2.1.1 General

a. The following words, phrases, and terms ~~identified by capitalized lowercase typeface~~ in this Ordinance are defined in this Section.

~~**Community or Group Residence**~~

~~A specific use type of the Group Living principal use category. See §9.2.11.b Community or Group Residence.~~

Facade

Any exterior wall of a building's main massing that is oriented in whole or in part toward a front lot line~~,~~ or civic space~~, excluding the exterior walls of any roof elements~~.

~~**Group Living**~~

~~A Residential principal use category. See §9.2.11.b Group Living.~~

Homeless Shelter

A facility whose primary function is the provision of overnight sleeping accommodations to unhoused people~~A specific use type of the Group Living principal use category~~. ~~See §9.2.11.b.iv Homeless Shelter.~~

~~**Household Living**~~

~~A Residential principal use category. See §9.2.11.a Household Living.~~

Institutional Housing

A Residential principal use category. See §9.2.11.b Institutional Housing.

Party in Interest

As defined in M.G.L. 40A. Sec. 11.

Residential Housing

A Residential principal use category. See §9.2.11.a Residential Housing.

2.4 STANDARDS & MEASUREMENTS

2.4.4 Massing & Height

a. Main Massing

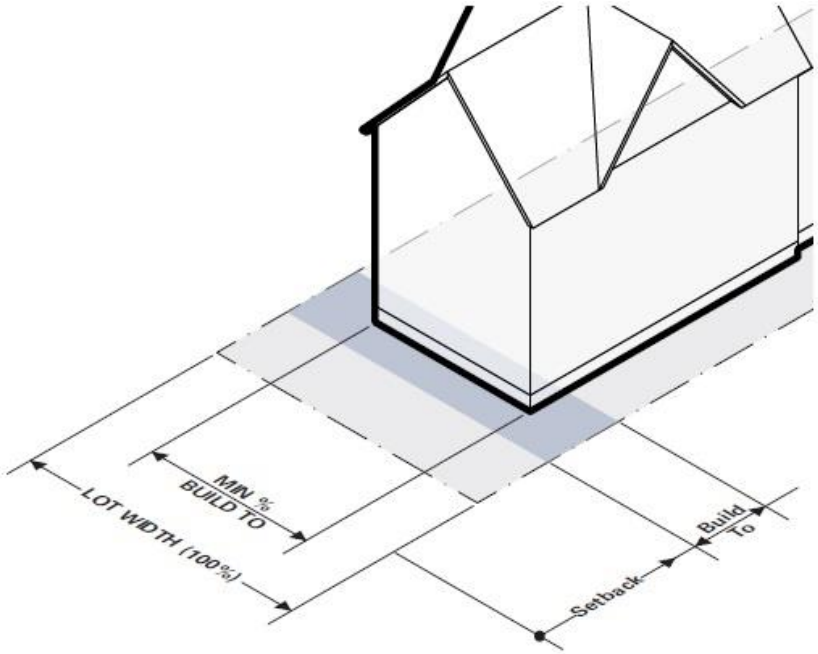
i. Facade Build Out

a). Building facade(s) must be built parallel to the front lot line for the minimum facade build out specified for each building type and is measured as a percentage of the lot width~~, measured at the maximum front setback line.~~

b). For lots with frontage on three (3) sides, the facade build out along a secondary frontage is only applicable to the minimum number of stories required for each building type.

c). Forecourts are considered part of the building for the purpose of measuring facade build out.

Figure 2.4.4 (a) Facade Build-Out



ii. Building Width

a). Width is measured parallel to the facade of a building, from the exterior of each side wall or the midpoint of a party wall.

iii. Building Depth

a). Depth is measured perpendicularly from the facade as the maximum length of any exterior side wall of a building.

iv. Floor Plate

a). Floor plate is measured as the total gross floor area of a single story of a building, excluding building components.

v. ~~Party Walls &~~ Building Interconnection

~~a). A party wall is required for any building that is not set back from the side lot line.~~

~~b).~~a). Abutting buildings may not be interconnected across lots lines to create any structure that conflicts with the building width or floor plate standards of this Ordinance.

~~i). Development within the Commercial Business or Commercial Industry district is exempt.~~

i). Underground structured parking is exempt.

ii). Pedestrian bridges over a public thoroughfare are exempt.

~~c).~~b). Interconnection of buildings over a public thoroughfare by a pedestrian bridge requires compliance with all City Ordinances.

3.1.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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.

~~c. 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.~~

3.2.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

~~b. A pre-submittal meeting, in accordance with Article 15: Administration is recommended for all development.~~

~~c.~~b. 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 a Special Permit or Hardship Variance in the Urban 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.~~

4.1.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

4.2.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

4.3.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

4.4.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

5.1.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

6.1.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

6.2.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

6.2.9 Commercial Block Building

A very large floor plate, multi-story, principal building type composed of a three (3) to six (6) story podium and one (1) or more upper story towers with commercial uses on all stories. A block building occupies either a ~~through lot or~~ a corner lot fronting at least three (3) thoroughfares or civic spaces or a through lot.

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

6.3.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 in the Commercial Industry district.

