

## 3. RESIDENCE DISTRICTS

### Neighborhood Residence (NR)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To conserve already established areas of detached and semi-detached residential buildings.

#### 3. Purpose

- a. To permit the DEVELOPMENT of one-, two-, and three-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.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in houses, semi-attached houses, duplexes, and triple DECKERS.
- e. To create DWELLING UNIT types, sizes, and bedroom counts ideal for smaller households in cottages and backyard cottages.

#### 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 review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. This Ordinance may also require Subdivision Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of a development 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 Site Plan Approval, a Special Permit, or a Hardship 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 and one (1) ACCESSORY BUILDING are permitted on each LOT.
- b. Unless otherwise specified, the following PRINCIPAL BUILDING TYPES are permitted by right in the Neighborhood Residence district:
  - i. Cottage
  - ii. Detached House
  - iii. Semi-Detached House
  - iv. Duplex
  - v. Detached Triple DECKER
- c. The detached triple DECKER BUILDING TYPE is permitted only on a compliant LOT that is either ABUTTING at the side or directly opposite on any THOROUGHFARE from a LOT with an existing triple DECKER BUILDING TYPE.
- d. The following ACCESSORY BUILDING TYPES are permitted by Site Plan Approval in the Neighborhood Residence district:
  - i. Backyard Cottage
- e. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 3. RESIDENCE DISTRICTS

### Urban Residence (UR)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for multi-unit residential buildings.

#### 3. Purpose

- a. To permit the DEVELOPMENT of multi-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.
- d. To create DWELLING UNIT types, sizes, and BEDROOM COUNTS ideal for both large and small households in permitted BUILDING TYPES.
- e. To permit increased residential density for apartment buildings meeting the definition of a NET ZERO READY BUILDING.

#### 4. Applicability

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

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. A pre-submittal meeting, in accordance with Article 15: Administration is recommended for all DEVELOPMENT.
- d. Proposed DEVELOPMENT may or may not necessitate the need for Subdivision Plan Approval, Site Plan Approval, a Special Permit, or a Hardship 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 Hardship Variance in the Urban Residence district.
- e. 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by right in the Urban Residence district:
  - i. Semi-Detached Triple Decker
  - ii. Multi-Plex
  - iii. Apartment House
  - iv. Apartment Building
  - v. Row Houses
- c. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 4. MID-RISE DISTRICTS

### Mid-Rise 3 (MR3)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for smaller scale, multi-USE and mixed-USE buildings and neighborhood serving commercial USES.

#### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit and mixed-USE buildings that do not exceed three (3) stories in height.
- b. To provide quality commercial spaces and permit small-scale, neighborhood serving commercial USES.
- c. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in apartment buildings.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of a NET ZERO READY BUILDING.

#### 4. Applicability

- a. The section is applicable to all real property within the Mid-Rise 3 district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for Subdivision Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Mid-Rise 3 district:
  - i. Apartment Building
  - ii. General Building
  - iii. Commercial Building
- c. Apartment Buildings are prohibited on any LOT fronting a PEDESTRIAN STREET.
- d. Accessory structures are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 4. MID-RISE DISTRICTS

### Mid-Rise 4 (MR4)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for smaller scale, multi-USE and mixed-USE buildings and neighborhood serving USES.

#### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit and mixed-USE buildings that do not exceed four (4) stories in height.
- b. To provide quality commercial spaces and permit small-scale, neighborhood serving commercial USES.
- c. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in apartment buildings.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of a NET ZERO READY BUILDING.

#### 4. Applicability

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

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Mid-Rise 4 district:
  - i. Apartment Building
  - ii. General Building
  - iii. Commercial Building
- c. Apartment Buildings are prohibited on any LOT fronting a PEDESTRIAN STREET.
- d. Accessory structures are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 4. MID-RISE DISTRICTS

### Mid-Rise 5 (MR5)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for moderate scale, multi-USE and mixed-USE buildings and neighborhood- and community-serving USES.

#### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit and mixed-USE buildings that do not exceed five (5) stories in height.
- b. To provide quality commercial spaces and permit small and medium scale, neighborhood- and community-serving commercial USES.
- c. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in apartment buildings.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of a NET ZERO READY BUILDING.

#### 4. Applicability

- a. The section is applicable to all real property within the Mid-Rise 5 district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Mid-Rise 5 district:
  - i. Apartment BUILDING
  - ii. General BUILDING
  - iii. Commercial BUILDING
- c. Apartment Buildings are prohibited on any LOT fronting a PEDESTRIAN STREET.
- d. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 4. MID-RISE DISTRICTS

### Mid-Rise 6 (MR6)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To accommodate the DEVELOPMENT of areas appropriate for moderately-scaled multi-unit, mixed-USE, and commercial buildings; neighborhood-, community-, and region-serving USES; and a wide variety of employment opportunities.

#### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit, mixed-USE, and commercial buildings that do not exceed six (6) stories in height.
- b. To provide quality commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial USES.
- c. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in apartment buildings.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of a NET ZERO READY BUILDING.

#### 4. Applicability

- a. The section is applicable to all real property within the Mid-Rise 6 district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Mid-Rise 6 district:
  - i. Apartment BUILDING
  - ii. General BUILDING
  - iii. Commercial BUILDING
  - iv. Lab BUILDING
- c. Apartment Buildings are prohibited on any LOT fronting a PEDESTRIAN STREET.
- d. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 5. HIGH-RISE DISTRICTS

High-Rise (HR)

### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- b. To accommodate the DEVELOPMENT of areas appropriate for an intense mix of multi-STORY multi-unit, mixed-USE, and commercial buildings; neighborhood-, community-, and region-serving USES; and a wide variety of employment opportunities.

### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit, mixed-USE, and commercial HIGH-RISE buildings.
- b. To provide quality commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial USES.
- c. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for larger households in apartment buildings.
- d. To create DWELLING UNIT types, sizes, and BEDROOM counts ideal for smaller households in general buildings.
- e. To permit increased residential density for buildings that meet the definition of a NET ZERO READY BUILDING.

### 4. Applicability

- a. The section is applicable to all real property within the HIGH-RISE district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the HIGH-RISE district:
  - i. General BUILDING
  - ii. Commercial BUILDING
  - iii. Lab BUILDING
  - iv. Mid-Rise Podium Tower
  - v. BLOCK BUILDING
- c. Apartment Buildings are prohibited on any LOT fronting a PEDESTRIAN STREET.
- d. ACCESSORY STRUCTURES are regulated according to Article 10.0 DEVELOPMENT Standards of this Ordinance.

## 6.0 COMMERCIAL DISTRICTS

### Fabrication (FAB)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville related to the arts & creative economy.
- b. To protect buildings that are key assets to the creative economy of Somerville from residential conversion, preserve existing work space, and retain incubator spaces for start-up, entry-, and mid-level businesses.
- c. To create, maintain, and enhance areas appropriate for small- and moderate-scale, single- and multi-use buildings; activities common to the arts & creative economy and supporting commercial activities; and a variety of employment opportunities in the arts & creative enterprises.

#### 3. Purpose

- a. To permit the DEVELOPMENT of single- and multi-use buildings that do not exceed four (4) stories in height.
- b. To provide quality commercial spaces and permit a mix of USES common to the arts & creative economy and supporting commercial activities.
- c. To prohibit residential PRINCIPAL USES.

#### 4. Applicability

- a. The section is applicable to all real property within the Fabrication district as shown on maps of the Official Zoning Atlas of the City of Somerville.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Fabrication district:
  - i. Fabrication BUILDING
- c. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.



## 6.0 COMMERCIAL DISTRICTS

### Commercial Core (CC)

#### 2. Intent

- a. To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville for commercial DEVELOPMENT.
- b. To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-USE commercial buildings; neighborhood-, community-, and region-serving USES; and a wide variety of employment opportunities.

#### 3. Purpose

- a. To permit the DEVELOPMENT of mid- and HIGH-RISE single- and multi-USE commercial buildings.
- b. To provide quality GROUND STORY commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial USES.

#### 4. Applicability

- a. The section is applicable to all real property within the Commercial Core district as shown on the Official Zoning Map of the City of Somerville.
- b. The Commercial Core district is a family of sub districts where the CC zone classification is followed by a number associated with which differ only in the permitted building height on the zoning map.
- c. On the maps of the Official Zoning Atlas, the CC zone classification is followed by a number associated with the number of stories permitted for the sub-district.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Commercial Core district:
  - i. Commercial Building
  - ii. Lab Building
  - iii. Commercial BLOCK Building
- c. Accessory structures are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 6.0 COMMERCIAL DISTRICTS

### Commercial Industry (CI)

#### 2. Intent

- a. To maintain industrial and commercial activities that provide employment opportunities and business-to-business commerce.
- b. To maintain already existing areas appropriate for moderate- and large-scale, low-rise and mid-rise buildings and community- and region-serving commercial uses that do not readily assimilate into other zoning districts.

