

CITY OF SOMERVILLE

ORDINANCE NO. 20XX-XX

In the Board of Aldermen: Month XX, 20XX [Adoption date]

AN ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE, SECTION 2.2 DEFINITIONS, SECTION 6.4 ASSEMBLY SQUARE MIXED-USE DISTRICT (ASMD), SECTION 6.5 TRANSIT ORIENTED DISTRICTS (TODs), AND ARTICLE 16 PLANNED UNIT DEVELOPMENT (PUD) REGARDING USEABLE OPEN SPACE.

WHEREAS, The City of Somerville comprehensive Master Plan, SomerVision, calls for the creation of 125 acres of new publicly accessible open space; and,

WHEREAS, 88.25 acres of new publicly accessible open space is still needed toward that SomerVision objective; and,

WHEREAS, “Transformative” development, as identified in SomerVision, should provide at least half of the outstanding open space still needed; and,

WHEREAS, new parks, commons, and plazas are the target of the SomerVision open space objective rather than roadway medians, parking islands, sidewalks, setbacks, and other remnant lands; and,

WHEREAS, the provision of useable open space off-site should result in spaces that are fully dedicated to the public; and,

WHEREAS, that, within reasonable limits, payments in-lieu of useable open space can provide design flexibility and contribute toward the acquisition of new space or the improvement of existing spaces; and,

THEREFORE, be it ordained by the Somerville Board of Aldermen, in session assembled, that the Somerville Zoning Ordinance is amended as follows:

Sec. 2.2 Definitions

2.2.59.b. Frontage Area. The area of a lot between the façade of a principal structure and any front lot line(s), extending fully to each side lot line(s).

Sec. 6.4.6 Dimensional Requirements

A. ASMD Table of Dimensional Standards

	Permitted as of right in the ASMD	Uses requiring a Special Permit with Site Plan Review	Uses within a PUD-A or SPSR-A uses
d. Total Open Space	25%	25%	25%
e d. Useable Open Space ⁽¹⁾	10% 25%	12.5% 25%	12.5% 25%

Notes:

1. ~~The percentage of Open Space and Useable Open Space may be provided off-site, but within the boundary area of the ASMD, through dedicated permanent open space that meets the site plan and design review criteria as determined by the SPGA, provided that a covenant or deed restriction dedicates the land for public use.~~

Sec. 6.4.7 Development Standards and Design Guidelines for Developments in the ASMD.

A. Development Standards.

5) Useable Open Space.

- i. Landscaping strips required in parking areas (Article 10), public or private rights-of-way, and paved frontage area shall not apply to Useable Open Space calculations.
 - ii. A minimum of fifty percent (50%) of the total Useable Open Space provided shall be Landscaped Area.
- 6) Payment In-Lieu of Useable Open Space. Planning Board may permit an in-lieu payment for up to five percent (5%) of the total required square footage of useable open space. In its discretion to permit a payment in lieu of useable open space, the Planning Board shall make a finding considering each the following:
- a. The review considerations for all Special Permits as specified in Section 5.1 Special Permits.
 - b. The goals and objectives of the City of Somerville Open Space Plan.
 - c. The availability and suitability of lots within a development site for development as a useable open space.
 - d. The plausible availability of sites located elsewhere in the city that are suitable for development as useable open space.
 - e. The need for funding to improve or maintain existing public spaces, particularly athletic fields, located elsewhere in the city.

B. Design Guidelines.

4). Open Space.

- a.) ~~Landscaping strips required in parking areas (Article 10) shall not apply to Usable Open Space calculations.~~

Sec. 6.4.8 Development Standards and Design Guidelines for Large Developments.

D. Development Standards.

3). ~~A minimum of fifty (50) percent of the Landscaped Area in a new Large Development shall be Usable Open Space. The SPGA shall have final discretion in deciding if land constitutes Open Space for the purposes of determining whether this requirement has been met. The Open Space requirement may be met with land that is part of the Large Development, or with land that is outside of the Large Development area but is located within the ASMD that was not already Useable Open Space, provided that the conditions of paragraph 2 of Section 16.6.1 of the Ordinance relating to public dedication of such Usable Open Space are met.~~

Sec. 6.5 Transit Oriented Districts

TABLE 6.5.F—TOD Dimensional & Use Standards					
	Dimensional & Use Standards	TOD-55	TOD-70	TOD-100	TOD-135
O	Useable Open Space (%) (Can count toward landscaping) ⁽⁵⁾	NA	10 <u>25</u> ⁽⁷⁾	10 <u>25</u> ⁽⁷⁾	15 <u>25</u>

Sec. 6.5 Transit Oriented Districts

G. Development Standards for New Developments in TODs.

8. Landscaping and Usable Open Space Requirements. ~~Developments shall conform to the applicable landscaping requirements set forth in Table 6.5.F, Article 10 and Article 17. Open spaces shall be contiguous to the extent practical in the opinion of the SPGA; however, in certain circumstances it may be preferable to provide Usable Open Space in unique locations, such as atria, winter gardens, and accessible roof decks or gardens. Hours of operation, signage, entrance location, and ADA compliance shall be taken into account when considering whether atria, winter gardens, and roof decks or upper level gardens truly will be accessible to the general public. Landscaping strips required in parking areas (per Article 10) shall not apply to Usable Open Space calculations.~~

- i. Landscaping. Developments shall conform to the applicable landscaping requirements set forth in Table 6.5.F, Article 10 and Article 17.
- ii. Useable Open Space. Useable Open Space may be provided off-site, but within the boundary area of the same or another contiguous TOD district, provided that a covenant or deed restriction dedicates the land for public use. Landscaping strips required in parking areas (per Article 10), public or private rights-of-way, and paved frontage area shall not apply to Usable Open Space calculations.