~~c. 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.~~

6.3.11 Use Provisions

Table 6.3.11 Permitted Uses	
Use Category **Specific Use**	**CI**
Auto-Oriented	
Commercial Vehicle Repair or Maintenance	**SP**
Dispatch Service (except as follows)	**P**
Towing Service	**SP**
Motor Vehicle Parking (as noted below)	**--**
Off-Site Accessory Parking	**P**
Personal Vehicle Repair or Maintenance	**SP**
Recharging Station	**P**
Vehicle Sales	**SP**
P - Permitted • SP - Special Permit Required • N - Not Permitted	

6.4.6 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 in the Commercial Business district.

~~c. 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.~~

6.4.14 Use Provisions

Table 6.4.14 Permitted Uses	
Use Category **Specific Use**	**CB**
Auto-Oriented	
Commercial Vehicle Repair or Maintenance	**SP**
Dispatch Service (except as follows)	**P**
Towing Service	**SP**
Motor Vehicle Parking (as noted below)	**--**
Off-Site Accessory Parking	**P**
Personal Vehicle Repair or Maintenance	**SP**
Recharging Station	**P**
Vehicle Sales	**SP**
P - Permitted • SP - Special Permit Required • N - Not Permitted	

7.1.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 Planning Board is the decision making authority for all development that requires a Special Permit.

   ii. The Zoning Board of Appeals is the review board for all Hardship Variances.

~~c. 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.~~

7.2.5 Development Review

a. Development review is subject to the provisions of Article 15: Administration of this Ordinance.

b. 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 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.

~~c. 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.~~

7.4.5 Development Review

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 gross 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 condition(s) or previously approved plans.

9.2.8 Industrial Use Categories

c. Manufacturing

The processing, assembly, treatment, or packaging of mass produced finished parts or products primarily through automation, mechanization, or assembly line processes. Typical uses include electronics and electrical equipment assembly, food and beverage processing and packaging, and the production of parts and sub-assemblies for other products. The following standards apply ~~to all specific use types in the Manufacturing use category~~:

i. Operations may include the storage of materials and the loading and unloading of new materials and finished products.

ii. Showrooms and the ancillary sales of goods produced on-site are prohibited.

iii. The production or use of large quantities of hazardous or explosive materials is prohibited.

10.2.1 General

a. Unless otherwise specified, accessory structures are permitted by-right.

b. 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.

c. The Building Official shall determine when a structure is accessory to the principal building of a lot.

~~c.~~d. To determine that a structure is accessory, the ~~principal official~~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.

~~d.~~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.

~~e.~~f. Accessory structures are not permitted to encroach into any maximum front setback.

10.2.2 Permitted Accessory Structures

q. Pergola

A structure consisting of parallel colonnades supporting an open roof or girders and cross rafters, often shading an outdoor amenity area. The following standards apply:

i. A pergola may be up to ~~eight (8)~~ twelve (12) feet in height.

10.8 COMMERCIAL SIGNS

Contents:

10.8.1 Purpose
10.8.2 Applicability
10.8.3 Development Review
10.8.4 Address Signs
10.8.5 Exempt Signs
10.8.6 Prohibited Signs
10.8.7 Sign Maintenance
10.8.8 Removal
10.8.9 Sign Illumination
10.8.10 Blade Sign
10.8.11 Wall Sign
10.8.12 Awning or Canopy Sign
10.8.13 Suspended Sign
10.8.14 Sidewalk Sign
10.8.15 Window Sign
10.8.16 Display Case
10.8.17 Vertical Blade / Banner Sign
10.8.18 Yard Sign
10.8.19 Wall Mural
10.8.20 Roof or Skyline Sign

10.8.1 Purpose

a. To provide property owners and tenants reasonable and effective means for identifying street address, business name, goods sold or produced, and services provided to the public.

b. To regulate the size, location, and physical design of temporary and permanent commercial signs.

c. To preserve the cultural significance of architectural resources for the enjoyment and enrichment of the community.

d. To protect against the adverse impacts of visual clutter and excessive ~~and/~~or confusing signs.

e. To promote legibility of the urban environment.

10.8.2 Applicability

a. Nothing contained in this Section is intended to be the content-based regulation of sign messages prohibited by the federal or state constitution, statues, or court decisions.

b. Nothing contained in this Section in intended to conflict with M.G.L. Chapter 85, Section 8 & 9 or M.G.L. Chapter 93, Sections 29 through 33, as amended.

10.8.3 Development Review

a. General

i. The following commercial sign types are permitted by right:
   a). Blade Sign
   b). Wall Sign
   c). Awning or Canopy Sign
   d). Suspended Sign
   e). Sidewalk Sign
   f). Window Sign
   g). Display Case
   h). Vertical Blade or Banner Sign
   i). Yard Sign
   j). Wall Mural
   k). Roof or Skyline Sign

ii. ~~Signs~~ Commercial sign types not identified in this Section including, but not limited to, billboards, monument signs, and pylon sign types are prohibited.

