City of Somerville
ZONING OVERHAUL

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Upcoming Meetings

Today, January 31, 2018
Document Basics

Tuesday, February 13, 2018
Planning Director's Policy Overview of the Proposed Ordinance

Tuesday, March 13, 2018
Public Testimony

Planning Division
has already opened
PUBLIC COMMENTS

SOMERVILLEZONING.COM

Proposed Code

The Administration has ...ly submitted the proposed Zoning ...aul to the Board of Aldermen. To review a timeline of the ste... ...ed for adoption, see o... ...on Process Infographic.

Please provide your feedback on our **CiviComment page**, and don't forget to join us in the upcoming public hearings by the Planning Board and the Board of Aldermen Land Use Committee:

- On **Tuesday, February 13, 2018, at 6:00 p.m.** in the Aldermanic Chambers on the Second Floor of Somerville City Hall, 93 Highland Avenue, the City Administration will introduce the code, provide an overview, and highlight the differences between the proposed 2018 overhaul and the 2015 version;
- On **Tuesday, March 13, 2018, at 6:00 p.m.** in the Aldermanic Chambers on the Second Floor of Somerville City Hall, 93 Highland Avenue, the Planning Board and Land Use Committee will accept public comments;

For those who may be interested, the Land Use Committee and Planning Board will also meet on **Wednesday, January 31, 2018, at 6:00 p.m.**, in the Aldermanic Chambers on the Second Floor of Somerville City Hall, 93 Highland Avenue, for an introduction by administration staff to the drafting technique, document structure, and other technical items related to the proposed ordinance.

Below is the current draft of the new Somerville Zoning Ordinance. A change log and previous drafts are

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planning@somervillema.gov

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EN HT PT ES

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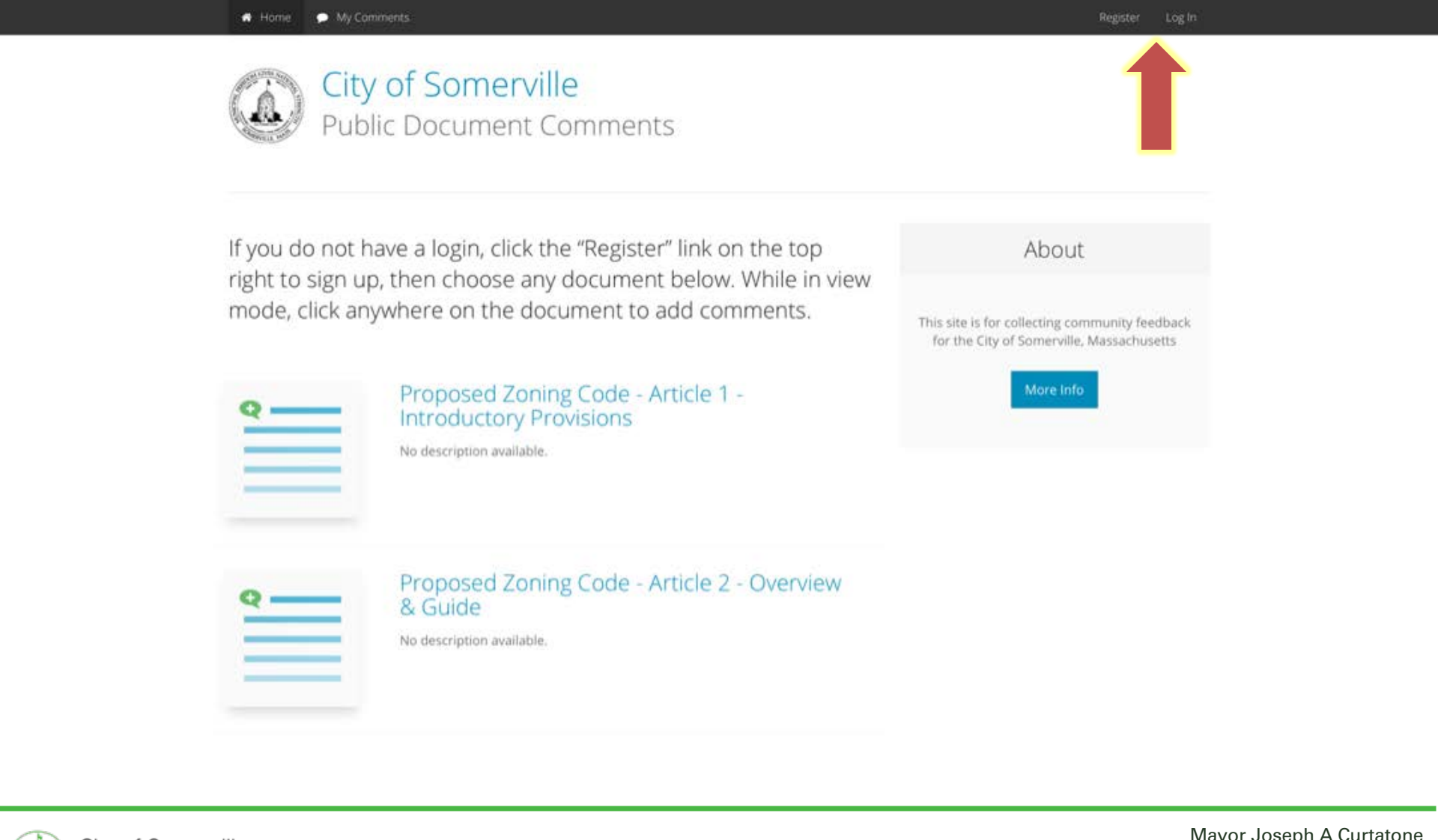
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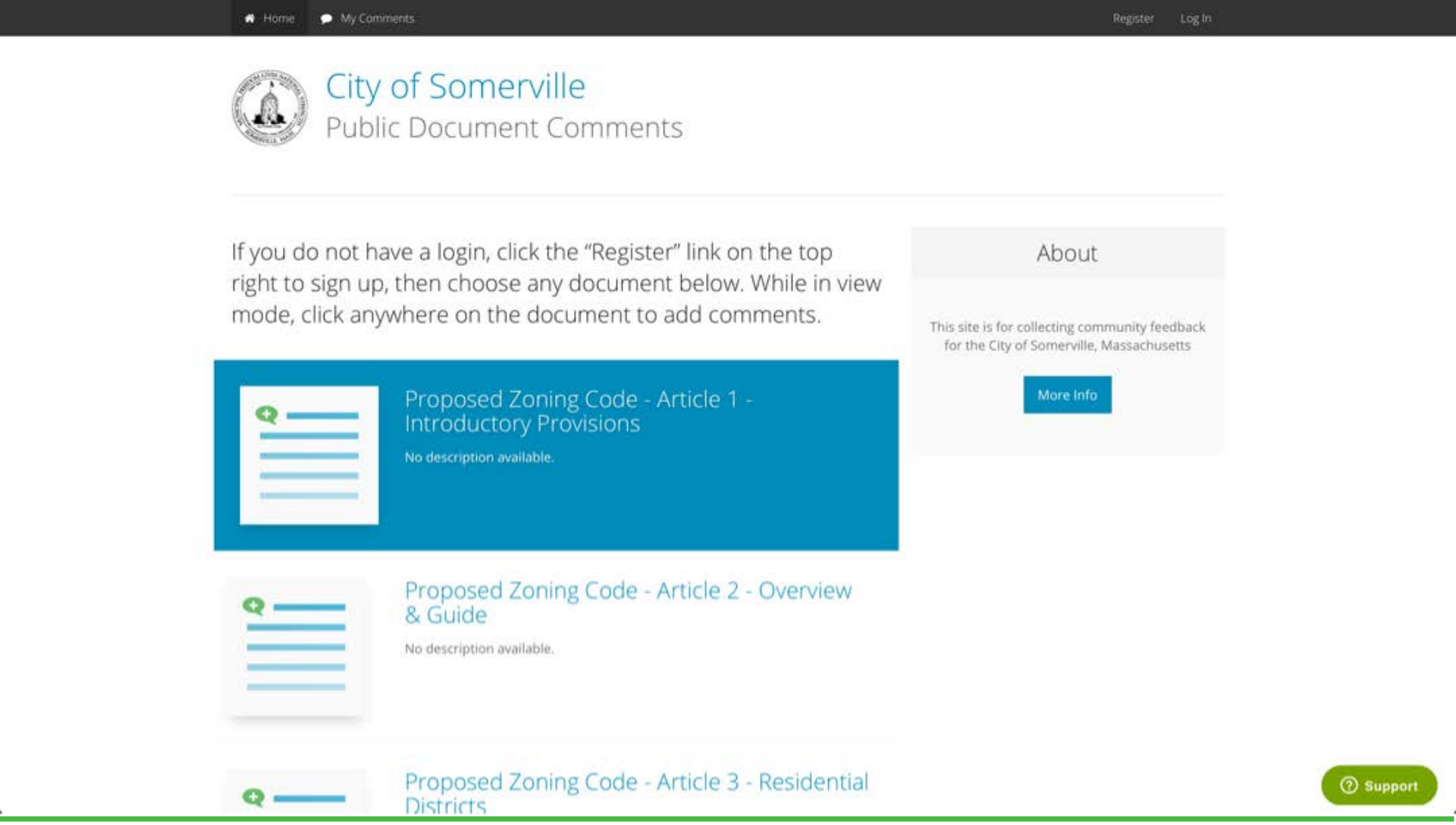
No description available.
Proposed Zoning Code - Article 2 - Overview & Guide
No description available.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Proposed Zoning Code - Article 1 - Introductory Provisions

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1 INTRODUCTORY PROVISIONS

1.1 **GENERAL** **3**
Title 3
Authority 3
Applicability 3
Purpose 3
Regulatory Scope 4
Compliance 4
Fines and Penalties 4
Conflicting Provisions 4
Meaning & Intent 4
Text & Graphics 5
Severability & Invalidity 5

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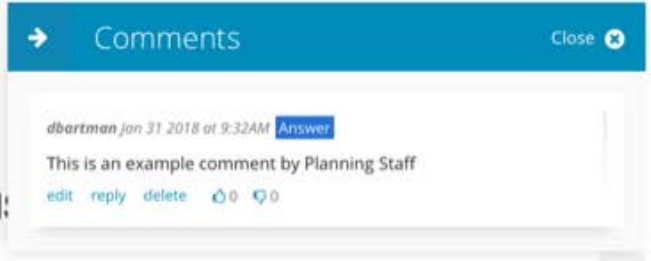

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Support

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with feedback or to request a meeting with your community group at:

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Jan 31, 2018

DOCUMENT BASICS

AGENDA TOPICS

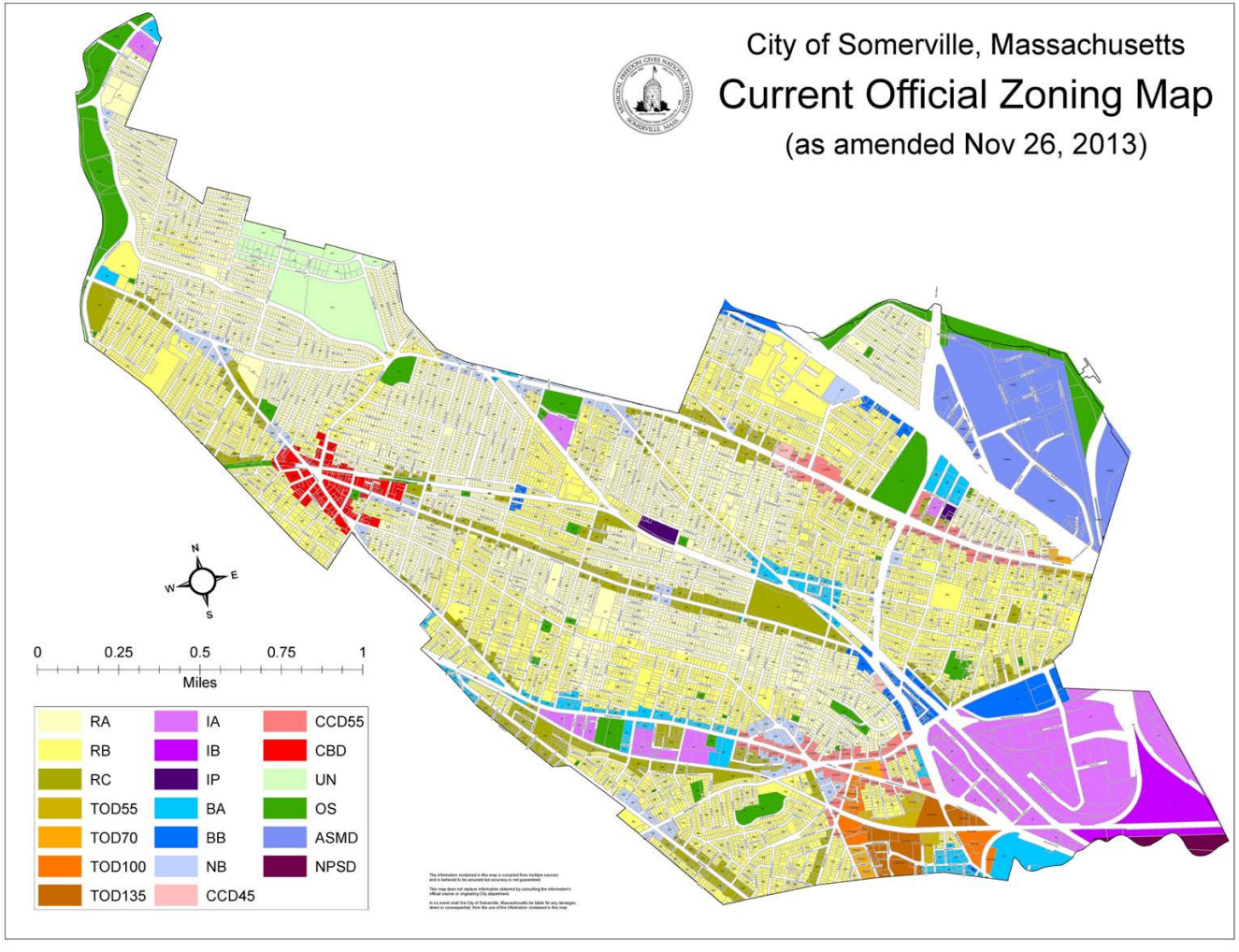
1. Zoning Atlas
2. Ordinance Structure
3. Writing Style
4. Permitting Concept
5. Editing Process

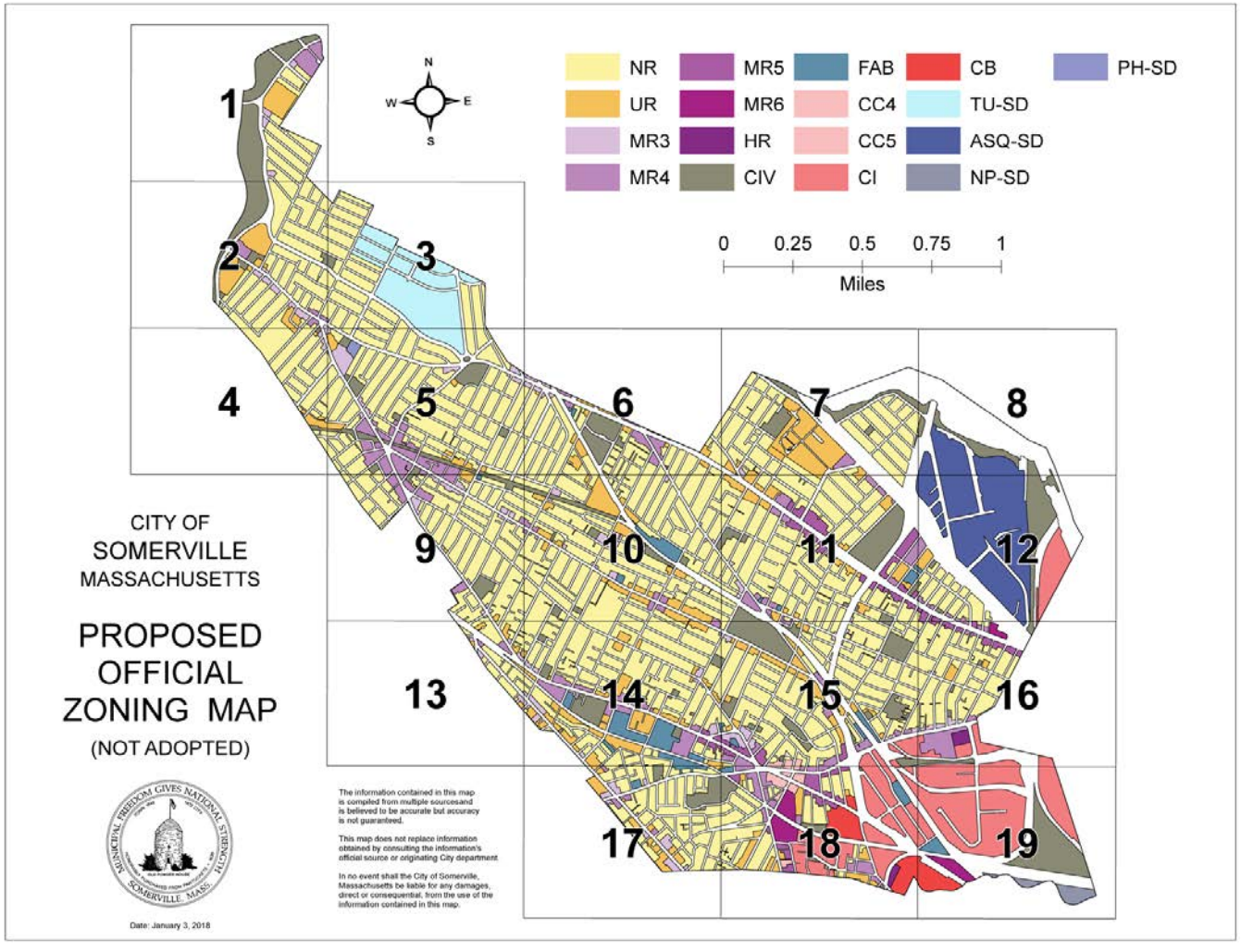
1. ZONING ATLAS

City of Somerville, Massachusetts

Current Official Zoning Map

(as amended Nov 26, 2013)