#### 3. Purpose

- a. To permit the DEVELOPMENT of moderate-scale low- and mid-rise buildings.
- b. To provide quality commercial spaces and permit light & moderate industrial and large commercial USES.

#### 4. Applicability

- a. The section is applicable to all real property within the Commercial Industry district as shown on the Official Zoning Map of the City of Somerville.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship 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 in the Commercial Industry 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 is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Commercial Core district:
  - i. Commercial Building
- c. Accessory structures are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

## 6.0 COMMERCIAL DISTRICTS

### Commercial Business (CB)

#### 2. Intent

- a. To maintain commercial activities that are primarily ACCESSED by motor vehicles.
- b. To maintain already existing areas appropriate for moderate- and large-scale, low-rise buildings and community- and region-serving commercial USES that do not readily assimilate into other zoning districts.

#### 3. Purpose

- a. To permit the DEVELOPMENT of moderate- and large-scale low-rise buildings.
- b. To provide quality commercial spaces and permit commercial USES.

#### 4. Applicability

- a. The section is applicable to all real property within the Commercial Business district as shown in the Official Zoning Atlas of the City of Somerville.

#### 5. Standards & Measurements

- a. General
  - i. Notwithstanding the defined terms of Article 16: Definitions, the Director of Planning & Zoning shall designate the FACADE of any PRINCIPAL BUILDING TYPE.
  - ii. If such a designation CAUSES a BUILDING to orient away from the THOROUGHFARE its LOT is ABUTTING, the front and rear SETBACKS are also reoriented.

#### 6. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship 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 in the Commercial Business 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.

#### 7. Building Types

- a. One (1) PRINCIPAL BUILDING is permitted on each LOT.
- b. The following PRINCIPAL BUILDING TYPES are permitted by Site Plan Approval in the Commercial Business district:
  - i. Box BUILDING
  - ii. Strip Commerce
  - iii. Pad Commerce
- c. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

# 7 SPECIAL DISTRICTS

## Civic (CIV)

### 2. Intent

- To implement the objectives of the COMPREHENSIVE PLAN of the City of Somerville.
- To preserve already established SITES as CIVIC SPACE.
- To accommodate facilities of a public nature such as municipal buildings, libraries, and police & fire stations; governmental uses; and public or private utility services that support the community.

### 3. Purpose

- To permit the DEVELOPMENT of buildings that serve a public purpose for the community.
- To permit the DEVELOPMENT of CIVIC SPACES throughout the city.
- To permit DEVELOPMENT by Site Plan Approval so that any impacts to ABUTTING properties can be properly mitigated.

### 4. Applicability

- The section is applicable to all real property within the Civic district as shown on the maps of the Official Zoning Atlas of the City of Somerville.

### 5. Development Review

- DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Thoroughfare Permit, Civic Space Permit, Building Permit, or Certificate of Occupancy.~~
- Proposed DEVELOPMENT may or may not necessitate the need for Subdivision Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - The Planning Board is the decision making authority for all DEVELOPMENT that requires a Special Permit.
  - The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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. Use Provisions

- Permitted Uses
  - The USE of real property is subject to the provisions of Article 9: Use Provisions of this Ordinance. Where the provisions of this section conflict with those of Article 9, the provisions of Article 9 apply.
  - USE categories are permitted as specified on Table

**Table 7.1.7 Permitted Uses**

USE Category Specific Use	CIV
<b>Civic &amp; Institutional</b>	
MINOR UTILITY FACILITY	SP
<b>Public Services</b>	P
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	P
<b>Commercial Services</b>	
<b>Recreation Services</b>	P
<b>Vehicle Parking (as noted below)</b>	--
Bike Share Parking	P
Car Share Parking (3 or less)	N
Car Share Parking (4 or more)	N
COMMERCIAL PARKING	N
<b>Urban Agriculture</b>	
<b>Farming (as noted below)</b>	--
Commercial Farming	N
Community Farming	P
Community Gardening	P

#### 7.1.7.

- USE categories that are not identified on Table 7.1.7 are prohibited.
- All USES must comply with any USE-specific standards applicable for each USE in §9.2 Use Definitions & Limitations.
- USES permitted by Special Permit require additional DEVELOPMENT review in accordance with §15.2.1 Special Permits.

### 7. Development Standards

- DEVELOPMENT is exempt from Article 10: DEVELOPMENT Standards of this Ordinance.

### 8. Parking & Mobility

- DEVELOPMENT is exempt from Article 11: Parking and Mobility of this Ordinance.

### 9. Public Realm

- CIVIC SPACES existing prior to the adoption date of this Ordinance are exempt from Article 13: PUBLIC REALM of this Ordinance.

## 7 SPECIAL DISTRICTS

### Powderhouse School (PS)

#### 2. Intent

- a. To accommodate reDEVELOPMENT the former PowderHOUSE Community School as an inclusive and diverse mix of complimentary urban USES and intergenerational housing options that is respectful of the surrounding neighborhood.

#### 3. Purpose

- a. To permit the reDEVELOPMENT reUSE of the former PowderHOUSE Community School.
- b. To require a minimum amount of commercial activity fronting onto Broadway.
- c. To USE discretion in the permitting of residential USES.

#### 4. Applicability

- a. The section is applicable to all real property within the PowderHOUSE School ReDEVELOPMENT district as shown on the maps of the Official Zoning Atlas of the City of Somerville.
- b. Unless otherwise specified, where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.

#### 5. Development Review

- a. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Thoroughfare Permit, Civic Space Permit, Building Permit, or Certificate of Occupancy.~~
- c. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
  - i. The Planning Board is the decision making authority for all DEVELOPMENT that requires Site Plan Approval or a Special Permit.
  - ii. The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- 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 Standards

- a. Construction or reconstruction of a PRINCIPAL BUILDING is permitted by Site Plan Approval in accordance with Table 7.2.6 Dimensional Standards.
- b. ACCESSORY STRUCTURES are regulated according to Article 10: DEVELOPMENT Standards of this Ordinance.

**Table 7.2.6 Dimensional Standards**

LOT AREA/DWELLING UNIT (min)	1,000 sq. ft. (43.56/acre)
Maximum Height, Stories (max)	3
Maximum Height, Feet (max)	50 ft.
Maximum GROUND COVERAGE (max)	95%
Landscaped Area (min)	15%
PERVIOUS AREA (min)	5%

#### 7. Use Provisions

- a. General
  - i. The USE of real property is subject to the provisions of Article 9 Use Provisions of this Ordinance. Where the provisions of this section conflict with those of Article 9, the provisions of Article 7 apply.
  - ii. USE categories are permitted as specified on Table 7.2.7 Permitted USES.
  - iii. USE categories not identified on Table 7.4.7 are prohibited.
  - iv. All USES must comply with any USE-specific standards applicable for each USE in §9.2 Use Definitions & Limitations.
  - v. USES permitted by Special Permit require additional DEVELOPMENT review in accordance with §15.2.1 Special Permits.
- b. Required USES
  - i. A minimum of ten thousand (10,000) gross square feet must be provided as one or more commercial USES.
  - ii. Commercial space must front onto Broadway for a minimum of one hundred (100) feet in width.

# 7 SPECIAL DISTRICTS

Tufts University (TU)

## 2. Intent

- a. To maintain an area of the city for the campus of a educational institution.
- b. To preserve land areas primarily dedicated to collegiate Education Services PRINCIPAL USES protected by M.G.L., Chapter 40A, Section 3 and other USES necessary to maintain an academic campus.

## 3. Purpose

- a. To reduce the impact of higher intensity educational USES on surrounding residential properties by reducing the height of buildings at the edge of the campus and locate taller buildings toward the center of the campus.
- b. To distribute the coverage and floor area of buildings across the quadrants of the district in a generally even distribution as to not overly cluster DEVELOPMENT.

## 4. Applicability

- a. The section is applicable to all real property within the Tufts University district as shown on the maps of the Official Zoning Atlas of the City of Somerville.
- b. The provisions of this Section are applicable only to the portion(s) of any BUILDING within the City of Somerville and are not applicable to any portion(s) located within the City of Medford.
- c. Unless otherwise specified, where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.

## 5. Development Review

- a. General
  - i. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
  - ii. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Thoroughfare Permit, Civic Space Permit, Building Permit, or Certificate of Occupancy.~~
  - iii. Proposed DEVELOPMENT may or may not necessitate the need for SUBDIVISION Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.
- b. Authority
  - i. The Zoning Board of Appeals is the decision making authority for all DEVELOPMENT in the TU district.
- c. Special Permits
  - i. Review Criteria
    - 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 any Special Permit required by this section:

- i). Impact on surrounding residential properties.
- ii). Impact on the experience of the PUBLIC REALM that would result from strict compliance to the standards of this Ordinance.

