide a sidewalk that is at least fifteen (15) feet in total width.
 - c. **Sidewalk Materials.** Sidewalks shall be continuous across driveways, using the same materials and grade and level as the sidewalk on either side of the driveway.
 - d. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged. Curb cuts for one-way access shall be more than twelve (12) feet in width, while curb cuts for two-way traffic shall be no more than

twenty (20) feet in width. Designated drop-off and pick-up areas for deliveries and ride-sharing companies should be incorporated to reduce conflicts associated with double parking and blocking bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.

- e. **Circulation.** Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- f. **Open Space.** Open Space shall be contiguous and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or public. Public open space shall be in the front or side setback. A minimum third of the requested open space, permeable, shall be landscaped.
- g. **Screening for Surface Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.
- h. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- i. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- j. **Lighting.** Light Levels shall meet or exceed the minimum design guidelines defined by Illuminating Engineering Society of North America (IESNA) and shall be provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- k. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- l. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Dumpsters or other trash and recycling collection points located within the buildings are preferred.
- m. **Stormwater management.** Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of

the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

2. General Building Standards.

- a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

3. Multiple buildings on a lot.

- a. **Location of Mixed Uses.** For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. **Orientation.** The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- c. **Position relative to the street.** Building(s) adjacent to a public street shall have a pedestrian entry facing that public street.

4. Mixed-use development.

- a. **Access.** In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. **Connections.** Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable. Paved surfaces may include pervious paving materials.
- c. **Materials Storage.** Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. **Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

5. **Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
 - a. **Connections.** Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. **Façade Design.** All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. **Fire Exits.** Fire exits serving more than one story shall not be located on either of the street-facing façades.
6. **Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage
 - c. **Parking structures.** Above-grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses. Ground-floor parking levels shall be wrapped with active uses such as commercial/retail, community spaces, or residential amenity spaces. Exposed façades of upper parking levels shall incorporate design treatment such as public art installations, vertical planting, or other architectural features for visual interest and to disguise the parking uses within. Vehicular openings shall have doors.
 - d. **Electric Vehicle (EV) Charging Stations.** One EV charging space is required for every twenty (20) parking spaces, rounded up to the highest number of EV stations.
 - e. **Bicycle parking.** For a multi-family development or mixed-use development, a minimum of 50% of the required bicycle spaces shall be covered or integrated into the structure of the building(s). E-bike storage is only permitted in an area that is separated from the dwelling units by a fire-rated structure.
7. **Waivers.** Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of 94-9.4.6 Development Standards in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the MACD.

94-9.4.7 Affordability Requirements. Development in the MACD is subject to Section 94-8.1 Inclusionary Housing.

94-9.5 SALEM STREET NEIGHBORHOOD CORRIDOR DISTRICT

94-9.5.1. Purpose. The purpose of the Salem Street Neighborhood Corridor District (SSNCD) is to allow a mix of uses, including lower-scale residential, multifamily, and commercial to meet the following needs for this corridor:

1. Wider variety of uses and building types to support jobs and economic development near established residential neighborhoods, providing options for living within walking distance of jobs, goods, and services.
2. Mixed-use, multifamily, and commercial uses at a density appropriate to walkable, urban corridor.
3. Design standards to buffer abutting neighborhoods from the higher intensity of uses and reinforce a corridor identity along the length of Salem Street.

94-9.5.2. Applicability. The SSNCD replaces the existing zoning districts and is shown on the Zoning Map, City of Medford, Massachusetts, as amended. An applicant may develop within this district in accordance with the provisions of Section 94-9.5 and other relevant sections of the Zoning Ordinance.

1. The SSNCD is comprised of the following subdistricts:
 - a. **Multi-unit Residential.** The Multi-unit Residential Subdistrict allows buildings of 2-6 units within a corridor, square, or neighborhood hub district. The intent for this district is to transition from a higher level of development intensity along corridors or within squares to the lower level of adjacent Neighborhood Districts.
 - b. **Mixed-use 1.** The Mixed-Use 1 Subdistrict allows a mix of residential and commercial uses at a lower scale of building size and massing.
 - c. **Mixed-use 2.** The Mixed-Use 2 Subdistrict allows a mix of residential and commercial uses at a medium scale of building size and massing.
 - d. **Commercial.** The Commercial subdistrict does not include residential uses. The buildings vary in scale and massing. A greater variety of commercial uses are allowed in this district than in the mixed-use districts.

94-9.5.3. Dimensional Requirements and Waivers. The following waivers are available to the Site Plan Review or Special Permit Authority for projects within the SSNCD.

1. **Front Setbacks.** The building façade must be set back from the lot line at a distance sufficient to create a 12-foot sidewalk in conjunction with an existing City sidewalk. A

maximum setback of an additional ten feet is allowed for the purpose of creating an active public plaza.

2. **Side and Rear Setbacks.** If the proposed development is adjacent to an existing lot with a residential use of fewer than 5 units, the applicant shall provide a landscaped buffer of at least 10 feet. The property owner shall maintain the buffer and landscaping.
3. **Height Stepback Requirements.** For any lot within the MX-1, MX-2, or Commercial district that abuts a MR, GR, or APT-1 district, a height setback is required along the lot line abutting the residential district. The height stepback is calculated by a 45-degree angle beginning at the third floor and extending to the highest floor of the building in the MX-1, MX-2, or Commercial district. The fourth, fifth, and sixth floors shall not break the plane of that 45-degree angle.
4. **Multi-Buildings Lots.** In the SSNCD, lots may have more than one principal building.
5. **Ground Floor Active Frontage.** Active uses are required on the ground floor of any building with its principal façade parallel to Salem Street subject to the Active Frontage percentages set forth in Section 94-4.1 Table of Dimensional Requirements (Table B). Active uses are defined as arts-related uses, retail (including retail accessory to an artisanal, maker, or manufacturing use), restaurant, personal services, publicly-accessible spaces, residential lobbies and common amenities, and other uses that encourage high levels of pedestrian activity and create a perception of safety.
6. **Setbacks for Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section 94-4.1 Table of Dimensional Requirements. Otherwise, infill buildings may match the setback line of either adjacent building or average of the setback of the two buildings to provide consistency along the street.
7. **Drop-off zone.** The required setback distances may be waived to allow for a cut-out along the curb for loading and short-term parking for deliveries or drop-off/pick-up zones. Such a cut-out must be coordinated with City staff. The required setback distances may also be waived to allow a development to meet the requirements of Chapter 91.
8. **Height Waiver 1.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
9. **Height Waiver 2.** The minimum height requirement may be waived by a Special Permit from the Community Development Board for projects that are consistent with the purpose of the district and the goals of the Medford Comprehensive Plan.
10. **Stepback Waiver.** If a building is subject to a front stepback and rear or side stepbacks, the Community Development Board may waive the strict dimensional requirement of any

of the stepbacks, provided that priority is given to retaining in the stepback(s) in 94-9.5.3.3 Height Stepback Requirements.

11. **Energy-Efficiency.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in 94-9.5.6 Development Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

94-9.5.4. Development Incentives. In exchange for incorporating certain provisions that further the City’s goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for additional stories beyond the base number of stories that are allowed as of right under Section 94-4.1 Table of Dimensional Requirements. However, that total number of stories is limited to the maximum number of stories allowed in each subdistrict, as shown in Section 94-4.1 Table of Dimensional Requirements. Additional stories must comply with any setback, stepback, or other dimensional requirements and the development and design standards in 94-9.5.3 Dimensional Requirements and Waivers and 94-9.5.6 Development Standards

Table of Development Incentive Bonuses.						
Incentive 1: Affordability						
Incentive 1A: Deeper Affordability						
	# of Lots or Units in Proposed Project	Required Minimum/ Total Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI	Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI
1	10-24	10%	8%	2%	5%	5%
2	25-49	13%	8%	5%	6%	7%
3	50+	15%	10%	5%	8%	7%
Incentive 1B: More Affordable Units						
	# of Lots or Units in Proposed Project	Required Minimum Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI	Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI
1	10-24	10%	3%	13%	5%	15%
2	25-49	13%	3%	16%	5%	18%
3	50+	15%	3%	18%	5%	20%
Incentive 2: Community Amenities (privately maintained)						

Indoor pedestrian seating or outdoor pedestrian plaza of at least 300 square feet and accessible to the public during business hours	1 additional quarter-story
- One of the following neighborhood open spaces: - Pocket Park - Garden - Playground - Skate Park	1 additional half-story
Fountain/ Water element (maintenance and repair for the life of the associated building)	1 additional quarter story
Low-Income Shared Community Solar	Incentive to be confirmed
Public Parking	Incentive to be confirmed
Incentive 3: Community Amenities (publicly maintained)	
Streetscape Improvements along a public street	1 additional half-story
Incentive 4: Vibrant Neighborhoods	
Parking concealed below grade or within a building structure	1 additional story
The development project provides a minimum of 50% or ground floor at rents no less than 15% below market for a minimum tenancy of three years to qualified nonresidential tenants (nonprofits, local businesses under 10 employees)	1 additional story
Incentive 5: Environmental Resilience	
The development project meets the Ideal Green Score	1 additional story
The building(s) is/are certified at Net Zero Emissions Building	1 additional story
The development project is certifiable as LEED Platinum or equivalent standard	1 additional story

94-9.5.5. Design Guidelines and Applicability of Development Standards

1. **Design Guidelines.** The Community Development Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this SSNCD. Such Design Guidelines may address the scale and proportions of building, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such a standard or definition clear and understandable.
2. **Applicability of Development Standards.** Section 94-9.5.6 Development Standards shall apply to all projects submitted under this SSNCD. These standards, along with any Design Guidelines adopted under paragraph 1, above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.

94-9.5.6. Development Standards.

1. **Site Standards.**

- a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
- b. **Sidewalk Width.** Along Salem Street, for any lot abutting a public sidewalk that is less than twelve (12) feet in width, the frontage area must be paved to provide a sidewalk that is at least twelve (12) feet in total width.
- c. **Sidewalk Materials.** Sidewalks shall be continuous across driveways, using the same materials and grade and level as the sidewalk on either side of the driveway.
- d. **Vehicular access.** Where feasible curb cuts shall be minimized, and shared driveways encouraged. Curb cuts for one-way access shall be no more than twelve (12) feet in width, while curb cuts for two-way traffic shall be no more than twenty (20) feet in width. Designated drop-off and pick-up areas for deliveries and ride-sharing companies should be incorporated to reduce conflicts associated with double-parking and blocking of bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.
- e. **Circulation.** Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto the public rights-of-way.
- f. **Open Space.** Open Space shall be contiguous and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or public. Public open space shall be in the front or side setback. A minimum third of the requested open space, permeable, shall be landscaped.
- g. **Screening for Surface Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.
- h. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- i. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.

- j. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- k. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- l. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Dumpsters or other trash and recycling collection points located within the building are preferred.
- m. **Stormwater management.** Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

2. General Building Standards

- a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street.
- b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

3. Multiple buildings on a lot.

- a. **Location of Mixed Uses.** For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. **Orientation.** The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- c. **Position relative to the street.** Building(s) adjacent to a public street shall have a pedestrian entry facing that public street.

4. Mixed-use development.

- a. **Access.** In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
 - b. **Connections.** Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable. Paved surfaces may include pervious paving materials.
 - c. **Material Storage.** Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
 - d. **Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
5. **Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
- a. **Connections.** Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. **Façade Design.** All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. **Fire Exits.** Fire exits serving more than one story shall not be located on either of the street-facing façades.
6. **Parking.** Parking shall be subordinate in design and location to the principal building façade.
- a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. **Parking structures.** Above-grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses. Ground-floor parking levels shall be wrapped with active uses such as commercial/retail, community spaces, or residential amenity spaces. Exposed façades of upper parking levels shall incorporate design treatments such as public art installations, vertical planting, or other architectural

features for visual interest and to disguise the parking uses within. Vehicular openings shall have doors.

- d. **Electric Vehicle (EV) Charging Spaces.** One EV charging space is required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.
 - e. **Bicycle parking.** For a multi-family development or a mixed-use development, a minimum of 50% of the required bicycle spaces shall be covered or integrated into the structure of the building(s). E-bike storage is only permitted in an area that is separated from the dwelling units by a fire-rated structure.
7. **Waivers.** Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of 94-9.5.6 Development Standards in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the SSNCD.

94-9.5.7 Affordability Requirements. Development in the SSNCD is subject to the requirements of Section 94-8.1 Inclusionary Housing.

94-9.6 MEDFORD SQUARE CITY HALL OVERLAY DISTRICT

94-9.6.1. Purpose. The purpose of the Medford Square City Hall Overlay District (MSO) is to allow a mix of uses, including lower-scale residential, multifamily, and commercial to meet the following needs for the Square:

- 1. Wide variety of uses and building types to support jobs and economic development near established residential neighborhoods, providing options for living within walking distance of jobs, goods, and services.
- 2. Mixed-use, multifamily, and commercial uses at a density appropriate to walkable, urban corridor.
- 3. To facilitate the redevelopment of multiple City-owned parcels of land within Medford Square.

94-9.6.2. Applicability. The MSO establishes an overlay district to apply over the existing zoning districts and is shown on the Zoning Map, City of Medford, Massachusetts, as amended. An applicant may develop within this district in accordance with the provisions of Section 94-9.6 and other relevant sections of the Zoning Ordinance. Any land contained within the MSO shall be subject to all of the provisions of this Section and only to other sections of this Ordinance where specifically incorporated by reference herein. The provisions of Sections 94-6.2 (Signs), 94-6.1 (Parking and Loading), 94-8.1 (Inclusionary Housing), and 94-11.0 (Administration and Enforcement) shall apply to the MSO.

94-9.6.3. Dimensional Requirements.

1. ***Side and Rear Setbacks.*** If the purposed development is adjacent to an existing lot with a residential use of fewer than five (5) units, the applicant shall provide a landscaped buffer of at least ten (10) feet wide. The property owner shall maintain the buffer and landscaping.
2. ***Multi-Buildings Lots.*** In the MSO, lots may have more than one (1) principal building.
3. ***Ground Floor Active Frontage.*** Active uses are required on the ground floor of any building with its principal façade parallel to Salem Street, High Street, Riverside Avenue, and Clippership Drive subject to the Active Frontage percentages set forth in Section 94-4.1 Table of Dimensional Requirements (Table B). Active uses include retail, restaurant and cafés, personal services, other active commercial uses, publicly-accessible office or residential lobbies, and active building amenity spaces (e.g. gym or residential common space). Where active commercial uses are not feasible, the following may be substituted: residential stoops; a setback of green, open space or public space with seating; landscaping; public art, such as a mural or sculpture; or any use that provides an engaging ground floor.

94-9.6.4 Waivers . The following waivers are available to the Site Plan Review or Special Permit Granting Authority for projects within the MSO

1. ***Height Waiver 1.*** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than twenty-five (25) percent of the ground floor area of the building.
2. ***Height Waiver 2.*** The minimum height requirement may be waived by a Special Permit from the Community Development Board for projects that are consistent with the purpose of the district and the goals of the Medford Comprehensive Plan.
3. ***Drop-off zone.*** The required setback distances may be waived to allow for a cut-out along the curb for loading and short term parking for deliveries or drop-off/pick-up zones. Such a cut-out must be coordinated with City staff. The required setback distances may also be waived to allow a development to meet the requirements of Chapter 91 of Mass. Gen. Laws.
4. ***Energy-Efficiency.*** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in 94-9.6.3 Dimensional Requirements to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

94-9.6.5. Development Standards and Design Guidelines.

1. ***Design Guidelines.*** The Community Development Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this MSO. Such Design Guidelines may address the scale and proportions of building, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such a standard or definition clear and understandable.
2. ***Applicability of Development Standards.*** The below Development Standards shall apply to all projects submitted under this MSO but are waivable by the Community Development Board in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the MSO. These standards, along with any Design Guidelines adopted under 94-6.5.1, above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance and are waivable within those processes.
3. ***Site Standards.***
 - a. *Connections.* Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage and parking.
 - b. *Sidewalk Materials.* Sidewalks shall be continuous across driveways, using the same materials and grade and level as the sidewalk on either side of the driveway. Sidewalk materials shall follow standards set by the City's Department of Engineering.
 - c. *Vehicular access.* Where feasible curb cuts shall be minimized, and shared driveways encouraged. Curb cuts for one-way access shall be no more than twelve (12) feet in width, while curb cuts for two-way traffic shall be no more than twenty (20) feet in width. Designated drop-off and pick-up areas for deliveries and ride-sharing companies should be incorporated to reduce conflicts associated with double-parking and blocking of bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.
 - d. *Circulation.* Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto the public rights-of-way.
 - e. *Open Space.* Open Space shall be contiguous, to the greatest extent feasible, and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or

public. Public open space shall be in the front or side setback. A minimum third (1/3) of the requested open space, permeable, shall be landscaped.

- f. *Screening for Surface Parking.* Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than six (6) feet. The buffer may include a fence or wall of no more than three (3) feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.
- g. *Parking Materials.* The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- h. *Plantings.* Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- i. *Lighting.* Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- j. *Mechanicals.* Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- k. *Dumpsters.* Dumpsters shall be screened by a combination of fencing and plantings. Dumpsters or other trash and recycling collection points located within the building are preferred.
- l. *Stormwater management.* Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

4. ***General Building Standards***

- a. *Position relative to the principal street.* The primary building shall have its principal façade and entrance facing the principal street.

- b. *Entries.* Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

5. ***Multiple buildings on a lot.***

- a. *Location of Mixed Uses.* For a mixed-use development, uses may be mixed within the buildings
- b. *Orientation.* The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- c. *Position relative to the street.* Building(s) adjacent to a public street shall have a pedestrian entry facing that public street.

6. ***Mixed-use development.***

- a. *Access.* In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. *Connections.* Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable. Paved surfaces may include pervious paving materials.
- c. *Material Storage.* Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
- d. *Shared Outdoor Space.* Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

7. ***Corner Lots.*** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- a. *Connections.* Such entries shall be connected by a paved surface to the public sidewalk, if applicable.

8. ***Parking.*** Accessory parking shall be subordinate in design and location to the principal building façade.

- a. *Surface parking.* Surface parking shall be located to the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
- b. *Integrated garages.* The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- c. *Parking structures.* Accessory above-grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses.
- d. *Electric Vehicle (EV) Charging Spaces.* One (1) EV charging space is required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.
- e. *Bicycle parking.* For a multi-family development or a mixed-use development, a minimum of fifty (50) percent of the required bicycle spaces shall be covered or integrated into the structure of the building(s). E-bike storage is only permitted in an area that is separated from the dwelling units by a fire-rated structure.

94-9.7 MEDFORD SQUARE DISTRICT

94-9.7.1 Purpose. The purpose of the Medford Square District (MSD) is to allow a mix of uses, including residential, multifamily, and commercial, to meet the following goals:

- 1. Wider variety of uses and building types to support jobs and economic development near established residential neighborhoods, providing options for living within walking distance of jobs, goods, and services.
- 2. Mixed-use, multifamily, and commercial uses at a density appropriate to the historic walkable, economic centers.
- 3. Development standards to buffer abutting neighborhoods from the higher intensity of uses and reinforce the identity of the Square as a local and regional destination.

94-9.7.2 Applicability. The MSD replaces the existing zoning districts and is shown on the Zoning Map, City of Medford, Massachusetts, as amended. An applicant may develop within this district in accordance with the provisions of Section 94-9.7 and other relevant sections of the Zoning Ordinance.

- 1. The MSD is comprised of the following subdistricts:
 - a. *Medford Square 1.* The Medford Square 1 Subdistrict allows a mix of residential and commercial uses at a lower scale of building size and massing.
 - b. *Medford Square 2.* The Medford Square 2 Subdistrict allows a mix of residential and commercial uses at a medium scale of building size and massing.

- c. *Medford Square 3*. The Medford Square 3 Subdistrict allows a mix of residential and commercial uses at a medium-high scale of building size and massing.
- d. *Medford Square 4*. The Medford Square 4 Subdistrict allows a mix of residential and commercial uses at a higher scale of building size and massing.

94-9.7.3 Dimensional Requirements.

1. The following dimensional requirements apply to the MSD.

Table 9.7-1: Table of Dimensional Requirements for the MSD

	Medford Square District			
	MS-1	MS-2	MS-3	MS-4
Lot Area sf (Min)	3,000	3,000	4,000	4,000
Frontage (Min)	30ft	40ft	40ft	40ft
Façade Build Out (Min)	80%	80%	80%	80%
Active Ground Floor (Min)	60%	60%	60%	60%
Historical Conversion (Max) ¹	Y	Y	Y	Y
Height				
Max Base Height.				
Stories	4 ²	5 ²	7 ²	8
Feet	50 ²	62 ²	86 ²	98
Max Incentive Height (Stories)				
Stories	+1	+2	+2	+5
Feet (total height)	62	86 ²	110 ²	146
Setbacks (ft)³				
Front (Min/Max)	0/20	0/20	0/20	0/20
Side	0	0	0	0
Rear	0	0	0	0
Stormwater and Landscaping				
Building Coverage (Max)	80% ⁴	80% ⁴	90% ⁴	90% ⁴
Green Score: ⁵ Minimum	20	20	20	20
Green Score: ⁵ Ideal	30	30	30	30
Pervious Surface (Min)	20%	20%	10%	10%
Open Space Landscape (Min)	15%	15%	10%	10%

Notes:

¹ The maximum permissible number of dwelling units is determined by dividing the Gross Floor Area of the existing principal structure by six hundred (600) sqft. The size of each individual unit is subject to the requirements of the Building Code. Additions and expansions to the existing building shall not increase the number of units allowed.