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CITY OF
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MASSACHUSETTS
PROPOSED
OFFICIAL
ZONING MAP
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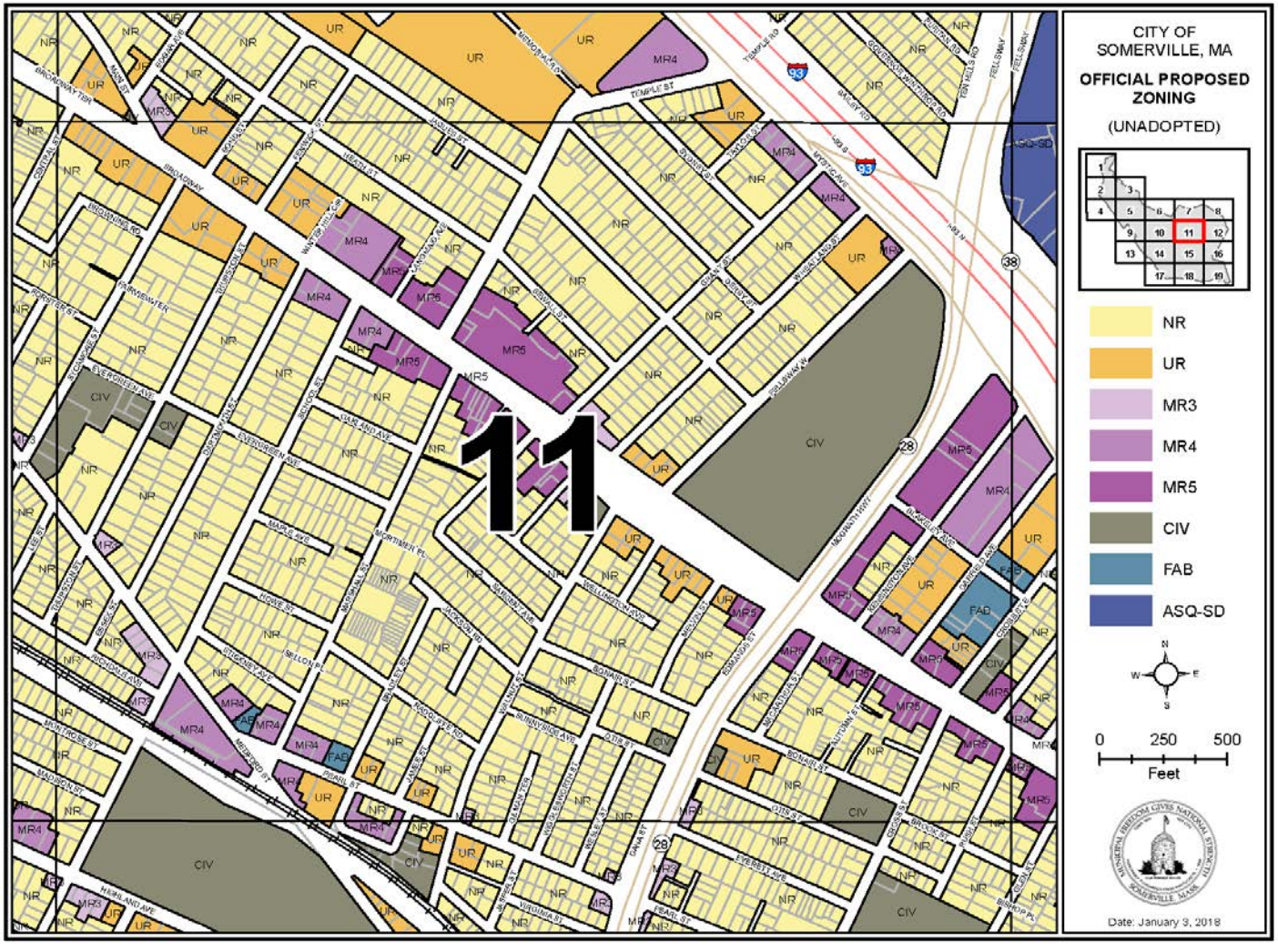
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OFFICIAL PROPOSED ZONING
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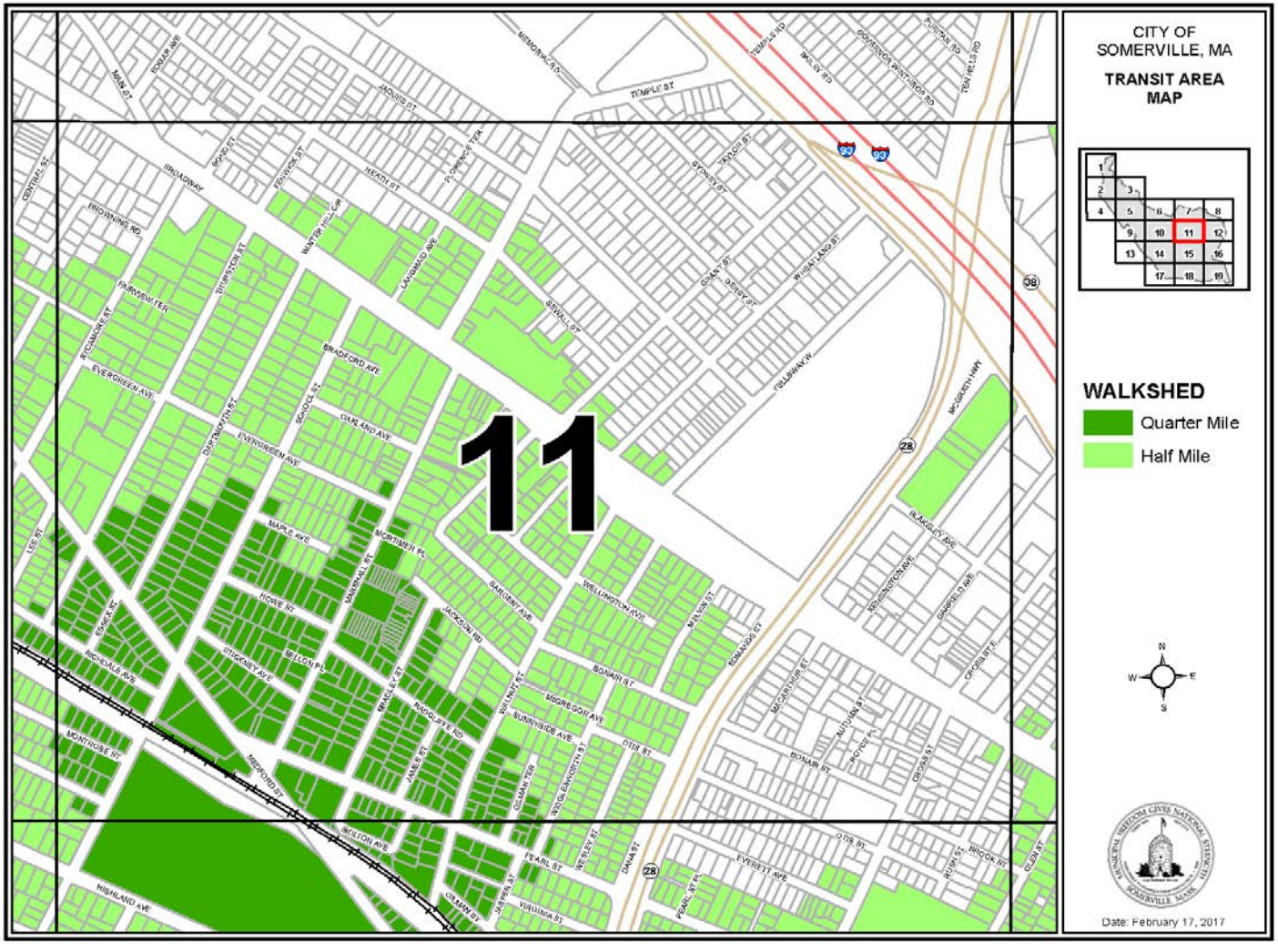
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CITY OF SOMERVILLE, MA
TRANSIT AREA MAP
WALKSHED
Quarter Mile
Half Mile
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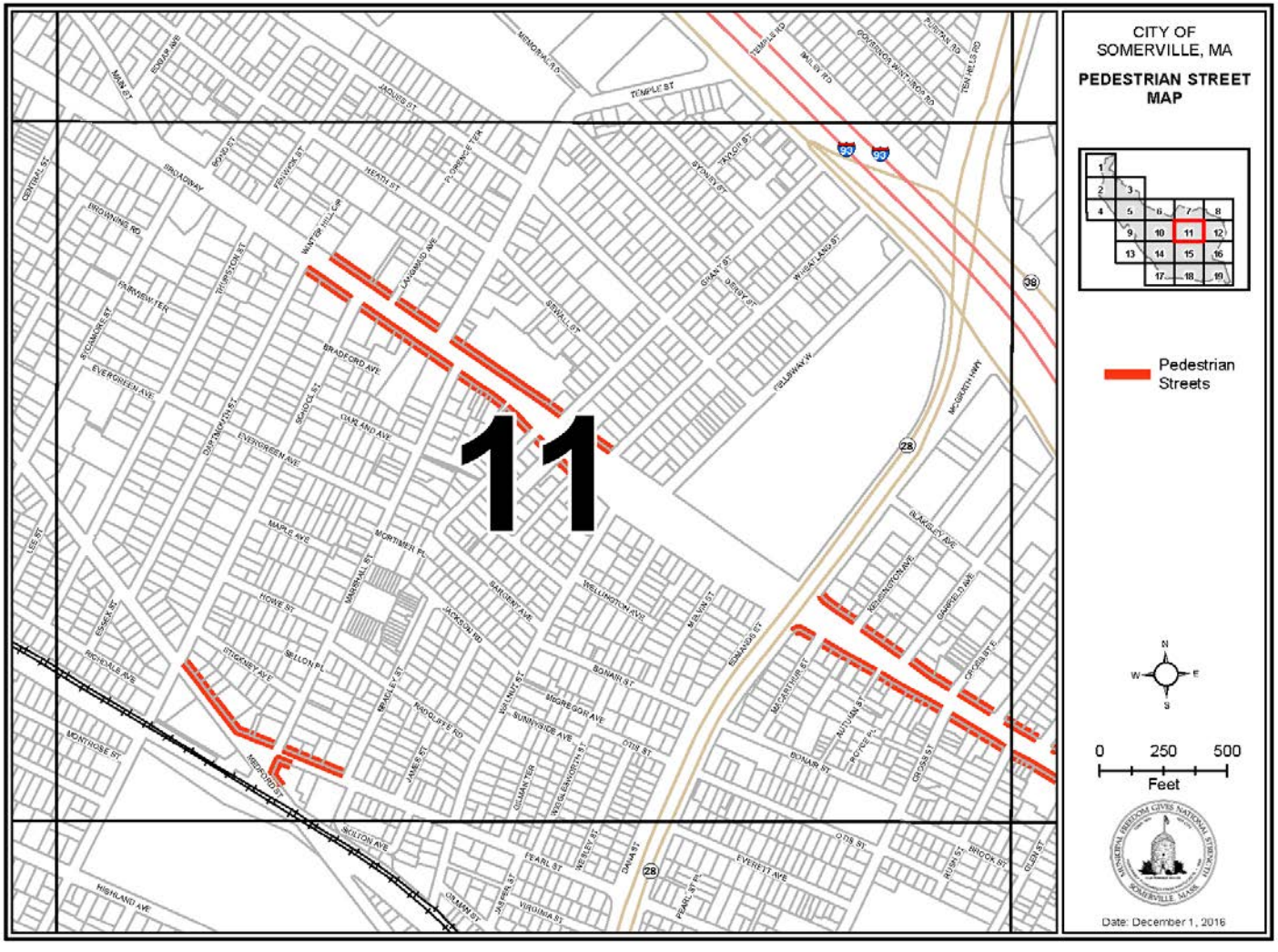
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MAP
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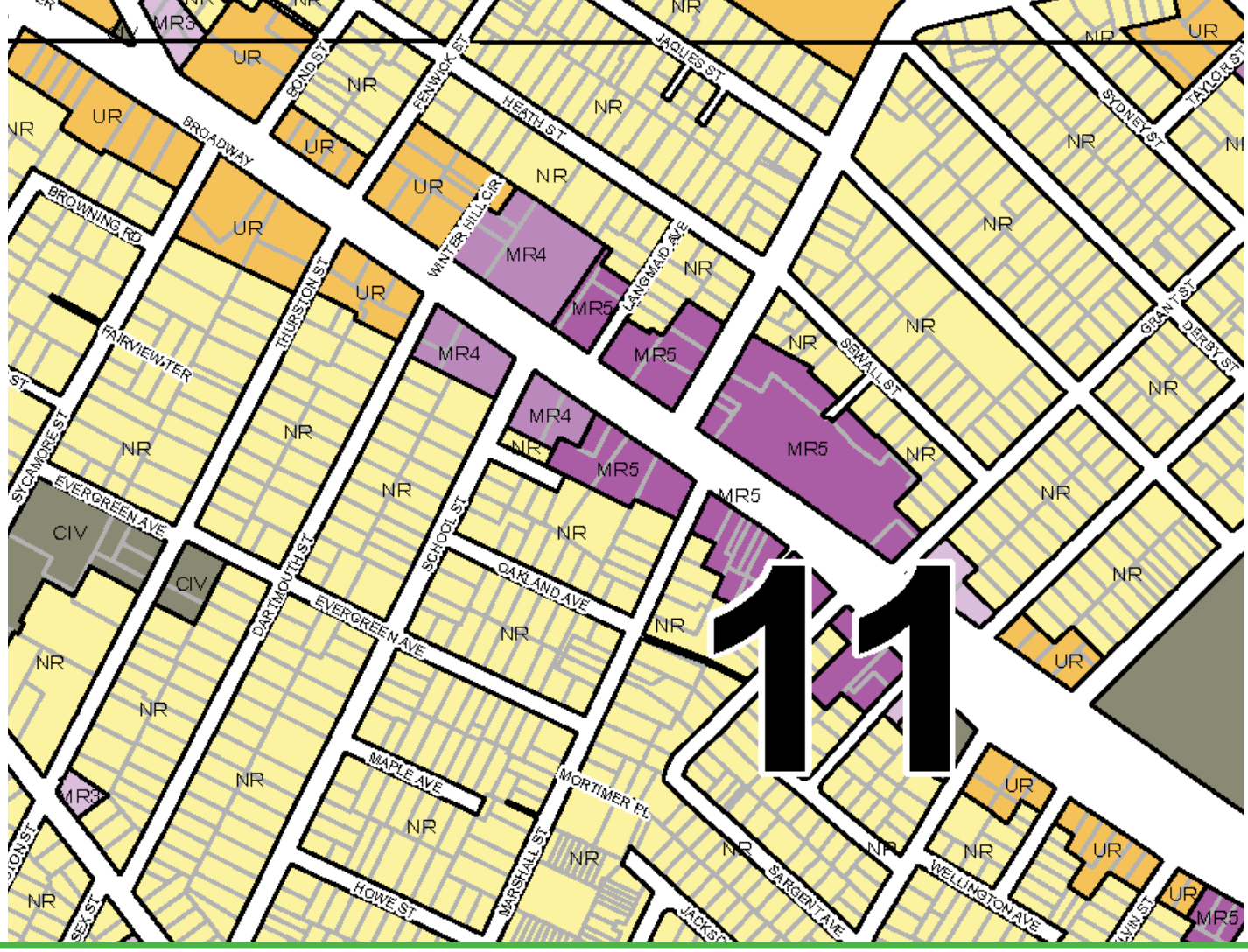
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WINTER HILL CIR
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SCHOOL ST
OAKLAND AVE
MAPLE AVE
MORTIMER PL
MARSHALL ST
HOWE ST
SEWALL ST
SIDNEY ST
TAYLOR ST
GRANT ST
DERBY ST
SARGENT AVE
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2. ORDINANCE STRUCTURE

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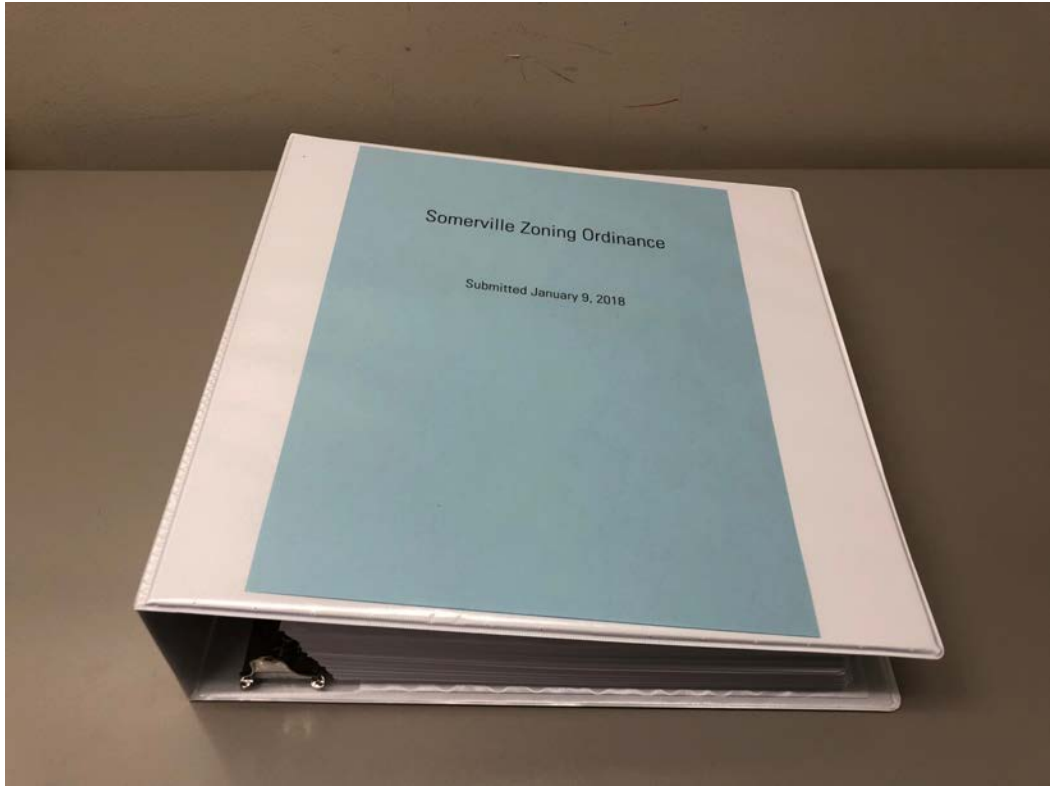
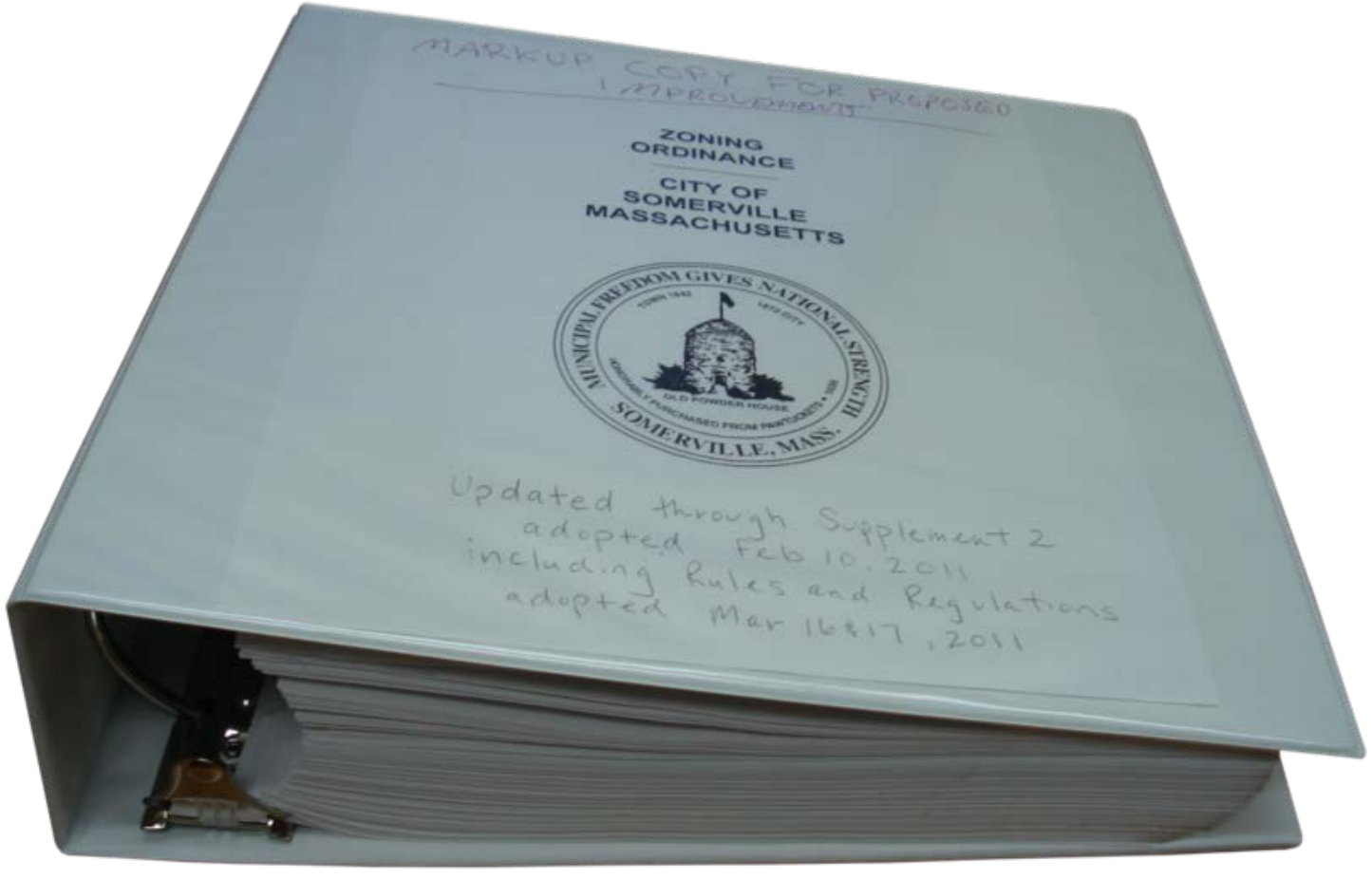


602 pages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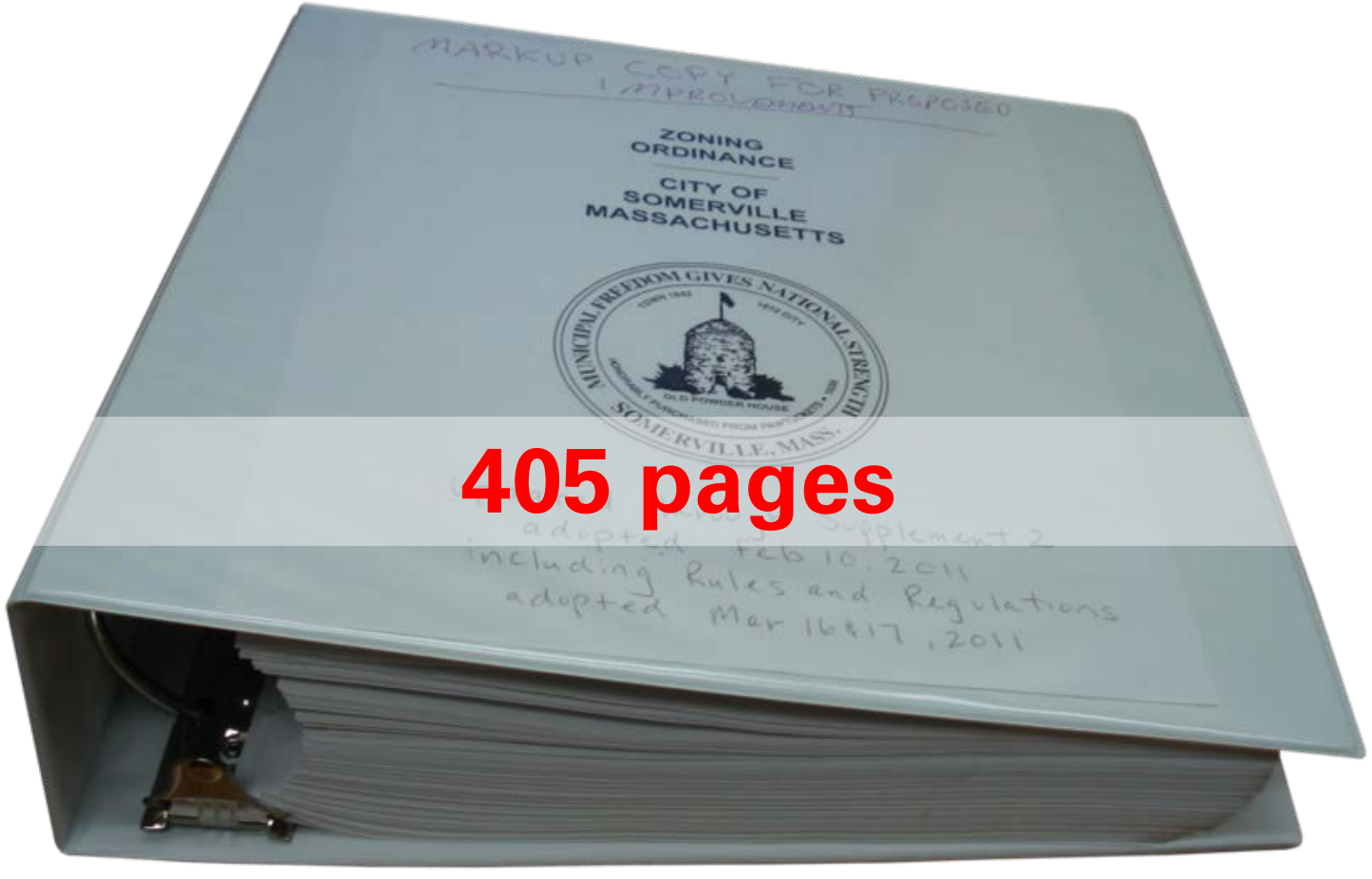
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Explains Elements of the Code

2.1 BUILDING TYPES OVERVIEW

1. General

a. This Ordinance uses 'building types' as a tool to regulate development within each zoning district.

b. Building types are defined by the combined disposition, configuration, and function of a principal structure and are used in this Ordinance to establish the standards for new construction, renovation of existing structures, and redevelopment.

c. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district and is authorized by M.G.L. Chapter 40A, Section 4.

d. The selection of building types permitted within a zoning district combine with the mix of permitted uses to define the intended character of each zoning district.

2. The Building Type Kit-of-Parts

a. Building types are primarily an assembly of three features including the main body of the building, various building components, and at least one building frontage type.