## 6. Lots

- a. DEVELOPMENT is exempt from Section 10.1 Land Platting of this Ordinance and all real property within the TU district, including portions of campus situated in whole or in part within the City of Medford, is considered a single DEVELOPMENT SITE.

## 7. Building Standards

- a. General
  - i. Multiple principal buildings are permitted on each LOT.
- b. Existing STRUCTURES
  - i. The BUILDING OFFICIAL shall deem all buildings and structures to be in compliance with the building standards of this section.
- c. BUILDING Placement
  - i. All buildings and STRUCTURES must be located at or behind the following SETBACKS:
    - a). Twenty (20) feet from the FRONT LOT LINE ABUTTING College Avenue between Talbot Avenue and Powder House Boulevard, Powder House Boulevard from College Avenue to Packard Avenue, and Packard Avenue from Powder House Boulevard to Talbot Avenue.
    - b). Fifteen (15) feet from the FRONT LOT LINE ABUTTING Dearborn Road and Curtis Street northwesterly of Sawyer Avenue.
  - ii. Within the portion of the Tufts University district which lies on the southwesterly side of Sawyer Avenue between Packard Avenue and Curtis Street,
    - a). where BUILDING length is less than thirty (30) feet, the SETBACK is calculated as follows, with a minimum of fifteen (15) feet required for front yards and a minimum of twenty (20) feet required for rear yards:
      - i).  $\text{SETBACK} = \text{height} + \text{length (facing front/REAR LOT LINE)} / 4$
    - b). and where BUILDING length is more than thirty (30) feet, the SETBACK is calculated as follows:
      - i).  $\text{SETBACK} = \text{height} + \text{length (facing front/REAR LOT LINE)} / 3$
    - c). and each BUILDING must be separated from all other buildings by at least seventeen (17) feet.
- d. Building Height



# 7 SPECIAL DISTRICTS

## Assembly Square Mixed-Use (ASMD)

### 2. Intent

- a. To implement recommendations of SomerVision for transformational redevelopment.
- b. To implement the ASSEMBLY SQUARE PLAN (ASQ Plan).
- c. To redevelop underutilized areas within close walking distance to the Assembly Square T-station with mixed-USE, mid-rise and HIGH-RISE, transit-oriented DEVELOPMENT that will support the transformation of Assembly Square into an urban commerce center.
- d. To improve the Mystic River waterfront and create new CIVIC SPACE within the Assembly Square district.
- e. To improve utility infrastructure, THOROUGHFARES, off-STREET pedestrian and bicycle paths, and physical connections to surrounding areas, including East Somerville, Ten Hills, and Sullivan Square.

### 3. Purpose

- a. To permit the DEVELOPMENT of multi-unit, mixed-USE, and commercial mid-rise and HIGH-RISE buildings.
- b. To provide quality commercial spaces and permit small and medium-scale, neighborhood-, community-, and region-serving commercial uses.
- c. To permit larger buildings and increased residential density following the approval of a Master Plan Special Permit.
- d. To USE discretion in the permitting of loading and service areas.
- e. To provide flexibility in the permitting of SIGNS.

### 4. Applicability

- a. The section is applicable to all real property within the Assembly Square Mixed-USE district as shown on the maps of the Official Zoning Atlas of the City of Somerville.
- b. Unless otherwise specified, where the provisions of this Section conflict with those found elsewhere in this Ordinance, the provisions of this Section apply.
- c. Real property subject to a previously approved Planned Unit DEVELOPMENT (PUD) Preliminary Master Plan may be developed in accordance with the provisions of the Somerville Zoning Ordinance effective as of August 1, 2019.

### 5. Development Review

- a. General
  - i. DEVELOPMENT review is subject to the provisions of Article 15: Administration of this Ordinance.
  - ii. ~~All development, excluding normal maintenance, requires a Certificate of Zoning Compliance prior to the issuance of a Thoroughfare Permit, Civic Space Permit, Building Permit, or Certificate of Occupancy.~~
  - iii. Proposed DEVELOPMENT may or may not necessitate the need for Master Plan Special Permit,

Subdivision Plan Approval, Site Plan Approval, a Special Permit, or a Hardship Variance based on the nature of the proposal. In such cases, additional DEVELOPMENT review is required in accordance with Article 15: Administration.

- a). The Planning Board is the decision making authority for all DEVELOPMENT that requires Master Plan Special Permit, Site Plan Approval or a Special Permit.
- b). The Zoning Board of Appeals is the Review Board for all Hardship Variances.
- iv. 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.
- b. Master Planned DEVELOPMENT
  - i. Proposed DEVELOPMENT involving the SUBDIVISION of a DEVELOPMENT SITE, DEVELOPMENT of two (2) or more LOTS, or the DEVELOPMENT of any building over fifty thousand (50,000) GROSS FLOOR AREA requires a Master Plan Special Permit as a prerequisite to the DEVELOPMENT review for the SUBDIVISION or individual LOT.
  - ii. In addition to the review criteria for all for all Master Plan Special Permits specified in §15.2.2.e. Review Criteria, the review board shall make findings considering the following:
    - a). Consistency with the ASQ Plan.
  - iii. DEVELOPMENT SITES are not permitted to include portions of land area separated by more than one hundred (100) feet in distance.
- c. Site Plan Approval
  - i. In addition to the review criteria for all Site Plan Approvals specified in §15.3.2.e. Review Criteria, the review board shall make findings considering the following:
    - a). Consistency with the ASQ Plan.
    - b). Conformance with an approved Master Plan Special Permit and any other Special Permits applicable to the subject LOT.
- d. Plan Revisions
  - i. The Director of Planning & Zoning shall consider the following revisions to an approved development review application to be a MAJOR AMENDMENT in accordance with §15.2.4 Plan Revision:
    - a). any increase in floor area or LOT coverage by fifteen percent (15%) or more;
    - b). substantial changes in ACCESS to a DEVELOPMENT SITE; and
    - c). MODIFICATIONS that result in a condition that is substantially more detrimental to the surrounding neighborhood than the existing

## 10.1 LAND PLATTING

### 1. Development Review

- a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.
- b. ~~All land platting, including subdivision, lot splits, lot mergers, and lot line adjustments, requires the issuance of a Certificate of Zoning Compliance.~~
- c. The SUBDIVISION of land requires SUBDIVISION Plan Approval ~~prior to the issuance of a Certificate of Zoning Compliance.~~ See §15.3.1 SUBDIVISION Plan Approval for more information.
- d. LOT SPLITS, LOT MERGERS, and LOT LINE ADJUSTMENTS require Site Plan Approval ~~prior to the issuance of a Certificate of Zoning Compliance.~~ See §15.3.2 Site Plan Approval for more information.
- e. LOT SPLITS, LOT MERGERS, and LOT LINE ADJUSTMENTS to any LOT designated as a LOCAL HISTORIC DISTRICT or identified on the Massachusetts or National Registers of Historic Places require a Special Permit.
  - 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 the LOT SPLIT, LOT MERGER, OR LOT LINE ADJUSTMENT of a LOT designated as a LOCAL HISTORIC DISTRICT or identified on the Massachusetts or National Registers of Historic Places:
    - a). The recommendations of the Somerville Historic Commission.

### 2. General

- a. Land platting, including subdivision, lot splits, lot mergers, and lot line adjustments, may establish rights of way intended for thoroughfares or lots intended for buildings, civic spaces, or permitted land uses.
- b. Unless otherwise specified, development sites over four (4) acres in land area must be subdivided with thoroughfares to create additional block frontage and lots conforming to the provisions of this Section.

### 3. Blocks

- a. Unless otherwise specified, BLOCKS may have individual BLOCK FACES up to five-hundred (500) feet in width and a total perimeter up to sixteen-hundred (1,600) feet.
- b. BLOCK FACES are measured as the aggregate of all FRONT LOT LINES and the width of ALLEYS, if present, on one side of a BLOCK.
- c. BLOCK perimeter is measured as the aggregate of all BLOCK FACE lengths of an individual BLOCK.
- d. BLOCKS should be rectangular in shape, but are expected to respond to natural features.
- e. The Review Boards may waive BLOCK size requirements for portions of DEVELOPMENT SITES ABUTTING areas of undeveloped land, areas unsuitable for DEVELOPMENT, pre-existing incomplete BLOCKS, or RAIL RIGHTS-OF-WAY.
- f. BLOCK dimensions may be calculated at a reduced BLOCK FACE or perimeter length where opposite sides of a BLOCK are interconnected for pedestrians by a mid-block passage or civic space with a permanent ACCESS EASEMENT.