(Ord. 2023-06, 02/23/2023)

~~10.8.4 Address Signs~~

~~a. A sign, individual numerals or letters, or a nonelectrical nameplate identifying the property address is required for all real property as follows:~~

~~i. Each ground story non-residential use must identify the street address either on the principal entrance door or above or beside the principal entrance of the use.~~

~~ii. All residential building types must identify the street address either on the principal entrance door, above or beside the principal entrance, or on a mailbox.~~

~~b. Address signs must be made easily visible through the use of colors or materials that contrast with the background material they are attached to and must be conspicuously located to provide visibility from the thoroughfare that the building faces.~~

~~c. Address signs must be twelve (12) inches in height or less and may include the name of the occupant.~~

10.8.5 Exempt Signs

a. The following signs are ~~exempt from regulation under~~not commercial signs and are not regulated by this Section:
   i. A public notice or informational sign required by federal, state, or local law, regulation, or ordinance and any special event, directional, or other sign erected by a government agency or public utility in the performance of public duty;
   ii. Names of buildings, dates of erection, commemorative tablets and the like when carved into stone, made of cast metal, or other permanent type of material;
   iii. Credit card, trading stamp, or trade association signs not exceeding one-half (0.5) square feet each and not exceeding ten (10) per establishment;
   iv. A clock, thermometer, barbershop pole or similar device not part of a permanent sign;
   v. The flag of any nation, state, or City if displayed in a manner conforming to the Flag Code (4 USC §5 (2011) et seq.);
   vi. Historic building identification;
   vii. Holiday signs or decorations, yard sale & garage sale signs;

viii. Political yard signs; and

ix. Any sculpture, statue, relief, mosaic, or mural that is a work of art or otherwise decorative and does not include a commercial message or symbol.

10.8.6 Prohibited ~~Signs~~Sign Features

a. The following sign~~s~~ features are prohibited:

i. Any commercial sign that flashes, moves, blinks, rotates, simulates motion, features electronic sign copy, or has illumination that changes intensity over time;

ii. ~~Signs~~ Commercial signs that emit audible sounds, odors, or visible matter;

iii. ~~Signs~~ Commercial signs attached to nature or landscape elements, including trees, rocks, and fences;

~~iv. The tacking, posting or otherwise affixing of signs to the exterior walls of buildings and structures;~~

~~v.~~iv. ~~Signs~~ Commercial signs that interfere with free passage from or obstructs any fire escape, downspout, window, door, stairways, ladder, or opening intended as a means of ingress or egress or to provide light or air;

~~vi.~~v. Billboards or signs advertising goods or services not provided on the premises;

~~vii.~~vi. Any commercial sign ~~and/~~or sign structure that obstructs the view of, is confusing with, or imitates official traffic signs, signals, or devices;

~~viii.~~vii. Inflatable commercial signs, such as balloons and other gas inflated objects;

~~ix.~~viii. Sign structures that no longer contain signs;

~~x.~~ix. ~~Signs~~ Commercial signs mounted to motor-vehicles that are not in operation, including motor-vehicles painted or skinned to function as a sign; and

~~xi.~~x. Outdoor advertising signs that are not compliant with M.G.L. Chapter 93, Section 29-33.

10.8.7 Sign Maintenance

a. All commercial signs, including existing nonconforming signs, together with any supports, braces, anchors, and other supporting hardware, must be maintained in good condition.

~~a.~~b. ~~Any damage~~Damage to or deterioration of a commercial sign must be repaired within 30 days of receipt of notice from the Building Official.

~~b.~~c. When an existing commercial sign is removed, replaced, or repaired, all supports, braces, anchors, and other supporting hardware that is no~~t~~ longer ~~required~~ necessary must be removed~~,~~ and any surfaces baring evidence of prior attachment must be repaired.

10.8.8 Removal

a. ~~Signs~~ Commercial signs must be removed within thirty (30) days of a commercial use ~~user~~ vacating a property.

10.8.9 Sign Illumination

a. ~~Conforming~~ Commercial signs may be illuminated ~~according to the following~~as follows:

i. General

a). Illuminated commercial signs indicating if a business is open must be turned off except during the hours of operation.

ii. External Illumination

a). An externally illuminated sign is characterized by the use of artificial light reflected off the surface of a sign.

b). External light sources must be shielded so that they illuminate only the face of the commercial sign and do not shine directly onto a public right-of-way or onto adjacent properties.

c). Light fixtures that project from the facade of a building for externally illuminated commercial signs are exempt from building setback requirements, but should be simple and unobtrusive in design and not obscure the commercial sign's content.

iii. Internal Illumination

a). An internally illuminated sign is characterized by the use of artificial light projecting through or from behind the surface of a sign.

b). Channel letters may be internally lit or back-lit.

c). Blade signs may be internally lit if the background is opaque or of a darker color than the message of the sign and the lettering is up to fifty percent (50%) of the surface area of the sign

d). Exposed neon is only permitted for wall or windows signs.