² Along the south side of High Street: Within the MS-1, MS-2, and MS-3 subdistricts, the maximum height is limited to four (4) stories [fifty (50) feet]. An additional fifth (5th) and

sixth (6th) story, if allowed in the Table of Dimensional Requirements (Table 9.7-1) must be stepped back a minimum of ten (10) feet. After a distance of 30 feet from the lot line along High Street, the maximum height reverts to the requirements of the subdistrict, as set forth in the Table of Dimensional Requirements (Table 9.7-1). Along the north side of High Street: Any incentive stories must be stepped back a minimum of ten (10) feet from the front lot line.

³ For additional standards and waivers for setbacks, see 94-9.7.3.2 and 94-9.7.4.2. Section 94-4.2.6 does not apply to any development within the MSD.

⁴ The Maximum Building Coverage can be increased to one hundred (100) percent if the development achieves the minimum Green Score.

⁵ The Green Score only applies to the construction of any new principal building or major renovation that:

- a) is located within the FEMA National Flood Hazard Layers; or
- b) requires Site Plan Review.

In those cases, Pervious Surface requirement does not apply.

2. The following additional dimensional requirements apply to the MSD.

- a. *Front Setbacks.* The building façade for new construction shall be set back from the lot line at a distance sufficient to create a twelve (12) foot sidewalk in conjunction with an existing City sidewalk. A maximum setback of twenty (20) feet is allowed to create an active public plaza.
- b. *Side and Rear Setbacks.* If the proposed development is adjacent to a residential district or an existing lot with a residential use of four (4) units or fewer, the applicant shall provide a landscaped buffer of at least ten (10) feet from the lot line. The property owner shall maintain the buffer and landscaping.
- c. *Height Transition to Adjacent Residential Districts.* For any lot within the MSD that abuts a residential district (as defined by Section 94-2.1), a height stepback is required along the side or rear lot line that directly abuts the residential district. The height stepback is calculated by a forty-five (45) degree angle beginning at the third floor and extending to the highest floor of the building in the MSD. The fourth floor and above shall not break the plane of that forty-five (45) degree angle.
- d. *Setbacks for Infill Lots.* If the adjacent buildings are set back more than twenty (20) feet from the front lot line, infill buildings may either comply with the requirements of Table 9.7-1: Table of Dimensional Requirements for the MSD or match the setback line of the adjacent building closest to the front lot line to provide consistency along the street. The deeper setback area shall be either hardscaped or landscaped to provide a pedestrian-oriented amenity.

- e. *Multi-Building Lots.* In the MSD, lots may have more than one (1) principal building.
- f. *Ground Floor Active Frontage.* Active uses are required on the ground floor of any building with its principal façade parallel to Salem Street, High Street, Riverside Avenue, and Clippership Drive (in the MSD) are subject to the Active Frontage percentages set forth in Table 9.7.-1 Table of Dimensional Requirements for the MSD. Active uses include retail, restaurants, cafés, personal services, other active commercial uses, publicly accessible office or residential lobbies, and active building amenity spaces (e.g., gym, residential common space). Where active commercial uses are not feasible, the following may be substituted: residential stoops; a setback of landscaped open space or public space with seating; public art, such as a mural or sculpture; or any other use that provides an engaging ground floor for pedestrian activity.

94-9.7.4 Waivers. The following waivers are available to the Site Plan Review or Special Permit Granting Authority for projects within the MSD, upon a finding that such waiver would not cause substantial detriment to the neighborhood.

1. ***Height Waiver.*** The limitation on the height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than twenty-five (25) percent of the ground floor area of the building
2. ***Height Waiver: Energy-Efficiency.*** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in 94-9.7.3 Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and shall be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
3. ***Height Stepback Waiver.*** If a building is subject to a front stepback and rear or side stepbacks, the Community Development Board may waive the strict dimensional requirement of any of the stepbacks, provided that priority is given to retaining the stepback(s) in 94-9.7.3.2.c Height Transition to Adjacent Residential Districts.
4. ***Setback Waiver: Drop-off zone.*** The required setback distances may be waived to allow for a cut-out along the curb for loading and short-term parking for deliveries or drop-off/pick-up zones. Such a cut-out shall be coordinated with City staff.
5. ***Setback Waiver: Waterways Act.*** The required setback distances may also be waived to allow a development to meet the requirements of MGL Chapter 91.
6. ***Eligible Historic Buildings.*** The Community Development Board may, by special permit, waive the following requirements to incentivize the reuse of eligible historic structures.

- a. *Dimensional Standards.* Structures and sites determined to be an eligible historic building shall be exempt from one (1) or more of the following dimensional requirements: lot size, frontage, building coverage, green score, pervious surface, and open space, landscaped requirements, provided that the exterior is rehabilitated to (i) the Secretary of the Interior's Standards for the Treatment of Historic Properties or (ii) as approved by the Medford Historic Commission and Community Development Board after a public hearing. If the applicant and the Community Development Board agree that the Secretary of the Interior's Standards for the Treatment of Historic Properties are inappropriate for the proposed project, then the Medford Historical Commission shall participate in a joint public hearing with the Community Development Board and provide an advisory opinion on the appropriateness of the proposed changes within fourteen (14) days of the hearing.
- b. *Parking Waiver.* A structure or site determined to be an eligible historic building shall be exempt from all use-based parking space requirements (listed in Section 94-3.2 Table of Use Regulations Table A) provided that the exterior is rehabilitated to the Secretary of the Interior's Standards for the Treatment of Historic Properties, or as approved by the Medford Historic Commission and Community Development Board, as noted in 94-9.7.4.6a.
- c. *Definition of Eligible Historic Building.* For the purposes of this section, an "Eligible Historic Building" is any building or structure that satisfies one (1) or more of the following criteria:
 - i. Listed on the National Register of Historic Places, either individually listed or designated as a contributing structure in a National Register Historic District; or
 - ii. Listed on the State Register of Historic Places; or
 - iii. Has been designated by the Medford Historical Commission as a historically significant building or structure, following a finding by the Commission that such building or structure:
 - 1. Is associated with one (1) or more historical persons or events, or with the cultural, economic, social or political history of the Town or Commonwealth; or
 - 2. Possesses architectural value or significance in terms of period, style, method of construction, or association with a historically prominent architect or builder, either by itself or in conjunction with a group of buildings or structures.
- d. These waivers apply to the existing gross floor area of the eligible historic building. Any addition, expansion, or new construction that increases the gross floor area of the structure shall not benefit from these waivers.

- e. *Effect of Ineligibility Determination.* If the Medford Historical Commission determines that a building or structure does not qualify as an Eligible Historic Building, such building or structure shall not be subject to the City's demolition review process.

94-9.7.5 Use Standards.

1. *Historic Conversion.*

- a. No new dwelling unit created by the conversion of an existing dwelling into a greater number of units or by addition or enlargement of an existing dwelling shall be permitted unless the requirements of minimum lot area, maximum building coverage, and minimum pervious surface requirements of the district in which the structure is located are satisfied after the conversion or enlargement.
- b. The required setbacks shall be those of the structure existing at the time of the conversion. However, any construction occurring outside the limits of the existing structure shall be subject to the setback requirements of the district in which the structure is located.
- c. The maximum height shall be that height permitted in the district in which the structure is located, or the existing building height, whichever is greater.
- d. Open space requirement shall be as required in the district in which the structure is located.
- e. Off-street parking shall be provided as required in Section 94-3.2 Table of Use Regulations (Table A).
- f. There shall not be any changes to the exterior of the structure other than those required by building code.
- g. Each unit shall have an independent entrance directly from outside the building or through a common vestibule. Where feasible, new additional independent entrances accessed directly from outside the building shall not be located on any building wall facing a street.
- h. Fire escapes and outside stairways leading to a second or higher floor shall, where feasible, be located on the rear of the building and shall not be located on any building wall facing a street.

94-9.7.6 Development Incentives. In exchange for incorporating certain provisions that further the City's goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for additional stories beyond the base number of stories that are allowed as of right under Table 9.7-1: Table of Dimensional Requirements for the MSD. However, the total number of stories is limited to the maximum number of stories allowed in each subdistrict, as shown in Table 9.7-1: Table of Dimensional Requirements for the MSD. Additional stories shall comply with any

setback, stepback, or other dimensional requirements and the development and design standards in 94-9.7.3 Dimensional Requirements and 94-9.7.8 Development Standards

Table 9.7-2: Table of Development Incentive Bonuses for the Medford Square District (MSD).

Incentive 1: Affordability						
Incentive 1A: Deeper Affordability:						
	# of Lots or Units in Proposed Project	Required Minimum/Total Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI	Minimum Percentage of Affordable Units at 80% AMI	Minimum Percentage of Affordable Units at 65% AMI
1	10-24	10%	8%	2%	5%	5%
2	25-49	13%	8%	5%	6%	7%
3	50 +	15%	10%	5%	8%	7%
Incentive 1B: More Affordable Units:						
	# of Lots or Units in Proposed Project	Required Minimum Percentage of Affordable Units at 80% AMI	For One Additional Floor		For Two Additional Floors	
			Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI	Additional Percentage of Affordable Units at 80% AMI	Total Percentage of Affordable Units at 80% AMI
1	10-24	10%	3%	13%	5%	15%
2	25-49	13%	3%	16%	5%	18%
3	50 +	15%	3%	18%	5%	20%
Incentive 2: Community Amenities (privately maintained)						
Indoor pedestrian seating or outdoor pedestrian plaza of at least three hundred (300) square feet and accessible to the public during business hours.					One (1) additional half story	
One of the following neighborhood open spaces: 9. Pocket Park 10. Garden 11. Playground 12. Skate Park					One (1) additional half-story	
The development solar installation provides fifty (50) percent of its output in the form of electricity or net metering credits to community-shared solar programs, low-income solar programs and municipal or other governmental entity owned solar programs.					One (1) additional story	
The development makes at least twenty (20) percent or twenty (20) spaces, whichever is greater of its parking space available to the public, whether paid or shared with nearby developments. This incentive covers accessory structured parking only.					One (1) additional half story	
Incentive 3: Community Amenities (publicly maintained)						
Streetscape Improvements along a public street. Such improvements may include one or more of the following: street trees, street furniture					One (1) additional half-story	

[illegible]

94-9.7.7 Design Guidelines and Applicability of Development Standards

1. ***Design Guidelines.*** The Community Development Board may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this MSD. Such Design Guidelines may address the scale and proportions of building, the alignment, width, and grade of

streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off-street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable.

2. ***Applicability of Development Standards.*** Section 94-9.7.8 Development Standards shall apply to all projects submitted under this MSD. These standards, along with any Design Guidelines adopted under paragraph 1, above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.

94-9.7.8 Development Standards.

1. ***Site Standards.***
 - a. *Connections.* Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. *Sidewalk materials.* Sidewalks shall be continuous across driveways, using the same materials and grade and level as the sidewalk on either side of the driveway. Sidewalk materials shall follow standards set by the City's Department of Engineering.
 - c. *Vehicular access.* Where feasible, curb cuts shall be minimized, and shared driveways encouraged. Curb cuts for one-way access shall be no more than twelve (12) feet in width, while curb cuts for two-way traffic shall be no more than twenty (20) feet in width. Designated drop-off and pick-up areas for deliveries and ride-sharing companies should be incorporated to reduce conflicts associated with double-parking and blocking of bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.
 - d. *Circulation.* Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
 - e. *Open space.* Open Space shall be contiguous, to the greatest extent feasible, and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or public. Public open space shall be in the front or side setback. A minimum one-third (1/3) of the required open space, permeable, shall be landscaped.
 - f. *Screening for surface parking.* Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than six (6) feet. The buffer may include a fence or wall of no more than three (3) feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.

- g. *Parking materials.* The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- h. *Plantings.* Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- i. *Lighting.* Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
- j. *Mechanicals.* Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- k. *Dumpsters.* Dumpsters shall be screened by a combination of fencing and plantings. Dumpsters or other trash and recycling collection points located within the building are preferred.
- l. *Stormwater management.* Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

2. ***General Building Standards.***

- a. *Position relative to the principal street.* The primary building shall have its principal façade and entrance facing the principal street.
- b. *Daylight Minimum.* New construction (which includes additions) shall be designed to minimize impacts on sunlight access for existing residential buildings in a residential district (as defined by Section 94-2.1). The goal of this standard is to protect the well-being of residents and preserve the energy efficiency of existing buildings.
 - i. This standard shall be applied to any new construction in the MSD subject to Site Plan Review.
 - ii. The minimum daylight standard applies to new construction that casts a shadow on one or more existing residential buildings located in a residential zoning district. Such existing buildings shall receive a minimum of two (2) hours of direct sunlight as calculated on February 21 and October 21.

iii. To demonstrate that this standard has been met, the applicant shall provide a shadow study as required by the Medford Site Plan Rules and Regulations as amended by the Community Development Board.

c. *Entries.* Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

3. *Multiple buildings on a lot.*

a. *Location of Mixed Uses.* For a mixed-use development, uses may be mixed within the buildings or in separate buildings.

b. *Orientation.* The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.

c. *Position relative to the street.* Building(s) adjacent to a public street shall have a pedestrian entry facing that public street.

4. *Mixed-use development.*

a. *Access.* In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.

b. *Connections.* Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable. Paved surfaces may include pervious paving materials.

c. *Material Storage.* Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.

d. *Shared Outdoor Space.* Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.

5. *Corner Lots.* A building on a corner lot shall indicate a primary entrance either along one (1) of the street-facing façades or on the primary corner as an entrance serving both streets.

a. *Connections.* Such entries shall be connected by a paved surface to the public sidewalk, if applicable.

b. *Façade Design.* All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.

c. *Fire Exits.* Exterior emergency staircases and emergency-only exit doors serving more than one (1) story shall not be located on either of the street-facing façades. If the only feasible location for emergency-only exit doors is on a street-facing

façade, the door shall be inset into the façade so that outward-swinging doors do not obstruct pedestrian access.

6. **Parking.** Parking shall be subordinate in design and location to the principal building façade.
 - a. *Surface parking.* Surface parking shall be located to the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
 - b. *Integrated garages.* The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
 - c. *Parking structures.* Above-grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses. Ground-floor parking levels shall be wrapped with active uses such as commercial/retail, community spaces, or residential amenity spaces. Exposed facades of upper parking levels shall incorporate design treatments such as public art installations, vertical planting, or other architectural features for visual interest and to disguise the parking uses within. Vehicular openings shall have doors.
 - d. *Electrical Vehicle (EV) charging spaces.* One (1) EV charging space is required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.
7. **Waivers.** Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of 94-9.7.8 Development Standards in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the overall purpose and objectives of the MSD.

94-9.7.9 Reductions to Parking Space Requirements. This section supersedes 94-6.1.9 Shared Parking of the City of Medford Zoning Ordinance.

1. **Purpose.**
 - a. To support the efficient use of land area for productive uses that contribute toward the City's tax base;
 - b. To help prevent land from being unnecessarily devoted to the parking of motor vehicles, and help preserve green space and other valuable ecological, historic and cultural resources;
 - c. To encourage the efficient use of existing parking resources;
 - d. To allow parking to be shared between uses on the same lot or between buildings on the same block when the actual demand for parking is less than the total number of spaces required by this Ordinance for each individual use;
 - e. To help reduce stormwater management costs, water pollution and heat island effects; and

- f. To improve walkability.
2. **Residential Parking.** The residential parking requirement may be reduced to 0.8 parking spaces per unit if:
- a. The development is an addition or expansion that increases the existing gross floor area of an eligible historic building, or
 - b. The development meets the following conditions:
 - i. Provide one (1) bicycle parking space per unit. A minimum of fifty (50) percent of the required bicycle spaces shall be covered or integrated into the structure of the building(s).
 - ii. Provide a loading zone for commercial vehicles.
 - iii. Provide a fifteen (15) minute pick-up/drop-off space.
 - iv. Join a local Transportation Management Association. The development shall pay a base membership fee on an annual level.
3. **Dual Use for Mixed-Use Developments.** Dual-use parking may be used for any mixed-use development that includes uses with parking demands peaking at different times of the day.
- a. The Table 9.7-3 provides the method for calculating dual use parking for buildings with more than one (1) use type within the same lot.

Table 9.7-3: Dual Use Parking Ratios

Use 1	Use 2	Sharing Factor
Residential	Office	0.7
Residential	Commercial	0.8
Residential	Lodging	0.9
Lodging	Commerical	0.75
Office	Commerical	0.8
Office	Lodging	0.7

- b. The parking required for any two (2) functions on a lot is calculated by multiplying the number of spaces required by the lesser of the two (2) uses by the appropriate ratio from the Table 9.7-3 and adding the result to the greater use parking requirement.
- c. Example: For a building with a Residential Use requiring one hundred (100) spaces and a Commercial Use requiring twenty (20) spaces, the twenty (20) spaces multiplied by the sharing factor of 0.8 would reduce the total requirement to one hundred (100) plus sixteen (16) spaces or one hundred and sixteen (116) spaces instead of one hundred and twenty (120) spaces.

- d. This reduction may be used in addition to other reductions in parking requirements.

94-9.7.10 Multi-Building Shared Parking

1. *Purpose and Intent.*

- a. To allow parking to be shared between buildings on the same block or within seven-hundred and fifty (750) feet of the building which they are to serve, when the actual demand for parking is less than the total number of spaces required by this Ordinance for each individual use.
- b. To allow development that cannot cost-effectively park itself on site to use parking at a municipal or private commercial parking facility.

2. *Applicability.* Shared parking is allowed by a special permit from the Community Development Board for any application in the MSD.

3. *Requirements for Shared Parking.*

- a. *Assigned Stalls.* Parking stalls that have been assigned to individual tenants or occupants shall not be eligible for shared parking.
- b. *Access.* Parking facilities are accessible during the required hours of usage.

4. *Distance.*

- a. Accessory parking facilities for residential uses shall be located within seven-hundred and fifty (750) feet of the building which they are to serve, measured along the access route with a safe walking path.
- b. Accessory parking facilities for nonresidential uses shall be located within one thousand (1,000) feet, measured along the access route with a safe walking path.
- c. The access route is measured from the front door of the building to the pedestrian access point at the parking facility.

5. *Joint Use Agreement.* The right of joint use of shared accessory parking shall be demonstrated through a binding agreement that is tied to the land or similar written instrument establishing the joint use. The binding agreement may restrict future changes to the use of the property. All agreements are subject to review and approval of the Community Development Board to have accessory parking reduced pursuant to this section.

6. *Shared Parking Agreements.*

- a. Shared parking requires a written agreement among all owners of record.
- b. An attested copy of the agreement between the owners of record shall be submitted to the Building Department and approved by the Director of Planning,

Development, and Sustainability in a form deemed acceptable by the City Solicitors Office prior to and as a condition of the issuance of a building Permit.

- c. Revocation of an existing parking agreement will only be accepted if the required accessory parking spaces are provided in accordance with the standards for the district where each property is located.
 - d. Failure to maintain a Shared Parking Agreement is a violation of the Special Permit and may result in a fine and the revocation of certificates of occupancy.
- 7. ***Signage.*** The manager of shared parking facilities shall provide signage identifying the permitted users.

SECTION 94-10.0 DEVELOPMENT LINKAGE FEES

94-10.1 PARKS AND RECREATIONAL FACILITIES.

94-10.1.1 Purpose. The purpose of this Section is to promote the public health, safety, convenience and welfare; to prevent the deterioration of existing parks and public recreational facilities; to establish a balance between real estate development and the open space and recreational needs of city residents; and to mitigate the impacts of future development on the deterioration of parks and public recreational facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of parks and public recreational facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of parks and public recreational facilities, and the need for new capital improvements.
2. Provide a fund for parks and public recreational facility capital improvements through a linkage grant to the park and recreational facilities trust, as a condition of the approval of any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six 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 is requested for a project of 5,000 square feet or more except those that are exempt pursuant to Section 10.1.4. 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.
3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public.
5. The provisions of this Section shall be construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.

94-10.1.2 Definitions.

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.

94-10.1.3 Procedures. The Community Development Board shall be empowered to promulgate regulations and establish fees it deems necessary to implement this Section. For a development impact project, no building permit or density bonus, variance, special permit or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The Office of Community Development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the Community Development Board.

2. If an applicant elects not to pay the linkage fee as determined by the Office of Community Development, then the applicant shall prepare and submit to the Office of Community Development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the Community Development Board.
3. The person or persons making application for a building permit or a density bonus, variance, special permit or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a park and recreational facilities linkage fee. For each development impact project, except for those exemptions found in Section 10.1.4, a park and recreational facilities linkage fee will be paid as reviewed and approved by the Office of Community Development.
4. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the Office of Community Development provides certification to the Building Commissioner that the applicant has entered into a fee payment agreement as provided for herein .
5. The park and recreational facilities linkage fee shall be paid to, and eventually withdrawn from, the park and recreational facilities trust based upon a schedule of fees and rules and regulations established by the Community Development Board.
6. The formula (amount and rate of payment) for the park and recreational facilities linkage fee shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter. The Community Development Board, after public notice and a public hearing may recalculate and amend the formula for the park and recreational facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information prepared by the Office of Community Development.