### 4. Lots

- a. All LOTS must have frontage on a CIVIC SPACE or a THOROUGHFARE, excluding ALLEYS.
  - i. LOTS ABUTTING only a CIVIC SPACE at the FRONT LOT LINE must also ABUT an ALLEY at the rear or side.
- b. Unless otherwise specified, lots must have a dimensions appropriate for one or more of the building type(s) or civic space types permitted for the district where the lot is located.
  - i. CORNER, INTERIOR, and KEY LOTS are permitted.
  - ii. FLAG LOTS are prohibited.
  - iii. THROUGH LOTS are prohibited in the Neighborhood Residence and Urban Residence districts.
- c. To avoid creating irregular LOT shapes, LOTS must be platted to be generally rectilinear, where the SIDE LOT LINES are within 45 degrees of perpendicular to the FRONT LOT LINE or to the tangent of a curved FRONT LOT LINE, and generally straight throughout their length.



## 10.2 ACCESSORY STRUCTURES

### 1. General

- a. ~~All development, excluding normal maintenance, requires the issuance of a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- b. Unless otherwise specified, ACCESSORY structures are permitted by-right.
- c. Accessory structures may not be constructed prior to the following:
  - i. construction of a PRINCIPAL BUILDING; or
  - ii. issuance of a special permit for an ACCESSORY USE, as applicable.
- d. The BUILDING OFFICIAL shall determine when a structure is ACCESSORY to the PRINCIPAL BUILDING of a LOT. To determine that a structure is accessory, the BUILDING OFFICIAL must find that the structure:
  - i. is customarily found in association with a permitted principal or ACCESSORY USE;
  - ii. is clearly incidental and subordinate to the PRINCIPAL BUILDING in terms of area, size, function, and location; and
  - iii. is operated and maintained under the same ownership as the PRINCIPAL BUILDING.
- e. Unless otherwise specified, ACCESSORY structures are permitted to ENCROACH any side or rear SETBACK, provided that at least three (3) feet is maintained from the vertical plane of any LOT LINE.
- f. Accessory structures are not permitted to ENCROACH into any maximum front SETBACK.

### 2. Permitted Accessory Structures

- a. Amateur Radio Equipment
 

ANTENNAS located on ground-mounted TOWERS and roof-mounted support structures USED to broadcast an amateur (ham) radio station licensed by the Federal Communications Commission (FCC). The following standards apply:

  - i. Ground-mounted TOWERS are permitted only in the rear yard and must be located a minimum of ten feet from any LOT LINE and any overhead electric distribution or transmission lines. The TOWER must be fully enclosed by a fence or wall of at least four feet in height.
  - ii. Ground-mounted TOWERS may not exceed thirty-five (35) feet, measured from the base of the supporting TOWER to its tallest point.
  - iii. A roof-mounted ANTENNA, when fully extended, is limited to a maximum height of ten feet above the height of the structure to which it is mounted.
  - iv. One (1) ANTENNA, whether ground-mounted or roof-mounted, is permitted per LOT.
- b. Apiary

A structure for the keeping of HONEYBEES. The following standards apply:

- i. Apiaries and other beekeeping supplies are not permitted within twenty (20) feet of a front lot line.
- c. Arbor or Trellis
 

A structure of latticework used to support climbing plants or vines, whether a vertical wall or an arching framework. The following standards apply:

  - i. In the NR District, arbors and trellises may be up to eight (8) feet in height.
- d. Carport
 

A roofed structure, whether attached to or detached from a principal building, that provides weather protection for surface parking of up to two (2) motor vehicles. The following standards apply:

  - i. A carport must be set back at least 20 feet from any front lot line.
  - ii. Where an improved alley is available, vehicular access to the carport must take place from the alley.
  - i. A carport may be up to twelve (12) feet in height.
  - ii. A carport must be set-back a minimum of three (3) feet from any side or rear lot line unless constructed of fireproof materials.
- e. Chicken Coop (Hen House)
 

A free-standing structure for the keeping of chickens, with nest boxes for egg-laying and perches where the birds can sleep. The following standards apply:

  - i. Chicken coops may be up to eight (8) feet in height and are not permitted within twenty (20) feet of a front lot line.
- f. Cold Frame
 

An unheated outdoor structure used for protecting seedlings and plants from cold weather typically consisting of, but not limited to, a wooden or concrete frame built close to the ground and a glass or clear plastic lid. The following standards apply:

  - i. Cold frames may be up to six and one-half (6.5) feet in height.
- g. Compost Bin
 

An outdoor container in which garden refuse and other organic waste is deposited in order to produce compost. The following standards apply:

  - i. Compost bins must have a ground gate and pest proof lids.
- h. Construction Trailer or Office
 

A temporary structure providing office space for project management at a construction site. The following standards apply:

  - i. Construction trailers and/or offices must comply with the setbacks applicable to principal buildings for the appropriate district.

## 13.1 CIVIC SPACES

### 1. Development Review

- a. The DEVELOPMENT of any CIVIC SPACE requires Site Plan Approval followed by a Civic Space Permit, in accordance with Chapter 15: Administration, and is exempt from Chapter 11, Article II, Sec. 11-33 (b) of The Code of Ordinances, City of Somerville, Massachusetts.
- b. ~~All development, excluding normal maintenance, requires the submittal of a development review application to the Building Official and the issuance of a Certificate of Zoning Compliance prior to the issuance of a Civic Space Permit.~~

### 2. Standards for All Civic Spaces

- a. Siting & Orientation
  - i. CIVIC SPACES must be SITED and oriented to maximize their inherent exposure to the sun as follows:
    - a). CIVIC SPACES are prohibited on LOTS that have only one (1) NORTH-FACING, west-facing, or east-facing FRONT LOT LINE.
- b. Design & Construction
  - i. CIVIC SPACES must be engineered and constructed as required by the Director of Public Space & Urban Forestry, in consultation with the City Engineer.
- c. Accessibility
  - i. The design of all CIVIC SPACE must comply with the Americans with Disabilities Act and the Rules and Regulations of the Massachusetts ACCESS Board (521 CMR), as amended.
  - ii. Sloping walkways are encouraged over ramps when reasonably possible to provide for ACCESSIBLE grade changes.
- d. Hours of ACCESS
  - i. CIVIC SPACES must be ACCESSIBLE to the public at all times (twenty four (24) hours per day, seven (7) days per week, three hundred and sixty-five (365) days per year).
  - ii. The review boards may limit the hours of public ACCESS when necessary for public health and safety purposes and maintenance of the space by the PROPERTY OWNER as a condition of Site Plan Approval.
- e. Circulation
  - i. Entrances must be physically and visually ACCESSIBLE from surrounding SITES, designed to make visitors feel welcome and comfortable entering the space, and oriented to preserve view corridors and enhance visual connections to surrounding properties or activities.
  - ii. Entrances adjacent to children's activity areas must be gated.
- f. Landscape
  - i. All landscaping within CIVIC SPACES must comply with the provisions of Section 10.3 Landscaping.
- ii. LARGE TREES are required as indicated for each type of CIVIC SPACE.
- iii. Unless otherwise specified, trees must be planted flush-to-grade or at grade within PLANTING BEDS. Tree grates, raised curbs, railings, and resin-bonded aggregate are prohibited.
- iv. At least one thousand (1,000) cubic feet of SOIL VOLUME must be provided for each tree within a twenty seven (27) foot radius of the tree trunk.
  - a). Where SOIL VOLUMES within the maximum allowable radii for adjacent trees overlap, up to twenty-five percent (25%) of the required for each tree may be shared between trees.
  - b). SOIL VOLUME provided under paved surfaces must be provided through SUSPENDED PAVEMENTS OR STRUCTURAL CELLS. SAND-BASED STRUCTURAL SOIL SYSTEM (SBSS) may be USED with approval of the Director of Public Space & Urban Forestry.
- v. TREE PITS and PLANTERS must have an open soil area centered at the tree trunk that is at least thirty six (36) square feet (such as 6'x6'). Planting soil must be provided to a depth of three (3) feet in the TREE PIT OR PLANTER.
- vi. Coarse grade GROUNDCOVER MULCH must be applied to the soil area at a depth of at least two (2) inches and distributed to create a smooth, level cover over the exposed soil at the time of planting.
  - a). A gap of approximately eight (8) inches must be left between the mulch and the trunk of the tree to avoid mounding above the trunk flare.
- g. Hardscape
  - i. Surface materials must be approved by the Director of Public Space & Urban Forestry.
  - ii. Permeable surfaces may be provided above underground parking and any required cap/fill over contaminated soils, but must be constructed as required by the City Engineer and the Director of Public Space & Urban Forestry.
- h. Amenities and Furnishings
  - i. All amenities and public furniture must comply with the City of Somerville's Park Specifications Handbook. The Director of Public Space & Urban Forestry may authorize the USE of amenities and furnishings that are proportional or better in quality and function to those identified in the Park Specifications Handbook, excluding dedication plaques and SIGNAGE.
- i. Seating
  - i. Seating is required as indicated for each type of CIVIC SPACE. The provision of seating in excess of this requirement is encouraged.
  - ii. Seating must be designed for the convenience and comfort of visitors, located in support of gathering