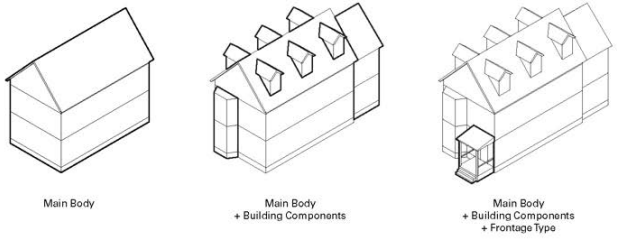
b. The Main Body is the primary massing and the most important portion defining a building type's form and scale. The main body of each building type is regulated using dimensional standards that differ for each type.

c. Building Components are accessory features that attach to the main body and increase the habitable square footage or enhance the usefulness of a building. Each Building Component has dimensional standards that differ for each type of component.

d. Building Frontages attach to the facade of a building and provide a gradual transition and strong interface between the private realm (yards and building interiors) and the public realm (sidewalks, thoroughfares, and civic spaces). Each Building Frontage has dimensional standards that differ for each type of frontage.

e. Building Components and Building Frontages provide an important means for achieving variety and individuality in design and are permitted as indicated for each building type.

FIGURE 2.1 (a) Building Type Kit-of-Parts



Main Body

Main Body
+ Building Components

Main Body
+ Building Components
+ Frontage Type

3. Understanding the Building Type Pages

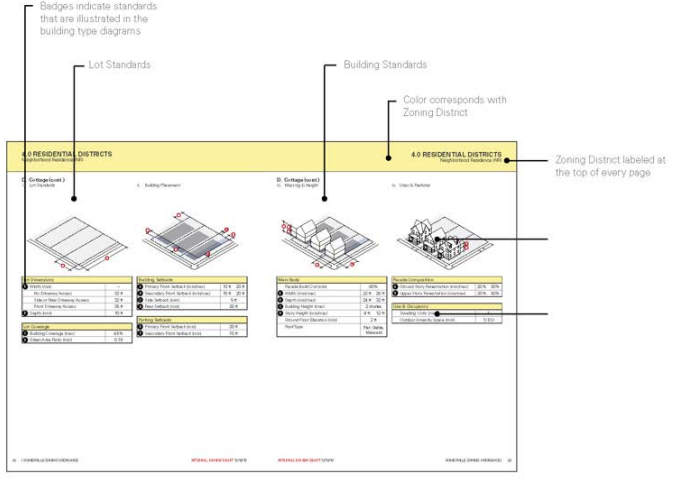
a. The standards for building types identified in this Ordinance are presented across four pages that are the same for each building type:

i. **Description & Precedents.** The first page for each Building Type provides a general description and shows several images of typical buildings indicative of the variety possible within the definition of each type. The images are intended only for illustrative purposes and do not fully exemplify all of the requirements or possibilities for each type.

ii. **Diagrams & Dimensional Tables.** Page two and three provide the key spread of dimensional standards.

iii. **Additional Standards.** The fourth and final page for each Building Type identifies various provisions applicable to the specific building type, standards linked to the dimensional table, and includes any additional illustrative diagrams that are necessary.

b. Section 2.2 provides an explanation of each line item in the building type dimensional tables, defines how to measure each requirement, and provides other standards and reference information as necessary.



2.2 STANDARDS & MEASUREMENTS

1. General

a. This section provides an explanation of dimensional standards found in this Ordinance, defines how to measure each requirement, and provides other standards and reference information as necessary.

2. Lot Standards

a. General
   i. One (1) Principle Building Type may be built on each lot.

b. Lot Lines
   i. Any lot line abutting a pedestrian street is a primary front lot line.
   ii. The front lot line of any INTERIOR LOT or KEY LOT is a primary FRONT LOT LINE.
   iii. For CORNER LOTS, the primary FRONT LOT LINE is designated as follows:
      a). Any front lot line abutting a Pedestrian Street is a primary FRONT LOT LINE.
      b). For all other CORNER LOTS, the primary FRONT LOT LINE is designated by the property owner, with all remaining FRONT LOT LINES are designated as secondary FRONT LOT LINES.

c. Lot Dimensions
   i. Lot Width
      a). Lot width is measured as the length of the front lot line of a lot, except as follows:
         i). For a flag lot, only the 'pole' or 'post' portion of the lot is used to measure lot width.
   ii. Lot Depth
      a). Lot depth is measured as the horizontal distance between the midpoint of the primary front lot line and the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line..

d. Lot Development
   i. Lot Coverage
      a). The maximum area of a lot that is permitted to be covered by structures and impermeable surfaces. Structures are measured from the outside of the exterior walls at the ground floor, including covered porches and other building components.
   ii. Green Factor
      a). Green factor is landscape requirement measured as a ratio of the weighted value of various landscape elements to total lot area. See §10.3 Green Factor for more information.

3. Building Placement

a. Building Setbacks
   i. Setbacks are measured parallel to lot lines.
   ii. All buildings and structures must be located at or behind any required minimum front, side, or rear setback except as indicated in §2.2.3.c. Setback Encroachments.
   iii. The facade of a principal building must be built at or in front of any maximum front setback for each story of a building. The façade of upper stories may not project forward of the façade of the first story except through the use of permitted building components and building frontages.
   iv. Buildings and structures are not permitted to

FIGURE 2.2 (a) Lot Dimensions

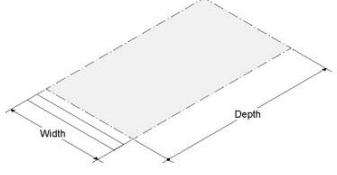


FIGURE 2.2 (b) Setbacks

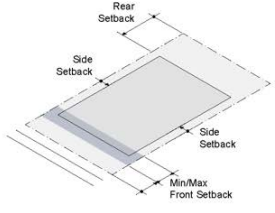
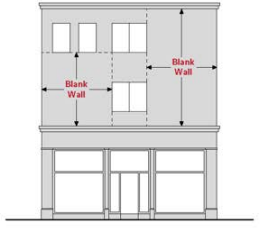


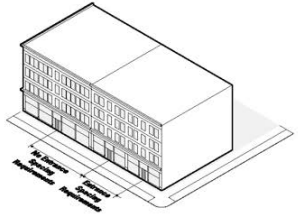
FIGURE 2.2 (i) Fenestration



   ii). Upper story fenestration is measured independently for each story, from the top of a finished floor to the top of the finished floor above.
   b). Fenestration enclosed with glazing may be included in the calculation if it meets the following criteria:
      i). For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR).
      ii). For upper story fenestration, glazing must have must have a minimum of forty percent (40%) VLT and no more than fifteen percent (15%) VLR.
   ii. Blank Wall Area
      a). Blank wall area is any portion of a facade that does not include fenestration (doors and windows) and surface relief through the use of columns, cornices, moldings, piers, pilasters, sills, sign bands, other equivalent architectural features that either recess or project from the average plane of the facade by at least four (4) inches.
      b). Blank wall area limitations apply both vertically and horizontally for all stories of a building for any facade.

b. Use & Occupancy
   i. Pedestrian Access
      a). Principal entrances must be located on the facade of a building, provide both ingress and egress, and be operable at all times.
      b). Principal entrance spacing is measured as the distance between center line of doors along a facade.
      c). Principal entrance spacing requirements must be met for each building individually, but are not applicable to adjacent buildings.
   ii. Dwelling Units
      a). The minimum or maximum number of dwelling units permitted for a building type, as specified.
   iii. Density Factor
      a). The maximum number of dwelling units permitted is equal to the total residential gross floor area of a building or portion of a building

FIGURE 2.2 (j) Entrance Spacing



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Specific to Districts
(Organized by Location)

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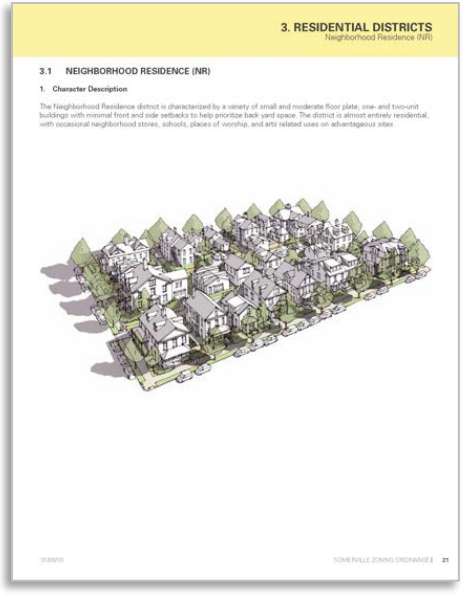

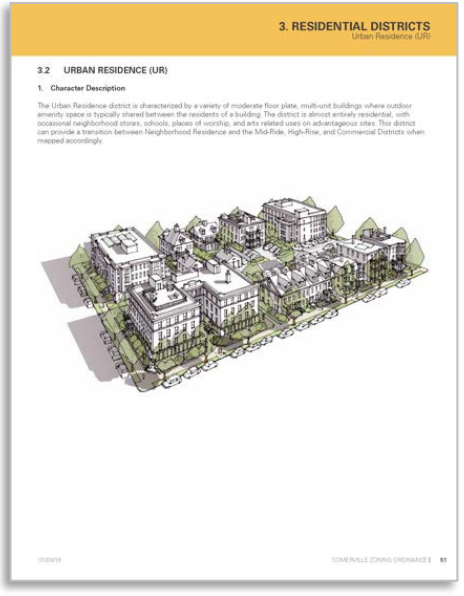

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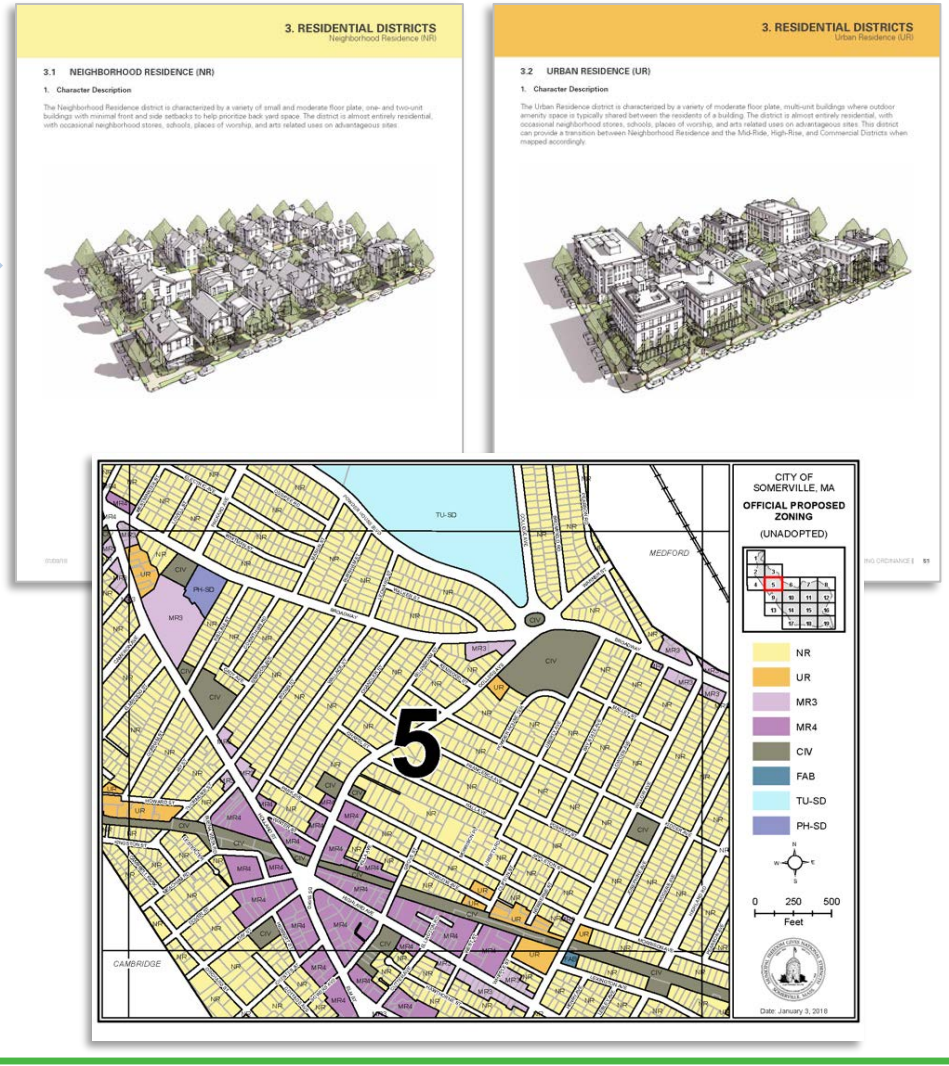

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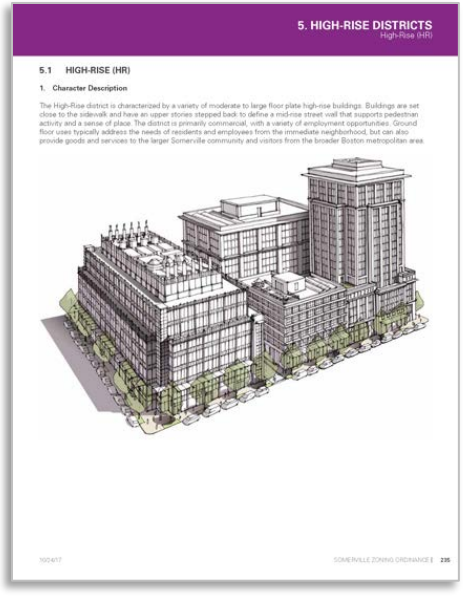
5. HIGH-RISE DISTRICTS
High-Rise (HR)

5.1 HIGH-RISE (HR)

1. Character Description

The High-Rise district is characterized by a variety of moderate to large floor plate high-rise buildings. Buildings are set close to the sidewalk and have an upper stories stepped back to define a mid-rise street wall that supports pedestrian activity and a sense of place. The district is primarily commercial, with a variety of employment opportunities. Ground floor uses typically address the needs of residents and employees from the immediate neighborhood, but can also provide goods and services to the larger Somerville community and visitors from the broader Boston metropolitan area.

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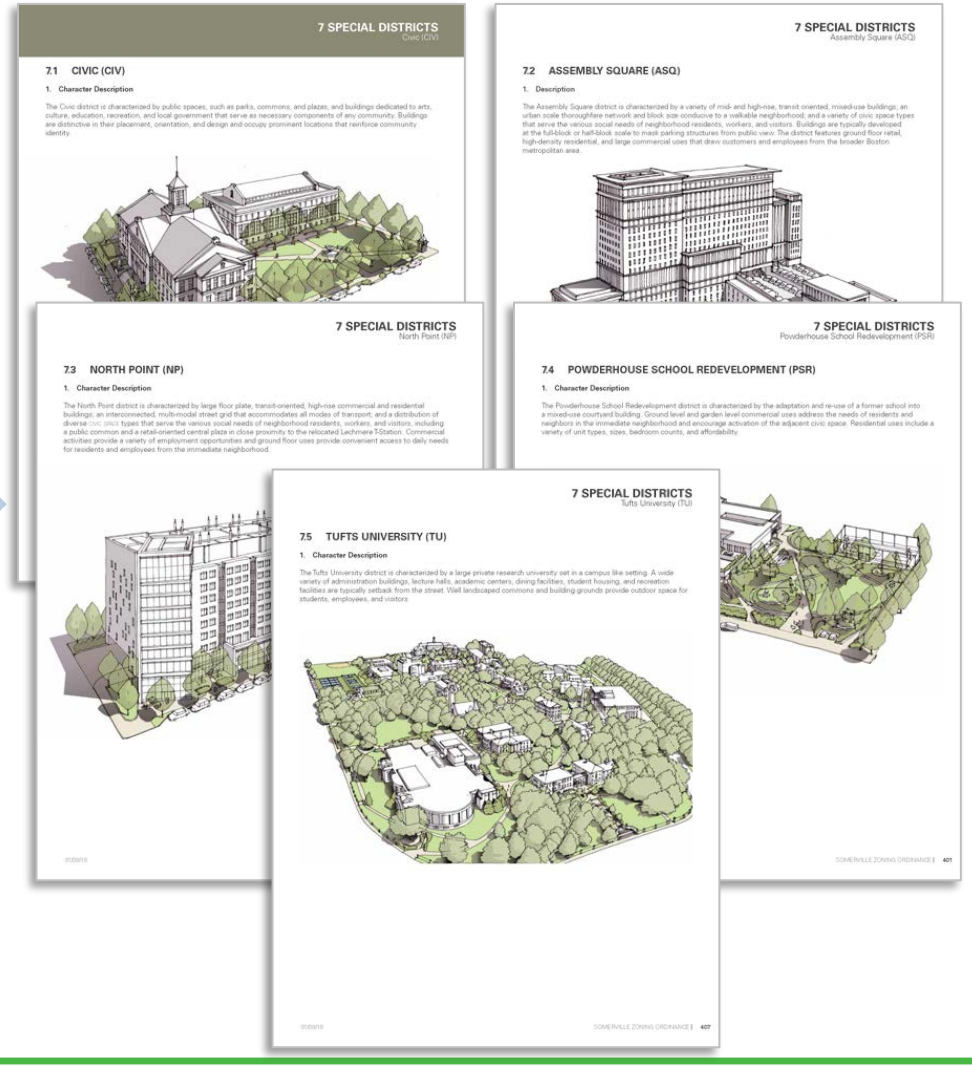

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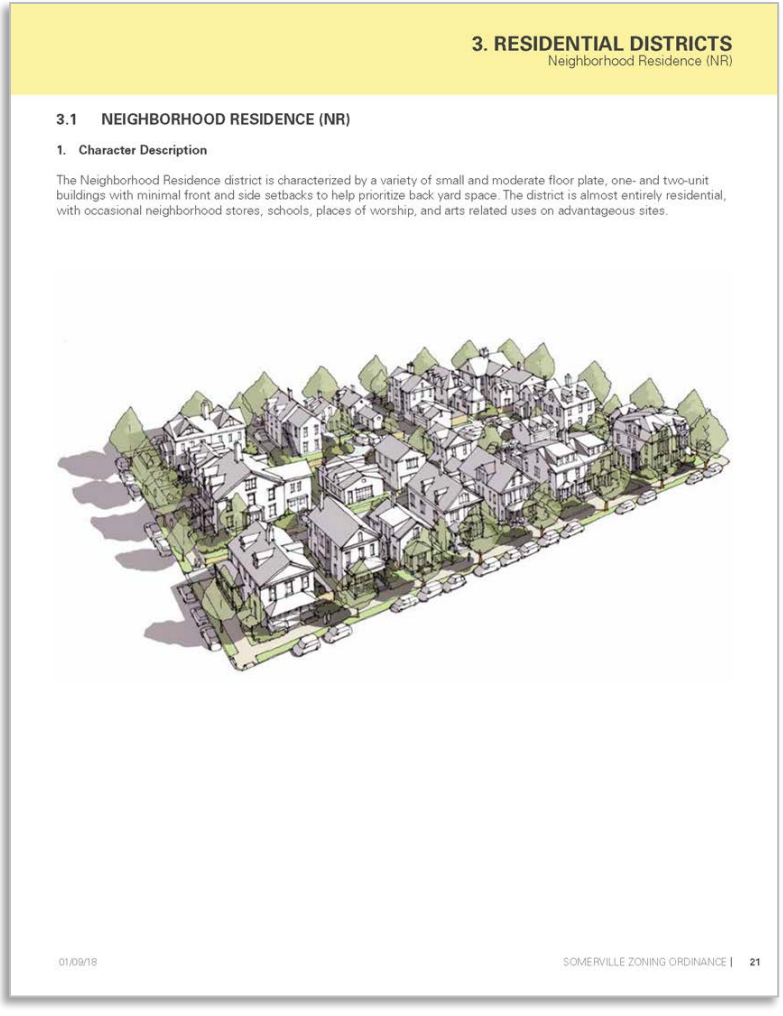


3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

3.1 NEIGHBORHOOD RESIDENCE (NR)

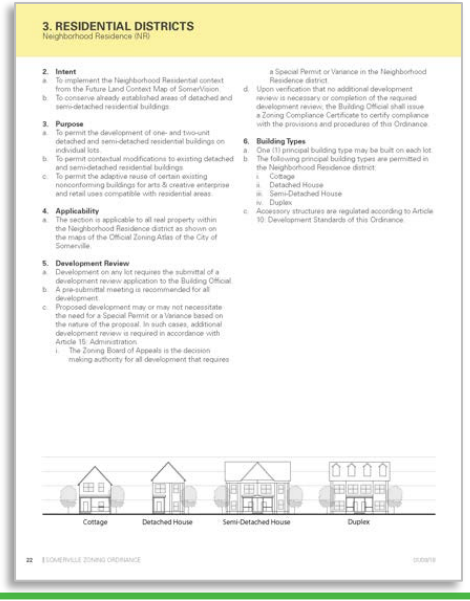
1. Character Description

The Neighborhood Residence district is characterized by a variety of small and moderate floor plate, one- and two-unit buildings with minimal front and side setbacks to help prioritize back yard space. The district is almost entirely residential, with occasional neighborhood stores, schools, places of worship, and arts related uses on advantageous sites.

01/09/18 SOMERVILLE ZONING ORDINANCE | 21

Within each District Section:

- Description
- Intent (why we made it)
- Purpose (what it does)
- Development Review (permitting)



3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

2. Intent
a. To implement the Neighborhood Residential context from the Future Land Context Map of SomerVision.
b. To conserve already established areas of detached and semi-detached residential buildings.

3. Purpose
a. To permit the development of one- and two-unit detached and semi-detached residential buildings on individual lots.
b. To permit contextual modifications to existing detached and semi-detached residential buildings.
c. To permit the adaptive reuse of certain existing nonconforming buildings for arts & creative enterprise and retail uses compatible with residential areas.

4. Applicability
a. The section is applicable to all real property within the Neighborhood Residence district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

5. Development Review
a. Development on any lot requires the submittal of a development review application to the Building Official.
b. A pre-submittal meeting is recommended for all development.
c. Proposed development may or may not necessitate the need for a Special Permit or a Variance based on the nature of the proposal. In such cases, additional development review is required in accordance with Article 15: Administration.
i. The Zoning Board of Appeals is the decision making authority for all development that requires a Special Permit or Variance in the Neighborhood Residence district.
d. Upon verification that no additional development review is necessary or completion of the required development review, the Building Official shall issue a Zoning Compliance Certificate to certify compliance with the provisions and procedures of this Ordinance.

6. Building Types
a. One (1) principal building type may be built on each lot.
b. The following principal building types are permitted in the Neighborhood Residence district.
i. Cottage
ii. Detached House
iii. Semi-Detached House
iv. Duplex
c. Accessory structures are regulated according to Article 10: Development Standards of this Ordinance.