94-10.1.4 Exemptions. The following are not development impact projects and will not be subject to development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the City Council adopting this division, provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.
2. Any building, structure, addition or substantial rehabilitation below the thresholds described in Section 10.1.4.

3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the Department of Housing and Urban Development, and confirmed by vote of the Community Development Board.
4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.
5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.
6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.1.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the Office of Community Development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the Office of Community Development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the Office of Community Development within 180 days of the expiration of the six-year period.

94-10.1.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the Community Development Board or work performed as required by Section 6.4.

1. Credit against a linkage fee otherwise due will not be provided until:
 - a. The construction is completed and accepted by the city, or the state, whichever is applicable.
 - b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the Office of Community Development.
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and City requirements.
2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant that the standards set out in Section 10.1.6 will be

met, and if the applicant posts security as provided herein for the costs of such construction.

3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

4. Credits shall not be transferable from one project or development to another without the approval of the Community Development Board, and may only be transferred to another development upon a finding by the Community Development Board that the voluntary dedication for which the credit was given equally benefits the city.

5. Determinations made by the Community Development Board or the Office of Community Development pursuant to the linkage fees or credit provision of this Section may be appealed to the City Council by filing a written request with the City Council within 30 days of the Community Development Board or the Office of Community Development's determination. The appeal procedure shall be as provided for in G.L. c. 40A, s. 15.

94-10.1.7 Penalty. A violation of this Section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to Section 11.2. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

94-10.2 POLICE AND FIRE FACILITIES.

94-10.2.1 Purpose. The purpose of this Section is to promote the public health, safety, convenience and welfare; to prevent overuse and deterioration of existing police and fire facilities; to establish a balance between real estate development and the police and fire needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of police and fire facilities, and the need for new capital improvements, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of police and fire facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of police and fire facilities, and the need for new capital improvements.

2. Provide a fund for police and fire facility capital improvements through a linkage grant to the park and recreational facilities trust, as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six 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 is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to Section 10.2.4. 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.

3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public.

94-10.2.2 Definitions. 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 police and fire linkage fee calculated according to the formula as set forth in subsection 94-384(b), to the police and fire 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.

Police and fire 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.

94-10.2.3 Procedures. The Community Development Board shall be empowered to promulgate regulations and establish fees it deems necessary to implement this Section. For a development impact project, no building permit or density bonus, variance, special permit or zoning amendment shall be granted or adopted unless the following are met:

1. The Office of Community Development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the Community Development Board.
2. If an applicant elects not to pay the linkage fee as determined by Office of Community Development, then the applicant shall prepare and submit to the Office of Community Development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the Community Development Board.
3. The person or persons making application for a building permit or a density bonus, variance, special permit, or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a police and fire facilities linkage fee. For each development impact project, except for those exemptions found in Section 10.2.4, a police and fire facilities linkage fee will be paid as reviewed and approved by the Office of Community Development.
4. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the Office of Community Development provides certification to the Building Commissioner that the applicant has entered into a fee payment agreement.
5. The police and fire facilities linkage fee shall be paid to, and eventually withdrawn from, the police and fire facilities trust based upon a schedule of fees and rules and regulations established by the Community Development Board.
6. The formula (amount and rate of payment) for the police and fire facilities linkage fee shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter. The Community Development Board, after public notice and a public hearing may recalculate and amend the formula

for the police and fire facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information prepared by the Office of Community Development.

94-10.2.4 Exemptions. The following are not development impact projects and will not be subject to development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the City Council adopting this Section, provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.
2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.
3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the Department of Housing and Urban Development, and confirmed by vote of the city Community Development Board.
4. Any building, structure, substantial rehabilitation or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.
5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.
6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.2.5 Refund of Linkage Fee Paid. The applicant shall be entitled a refund of linkage fees for a development impact project provided that a written request is submitted to the Office of Community Development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the Office of Community Development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the Office of Community Development within 180 days of the expiration of the six-year period.

94-10.2.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the Community Development Board or work performed as required by Section 6.4.

1. Credit against a linkage fee otherwise due will not be provided until:
 - a. The construction is completed and accepted by the city, or the state, whichever is applicable.
 - b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the Office of Community Development.
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and City requirements.
2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.
3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
4. Credits shall not be transferable from one project or development to another without the approval of the Community Development Board, and may only be transferred to another development upon a finding by the Community Development Board that the voluntary dedication for which the credit was given equally benefits the city.
5. Determinations made by the Community Development Board or the Office of Community Development pursuant to the linkage fees or credit provision of this Section may be appealed to the City Council by filing a written request with the City Council within 30 days of the Community Development Board or the Office of Community Development's determination. The appeal procedure shall be as provided for in G.L. c. 40A, s. 15.

94-10.2.7 Penalty. A violation of this Section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to Section 11.2. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

94-10.3 ROADS AND TRAFFIC FACILITIES.

94-10.3.1 Purpose. The purpose of this division is to promote public health, safety, convenience and welfare; to prevent overuse and deterioration of existing roads and traffic facilities; to establish a balance between real estate development and the road and traffic needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of road and traffic facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of road and traffic facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of road and traffic facilities, and the need for new capital improvements.
2. Provide a fund for roads and traffic facility capital improvements through a linkage grant to the park and recreational facilities trust as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six 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 is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to Section 10.3.4. 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.
3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public.

94-10.3.2 Definitions. 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 road and traffic facilities linkage fee calculated according to the formula as set forth in subsection 94-384(b), to the road and traffic 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.

Road and Traffic 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.

94-10.3.3 Procedures. The Community Development Board shall be empowered to promulgate regulations and establish fees it deems necessary to implement this division. For a development impact project, no building permit or density bonus, variance, special permit, or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The Office of Community Development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of linkage fees in accordance with regulations established by the Community Development Board.
2. If an applicant elects not to pay the linkage fee as determined by Office of Community Development, then the applicant shall prepare and submit to the Office of Community Development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall follow the prescribed methodologies and formats based on regulations promulgated by the Community Development Board.
3. The person or persons making application for a building permit or a density bonus, variance, special permit or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a roads and traffic facilities linkage fee. For each development impact project, except for those exemptions found in Section 10.3.4, a roads and traffic facilities linkage fee will be paid as reviewed and approved by the Office of Community Development.

4. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the Office of Community Development provides certification to the Building Commissioner that the applicant has entered into a fee payment agreement as provided for herein.
5. The roads and traffic facilities linkage fee shall be paid to, and eventually withdrawn from, the roads and traffic facilities trust based upon a schedule of fees and rules and regulations established by the Community Development Board.
6. The formula (amount and rate of payment) for the roads and traffic facilities linkage fee shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter. The Community Development Board, after public notice and a public hearing may recalculate and amend the formula for the roads and traffic facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information prepared by the Office of Community Development.

94-10.3.4 Exemptions. The following are not development impact projects and will not be subject to the development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the City Council adopting this Section provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.
2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.
3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the Department of Housing and Urban Development, and confirmed by vote of the city Community Development Board.
4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.
5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.
6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.3.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the Office of Community Development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the Office of Community Development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the Office of Community Development within 180 days of the expiration of the six-year period.

94-10.3.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the Community Development Board or work performed as required by Section 6.4.

1. Credit against a linkage fee otherwise due will not be provided until:
 - a. The construction is completed and accepted by the city, or the state, whichever is applicable.
 - b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the Office of Community Development.
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and City requirements.
2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.
3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
4. Credits shall not be transferable from one project or development to another without the approval of the Community Development Board, and may only be transferred to another development upon a finding by the Community Development Board that the voluntary dedication for which the credit was given equally benefits the city.
5. Determinations made by the Community Development Board or the Office of Community Development pursuant to the linkage fees or credit provision of this Section may be appealed to the City Council by filing a written request with the City Council within 30 days of the Community Development Board or the Office of Community Development's determination. The appeal procedure shall be as provided for in G.L. c. 40A, s. 15.

94-10.3.7 Penalty. A violation of this Section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to Section 11.2. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

94-10.4 WATER AND SEWER FACILITIES.

94-10.4.1 Purpose. The purpose of this Section is to promote the public health, safety, convenience and welfare; to prevent overuse and deterioration of existing water and sewer facilities; to establish a balance between real estate development and the road and traffic needs of city residents; and to mitigate the impacts of future development on the overuse and deterioration of road and traffic facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of road and traffic facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of road and traffic facilities; and the need for new capital improvements.
2. Provide a fund for water and sewer facility capital improvements through a linkage grant to the park and recreational facilities trust, as a condition of the approval of: any nonresidential development of 10,000 square feet of gross floor area or more; any residential development of six 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 is requested for a project of 5,000 square feet or more, except those that are exempt pursuant to Section 10.4.4. 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.
3. The imposition of linkage fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.
4. The methodology and analysis for the determination of the impact of new development, the need for new facilities and their costs, and the establishment and calculation of the linkage fees shall be established as a result of an investigation and report with supporting documentation, which shall be available for inspection by any feepayer or the public.

94-10.4.2 Definitions. 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 water and sewer facilities linkage fee calculated according to the formula as set forth in subsection 94-384(b), to the water and sewer 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.

Water and sewer 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.

94-10.4.3 Procedures. The Community Development Board shall be empowered to promulgate regulations and establish fees it deems necessary to implement this division. For a development impact project no building permit or density bonus, variance, special permit, or zoning amendment shall be granted or adopted unless the following requirements are met:

1. The Office of Community Development shall review and calculate the fees for all development impact projects. Applicants may request a schedule for the payment of

linkage fees in accordance with regulations established by the Community Development Board.

2. If an applicant elects not to pay the linkage fee as determined by Office of Community Development, then the applicant shall prepare and submit to the Office of Community Development an independent fee calculation study for the land development activity for which a building or use permit is sought. The independent fee calculation study shall show the basis upon which the independent fee calculation was made, and shall follow the prescribed methodologies and formats based on regulations promulgated by the Community Development Board.

3. The person or persons making application for a building permit or a density bonus, variance, special permit, or zoning map amendment to construct, substantially rehabilitate, enlarge or extend a structure pursuant to a development impact project plan shall also enter into an agreement with the city to pay a water and sewer facilities linkage fee. For each development impact project, except for those exemptions found in Section 10.4.4, a water and sewer facilities linkage fee will be paid as reviewed and approved by the Office of Community Development.

4. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within an area covered by a development impact project plan until the Office of Community Development provides certification to the Building Commissioner that the applicant has entered into a fee patent agreement as provided for herein.

5. The water and sewer facilities linkage fee shall be paid to, and eventually withdrawn from, the water and sewer facilities trust based upon a schedule of fees and rules and regulations established by the Community Development Board.

6. The formula (amount and rate of payment) for the water and sewer facilities linkage fee shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter. The Community Development Board, after public notice and a public hearing may recalculate and amend the formula for the water and sewer facilities linkage fee, based on a methodology and analysis established as a result of report(s) and documentation and information prepared by the Office of Community Development.

94-10.4.4 Exemptions. The following are not development impact projects and will not be subject to the development impact project requirements:

1. Any structure for which a building or use permit has been lawfully issued prior to the City Council adopting this Section provided that construction work under such a permit is commenced within six months after its issuance, and the work proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

2. Any building, structure, addition or substantial rehabilitation below the thresholds described herein.
3. Any building, structure, substantial rehabilitation, or addition that is proposed for subsidized, or affordable homeowner or rental housing, which falls within criteria established by the Commonwealth of Massachusetts or the Department of Housing and Urban Development, and confirmed by vote of the city Community Development Board.
4. Any building, structure, substantial rehabilitation, or addition that is proposed for: a religious or nonprofit educational purpose; a preschool or child care center; a hospital, nursing home, associated outpatient clinic or other health care facility licensed by the Massachusetts Department of Public Health; a social service center, nonprofit community or recreation center, museum, library, art gallery or other public service use.
5. Any structure, conforming or otherwise, damaged or destroyed by fire or other catastrophe where the structure will not be rebuilt beyond its former dimensions.
6. Any claim of exemption shall be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.

94-10.4.5 Refund of Linkage Fee Paid. The applicant shall be entitled to a refund of linkage fees for a development impact project provided that a written request is submitted to the Office of Community Development within six months of the issuance of a building permit, and provided that no work has commenced on the project. The request shall be reviewed by the Office of Community Development and the linkage fee, minus ten percent to offset the costs of collection and refund, may be returned to the applicant. Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assign(s), be returned to such landowner provided that the applicant or his assign(s) submits an application for a refund to the Office of Community Development within 180 days of the expiration of the six-year period.

94-10.4.6 Credits. A credit may be given for voluntary site-related improvements or dedications as approved by the Community Development Board or work performed as required by Section 6.4.

1. Credit against a linkage fee otherwise due will not be provided until:
 - a. The construction is completed and accepted by the city, or the state, whichever is applicable.
 - b. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the Office of Community Development.
 - c. All design, construction, inspection, testing, bonding and acceptance procedures are in strict compliance with the current state and City requirements.

2. Credit may be provided before completion of specified improvements if adequate assurances are given by the applicant as to the standards set out herein, and if the applicant posts security as provided herein for the costs of such construction.
3. Any claim for credit must be made no later than the time of application for a building permit. Any claim not so made shall be deemed waived.
4. Credits shall not be transferable from one project or development to another without the approval of the Community Development Board, and may only be transferred to another development upon a finding by the Community Development Board that the voluntary dedication for which the credit was given equally benefits the city.
5. Determinations made by the Community Development Board or the Office of Community Development pursuant to the linkage fees or credit provision of this Section may be appealed to the City Council by filing a written request with the City Council within 30 days of the Community Development Board or the Office of Community Development's determination. The appeal procedure shall be as provided for in G.L. c. 40A, s. 15.

94-10.4.7 Penalty. A violation of this Section shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to Section 11.2. However, in addition to or in lieu of any criminal prosecution, the City shall have the power to sue in civil court to enforce the provisions of this Section.

SECTION 94-11.0 ADMINISTRATION AND ENFORCEMENT

94-11.1 ADMINISTRATION.

94-11.1.1 Officer. The Building Commissioner shall interpret, administer, and enforce this Ordinance on his own initiative and on referral from other city officials or on written complaint.

94-11.1.2 Permit Required. No building or structure shall be erected, altered or moved without written permit issued by the Building Commissioner. Such permits shall be applied for in writing to the Building Commissioner. The Building Commissioner shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of this Ordinance, except as may have been authorized by special permit or variance issued by the Board of Appeals, Community Development Board, or the City Council, provided a written copy of the decision governing any such special permit or variance be attached to the application and to the resulting building permit issued. One copy of each such building permit as issued, including any conditions or restrictions attached thereto, shall be kept on file in the office of the Building Commissioner.

94-11.1.3 Occupancy Permit. No principal structure erected anew or altered, and no new use, change of use, or extension of use of land, a structure or a structure and land in combination shall be occupied or used without an occupancy permit. Where a building permit is not required in connection with a new use, change of use or extension of use the occupant shall nevertheless apply for an occupancy permit for the new, changed or extended use. An occupancy permit shall not be issued until the building and its uses and accessory uses and the use of all land have been inspected and found to comply with all the provisions of this Ordinance. With such conditions as may be deemed wise to impose, the Building Commissioner may issue a temporary occupancy permit for a specified part of a building for a period not to exceed six months. The fee for an occupancy permit where no building permit has been applied for shall be as set forth in the fee schedule in appendix A to these Revised Ordinances, payable to the City at the time of issuance. The fee for a temporary occupancy permit is as set forth in the fee schedule in appendix A to this Ordinance.

94-11.1.4 Plans and Specifications. The Building Commissioner shall require the filing of such plans and specifications as are necessary to discharge his duties under this Ordinance. The Building Commissioner shall adopt rules relating to plans and specifications that are coordinated with those required for building permit applications and the rules of the City Council, Board of Appeals, and Community Development Board, when acting as SPGA or site plan review authority, to minimize the administrative burden and cost imposed on the applicant.

94-11.1.5 Right of Entry. The Building Commissioner or his duly authorized agent shall have every lawful right to enter and inspect any building, other structure, lot or area of land at all reasonable times whether already constructed, erected, altered or put into use or during the course of construction, erection, alteration, or the putting into use, for the purpose of determining whether or not that structure and/or land and all uses therein and thereon are in compliance with this Ordinance.

94-11.2 POSTING OF PUBLIC NOTIFICATION PANELS.

94-11.2.1 General. An applicant for a variance or special permit shall erect and maintain in legible condition one or more public notification panels at the site for which the variance or special permit relief is requested. The required panels shall be secured by the applicant after approval of location by the issuing authority.

94-11.2.2 Location and Number. Panels shall be securely mounted on the subject lot at the street line or within the property, but in any case not more than 20 feet from the street line. However, whereas located, the panel(s) shall be visible, easily identifiable, and legible to persons passing by on the public street, without the necessity of trespass onto private property. For lots having street frontage of 200 feet or less, one panel shall be installed, one additional panel shall be installed for each additional 500 feet of street frontage. The panels shall be exempt from any applicable limitations on accessory signs.

94-11.2.3 Schedule and Duration. The required panels shall be installed not less than 14 days before the date of the public hearing. They shall be maintained in legible condition until a notice of decision has been filed with the City Clerk by the permit or special permit granting authority. Panels that are stolen, destroyed, or rendered illegible shall be promptly replaced, and panels shall be promptly removed after the Notice of decision has been filed.

94-11.2.4 Contents of Panels. The text of the panel shall generally contain the name of the petitioner; a description of the area or premises; street address or other information adequate to identify the location or area subject to the permit petition; the date, time and place of the public hearing; subject matter of the hearing; the nature of the action or relief requested; the place where the full application may be inspected; case number of the application; the place where written comments may be directed; the phone number of the municipal agency or contact person where further information may be obtained. Reasonable modifications of the text requirements of this paragraph shall be permitted to enable the most important information be provided in the most eligible form.

94-11.2.5 Graphic and Construction Standards. Panels shall not be less than 18 inches by 24 inches in dimension; they may be larger. No text on the panel shall be smaller than 16 point type. Panels shall be made of materials adequately weather resistant and durable for the time they are required to be posted.

94-11.3 ENFORCEMENT.

94-11.3.1 Enforcement. The Building Commissioner, upon being informed in writing of a possible violation of this Ordinance, or on his or her own initiative shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Commissioner, on evidence of any violation, after investigation and inspection, shall give written notice of such violation to the owner and to the occupant of such premises. The Building Commissioner shall demand in such notice that such violation be abated within a reasonable time, designated therein by the Building Commissioner. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent

real estate tax records of the City and to the occupant at the address of the premises of such seeming violation.

94-11.3.2 Violation; Penalty. Any person convicted of a violation of this Ordinance shall be fined not more than \$300.00 for each day such violation continues to exist.

94-11.3.3 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this Ordinance may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The penalty for violation of any provision of this Ordinance shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.

94-11.4 BOARD OF APPEALS.

94-11.4.1 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 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 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 members shall serve until a successor is appointed and qualified, unless sooner removed.

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.

1. Whenever a petitioner or applicant seeks relief or action from an additional SPGA or Site Plan Review Authority in order to obtain relief, such petitioner or applicant 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 or applicant be permitted to file with City Council and/or Community Development Board for further relief or action.
2. The Board's powers are as follows:
 - a. When designated as the Special Permit Granting Authority, to hear and decide applications for special permits.
 - b. To hear and decide appeals or petitions for variances from the terms of this Ordinance, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals may consider and grant a use variance.

- c. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, §§ 7, 8 and 15.
- d. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, §§ 20-23.

94-11.4.3 Procedures. Applications shall be filed in accordance with the rules and regulations of the Board of Appeals. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Board of Appeals.

94-11.4.4 Conditions. Special permits and variances may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Board of Appeals may deem necessary to serve the purposes of this Ordinance.

94-11.4.5 Rules. The Board of Appeals shall adopt rules for conducting its business and otherwise carrying out the purposes of this Ordinance. These rules shall include but not be limited to the procedure for appeal from administrative decisions, petitions for variances and applications for special permits, and the manner and type of maps and other materials that the appellant, petitioner or applicant shall provide and which shall accompany each of these three types of procedures. The Board of Appeals shall file a copy of such rules in the office of the City Clerk.

94-11.4.6 Fees. The Board of Appeals may adopt schedules of fees as a part of their rules, and establish payment procedures, except that any officer or board of the City acting in their official capacity shall be exempt from payment of such fees.

94-11.5 COMMUNITY DEVELOPMENT BOARD.

94-11.5.1 Establishment. The Community Development Board, as established by the Acts of 1974, Chapter 839, Section 7, shall have seven members, six appointed by the Mayor and one appointed by the Department of Housing and Community Development. Members appointed by the Mayor shall serve for a term of three years. Terms of all members appointed by the Mayor shall expire on June 30 on any year.