## **13.2 THOROUGHFARES**

### **1. Development Review**

- a. The DEVELOPMENT of any new THOROUGHFARE requires Site Plan Approval followed by a Thoroughfare Permit, in accordance with Chapter 15: Administration.
- b. ~~All development, excluding normal maintenance, requires the issuance of a Certificate of Zoning Compliance prior to the issuance of a Thoroughfare Permit.~~

### **2. Thoroughfare Network**

- a. The general location of all proposed thoroughfares must conform with official maps and existing policy plans of the City of Somerville.
- b. All thoroughfares must intersect with other thoroughfares, forming a network. Cul-de-sacs and other dead-end thoroughfares, excluding ALLEYS, are prohibited.
- c. Where a development site adjoins unsubdivided land, new thoroughfares must extend to or along site boundaries to ensure future thoroughfare connections to the unsubdivided land in the event of its development.
- d. Thoroughfares within a development site must connect to any existing or proposed thoroughfares on adjoining sites.
- e. Termination of a thoroughfare at a "T" intersection is permitted, provided that the overall connectivity of the thoroughfare network is maintained and intersections are adequately spaced subject to the approval by the Director of Mobility.
- f. To every extent practicable, proposed thoroughfares should align with intersections on adjacent sites to provide for the continuation of thoroughfares from adjoining areas.
- g. Thoroughfares must be permanently open and provide public access as part of an overall connected thoroughfare network.
- h. The Planning Board may waive the intersection requirements of §13.2.2.b on a case-by-case basis to

accommodate specific site conditions.

### **3. Alley Access**

- a. Blocks may be accessed by alleys in one of the configurations defined below:
  - i. Common Block: A block where parking and service areas internal to the block are shared among several lots and buildings.
  - ii. H - Block: A block with three alleys that intersect to form an "H", allowing development to front on four block faces.
  - iii. T - Block: A block with two perpendicular alleys that intersect to form a "T", allowing development to front on three block faces.
  - iv. I - Block: A block with one alley servicing lots on either side of a block, allowing development to front on two block faces.
- b. To every extent possible, alley access into blocks should be aligned on opposite block faces as well as with alleys on opposite sides the street.

- requirements.
- ii. Nonconforming landscape and permeable area cannot be further reduced.
- c. Improvement
  - i. Review boards may require nonconforming SITE characteristics to be brought into conformance with the provisions of this Ordinance as a condition applied to a discretionary or administrative permit.
- b. of lawfully existing nonconforming real property.
- b. Nonconforming real property that has been abandoned may not be reestablished or resumed until brought into conformance with this Ordinance.

## 8. Nonconforming Signs

- a. A nonconforming SIGN may alter content, but may not:
  - i. Be replaced with a SIGN that is larger in any dimension than the existing SIGN;
  - ii. Alter lighting technology, except to bring the technology into compliance with the ordinance.
- b. No establishment with a nonconforming SIGN may add additional SIGNS without bringing nonconforming SIGNS into compliance.

## 9. Casualty

- a. Lawfully existing nonconforming real property destroyed by fire, explosion, weather, flooding, or act of public enemy may be reconstructed or restored by-right subject to the following:
  - i. MODIFICATION to NONCONFORMITIES prior to destruction are not permitted;
  - ii. reconstruction or restoration must be started within two (2) years of the date of destruction and must be continued in a timely fashion until completed.
- b. ~~The Building Official may not issue a building permit or certificate of occupancy prior to the issuance of a certificate of zoning compliance.~~

## 10. Abandonment

- a. Lawfully existing nonconforming real property is considered abandoned when one or more of the following conditions exist:
  - i. the USE is changed to a USE permitted in the district where the property is located;
  - ii. the USE is changed to a USE protected under MGL 40A, Section 3;
  - iii. the USE is discontinued, whether temporarily or permanently, with or without intent to abandon, for a period of two (2) years or more;
  - iv. equipment or furnishings necessary for the operation of the nonconforming USE have been removed and not replace for a period of one (1) year or more;
  - v. utilities, such as water, gas, or electricity to the property have been disconnected for over one (1) year; and/or
  - vi. reconstruction or restoration does not start within a period of two (2) years from the date of destruction

### 15.1 REVIEW PROCEDURES

#### 1. General

- a. ~~All development, excluding normal maintenance, requires the submittal of a development review application to the Building Official and the issuance of a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.~~
- b. Proposed DEVELOPMENT may or may not necessitate the need for a Discretionary or administrative permit based on the nature of the proposal.
- c. This Section describes the various common procedures required for development review applications. See Section 15.2 Discretionary Permits and Section 15.3 Administrative Permits for the specific procedural steps required for each type of permit.

#### 2. Pre-Submittal Meeting

- a. Purpose
  - i. To inform APPLICANTS of relevant development review application criteria, standards, and procedures.
  - ii. To examine previous development review applications and permits for the subject property.
  - iii. To identify any potential concerns at the earliest opportunity in the DEVELOPMENT review process.
- b. Procedure
  - i. When a pre-submittal meeting is required by this Ordinance, development review applications are not considered complete until the pre-submittal meeting has been held with Planning Staff.
  - ii. Unless otherwise specified, a required pre-submittal meeting must occur at least fourteen (14) days prior to any required neighborhood meeting, at least fourteen (14) days prior to any required design review, and at least three (3) days prior to submittal of a development review application.
  - iii. APPLICANTS or their representatives are required to attend a pre-submittal meeting.
  - iv. APPLICANTS are required to bring all information and materials required by the BUILDING OFFICIAL and Director of Planning & Zoning to a pre-submittal meeting.

#### 3. Neighborhood Meeting

- a. Purpose
  - i. To provide the public with an opportunity to review a conceptual design proposal and identify and discuss issues and potential impacts with the APPLICANT prior to the DEVELOPMENT of more detailed schematic design proposals.
  - ii. To provide the public with an opportunity to review a chosen schematic design plan and identify and discuss issues and potential impacts with the

APPLICANT prior to the submittal of a development review application.

- iii. Neighborhood meetings are required during the schematic design process to promote the submittal of a development review application that is more responsive to community concerns, expedite the review process, and to lessen the cost of DEVELOPMENT review by reducing continuances and appeals.
- b. Procedure
  - i. When a neighborhood meeting is required by this Ordinance, development review applications are not considered complete until the neighborhood meeting has been held.
  - ii. Development review applications must be submitted within one hundred and twenty (120) days of the neighborhood meeting. If an application is not submitted in this time frame, the APPLICANT is required to hold a new neighborhood meeting.
  - iii. Unless otherwise specified, a neighborhood meeting must occur at least fourteen (14) days prior to any required design review and at least fourteen (14) days prior to formal submittal of a development review application.
  - iv. Neighborhood meetings must be open to the public.
  - v. Neighborhood meetings should be held at a location in close proximity to the subject property on a weekday evening after 6:00 p.m. or on weekends at any reasonable time.
  - vi. Neighborhood meetings may not occur on a local, state, or national holiday or election day.
  - vii. APPLICANTS or their representatives, along with the designers, are required to attend a neighborhood meeting.
  - viii. The APPLICANT is responsible for scheduling a neighborhood meeting in consultation with the Ward representative from the City Council, the Director of Planning & Zoning, and any NEIGHBORHOOD COUNCIL for the area where the DEVELOPMENT SITE is located.
  - ix. The format and agenda of a neighborhood meeting is at the discretion of the Applicant, in consultation with the Ward representative from the City Council and any NEIGHBORHOOD COUNCIL for the area where the DEVELOPMENT SITE is located, subject to the following:
    - a). Only one (1) DEVELOPMENT proposal may be presented to the public at a neighborhood meeting.
    - b). Attendees must be able to hear and discuss each others feedback at the neighborhood

- i. Public hearings are conducted in accordance with the procedures set forth in M.G.L. Chapter 40A, as amended; any and all requirements of The Code of Ordinances, City of Somerville, Massachusetts; and the rules of the applicable review board.
- c. **ACCESS to Documents**
  - i. The Director of Planning & Zoning shall post all relevant development review application materials on the City website prior to the notice of a public hearing.
  - ii. Physical copies of application information, DEVELOPMENT plan documentation, and other related correspondence are available to inspect or copy by any party upon reasonable request and payment of a fee to cover the cost of such copies.
- d. **Continuance**
  - i. Upon mutual agreement by the APPLICANT and a four-fifths majority of the review board, the following procedural requirements may be extended:
    - a). the time limit required for commencement of a public hearing;
    - b). the time limit required to make a decision.
  - ii. Mutual agreement of extended time limits must be recorded in writing.