Cottage Detached House Semi-Detached House Duplex

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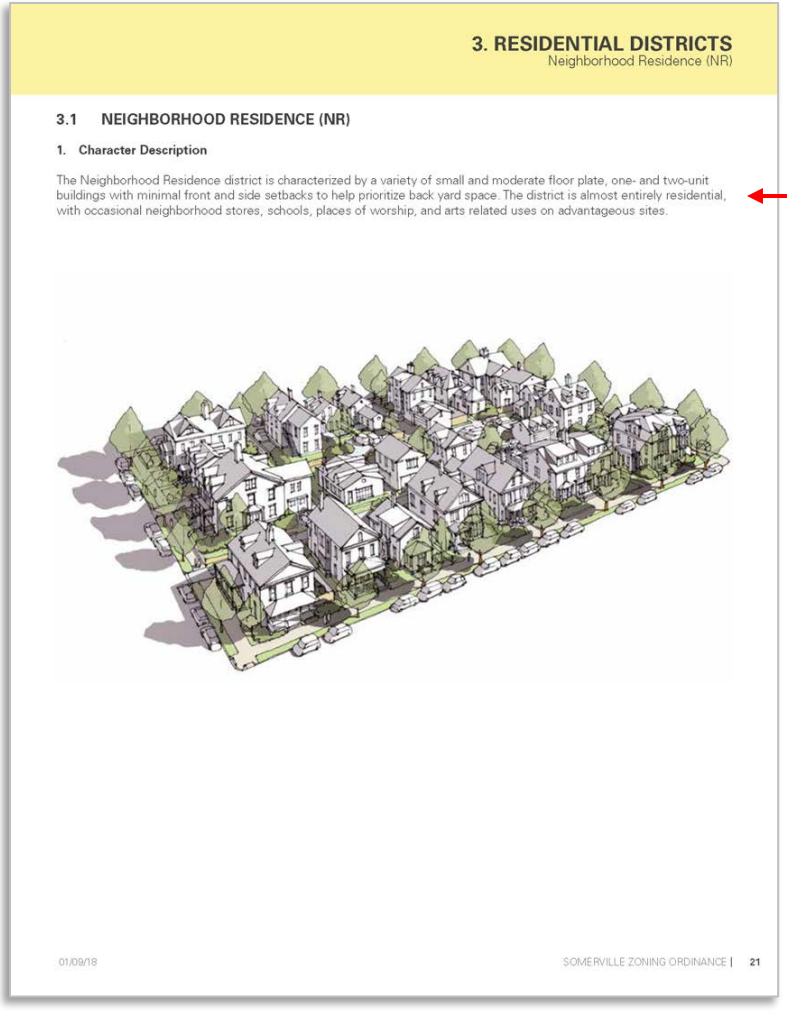
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01/09/18 SOMERVILLE ZONING ORDINANCE | 21

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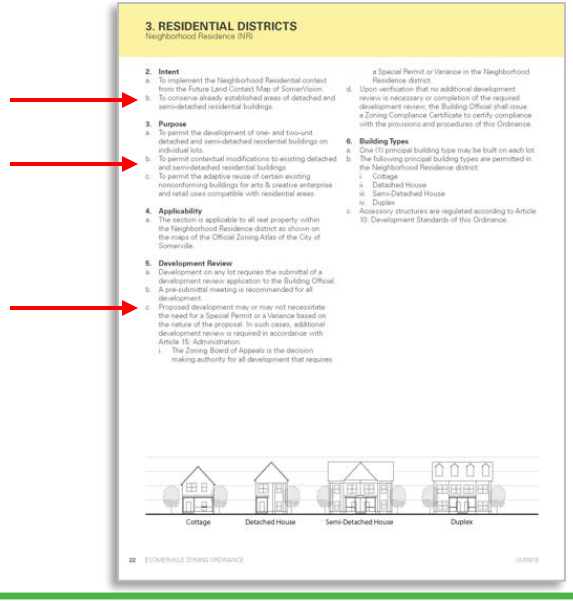
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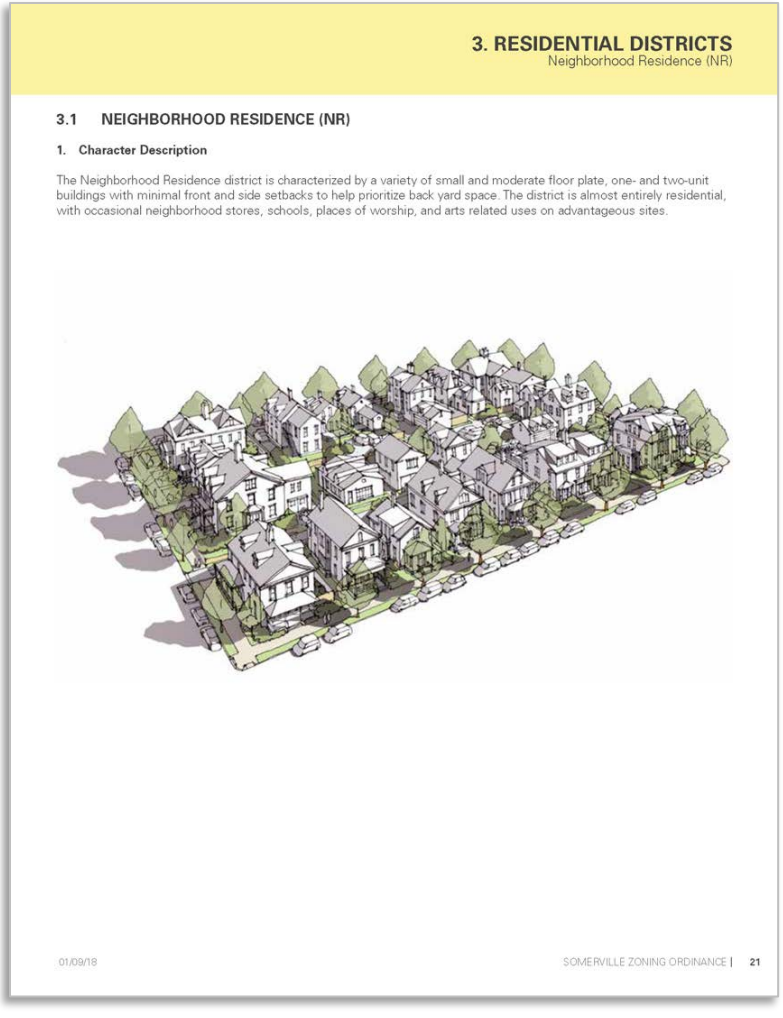

3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

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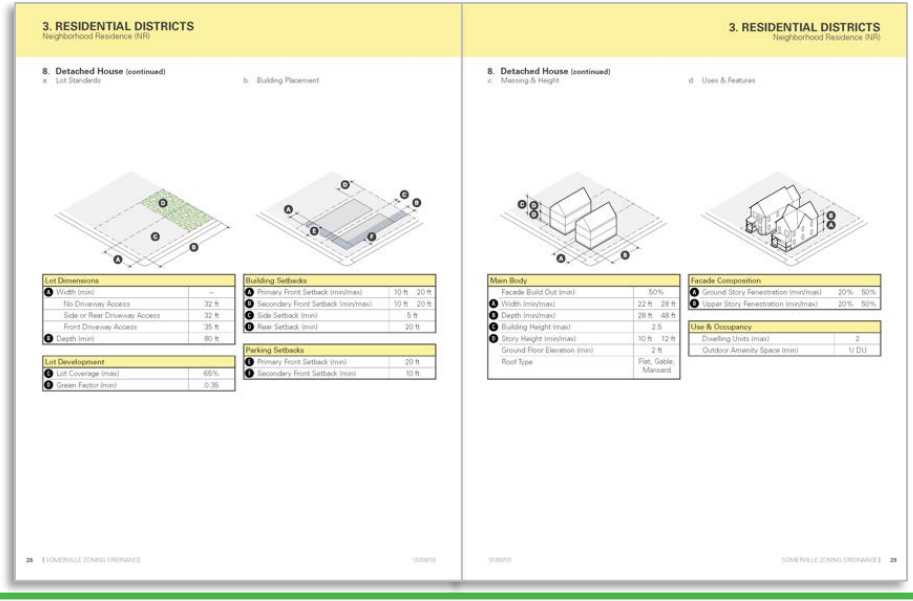


3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

8. Detached House (continued)
a. Lot Standards
b. Building Placement

Lot Dimensions	
A Width (min)	–
No Driveway Access	32 ft
Side or Rear Driveway Access	32 ft
Front Driveway Access	35 ft
B Depth (min)	80 ft

Lot Development	
C Lot Coverage (max)	65%
D Green Factor (min)	0.35

Building Setbacks		
A Primary Front Setback (min/max)	10 ft	20 ft
B Secondary Front Setback (min/max)	10 ft	20 ft
C Side Setback (min)	5 ft	
D Rear Setback (min)	20 ft	

Parking Setbacks		
E Primary Front Setback (min)	20 ft	
F Secondary Front Setback (min)	10 ft	

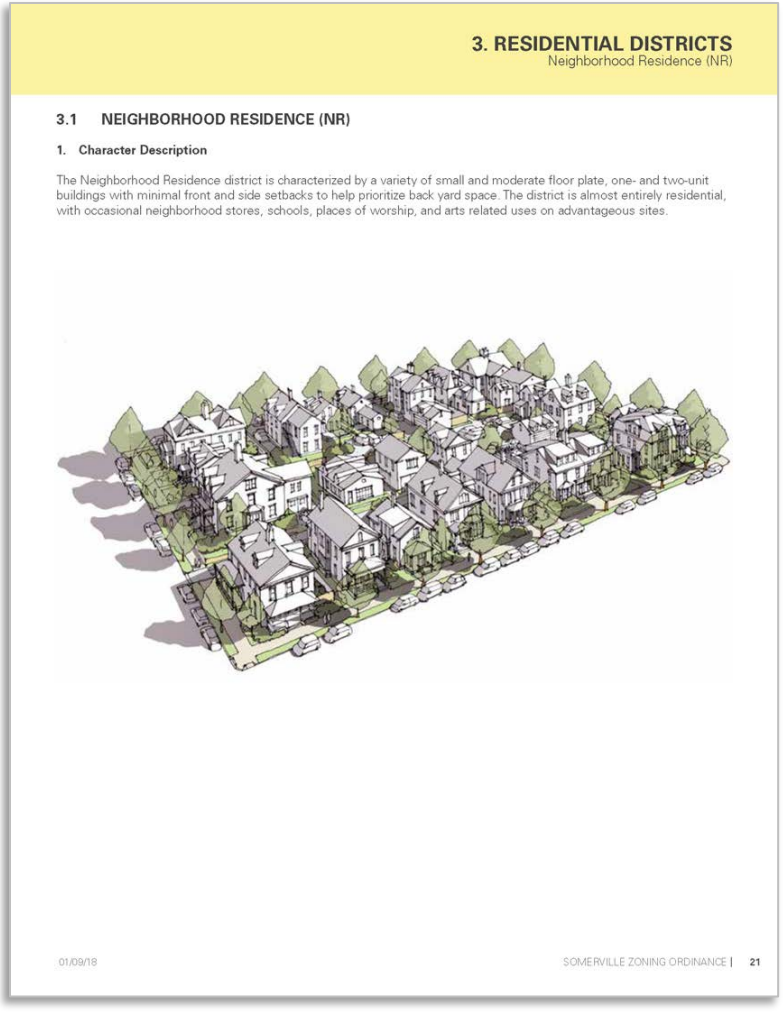
3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

8. Detached House (continued)
c. Massing & Height
d. Uses & Features

Main Body		
Facade Build Out (min)	50%	
A Width (min/max)	22 ft	28 ft
B Depth (min/max)	28 ft	48 ft
C Building Height (max)	2.5	
D Story Height (min/max)	10 ft	12 ft
Ground Floor Elevation (min)	2 ft	
Roof Type	Flat, Gable, Mansard	

Facade Composition		
E Ground Story Fenestration (min/max)	20%	50%
F Upper Story Fenestration (min/max)	20%	50%

Use & Occupancy	
Dwelling Units (max)	2
Outdoor Amenity Space (min)	1/ DU



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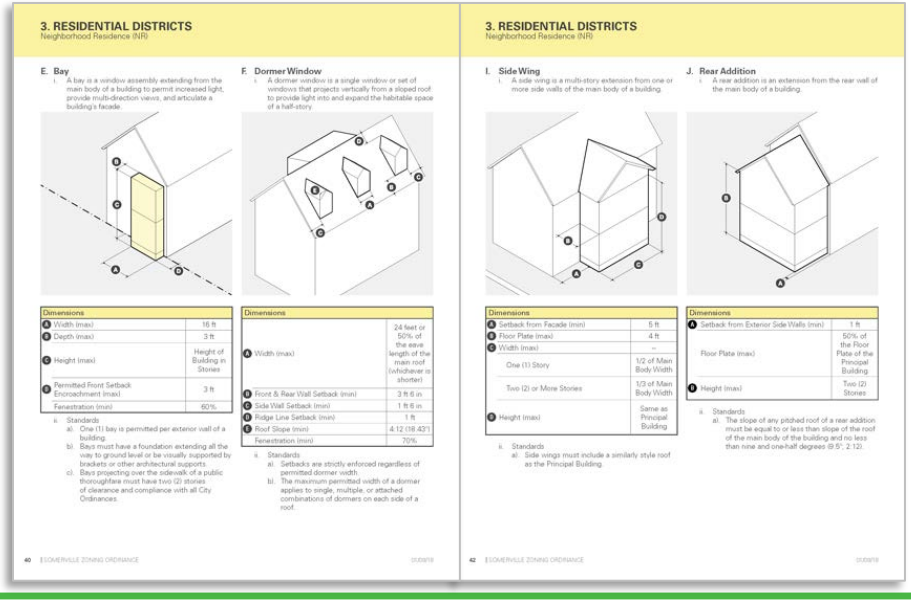


3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

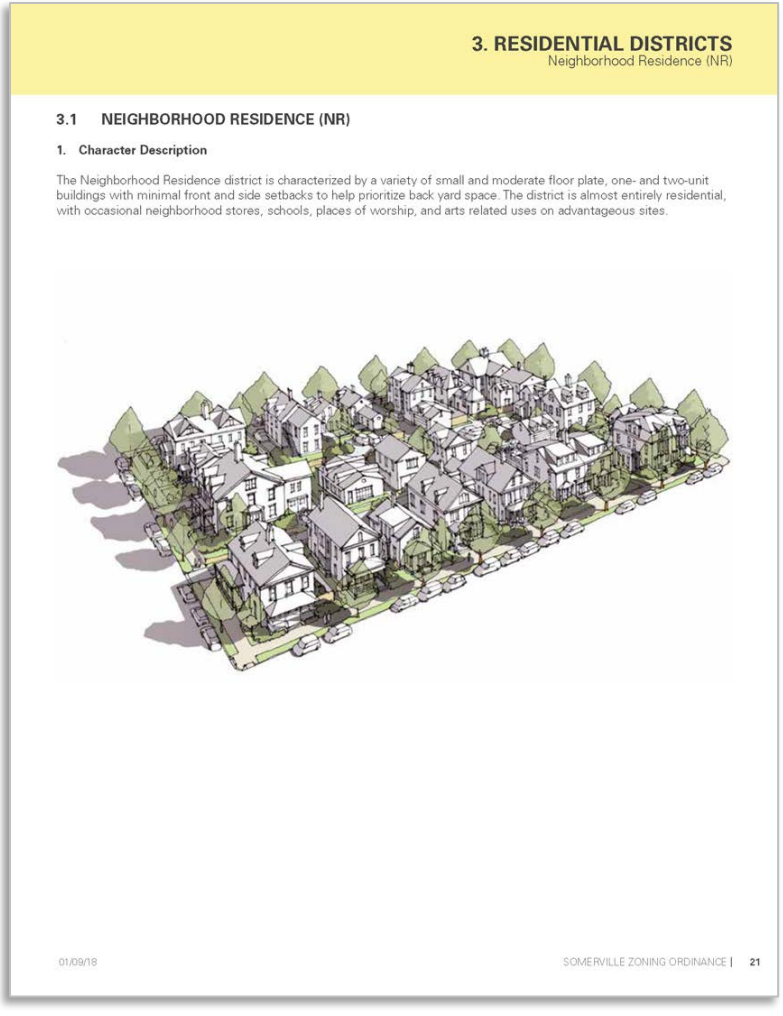
E. Bay

F. Dormer Window

3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

I. Side Wing

J. Rear Addition



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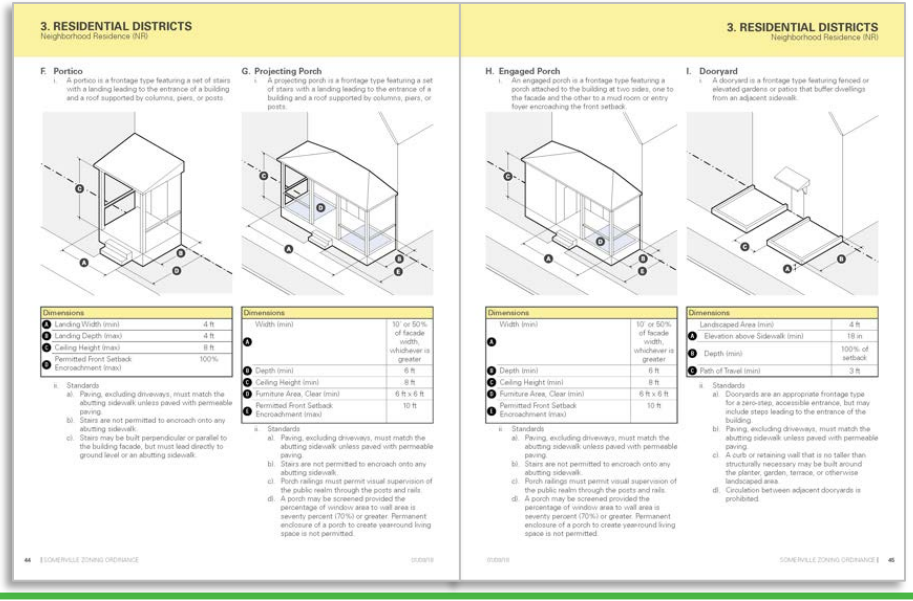

3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

F. Portico

i. A portico is a frontage type featuring a set of stairs with a landing leading to the entrance of a building and a roof supported by columns, piers, or posts.

Dimensions	
A Landing Width (min)	4 ft
B Landing Depth (max)	4 ft
C Ceiling Height (max)	8 ft
D Permitted Front Setback Encroachment (max)	100%

ii. Standards
a) Paving, excluding driveways, must match the abutting sidewalk unless paved with permeable paving.
b) Stairs are not permitted to encroach onto any abutting sidewalk.
c) Stairs may be built perpendicular or parallel to the building facade, but must lead directly to ground level or an abutting sidewalk.

G. Projecting Porch

i. A projecting porch is a frontage type featuring a set of stairs with a landing leading to the entrance of a building and a roof supported by columns, piers, or posts.

Dimensions	
Width (min) A	10' or 50% of facade width, whichever is greater
B Depth (min)	6 ft
C Ceiling Height (min)	8 ft
D Furniture Area, Clear (min)	6 ft x 6 ft
E Permitted Front Setback Encroachment (max)	10 ft

ii. Standards
a) Paving, excluding driveways, must match the abutting sidewalk unless paved with permeable paving.
b) Stairs are not permitted to encroach onto any abutting sidewalk.
c) Porch railings must permit visual supervision of the public realm through the posts and rails.
d) A porch may be screened provided the percentage of window area to wall area is seventy percent (70%) or greater. Permanent enclosure of a porch to create yearround living space is not permitted.

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3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

H. Engaged Porch

i. An engaged porch is a frontage type featuring a porch attached to the building at two sides, one to the facade and the other to a mud room or entry foyer encroaching the front setback.

Dimensions	
Width (min) A	10' or 50% of facade width, whichever is greater
B Depth (min)	6 ft
C Ceiling Height (min)	8 ft
D Furniture Area, Clear (min)	6 ft x 6 ft
E Permitted Front Setback Encroachment (max)	10 ft

ii. Standards
a) Paving, excluding driveways, must match the abutting sidewalk unless paved with permeable paving.
b) Stairs are not permitted to encroach onto any abutting sidewalk.
c) Porch railings must permit visual supervision of the public realm through the posts and rails.
d) A porch may be screened provided the percentage of window area to wall area is seventy percent (70%) or greater. Permanent enclosure of a porch to create yearround living space is not permitted.

I. Dooryard

i. A dooryard is a frontage type featuring fenced or elevated gardens or patios that buffer dwellings from an adjacent sidewalk.

Dimensions	
Landscaped Area (min)	4 ft
A Elevation above Sidewalk (min)	18 in
B Depth (min)	100% of setback
C Path of Travel (min)	3 ft

ii. Standards
a) Dooryards are an appropriate frontage type for a zero-step, accessible entrance, but may include steps leading to the entrance of the building.
b) Paving, excluding driveways, must match the abutting sidewalk unless paved with permeable paving.
c) A curb or retaining wall that is no taller than structurally necessary may be built around the planter, garden, terrace, or otherwise landscaped area.
d) Circulation between adjacent dooryards is prohibited.