94-11.5.2 Powers. The Community Development Board shall exercise the powers and perform the duties prescribed for a Planning Board under the provisions of G.L. c. 41, s. 70, and G.L. c. 40A, or any amendments thereto. Any action of such board shall be in accordance with and subject to the terms thereof. The Community Development Board shall have the following powers:

1. To hear and decide applications for special permits, when designated as the SPGA in this Ordinance.
2. To hear and decide applications for Site Plan Review pursuant to Section 11.7.

3. To hear and decide subdivision applications as well as review Approval Not Required (ANR) Plans.
4. To hold public hearings and make recommendations to the City Council on adoption of municipal plans, zoning changes, and ordinances relevant to development.
5. To provide design review feedback as needed to developers in advance of permit filings.

94-11.5.3 Associate Member. The Community Development Board shall not have more than two (2) Associate Members. An Associate Member shall be appointed by the Mayor for one (1) three-year term beginning July 1 and ending June 30. The Associate Member shall act in the case of absence, an inability to act, or a conflict of interest on the part of any member of the Community Development Board, or in the event of a vacancy on the Board. Prior to commencement of a proceeding, the Chair shall designate the Associate Community Development Board Member to sit in the event that, as stated above, any member is absent, unable to act or has a conflict of interest. In the case of resignation of an Associate Member, the Mayor may immediately appoint a new Associate Member for a term to end June 30 of that year, or take any other action relative thereto.

94-11.5.4 Procedures. Applications shall be filed in accordance with the rules and regulations of the Community Development Board. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Community Development Board.

94-11.5.5 Conditions. Special permits and site plan approval may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Community Development Board may deem necessary to serve the purposes of this Ordinance.

94-11.5.6 Rules. The Community Development Board shall adopt rules for conducting its business and otherwise carrying out the purposes of this Ordinance. These rules shall include but not be limited to the procedure for applications for special permits or site plan approval, and the manner and type of maps and other materials that the applicant shall provide and which shall accompany each of these types of procedures. The Board shall file a copy of such rules in the office of the City Clerk.

94-11.5.7 Fees. The Community Development Board may adopt schedules of fees as a part of their rules, and establish payment procedures, except that any officer or board of the City acting in their official capacity shall be exempt from payment of such fees.

94-11.6 SPECIAL PERMITS.

94-11.6.1 Special Permit Granting Authority. The City Council, Board of Appeals, and Community Development Board shall be the Special Permit Granting Authority (SPGA) as designated and specified in the Table of Use and Parking Regulations and other Sections of this Ordinance and, when designated herein, shall hear and decide applications for special permits.

94-11.6.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Compatibility with the size, scale, and design of other structures in the neighborhood;
5. Impacts on the natural environment; and
6. The proposal's compatibility with the purposes of the City's Comprehensive Plan.

94-11.6.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the City Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

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.

94-11.6.5 Conditions. In granting a special permit, additional specific conditions and safeguards as are deemed necessary to ensure compliance with the intent of this Ordinance or to protect the neighborhood, may be attached including without limiting the generality of the foregoing:

1. Requirement of front, side, or rear yards greater than the minimum required by this Ordinance.
2. Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting, or other devices.
3. Modification of the exterior features or appearances of the structures.

4. Limitation of size, number of occupants, method or time of operation, duration of use, or extent of facilities.
5. Regulation of number, design, and location of access drives or other traffic features.
6. Requirement of off-street parking or other special features beyond the minimum required by this Ordinance.

94-11.6.6 Regulations. Each SPGA may adopt rules and regulations for the administration of this Section.

94-11.6.7 Fees. Each SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

94-11.6.8 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

94-11.7 SITE PLAN REVIEW.

94-11.7.1 Purpose. The purpose of this Section is to provide a comprehensive review procedure for construction projects which will have significant impacts on the City, herein defined, to ensure compliance with the goals and objectives of the City, and the provisions of this Ordinance, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas; in particular to assure proper drainage, safe access, adequate parking and loading spaces, public convenience and safety and adequate consideration of abutting land owners.

94-11.7.2 Applicability. Site Plan Review shall be required for any Major Project. For the purposes of this Section, the term “Major Project” shall mean:

1. Residential projects containing six or more units; including conversions of existing dwellings to contain six or more units;
2. Nonresidential projects which involve new construction of 10,000 square feet or more of floor area, or the addition of 10,000 square feet or more of gross floor area;
3. Projects which involve a change in principal use of an existing building containing 10,000 square feet or more of floor area;
4. Parking lots not accessory to principal uses;
5. Drive-in eating places;

6. Eating places other than drive in eating places with more than 5,000 square feet of floor area;
7. Medical offices containing 10,000 square feet or more of gross floor area; and
8. Gasoline service stations.
9. Neighborhood and Convenience Retail Sales.

94-11.7.3 Timing. A site plan review shall be performed for each Major Project prior to the filing of an application for a building permit.

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. 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, the Community Development Board shall serve as the 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. Application for site plan review shall be made to the Office of Community Development on forms provided for that purpose, accompanied by the required fee. The Community Development Board shall adopt specific rules governing application and fee. when the application has been received in a completed form as designated by such rules, a copy shall be forwarded to the City Clerk. The stamp of this City Clerk shall designate the date of filing. Copies of the application shall be distributed to those boards and departments as specified in the aforementioned rules, which shall include, but not be limited to the Department of Public Works, the Board of Health, the City engineer, the Conservation Commission, and the Medford Historical Commission. Those designated boards shall, within 35 days, review the application and make recommendations in writing to the Community Development Board. Failure of the designated boards to make recommendations within 35 days of receipt of the applications shall be deemed lack of opposition.

1. In the case of major project which requires a special permit from the City Council or Board of Appeals as identified in 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.

94-11.7.6 Application. The application for site plan review shall be accompanied by written statements, site plans, drawings, maps showing scale and north point, and supporting documentation as set forth below.

94-11.7.7 Site Plan. The application shall include a site plan, prepared by a registered architect, landscape architect, or professional engineer, with the following information:

1. Scale and north point;
2. Name and address of applicant and name of proposed project;
3. Total land area of the site and boundaries of the site;
4. Locus plan;
5. Present and proposed use of the land and existing buildings, if any;
6. Location and use of structures within 100 feet of property line;
7. Locations, elevations, and dimensions of existing and proposed building(s) or other structures, showing setback(s) from property lines;
8. Locations and dimensions of any easement and public or private rights-of-way, existing or proposed;
9. Wetlands, ponds and surface water bodies, as defined under the Wetlands Protection Act, G.L. c. 131, s. 40, and rules promulgated therein, 310 CMR 10.00;
10. Existing proposed contour elevations in one foot increments;
11. Proposed surfacing;
12. Parking and loading areas;
13. Driveways and access to site; and evidence of the ability of site to handle emergency vehicles;
14. Facilities for vehicular and pedestrian circulation;

15. Locations of existing and proposed on-site public utilities and facilities (water, sewerage, and drainage) showing size and direction of flows;
16. Landscaping and screening, including trees, stone walls, fences and other features to be retained or removed;
17. Outdoor lighting, including location and intensity of lighting facilities;
18. Signs, proposed and existing;
19. Location and significance of historic structures;
20. Green Score Sheet.
21. Landscape drawings and/or specification stamped by a MA registered Landscape Architect drawn to a legible, conventional architectural or engineering scale.
22. Typical drawings include but not limited to:
 - a. Existing Conditions Plan
 - b. Demolition and Site Preparation Plan
 - c. Layout Plan
 - d. Materials Plan
 - e. Grading Plan
 - i. Show existing spot elevations at existing trees.
 - ii. Show spot elevations and slopes at hardscapes areas.
 - iii. Show minimum 1-foot contours.
 - iv. Show any existing or proposed sub-surface utilities such as drainage and sewer pipes, gas lines, and electrical conduits.
 - f. Planting Plan
 - i. Show the location of preserved and proposed trees.
 - ii. Include a planting schedule identifying, common species name, scientific species name, quantity, and minimum size.
 - iii. For existing trees to be preserved: show location and canopy radius drawn to scale, note DBH, genus and species, and tree protection area and fencing
 - g. Details
 - i. Include appropriate details for facilities relevant to Green Score such as tree protection, erosion control, tree planting, green roof, bioswale, pervious paving, etc.
 - h. Recent photograph(s) of any trees proposed to be “preserved”
 - i. Other relevant supporting documentation such as product information sheets, boring or infiltration test data, geotechnical reports, engineering calculation, etc.

94-11.7.8 Written Statement. The application shall include a written statement with the following information:

1. Description of the proposed uses to be located on the site, including quantity and type of residential units, if any;
2. The total land area of the site, and the total floor area and ground coverage of each proposed building and structure;
3. General summary of existing and proposed easements or other burdens now existing or to be placed on the property;
4. Method for handling solid waste disposal, and for screening of disposal facilities;
5. Estimates, including calculations, of demand for water, sewage flow requirements, and drainage facilities requirements;
6. The applicant's evaluation of the availability of off-site public facilities, including sewer, and water;
7. A description of any problems of drainage or topography, or a representation that, in the opinion of the applicant, there are none;
8. Measures taken to preserve and protect natural resources;
9. Estimated peak hour traffic volumes generated by the proposed use in relation to existing volumes and projected future conditions;
10. An estimate of the time period required for completion of the development;
11. Other information as may be necessary to determine compliance with the provisions of this Ordinance.

94-11.7.9 Waiver of Technical Compliance. The Community Development Board may, upon written request of the applicant, waive any of the technical requirements of this Section where the project involves relatively simple development plans.

94-11.7.10 Standards for Approval. The Site Plan Review Authority shall approve a site plan if consistent with Section 6.4, and after making the following written findings with respect to the proposed development:

1. The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and into adjacent public streets and ways will not create hazards to safety, or impose a significant burden upon public facilities;

2. The bulk, location or height of proposed buildings and structures and paved areas and the proposed uses thereof will be not detrimental to other private development in the neighborhood and will not impose undue burdens on the sewers, sanitary and storm drains, water distribution system, or similar public facilities;
3. The provision for on-site landscaping provides adequate protection to neighboring properties from potentially detrimental features of the development;
4. The site plan provides adequate protection of natural resources and the development will not result in soil or drainage problems;
5. The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets or damage the value and diminish the usability of adjacent properties;
6. The proposed development will not create undue fire safety hazards by ~~not~~ providing adequate access to the site, or to the buildings on the site, for emergency vehicles;
7. The provisions for the handling of refuse provides for adequate protection to neighboring properties.

94-11.7.11 Decision. The Community Development Board may approve, approve with conditions, or deny an application for site plan approval when acting as the Site Plan Review Authority; provided, however, that any denial of an application shall be predicated only upon applicant's failure to provide necessary information. The Community Development Board may recommend approval or approval with conditions when the Board of Appeals or City Council is acting as the special permit granting authority. Any conditions, limitations, and safeguards necessary to assure the project meets the criteria of Sections 11.7.10 may be imposed or recommended, as the case may be. The Board shall file a written decision with the City Clerk within ninety (90) days of the close of the public hearing. Failure to file a decision within said 90-day period shall constitute approval of the site plan.

94-11.7.12 Regulations. The Community Development Board may adopt rules and regulations for the administration of this Section.

94-11.7.13 Fees. The Community Development Board may adopt reasonable administrative fees and technical review fees for applications for special permits.

94-11.7.14 Lapse. Site plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the decision (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

94-11.7.15 Appeal. The decision of the Community Development Board when acting as the site plan review authority may be appealed within 20 days of the filing of the decision with the City Clerk in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

94-11.7.16 Modifications. If at any time before or during development, it becomes necessary or desirable to make modifications to an approved site plan for a Major Project, the Community Development Board may approve such modifications provided that they do not amount to a waiver or substantial alteration of any condition or requirement of the Community Development Board. The applicant shall submit one paper copy and one electronic copy in a format acceptable to the building inspector of the revised plan for any project that has received approval for modification by the planning board.

94-11.7.17. As-builts. With the As-built plan, the applicant shall submit a letter issued by a registered architect, landscape architect or professional engineer under pains and penalties of perjury, that the revised plan is consistent in all aspects with the plan reviewed and approved by the Community Development Board and that all conditions or approval have been met.

94-11.7.18. Waivers. Upon the request of the Applicant, the Site Plan Review Authority may waive the requirements of Green Score in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the purpose of the Green Score and the relevant zoning district's overall purpose and objectives.

94-11.8 SITE PLAN REVIEW FOR DOVER AMENDMENT USES.

94-11.8.1 Purpose. The purpose of this Section is to provide for site plan review of religious and educational uses and child care centers otherwise protected by G.L. c. 40A, s. 3. These are uses B.3, B.4, and B.5 of the Table of Use and Parking Regulations.

94-11.8.2 Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.3, B.4, or B.5, as set forth in the Table of Use and Parking Regulations, shall require site plan approval from the Community Development Board pursuant to this Section.

94-11.8.3 Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

94-11.8.4 Public Hearing. The Community Development Board 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.

94-11.8.5 Required Information. All applications for Site Plan Review shall be in writing and provide a site plan as set forth in Section 11.7.7., and the information requested below:

1. Name and address of applicant person or entity;
2. Name and address of property owner;
3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3; and
4. Reason that relief is requested from otherwise applicable zoning requirements.

If necessary to reach a decision on the application, the Community Development Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

94-11.8.6 Decision. The Community Development Board may approve, approve with conditions, or deny an application for site plan approval; provided, however, that any denial of an application shall be predicated only upon applicant's failure to provide necessary information. In making its decision, the Board shall be guided exclusively by G.L. c. 40A, s. 3. The Board shall file a written decision with the City Clerk within ninety (90) days of the close of the public hearing. Failure to file a decision within said 90-day period shall constitute approval of the site plan.

94-11.8.7 Appeal. Any appeal of the Community Development Board's decision under this Section shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

94-11.9 REQUEST FOR REASONABLE ACCOMMODATION.

94-11.9.1 Purpose. Under the FHA, it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling" 42 U.S.C. Section 3604(f)(3)(B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. Section 12112(b)(5). See also G.L. c. 40A, s. 3. The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

94-11.9.2 Request. Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

94-11.9.3 Board of Appeals. All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Board of Appeals.

94-11.9.4 Information. All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person(s) or entity requesting accommodation;
2. Name and address of property owner;
3. Name and address of dwelling or facility at which accommodation is requested;
4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;
5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and
6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).
7. If necessary to reach a decision on the request for Reasonable Accommodation, the Board of Appeals may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

94-11.9.5 Procedures. The Board of Appeals shall hold a public hearing using the procedures, including notice, set forth in G.L. c. 40A, §§ 11 and 15. The deadlines imposed in G.L. c. 40A, s. 11 or s. 15 may be extended upon the request of the applicant and the approval of the Board of Appeals. The Board of Appeals may seek information from other City agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the City. Upon written notice to the Board of Appeals, an applicant for a Reasonable Accommodation may withdraw the request without prejudice. The Board of Appeals shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation would require a fundamental alteration of a legitimate City policy; and
2. Administrative burdens on the City government.

94-11.9.6 Decision. After conducting an appropriate inquiry into the request for Reasonable Accommodation, the Board of Appeals may:

1. Grant the request;
2. Grant the request subject to specified conditions; or

3. Deny the request;

The Board of Appeals shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15. If the Board of Appeals fails to render its decision on a request for Reasonable Accommodation within the time allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The decision of the Board of Appeals shall be filed with the City Clerk and sent to the applicant by certified mail.

94-11.9.7 Appeal. The decision of the Board of Appeals pursuant to this Section may be appealed to a court of competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

94-11.9.8 File. The Board of Appeals shall maintain a file of all requests for Reasonable Accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the office of the Board of Appeals upon request during regular business hours.

94-11.9.9 Other Laws. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

94-11.9.10 Effective Date. The provisions of this Section shall apply only to requests for Reasonable Accommodation made after date of enactment. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this Section.

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, 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, 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, Board of Appeals, or Community Development Board.

SECTION 94-12.0 DEFINITIONS

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

Words and phrases not defined in this Section but defined in the state building code and this chapter shall have the meanings given in the state building code, unless a contrary intention clearly appears.

Accessory Use: A use customarily incidental to, and on the same lot or group of lots as a conforming principal use.

Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, as further defined in G.L. c. 40A, s. 1A.

Accessory Office: The use of a room or rooms in a dwelling by a person resident in the dwelling for an office or studio, and as referred to in this chapter also means a use in which not more than one nonresident is employed and no goods are publicly displayed or offered for sale.

Accessory Structure: Any structure which is incidental and subordinate to the principal structure, but which is located on the same lot as the principal structure. Shall include carports, ground-mounted solar panels and swimming pools.

Adult Use: An adult bookstore, video, or motion picture theatre.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 172, s. 31.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 172, s. 31.

Affordable Housing: Housing units set aside exclusively for low or moderate income renters or buyers, that remain affordable through long term restrictions.

Agriculture, Exempt: As set forth in G.L. c. 40A, s. 3, use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the

land on which the facility is located and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel.

Artisanal Fabrication: Production of goods using hands tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operation or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shop, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Bicycle Parking: The accessory storage of non-motorized bicycles (which may include trailers or other customary accessories) in a secure manner that allows for quick and convenient access, storage, and removal of bicycles by users who are making trips to or from the associated principal use.

Body Art: The practice of physical body adornment by permitted establishments and practitioners using, but limited to the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include the act of piercing the lobe of one's ear.

Body Art Establishment: A specifically identified individual who has been granted a permit by the Board of Health to perform body art in an establishment that has been granted a permit by the Board of Health. Body art establishments shall not be located less than 2,000 feet from the nearest lot line of another body art establishment.

Brewery: An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, which may include accessory uses such as tours of the brewery, retail sales, and/or on-site consumption of their products, e.g., a “taproom” or “tasting room”. This facility shall hold the appropriate Commonwealth of Massachusetts brewery license as well as any required pouring license approved by the Local Licensing Authority. This facility may host

marketing events, special events, and brewery tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery. The facility may also provide food that is produced on-site, produced off-site, or produced with food trucks that are located on-site.

Barrel: A container, usually cylindrical in nature used for the storage of a malt beverage with a capacity of not more than thirty-one (31) gallons.

Tasting Room/Taproom: A room attached to a brewery that allows patrons to sample or consume beer, ale or other malt beverages that are produced on-site in accordance with G.L. c. 138.

Buffer Strip: Either a continuous landscaped area at least five feet in width containing a screen of plantings which are not less than three feet in width, nor more than three feet on centers and which, so as to maintain a dense year round screen, contains plantings at least 50 percent of which are evergreens or a wall or fence of uniform appearance all modules of which are at least 50 percent opaque when viewed in elevation.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof."

Building, Accessory: A building devoted exclusively to a use accessory to the principal use of the lot.

Building, Attached: A principal building separated from another principal building on one or both sides either by a vertical party wall or walls or by a solid contiguous wall or walls without any side yards.

Building Coverage: The maximum area of a lot that is permitted to be covered by the combination of principal buildings, accessory buildings, and accessory structures. The building coverage of a structure is measured from the outside of the exterior walls at the ground story, including covered porches and building components.

Building, Detached: A principal building which is substantially separated by yards or courts from any other principal structure.

Building Height: The vertical distance measured from the uniform finished grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain the height shall be measured from the average ground level of the grade at the building wall. Average ground level shall be determined by locating the mean between the extreme upper and lower finished grades per building elevation.

Building, Principal: Any building devoted to a principal use or, for determining the dimensional requirements of this chapter in the case of an open principal use, the area of any building and of the lot devoted to such principal use exclusive of parking, loading, and access drives.

Business Incubator: An organization that assists early innovators achieve a minimum viable product or service and creates an achievable plan to take that product or service to market. In addition to mentorship and investment opportunities, a business incubator gives access to logistical and technical resources, as well as shared office space. An incubator program can last from several months to a few years.

Child Care Center: A child care center, as that term is defined in G.L. c. 15D, s. 1A.

Clinic: A clinic as defined in M.G.L. c. 111, section 52.

Club or Lodge, Private Nonprofit: A building or portion thereof or an area which is used to meet the social and recreational needs of a nonprofit group or organization to which membership is required, with or without the sale of alcoholic beverages.

Co-housing: A group of buildings in common ownership which include a combination of single-unit, two-unit, or multiunit buildings and one or more buildings with shared living spaces, such as a common room, library, dining room, kitchen, etc.

Co-living: A building in which a group of residents pay rent to occupy a single unit with private bedrooms and shared living spaces, including cooking and sanitary facilities. Such residents have input over the selection of the other residents living in the housing unit.

Community Center or Adult Educational Center, Public or Nonprofit: A facility operated by a religious, nonprofit or civic organization primarily to provide public facilities for meetings, classes, teen centers and similar uses. A community center may include artists' space and offices for nonprofit organizations if such uses are clearly secondary to the primary use of the building and do not include any residential or overnight components.

Congregate Housing: Residential occupancy of a dwelling unit by more than four (4) unrelated individuals that are 'handicapped' as defined in 42 U.S.C. §3602 or have a 'disability' as defined in 42 U.S.C. §1202. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.