### 9. Decision

- a. **Action by a Review Board**
  - i. Within ninety (90) days of the closing of a public hearing, the review board must
    - a). make a decision to approve, approve with conditions, deny, or grant withdrawal the application for a Special Permit; and
    - b). file that decision with the Office of the City Clerk.
- b. **Written Information**
  - i. Decisions must include a detailed record of the proceedings of the public hearing, indicate the vote of each board member, the reason for the board's decision, and identify any official actions taken by the board and conditions attached to the approval.
- c. **Notice of the Decision**
  - i. The Director of Planning & Zoning shall mail notification of the decision to the petitioner, APPLICANT, or appellant, as applicable.
- d. **Filing of the Decision**
  - i. Decisions must be filed with the Office of the City Clerk within fourteen (14) days of the review board making the decision. The City Clerk will date stamp

the decision, beginning the time period for which an appeal may be filed.

### 10. Appeal

- a. Appeals of a decision by the BUILDING OFFICIAL, Director of Planning & Zoning, Zoning Board of Appeals, or Planning Board must be carried out in accordance with Section 15.2 Discretionary Permits, Section 15.3 Administrative Permits, and Section 15.5 Appeals of this Article.

### 11. Certification of Decision

- a. After the time period for an appeal has expired (see Section 15.5 Appeals), the APPLICANT must take a copy of the decision provided by the Planning Division to the Office of the City Clerk for certification that no appeals have been filed.
- b. Once the Office of the City Clerk has certified that the decision has not been appealed, or certified that the decision was appealed and the APPLICANT decides to proceed at risk, the APPLICANT must archive the decision with the property authority as follows:
  - i. For unregistered land, the APPLICANT must submit the certified copy of the decision to the Middlesex South Registry of Deeds.
  - ii. For registered land, the APPLICANT must submit the certified copy of the decision to the Land COURT.

### 12. Certificate of Zoning Compliance

- a. ~~The Building Official shall grant a Certificate of Zoning Compliance for development that conforms to the provisions and procedures of this Ordinance.~~
- b. ~~No certificate of zoning compliance will be issued without physical evidence that the certified copy of the decision has been properly filed with the Middlesex South Registry of Deeds or Land Court.~~



# 15. ADMINISTRATION

## Discretionary Permits

### 15.2 DISCRETIONARY PERMITS

#### 1. Special Permit

- a. Purpose
  - i. A Special Permit authorizes DEVELOPMENT that is not otherwise permitted, provided that it meets certain criteria set out in this Ordinance.
- b. Applicability
  - i. Special Permits are required for DEVELOPMENT as indicated elsewhere in this Ordinance.
  - ii. ~~The granting of a Special Permit authorizes the Building Official to issue a certificate of zoning compliance for development that is otherwise compliant with the provisions and procedures of this Ordinance.~~
  - iii. The BUILDING OFFICIAL may not issue a ~~certificate of zoning compliance building permit or certificate of occupancy~~ for DEVELOPMENT that requires a Special Permit until a Special Permit has been granted by the review board in accordance with the provisions of this Article.
- c. Authority
  - i. The review board serving as the decision making authority for a Special Permit is determined by zoning district.
- d. Procedure
  - i. The following review procedures are required:
    - a). Step 1: Development Review Application
    - b). Step 2: Application Review & Staff Report
    - c). Step 3: Public Notice
    - d). Step 4: Public Hearing
    - e). Step 5: Decision
    - f). Step 6: Appeal Period
    - g). Step 7: Certification of Decision
    - h). ~~Step 8: Certificate of Zoning Compliance~~
  - ii. The following additional review procedures are required prior to Step 1: Development Review Application for all USE Special Permits, changes to nonconforming USES, DEVELOPMENT seeking MODIFICATION to the minimum or maximum parking standards, and all MODIFICATIONS to nonconforming structures:
    - a). Pre-Submittal Meeting
    - b). Neighborhood Meeting
  - iii. The review procedures required for a Special Permit may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
  - iv. The procedures required for Special Permits that are necessitated by phases of DEVELOPMENT subject to a Master Plan Special Permit may be conducted concurrently with the procedures required for a Master Plan Special Permit at the discretion of the review board.
- e. Review Criteria
  - i. In its discretion to approve or deny a Special Permit required by this Ordinance, the review board shall make findings considering, at least, each of the following:
    - a). The COMPREHENSIVE PLAN and existing policy plans and standards established by the City.
    - b). The intent of the zoning district where the property is located.
    - c). Considerations indicated elsewhere in this Ordinance for the required Special Permit.
  - ii. When considering a revision to a previously approved development review application that required a Special Permit, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions
  - i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a specific Special Permit
  - ii. Conditions must have a rational nexus to potential impacts of the proposed DEVELOPMENT, and be roughly proportional, both in nature and extent, to the impacts of the proposed DEVELOPMENT.
- g. Compliance
  - i. The Review Board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
- h. Permit Duration and Extension
  - i. Special Permits remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.
  - ii. The review board may reduce the time period that a Special Permit remains valid to a shorter time period as a condition attached to the Special Permit.
  - iii. The review board may extend the duration of validity for a Special Permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
  - iv. Requests for extension of the duration of validity must be submitted to the Office of the City Clerk on the appropriate forms provided by the Planning Division.
- i. Appeals
  - i. An aggrieved party may appeal the decision of the BUILDING OFFICIAL in accordance with §15.5.2.

Administrative Appeal.

- ii. An aggrieved party may appeal the decision of the Zoning Board of Appeals or Planning Board in accordance with §15.5.3 Judicial Appeal.

## **2. Master Plan Special Permit**

### **a. Purpose**

- i. A Master Plan Special Permit authorizes a long term plan for future DEVELOPMENT and for an APPLICANT to move forward with subsequent DEVELOPMENT review required elsewhere in this Ordinance.

### **b. Applicability**

- i. A Master Plan Special Permit is required for DEVELOPMENT as indicated elsewhere in the Ordinance.
- ii. Approval of a Master Plan Special Permit authorizes the BUILDING OFFICIAL to accept applications for subsequent DEVELOPMENT review required by this Ordinance only and does not establish any vested right to develop property in accordance with the plan.

### **c. Authority**

- i. The Planning Board is the decision making authority for a Master Plan Special Permit.

### **d. Procedure**

- i. The following review procedures are required:
  - a). Step 1: Pre-Submittal Meeting
  - b). Step 2: Neighborhood Meeting
  - c). Step 3: Development Review Application
  - d). Step 4: Application Review & Staff Report
  - e). Step 5: Public Notice
  - f). Step 6: Public Hearing
  - g). Step 7: Decision
  - h). Step 8: Appeal Period
  - i). Step 9: Certification of Decision
  - j). ~~Step 10: Certificate of Zoning Compliance~~
- ii. The review procedures required for a Master Plan Special Permit may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits, as indicated elsewhere in this Ordinance.

### **e. Review Criteria**

- i. In its discretion to approve or deny a development review application requiring a Master Plan Special Permit, the Planning Board shall make findings considering, at least, each of the following:
  - a). The COMPREHENSIVE PLAN and existing policy plans and standards established by the City.
  - b). The intent of the zoning district where the property is located.
  - c). The proposed alignment and connectivity of the THOROUGHFARE network.

- d). The GROSS FLOOR AREA allocated to different USE categories.

- e). Mitigation proposed to alleviate any adverse impacts on utility infrastructure.

- f). Proposed DEVELOPMENT phasing.

- g). Proposed on-STREET parking to address demand by customers of Retail Sales, Food & Beverage, or Commercial Services PRINCIPAL USES.

- h). Considerations indicated elsewhere in this Ordinance for the required Master Plan Special Permit.

- ii. When considering a revision to a previously approved development review application that required a Master Plan Special Permit, the review board shall limit their review to the proposed changes to the previously approved application.

### **f. Conditions**

- i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a Special Permit.
- ii. Conditions must have a rational nexus to potential impacts of the proposed DEVELOPMENT, and be roughly proportional, both in nature and extent, to the impacts of the proposed DEVELOPMENT.
- iii. The Planning Board shall require APPLICANTS to provide for infrastructure mitigation, transportation mitigation, and community impact mitigation as a condition of an any Master Plan Special Permit.
- iv. The Planning Board shall establish construction permitting requirements for the phasing of DEVELOPMENT, if applicable, as a condition of any Master Plan Special Permit.

### **g. Compliance**

- i. The Review Board shall require a performance bond for one hundred and twenty five percent (125%) of the estimated costs of all proposed civic space and any required infrastructure mitigation or transportation mitigation to guarantee satisfactory completion of the approved master plan and conditions.
- ii. Upon provision of the proposed civic space or required infrastructure mitigation or transportation mitigation, in whole or in part, the performance bond may be released or reduced subject to §15.2.4 Plan Revision.

