

1 INTRODUCTORY PROVISIONS

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DISCUSSION DRAFT

1.1 GENERAL

1. Title

- a. This Ordinance is known as the ‘Zoning Ordinance of the City of Somerville’ and may also be cited and referred to as ‘Somerville Zoning Ordinance’ and ‘SZO’.

2. Authority

- a. This Ordinance is adopted under the authority granted by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and enacted in accordance with the provisions of the Massachusetts General Laws (M.G.L.) Chapter 40A, as amended.

3. Applicability

- a. Unless otherwise specified, this Ordinance is applicable to all real property within the City of Somerville.
 - i. Real property used or occupied by the City of Somerville is exempt from the provisions of this Ordinance.
 - ii. Real property used or occupied by the Commonwealth of Massachusetts in conducting its essential government functions is exempt from the provisions of this Ordinance.
- b. All divisions, departments, commissions, boards, and authorities of the City of Somerville shall comply with the procedural requirements of this Ordinance.

4. Purpose

- a. Plan Implementation
 - i. To implement the comprehensive Master Plan of the City of Somerville and enforce officially adopted plans and policies.
 - ii. To coordinate development and redevelopment according to neighborhood, corridor, and station area plans collaboratively developed with community members.
- b. Regulatory Context
 - i. To equitably balance the regulation of real property with the interests of the community as a whole.
 - ii. To protect the health, safety, and general welfare of the community.
- c. Land Development Pattern
 - i. To ensure the development of a well-connected THOROUGHFARE network, composed of direct and convenient routes that reinforce Somerville as a walkable, human-scaled urban environment.
 - ii. To ensure that the limited land area of Somerville is efficiently divided into a BLOCK and LOT pattern consistent with the objectives and policies of the comprehensive Master Plan of the City of Somerville.
 - iii. To preserve and expand the city’s walkable

network of human scaled THOROUGHFARES and the small BLOCK and LOT pattern of land division.

- iv. To protect the social, environmental, and economic benefits provided by a walkable development pattern.
 - v. To discourage THOROUGHFARES and intersections that limit connectivity, discourage walking, induce traffic congestion, and increase vehicular air pollutant emissions by reducing the number of possible routes of travel and add unnecessary distance between destinations.
 - vi. To require ALLEY-loaded blocks that concentrate “back-of-house” elements such as utility infrastructure, refuse collection, and access to parking and loading in the BLOCK interior, to the rear of buildings.
 - vii. To require the platting of land so that LOTS have frontage upon and buildings are properly oriented toward the public realm of an ABUTTING THOROUGHFARE or civic space.
- d. Neighborhoods
 - i. To develop and maintain complete, mixed-use, walkable, transit-oriented, and environmentally sustainable neighborhoods that foster a strong sense of community throughout the city.
 - ii. To provide distinct physical habitats at different scales, including the LOT, BLOCK, and neighborhood, so that meaningful choices in living arrangement can be provided to residents with differing physical, social, and emotional needs.
 - iii. To provide a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Somerville residents at all income levels, paying particular attention to providing housing that is affordable to individuals and families with low and moderate incomes.
 - iv. To preserve and enhance the existing character of Somerville’s traditional housing and respect existing built form and development patterns.
 - e. Public Realm
 - i. To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
 - ii. To preserve and enhance the design of Somerville’s public realm.
 - f. Civic Space
 - g.
 - i. To ensure a variety of functional, well-designed civic and recreation spaces that complement the character of adjacent properties, contribute to a comprehensive open space network, and add vibrancy to the city.
 - h. Transportation
 - i. To develop a comprehensive network of THOROUGHFARES that accommodate multiple modes

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General

of transportation, organized in a hierarchy defined by the character of each type.

i. Mobility

- i. To ensure that off-street accessory parking for motor vehicles is provided in a manner consistent with the objectives and policies of the comprehensive master plan of the City of Somerville.
- ii. To establish parking policies that support transit-oriented development and a walkable, human-scaled urban environment.
- iii. To un-bundle the cost of off-street parking from the cost of housing, so that housing in Somerville is more affordable.
- iv. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.
- v. To allow flexibility in how parking is provided by allowing shared and/or off-site arrangements in order to accommodate the parking of motor vehicles in a manner that is less disruptive to the urban environment.
- vi. To promote the efficient use of public parking resources by designing for an 85% occupancy rate of on-street parking spaces.
- vii. To balance the supply of off-street parking with local thoroughfare network capacity.