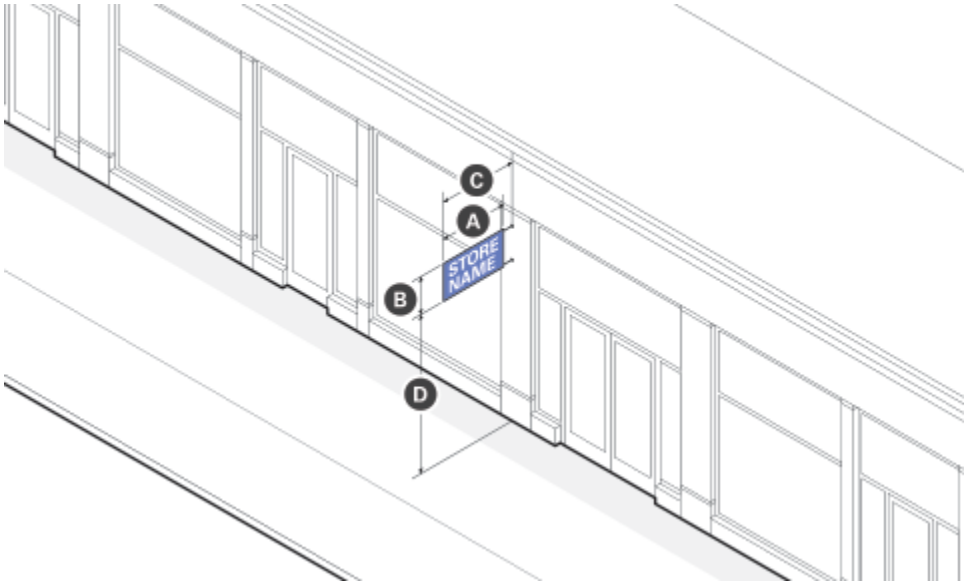
iv. Raceways

a). If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.

b). A raceway must be finished to match the background wall or canopy or integrated into the overall design of the sign.

10.8.10 Blade Sign

a. A small, two-sided commercial sign that is attached to and projecting perpendicularly from the facade of a building that identifies a commercial establishment. Blade signs are intended to be viewed by pedestrians on the same side of the street.



Size	
Area (max)	6 sq. ft. / side
Width (max)	4 ft
Height (max)	3 ft
Thickness (max)	6 inches

Location	
Clear Height over Sidewalk (min)	8 ft
Projection from Facade (max)	4 ft
Number of Signs	1 per Tenant

b. Standards

i. Blade signs are prohibited for upper story businesses.

ii. A blade sign must be located within ten (10) feet of the principal entrance for the ~~business~~ commercial use that it identifies.

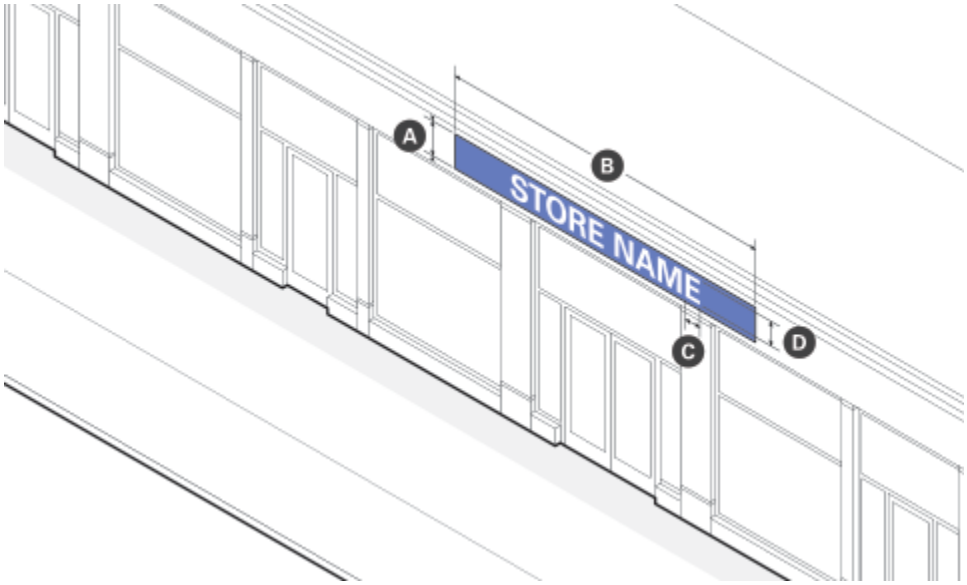
iii. A blade sign, including any support hardware, must be mounted below the sills of the second story windows of multi-story buildings or below the roof line, parapet wall, or cornice of a single-story building.

iv. Any supports, braces, anchors, and other supporting hardware must be integral to the design of the sign.

v. Information type is limited to business name and logo. Additional information is prohibited.

10.8.11 Wall Sign

a. A commercial sign attached flat or mounted parallel to the facade of a building that identifies a commercial establishment. Wall signs are intended to be viewed by pedestrians on the opposite side of street.



Size		
Area (max)	40 sq. ft.	
Height (min/max)	1 ft	4 ft
Width (max)	90% of Facade Width	

Lettering	
Width (max)	75% of Sign Width
Height (max)	75% of Sign Height
Projection from Facade (max)	6 inches
Raceway Height (max)	50% of Letter Height

Location	
Number of Signs	1 per Tenant (2 per Corner Tenant)

b. Standards

i. Wall signs are only permitted for ground story businesses.

ii. Internally illuminated sign cabinets are prohibited.

iii. Wall signs are prohibited from covering windows or architectural details.

iv. No portion of a wall sign is permitted to extend above the lower eave line of a building with a pitched roof.

v. No portion of a wall sign is permitted to extend above the roof line or parapet wall of a flat roofed building.

vi. No portion of a wall sign is permitted to extend above the cornice or expression line of the base of a building.

vii. Information type is limited to business name and logo. Additional information is prohibited.

10.8.12 Awning or Canopy Sign

a. A commercial sign ~~that is painted, screen printed, sewn, or adhered onto~~on the surface of an awning or attached above, below, or to the face of an entry canopy that identifies a commercial establishment. Awning~~/~~ or canopy signs are intended to be viewed by pedestrians on the opposite side of street.