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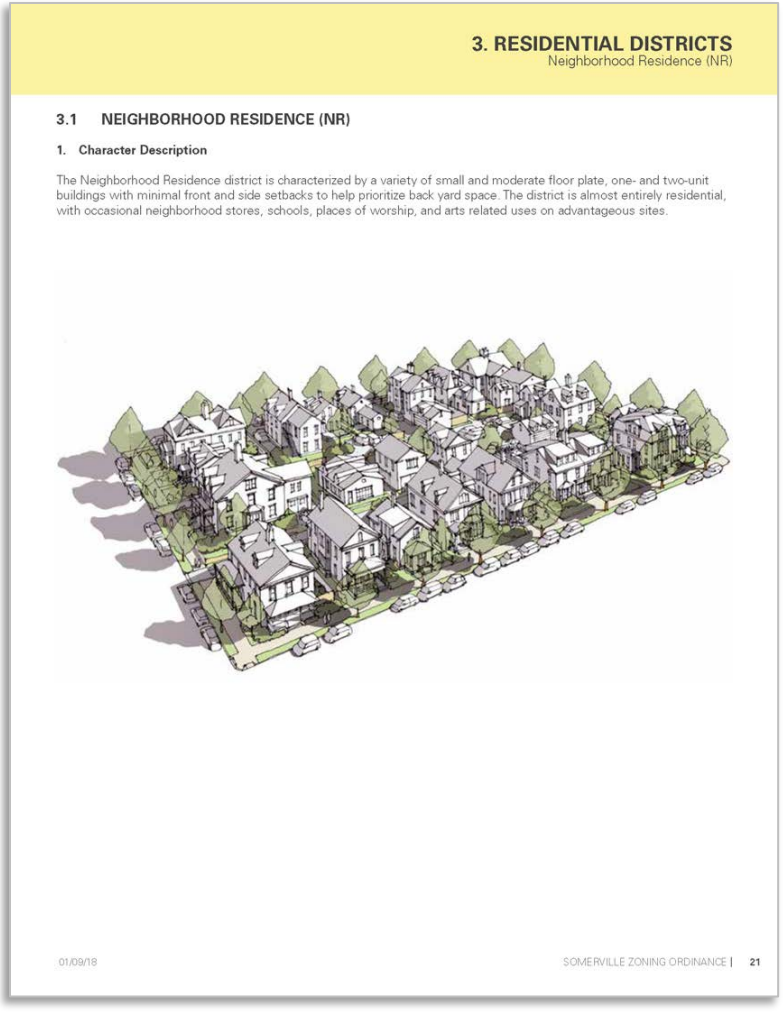

3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

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01/09/18 SOMERVILLE ZONING ORDINANCE | 21

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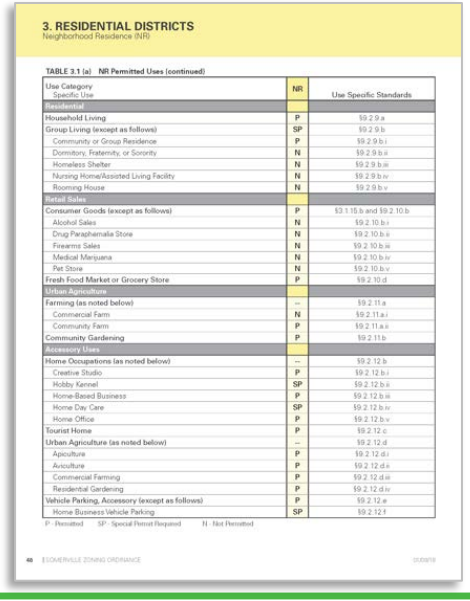
- Permitted Uses

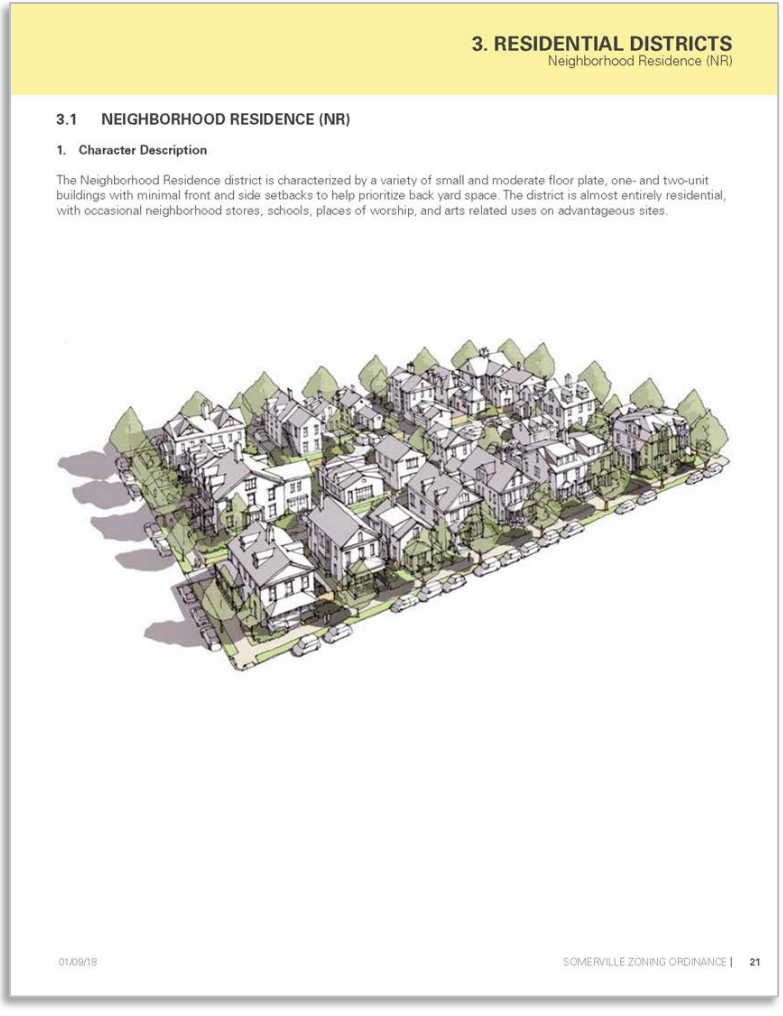


3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

TABLE 3.1 (a) NR Permitted Uses (continued)

Use Category Specific Use	NR	Use Specific Standards
Residential		
Household Living	P	§9.2.9.a
Group Living (except as follows)	SP	§9.2.9.b
Community or Group Residence	P	§9.2.9.b.i
Dormitory, Fraternity, or Sorority	N	§9.2.9.b.ii
Homeless Shelter	N	§9.2.9.b.iii
Nursing Home/Assisted Living Facility	N	§9.2.9.b.iv
Rooming House	N	§9.2.9.b.v
Retail Sales		
Consumer Goods (except as follows)	P	§3.1.15.b and §9.2.10.b
Alcohol Sales	N	§9.2.10.b.i
Drug Paraphernalia Store	N	§9.2.10.b.ii
Firearms Sales	N	§9.2.10.b.iii
Medical Marijuana	N	§9.2.10.b.iv
Pet Store	N	§9.2.10.b.v
Fresh Food Market or Grocery Store	P	§9.2.10.d
Urban Agriculture		
Farming (as noted below)	--	§9.2.11.a
Commercial Farm	N	§9.2.11.a.i
Community Farm	P	§9.2.11.a.ii
Community Gardening	P	§9.2.11.b
Accessory Uses		
Home Occupations (as noted below)	--	§9.2.12.b
Creative Studio	P	§9.2.12.b.i
Hobby Kennel	SP	§9.2.12.b.ii
Home-Based Business	P	§9.2.12.b.iii
Home Day Care	SP	§9.2.12.b.iv
Home Office	P	§9.2.12.b.v
Tourist Home	P	§9.2.12.c
Urban Agriculture (as noted below)	--	§9.2.12.d
Apiculture	P	§9.2.12.d.i
Aviculture	P	§9.2.12.d.ii
Commercial Farming	P	§9.2.12.d.iii
Residential Gardening	P	§9.2.12.d.iv
Vehicle Parking, Accessory (except as follows)	P	§9.2.12.e
Home Business Vehicle Parking	SP	§9.2.12.f

P - Permitted SP - Special Permit Required N - Not Permitted



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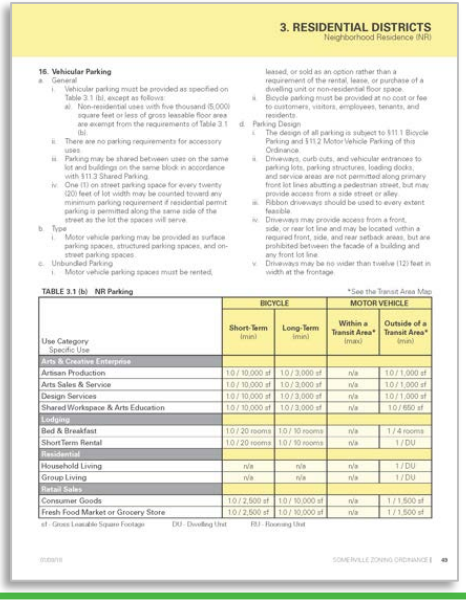

3. RESIDENTIAL DISTRICTS
Neighborhood Residence (NR)

16. Vehicular Parking

a. General
   i. Vehicular parking must be provided as specified on Table 3.1 (b), except as follows:
      a) Non-residential uses with five thousand (5,000) square feet or less of gross leasable floor area are exempt from the requirements of Table 3.1 (b).
   ii. There are no parking requirements for accessory uses.
   iii. Parking may be shared between uses on the same lot and buildings on the same block in accordance with §11.3 Shared Parking.
   iv. One (1) on street parking space for every twenty (20) feet of lot width may be counted toward any minimum parking requirement if residential permit parking is permitted along the same side of the street as the lot the spaces will serve.
b. Type
   i. Motor vehicle parking may be provided as surface parking spaces, structured parking spaces, and on-street parking spaces.
c. Unbundled Parking
   i. Motor vehicle parking spaces must be rented, leased, or sold as an option rather than a requirement of the rental, lease, or purchase of a dwelling unit or non-residential floor space.
   ii. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.
d. Parking Design
   i. The design of all parking is subject to §11.1 Bicycle Parking and §11.2 Motor Vehicle Parking of this Ordinance.
   ii. Driveways, curb cuts, and vehicular entrances to parking lots, parking structures, loading docks, and service areas are not permitted along primary front lot lines abutting a pedestrian street, but may provide access from a side street or alley.
   iii. Ribbon driveways should be used to every extent feasible.
   iv. Driveways may provide access from a front, side, or rear lot line and may be located within a required front, side, and rear setback areas, but are prohibited between the facade of a building and any front lot line.
   v. Driveways may be no wider than twelve (12) feet in width at the frontage.

TABLE 3.1 (b) NR Parking *See the Transit Area Map

Use Category Specific Use	BICYCLE		MOTOR VEHICLE	
	Short-Term (min)	Long-Term (min)	Within a Transit Area* (max)	Outside of a Transit Area* (min)
Arts & Creative Enterprise				
Artisan Production	1.0 / 10,000 sf	1.0 / 3,000 sf	n/a	1.0 / 1,000 sf
Arts Sales & Service	1.0 / 10,000 sf	1.0 / 3,000 sf	n/a	1.0 / 1,000 sf
Design Services	1.0 / 10,000 sf	1.0 / 3,000 sf	n/a	1.0 / 1,000 sf
Shared Workspace & Arts Education	1.0 / 10,000 sf	1.0 / 3,000 sf	n/a	1.0 / 650 sf
Lodging				
Bed & Breakfast	1.0 / 20 rooms	1.0 / 10 rooms	n/a	1 / 4 rooms
ShortTerm Rental	1.0 / 20 rooms	1.0 / 10 rooms	n/a	1 / DU
Residential				
Household Living	n/a	n/a	n/a	1 / DU
Group Living	n/a	n/a	n/a	1 / DU
Retail Sales				
Consumer Goods	1.0 / 2,500 sf	1.0 / 10,000 sf	n/a	1 / 1,500 sf
Fresh Food Market or Grocery Store	1.0 / 2,500 sf	1.0 / 10,000 sf	n/a	1 / 1,500 sf

sf - Gross Leasable Square Footage DU - Dwelling Unit RU - Rooming Unit

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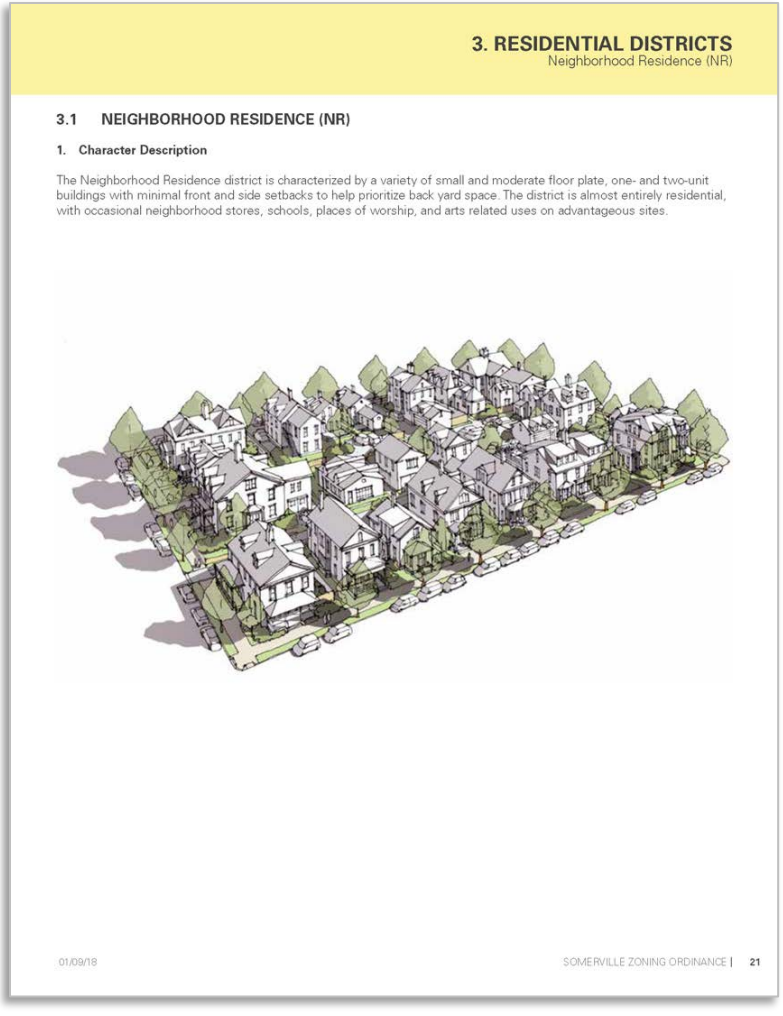
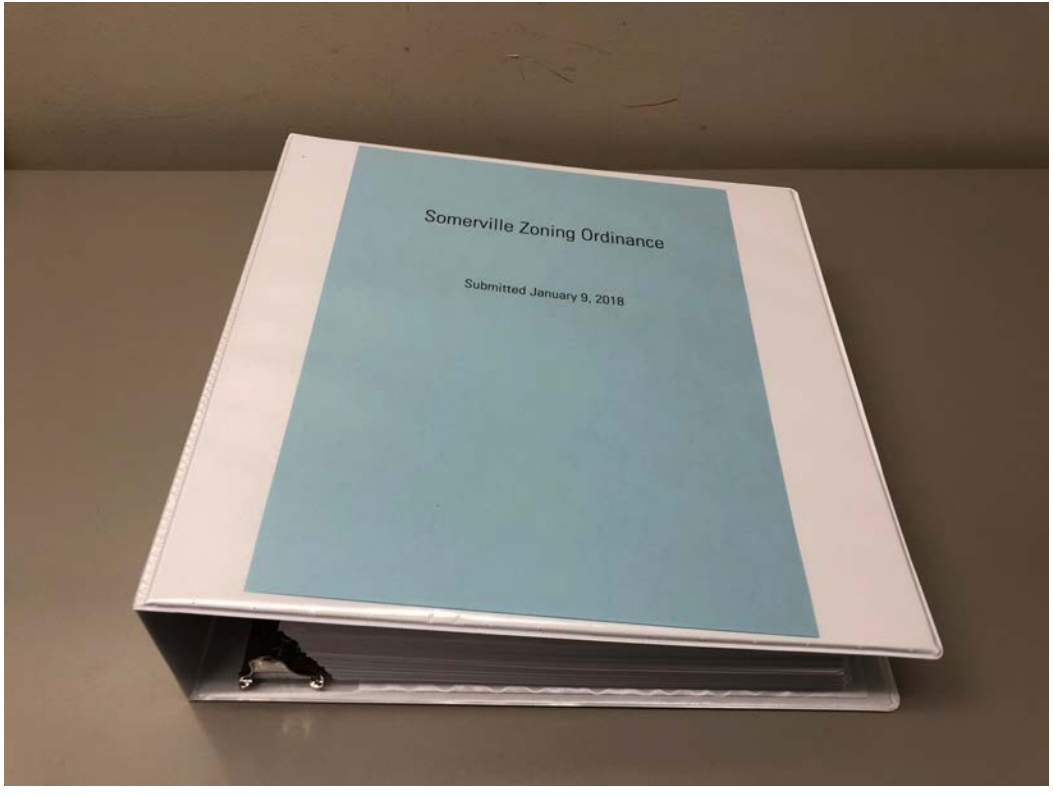


Within each District Section:

- Description
- Intent (why we made it)
- Purpose (what it does)
- Development Review (permitting)
- Permitted Building Types
- Permitted Uses
- Parking
- Site Development

DISTRICTS – ‘Mini Code Summaries’

Neighborhood Residence	29 pages
Urban Residence	39 pages
Mid-Rise 3	32 pages
Mid-Rise 4	32 pages
Mid-Rise 5	32 pages
Mid-Rise 6	36 pages
High Rise	40 pages
Fabrication	15 pages
Commercial Core	25 pages
Commercial Industry	17 pages
Commercial Business	27 pages
Civic	2 pages
Assembly Square	14 pages
North Point	16 pages
Powderhouse	4 pages
Tufts	6 pages



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Applicable to All
(Organized by Subject Area)

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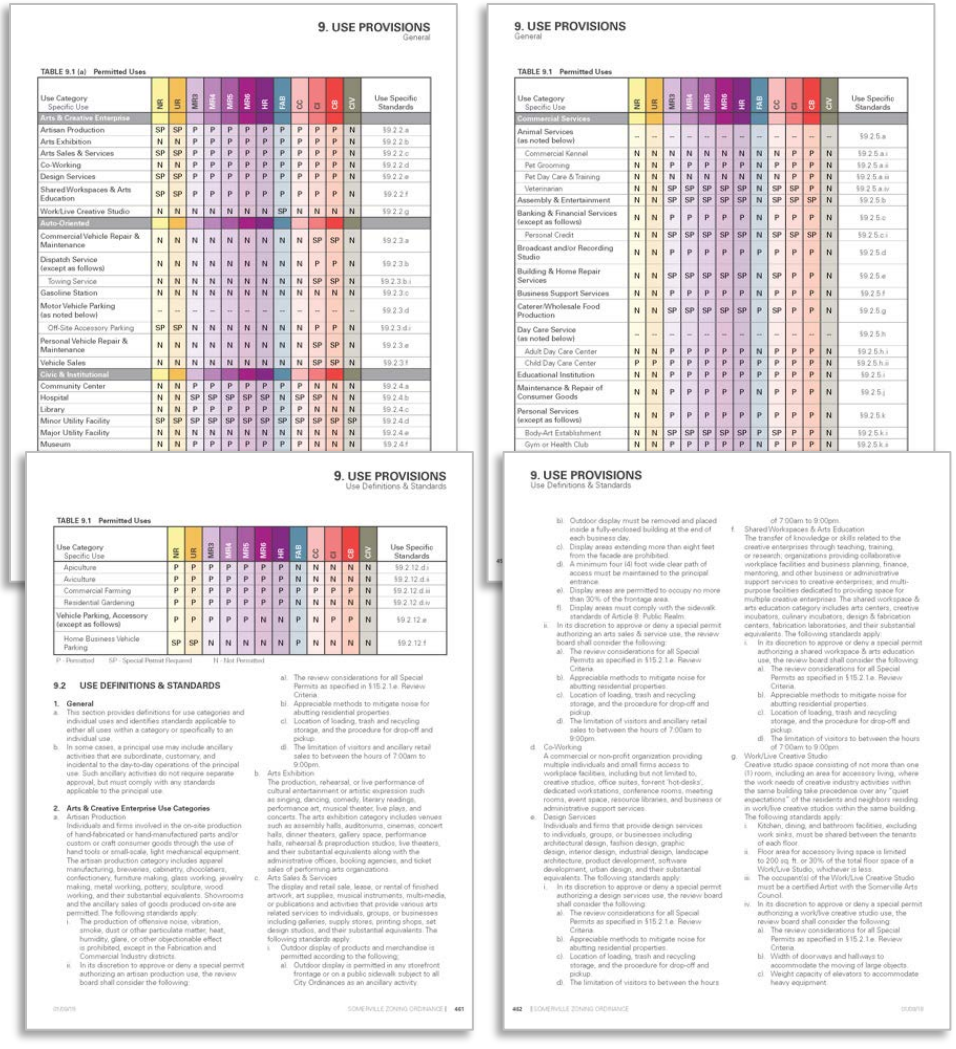

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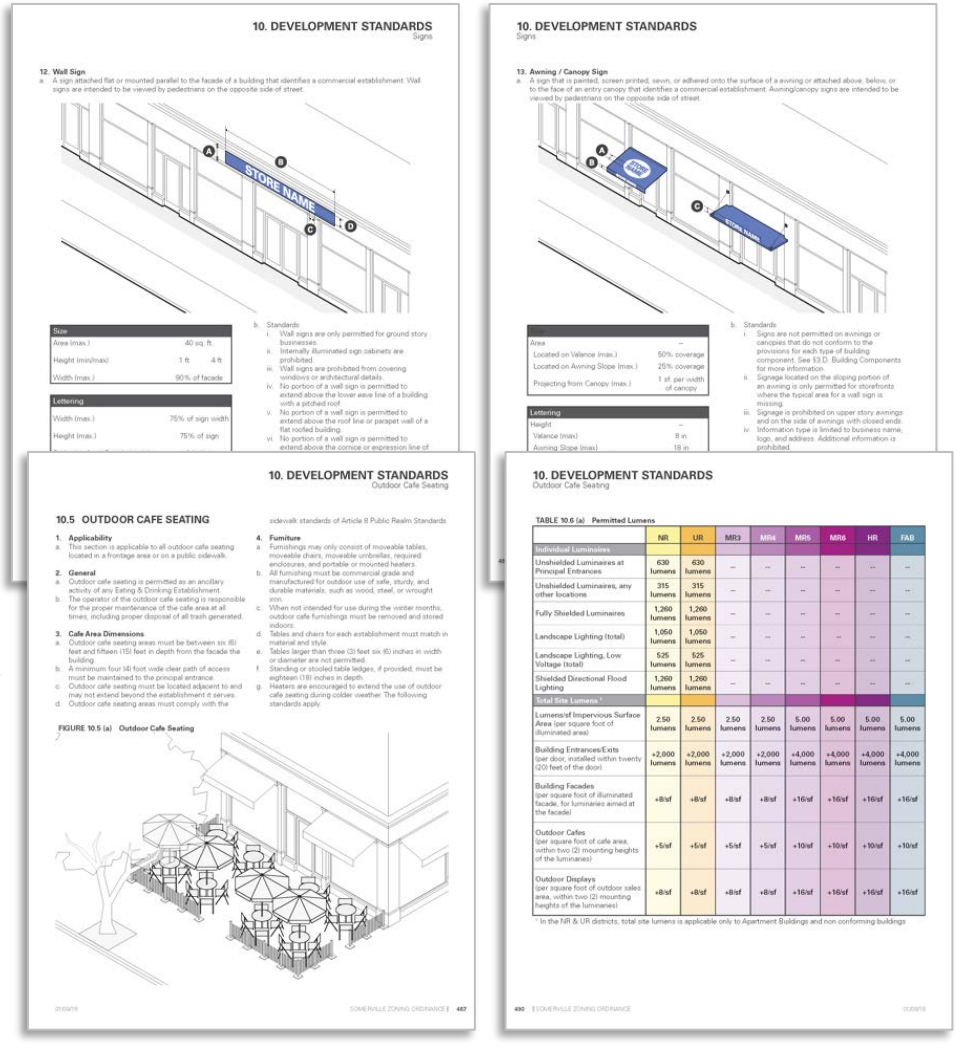