j. Mobility Management

- i. To improve transportation options available to travelers, promote the use of efficient travel modes, and reduce the need to travel.
- ii. To decrease vehicular air pollutant emissions, conserve energy resources, and reduce ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city.
- iii. To reduce automobile dependence and the associated costs of owning, operating, and maintaining a motor vehicle.
- iv. To decrease costs associated with the construction, repair, maintenance, and improvement of City THOROUGHFARES and parking facilities.
- v. To decrease the cost of traffic enforcement and promote traffic safety.
- vi. To reduce the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure.
- vii. To support a fiscal return on Federal, State, and local financial investment made in public transportation infrastructure by increasing ridership of public transportation services.
- viii. To incorporate transportation planning considerations into development review.

ix. To encourage the establishment of Mobility Management Associations within the city.

k. Buildings

- i. To require a strong connection and gradual transition between the public realm (sidewalks, thoroughfares, and civic spaces) and private realm (yards and building interiors).
- ii. To promote the adaptation of existing buildings and permit redevelopment and infill construction that contributes to Somerville's architectural legacy, while respecting neighborhood character.

l. Economic Development

- i. To increase commercial tax base in support of the fiscal health of the City.
- ii. To permit the activities customary to daily life within walking distance of most dwellings, providing accessibility to goods and services for all residents of Somerville including the disabled, elderly, young, low income, and those that do not drive or choose not to own an automobile.
- iii. To protect and promote a diverse mix of businesses.
- iv. To increase accessibility to diverse employment opportunities within Somerville.
- v. To provide opportunities for businesses to remain in Somerville as they develop and grow.
- vi. To capture a fiscal return on investments made in transportation infrastructure by locating higher intensity development, employment opportunities, and a broad mix of uses along major corridors and within walking distance of transit stops.

5. Regulatory Scope

- a. The provisions of this Ordinance are the minimum necessary to achieve the stated purposes.

6. Compliance

- a. No real property may be occupied or used; no use of an existing building or land may change; no sign may be erected, replaced, altered, refurbished, or otherwise modified; and no building or structure may be constructed, reconstructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
- b. Nothing contained in this Ordinance shall be construed to restrict the use of land or structures for activities protected by M.G.L. Chapter 40A, Section 3.

7. Fines and Penalties

- a. Any person who violates the provisions of this Ordinance shall be punished with a fine of not more than three hundred dollars (\$300.00) for each offense, where each day that a violation is not corrected or abated shall constitute a separate offense.

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Transition Rules

- b. In addition to procedure for enforcement described above, the Building Official may enforce the ordinance by a non-criminal disposition per MGL 4021d.

8. Conflicting Provisions

- a. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- b. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provisions of this Ordinance apply.
- c. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance imposes a greater restriction than required by Federal or State law, the provisions of this Ordinance apply unless otherwise prohibited by law.

9. Meaning & Intent

- a. Words, phrases, and terms used in this Ordinance are defined in Article 16. Definitions.
- b. Words, phrases, and terms not defined in Article 16 are subject to the definitions of the Commonwealth of Massachusetts State Building Code (780 CMR).
- c. Words, phrases, and terms not defined by either Article 16 or the Commonwealth of Massachusetts State Building Code are defined by the most recent edition of Webster's Unabridged Dictionary.
- d. Words used or defined in one tense or form include other tenses and derivative forms.
- e. Words in the singular or plural include the other, unless expressly excluded.
- f. Words in the masculine or feminine include the other.
- g. The words 'must', 'shall', 'will', and 'may not' are mandatory.
- h. The words 'may' and 'should' are permissive.
- i. The words building, BUILDING TYPE, land, LOT, parcel, premises, site, structure, and THOROUGHFARE are construed as though followed by the words 'or any portion thereof'.
- j. The words 'used' or 'occupied' include designed, arranged, intended, or offered for use or occupation.
- k. The terms 'standards', 'regulations', and 'requirements' are used to mandate a specific course of action or built outcome. Compliance with standards, regulations, and requirements is mandatory and indicated by use of the terms 'must', 'shall', 'will', 'may,' and 'may not'.
- l. The term 'guideline' is used for actions or built outcomes that are strongly encouraged to fulfill the intent of specific sections of this Ordinance. Guidelines are indicated by use of the term 'should'.
- m. Unless otherwise specifically indicated, lists of items or examples that use terms such as 'for example',

'including', and 'such as', or similar language, are intended to provide examples and not as exhaustive lists of all possibilities.

10. Text & Graphics

- a. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the intent and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text shall govern.
- b. Photographs provided in the Ordinance have no regulatory purpose and are intended only as examples.