Size	
Area (max)	–
Located on Valance (max)	50% coverage
Located on Awning Slope (max)	25% coverage
Projecting from Canopy (max)	1 sf. per width of canopy

Lettering	
Height	–
Valance (max)	8 in
Awning Slope (max)	18 in
Projecting from Canopy (max)	12 in

Location	
Number of Signs per Awning	1
Number of Signs per Canopy	1

b. Standards

~~i. Signs are not permitted on awnings or canopies that do not conform to the provisions for each type of building component.~~

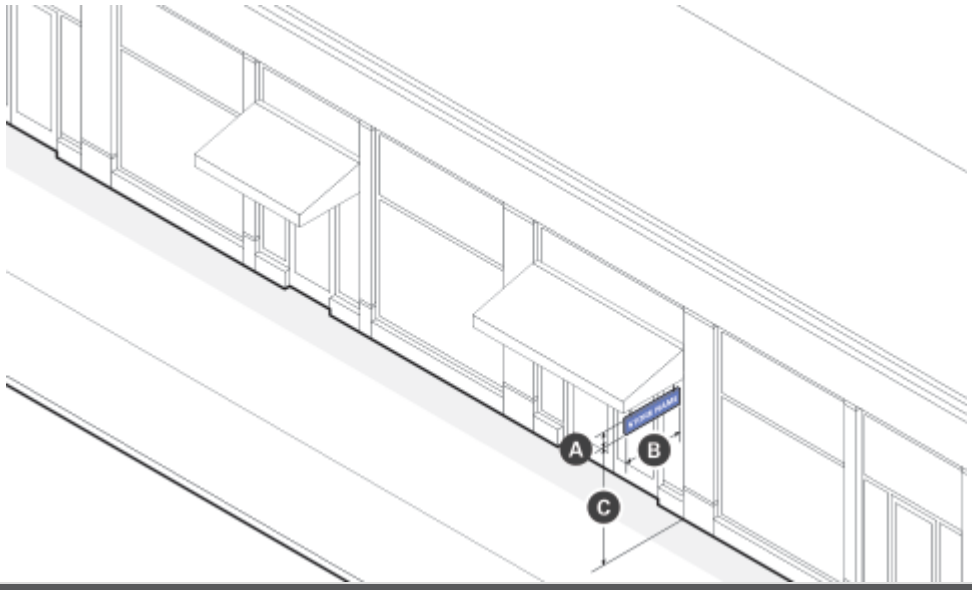
~~ii.~~i. ~~Signage~~ Awning or canopy signs located on the sloping portion of an awning is only permitted for storefronts where the typical area for a wall sign is missing.

~~iii.~~ii. ~~Signage~~ Awning or canopy signs are~~is~~ prohibited on upper story awnings and on the side of awnings with closed ends.

~~iv.~~iii. Information type is limited to business name, logo, and address. Additional information is prohibited.

10.8.13 Suspended Sign

a. A small, two-sided commercial sign mounted to the underside of an awning, canopy, or roof of a porch that identifies a commercial establishment. Suspended signs are intended to be viewed by pedestrians at close range on the same side of the street.



Size	
Area (max)	4 sq. ft. / side
Width (max)	3 feet
Height (max)	3 feet

Location	
Clear Height over Sidewalk/Porch (min)	7 feet
Number of Signs	1 per Tenant

b. Standards

i. A suspended sign may not extend beyond the edge of the awning or canopy it is mounted below.

ii. Information type is limited to business name or logo. Additional information is prohibited.

10.8.14 Sidewalk Sign

a. A portable, two-sided commercial sign that is placed on the sidewalk to identify a commercial establishment or advertise daily specials or sales. Sidewalk signs are intended to be viewed at close range by pedestrians on the same side of the street.

Size	
Area (max)	6 sq. ft. / side
Width (max)	2 feet
Height (max)	3 feet

Location	
Distance from Principal Entrance (max)	8 feet
Number of Signs	1 per Tenant

b. Standards

i. One (1) ~~Sidewalk~~ sidewalk sign is permitted per ground story tenant.

ii. Sidewalk signs may be placed outdoors on-site or on a public sidewalk during business hours and must be removed when the business is closed.

iii. Sidewalk~~s~~ signs displayed on a public sidewalk are prohibited from encroaching into the walkway of the sidewalk or interfering with pedestrian travel in any way.