Consumer Service Business: Activities primarily serving families and individuals as distinguished from businesses or industries, including without limiting the generality of the foregoing the following: Barber, beauty shop, laundry and dry-cleaning pickup agency, shoe repair, self-service laundry or other similar use; Hand laundry, dry cleaning or tailoring, or other similar use, provided personnel limited to five persons at any one time; Printing shop,

photographers studio, caterer, or other similar use where personnel is limited to five persons at any one time.

Court: An open, uncovered, unoccupied space other than a yard, on the same lot with a multiple dwelling or group of multiple dwellings, and which is bounded on two or more sides by such dwelling or dwellings.

Court, Inner: A court enclosed on all sides by exterior faces of a building or group of buildings or by exterior faces and freestanding walls of over five feet in height.

Court, Outer: A court that is open on at least one side either to a street or a yard to an extent not less than 75 percent of the mean magnitude of that dimension for the whole court.

Coverage of Lot: The percent of the total lot area occupied by the principal structure exclusive of unenclosed porches and bay windows.

Co-working Space: A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share to interact and collaborate with each other.

Distillery or Winery: A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically in final conjunction with a bar, tavern, or restaurant use. This includes the substantial equivalent to distilleries and wineries.

Doggy Daycare: A facility providing care for dogs on a daily basis without overnight accommodation. The facility may include indoor and outdoor areas for the dogs where they will be under supervision. For clarity, this definition does not include animal boarding facilities

Dormitory: Any dwelling (other than a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily as a place of temporary residence for persons who are employed or enrolled at the educational institution.

Dwelling, Multiple: A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

Class A: Not over three stories in height.

Class B: Not over 75 feet or six stories in height.

Dwelling, one unit, Attached: An attached residential building intended and designed to contain or containing one dwelling unit. Also known as rowhouse.

Dwelling, one unit, Detached: A detached residential building intended and designed to contain or containing one dwelling unit.

Dwelling, Two-units: A detached residential building intended and designed to contain to containing two dwelling units. Also known as duplex.

Dwelling Unit: Dwelling unit means a room or group of rooms forming a habitable unit for one household with facilities used or intended to be used for living, sleeping, cooking, sanitation, and eating.

Eating Place: A use including but not limited to lunch room, restaurant, cafeteria, place for the sale and consumption of food, beverages, ice cream, and the like, and as referred to in this chapter also means a use primarily in an enclosed structure, with no dancing, nor entertainment other than music.

Eating Place, Drive Through: An eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption by a customer of goods sold normally takes place within the customer's automobile on the premises of the establishment.

EOHLC: the Massachusetts Executive Office of Housing and Livable Communities

Façade Build Out: The ratio of the façade width to the lot width, measured at the front yard setback line, calculated by dividing cumulative façade width by the lot width.

Factory-built Home: standardized units primarily built inside of a factory, then assembled on site in accordance with local building codes.

Family Child Care Home: An accessory use as defined by G.L. c. 15D, s. 1A.

Family Child Care Home, Large: An accessory use as defined by G.L. c. 15D, s. 1A.

Fraternity or Sorority House: A dormitory in which, during the academic year, membership in a fraternity or sorority is required as a condition to residence.

Food Production Facility: Food and beverage manufacturing plants that transform raw materials into products for intermediate or final consumption by applying labor, machinery, energy, and scientific knowledge. Food production facilities do not include marijuana establishments or medical marijuana treatment centers.

Greenhouse, Tool Shed, or Similar Noncommercial Accessory Structure: Storage structure for garden equipment, swimming pool, tools, and the like.

Gross Floor Area: The sum of areas of the several floors of buildings including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls, not including cellars, unenclosed porches, or attics, or any floor space in accessory buildings or in the principal building intended and designed for the parking or loading of motor vehicles in order to meet the requirements of this chapter, or any such floor space intended and

designed for accessory heating and ventilating equipment. If the principal use of a lot is an open use the area of any building and of the lot devoted to such use exclusive of parking, loading, and access drives shall be considered to be the gross floor area for the purpose of calculating parking and loading requirements.

Height: The vertical distance between the mean level of the established grade and the mean of the vertical distance between the ceiling joists and ridge of the roof, or the highest point of the roof in the case of a flat roof. The mean level of the established grade is the arithmetic average of the lowest and highest curb grades between the points where the side lot lines extended intersect the line of the nearest curb on streets where the lot has frontage. If a lot has discontinuous frontage on two streets so that different established grades might be determined, the higher grade may only be used within 100 feet of the street line abutting the higher street. The mean level of the established grade of courts may be taken as the elevation of the lowest floor facing on the court.

High-Frequency Transit: Service that takes place more than 3 times per hour in the same direction during its peak daytime schedule. Distance from transit shall be measured along reasonable pedestrian routes using public rights of way. The term may apply to existing fixed-route service using buses or existing and planned rail service within five years.

Historic Conversion: The conversion of an existing structure, a minimum of seventy-five (75) years old, originally designed for one (1) or two (2) units, to a multi-unit dwelling.

Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use. In connection with such use, there shall be no retail sale of merchandise on the premises.

Hospital: A hospital as defined in M.G.L c. 111, section 52.

Hospital, Nonprofit: A building providing 24-hour in-patient services for the diagnosis, treatment or other care of human ailments including, where appropriate, a long term care facility.

Hotel or Motel: A building or group of buildings which may or may not contain a public dining room and which is designed or used for shelter to transient residents or guests.

Household: All the people who occupy a single housing unit, regardless of their relationship to one another.

Institutional Use: the use of land or structures for the non-profit charitable, benevolent, spiritual, instructional or custodial activities of government, education, religious, health care, social service, fraternal/sorority or similar organizations.

Junkyards: The use of any area or any lot, whether inside or outside of a building, for storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof, including, but not limited to:

- A. Discarded, worn-out, or junked plumbing, heating supplies, household appliance and furniture.
- B. Discarded, scrap, and junked lumber.
- C. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, or plastic debris, waste, and all ferrous material.
- D. Discarded motor vehicle parts or more than two unregistered motor vehicles.

Keeping or Raising of Livestock, Including Animal Stable and Kennel: Facility for keeping three or more animals, three months old or older, on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where animals are customarily kept for sale, but this definition shall not include any business that meets the definition of dog daycare.

Life Sciences Facility: A facility for the study, testing, and development of products or services related to chemicals, drugs, or biological matter.

Light manufacturing: The fabrication, processing, finishing, assembly, packing, or treatment of articles or merchandise conducted solely within a totally enclosed building which will not generate more noise, odor, smoke, vibration, or electrical interference, than the standard set forth in this Zoning Ordinance.

Lodger: A person who occupies space of living and sleeping purposes without separate cooking facilities, paying rent (whether in money or services) which may include an allowance for meals; and who is not a member of the housekeeping unit.

Lodging House: A dwelling in which living space, without individual kitchens and with or without kitchen privileges, is designed, occupied, or intended for occupancy by, or let for compensation to five or more lodgers, including a rooming house or boarding house, but not including a senior housing facility, hotel or motel, dormitory, fraternity or sorority house, or other building of an institutional or educational use.

Lot: A parcel of land laid out by plan or deed duly recorded, used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership with definite boundaries and not divided by a street, nor including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

Lot Area: The horizontal area of the lot exclusive of any area in a public or private way.

Lot, Corner: A lot situated at the junction of two streets that meet in such a way that the angle between their centerlines in the sector occupied by the lot is less than 135 degrees.

Lot Depth: The unbroken horizontal distance on a lot measured from the street line on which the lot has frontage.

Lot, Frontage: The required length of the street line of a street abutting the lot in question over which pedestrians and automobiles have legal and easy physical access on to that lot. The end of streets without a turning circle shall not be considered frontage.

Lot Line: Any boundary of a lot.

Lot Line, Front: A lot line along which the lot has frontage. Only one lot line may be designated as a front lot line. If the lot has frontage on two or more sides, then among those, the lot line most nearly parallel and closest to the front of the structure shall be the front lot line.

Lot Line, Rear: The boundary of a lot which is opposite or farthest from a front lot line.

Lot Line, Side: Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width: The unbroken horizontal distance on a lot measured perpendicular to and at all points on the required depth. Within the required front yard, the required frontage may be substituted for the width.

Maker Space: A building or portion thereof used for on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper design and production.

Manufactured Home: A factory-built structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to require utilities

Medical Office: Office of a physician, dentist, or other medical practitioner not located in a clinic as defined in Section 94-12.0 Definitions. The office area is greater than 1,500 sf and has more than 5 employees.

Mixed use, Community: Development containing a mix of residential uses and small-scale commercial uses such as, but not limited to, Neighborhood Café, Co-working Space, Day Care, and Laundromat.

Mixed-Use Development: development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses

Mortuary, Undertaking, or Funeral Establishment: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services necessary for the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; (e) facilities for cremation; and (f) the living quarters of an individual whose bona fide occupation is in the funeral establishment.

Motor Freight Terminal: A structure or area where freight brought by truck or rail is stored for routing and reshipment.

Motor Vehicle Hourly Rental Station: A facility at which, by contract, motor vehicles are made available for rent for a period not longer than 24 hours.

Motor Vehicle Light Service Station: A building or premises used for the dispensing, sales or offering for sale of motor fuels directly to users of motor vehicles. Other sales activities and any repairs shall be activities minor in scope and clearly subordinate to the sale of motor fuels, oils and lubricants. No drive-through facilities are permitted without further zoning relief.

Motor Vehicle Repair: A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle equipment.

Motor Vehicle Sales or Leasing: Premises for the sale or lease of used or new motor vehicles, including supplying of fuel, oil, lubrication, washing, or repair services, but not to include body work or painting.

Motor Vehicle Sales under Class II License: Sale of second hand or used motor vehicles pursuant to G.L. c. 140, s. 58.

Class III Motor Vehicle Sales: principal business is: (1) buying used vehicles for purpose or remodeling, taking apart, or rebuilding and selling the same, or (2) buying or selling parts from used vehicles or tires, or the assembling of used vehicle parts.

Moving of Land: Excavation, receipt, storage, or removal of sod, loam, sand, gravel or rock as a principal use or activity unrelated to any construction. Excavation for the purpose of human interment and receipt of less than 30 cubic yards of loam for landscaping purposes shall not be considered to fall within this definition.

Multiplex: A residential building that contains four (4), five (5), or six (6) primary dwelling units on one (1) lot. In order to qualify as a multiplex, at least one (1) dwelling unit is located entirely or partially above another. Multiple units built side-by-side would generally be considered a townhouse or a semi-detached house.

Neighborhood café: means an establishment that serves a limited menu of food items and does not contain more than 2,00 square feet of gross floor area

Neighborhood Medical Office: Office of a physician, dentist or other medical practitioner not located in a clinic or hospital as defined in Section 94-12.0 Definitions. The office area shall not exceed 1,500 square feet of gross floor area, shall have no more than 5 employees, and shall operate only between the hours of 8:00 a.m. and 7:00 p.m.

Nonconforming Structure: A structure that does not conform to the dimensional, accessory building, sign, parking, or loading regulations of this chapter, or which was not designed to conform to a use regulation prescribed by this chapter for the district in which it is located; but which was in existence at the time the regulation became effective and was permitted at the time the structure was built.

Nonconforming Use: A use of a building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located, but which was in existence at the time the use regulation became effective and was permitted at the time the use was established.

Occupied: Shall include the words "designed, arranged, or intended to be occupied".

Office: Business, professional or government, large: An office greater in height than the maximum otherwise allowed in the district, but not greater than 125 feet in height.

Office, Business, Professional, or Government: An office for the conduct of business by a professional such as an attorney or accountant, realtor, financial advisor, or the like, or a governmental office.

Office, Medical: An office or clinic for the medical or dental examination or treatment of persons or animals as outpatients, including laboratories incidental thereto.

Open Space: Total lot area minus the first floor area of any building plus such roof and balcony spaces that are flat, enclosed by walls at least four feet in height and that have walls and floors of an opaque material.

Open Space, Landscaped: Open space designed and planted with trees, shrubs, ground cover and grass. Such space may not include lot area used for parking, loading, access drives, other areas with hard surfaces, or usable open space.

Open Space, Permeable: Open space in which the surface allows water to infiltrate through the surface down to underlying layers of soil and gravel. Including but not limited to landscaped areas, porous asphalt, pervious concrete, paving stones, gravel or grass pavers.

Open Space, Usable: Open space designed and available for the occupants of the lot for recreation or household service activities, such as clothes drying. Such space may not include lot area used for parking, loading, or access drives. Open space shall be deemed usable only if all of the following conditions apply: At least 75 percent of the area is at a grade of less than eight percent; Each horizontal dimension is at least 15 feet, except for balcony space; Such space is at least ten feet from any dwelling unit, except for space which is for the exclusive use of that dwelling unit, and at least ten feet from any lot line; Such space is at least 75 percent open to the sky, except for balcony space.

Open Storage: Uncovered storage of building materials or other materials, including, without limiting the generality of the foregoing: lumber, cement, electrical, heating, plumbing, refrigeration, roofing supplies, tools, ladders, plows, containers, and other equipment. The term "open storage" shall include uncovered storage of motor vehicles or trailers not in regular use by the property owner or occupant.

Paranormal Service and Sales: Business engaged in providing services or sales which relate, in any way, to fortune telling, palmistry, card reading, astrology, phrenology, parapsychology, paranormal phenomena, precognition, prediction of future events by use of tarot cards or the like, telekinesis, psychic ability, horoscopes or any similar services or sales.

Parking Garage or Parking Area, Nonresidential: A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair of noncommercial motor vehicles, and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use or uses permitted in a residential district, and in which space is rented for casual or transient parkers.

Parking Garage or Parking Area, Residential: A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair of noncommercial motor vehicles, and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use or uses permitted in a residential district, and in which no space is rented for casual or transient parkers.

Permit Granting Authority: The Board of Appeals.

Permit Granting Authority, Special: Shall include the City Council, the Community Development Board, and the Board of Appeals, as designated by the Ordinance.

Pervious Surface: A surface that allows water to infiltrate the soil beneath it. Also known as permeable surface.

Professional Office: Building housing members of a recognized profession such as doctors, lawyers, dentists, architects, civil engineers, optical services, podiatrists, chiropractors, and medical clinic subject to special requirements in residential districts and that do not include retail sales as a principal use.

Radio and Television Tower: A tower for the electronic transmission of entertainment and information for the general public by public and commercial radio and television stations. This use shall include appurtenant devices such as monitoring systems, ground radial systems, guy cables, supports and control systems. This use does not include private radio stations or citizens band stations.

Recreational Use: The use of any site or indoor or outdoor facility for the purpose of play, diversion, amusement, or physical fitness which is primarily for other than residents of the premises, including, without limiting the generality of the foregoing a park, playground, beach, swimming pool, marina, bowling alley, theater, and concert hall, and as referred to in this chapter

also means a use in which no outdoor area designed for active use is located within any required yard and in which all activities, both indoor and outdoor are so arranged and sound-insulated so as to protect the neighborhood from inappropriate light and noise in any season.

Research and Testing Laboratory: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses, but excluding laboratories categorized as Level 3 or 4 by the National Institutes for Health.

Retail Sales: A store with more than 5,001 square feet of gross floor area, including, without limiting the generality of the foregoing, a grocer, baker, food store, package store, dry goods, variety, clothing, hardware, paint, household goods, furniture, books, tobacco, flowers, drugs, and general merchandise.

Retail Sales, Convenience: Retail sales in a building with 2,501 to 5,000 square feet of gross floor area.

Retail Sales, Neighborhood: Retail sales in a building with 0 to 2,500 square feet of gross floor area.

Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises. Any manufacturing or fabrication shall be considered a light manufacturing operation incidental to retail or service use and involved products customarily sold on the premises by the producer to the customer.

Scenic View Points: Site lines of scenic, historic, environmental and natural or man-made resources as designated from time to time and filed by the Board of Appeals as being of particular importance to the preservation of the distinguishing physical and visual characteristics of the City. From time to time, the Board of Appeals may file a then current list of Scenic View Points with the Zoning Enforcement Officer.

School Aged Child Care Program: A school aged child care program, as that term is defined in G.L. c. 15D, s. 1A.

Senior Housing: The following definitions shall apply in Section 8.3:

Assisted Living Facility: A residential development subject to certification by the Executive Office of Elder Affairs under G.L. c. 19D and 651 CMR 12.00.

Continuing Care Facility: A facility regulated by G.L. c. 93, s. 76.

Independent Living Facility: A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility.

Long Term Care Facility: A facility, including a convalescent or nursing home, rest home, infirmary maintained in towns, and charitable homes for the aged, as defined and regulated in 105 CMR 150.001.

Senior Housing: Housing for persons over the age of 55 subject to the Senior Housing Laws, as defined herein.

Senior Housing Facility: An Assisted Living Facility, Continuing Care Facility, Independent Living Facility, or Long Term Care Facility, whether operated as a free-standing facility or in combination with another type of facility on the same lot or adjacent lot in common control.

Senior Housing Laws: Collectively and separately, the Fair Housing Act, 42 U.S.C. Section 3607(b), 24 C.F.R. Subtitle B, Ch. 1, Section 100.300 et seq. and G.L. c. 151B, s. 4.

Shared-use Kitchen: on-Retail Food Processing Establishment. Commerical space and equipment to multiple individuals or business entities to commercially prepare or handle food that will be offered for wholesale, resale, or distribution. Shared-use kitchens may include multiple workstations, professional-grade equipment, freezer, cold and dry storage areas, and proper sanitation equipment. The spaces may serve as a commercial production area, a packaging facility, and/or commissary for food businesses. Renters or members can rent existing infrastructure for hourly or daily time blocks.

Short Term Rentals: The following definitions shall apply with regard to Section 8.4:

Booking Agent: Any person or entity that facilitates reservations of or collects payment for a short term rental on behalf of or for an operator.

Commissioner: The Building Commissioner for the City of Medford, or his or her designee.

Operator: A natural person who is the owner, or lessee of the owner, of a residential unit that seeks to offer said residential unit as a short term rental.

Primary Residence: A residential unit in which an operator resides for at least nine months out of a 12-month period. Primary residence shall be demonstrated by showing that as of the date of usage as a short term rental, the operator has resided in said residential unit for nine of the past 12 months or that the operator intends to reside in the

residential unit for nine of the next 12 months, in accordance with the proof of primary residence requirements set forth below.

Proof of Primary Residence: A copy of the deed (if owner) or lease (if tenant), driver's license or state issued identification, as well as one other document showing residency at the residential unit for the short term rental, such as utility bill, cable bill, or motor vehicle registration.

Residential Unit: A dwelling unit within a dwelling classified under the Building Code ("Code") as residential use, as those terms are defined in the Code, but excluding: a congregate living complex, elderly housing, group residence, homeless shelter, orphanage, temporary dwelling structure, and transitional housing. This term shall not include a hotel, motel or any other non-residential use.

Short Term Rental: The rental of a residential unit for its intended purpose, in exchange for payment as residential accommodations for a duration of not more than 30 consecutive days. Such a rental may or may not be facilitated through the use of a booking agent.

Solar Energy System: A system designed for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating, as further defined in G.L. c. 40A, s. 1A.

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, Board of Appeals, or Community Development Board in accordance with the provisions of this chapter and G.L. c. 40A.

Story, Half: A story used or designed to be used for human occupancy that has a floor area measured seven (7) feet vertically from the floor of not than one-half (1/2) the area of the floor next below.

Street Line: The boundary separating a lot from the street on which it abuts.

Structure: A combination of materials assembled or maintained at a location on a lot above or below ground to give support or shelter, including without limiting the generality of the foregoing, a bin, bridge, building, fence, flagpole, framework, platform, retaining wall, reviewing stand, sign, stadium, swimming pool, tank, tent, tower, trailer without wheels, trestle, or tunnel. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

Three-dwelling Unit, Detached: A building that is divided into three (3) dwelling units. Each unit has an independent entrance either directly from outside the building or through a common vestibule. This building type includes triple decker.

Tiny Home, Moveable: a transportable dwelling unit built on a frame or chassis with not more than 400 square feet, excludes lofts, projections from bay windows, open decks, porches or exterior utility and storage compartments, intended for residential use on an individual house lot where single-family dwellings are allowed or as an accessory dwelling unit.

Tiny Home, Stationary: a dwelling unit that is 400 square feet or less in floor area, excludes lofts, projections from bay windows, open decks, porches or exterior utility and storage compartments, intended for residential use on an individual house lot where single-family dwellings are allowed or as an accessory dwelling unit.

Townhouse: A group of attached dwelling units occupied by not more than one family in each unit between side walls, each unit having separate entrance from the street and sharing a common open space. Townhouse shall include condominiums or cooperative ownership.

Trade Shop: Shop of a carpenter, plumber, electrician, roofer, or similar trade.

Use: Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.

Use, Principal: The main use on a lot.

Visibility Space, Corner: On a corner lot the space between a plane 2½ feet above curb level and a plane seven feet above curb level and within the triangular area bounded on two sides by the two outer lines or exposed edges of the curbs, or by projection of such lines to their point of intersection, and on the third side by a straight line connecting points on such curb lines (or their projections) each of which is 35 feet distant from the point of intersection of the two curb lines or their projections.