### **h. Permit Duration and Extension**

- i. Master Plan Special Permits remain valid for three (3) years from the date the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal, and remain valid so long as progress is being made in accordance with the approved phasing of



# 15. ADMINISTRATION

## Discretionary Permits

### DEVELOPMENT.

- ii. The review board may reduce the time period that a Master Plan Special Permit remains valid to a shorter time period as a condition attached to the permit.
  - iii. The review board may extend the duration of validity for a Master Plan Special Permit upon making a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.
  - iv. Requests for extension of the duration of validity must be submitted to the Office of the City Clerk on the appropriate forms provided by the Planning Division.
  - i. Appeals
    - i. An aggrieved party may appeal the decision of the BUILDING OFFICIAL in accordance with §15.5.2. Administrative Appeal.
    - ii. An aggrieved party may appeal the decision of the Zoning Board of Appeals or Planning Board in accordance with §15.5.3. Judicial Appeal.
- ### 3. Hardship Variance
- a. Purpose
    - i. A Hardship Variance authorizes DEVELOPMENT that would otherwise be prohibited by the provisions of this Ordinance, due to hardship.
  - b. Applicability
    - i. A Hardship Variance is required for DEVELOPMENT that is not compliant with the provisions of this Ordinance.
    - ii. ~~The granting of a Hardship Variance authorizes the Building Official to issue a certificate of zoning compliance for development that is otherwise compliant with the provisions and procedures of this Ordinance.~~
    - iii. The BUILDING OFFICIAL may not issue a ~~certificate of zoning compliance building permit or certificate of occupancy~~ for DEVELOPMENT that requires a Hardship Variance until a Hardship Variance has been granted by the review board in accordance with the provisions of this Article.
    - iv. USE Hardship Variances are not permitted.
  - c. Authority
    - i. The Zoning Board of Appeals is the review board for all Hardship Variances.
  - d. Procedure
    - i. The following review procedures are required:
      - a). Step 1: Pre-Submittal Meeting
      - b). Step 2: Development Review Application
      - c). Step 3: Application Review & Staff Report
      - d). Step 4: Public Notice
      - e). Step 5: Public Hearing
      - f). Step 6: Decision
      - g). Step 7: Appeal Period
      - h). Step 8: Certification of Decision
      - i). ~~Step 9: Certificate of zoning compliance~~
  - ii. The following steps may be required prior to Step 2 Development Review Application submittal at the discretion of the Director of Planning & Zoning or Review Boards:
    - a). Neighborhood Meeting
    - b). Design Review
  - iii. The review procedures required for a Hardship Variance may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
- e. Review Criteria
    - i. The Zoning Board of Appeals may only grant a Hardship Variance upon finding all of the following:
      - a). Special circumstances exist relating to the soil conditions, shape, or topography of a PARCEL of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located;
      - b). Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances; and
      - c). Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of a specific district in this Ordinance or the Ordinance in general.
    - ii. When considering a revision to a previously approved development review application that required a Hardship Variance, the review board shall limit their review to the proposed changes to the previously approved application.
  - f. Conditions
    - i. The Zoning Board of Appeals may attach conditions and limitations that it deems necessary in order to ensure compliance to the Board's findings and the standards for granting of a Hardship Variance.
    - ii. Conditions must have a rational nexus to potential impacts of the proposed DEVELOPMENT, and be roughly proportional, both in nature and extent, to the impacts of the proposed DEVELOPMENT.
  - g. Compliance
    - i. The Zoning Board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
  - h. Duration and Extension

- address any potential DEVELOPMENT impacts.
    - ii. The Site Plan Approval process provides an APPLICANT with the opportunity to submit architectural, SITE, landscape, and engineering plans so that compliance to the provisions of this Ordinance can be determined prior to preparation of construction documents.
    - iii. The Site Plan Approval process provides the City with the opportunity to establish conditions to address on-SITE or off-SITE impacts of DEVELOPMENT.
  - b. Applicability
    - i. Site Plan Approval is required as indicated elsewhere in this Ordinance.
    - ii. ~~Approval of a site development plan authorizes the Building Official to issue a certificate of zoning compliance for development that is otherwise compliant with the provisions of this Ordinance.~~
    - iii. The BUILDING OFFICIAL may not issue a ~~certificate of zoning compliance building permit or certificate of occupancy~~ for DEVELOPMENT that requires Site Plan Approval until the Site Plan Approval process has been completed in accordance with the provisions of this Article.
  - c. Authority
    - i. The review board serving as the decision making authority for a Site Plan Approval is determined by zoning district.
  - d. Procedure
    - i. Unless otherwise specified, the following review procedures are required:
      - a). Step 1: Pre-Submittal Meeting
      - b). Step 2: Neighborhood Meeting
      - c). Step 3: Design Review Meeting
      - d). Step 4: Neighborhood Meeting
      - e). Step 5: Development Review Application
      - f). Step 6: Application Review & Staff Report
      - g). Step 7: Public Notice
      - h). Step 8: Public Hearing
      - i). Step 9: Decision
      - j). Step 10: Appeal Period
      - k). Step 11: Certification of Decision
      - l). ~~Step 12: Certificate of Zoning Compliance~~
    - ii. The review procedures required for a Site Plan Approval may, at the discretion of the designated review board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.
  - e. Review Criteria
    - i. The review board shall approve an development review application requiring Site Plan Approval upon verifying that the submitted plan conforms with the provisions of this Ordinance and demonstrates consistency to the following:
      - a). The COMPREHENSIVE PLAN and existing policy plans and standards established by the City.
    - b). The intent of the zoning district where the property is located.
    - c). Mitigation proposed to alleviate any impacts attributable to the proposed DEVELOPMENT.
    - d). Considerations indicated elsewhere in this Ordinance for the required Site Plan Approval.
  - ii. The review board may reject a application for Site Plan Approval only when:
    - a). the submittal fails to furnish adequate information required for approval;
    - b). the imposition of reasonable conditions would not ensure compliance to standards, as applicable; and/or
    - c). the submittal, although proper in form, includes or creates an intractable problem so intrusive on the needs of the public in one regulated aspect or another and cannot be adequately mitigated.
  - iii. When considering a revision to a previously approved development review application that required a Site Plan Approval, the review board shall limit their review to the proposed changes to the previously approved application.
- f. Conditions
  - i. The review board may attach conditions and limitations that it deems necessary in order to ensure compliance with the Board's findings and the standards for granting of a Site Plan Approval.
  - ii. Conditions must have a rational nexus to potential impacts of the proposed DEVELOPMENT, and be roughly proportional, both in nature and extent, to the impacts of the proposed DEVELOPMENT.
- g. Compliance
  - i. The review board may require the posting of a bond or other performance guarantee to ensure compliance with the development review application and conditions, as approved.
- h. Appeals
  - i. An aggrieved party may appeal the decision of the Planning Board according to the procedures of §15.5.3. Judicial Appeal.
- ### 3. Thoroughfare Permit
- a. Purpose
    - i. A THOROUGHFARE Permit certifies that the construction documents for a proposed THOROUGHFARE conforms with all departmental standards and City Ordinances.
  - b. Applicability
    - i. DEVELOPMENT of any THOROUGHFARE is prohibited until a THOROUGHFARE Permit has been issued by the City Engineer.
    - ii. ~~The City Engineer may not issue a Thoroughfare~~