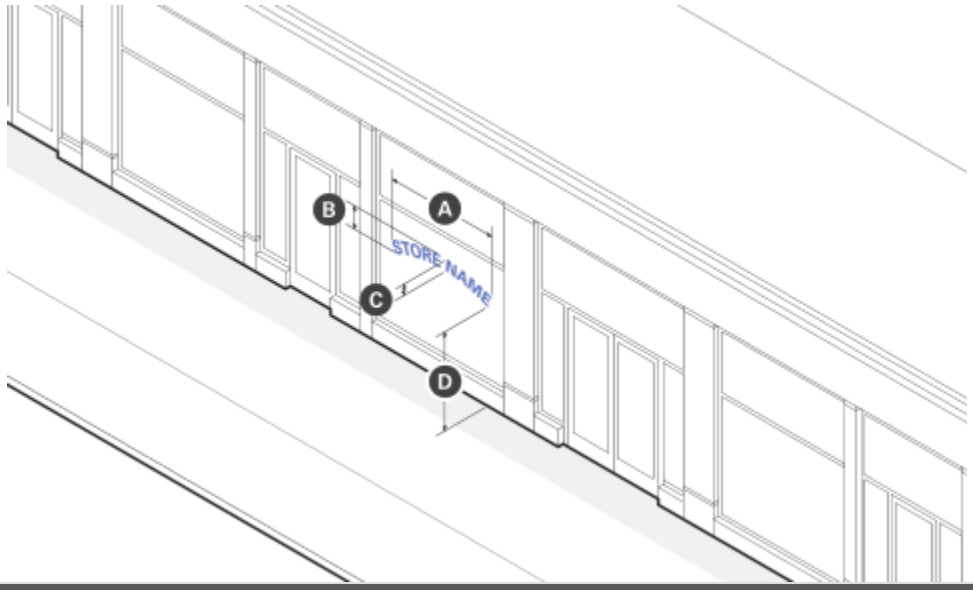
~~iv. A sidewalk sign must be vertically oriented, with a height greater than its width and made of wood, metal, or slate (chalkboard).~~

~~v.~~iv. A sidewalk sign is not permitted to be illuminated or contain any electronic components.

~~vi.~~v. ~~A sidewalk sign may not be placed outdoors when high winds, heavy rain, or heavy snow conditions are present. The Department Public Works may remove a sidewalk sign during snow removal operations, and is not liable for damage to a sidewalk sign caused by snow removal operations.~~

10.8.15 Window Sign

a. Individual letters, numerals, or a logo applied directly to the inside of a window or door to identify a commercial establishment. Window signs are intended to be viewed at close range by pedestrians.



b. Size	
Area (max of total window glass)	20%
Width (max)	5 feet
Height (max)	3 feet

Lettering	
Height (max)	18 inches

Location	
Height over Sidewalk (min)	5 feet
Number of Signs	1 per Window

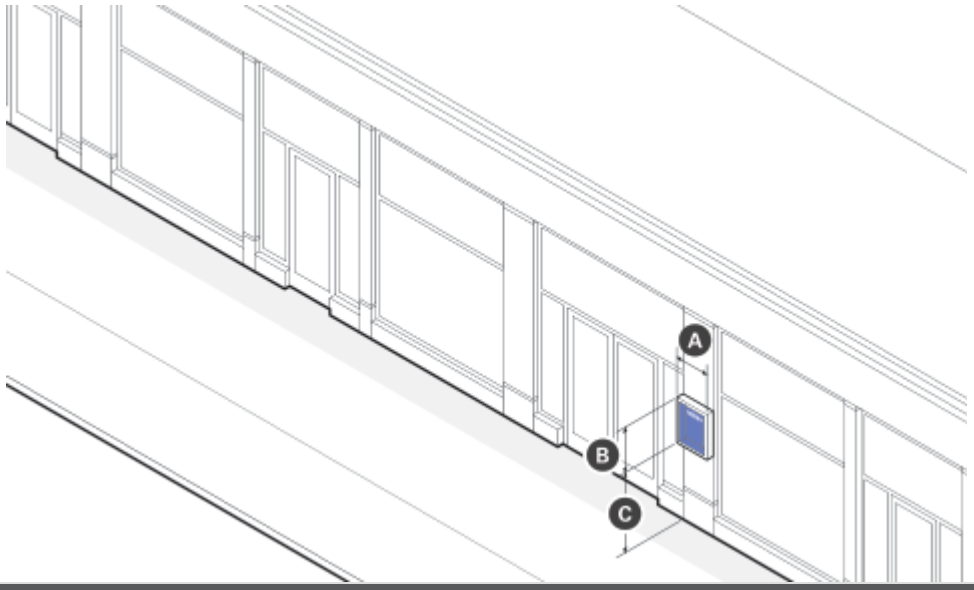
b. Standards

i. Windows signs must be applied directly to inside of the windows glass, at or above eye level, and have a transparent background.

ii. Information type is limited to business name, logo, hours of operations, and product types. Additional information is prohibited.

10.8.16 Display Case

a. A wall mounted, lockable, framed cabinet with a transparent window to display a changeable menu or list of event show times. Display cases are intended to be viewed at close range by pedestrians.



Size	
Area (max)	6 sq. ft. / side
Width (max)	3 feet
Height (max)	3 feet

Location	
Height above Sidewalk (min)	4 feet
Number of Signs	1 per Tenant

b. Standards

i. Display cases must be attached to the facade or wall of a recessed storefront entrance.

ii. Display cases may be internally or externally illuminated.

10.8.17 Vertical Blade ~~/~~or Banner Sign

a. A tall, narrow, two-sided commercial sign that is attached to and projecting perpendicularly from the facade of a building that identifies a commercial establishment. Vertical blade ~~/~~or banner signs are intended to be viewed by pedestrians and motorists from a distance.