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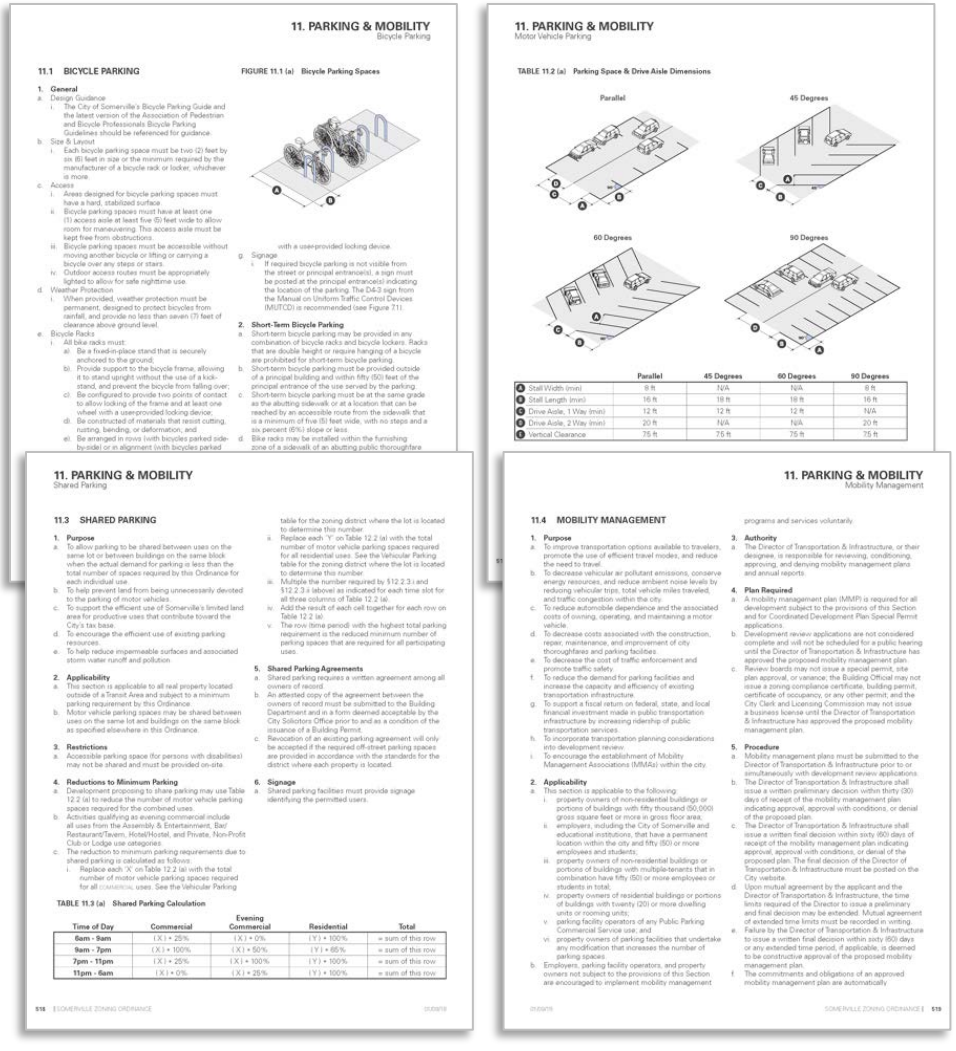

11. PARKING & MOBILITY
Bicycle Parking

11.1 BICYCLE PARKING

FIGURE 11.1 (a) Bicycle Parking Spaces

11. PARKING & MOBILITY
Motor Vehicle Parking

TABLE 11.2 (a) Parking Space & Drive Aisle Dimensions

Parallel

45 Degrees

60 Degrees

90 Degrees

	Parallel	45 Degrees	60 Degrees	90 Degrees
A Stall Width (min)	8 ft	N/A	N/A	8 ft
B Stall Length (min)	16 ft	18 ft	18 ft	16 ft
C Drive Aisle, 1 Way (min)	12 ft	12 ft	12 ft	N/A
C Drive Aisle, 2 Way (min)	20 ft	N/A	N/A	20 ft
D Vertical Clearance	7.5 ft	7.5 ft	7.5 ft	7.5 ft

11. PARKING & MOBILITY
Shared Parking

11.3 SHARED PARKING

TABLE 11.3 (a) Shared Parking Calculation

Time of Day	Commercial	Evening Commercial	Residential	Total
6am - 9am	(X) + 25%	(X) + 0%	(Y) + 100%	= sum of this row
9am - 7pm	(X) + 100%	(X) + 50%	(Y) + 65%	= sum of this row
7pm - 11pm	(X) + 25%	(X) + 100%	(Y) + 100%	= sum of this row
11pm - 6am	(X) + 0%	(X) + 25%	(Y) + 100%	= sum of this row

11. PARKING & MOBILITY
Mobility Management

11.4 MOBILITY MANAGEMENT

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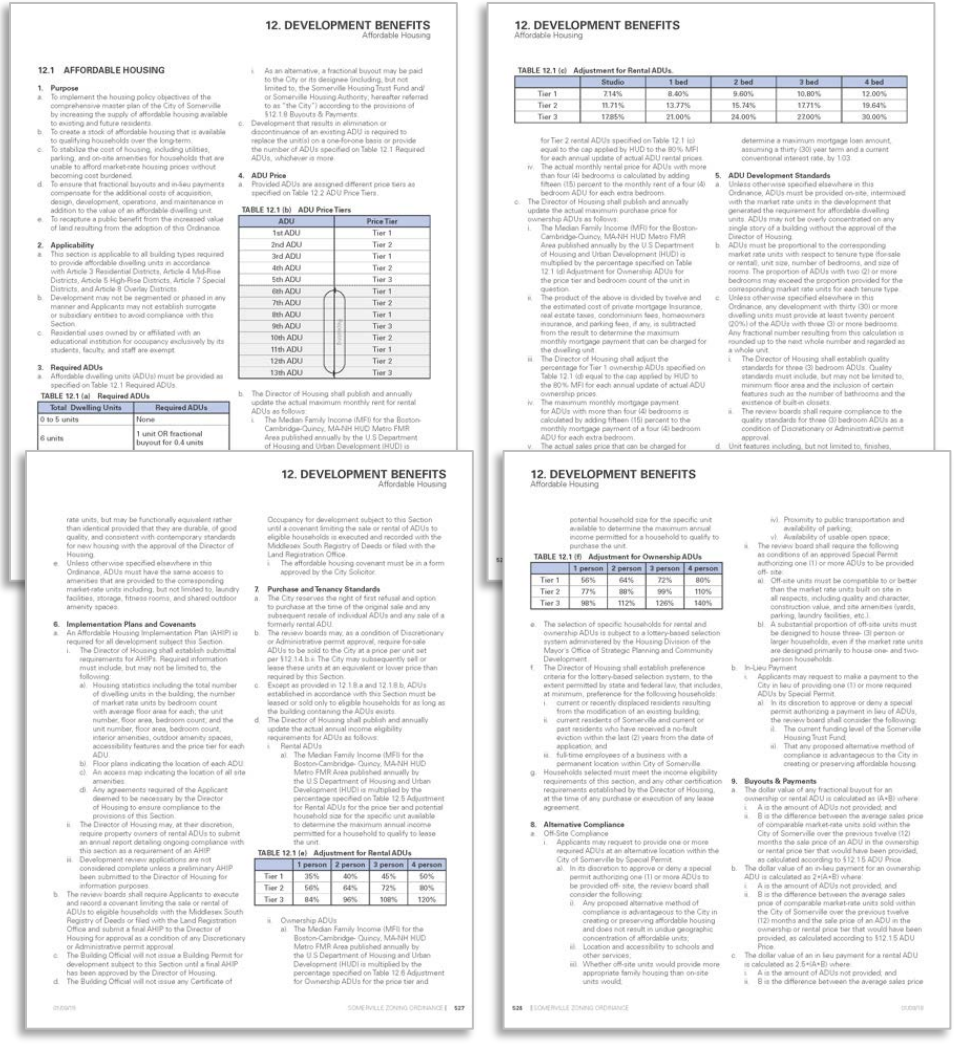

12. DEVELOPMENT BENEFITS
Affordable Housing

12.1 AFFORDABLE HOUSING

1. Purpose
a. To implement the housing policy objectives of the comprehensive master plan of the City of Somerville by increasing the supply of affordable housing available to existing and future residents.
b. To create a stock of affordable housing that is available to qualifying households over the long-term.
c. To stabilize the cost of housing, including utilities, parking, and on-site amenities for households that are unable to afford market-rate housing prices without becoming cost burdened.
d. To ensure that fractional buyouts and in-lieu payments compensate for the additional costs of acquisition, design, development, operation, and maintenance in addition to the value of an affordable dwelling unit.
e. To recapture a public benefit from the increased value of land resulting from the adoption of this Ordinance.

2. Applicability
a. This section is applicable to all building types required to provide affordable dwelling units in accordance with Article 3 Residential Districts, Article 4 Mid-Rise Districts, Article 5 High-Rise Districts, Article 7 Special Districts, and Article 8 Overlay Districts.
b. Development may not be segmented or phased in any manner and Applicants may not establish surrogate or subsidiary entities to avoid compliance with this Section.
c. Residential uses owned by or affiliated with an educational institution for occupancy exclusively by its students, faculty, and staff are exempt.

3. Required ADUs
a. Affordable dwelling units (ADUs) must be provided as specified on Table 12.1 Required ADUs.

TABLE 12.1 (a) Required ADUs

Total Dwelling Units	Required ADUs
0 to 5 units	None
6 units	1 unit OR fractional buyout for 0.4 units

i. As an alternative, a fractional buyout may be paid to the City or its designee (including, but not limited to, the Somerville Housing Trust Fund and/or Somerville Housing Authority; hereafter referred to as "the City") according to the provisions of §12.1.6 Buyouts & Payments.
c. Development that results in elimination or discontinuance of an existing ADU is required to replace the unit(s) on a one-for-one basis or provide the number of ADUs specified on Table 12.1 Required ADUs, whichever is more.

4. ADU Price
a. Provided ADUs are assigned different price tiers as specified on Table 12.2 ADU Price Tiers.

TABLE 12.1 (b) ADU Price Tiers

ADU	Price Tier
1st ADU	Tier 1
2nd ADU	Tier 2
3rd ADU	Tier 1
4th ADU	Tier 2
5th ADU	Tier 3
6th ADU	Tier 1
7th ADU	Tier 2
8th ADU	Tier 1
9th ADU	Tier 3
10th ADU	Tier 2
11th ADU	Tier 1
12th ADU	Tier 2
13th ADU	Tier 3

b. The Director of Housing shall publish and annually update the actual maximum monthly rent for rental ADUs as follows:
i. The Median Family Income (MFI) for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area published annually by the U.S Department of Housing and Urban Development (HUD) is

12. DEVELOPMENT BENEFITS
Affordable Housing

TABLE 12.1 (c) Adjustment for Rental ADUs.

	Studio	1 bed	2 bed	3 bed	4 bed
Tier 1	7.14%	8.40%	9.60%	10.80%	12.00%
Tier 2	11.71%	13.77%	15.74%	17.71%	19.64%
Tier 3	17.85%	21.00%	24.00%	27.00%	30.00%

for Tier 2 rental ADUs specified on Table 12.1 (c) equal to the cap applied by HUD to the 80% MFI for each annual update of actual ADU rental prices.
iv. The actual monthly rental price for ADUs with more than four (4) bedrooms is calculated by adding fifteen (15) percent to the monthly rent of a four (4) bedroom ADU for each extra bedroom.
c. The Director of Housing shall publish and annually update the actual maximum purchase price for ownership ADUs as follows:
i. The Median Family Income (MFI) for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area published annually by the U.S Department of Housing and Urban Development (HUD) is multiplied by the percentage specified on Table 12.1 (d) Adjustment for Ownership ADUs for the price tier and bedroom count of the unit in question.
ii. The product of the above is divided by twelve and the estimated cost of private mortgage insurance, real estate taxes, condominium fees, homeowners insurance, and parking fees, if any, is subtracted from the result to determine the maximum monthly mortgage payment that can be charged for the dwelling unit.
iii. The Director of Housing shall adjust the percentage for Tier 1 ownership ADUs specified on Table 12.1 (d) equal to the cap applied by HUD to the 80% MFI for each annual update of actual ADU ownership prices.
iv. The maximum monthly mortgage payment for ADUs with more than four (4) bedrooms is calculated by adding fifteen (15) percent to the monthly mortgage payment of a four (4) bedroom ADU for each extra bedroom.
v. The actual sales price that can be charged for

determine a maximum mortgage loan amount, assuming a thirty (30) year term and a current conventional interest rate, by 1/03.

5. ADU Development Standards
a. Unless otherwise specified elsewhere in this Ordinance, ADUs must be provided on-site, intermixed with the market rate units in the development that generated the requirement for affordable dwelling units. ADUs may not be overly concentrated on any single story of a building without the approval of the Director of Housing.
b. ADUs must be proportional to the corresponding market rate units with respect to tenure type (for-sale or rental), unit size, number of bedrooms, and size of rooms. The proportion of ADUs with two (2) or more bedrooms may exceed the proportion provided for the corresponding market rate units for each tenure type.
c. Unless otherwise specified elsewhere in this Ordinance, any development with thirty (30) or more dwelling units must provide at least twenty percent (20%) of the ADUs with three (3) or more bedrooms. Any fractional number resulting from this calculation is rounded up to the next whole number and regarded as a whole unit.
i. The Director of Housing shall establish quality standards for three (3) bedroom ADUs. Quality standards must include, but may not be limited to, minimum floor area and the inclusion of certain features such as the number of bathrooms and the existence of built-in closets.
ii. The review boards shall require compliance to the quality standards for three (3) bedroom ADUs as a condition of Discretionary or Administrative permit approval.
d. Unit features including, but not limited to, finishes,

12. DEVELOPMENT BENEFITS
Affordable Housing

rate units, but may be functionally equivalent rather than identical provided that they are durable, of good quality, and consistent with contemporary standards for new housing with the approval of the Director of Housing.
e. Unless otherwise specified elsewhere in this Ordinance, ADUs must have the same access to amenities that are provided to the corresponding market-rate units including, but not limited to, laundry facilities, storage, fitness rooms, and shared outdoor amenity spaces.

6. Implementation Plans and Covenants
a. An Affordable Housing Implementation Plan (AHIP) is required for all development subject this Section.
i. The Director of Housing shall establish submittal requirements for AHIPs. Required information must include, but may not be limited to, the following:
a) Housing statistics including the total number of dwelling units in the building, the number of market rate units by bedroom count with average floor area for each; the unit number, floor area, bedroom count, and the unit number, floor area, bedroom count, interior amenities, outdoor amenity spaces, accessibility features and the price tier for each ADU.
b) Floor plans indicating the location of each ADU.
c) An accessible map indicating the location of all site amenities.
d) Any agreements required of the Applicant deemed to be necessary by the Director of Housing to ensure compliance to the provisions of this Section.
ii. The Director of Housing may, at their discretion, require property owners of rental ADUs to submit an annual report detailing ongoing compliance with this section as a requirement of an AHIP.
iii. Development applications are not considered complete unless a preliminary AHIP been submitted to the Director of Housing for information purposes.
b. The review boards shall require Applicants to execute and record a covenant limiting the sale or rental of ADUs to eligible households with the Middlesex South Registry of Deeds or filed with the Land Registration Office and submit a final AHIP to the Director of Housing for approval as a condition of any Discretionary or Administrative permit approval.
c. The Building Official will not issue a Building Permit for development subject to this Section until a final AHIP has been approved by the Director of Housing.
d. The Building Official will not issue any Certificate of Occupancy for development subject to this Section until a covenant limiting the sale or rental of ADUs to eligible households is executed and recorded with the Middlesex South Registry of Deeds or filed with the Land Registration Office.
i. The affordable housing covenant must be in a form approved by the City Solicitor.

7. Purchase and Tenancy Standards
a. The City reserves the right of first refusal and option to purchase at the time of the original sale and any subsequent resale of individual ADUs and any sale of a formerly rental ADU.
b. The review boards may, as a condition of Discretionary or Administrative permit approval, require for-sale ADUs to be sold to the City at a price per unit set per §12.1.4.b.ii. The City may subsequently sell or lease these units at an equivalent or lower price than required by this Section.
c. Except as provided in 12.1.8.a and 12.1.8.b, ADUs established in accordance with this Section must be leased or sold only to eligible households for as long as the building containing the ADUs exists.
d. The Director of Housing shall publish and annually update the actual annual income eligibility requirements for ADUs as follows:
i. Rental ADUs
a) The Median Family Income (MFI) for the Boston-Cambridge- Quincy, MA-NH HUD Metro FMR Area published annually by the U.S Department of Housing and Urban Development (HUD) is multiplied by the percentage specified on Table 12.5 Adjustment for Rental ADUs for the price tier and potential household size for the specific unit available to determine the maximum annual income permitted for a household to qualify to lease the unit.

TABLE 12.1 (e) Adjustment for Rental ADUs.

	1 person	2 person	3 person	4 person
Tier 1	35%	40%	45%	50%
Tier 2	56%	64%	72%	80%
Tier 3	84%	96%	108%	120%

ii. Ownership ADUs
a) The Median Family Income (MFI) for the Boston-Cambridge- Quincy, MA-NH HUD Metro FMR Area published annually by the U.S Department of Housing and Urban Development (HUD) is multiplied by the percentage specified on Table 12.6 Adjustment for Ownership ADUs for the price tier and

12. DEVELOPMENT BENEFITS
Affordable Housing

potential household size for the specific unit available to determine the maximum annual income permitted for a household to qualify to purchase the unit.

TABLE 12.1 (f) Adjustment for Ownership ADUs

	1 person	2 person	3 person	4 person
Tier 1	56%	64%	72%	80%
Tier 2	77%	88%	99%	110%
Tier 3	98%	112%	126%	140%

e. The selection of specific households for rental and ownership ADUs is subject to a lottery-based selection system administered by the Housing Division of the Mayor's Office of Strategic Planning and Community Development.
f. The Director of Housing shall establish preference criteria for the lottery-based selection system, to the extent permitted by state and federal law, that includes, at minimum, preference for the following households:
i. current or recently displaced residents resulting from the modification of an existing building;
ii. current residents of Somerville and current or past residents who have received a no-fault eviction within the last (2) years from the date of application; and
iii. full-time employees of a business with a permanent location within City of Somerville.
g. Households selected must meet the income eligibility requirements of this section, and any other certification required by the Director of Housing, at the time of any purchase or execution of any lease agreement.

8. Alternative Compliance
a. Off-Site Compliance
i. Applicants may request to provide one or more required ADUs at an alternative location within the City of Somerville by Special Permit.
a) In its discretion to approve or deny a special permit authorizing one (1) or more ADUs to be provided off- site, the review board shall consider the following:
i) Any proposed alternative method of compliance is advantageous to the City in creating or preserving affordable housing and does not result in undue geographic concentration of affordable units;
ii) Location and accessibility to schools and other services;
iii) Whether off-site units would provide more appropriate family housing than on-site units would;
iv) Proximity to public transportation and availability of parking;
v) Availability of usable open space;
ii. The review board shall require the following as conditions of an approved Special Permit authorizing one (1) or more ADUs to be provided off- site:
a) Off-site units must be compatible to or better than the market rate units built on site in all respects, including quality and character, construction value, and site amenities (yards, parking, laundry facilities, etc.).
b) A substantial proportion of off-site units must be designed to house three (3) person or larger households, even if the market rate units are designed primarily to house one- and two-person households.
b. In-Lieu Payment
i. Applicants may request to make a payment to the City in lieu of providing one (1) or more required ADUs by Special Permit.
a) In its discretion to approve or deny a special permit authorizing a payment in lieu of ADUs, the review board shall consider the following:
i) The current funding level of the Somerville Housing Trust Fund;
ii) That any proposed alternative method of compliance is advantageous to the City in creating or preserving affordable housing.

9. Buyouts & Payments
a. The dollar value of any fractional buyout for an ownership or rental ADU is calculated as (A+B) where:
i. A is the amount of ADUs not provided; and
ii. B is the difference between the average sales price of comparable market-rate units sold within the City of Somerville over the previous twelve (12) months the sale price of an ADU in the ownership or rental price tier that would have been provided, as calculated according to §12.1.5 ADU Price.
b. The dollar value of an in-lieu payment for an ownership ADU is calculated as 2*(A+B) where:
i. A is the amount of ADUs not provided; and
ii. B is the difference between the average sales price of comparable market-rate units sold within the City of Somerville over the previous twelve (12) months and the sale price of an ADU in the ownership or rental price tier that would have been provided, as calculated according to §12.1.5 ADU Price.
c. The dollar value of an in lieu payment for a rental ADU is calculated as 2.5*(A+B) where:
i. A is the amount of ADUs not provided; and
ii. B is the difference between the average sales price

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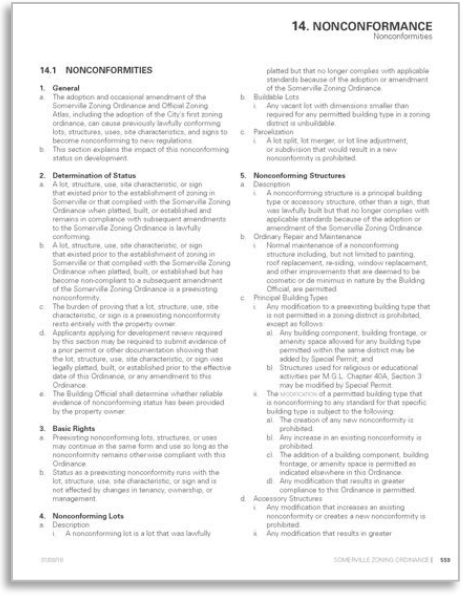

14. NONCONFORMANCE
Nonconformities

14.1 NONCONFORMITIES

1. General
a. The adoption and occasional amendment of the Somerville Zoning Ordinance and Official Zoning Atlas, including the adoption of the City's first zoning ordinance, can cause previously lawfully conforming lots, structures, uses, site characteristics, and signs to become nonconforming to new regulations.
b. This section explains the impact of this nonconforming status on development.