Wholesale: The sale of goods in large quantity, for the purpose of resale and completely enclosed in a building. Such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials.

Wireless Telecommunications Facility (WTF): As used in Section 7.7, the following terms shall have the meanings indicated below:

Antenna: The surface from which wireless radio signals are sent and received by a WTF, including but not limited to, cross-polarized or dual-polarized antenna, omnidirectional (whip) antenna, and panel antenna.

Camouflaged: A WTF that is disguised, hidden, or is part of an existing or proposed structure in a visually unobtrusive manner is considered "camouflaged".

Carrier: A company that provides WTF services.

Co-location: The use of a single mount on the ground by more than one Carrier (vertical Co-location) and/or several mounts on a building by more than one Carrier.

Concealed: A WTF contained wholly within an existing structure and not visible from outside such structure.

Cross-polarized or Dual-polarized Antenna: A low mount that has three panels flush mounted or attached very close to the shaft.

Elevation: The measurement of height above mean sea level, based upon United States Geological Survey (USGS) National Geodetic Vertical Datum of 1929.

Environmental Assessment (EA): Document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a WTF is placed in certain designated areas.

Equipment Shelter: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

Functionally Equivalent Services: Cellular, Personal Communications Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

Guyed Tower: A lattice tower that is tied to the ground or other surface by diagonal cables.

Height: The height of a WTF is the vertical distance measured from the highest point of the Facility to the base of the Facility; as to a ground-mounted Facility, the "base of the Facility" shall be at the point of its intersection with the ground; as to a roof-mounted Facility, the "base of the Facility" shall be at the point of its installation of the roof.

Lattice Tower: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

Licensed Carrier: Company authorized by the FCC to construct and operate a commercial mobile radio service system.

Monopole: Type of mount that is self-supporting with a single shaft of wood, steel or concrete and a platform (or racks) for antennas.

Mount: The structure or surface upon which antennas are mounted, including the following four types of mounts: (1) roof-mounted: mounted on the roof of a building; (2) side-mounted: mounted on the side of a building; (3) ground-mounted: mounted on the ground; (4) structure-mounted: mounted on a structure other than a building.

Omnidirectional (Whip) Antenna: A thin rod that beams and receives a signal in all directions.

Panel Antenna: A flat surface antenna, usually developed in multiples.

Personal Communications Services (PCS): Broadband radiowave systems that operate at radiofrequencies authorized by the Federal Communications Act of 1996, as amended (the "Telecommunications Act").

Personal Wireless Services: Wireless telecommunications services regulated by the Federal Communications Commission ("FCC") and defined as "Personal Wireless Services" in Section 704 or other sections of the Telecommunications Act; by way of example, but not limitation, commercial mobile radio services, unlicensed wireless services, and common Carrier wireless exchange access services.

Radiofrequency (RF) Engineer: An engineer specializing in electric or microwave engineering, especially the study of radiofrequencies.

Radiofrequency Radiation (RFR): The emissions from WTFs.

Scenic View Points: Site lines of scenic, historic, environmental and natural or man-made resources as designated from time to time filed by the Board of Appeals as being of particular importance to the preservation of the character and appearance of the City. From time to time, the Board of Appeals may file a then current list of Scenic View Points with the Zoning Enforcement Officer.

Security Barrier: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SPGA: The Zoning Board of Appeals

Utility: A system of wires or conductors and supporting structures that functions in the transmission of electrical energy or communication services (both audio and video) between generating stations, sub-stations, and transmission lines or other utility services.

Wireless Telecommunications Facility (WTF): Facility for the provision of Personal Wireless Services. Such Facilities may, by way of example, include, but are not limited to, transmitting and receiving equipment; towers; poles; antennas; antenna structures and supports; and other equipment, Equipment Shelter, structures and installations accessory to such Facilities. In Section 7.7, sometimes referred to as "Facility".

Work-Only Artists' Studio: A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, jewelry-making, basket weaving, pottery, or other art or craft; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses.

Yard: An area unobstructed from the ground up, on the same lot with a principal building, extending along a lot line and inward to the principal building.

- A. **Front Yard:** A yard extending for the full width of the lot between the front line of the nearest building wall or building part not specifically excluded on section 94-4.2.2 and section 94-4.2.3 and the front line.
- B. **Side Yard:** A yard, unoccupied except by an accessory structure or use as herein permitted, between the line of the building wall or building part not specifically excluded on section 94-4.2.2 and section 94-4.2.4 and a side lot line extending from the front yard to the rear yard.
- C. **Rear Yard:** A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall or building part not specifically excluded on section 94-4.2.2 and section 94-4.2.5 and the rear line.

Yard, Setback: the minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure.

TABLE A: TABLE OF USE AND PARKING REGULATIONS

June 11, 2024

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
A. RESIDENTIAL USES															
1. Detached single family dwelling	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	2 per Dwelling Unit	NA
2. Attached single family dwelling: Two dwelling structure	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	1.5 per Dwelling Unit ⁴	NA
Three or more dwelling structure	N	N	N	N	Y	Y	Y	N	N	N	N	N	N	1.5 per Dwelling Unit ⁴	NA
3. Detached two-family dwelling	N	N	N	Y	Y	Y	N	N	N	N	N	N	N	1.5 per Dwelling Unit ⁴	NA
4. Multiple dwelling, Class A	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	1.5 per Dwelling Unit ⁴	NA
5. Multiple dwelling, Class B	N	N	N	N	N	Y	Y	Y	N	N	N	N	Y	1.5 per Dwelling Unit ⁴	NA
6. Dormitory, fraternity or sorority house	N	N	N	CC	CC	CC	N	N	N	N	N	N	N	1 per 4 beds	1/15,000 s.f.
7. Lodging or boarding house	N	N	N	CC	CC	CC	N	N	N	N	N	N	N	1 per Guest room	1/15,000 s.f.
8. Senior housing facility	N	CC	CC	CC	CC	CC	CC	CC	CC	N	N	N	CC	1 per 2 Units	1/15,000 s.f.
B. COMMUNITY USES															
1. Museum	N	CC	CC	CC	Y	Y	N	Y	Y	N	N	N	Y	1 per 750 s.f.	1/15,000 s.f.
2. Community center or adult recreational center, nonprofit	N	CC	CC	CC	Y	Y	N	Y	Y	N	N	CC	CC	1 per 750 s.f.	1/15,000 s.f.

3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 140 s.f.	NA
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Table A: Table of Use and Parking Regulations June 11, 2024															
	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
5. Child care center or school aged child care program	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
6. Public fire station	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
7. Public library	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	1 per 750 s.f.	1/15,000 s.f.
8. Other municipal uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NA	NA
9. Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	NA	NA
10. Hospital, nonprofit	N	Y	BA	BA	BA	BA	N	N	N	N	N	N	N	1 per 4 beds	1/15,000 s.f.
11. Other Institution	N	CC	CC	CC	CC	CC	N	CC	CC	N	CC	CC	CC	1 per 750 s.f.	1/15,000 s.f.
C. OPEN RECREATIONAL AND AGTICULTURAL USES															
1. Private open recreational uses, available to the public	CC	N	N	N	N	N	N	CC	CC	CC	CC	CC	Y	1 per 750 s.f.	1/15,000 s.f.
2. Public open recreational uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 750 s.f.	NA
3. Exempt agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NA	NA
4. Production of crops, horticulture and floriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	NA	1/15,000 s.f.

5. Keeping and raising of livestock, including animal stable or kennel	N	N	N	N	N	N	N	N	N	CC	N	N	N	NA	1/15,000 s.f.
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Table A: Table of Use and Parking Regulations June 11, 2024															
	ROS	SF-1	SF-2	GR	APT- 1	APT- 2	APT- 3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
D. COMMERCIAL USES															
1. Private entertainment or recreation facility excluding adult uses	N	N	N	N	N	N	N	CC	CC	N	CC	CC	Y	1 per 350 s.f.	1/15,000 s.f.
2. Public entertainment or recreation facility	CC	CC	CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
3. Private nonprofit members only recreational club or lodge	CC	CC	CC	CC	Y	Y	N	Y	Y	Y	N	N	Y	1 per 750 s.f.	1/15,000 s.f.
4. Trade, professional, or other school operated for profit	N	N	N	N	N	N	N	Y	Y	CC	CC	CC	Y	1 per 750 s.f.	1/15,000 s.f.
5. Hotel or motel, small	N	N	N	N	N	N	N	Y	Y	N	CC	CC	Y	1 per Guestroom	1/15,000 s.f.
6. Hotel, large	N	N	N	N	N	N	N	Y	N	N	N	N	Y	1 per Guestroom	1/15,000 s.f.
7. Mortuary, undertaking or funeral establishment	N	N	N	N	N	N	N	Y	Y	CC	N	N	N	1 per 140 s.f.	1/15,000 s.f.
8. Adult use	N	N	N	N	N	N	N	N	CC	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
9. Brewery or taproom ¹	N	N	N	N	N	N	N	Y/ BA	Y	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
E. OFFICE USES															
1. Business, professional, or government office	N	N	N	N	N	N	N	Y	Y	CC	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
2. Business, professional, or government office, large	N	N	N	N	N	N	N	N	N	N	CC	CC	N	1 per 350 s.f.	1/15,000 s.f.
3. Medical office	N	N	N	N	BA	BA	N	Y	Y	CC	CC	CC	Y	1 per 350 s.f.	1/15,000 s.f.
4. Bank and other financial institution	N	N	N	N	N	N	N	Y	Y	CC	CC	CC	Y	1 per 350 s.f.	1/15,000 s.f.
Table A: Table of Use and Parking Regulations June 11, 2024															
	ROS	SF-1	SF-2	GR	APT- 1	APT- 2	APT- 3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC

F. RETAIL AND SERVICE USES															
1. Retail sales ²	N	N	N	N	N	N	N	Y	Y	CC	CC	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Convenience retail ²	N	N	CC	CC	CC	CC	CC	Y	Y	CC	CC	Y	Y	<u>1 per 500 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood retail	N	CD	CD	CD	CD	CD	CD	Y	Y	CC	CC	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
4. Drive through retail sales and consumer service	N	N	N	N	N	N	N	CC	CC	CC	CC	CC	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Consumer service establishment	N	N	N	N	N	N	N	Y	Y	CC	N	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
6. Paranormal service and sales	N	N	N	N	N	N	N	CC	CC	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
7. Body art establishment	N	N	N	N	N	N	N	CC	CC	CC	N	N	N	<u>1 per 850 s.f.</u>	<u>1/15,000 s.f.</u>
8. Adult Use Marijuana Establishment - Cultivation	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
9. Adult Use Marijuana Establishment – Manufacture and processing	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
10. Adult Use Marijuana Establishment – Retail	N	N	N	N	N	N	N	N	BA	BA	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
11. Adult Use Marijuana Establishment – Independent laboratory	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS															
1. Eating place, without drive through	N	N	N	N	N	N	N	Y	Y	CC	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
2. Eating place, with drive through	N	N	N	N	N	N	N	CC	CC	CC	CC	CC	CC	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>

Table A: Table of Use and Parking Regulations
June 11, 2024

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
H. MOTOR VEHICLE RELATED USES															
1. Motor vehicle light service station	N	N	N	N	N	N	N	CD	CD	CD	N	N	N	1 per 350 s.f.	1/50,000 s.f.
2. Motor vehicle repair establishment	N	N	N	N	N	N	N	N	CD	CD	N	N	N	1 per 350 s.f.	1/50,000 s.f.
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	N	N	N	N	CD	CD	CD	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	N	N	N	N	N	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	CD	N	N	N	N	NA	NA
7. Motor vehicle wash within enclosed structure	N	N	N	N	N	N	N	N	CD	CD	N	N	N	1 per 350 s.f.	1/50,000 s.f.
I. MISCELLANEOUS COMMERCIAL USES															
1. Parking area or garage not accessory to permitted principal use: Residential	N	N	N	CD	CD	CD	N	CD	CD	CD	N	N	CD	NA	NA
Nonresidential	N	N	N	N	N	N	N	CD	CD	CD	CD	N	CD	NA	NA
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	N	N	N	BA	BA	BA	N	Y	Y	Y	Y	Y	Y	NA	NA

Table A: Table of Use and Parking Regulations
June 11, 2024

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	NA	NA
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	N	N	N	N	N	N	N	N	N	N	N	N	Y	NA	NA
6. Open Storage	N	N	N	N	N	N	N	N	BA	BA	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
7. Moving of land	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	N	N	NA	NA
8. Radio and television tower	N	N	N	N	N	N	N	CC	Y	CC	CC	CC	CC	NA	NA
9. Solar energy system	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NA	NA
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES															
1. Fuel and ice sales	N	N	N	N	N	N	N	N	BA	Y	N	N	N	1 per 1,400 s.f.	1/50,000 s.f.
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	1 per 1,040 s.f.	1/50,000 s.f.
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	1 per 2 employees	1/50,000 s.f.
6. Research and testing laboratory	N	N	N	N	N	N	N	N	BA	Y	Y	Y	BA	1 per 2 employees	1/50,000 s.f.
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	1 per 350 s.f.	1/15,000 s.f.
8. Wholesale bakery or food processing plant	N	N	N	N	N	N	N	N	BA	Y	N	N	N	1 per 2 employees	1/15,000 s.f.
9. Wholesale laundry, cleaner, dyer or similar use	N	N	N	N	N	N	N	N	BA	Y	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.

Table A: Table of Use and Parking Regulations
June 11, 2024

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
10. Warehouse, Wholesale establishment	N	N	N	N	N	N	N	N	BA	BA	N	N	BA	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
11. Mini or self storage warehouse	N	N	N	N	N	N	N	N	BA	BA	N	N	BA	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
K. ACCESSORY USES															
1. Home occupation (see s. 3.4) As of right	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>NA</u>
by special permit	Y	Y	Y	Y	N	N	N	Y	Y	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>NA</u>
2. Accessory child care center or school aged child care program	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	<u>Y</u>	
3. Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	<u>1 per 2 employees</u>	<u>NA</u>
4. Family day care home, large	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	N	BA	<u>1 per 2 employees</u>	<u>NA</u>
5. Adult day care home	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	BA	<u>1 per 2 employees</u>	<u>NA</u>
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	<u>1 per Guestroom</u>	<u>NA</u>
7. Noncommercial greenhouse, tool shed, or similar accessory structure	CC	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	<u>NA</u>	<u>NA</u>
8. Swimming pool, on a lot with: Less than 4,500 sq. ft.	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	N	N	Y	<u>NA</u>	<u>NA</u>
More than 4,500 sq. ft.	BA	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	<u>NA</u>	<u>NA</u>

Table A: Table of Use and Parking Regulations

June 11, 2024

	ROS	SF-1	SF-2	GR	APT-1	APT-2	APT-3	C-1	C-2	I	O	O-2	MUZ	PC ⁵	LC
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	CD	CD	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Heavy repair operations	N	N	N	N	N	N	N	N	CC	Y	N	N	N	1 per 350 s.f.	1/15,000 s.f.

Notes:

¹For Breweries operating with seven (7) barrels or under – Y

For Breweries operating with more than seven (7) barrels – BA

²Requires site plan review; see s. 11.7.2.³Measured to the closest point of the structure⁴Incentives for alternative residential parking requirements.

Affordable housing units	.5 per Dwelling Unit
Located within ½ mile of high-frequency transit	.8 per Dwelling Unit

⁵Notwithstanding the above tables, nonresidential uses with 5,000 square feet or less of gross leasable floor area exempt from any minimum

**TABLE A.1 – TABLE OF USE AND PARKING REGULATIONS: MYSTIC AVENUE
CORRIDOR DISTRICT
DECEMBER 17, 2024**

	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	<u>PC⁵</u>	<u>LC</u>
A. RESIDENTIAL USES						
1. Detached one unit dwelling	N	N	N	N	<u>2 per Dwelling Unit</u>	<u>NA</u>
2. Attached one-unit dwelling (Rowhouse)	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
3. Detached two unit dwelling (Duplex)	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
4. Multiple dwelling	Y	Y	Y	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
5. Dormitory, fraternity or sorority house	Y	Y	Y	N	<u>1 per 4 beds</u>	<u>1/15,000 s.f.</u>
6. Lodging or boarding house	CDB	CDB	CDB	N	<u>1 per Guestroom</u>	<u>1/15,000 s.f.</u>
7. Senior housing facility	CDB	CDB	CDB	N	<u>1 per 2 Units</u>	<u>1/15,000 s.f.</u>
9. Co-housing	CDB	CDB	CDB	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
10. Congregate Housing	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
11. Three-unit dwelling, Detached	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
12. Townhouse	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
B. COMMUNITY USES						
1. Museum	Y	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
2. Community center or adult recreational center, nonprofit	CDB	CDB	CDB	N	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	<u>1 per 140 s.f.</u>	<u>NA</u>
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>

by a religious sect or denomination or by a nonprofit educational corporation						
Table A.1: Table of Use and Parking Regulations—Mystic Avenue Corridor District						
	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	PC ⁵	LC
5. Child care center or school aged child care program	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
6. Public fire station	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
7. Public library	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
8. Other municipal uses	Y	Y	Y	Y	NA	NA
9. Essential Services	CDB	CDB	CDB	CDB	NA	NA
10. Hospital, non-profit	N	N	N	N	<u>1 per 4 beds</u>	<u>1/15,000 s.f.</u>
11. Other Institution	CDB	CDB	CDB	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
C. OPEN RECREATIONAL AND AGRICULTURAL USES						
1. Private open recreational uses, available to the public	Y	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
2. Public open recreational uses	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	NA
3. Exempt Agriculture	Y	Y	Y	Y	NA	NA
4. Production of crops, horticulture and floriculture	N	N	N	N	NA	<u>1/15,000 s.f.</u>
5. Keeping and raising of livestock, including animal stable or kennel	N	N	N	N	NA	<u>1/15,000 s.f.</u>
D. COMMERCIAL USES						
1. Private entertainment or recreation facility excluding adult uses	Y	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Public entertainment or recreation facility	Y	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Private nonprofit members only recreational club or lodge	Y	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
4. Trade, professional, or other school operated for profit	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
5. Hotel	Y	Y	Y	Y	<u>1 per Guestroom</u>	<u>1/15,000 s.f.</u>
7. Mortuary, undertaking of funeral establishment	N	N	N	CDB	<u>1 per 140 s.f.</u>	<u>1/15,000 s.f.</u>

8. Adult use	N	N	N	CC	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
9. Brewery or taproom ¹	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
10. Artisanal Fabrication	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>

Table A.1: Table of Use and Parking Regulations—Mystic Avenue Corridor District						
	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	<u>PC⁵</u>	<u>LC</u>
11. Artistic/Creative Production	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
12. Work-Only Artists' Studio	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
13. Co-working Space	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
14. Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
E. OFFICE USES						
1. Business, professional, or government office	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Bank and other financial institution	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
4. Medical Office	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Clinic not affiliated with any other institution	CDB	CDB	CDB	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
6. Clinic affiliated with a hospital or accredited university medical school	CDB	CDB	CDB	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
7. Clinic connected to a community center	CDB	CDB	CDB	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
F. RETAIL AND SERVICE USES						
1. Retail Sales	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Convenience retail	Y	Y	Y	Y	<u>1 per 500 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood retail	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
4. Drive through retail sales and consumer service	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Consumer service establishment	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
7. Body art establishment	Y	Y	Y	CDB	<u>1 per 850 s.f.</u>	<u>1/50,000 s.f.</u>
8. Adult Use Marijuana Establishment—Cultivation	ZBA	ZBA	ZBA	ZBA	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
9. Adult Use Marijuana Establishment—Manufacture and processing	ZBA	ZBA	ZBA	ZBA	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>

10. Adult Use Marijuana Establishment— Retail	ZBA	ZBA	ZBA	ZBA	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
11. Adult Use Marijuana Establishment— Independent laboratory	ZBA	ZBA	ZBA	ZBA	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
12. Doggy Daycare	Y	Y	Y	Y		

Table A.1: Table of Use and Parking Regulations—Mystic Avenue Corridor District						
	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	<u>PC⁵</u>	<u>LC</u>
<i>G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS</i>						
1. Eating place, without drive through	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
2. Eating place, with drive through	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood Café	Y	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
<i>H. MOTOR VEHICLE RELATED USES</i>						
1. Motor vehicle light service station	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
2. Motor vehicle repair establishment	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	CDB	<u>1 per 1,040 s.f.</u>	<u>1/50,000 s.f.</u>
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	CDB	<u>NA</u>	<u>NA</u>
5. Motor Vehicle sales and storage, outdoors	N	N	N	CDB	<u>NA</u>	<u>NA</u>
6. Class II used motor vehicle sales	N	N	N	N	<u>NA</u>	<u>NA</u>
7. Motor vehicle wash within enclosed structure	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
<i>I. MISCELLANEOUS COMMERCIAL USES</i>						
1. Parking area or garage not accessory to permitted principal use:						
Residential	N	N	N	CDB	<u>NA</u>	<u>NA</u>
Nonresidential	N	N	N	CDB	<u>NA</u>	<u>NA</u>