Size	
Width (max)	4 feet
Height (max)	10 feet
Thickness (max)	10 inches

Lettering	
Width (max)	75% of Sign Width

Location	
Clear Height over Sidewalk (min)	Above 1st Story
Projection from Facade (max)	6 feet
Number of Signs	1 per 15 feet of Facade Width (4 max)

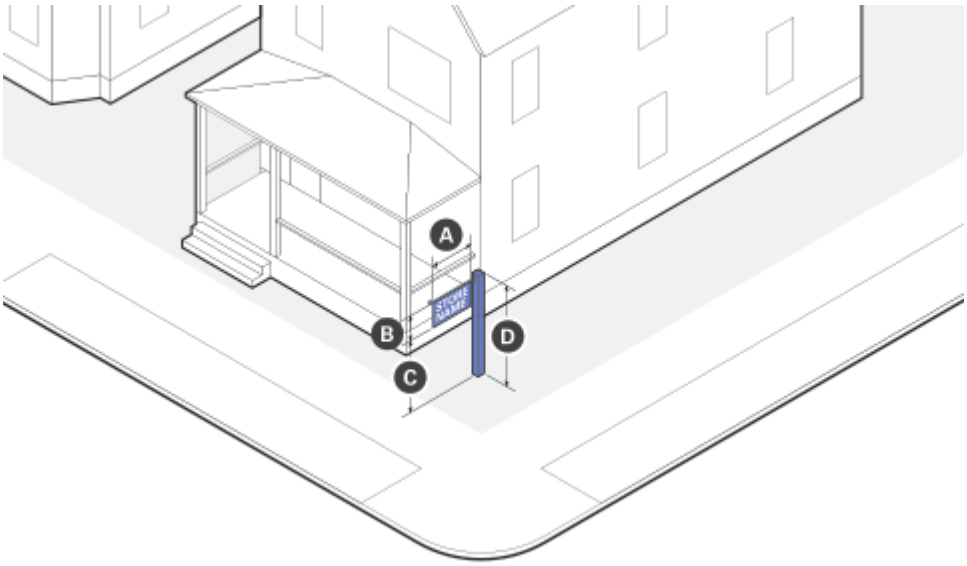
b. Standards

i. No portion of the sign may project above the roof-line of the facade to which it is attached.

ii. Information type is limited to business name and logo. Additional information is prohibited.

10.8.18 Yard Sign

a. A two-sided commercial sign suspended from support hardware and mounted in a front yard between the front lot line and the building facade. Yard signs are intended to be viewed at close range by pedestrians on the same side of the street and motorists.



Size	
Area (max)	6 sq. ft. / side
Width (max)	3 feet
Height (max)	3 feet

Location	
Clear Height above Yard (min)	12 inches
Overall Height (max)	5 feet
Number of Signs	1 per lot

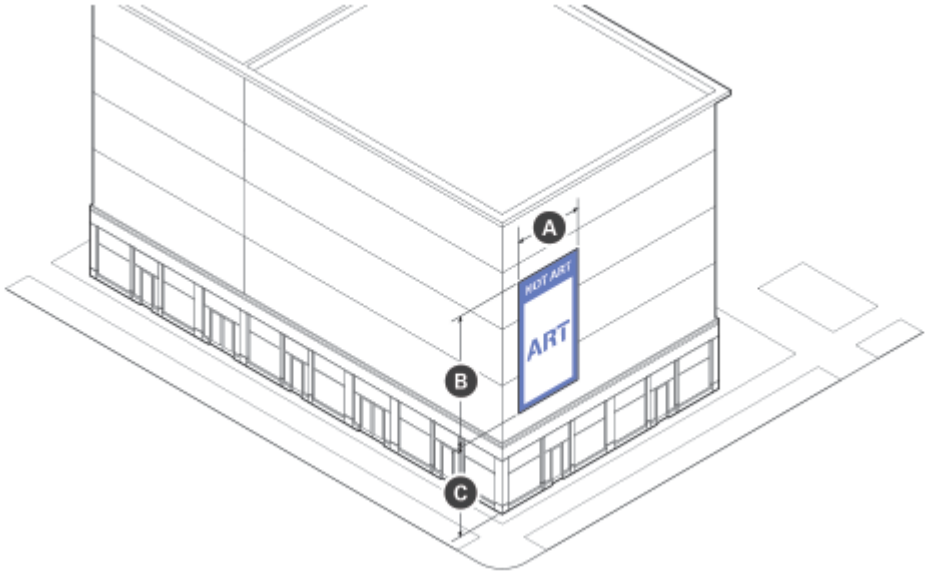
b. Standards

i. Yard signs work well for home based or commercial businesses operating in residential building types in mixed-use districts.

ii. Information type is limited to business name, logo, and address. Additional information is prohibited.

10.8.19 Wall Mural

a. A commercial sign that is attached to or directly painted on to the exterior wall of a building ~~or screen printed, sewn, or adhered onto a canvas- like material that is mounted flush with the facade of a building~~ that identifies a commercial establishment. Wall murals are intended to be viewed by pedestrians and motor vehicles from a distance.