2. Determination of Status
a. A lot, structure, use, site characteristic, or sign that existed prior to the establishment of zoning in Somerville or that complied with the Somerville Zoning Ordinance when platted, built, or established and remains in compliance with subsequent amendments to the Somerville Zoning Ordinance is lawfully conforming.
b. A lot, structure, use, site characteristic, or sign that existed prior to the establishment of zoning in Somerville or that complied with the Somerville Zoning Ordinance when platted, built, or established but has become non-compliant to a subsequent amendment of the Somerville Zoning Ordinance is a preexisting nonconformity.
c. The burden of proving that a lot, structure, use, site characteristic, or sign is a preexisting nonconformity rests entirely with the property owner.
d. Applicants applying for development review required by this section may be required to submit evidence of a prior permit or other documentation showing that the lot, structure, use, site characteristic, or sign was legally platted, built, or established prior to the effective date of this Ordinance, or any amendment to this Ordinance.
e. The Building Official shall determine whether reliable evidence of nonconforming status has been provided by the property owner.

3. Basic Rights
a. Preexisting nonconforming lots, structures, or uses may continue in the same form and use so long as the nonconformity remains otherwise compliant with this Ordinance.
b. Status as a preexisting nonconformity runs with the lot, structure, use, site characteristic, or sign and is not affected by changes in tenancy, ownership, or management.

4. Nonconforming Lots
a. Description
i. A nonconforming lot is a lot that was lawfully platted but that no longer complies with applicable standards because of the adoption or amendment of the Somerville Zoning Ordinance.
b. Buildable Lots
i. Any vacant lot with dimensions smaller than required for any permitted building type in a zoning district is unbuildable.
c. Parcelization
i. A lot split, lot merger, or lot line adjustment, or subdivision that would result in a new nonconformity is prohibited.

5. Nonconforming Structures
a. Description
i. A nonconforming structure is a principal building type or accessory structure, other than a sign, that was lawfully built but that no longer complies with applicable standards because of the adoption or amendment of the Somerville Zoning Ordinance.
b. Ordinary Repair and Maintenance
i. Normal maintenance of a nonconforming structure including, but not limited to painting, roof replacement, re-siding, window replacement, and other improvements that are deemed to be cosmetic or de minimus in nature by the Building Official, are permitted.
c. Principal Building Types
i. Any modification to a preexisting building type that is not permitted in a zoning district is prohibited, except as follows:
a). Any building component, building frontage, or amenity space allowed for any building type permitted within the same district may be added by Special Permit; and
b). Structures used for religious or educational activities per M.G.L. Chapter 40A, Section 3 may be modified by Special Permit.
ii. The reconstruction of a permitted building type that is nonconforming to any standard for that specific building type is subject to the following:
a). The creation of any new nonconformity is prohibited.
b). Any increase in an existing nonconformity is prohibited.
c). The addition of a building component, building frontage, or amenity space is permitted as indicated elsewhere in this Ordinance.
d). Any modification that results in greater compliance to this Ordinance is permitted.
d. Accessory Structures
i. Any modification that increases an existing nonconformity or creates a new nonconformity is prohibited.
ii. Any modification that results in greater

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15. ADMINISTRATION
Review Procedures

15.1 REVIEW PROCEDURES

15. ADMINISTRATION
Discretionary Permits

15.2 DISCRETIONARY PERMITS

15. ADMINISTRATION
Administrative Permits

15.3 ADMINISTRATIVE PERMITS

15. ADMINISTRATION
Review Boards & Officials

15.7 REVIEW BOARDS & OFFICIALS

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16. DEFINITIONS

A

Abut or Abutting — To physically touch or share a contiguous boundary or border, such as a common lot line, or to be separated only by an alley or shared driveway.

Access — The way or means to enter and leave.

Accessory Structure — Any structure designed, arranged, used, or occupied per the provisions of Article 6.B.

Accessory Use — A use(s) of a lot, structure or portion thereof that is incidental and related to a principal building or use of land and located on the same lot as the principal building or use of land.

Affordable Dwelling Unit — A dwelling unit sold or rented at a price affordable to a specific income. Affordable dwelling unit is abbreviated as ADU. (See Article 13).

Agricultural — A use principally engaged in raising, harvesting and storing crops; feeding or managing livestock; or producing plants, trees, fowl, and other animals for ultimate disposition in the form of a product for human use.

Agriculture, Urban — An umbrella term that describes a range of food growing practices that may include apiculture (bee keeping) and/or aviculture (raising chickens), but does not include raising other kinds of livestock.

Albedo — The amount of solar radiation reflected by a surface.

Allee — Objects placed in a straight line.

Alley — A thoroughfare, located internal to a block and providing access to the rear of buildings, loading facilities, service areas, trash storage, motor vehicle parking, and usually containing easements for dry utilities.

Amenity Space — A feature of a lot or building that provides outdoor social, recreational, and/or leisure space for the comfort and/or convenience of the residents of a building.

Amenity Space, Private — Features of a building and outdoor areas designed for the comfort and convenience of residents.

Amenity Space, Shared — Rooms and facilities designed for the comfort and convenience of residents of a multi-unit building.

Ancillary — Providing necessary support for the operation of a principal use.

Antenna — Equipment for wireless communication, including but not limited to panel antennas, whip antennas, and satellite dishes that may be freestanding, mounted inside a structure (such as a steeple, belfry, cupola, or other tower or rooftop element), or side-mounted to the face of a building, penthouse, smokestack, or chimney, to conceal its presence and reduce its visual impact.

Applicant — A person or entity who has submitted a development review application under applicable provisions of this Ordinance; a petitioner in accordance with M.G.L. 40A. The legal or beneficial owner(s) of a lot or land included in a proposed development, including the holder of an option or contract to purchase, or any other person having an enforceable proprietary interest in such land.

Aquaculture — The farming of aquatic organisms such as fish, crustaceans, molluscs, and aquatic plants.

Aquaponics — The production of food using conventional aquaculture with hydroponics in a symbiotic environment.

Arbor — A structure with an open frame, freestanding or attached to another structure, with horizontal or vertical latticework often

3. WRITING STYLE

Writing Style

Objectives:

- Improve communication
- Reduce confusion
- Legally correct

http://masscptc.org/documents/core-documents/bylaw-writing.html

ROBERT W. RITCHIE
Former Assistant
Attorney General,
Director of Municipal Law

Writing Style

Technique:

- Active voice

The **passive voice lacks a clear actor**. When a by-law imposes a duty or prohibition, **the reader needs to know exactly to whom the duty or prohibition applies**.

For example, don't say "Rules shall be adopted," rather say "The Planning Board shall adopt rules."

ROBERT W. RITCHIE
Former Assistant
Attorney General,
Director of Municipal Law

Writing Style

Technique:

- Active voice
- Present tense, third person singular verbs

Don't say "The Superintendent of Inspectional Services shall be the enforcement officer," but rather say "The Superintendent of Inspectional Services **is** the enforcement officer."

ROBERT W. RITCHIE
Former Assistant
Attorney General,
Director of Municipal Law

Writing Style

Technique:

- Active voice
- Present tense, third person singular verbs
- Use ‘shall’ exclusively to impose a duty to act upon another party

The word ‘shall’ is **improper** when used to indicate the future tense, to impose a duty not to act (ie. shall not), to impose a limitation, or to declare a legal result rather than give a command. Correspondingly, the word ‘may’ is used exclusively **to grant discretion or authority to a particular actor**.

To prohibit an action, **the words ‘shall not’ are misleading; the appropriate term is ‘may not’.** The words ‘shall not’ mean that a person does not have a duty to or is not required to engage in the described action, while the words ‘may not’ serve to deny the actor power or authority to engage in the action.

For example, don't say "No person shall," rather say "A person may not.”

ROBERT W. RITCHIE
Former Assistant
Attorney General,
Director of Municipal Law

4. PERMITTING CONCEPT

Permitting Concept

Development Review Application

- Applicants <u>are not</u> applying for a Site Plan Approval, a Special Permit, or a Variance

- Applicants are proposing development that may or may not require Site Plan Approval, a Special Permit, or a Variance

Permitting Concept

Development Review Application

Required for:

- Construct a new building
- Modify and existing building
- Establish a use
- Change a use
- Erect or modify a sign
- Establish or modify outdoor seating
- Excavate or prepare land
- Modify pavement
- Add dwelling units
- Add or remove parking
- Erect an accessory structure
- Outdoor lighting

Permitting Concept

Certificate of Zoning Compliance

- After verification that review is not required ('by-right development') or that additional development review is completed, the Building Official issues this certificate to certify compliance with the provisions and procedures of the Zoning Ordinance.

- Building Permits and Certificates of Occupancy are blocked by the Ordinance until this document is issued.

- This formalizes the Zoning Review Planner's compliance check with a physical document.

Permitting Concept

Development Application

?

Compliance Certificate

Permitting Concept

Development Application

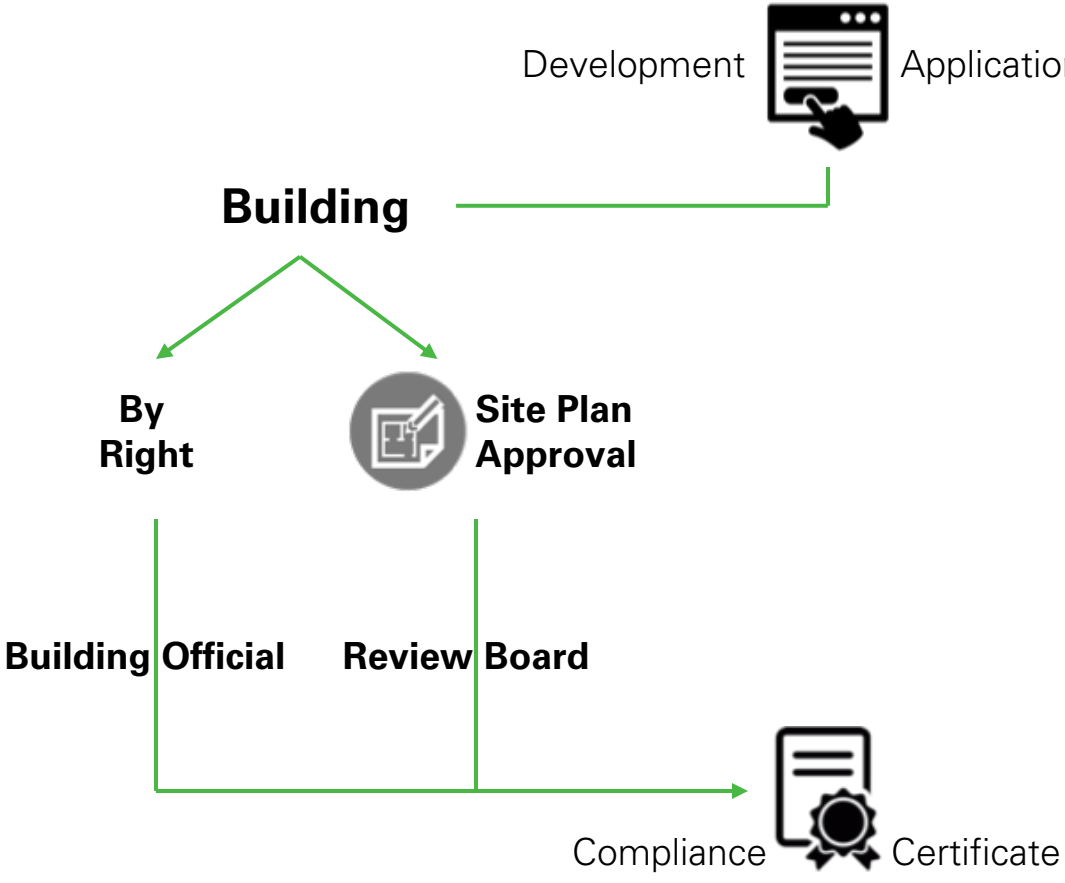
Building

By Right

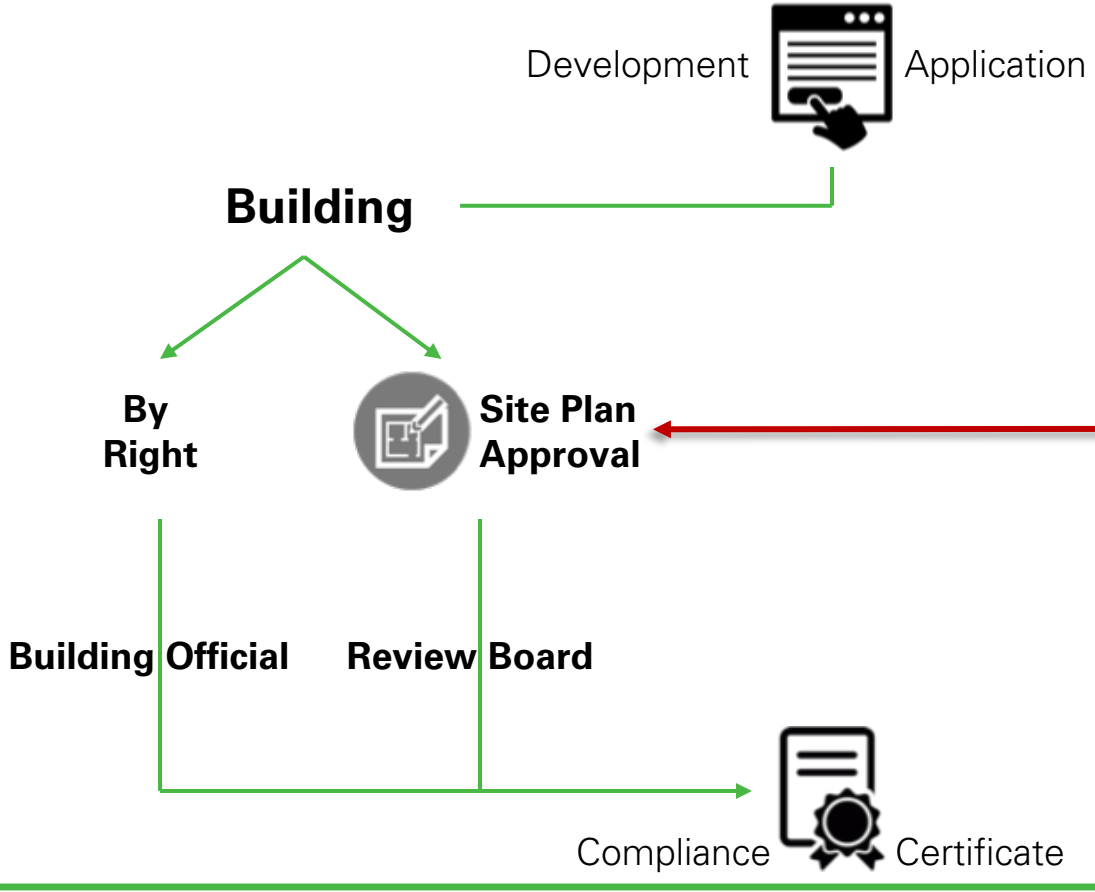
Site Plan Approval

Compliance Certificate

Permitting Concept



Permitting Concept

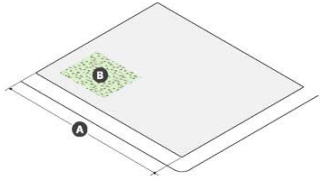


CONDITIONAL APPROVAL

- Pedestrian and vehicular access
- Parking and loading
- Landscaping
- Outdoor lighting
- Signage
- Storm water management
- Architectural style
- Water and wastewater systems
- Refuse disposal
- Construction
- Limitations on students or residents
- Maintenance guarantees
- Noise limits
- …other concerns that neighbors frequently have

8. Commercial Building (continued)

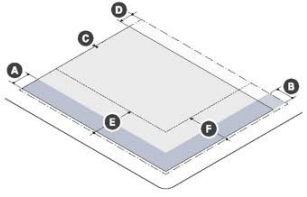
a. Lot Standards



Lot Dimensions	
A Width (min)	30 ft

Lot Development	
B Lot Coverage (max)	100%
C Green Factor (min)	0.20

b. Building Placement

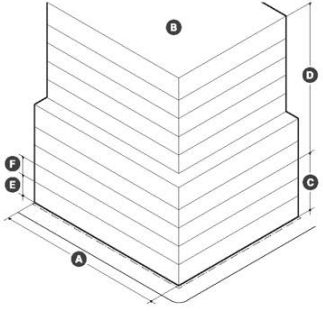


Building Setbacks		
A Primary Front Setback (min/max)	2 ft	15 ft
B Secondary Front Setback (min/max)	2 ft	15 ft
C Side Setback (min)	0 ft	
Side Setback Abutting NR or LHD (min)	5 ft	
D Rear Setback (min)	10 ft	
Rear Setback Abutting NR or LHD (min)	15 ft	

Parking Setbacks	
E Primary Front Setback (min)	30 ft
F Secondary Front Setback (min)	30 ft

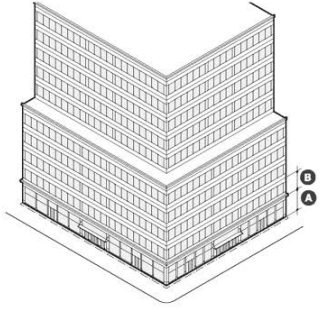
8. Commercial Building (continued)

c. Massing & Height



Main Body	
A Building Width (max)	200 ft
Facade Build Out (min)	--
Front Street	80%
Side Street	65%
B Floor Plate (max)	30,000 sf
C Building Height, Stories (min)	3 stories
D Building Height, Stories (max)	10 stories
E Ground Story Height (min)	14 ft
F Upper Story Height (min)	10 ft
Building Height, Feet (max)	145 ft
Roof Type	Flat

d. Uses & Features

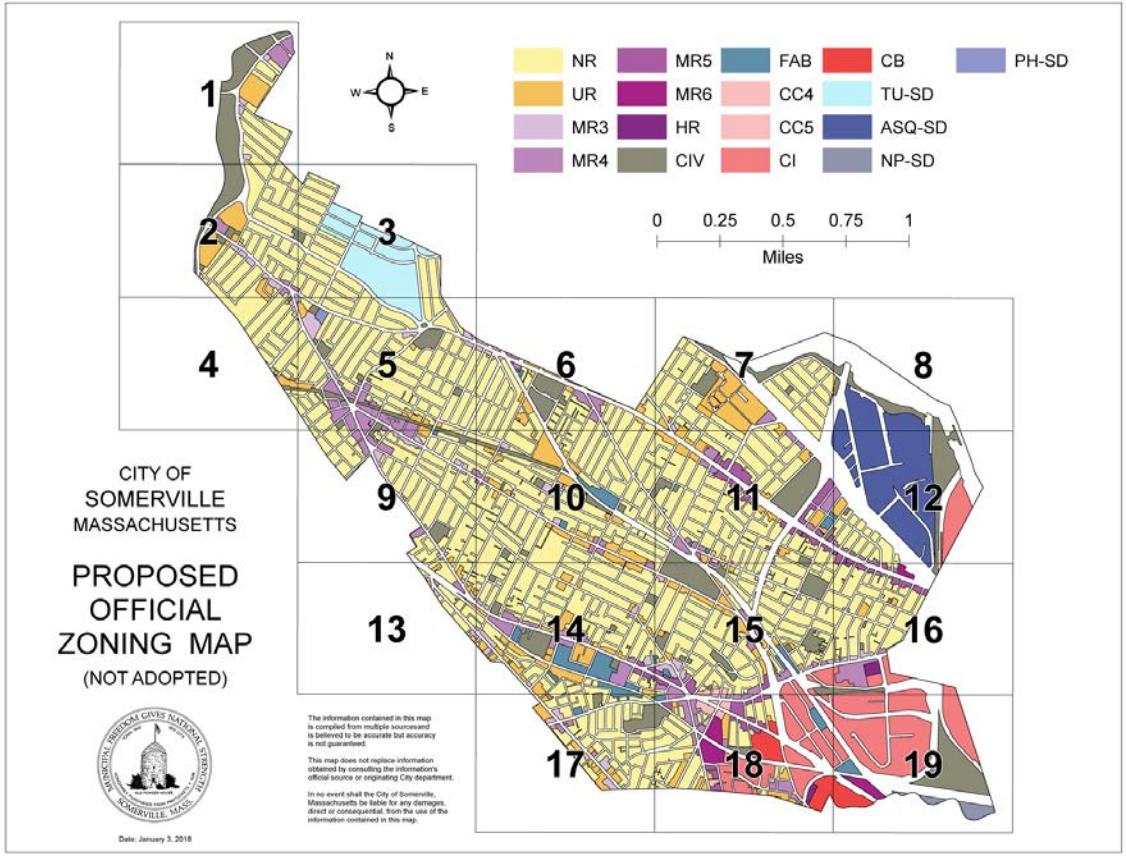


Facade Composition		
A Ground Story Fenestration (min)	70%	
B Upper Story Fenestration (min/max)	20%	70%
Blank Wall (max)	20 ft	