## 15. ADMINISTRATION

### Administrative Permits

~~Permit prior to the issuance of a certificate of zoning compliance:~~

- iii. The City Engineer may not issue a THOROUGHFARE Permit if construction documents do not accurately reflect the following:
    - a). plans submitted for a development review application;
    - b). plans submitted for an approved discretionary or administrative permit; and
    - c). conditions attached to any discretionary or administrative permit.
  - c. Authority
    - i. The City Engineer issues all THOROUGHFARE Permits.
  - d. Procedure
    - i. Within thirty (30) days after receiving a completed application for a THOROUGHFARE Permit, the City Engineer shall issue such permit, or transmit, in writing, the reasons for failure to issue such permit to the APPLICANT.
  - e. Validity
    - i. Construction must begin within six (6) months following the issuance of a THOROUGHFARE Permit and continue towards completion in a continuous and expeditious manner for the permit to remain valid.
  - f. Inspections
    - i. Submittal of a construction permit application provides consent, by the APPLICANT, for the City Engineer, or their designee, to enter upon private real property to conduct routine inspections as needed.
  - g. Appeals
    - i. Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by the City Engineer according to the procedures of §15.5.2. Administrative Appeal.
- #### 4. Civic Space Permit
- a. Purpose
    - i. A Civic Space Permit certifies that the construction documents for a proposed CIVIC SPACE conforms with all departmental standards and City Ordinances.
  - b. Applicability
    - i. DEVELOPMENT of any CIVIC SPACE is prohibited until a Civic Space Permit has been issued by the Director of Public Space & Urban Forestry.
    - ii. ~~The Director of Public Space & Urban Forestry may not issue a Civic Space Permit prior to the issuance of a certificate of zoning compliance:~~
    - iii. The Director of Public Space & Urban Forestry may not issue a Civic Space Permit if construction documents do not accurately reflect the following:
      - a). plans submitted for a development review application;
      - b). plans submitted for an approved discretionary or administrative permit; and
      - c). conditions attached to any discretionary or administrative permit.
- c. Authority
    - i. The Director of Public Space & Urban Forestry issues all Civic Space Permits.
  - d. Procedure
    - i. Within thirty (30) days after receiving a completed application for a Civic Space Permit, the Director of Public Space & Urban Forestry shall issue such permit, or transmit, in writing, the reasons for failure to issue such permit to the APPLICANT.
  - e. Validity
    - i. Construction must begin within six (6) months following the issuance of a Civic Space Permit and continue towards completion in a continuous and expeditious manner for the permit to remain valid.
  - f. Inspections
    - i. Submittal of a Civic Space Permit application provides consent, by the APPLICANT, for the Director of Public Space & Urban Forestry, or their designee, to enter upon private real property to conduct routine inspections as needed.
  - g. Appeals
    - i. Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by the Director of Public Space & Urban Forestry according to the procedures of §15.5.2. Administrative Appeal.
- #### 5. Building Permit
- a. Purpose
    - i. A Building Permit certifies that the construction documents for a proposed structure conforms with the Massachusetts State Building Code 780 CMR and all applicable City Ordinances.
  - b. Applicability
    - i. DEVELOPMENT of any LOT is prohibited until a Building Permit has been issued by the BUILDING OFFICIAL.
    - ii. ~~The Building Official may not issue a Building Permit prior to the issuance of a certificate of zoning compliance:~~
    - iii. The BUILDING OFFICIAL may not issue a Building Permit for DEVELOPMENT if construction documents do not accurately reflect the following:
      - a). any DEVELOPMENT plan documentation submitted as part of a development review application.
      - b). conditions attached to any administrative or discretionary DEVELOPMENT review approval.
  - c. Authority
    - i. The BUILDING OFFICIAL is the decision making authority for a Building Permit.
  - d. Procedure

# 15. ADMINISTRATION

## Certificates

### 15.4 CERTIFICATES

#### 1. Certificate of Zoning Compliance

- a. Purpose
  - i. A certificate of zoning compliance certifies that development plans conform to the provisions of this Ordinance and that any additional type of development review required by this Ordinance has been completed in accordance with the provisions of this Article.
- b. Authority
  - i. The Building Official issues all Certificates of Zoning Compliance.
- c. Applicability
  - i. All development requires a certificate of zoning compliance.
  - ii. The Building Official may not accept a development review application that requires a pre-submittal meeting, a neighborhood meeting, or design review until those review procedures have been completed in accordance with the provisions of this Article.
  - iii. The Building Official may not issue a certificate of zoning compliance for development that requires a discretionary or administrative permit until that permit has been granted by the appropriate review board in accordance with the provisions of this Article.
  - iv. The Building Official may not issue a Building Permit, certificate of occupancy, or construction permit prior to the issuance of a certificate of zoning compliance.
  - v. In cases where both a Building Permit and a certificate of occupancy are required, a certificate of zoning compliance is only required prior to the issuance of the Building Permit.
- d. Procedure
  - i. The Building Official shall forward development review applications that require a discretionary or administrative permit to the appropriate review board, subject to the applicable procedural requirements of this Article.
  - ii. Within thirty (30) days after receiving a completed application that does not require a discretionary or administrative permit, the Building Official shall issue a certificate of zoning compliance, or transmit, in writing, the reasons for failure to issue such permit to the applicant.
  - iii. When considering a revision to a previously approved development review application, the Building Official shall limit their review to the proposed changes to the previously approved application.
- e. Validity
  - i. A certificate of zoning compliance verifies only that proposed development is conforming to the Somerville Zoning Ordinance at the time it is issued.
- f. Review Criteria
  - i. The Building Official shall approve an application for certificate of zoning compliance upon verifying the following:
    - a). that the submitted plan conforms with the provisions of this Ordinance;
    - b). the application is consistent with all prior approvals for the subject property; and
    - c). any additional type of administrative or discretionary development review required by this Ordinance has been completed in accordance with the provisions of this Article.
- g. Inspections
  - i. Submittal of an application for a certificate of zoning compliance provides consent, by the applicant, for the Building Official to enter upon private real property to conduct routine inspections as needed.
- h. Appeals
  - i. Administrative Appeal
    - a). An aggrieved party may appeal the decision of the Building Official according to the procedures of §15.5.2. Administrative Appeal.

#### 2. Certificate of Occupancy

- a. Purpose
  - i. A certificate of occupancy certifies that a building or structure is safe for occupation and/or use according to all applicable Ordinances and that proper inspections have been carried out by the BUILDING OFFICIAL during any construction, reconstruction, alteration, repair, or DEMOLITION activities permitted pursuant to a Building Permit.
- b. Applicability
  - i. No real property may be occupied or used and no existing use of real property may be changed until a certificate of occupancy has been issued by the BUILDING OFFICIAL.
  - ii. The Building Official may not issue a certificate of occupancy prior to the issuance of a certificate of zoning compliance.
  - iii. The BUILDING OFFICIAL may not issue a final certificate of occupancy DEVELOPMENT that does not comply to the following:
    - a). plans submitted for a development review application;
    - b). plans submitted for an approved discretionary or administrative permit; and

**15.7 REVIEW BOARDS & OFFICIALS****1. Building Official**

- a. Responsibilities
  - i. The BUILDING OFFICIAL is the enforcement authority for this Ordinance.
  - ii. The Building Official shall conduct a zoning compliance review of all proposed development and maintain a public record of the results of each compliance review.
  - iii. The BUILDING OFFICIAL may issue any enforcement order, violation notice, request for compliance, or other correspondence as necessary and institute any appropriate inspection, action, or proceeding in the name of the City of Somerville to:
    - a). prevent the unlawful ERECTION, relocation, extension, enlargement, or alteration of any structure or SIGN;
    - b). prevent the unlawful USE or occupancy of real property;
    - c). prevent any illegal act, business, or USE in or about any premises; and
    - d). prevent, correct, restrain, or abate violations of this Ordinance.
  - iv. The BUILDING OFFICIAL establishes application forms, fees, and requirements for DEVELOPMENT review in collaboration with the Director of Planning & Zoning and the review boards.
  - v. The BUILDING OFFICIAL may classify certain home improvements intended to keep an existing structure in good physical condition to be NORMAL MAINTENANCE, as defined in this Ordinance
- b. Enforcement Actions
  - i. The BUILDING OFFICIAL shall not issue any written interpretation, ~~certificate of zoning compliance~~, building permit, or certificate of occupancy in violation of this Ordinance.
  - ii. Any written interpretation, ~~certificate of zoning compliance~~, building permit, or certificate of occupancy may be revoked upon finding any material misstatement of fact or misrepresentation in plans or specifications by an APPLICANT.
  - iii. Upon finding evidence of a violation of this Ordinance, the BUILDING OFFICIAL shall give written notice to the PROPERTY OWNER demanding that the violation be corrected or abated within a time period deemed appropriate by the BUILDING OFFICIAL.
  - iv. The BUILDING OFFICIAL shall revoke any existing certificate of occupancy or Building Permit already in effect for any property that is in violation of this Ordinance if that violation is not corrected or abated within the required time period.

**2. Zoning Board of Appeals**

- a. Establishment
  - i. The Zoning Board of Appeals is established, in accordance with M.G.L. Chapter 40A, Section 12, as amended.
- b. Membership
  - i. The Mayor shall appoint five (5) members and two (2) alternate members, subject to confirmation of the City Council, ~~for five (5) year terms~~, except that the original terms of initial appointees must be shortened so that no more than one (1) member and one (1) alternate member expires in the same calendar year.
- c. Responsibilities
  - i. The Zoning Board of Appeals is the decision making authority for discretionary and administrative permitting as indicated elsewhere in this Ordinance.
  - ii. The Zoning Board of Appeals is the decision making authority for administrative appeals.
- d. Board Rules
  - i. The Zoning Board of Appeals shall elect, at least, a chair and a vice chair on an annual basis from among its own number.
  - ii. The chair of the Zoning Board of Appeals shall designate an alternate member to sit in the place of any member incapacitated by personal interest, inability to act, or absence when necessary.
  - iii. The Zoning Board of Appeals, or its designee, shall keep minutes of its proceedings.
  - iv. The Zoning Board of Appeals may adopt rules of procedure and policy as it deems necessary to conduct its affairs, including but not limited to the following subjects:
    - a). rules and procedures governing applications and fees, including required written and graphical information;
    - b). rules and procedures pertaining to the DEVELOPMENT review process;
    - c). rules and procedures of a minor Site Plan Approval process for DEVELOPMENT activities that do not require the procedural steps for Site Plan Approval, but that are still deserving of plan review.
  - v. The adoption or amendment of rules of procedure and policy is conducted administratively at a public meeting.