

CITY OF SOMERVILLE
ORDINANCE NO. 2023-
IN CITY COUNCIL: _____, 2023

Be it ordained by the City Council, in session assembled, that table 9.1.1 and section 9.2.11 of the Zoning Ordinance of the City of Somerville is amended as follows by deleting the ~~struckthrough~~ text and adding the underlined text.

Approved:

President

Approved:

Mayor

9.2.11 Residential Use Categories

~~Household Living~~

~~Residential occupancy of a building or portion of a building in dwelling units by any number of persons related by blood, marriage, adoption, or foster care agreement and up to three (3) additional unrelated persons living together as a single housekeeping unit. Rental of a dwelling unit for less than one (1) month requires compliance with all City Ordinances. The following standards apply:~~

- ~~○ In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a Special Permit authorizing a Household Living principal use:~~
 - ~~▪ The suitability of the site for a household living principal use compared to other potential principal uses.~~
 - ~~▪ The ability of the development proposal to meet the demand for dwelling units of various types, sizes, and bedroom counts.~~
 - ~~▪ The increase or decrease in the number or price of any previously existing ADUs.~~
 - ~~▪ The number of motor vehicle parking spaces proposed for development within a Transit Area.~~

~~Group Living~~

~~Residential occupancy of a building or portion of a building in rooming units by up to two (2) persons related by blood, marriage, adoption, or foster care agreement; in dwelling units by more than four unrelated persons; and any multi-unit housing owned by or affiliated with an educational institution. group living residential uses are not permitted to be offered as Short-Term Rentals. The group living use category includes any residential occupancy that is not categorized as household living and any residential accommodations that provide a kitchen, dining room, living room, or bathroom shared between rooming units.~~

- ~~○ In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Group Living principal use:~~
 - ~~▪ The suitability of the site for a group living principal use compared to other potential principal uses.~~
 - ~~▪ The increase or decrease in the number or price of any previously existing ADUs.~~
 - ~~▪ The number of motor vehicle parking spaces proposed for development within a Transit Area.~~
 - ~~▪ Mitigation proposed to alleviate any impacts attributable to the proposed development.~~

~~The following group living specific use types are regulated differently than other uses classified within the group living category:~~

~~b. Community or Group Residence~~

~~Residential occupancy of a dwelling unit by more than four (4) unrelated individuals that are 'handicapped' as defined in 42 U.S.C. §3602 or have a 'disability' as defined in 42 U.S.C. §12102. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.~~

~~c. Dormitory or Chapter House~~

~~Residential occupancy of a building or portion of a building in dwelling units or rooming units exclusively by full or part-time students, faculty, and staff of an educational institution and any housing owned by or affiliated with an educational institution. The following standards apply:~~

- a). ~~In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Dormitory or Chapter House principal use:~~
 - 1. ~~Proximity of the primary educational institution to the site.~~
 - 2. ~~Concentration of dormitories, fraternities, or sororities in the neighborhood.~~

d. ~~Homeless Shelter~~

~~A facility that has a primary function of providing overnight sleeping accommodations in rooming units or bunk rooms to homeless people. The following standards apply:~~

- a). ~~In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Homeless Shelter:~~
 - 1. ~~The current supply of overnight sleeping accommodations available within the city.~~
 - 2. ~~The need for additional resources to properly address changes in demand.~~

e. ~~Nursing Home or Assisted Living~~

~~Residential occupancy in rooming units where room and board, personal services, and skilled nursing care is provided to tenants. Nursing homes include hospice care, but specifically exclude hospitals. The following standards apply:~~

- a). ~~In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Nursing Home or Assisted Living principal use:~~
 - i). ~~Characteristics of the local thoroughfare network in providing a walkable environment and access for emergency vehicles.~~
 - ii). ~~Location, visibility, and design of the principal entrance, resident drop-off area, and outdoor amenity spaces.~~
 - iii). ~~Provision of communal indoor seating areas with a direct line of site to the outdoors.~~

f. ~~Rooming House~~

~~Residential occupancy of four (4) or more rooming units by individuals or up to two (2) persons related by blood, marriage, adoption, or foster care agreement. Rooming houses include boarding houses, lodging houses, and single room occupancy (SRO) buildings. The following standards apply:~~

- a). ~~A license from the City Council is required.~~
- b). ~~The unit must be provided with the following:~~
 - 1. ~~House rules establishing quiet hours, the maximum number of guests, and clean-up requirements for guest pets, if allowed.~~
 - 2. ~~A functioning fire extinguisher.~~
 - 3. ~~Child-proofed electrical outlets.~~
 - 4. ~~A map identifying fire escape routes.~~
 - 5. ~~Directions for operating the temperature control system.~~
 - 6. ~~Emergency contact information.~~
- c). ~~In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Rooming House principal use:~~
 - i). ~~Path of access to the unit and the privacy of residents and neighboring properties.~~

- ~~ii). Location of designated outdoor smoking areas.~~
- ~~iii). Operations plan for maintaining the unit, including the inspection schedule for smoke and carbon monoxide detectors and the hours of operation for cleaning services.~~

a. Residential Housing

Residential occupancy of a building in dwelling units by any number of persons living together as a single housekeeping unit. The following standards apply:

- i. Rental of a dwelling unit for less than one (1) month requires compliance with all City Ordinances.

b. Institutional Housing

Residential occupancy of a building operated by a government, educational, religious, health care, or other organization including, but not limited to, an assisted living facility, chapter house, dormitory, homeless shelter, nursing home, and their substantial equivalents.

- i. In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing an Institutional Housing principal use:
 - a). The suitability of the location for an institutional housing principal use compared to other potential principal uses.
 - b). The increase or decrease in the number or price of any previously existing ADUs.
 - c). The concentration of similar principal uses within the neighborhood.
 - d). The demand for the specific institutional living principal use within the community.

The following institutional housing specific use types are regulated differently than other uses classified within the institutional housing category:

i. Community or Group Residence

Residential occupancy of by individuals that are 'handicapped' as defined in 42 U.S.C. §3602 or have a 'disability' as defined in 42 U.S.C. §12102. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.

Table 9.1.1

Table 9.1.1 Permitted Uses												
Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV
Residential Categories												
Household Living Residential Housing	P	P	SP	SP	SP	SP	SP	N	N	N	N	N
Group Living Institutional Housing (except as follows)	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N
Community or Group Residence	P	P	P	P	P	P	P	N	N	N	N	N
Dormitory or Chapter House	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N
Homeless Shelter	N	N	SP	SP	SP	SP	SP	N	N	N	N	N
Nursing Home/Assisted Living Facility	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N
Rooming House	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N

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