9. Payment in Lieu of Open Space. ~~For any new development(s) within the TOD 70 and TOD 100, the SPGA may approve either a cash payment in lieu of providing the required usable open space, or a partial cash payment combined with a partial provision of the required usable open space. SPGA approval should be based on the finding that the proposed development site truly cannot produce open space that would be of a size, location, or configuration that would enhance the community. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance. Minimum landscaped area and maximum ground cover may be modified by the equivalent area for which an in-lieu payment is made, with a maximum ground coverage allowance of ninety (90) percent and a minimum landscaped area of ten (10) percent of lot area. Any further relief from these requirements shall require a variance.~~

~~For payments made in lieu of the Usable Open Space required, the developer must designate, in coordination with the City and the Planning Director, a site to which those contributions shall be applied. Optimally, the open space will be within a quarter mile of the subject property. Such payments shall be made to the City of Somerville. The City shall hold such payments in a stabilization fund dedicated to land acquisition, design, and construction of public open space in the catchment area defined in the Rules and Regulations of the Special Permit Granting Authorities. This may include repayment of any debt incurred by the City for capital costs associated with land acquisition, design, and/or construction of public open space.~~

~~For each square foot of usable open space for which the cash payment is proposed in substitution, the applicant shall pay:~~

- ~~• The assessed value per square foot of the development parcel (not including buildings) established by the City of Somerville Assessor's Office for the fiscal year during which the applicant has filed for SPSR for said development parcel; plus~~
- ~~• The cost per square foot to design and construct a public park in Somerville (including but not limited to lighting, plantings, paving, and street furniture), as designated in the Rules and Regulations of SPGAs. This number shall be updated not less than every two (2) years and shall reflect the average cost per square foot of city parks in prior years. If the designated park has a specified cost, the actual development costs will apply.~~

~~No certificate of occupancy shall be issued unless and until all deeds, covenants, contractual agreements, and other documents necessary to ensure compliance with this Article have been submitted to and approved by the SPGA's designee and all cash payments have been made.~~

The Planning Board may permit an in-lieu payment for up to five percent (5%) of the total required square footage of useable open space. In its discretion to permit a payment in lieu of useable open space, the Planning Board shall make a finding considering each the following:

- 1) The review considerations for all Special Permits as specified in Section 5.1 Special Permits.
- 2) The goals and objectives of the City of Somerville Open Space Plan.
- 3) The availability and suitability of lots within a development site for development as a useable open space.
- 4) The plausible availability of sites located elsewhere in the city that are suitable for development as useable open space.
- 5) The need for funding to improve or maintain existing public spaces, particularly athletic fields, located elsewhere in the city.

Sec. 16.10.2 Effect of Zoning Changes on Approved PUD Plans. In general, it is intended that amendments to this Ordinance subsequent to approval of a PUD plan shall apply to the PUD consistent with the provisions of Article 5 for special permits with site plan review. However, due to the long-term, comprehensive nature of PUD planning and design — and the City's desire to promote such — the owner, developer or other responsible agent for the PUD may seek waiver of any new zoning regulation through the special permit with site plan review process before the SPGA. ~~Notwithstanding the above, any owner or developer who has not received a preliminary master plan approval as of March 8, 2018 may not seek a waiver of affordable housing requirements set forth in Article 13.~~ In granting any waiver, the SPGA shall follow the provisions of Article 5 of this Ordinance and be fully satisfied that the PUD is in full compliance with the intent of the Ordinance and being developed in a manner at or exceeding the level of compliance effective at the time of PUD preliminary master plan approval.

- A. Notwithstanding the above, proposed development that has not received a PUD preliminary master plan approval as of March 8, 2018 may not seek a waiver from Article 13. Inclusionary Housing.
- B. Notwithstanding any amendment to this Ordinance, development subject to a PUD preliminary master plan approved before [ADOPTION DATE] is subject to the useable open space requirements in place on the date the preliminary master plan was approved.

Section 2. (Uncodified)

New language is identified with underlined red text. Existing language to be stricken is identified with strike-through ~~red-text~~.

Ordinance ordained by the Board of Aldermen of the City of Somerville at a regular meeting on the XX day of Month, 20XX by a vote of XX ayes, XX nays, with XX abstentions.

Katjana Ballantyne
President
Board of Aldermen