2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	N	N	N	CDB	<u>NA</u>	<u>NA</u>
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	N	N	N	CDB	<u>NA</u>	<u>NA</u>

Table A.1: Table of Use and Parking Regulations—Mystic Avenue Corridor District						
	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	<u>PC⁵</u>	<u>LC</u>
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	N	N	N	N	<u>NA</u>	<u>NA</u>
6. Open Storage	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
7. Moving of land	N	N	N	N	<u>NA</u>	<u>NA</u>
8. Radio and television tower	N	N	N	N	<u>NA</u>	<u>NA</u>
9. Solar energy system	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES						
1. Fuel and ice sales	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
2. Motor freight terminal	N	N	N	N	<u>NA</u>	<u>NA</u>
3. Printing and publishing	N	N	N	CDB	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
4. Railroad right-of-way	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
5. Manufacturing	N	N	N	CDB	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
6. Research and testing laboratory	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
7. Plumbing or carpentry shop, and other similar service or repair shops	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>

8. Wholesale bakery or food processing plant	N	N	N	N	<u>1 per 2 employees</u>	<u>1/15,000 s.f.</u>
9. Wholesale laundry, cleaner, dyer, or similar use	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
10. Warehouse, Wholesale establishment	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
11. Mini or self-storage warehouse	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
12. Distillery or winery	Y	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
13. Food Production Facility	N	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
14. Life Sciences Facility	N	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
15. Light Manufacturing	N	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
16. Maker Space	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
17. Shared-use Kitchen	CDB	CDB	CDB	CDB	<u>1 per 1,000 s.f.</u>	<u>1/15,000 s.f.</u>

Table A.1: Table of Use and Parking Regulations—Mystic Avenue Corridor District						
	Mystic Avenue Corridor District					
	MX-1	MX- 2	MX- 3	Commerical	<u>PC⁵</u>	<u>LC</u>
K. ACCESSORY USES						
1. Home occupation (see § 94-3.4) As of right	Y	Y	Y	N	<u>1 per 350 s.f.</u>	<u>NA</u>
By special permit	Y	Y	Y	N	<u>1 per 350 s.f.</u>	<u>NA</u>
2. Accessory child care center or school aged child care program	Y	Y	Y	Y	<u>1 per 2 employees</u>	
3. Family day care home	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>NA</u>
4. Family day care home, large	CDB	CDB	CDB	CDB	<u>1 per 2 employees</u>	<u>NA</u>
5. Adult day care home	CDB	CDB	CDB	CDB	<u>1 per 2 employees</u>	<u>NA</u>
6. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	Y	Y	Y	N	<u>1 per Guestroom</u>	<u>NA</u>
7. Noncommercial greenhouse, tool shed, or similar accessory structure	N	N	N	CDB	<u>NA</u>	<u>NA</u>
8. Swimming pool, on a lot with:	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>

Less than 4,500 sq. ft.						
More than 4,500 sq. ft.	Y	Y	Y	Y	NA	NA
9. Scientific research and development, as provided at section 94-3.3.3.1	N	N	Y	Y	NA	NA
10. Keno	N	N	N	N	NA	NA
11. Open Storage	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Heavy repair operations	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
L. OTHER PRINCIPAL USES						
1. Mixed-Use, Community	Y	Y	Y	N		
2. Mixed-Use, Development	Y	Y	Y	N		

**TABLE A.2 – TABLE OF USE AND PARKING REGULATIONS: SALEM STREET
NEIGHBORHOOD CORRIDOR DISTRICT**
March 11, 2025

	Salem Street Neighborhood Corridor District					
	MR	MX- 1	MX- 2	C	<u>PC⁵</u>	<u>LC</u>
A. RESIDENTIAL USES						
1. Detached one unit dwelling	N	N	N	N	<u>2 per Dwelling Unit</u>	<u>NA</u>
2. Attached one-unit dwelling (Rowhouse)	Y	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
3. Detached two unit dwelling (Duplex)	Y	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
4. Multiple dwelling	Y	Y	Y	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
5. Dormitory, fraternity or sorority house	N	N	N	N	<u>1 per 4 beds</u>	<u>1/15,000 s.f.</u>
6. Lodging or boarding house	CDB	CDB	CDB	N	<u>1 per Guestroom</u>	<u>1/15,000 s.f.</u>
7. Senior housing facility	CDB	CDB	CDB	N	<u>1 per 2 Units</u>	<u>1/15,000 s.f.</u>
9. Co-housing	Y	CDB	CDB	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
10. Congregate Housing	Y	N	N	N	<u>1 per 4 beds</u>	<u>NA</u>
11. Three-unit dwelling, Detached	Y	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
12. Townhouse	Y	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
B. COMMUNITY USES						
1. Museum	Y	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
2. Community center or adult recreational center, nonprofit	CDB	CDB	CDB	N	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	<u>1 per 140 s.f.</u>	<u>NA</u>
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>

any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation						
Table A.2: Table of Use and Parking Regulations—Salem Street Neighborhood Corridor District						
	Salem Street Neighborhood Corridor District					
	MR	MX- 1	MX- 2	C	<u>PC⁵</u>	<u>LC</u>
5. Child care center or school aged child care program	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
6. Public fire station	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
7. Public library	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
8. Other municipal uses	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
9. Essential Services	CDB	CDB	CDB	CDB	<u>NA</u>	<u>NA</u>
10. Hospital, non-profit	N	N	N	N	<u>1 per 4 beds</u>	<u>1/15,000 s.f.</u>
11. Other Institution	CDB	CDB	CDB	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
C. OPEN RECREATIONAL AND AGRICULTURAL USES						
1. Private open recreational uses, available to the public	Y	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
2. Public open recreational uses	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>NA</u>
3. Exempt Agriculture	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
4. Production of crops, horticulture and floriculture	N	N	N	N	<u>NA</u>	<u>1/15,000 s.f.</u>
5. Keeping and raising of livestock, including animal stable or kennel	N	N	N	N	<u>NA</u>	<u>1/15,000 s.f.</u>
D. COMMERICAL USES						
1. Private entertainment or recreation facility excluding adult uses	N	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Public entertainment or recreation facility	CDB	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Private nonprofit members only recreational club or lodge	CDB	Y	Y	CDB	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
4. Trade, professional, or other school operated for profit	N	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
5. Hotel	N	N	N	N	<u>1 per Guestroom</u>	<u>1/15,000 s.f.</u>

7. Mortuary, undertaking of funeral establishment	N	N	N	CDB	<u>1 per 140 s.f.</u>	<u>1/15,000 s.f.</u>
8. Adult use	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
9. Brewery or taproom ¹	N	N	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
10. Artisanal Fabrication	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
Table A.2: Table of Use and Parking Regulations—Salem Street Neighborhood Corridor District						
Salem Street Neighborhood Corridor District						
	MR	MX- 1	MX- 2	C	PC ⁵	LC
11. Artistic/Creative Production	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
12. Work-Only Artists' Studio	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
13. Co-working Space	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
14. Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
E. OFFICE USES						
1. Business, professional, or government office	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Bank and other financial institution	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood Medical Office	N	N	CDB	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
4. Medical Office	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Clinic	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
F. RETAIL AND SERVICE USES						
1. Retail Sales	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
2. Convenience retail	N	Y	Y	Y	<u>1 per 500 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood retail	N	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
4. Drive through retail sales and consumer service	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Consumer service establishment	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
7. Body art establishment	N	Y	Y	N	<u>1 per 850 s.f.</u>	<u>1/50,000 s.f.</u>
8. Adult Use Marijuana Establishment—Cultivation	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
9. Adult Use Marijuana Establishment—Manufacture and processing	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
10. Adult Use Marijuana Establishment— Retail	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>

11. Adult Use Marijuana Establishment— Independent laboratory	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
12. Doggy Daycare	N	Y	Y	Y		

Table A.2: Table of Use and Parking Regulations—Salem Street Neighborhood Corridor District

	Salem Street Neighborhood Corridor District					
	MR	MX- 1	MX- 2	C	<u>PC⁵</u>	<u>LC</u>
<i>G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS</i>						
1. Eating place, without drive through	N	Y	Y	Y	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
2. Eating place, with drive through	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
3. Neighborhood Café	N	Y	Y	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
<i>H. MOTOR VEHICLE RELATED USES</i>						
1. Motor vehicle light service station	N	N	N	CDB	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
2. Motor vehicle repair establishment	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	N	<u>1 per 1,040 s.f.</u>	<u>1/50,000 s.f.</u>
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	N	<u>NA</u>	<u>NA</u>
5. Motor Vehicle sales and storage, outdoors	N	N	N	N	<u>NA</u>	<u>NA</u>
6. Class II used motor vehicle sales	N	N	N	N	<u>NA</u>	<u>NA</u>
7. Motor vehicle wash within enclosed structure	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/50,000 s.f.</u>
<i>I. MISCELLANEOUS COMMERCIAL USES</i>						
1. Parking area or garage not accessory to permitted principal use:						
Residential	CDB	N	N	CDB	<u>NA</u>	<u>NA</u>
Nonresidential	N	N	N	CDB	<u>NA</u>	<u>NA</u>

2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	CDB	CDB	CDB	CDB	<u>NA</u>	<u>NA</u>
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	CDB	CDB	CDB	CDB	<u>NA</u>	<u>NA</u>

Table A.2: Table of Use and Parking Regulations—Salem Street Neighborhood Corridor District						
	Salem Street Neighborhood Corridor District					
	MR	MX- 1	MX- 2	C	<u>PC⁵</u>	<u>LC</u>
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	N	N	N	N	<u>NA</u>	<u>NA</u>
6. Open Storage	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
7. Moving of land	N	N	N	N	<u>NA</u>	<u>NA</u>
8. Radio and television tower	N	N	N	N	<u>NA</u>	<u>NA</u>
9. Solar energy system	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES						
1. Fuel and ice sales	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
2. Motor freight terminal	N	N	N	N	<u>NA</u>	<u>NA</u>
3. Printing and publishing	N	N	N	CDB	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
4. Railroad right-of-way	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>
5. Manufacturing	N	N	N	N	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
6. Research and testing laboratory	N	N	N	N	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
7. Plumbing or carpentry shop, and other similar service or repair shops	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
8. Wholesale bakery or food processing plant	N	N	N	N	<u>1 per 2 employees</u>	<u>1/15,000 s.f.</u>

9. Wholesale laundry, cleaner, dyer, or similar use	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
10. Warehouse, Wholesale establishment	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/15,000 s.f.</u>
11. Mini or self-storage warehouse	N	N	N	N	<u>1 per 1,400 s.f.</u>	<u>1/50,000 s.f.</u>
12. Distillery or winery	N	N	N	Y	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
13. Food Production Facility	N	N	N	N	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
14. Life Sciences Facility	N	N	N	N	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
15. Light Manufacturing	N	N	N	N	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
16. Maker Space	N	Y	Y	Y	<u>1 per 2 employees</u>	<u>1/50,000 s.f.</u>
17. Shared-use Kitchen	N	CDB	CDB	CDB	<u>1 per 1,000 s.f.</u>	<u>1/15,000 s.f.</u>

Table A.2: Table of Use and Parking Regulations—Salem Street Neighborhood Corridor District						
	Salem Street Neighborhood Corridor District					
	MR	MX- 1	MX- 2	C	<u>PC⁵</u>	<u>LC</u>
K. ACCESSORY USES						
1. Home occupation (see § 94-3.4) As of right	Y	Y	Y	N	<u>1 per 350 s.f.</u>	<u>NA</u>
By special permit	CDB	CDB	CDB	N	<u>1 per 350 s.f.</u>	<u>NA</u>
2. Accessory child care center or school aged child care program	Y	Y	Y	Y	<u>1 per 2 employees</u>	
3. Family day care home	Y	Y	Y	Y	<u>1 per 2 employees</u>	<u>NA</u>
4. Family day care home, large	CDB	CDB	CDB	CDB	<u>1 per 2 employees</u>	<u>NA</u>
5. Adult day care home	CDB	CDB	CDB	CDB	<u>1 per 2 employees</u>	<u>NA</u>
6. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	Y	Y	Y	N	<u>1 per Guestroom</u>	<u>NA</u>
7. Noncommercial greenhouse, tool shed, or similar accessory structure	N	N	N	CDB	<u>NA</u>	<u>NA</u>
8. Swimming pool, on a lot with: Less than 4,500 sq. ft.	Y	Y	Y	Y	<u>NA</u>	<u>NA</u>

More than 4,500 sq. ft.	Y	Y	Y	Y	NA	NA
9. Scientific research and development, as provided at section 94-3.3.3.1	N	N	N	Y	NA	NA
10. Keno	N	N	N	N	NA	NA
11. Open Storage	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Heavy repair operations	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
L. OTHER PRINCIPAL USES						
1. Mixed-Use, Community	N	Y	Y	N		
2. Mixed-Use, Development	N	Y	Y	N		

TABLE A.3 – TABLE OF USE AND PARKING REGULATIONS: MEDFORD SQUARE CITY HALL OVERLAY DISTRICT

MSO	PC ^s	LC
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A. RESIDENTIAL USES			
1. Detached one unit dwelling	N	2 per Dwelling Unit	NA
2. Attached one-unit dwelling (Rowhouse)	N	1.5 per Dwelling Unit ⁴	NA
3. Detached two unit dwelling (Duplex)	N	1.5 per Dwelling Unit ⁴	NA
4. Three-unit dwelling, detached	N	1.5 per Dwelling Unit ⁴	NA
5. Multiplex (4-6 units)	N	1.5 per Dwelling Unit ⁴	NA
6. Multiple dwelling, (> 6 units)	Y	1.5 per Dwelling Unit ⁴	NA
7. Dormitory, fraternity or sorority house	N	1 per 4 beds	1/15,000 s.f.
8. Lodging or boarding house	CDB	1 per Guestroom	1/15,000 s.f.
9. Senior housing facility	CDB	1 per 2 Units	1/15,000 s.f.
10. Co-housing	CDB	1.5 per Dwelling Unit ⁴	NA
11. Congregate Housing	N	1.5 per Dwelling Unit ⁴	NA
12. Townhouse	N	1.5 per Dwelling Unit ⁴	NA
13. Historic Conversion	Y	1.5 per Dwelling Unit ⁴	NA
B. COMMUNITY USES			
1. Museum	Y	1 per 750 s.f.	1/15,000 s.f.
2. Community center or adult recreational center, nonprofit	Y	1 per 750 s.f.	1/15,000 s.f.
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	1 per 140 s.f.	NA
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	Y	1 per 750 s.f.	1/15,000 s.f.

	MSO	PC ⁵	LC
5. Child care center or school aged child care program	Y	1 per 750 s.f.	1/15,000 s.f.
6. Public fire station	Y	1 per 2 employees	1/50,000 s.f.
7. Public library	Y	1 per 750 s.f.	1/15,000 s.f.
8. Other municipal uses	Y	NA	NA
9. Essential Services	CDB	NA	NA

10. Hospital, non-profit	N	1 per 4 beds	1/15,000 s.f.
11. Other Institution	CDB	1 per 750 s.f.	1/15,000 s.f.
C. OPEN RECREATIONAL AND AGRICULTURAL USES			
1. Private open recreational uses, available to the public	Y	1 per 750 s.f.	1/15,000 s.f.
2. Public open recreational uses	Y	1 per 750 s.f.	NA
3. Exempt Agriculture	Y	NA	NA
4. Production of crops, horticulture and floriculture	N	NA	1/15,000 s.f.
5. Keeping and raising of livestock, including animal stable or kennel	N	NA	1/15,000 s.f.
D. COMMERICAL USES			
1. Private entertainment or recreation facility excluding adult uses	Y	1 per 350 s.f.	1/15,000 s.f.
2. Public entertainment or recreation facility	Y	1 per 350 s.f.	1/15,000 s.f.
3. Private nonprofit members only recreational club or lodge	Y	1 per 750 s.f.	1/15,000 s.f.
4. Trade, professional, or other school operated for profit	Y	1 per 750 s.f.	1/15,000 s.f.
5. Hotel	Y	1 per Guestroom	1/15,000 s.f.
6. Mortuary, undertaking of funeral establishment	N	1 per 140 s.f.	1/15,000 s.f.
7. Adult use	N	1 per 350 s.f.	1/15,000 s.f.
8. Brewery or taproom ¹	Y	1 per 350 s.f.	1/15,000 s.f.
9. Artisanal Fabrication	Y	1 per 350 s.f.	1/15,000 s.f.
10. Artistic/Creative Production	Y	1 per 350 s.f.	1/15,000 s.f.
11. Work-Only Artists' Studio	Y	1 per 350 s.f.	1/15,000 s.f.
12. Co-working Space	Y	1 per 350 s.f.	1/15,000 s.f.
13. Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises	Y	1 per 350 s.f.	1/15,000 s.f.
E. OFFICE USES			
1. Business, professional, or government office	Y	1 per 350 s.f.	1/15,000 s.f.
2. Bank and other financial institution	CDB	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Medical Office	Y	1 per 350 s.f.	1/15,000 s.f.

	MSO	PC ⁵	LC
4. Medical Office	CDB	1 per 350 s.f.	1/15,000 s.f.
5. Clinic	CDB	1 per 350 s.f.	1/15,000 s.f.
F. RETAIL AND SERVICE USES			
1. Retail Sales ²	Y	1 per 350 s.f.	1/15,000 s.f.

2. Convenience retail ²	Y	1 per 500 s.f.	1/15,000 s.f.
3. Neighborhood retail	Y	1 per 750 s.f.	1/15,000 s.f.
4. Drive through retail sales and consumer service	N	1 per 350 s.f.	1/15,000 s.f.
5. Consumer service establishment	Y	1 per 350 s.f.	1/50,000 s.f.
6. Body art establishment	Y	1 per 850 s.f.	1/50,000 s.f.
7. Adult Use Marijuana Establishment—Cultivation	N	1 per 350 s.f.	1/50,000 s.f.
8. Adult Use Marijuana Establishment—Manufacture and processing	N	1 per 350 s.f.	1/15,000 s.f.
9. Adult Use Marijuana Establishment—Retail	N	1 per 350 s.f.	1/15,000 s.f.
10. Adult Use Marijuana Establishment—Independent laboratory	N	1 per 350 s.f.	1/15,000 s.f.
11. Doggy Daycare	N		
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS			
1. Eating place, without drive through	Y	1 per 350 s.f.	1/50,000 s.f.
2. Eating place, with drive through	N	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Café	Y	1 per 350 s.f.	1/50,000 s.f.
H. MOTOR VEHICLE RELATED USES			
1. Motor vehicle light service station	N	1 per 350 s.f.	1/50,000 s.f.
2. Motor vehicle repair establishment	N	1 per 350 s.f.	1/50,000 s.f.
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	1 per 1,040 s.f.	1/50,000 s.f.
4. Outdoor motor vehicle sales and storage accessory to H.3	N	NA	NA
5. Motor Vehicle sales and storage, outdoors	N	NA	NA
6. Class II used motor vehicle sales	N	NA	NA
7. Motor vehicle wash within enclosed structure	N	1 per 350 s.f.	1/50,000 s.f.
I. MISCELLANEOUS COMMERCIAL USES			
1. Parking area or garage not accessory to permitted principal use	Y	NA	NA

	MSO	PC ⁵	LC
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y	NA	NA
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	Y	NA	NA
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	Y	NA	NA

5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	N	NA	NA
6. Municipal Parking area or garage as a principal use	Y	NA	NA
7. Open Storage	N	1 per 1,400 s.f.	1/15,000 s.f.
8. Moving of land	N	NA	NA
9. Radio and television tower	N	NA	NA
10. Solar energy system	Y	NA	NA
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES			
1. Fuel and ice sales	N	1 per 1,400 s.f.	1/50,000 s.f.
2. Motor freight terminal	N	NA	NA
3. Printing and publishing	N	1 per 1,400 s.f.	1/50,000 s.f.
4. Railroad right-of-way	Y	NA	NA
5. Manufacturing	N	1 per 2 employees	1/50,000 s.f.
6. Research and testing laboratory	N	1 per 2 employees	1/50,000 s.f.
7. Plumbing or carpentry shop, and other similar service or repair shops	N	1 per 350 s.f.	1/15,000 s.f.
8. Wholesale bakery or food processing plant	N	1 per 2 employees	1/15,000 s.f.
9. Wholesale laundry, cleaner, dyer, or similar use	N	1 per 1,400 s.f.	1/50,000 s.f.
10. Warehouse, Wholesale establishment	N	1 per 1,400 s.f.	1/15,000 s.f.
11. Mini or self-storage warehouse	N	1 per 1,400 s.f.	1/50,000 s.f.
12. Distillery or winery	Y	1 per 350 s.f.	1/15,000 s.f.
13. Food Production Facility ⁷	Y	1 per 2 employees	1/50,000 s.f.
14. Life Sciences Facility	N	1 per 2 employees	1/50,000 s.f.
15. Light Manufacturing ⁷	Y	1 per 2 employees	1/50,000 s.f.
16. Maker Space	Y	1 per 2 employees	1/50,000 s.f.
17. Shared-use Kitchen	CDB	1 per 1,000 s.f.	1/15,000 s.f.