11. Severability & Invalidity

- a. If any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining provisions of this Ordinance and their application to any other person, partnership, corporation, or circumstance shall not be affected.

1.2 TRANSITION RULES

1. Previous Approvals

- a. Any discretionary or administrative permit issued prior to the adoption of this Ordinance remains valid, subject to all conditions of the approval.
- b. Any discretionary or administrative permit, excluding subdivision plan approval, issued prior to the first notice of the public hearing for any amendment to this Ordinance, remains valid, subject to all conditions of the approval.

1.3 ADOPTION & EFFECT

1. Adoption Date

- a. This Ordinance was adopted by the Board of Aldermen on Month, XX, 201X.

2. In Effect

- a. This Ordinance takes effect upon its passage and supersedes the Zoning Ordinance of the City of Somerville adopted on March, 23, 1990, as amended.

3. Published Notice

- a. Per M.G.L. 40 Section 32, notice of the adoption of this Ordinance, or any amendment to this Ordinance, shall be published at least two times in a newspaper of general circulation without delay upon its adoption by the Board of Aldermen and signing into law by the Mayor. Failure to publish this notice does not affect the validity of this Ordinance or its amendments.

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Official Maps

4. Claim of Invalidity

- a. No claim of invalidity of this Ordinance shall be made in any legal proceeding after ninety (90) days have passed following the publication of notice of adoption.
- b. Notice specifying the court, parties, claim of invalidity, and date of filing shall be submitted to the Office of the City Clerk within seven (7) days after commencement of such action.

1.4 OFFICIAL MAPS

1. Zoning Atlas

- a. Incorporation
 - i. Zoning district boundaries are shown on maps of the “Official Zoning Atlas of the City of Somerville”
 - ii. This atlas and its maps may be cited and referred to as the “Official Zoning Atlas”
 - iii. The Office of Strategic Planning and Community Development shall maintain the Official Zoning Atlas in accordance with the most recent zoning map amendment approved by the Board of Aldermen.
 - iv. The Official Zoning Atlas may be supplemented by additional layers or separate maps to the atlas sheets when the scale of the atlas sheets does not adequately illustrate the details of boundaries or designations of a particular area.

2. Zoning Districts

- a. Establishment of Districts
 - i. Zoning districts are established as described in this Ordinance and applied to real property as shown on the maps of the Official Zoning Atlas.
- b. Boundaries
 - i. Zoning district boundary lines are intended to follow LOT lines, or be parallel or perpendicular to them, and along the centerlines of private rights-of-way, public ALLEYS, and railroad rights-of-way as indicated on the maps of the Official Zoning Atlas.
 - ii. Where the maps of the Official Zoning Atlas indicate a district boundary line that approximately coincides with a LOT LINE, the LOT LINE is the official boundary between districts.
 - iii. Where the maps of the Official Zoning Atlas indicate a district boundary line that divides a platted LOT or undivided parcel of land, the boundary between districts is determined using the scale of that map in the Official Zoning Atlas and the provisions for each zoning district apply to the portion of the lot within the respective districts.
- c. Unmapped Land
 - i. Any thoroughfare that is decommissioned may be used or developed as if it is incorporated into the adjacent zoning district.

- ii. Any land not specifically included in any zoning district on the maps of the Official Zoning Atlas is subject to the provisions of Article 11: Public Realm Standards and classified as the Civic district unless rezoned according to the Map Amendment procedures of Article 15: Administration.

3. Transit Areas

- a. Incorporation
 - i. Transit stations and all lots located within one-quarter (1/4) and one-half (1/2) mile walking distance to each station are shown on the “Official Transit Area Map of the City of Somerville”
 - ii. This map may be cited and referred to as the “Transit Area Map”
 - iii. The Transit Area Map is part of the Official Zoning Atlas as established in §1.C.1. Zoning Atlas.

4. Pedestrian Streets

- a. Incorporation
 - i. Pedestrian oriented BLOCK FACES are shown on the “Official Pedestrian Streets Map of the City of Somerville”
 - ii. This map may be cited and referred to as the “Pedestrian Streets Map”
 - iii. The Pedestrian Streets Map is part of the Official Zoning Atlas as established in §1.C.1. Zoning Atlas.
- b. Interpretation
 - i. Pedestrian street designation is intended to include the entirety of each designated BLOCK FACE. Where the Pedestrian Streets Map indicates a designation that identifies only part of BLOCK FACE, the length of the designation is one hundred (100) feet of the FRONT LOT LINE or combination of FRONT LOT LINES extending from the corner of the BLOCK.