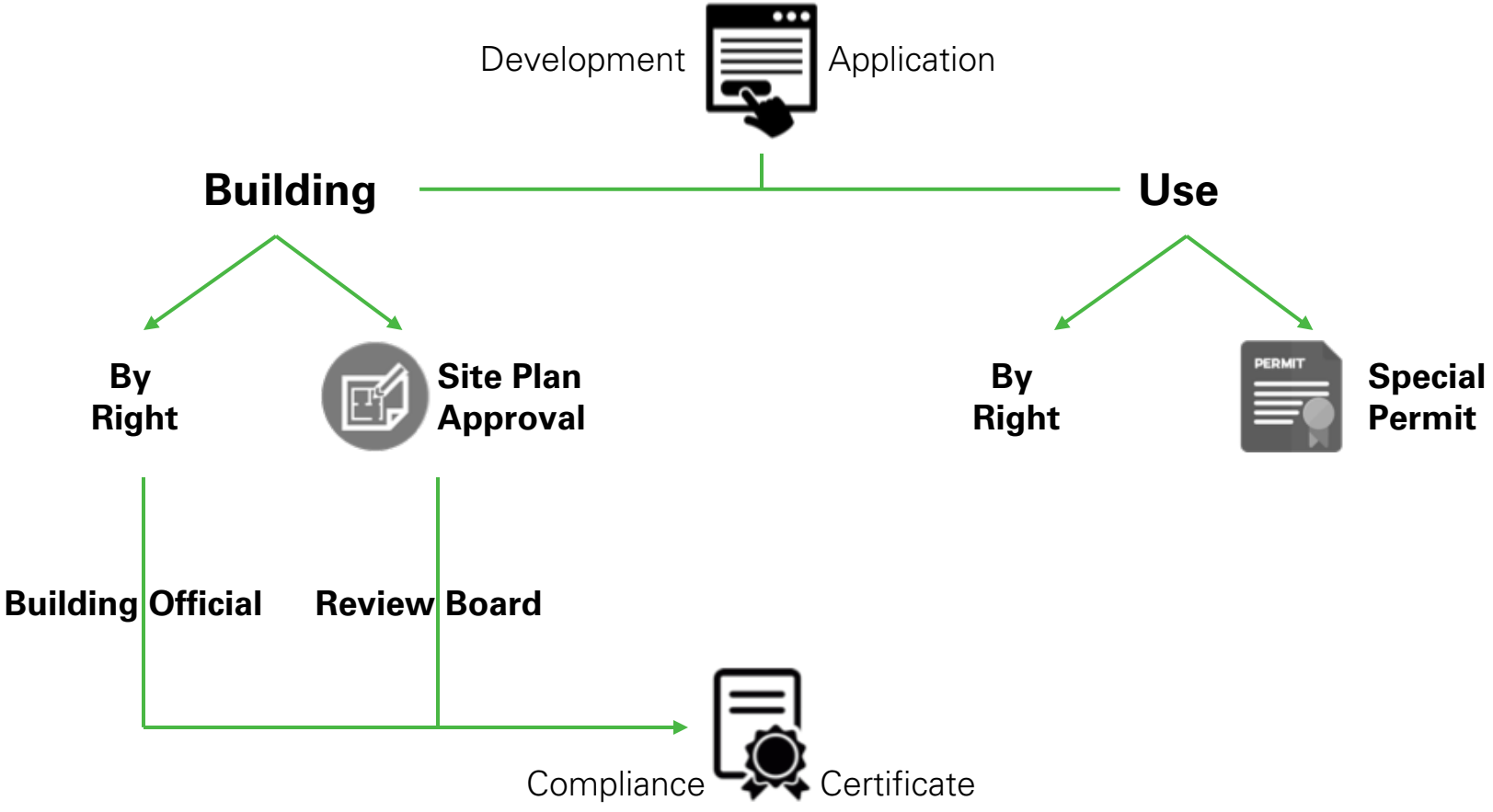
Use & Occupancy	
Entrance Spacing (max)	30 ft
Commercial Space Depth (min)	30 ft

DISTRICTS: Permitted Building Types

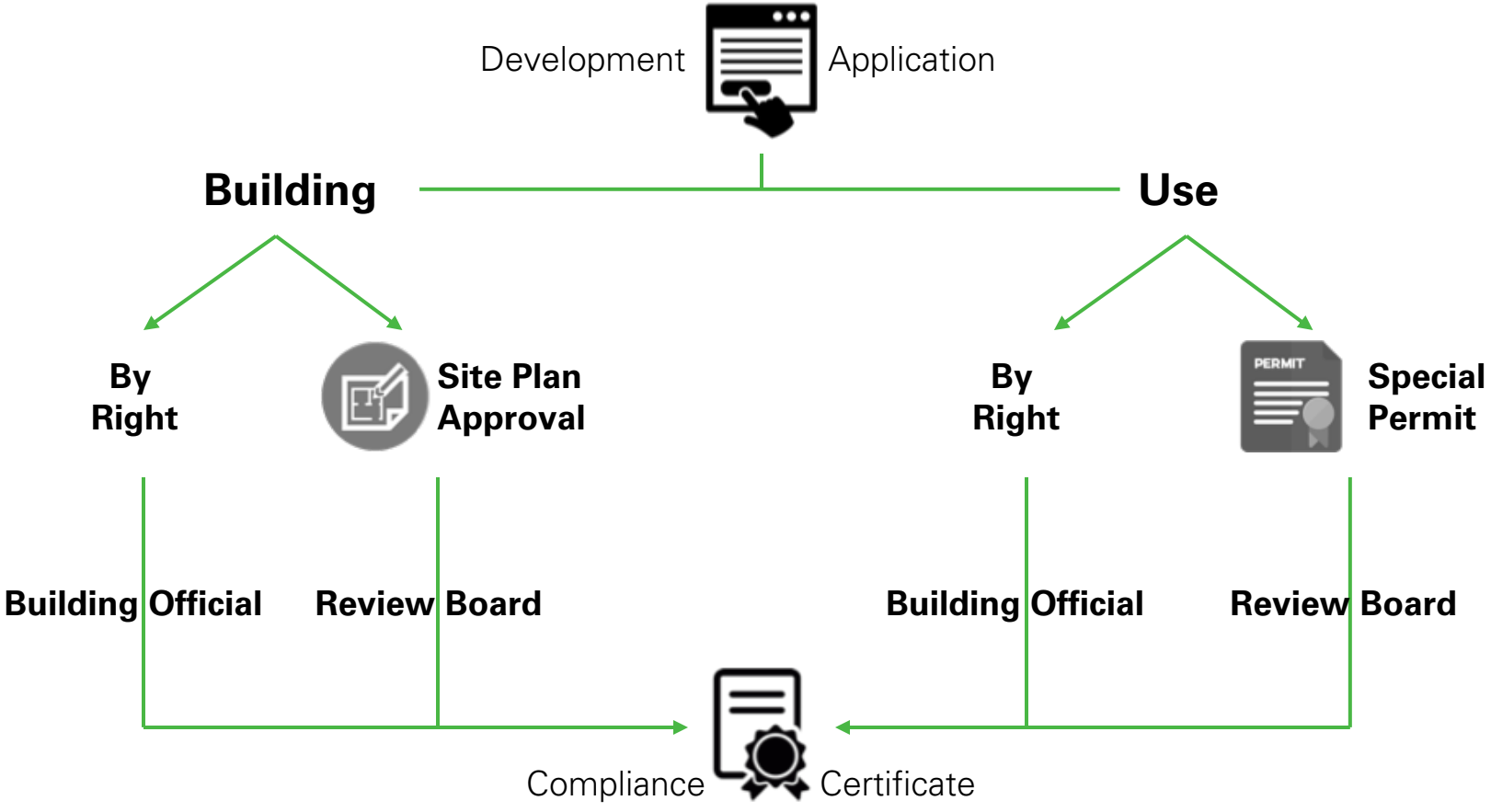
- Neighborhood Residence
- Urban Residence
- Mid-Rise 3
- Mid-Rise 4
- Mid-Rise 5
- Mid-Rise 6
- High Rise
- Fabrication
- Commercial Core
- Commercial Industry
- Commercial Business
- Civic
- Assembly Square
- North Point
- Powderhouse
- Tufts



Permitting Concept



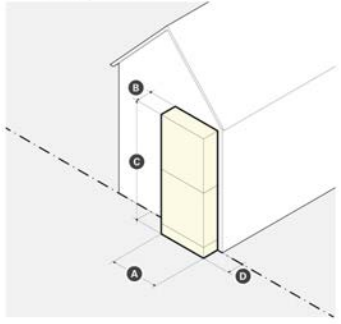
Permitting Concept



5. EDITING PROCESS

E. Bay

i. A bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building's facade.

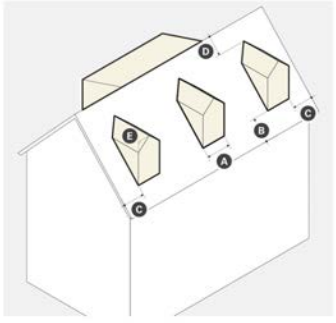


Dimensions	
A Width, ~~each~~ (max)	16 ft
Width, total for multiple bays (max)	50% of exterior wall
B ~~Depth~~ Projection (max)	3 ft
C Height (max)	Height of Building in Stories
D Permitted Front Setback Encroachment (max)	3 ft
Fenestration (min)	60%

ii. Standards
a). One (1) bay is permitted per exterior wall of a building.
b). Bays must have a foundation extending all the way to ground ~~level~~ or be visually supported by brackets or other architectural supports.
c). Bays projecting over the sidewalk of a public thoroughfare must have two (2) stories of clearance and compliance with all City Ordinances.

F. Dormer Window

i. A dormer window is a single window or set of windows that projects vertically from a sloped roof to provide light into and expand the habitable space of a half-story.



Dimensions	
A Width (max)	24 feet or 50% of the eave length of the main roof (whichever is shorter)
B Front & Rear Wall Setback (min)	3 ft 6 in
C Side Wall Setback (min)	1 ft 6 in
D Ridge Line Setback (min)	1 ft
E Roof Slope (min)	4:12 (18.43°)
Fenestration (min)	70%

ii. Standards
a). Setbacks are strictly enforced regardless of permitted dormer width.
b). The maximum permitted width of a dormer applies to single, multiple, or attached combinations of dormers on each side of a roof.

15. Vehicular Parking

a. General
i. Vehicular parking must be provided as specified on Table 4.1 (d), except as follows:
a). Non-residential uses with five thousand (5,000) square feet or less of gross leasable floor area are exempt from any minimum requirements of Table 4.1. (d).
b). Any change in use within a non-residential structure constructed before the effective date of this Ordinance, provided that the change is to a permitted use, is exempt from any minimum requirements of Table 4.1 (d).
ii. There are no parking requirements for accessory uses.
iii. Motor vehicle parking spaces may be shared between uses on the same lot and buildings on the same block in accordance with §11.3 Shared Parking.

b. Type
i. Motor vehicle parking may be provided as surface parking spaces, above ground structured parking, and underground structured parking.

c. Unbundled Parking
i. Motor vehicle parking spaces must be rented or leased as an option rather than a requirement of the rental, lease, or purchase of a dwelling unit, rooming unit, or non-residential floor space.
ii. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

d. Parking Design
i. The design of all parking is subject to §11.1 Bicycle Parking and §11.2 Motor Vehicle Parking of this Ordinance.
ii. ~~Driveways, curb cuts, and vehicular entrances~~ Vehicular access to parking lots, ~~parking structures,~~ structured parking, loading docks, and service areas ~~are~~ is not permitted ~~along~~ from the ~~primary front lot line~~ frontage abutting a pedestrian street, but may provided access from ~~a side street or alley~~ from an Alley or secondary frontage.
iii. Driveways may be located within a required side and rear setback areas, but are not permitted between the facade of a building and any front lot line.
iv. Driveways may be no more than twelve (12) feet in width at the frontage.
v. Driveways may provide access in whole or in part on or across an abutting lot(s), provided that an access easement exists between all property owners.
vi. Unless otherwise specified, only one (1) curb cut is permitted per front lot line.
vii. Curb cuts must be located to minimize conflict with pedestrians, bicyclists, and motor vehicles on the thoroughfare they provide access to and from.
viii. Curb cuts may be no wider than the driveway or vehicular entrance they serve, excluding flares or returned curbs.
ix. Driveway crossings traversing sidewalks with paved furnishing zones must be designed to maintain the grade and clear width of the walkway they cross and must include sloped flares on either side of the driveway apron.
x. Driveway crossings traversing sidewalks with continuously planted furnishing zones must be designed to maintain the grade and clear width of the walkway they cross and must include returned curbs.
xi. The appearance of any walkway (ie. scoring pattern or special paving) must be maintained across any

TABLE 4.1 (d) MR3 Vehicular Parking *See Transit Areas Map for lots located in a Transit Area

Use Category Specific Use	BICYCLE		MOTOR VEHICLE	
	Short-Term (min)	Long-Term (min)	Within a Transit Area (max)	Outside of a Transit Area (min)
Arts & Creative Enterprise				
Artisan Production	1 / 10,000 sf	1 / 3,000 sf	1 / 800 sf	1 / 1,000 sf
Arts Exhibition	1 / 10,000 sf	1 / 3,000 sf	1 / 800 sf	1 / 650 sf
Arts Sales & Services	1 / 10,000 sf	1 / 3,000 sf	1 / 200 sf	1 / 1,000 sf
Design Services	1 / 10,000 sf	1 / 3,000 sf	1 / 800 sf	1 / 1,000 sf

sf - Gross Leasable Square Footage DU - Dwelling Unit RU - Rooming Unit

b. Building Type Limitations
   i. A Shop House or Neighborhood Store building type may be established according to the following:
      a). Location
         i). A Shop House or Neighborhood Store is only permitted as follows:
            a. On a corner lot; or
            b. In any building constructed before the effective date of this ordinance for non-residential use, as established by permit records or other historical documents accepted by the Building Official.
         ii). A Shop House or Neighborhood Store is prohibited on any lot fronting onto a dead end thoroughfare.
      b. Use Restrictions
         i). The use of a Shop House or Neighborhood Store building type is limited to the following use subcategories:
            a. Arts Sales & Service
            b. Creative Studio
            c. Design Services
            d. Consumer Goods
            e. Fresh Food Market and/or Grocery Store
         ii). The sale of alcoholic beverages for on-site consumption is prohibited.
         iii). Business operations are permitted between the hours of 7:00am to 9:00pm only.

4. USE PROVISIONS
   a. Adaptive Re-Use of Specific Buildings
      i. Any building constructed before the effective date of this Ordinance for a use that is considered nonconforming in the Neighborhood Residence district, as established by permit records or other historical documents accepted by the Building Official, or any building used for municipal operations by the City of Somerville may be changed to any use within the following Arts & Creative Enterprise use subcategories:
         a). Artisan Production;
         b). Arts Sales & Services; or
         c). Design Services
         d). Shared Workspace & Arts Education.

5. DEVELOPMENT REVIEW
   a. Preliminary Review
      i. Development of any building type permitted "by-right with limitations" or "by Special Permit" requires a neighborhood meeting prior to submittal of an application for development review. See §10.B.2. Neighborhood Meeting for more information.
      ii. Development of a Shop House or Neighborhood Store requires design review by the Urban Design Commission. See §10.B.3. Design Review for more information.
   b. Administrative Development Review
      i. Building types permitted "by-right" require only a zoning permit. See §10.C.1. Zoning Permit for more information.
      ii. Building types permitted "by-right with limitations" require only a zoning permit, subject to the limitations identified for each type in §2.A.3.b. Building Type Limitations. See §10.C.1. Zoning Permit for more information.
   c. Discretionary Development Review
      i. The Zoning Board of Appeals is the review board for all Special Permit applications required for development within the NR district.
      ii. Building types permitted "by Special Permit" require a special permit as a prerequisite to a the issuance of a zoning permit. See §10.D.1. Special Permit for more information.
      iii. The alteration or renovation of an existing building that results in any increase of the number of dwelling units requires a special permit in accordance with §10.D.1. Special Permit.
      iv. Special Permit Findings
         a). In its discretion to approve or deny a special permit authorizing an increase in the number of dwelling units in an existing building, the Zoning Board of Appeals, shall consider the following:
            i). the review considerations for all Special Permits as specified in §10.D.1.e. Review Criteria; and
            ii). quality of the living space in terms of functional area and access to light and air circulation.
         b). In its discretion to approve or deny a special permit authorizing a triple decker, the Zoning Board of Appeals, shall consider the following:
            i). the review considerations for all Special Permits as specified in §10.D.1.e. Review Criteria;
            ii). the impact on solar access from the introduction of a flat roofed building on adjacent properties;
            iii). existing context of immediately abutting properties; and
            iv). existing context of properties fronting each block face of the abutting thoroughfare.
         c). In its discretion to approve or deny a special permit authorizing a paired triple decker, the Zoning Board of Appeals, shall consider the following:
            i). the review considerations for all Special Permits as specified in §10.D.1.e. Review Criteria;
            ii). the impact on solar access from the introduction of a flat roofed building on adjacent properties;
            iii). existing context of immediately abutting properties;
            iv). existing context of properties fronting each block face of the abutting thoroughfare.

#012

Posted by **nels** on **01/30/2015** at **2:37pm**
Should be allowed everywhere for a more mixed-use feeling

#013

Posted by **robertcbuchanan** on **01/23/2015** at **4:03pm**
Should "Use Restrictions" appear under "Use Provisions" below?

#014

Posted by **timtalun** on **03/22/2015** at **1:36pm**
Would this permit other professional services to be provided in shop house or neighborhood store? There are many examples in Somerville of dentist offices, doctors offices and small legal or other services in this building type

#015

Posted by **fberman** on **03/15/2015** at **4:14pm**
Subdivision of an existing one-unit, two-unit, or three-unit building to create a larger number of units within that building should require a variance, and not a special permit, except in the case of creation of so-called mother-in-law apartments in a basement that was previously not used as a living quarters. Such creation of a mother-in-law apartment should only require a special permit, since it does not result in the loss of bedroom capacity in the existing units. This change is recommended, given the importance of more or less maintaining the current density of such neighborhoods, and the goal of retaining as much as possible of the existing-sized housing stock in these neighborhoods.

#016

Posted by **PQArchitects-PQ** on **03/26/2015** at **11:27pm**
...not withstanding Article 11.A.2...

#017

Posted by **PQArchitects-PQ** on **03/26/2015** at **11:29pm**
Basically there is no provision to convert a large non-conforming commercial or industrial use in an NR district to any other use other than these. Adaptive reuse for housing, for instance, is expressly not allowed per this and Article 11.A.

#018

Posted by **CortneyKirk** on **03/03/2015** at **4:40pm**
Consider adding Impact on Existing Trees and vegetation.

#019

12. Building Design Standards

a. Contextual Buildings
   i. Buildings that are greater than one hundred (100) feet in width must be designed to read as two (2) or more buildings with differing architectural design.

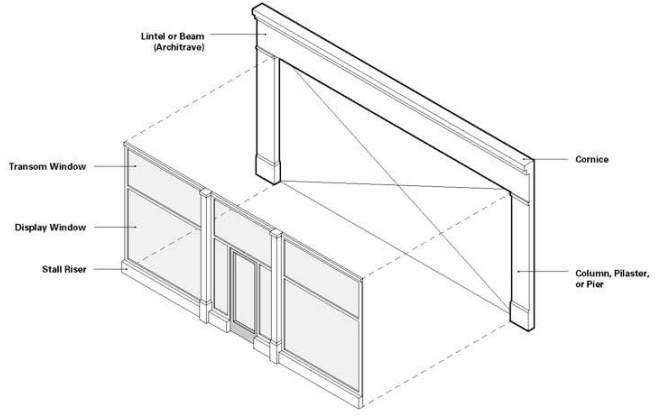
b. Pedestrian Circulation
   i. When development occurs on any lot abutting a thoroughfare where the sidewalk is less than twelve (12) feet in total width, the building must be setback an additional distance to accommodate expansion of the abutting sidewalk to a width of at least twelve (12) feet. The minimum and maximum front setbacks for each building type are increased accordingly.

c. Facade Design
   i. All building facades must provide surface relief through the use of balconies, Bays, cladding, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, sign bands, windows, and other architectural features that either recess or project from the average plane of the facade by at least four (4) inches.
   ii. Vents, exhausts, and other utility features on building facades must be architecturally integrated into the design of the building.
   iii. Building facades, excluding apartment buildings, must provide a frame for each storefront and lobby entrance in accordance with the following architectural techniques:
      a). A horizontal lintel or beam (architrave) and cornice that extends across the full width of the building and is supported by columns, pilasters, or piers; or
      b). A horizontal beam or fascia (architrave) positioned between columns, pilasters, or piers that extend from the upper stories of a building all the way to the ground.
   iv. When present, the horizontal lintel, beam, or fascia (architrave) serves as the sign band for each storefront.

13. Architectural Design Guidelines

a. In the absence of any official architectural design

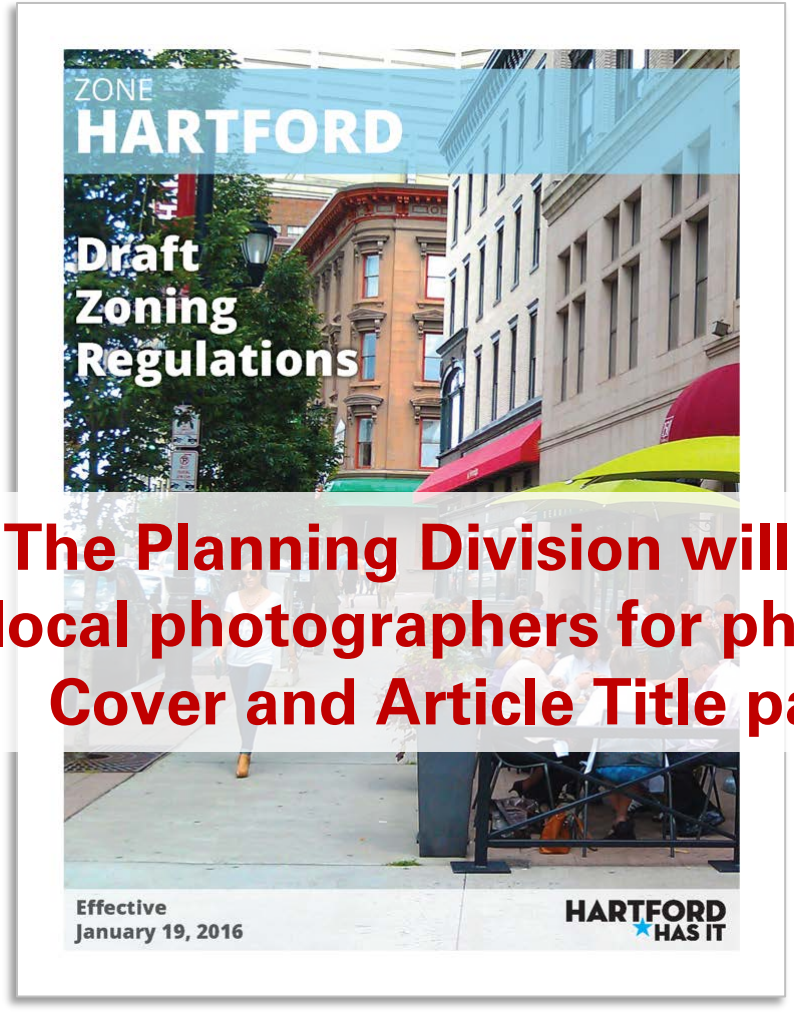
FIGURE 4.1 (c) Framing a Storefront



9. Lab Building

A multi-story building type purpose built for laboratory and research & development uses. Floor space is typically custom designed as vivariums for animal research or complex, technically sophisticated, and mechanically intensive wet or dry labs.

The following images are examples of the lab building type and are intended only for illustrative purposes.



The Planning Division will be releasing an Open Call to local photographers for photos that will be used for the Cover and Article Title pages of the new Ordinance.

City of Somerville

ZONING OVERHAUL