	MSO	PC ^s	LC
K. ACCESSORY USES			
1. Accessory Dwelling Units (see § 94-8.2)	N	Per § 94-8.2	NA
2. Home occupation (see § 94-3.4)		1 per 350 s.f.	NA
As of right	Y		

By special permit	Y	1 per 350 s.f.	NA
3. Accessory child care center or school aged child care program	Y	1 per 2 employees	
4. Family day care home	Y	1 per 2 employees	NA
5. Family day care home, large	Y	1 per 2 employees	NA
6. Adult day care home	CDB	1 per 2 employees	NA
7. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	Y	1 per Guestroom	NA
8. Noncommercial greenhouse, tool shed, or similar accessory structure	N	NA	NA
9. Swimming pool	Y	NA	NA
10. Scientific research and development, as provided at section 94-3.3.3.1	Y	NA	NA
11. Keno	CDB	NA	NA
12. Open Storage	N	1 per 1,400 s.f.	1/15,000 s.f.
13. Heavy repair operations	N	1 per 350 s.f.	1/15,000 s.f.
L. OTHER PRINCIPAL USES			
1. Mixed-Use, Community	N		
2. Mixed-Use, Development	Y		

Notes:

¹ For Breweries operating with seven barrels or under - Y.

For Breweries operating with more than seven barrels - BA.

² Requires site plan review; see s. 11.7.2.

³ Measured to the closest point of the structure.

⁴ Incentives for alternative residential parking requirements, except in the MSD.

Affordable housing units	.5 per Dwelling Unit
Located within ½ mile of high-frequency transit	.8 per Dwelling Unit

Incentives for residential parking requirements within the MSD: The minimum parking requirement can be reduced to 0.8 per dwelling unit by meeting the requirements in Section 94-9.7.9 Reductions to parking space requirements.

⁵Notwithstanding the above tables, nonresidential uses with 5,000 square feet or less of gross leasable floor area exempt from any minimum.

⁶ Parking as a principal use is only permitted north of High Street, between Hillside Ave. and Forest St.

⁷ Five thousand (5,000) or less Gross Floor Area (GFA) – Y.

More than five thousand (5,000) GFA – CDB

TABLE A.4 – TABLE OF USE AND PARKING REGULATIONS: MEDFORD SQUARE DISTRICT

	Medford Square District				PC ⁵	LC
	MS-1	MS-2	MS-3	MS-4		
A. RESIDENTIAL USES						
1. Detached one unit dwelling	N	N	N	N	<u>2 per Dwelling Unit</u>	<u>NA</u>
2. Attached one-unit dwelling (Rowhouse)	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
3. Detached two unit dwelling (Duplex)	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
4. Three-unit dwelling, detached	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
5. Multiplex (4-6 units)	Y	Y	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
6. Multiple dwelling, (> 6 units)	Y	Y	Y	Y	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
7. Dormitory, fraternity or sorority house	N	N	N	N	<u>1 per 4 beds</u>	<u>1/15,000 s.f.</u>
8. Lodging or boarding house	CDB	CDB	CDB	CDB	<u>1 per Guestroom</u>	<u>1/15,000 s.f.</u>
9. Senior housing facility	CDB	CDB	CDB	CDB	<u>1 per 2 Units</u>	<u>1/15,000 s.f.</u>
10. Co-housing	CDB	CDB	CDB	CDB	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
11. Congregate Housing	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
12. Townhouse	N	N	N	N	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
13. Historic Conversion	Y	Y	Y	Y	<u>1.5 per Dwelling Unit⁴</u>	<u>NA</u>
B. COMMUNITY USES						
1. Museum	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
2. Community center or adult recreational center, nonprofit	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	<u>1 per 140 s.f.</u>	<u>NA</u>
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	Y	Y	Y	Y	<u>1 per 750 s.f.</u>	<u>1/15,000 s.f.</u>

	Medford Square District				<u>PC</u> ⁵	<u>LC</u>
	MS-1	MS-2	MS-3	MS-4		
5. Child care center or school aged child care program	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
6. Public fire station	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
7. Public library	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
8. Other municipal uses	Y	Y	Y	Y	NA	NA
9. Essential services	CDB	CDB	CDB	CDB	NA	NA
10. Hospital, nonprofit	N	N	N	N	1 per 4 beds	1/15,000 s.f.
11. Other Institution	CDB	CDB	CDB	CDB	1 per 750 s.f.	1/15,000 s.f.
<i>C. OPEN RECREATIONAL AND AGRICULTURAL USES</i>						
1. Private open recreational uses, available to the public	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
2. Public open recreational uses	Y	Y	Y	Y	1 per 750 s.f.	NA
3. Exempt agriculture	Y	Y	Y	Y	NA	NA
4. Production of crops, horticulture and floriculture	N	N	N	N	NA	1/15,000 s.f.
5. Keeping and raising of livestock, including animal stable or kennel	N	N	N	N	NA	1/15,000 s.f.
<i>D. COMMERCIAL USES</i>						
1. Private entertainment or recreation facility excluding adult uses	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
2. Public entertainment or recreation facility	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
3. Private nonprofit members only recreational club or lodge	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
4. Trade, professional, or other school operated for profit	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
5. Hotel	Y	Y	Y	Y	1 per Guestroom	1/15,000 s.f.
6. Mortuary, undertaking or funeral establishment	N	N	N	N	1 per 140 s.f.	1/15,000 s.f.
7. Adult use	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
8. Brewery or taproom ¹	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
9. Artisanal Fabrication.	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
10. Artistic/Creative Production.	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.

	Medford Square District				<u>PC⁵</u>	<u>LC</u>
	MS-1	MS-2	MS-3	MS-4		
11. Work-Only Artists' Studio.	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
12. Co-working Space.	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
13. Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises.	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
<i>E. OFFICE USES</i>						
1. Business, professional, or government office	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
2. Bank and other financial institution	CDB	CDB	CDB	CDB	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Medical Office	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
4. Medical Office	CDB	CDB	CDB	CDB	1 per 350 s.f.	1/15,000 s.f.
5. Clinic	CDB	CDB	CDB	CDB	1 per 350 s.f.	1/15,000 s.f.
<i>F. RETAIL AND SERVICE USES</i>						
1. Retail sales	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
2. Convenience retail	Y	Y	Y	Y	1 per 500 s.f.	1/15,000 s.f.
3. Neighborhood retail	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
4. Drive through retail sales and consumer service	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
5. Consumer service establishment	Y	Y	Y	Y	1 per 350 s.f.	1/50,000 s.f.
6. Body art establishment	Y	Y	Y	Y	1 per 850 s.f.	1/15,000 s.f.
7. Adult Use Marijuana Establishment — Cultivation	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
8. Adult Use Marijuana Establishment — Manufacture and processing	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
9. Adult Use Marijuana Establishment — Retail	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
10. Adult Use Marijuana Establishment — Independent laboratory	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
11. Doggy Daycare	N	N	N	N		

	Medford Square District				PC ⁵	LC
	MS-1	MS-2	MS-3	MS-4		
<i>G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS</i>						
1. Eating place, without drive through	Y	Y	Y	Y	1 per 350 s.f.	1/50,000 s.f.
2. Eating place, with drive through	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Café	Y	Y	Y	Y	1 per 350 s.f.	1/50,000 s.f.
<i>H. MOTOR VEHICLE RELATED USES</i>						
1. Motor vehicle light service station	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
2. Motor vehicle repair establishment	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	N	NA	NA
5. Motor vehicle sales and storage, outdoors	N	N	N	N	NA	NA
6. Class II used motor vehicle sales	N	N	N	N	NA	NA
7. Motor vehicle wash within enclosed structure	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
<i>I. MISCELLANEOUS COMMERCIAL USES</i>						
1. Parking area or garage not accessory to permitted principal use	N	CDB ⁶	CDB	CDB	N/A	N/A
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y	Y	Y	Y	NA	NA
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	Y	Y	Y	Y	NA	NA
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	Y	Y	Y	Y	NA	NA
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	N	N	N	N	NA	NA

6. Municipal Parking area or garage as a principal use.	N	Y	N	Y	NA	NA
7. Open Storage	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
8. Moving of land	N	N	N	N	NA	NA
9. Radio and television tower	N	N	N	N	NA	NA
10. Solar energy system	Y	Y	Y	Y	NA	NA

	Medford Square District				PC ⁵	LC
	MS-1	MS-2	MS-3	MS-4		
<i>J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES</i>						
1. Fuel and ice sales	N	N	N	N	1 per 1,400 s.f.	1/50,000 s.f.
2. Motor freight terminal	N	N	N	N	NA	NA
3. Printing and publishing	N	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.
4. Railroad right-of-way	Y	Y	Y	Y	NA	NA
5. Manufacturing	N	N	N	N	1 per 2 employees	1/50,000 s.f.
6. Research and testing laboratory	N	N	CDB	N	1 per 2 employees	1/50,000 s.f.
7. Plumbing or carpentry shop, and other similar service or repair shops	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
8. Wholesale bakery or food processing plant	N	N	N	N	1 per 2 employees	1/15,000 s.f.
9. Wholesale laundry, cleaner, dyer or similar use	N	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.
10. Warehouse, Wholesale establishment	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
11. Mini or self-storage warehouse	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Distillery or winery	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.
13. Food production facility ⁷	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
14. Life science facility	N	N	N	N	1 per 2 employees	1/50,000 s.f.
15. Manufacturing, Light ⁷	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
16. Maker space	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
17. Shared-use kitchen	CDB	CDB	CDB	CDB	1 per 1,000 s.f.	1/15,000 s.f.

K. ACCESSORY USES						
1. Accessory Dwelling Units (see §94-8.2)	N	N	N	N	Per §94-8.2	NA
2. Home occupation (see § 94-3.4)					1 per 350 s.f.	NA
As of right	Y	Y	Y	Y		
By special permit	Y	Y	Y	Y	1 per 350 s.f.	NA
3. Accessory child care center or school aged child care program	Y	Y	Y	Y	1 per 2 employees	

	Medford Square District				<u>PC</u> ⁵	<u>LC</u>
	MS-1	MS-2	MS-3	MS-4		
4. Family day care home	Y	Y	Y	Y	1 per 2 employees	NA
5. Family day care home, large	Y	Y	Y	Y	1 per 2 employees	NA
6. Adult day care home	CDB	CDB	CDB	CDB	1 per 2 employees	NA
7. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	Y	Y	Y	Y	1 per Guestroom	NA
8. Noncommercial greenhouse, tool shed, or similar accessory structure	N	N	N	N	NA	NA
9. Swimming pool	Y	Y	Y	Y	NA	NA
10. Scientific research and development, as provided at section 94-3.3.3.1	Y	Y	Y	Y	NA	NA
11. Keno	CC	CC	CC	CC	NA	NA
12. Open storage	N	N	N	N	NA	NA
13. Heavy repair operations	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
K. OTHER PRINCIPAL USES						
1. Mixed-Use community	N	N	N	N		
2. Mixed-Use development	Y	Y	Y	Y		

Some uses in this table may be subject to Site Plan Review. For more information see § 94-11.7.2

Notes:

¹ For Breweries operating with seven barrels or under - Y.
For Breweries operating with more than seven barrels - BA.

³ Measured to the closest point of the structure.

⁴ Incentives for alternative residential parking requirements, except in the MSD.

Affordable housing units	.5 per Dwelling Unit
Located within ½ mile of high-frequency transit	.8 per Dwelling Unit

Incentives for residential parking requirements within the MSD: The minimum parking requirement can be reduced to 0.8 per dwelling unit by meeting the requirements in Section 94-9.7.9 Reductions to parking space requirements.

⁵ Notwithstanding the above tables, nonresidential uses with 5,000 square feet or less of gross leasable floor area exempt from any minimum.

⁶ Parking as a principal use is only permitted north of High Street, between Hillside Ave. and Forest St.

⁷ Five thousand (5,000) or less Gross Floor Area (GFA) – Y.
More than five thousand (5,000) GFA – CDB

**TABLE B – TABLE OF DIMENSIONAL REQUIREMENTS
MARCH 15, 2022**

	MINIMUM PERMITTED								MAXIMUM PERMITTED				
	Lot					Open Space % Gross Floor Area		Yards (feet)				Height	
	Area (square feet)												
	Per Dwelling Unit	Total	Frontage (feet)	Width (feet)	Depth (feet)	Landscaped	Usable	Front	Side	Rear	Lot Coverage (percent)	Feet	Stories
1. Detached single-family dwelling													
(a) In SF-1 districts	N/A	7,000	35	50	55	N/A	N/A	15	7½	15	40%	35	2½
(b) In all other districts	N/A	5,000	35	50	55	N/A	N/A	15	7½	15	40%	35	2½
2. Detached two-family dwelling	N/A	6,000	35	60	60	N/A	N/A	15	7½	15	35%	35	2½
3. Attached single-family dwelling													
(a) End dwelling unit	N/A	3,500	35	35	75	10%	25%	15	one @ 10	15	30%	35	3
(b) Middle dwelling unit	N/A	2,500	25	25	75	5%	25%	15	N/A	15	35%	35	3
4. Multiple dwelling		10,000	50	100	100	10%		H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	30%		
(a) 1st and 2nd dwelling units, total	4,500						25%					35	3

	MINIMUM PERMITTED								MAXIMUM PERMITTED				
	Lot					Open Space % Gross Floor Area		Yards (feet)				Height	
	Area (square feet)												
	Per Dwelling Unit	Total	Frontage (feet)	Width (feet)	Depth (feet)	Landscaped	Usable	Front	Side	Rear	Lot Coverage (percent)	Feet	Stories
(b) Each additional dwelling unit													
1) On first three floors	1,000						25%					35	3
2) On or above fourth floor	600						20%					75	6
4A. Hotel in a C-1 district	N/A		50	100	100	10%	25%	N/A	N/A	15	N/A	140	15
4B. Assisted living residence													
(a) 1st and 2nd dwelling units, total		10,000	50	100	100	10%	25%						
(b) Each additional dwelling unit	4,500												
1) On first three floors	1,000												
2) On or above fourth floor	600												
a) In SF-1, SF-2 and APT-1 districts								H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	30%	50	4
b) In APT-2, APT-3, and C-2 districts								H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	30%	50	4

	MINIMUM PERMITTED								MAXIMUM PERMITTED				
	Lot					Open Space % Gross Floor Area		Yards (feet)				Height	
	Area (square feet)												
	Per Dwelling Unit	Total	Frontage (feet)	Width (feet)	Depth (feet)	Landscaped	Usable	Front	Side	Rear	Lot Coverage (percent)	Feet	Stories
c) In C-1 districts								15	15	15	35%	75	6
d) In MUZ districts	N/A	20,000	100	N/A	N/A	N/A ¹	N/A	15 ²	0	0	45% ³	100 ⁴	7 ⁴
5. Other permitted principal structures													
(a) In ROS, SF-1 and SF-2 districts	N/A	10,000*	50	100	100	10%	25%	H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	30%	35	2½
(b) In GR and APT-1 districts	N/A	10,000*	50	100	100	10%	25%	H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	35%	35	3
(c) In APT-2 and APT-3 districts	N/A	10,000*	50	100	100	10%	25%	H+L / 6 but at least 15	H+L / 6 but at least 15	H+L / 6 but at least 15	35%	125	15
(d) In C-1 districts	N/A	N/A	20	N/A	N/A	N/A	N/A	N/A	N/A	15	N/A	50	4
(e) In C-2 and I districts													
1) Detached building	N/A	10,000	35	N/A	N/A	N/A	N/A	15	15	15	50%	30	2
2) Attached building													
(a) End building	N/A	10,000	35	N/A	N/A	N/A	N/A	15	one @ 15	15	50%	30	2
(b) Middle building	N/A	10,000	35	N/A	N/A	N/A	N/A	15	N/A	15	50%	30	2

	MINIMUM PERMITTED							MAXIMUM PERMITTED					
	Lot					Open Space % Gross Floor Area		Yards (feet)				Height	
	Area (square feet)												
	Per Dwelling Unit	Total	Frontage (feet)	Width (feet)	Depth (feet)	Landscaped	Usable	Front	Side	Rear	Lot Coverage (percent)	Feet	Stories
(f) In O districts	N/A	50,000	100	N/A	N/A	10%	N/A	15	15	15	50%	125	12
(g) In O-2 districts* * By special permit dimensional relief may be obtained. See Section 4.2.8.	N/A	50,000	100	N/A	N/A	15% of lot area	N/	0-15	30*	15	70%	85	6
(h) In MUZ districts	N/A	20,000	100	N/A	N/A	N/A ¹	N/A	15 ²	0	0	45% ³	100 ⁴	7 ⁴
(i) Radio and television towers	N/A	100,000	100	150	150	N/A	N/A	.5 .4 height	.4 height	.4 height	N/A	375	N/A

* See subsection 4.2.8(4).

¹ But see section 9.1.3.

² Subject, however, to section 9.1.5 regarding setback limitations in an MUZ district.

³ See also section 9.1.3.

⁴ See also section 9.1.2.

TABLE B.1 – TABLE OF DIMENSIONAL REQUIREMENTS—MYSTIC AVENUE CORRIDOR DISTRICT

Dimensions	Mystic Avenue Corridor District			
	MX-1	MX-2	MX-3	Commercial
Lot Width ft (Min)	30	40	60	60
Lot Depth ft (Min)	60	80	120	80
Frontage (Min)	30	40	60	60
Façade Build Out (Min)	80%	80%	80%	60%
Active Ground Floor (Min)	75%	75%	75%	25%
Height				
Min Height (Stories)	3	3	4	2
Base Height (Stories)	4	4	10 (Podium 4+ tower 6)	6

Maximum Height for parcels abutting Mystic Ave. (Stories)	6	6	14 (Podium 4+ tower 10)	8
Height (ft). Ground floor story. Min/Max	14/18	14/18	14/18	14/18
Height (ft). Upper floor story. Min/Max	10/12	10/12	10/14	10/14
Stepback (above 4 th floor)	10 ft	-	20ft	-
Setbacks (ft)				
Front (Min/Max)	3/20	3/20	3/20	10/20
Side	-	-	-	-
Rear	0	10	30	-
Stormwater and Landscaping				
Building Coverage (Max)	80%	80%	80%	70%
Green Score	25	25	25	25
Open Space, Permeable (Min)	20%	20%	20%	15%

TABLE B.2 – TABLE OF DIMENSIONAL REQUIREMENTS— SALEM STREET NEIGHBORHOOD CORRIDOR DISTRICT

Dimensions	Salem Street Neighborhood Corridor District			
	MR	MX-1	MX-2	Commercial
Lot Area sf (Min)-under review	3,000	3,000	3,000	10,000
Frontage ft (Min)	35 ft	30 ft	40 ft	60 ft
Façade Build Out (Min)	60%	80%	80%	60%
Residential Density (Units per lot) (Min-Max):	2-6 units	-	-	-
Active Frontage (Min)	-	75%	75%	25%
Height				
Min. Height (Stories)	2	2.5	3	1
Base Height (Stories)	3	3	4	3

Maximum Height for buildings that front on Salem St. (Stories)	N/A	4	6	6
Height (ft). Ground floor story. Min/Max	10/12	14/18	14/18	14/18
Height (ft). Upper floor story. Min/Max	10/12	10/12	10/12	10/14
Stepback (above 4 th floor for building that front on Salem St. Within MX2 and Commercial)	N/A	N/A	10 ft	10 ft
Setbacks (ft)				
Front (Min/Max)	3 ft-10 ft	3/20 ft	3/20 ft	10/20 ft
Side	5 ft (Sum 10 ft)	-	-	-
Rear	10 ft	10 ft	10 ft	10 ft
Stormwater and Landscaping				
Building Coverage (Max)	60%	80%	80%	70%
Green Score (Min/Ideal)	-	25/30	25/30	20/25
Open Space, Permeable (Min)	25%	20%	20%	15%

TABLE B.3 – TABLE OF DIMENSIONAL REQUIREMENTS—MEDFORD SQUARE CITY HALL OVERLAY DISTRICT

Dimensions	MSO
Lot Area sf (Min)	4,000 sf
Frontage (Min)	40ft
Façade Build Out (Min)	80% ³
Active Ground Floor (Min)	60% ³
Residential Density (Units per lot) (Min-Max):	-
Historical Conversion (Max) ¹	Y
Max Base Height (Stories)	8
Max Incentive Height (Stories)	5
Front (Min/Max)	0/20 ft
Side	0 ft
Rear	0 ft
Building Coverage (Max)	90%
Green Score ²	25
Pervious Surface ² (Min)	10%
Open Space (Min)	10%

¹Maximum permissible number of units is determined dividing the Gross Floor Area of the existing principal structure by nine hundred (900) sf. Each unit within the existing building must have a minimum area of nine hundred (900) sf. Additions and expansions to the existing building shall not increase the number of units allowed.

²The Green Score only applies to the construction of any new principal building or major renovation that:

- a. Is located within the FEMA National Flood Hazard Layers; or
- b. Requires Site Plan Review

In those cases, Pervious Surface requirement does not apply.

³ Active Ground Floor and Façade Build Out requirements shall not apply to parking garage structures not accessory to a permitted principal use.