Size	
Area (max)	1,000 sq. ft.
Width (max)	50 feet
Height (max)	50 feet

Location	
Height above Ground (min)	1 Story
Number of Signs	1 per Building

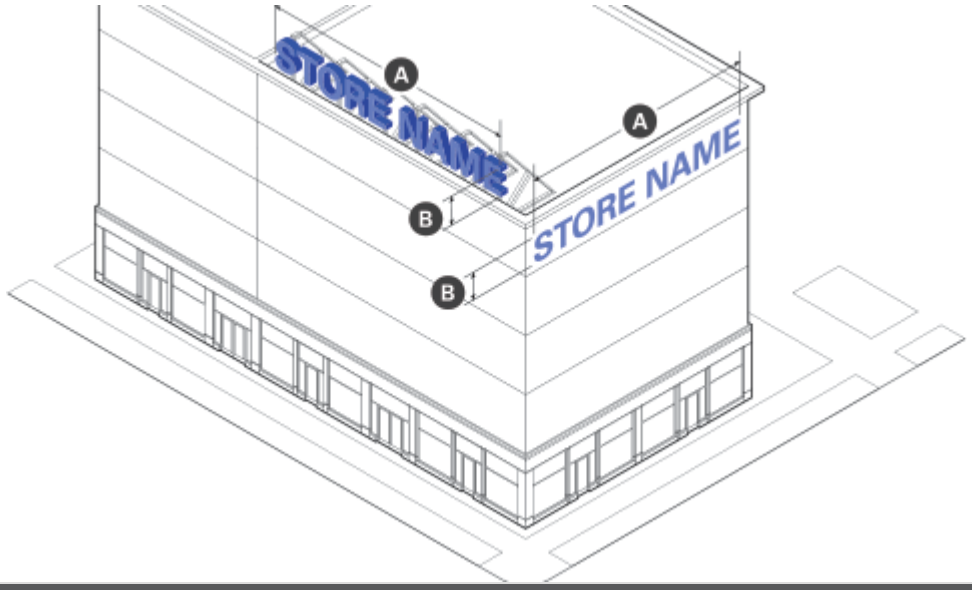
b. Standards

i. Up to twenty percent (20%) of the surface area of the wall mural may be lettering or logos.

ii. Only external illumination is permitted.

10.8.20 Roof or Skyline Sign

a. A commercial sign erected on the roof or mounted to the uppermost horizontal architectural band of a building to identify the name of the building or primary ~~tenant~~commercial establishment. Roof or skyline signs are intended to be viewed by pedestrians and motorists from a distance and serve as an icon for the building.



Size	
Area (max)	250 sq. ft.
Width (max % of Facade Width)	75%
Height (max)	15 feet
Raceway Height (max)	50% of Letter Height

Location	
Number of Signs	1 per Building

b. Standards

i. Roof~~/~~ or skyline signs are only permitted on high-rise buildings.

ii. No portion of a roof~~/~~ or skyline sign is permitted to extend below the start of highest story of a building or above the roof line, parapet wall, or cornice of the top portion of a facade and is prohibited from covering windows or architectural details.

iii. Only internal illumination is permitted.

iv. Information type is limited to building or ~~primary tenant~~business name. Additional information is prohibited.

11.2.2 Parking Lots

a. General

i. Surface parking lots are permitted by Site Plan Approval.

b. Vehicular Entrances

i. Vehicular entrances to surface parking lots may be up to twenty-four (24) feet in width.

~~b.~~c. Access

i. Vehicular entrances to surface parking lots are prohibited along any thoroughfares designated as a Pedestrian Street.

~~i.~~ii. Pedestrian access from parking lots must lead directly to a public sidewalk (i.e., not directly into a building).

~~c.~~d. Design & Construction

i. No surface parking lot may have a grade in excess of ten percent (10%).

ii. Individual parking spaces must be delineated with paint or similar method and maintained in clear, visible condition to identify the parking spaces from drive aisles and other circulation features.

iii. Wheel stops, bumper guards, or other alternatives must be installed to prevent vehicles from damaging or encroaching upon any sidewalk, landscaping, fence, wall, or structure and must be properly anchored and secured into the ground.

iv. Parking lots abutting, within fifty (50) feet, or visible from the right-of-way of a public thoroughfare, except alleys, must be effectively screened by a perimeter wall or fence.

a). Perimeter walls and fences may be up to four (4) feet in height measured from the surface of the lot, at least fifty percent (50%) opaque, and designed to allow surveillance over and beyond the wall or fence by pedestrians approaching or passing the parking lot.

~~d.~~e. Capacity

i. Unless otherwise specified, the actual parking of motor vehicles in excess of the number of parking spaces delineated in a parking lot is prohibited.

11.2.3 Parking Structures

a. Vehicular Entrances
   i. Vehicular entrances to parking structures may be up to twenty four (24) feet in width.

b. Access
   i. Vehicular entrances to ~~surface parking and~~ structured parking are prohibited along any thoroughfares designated as a Pedestrian Street.
   ii. Pedestrian access to structured parking must lead directly to a public sidewalk (i.e., not directly into a building), except underground levels which may be exited by pedestrians directly into a building.

c. Facade Design
   i. Unless set back by space designed for occupancy by non-parking uses, the facade of any story of a building occupied by motor vehicle parking must be designed as follows:
      a). Fenestration must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
      b). The facade must include fenestration designed to appear as windows for between fifteen percent (15%) and fifty percent (50%) of the wall area of each floor.
      c). Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
      d). The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.

13.2.1 Development Review

a. The development of any ~~civic space~~thoroughfare requires Site Plan Approval followed by a ~~Civic Space~~ Streetscape Construction Permit, in accordance with Chapter 15: Administration, and is exempt from Chapter 11, Article II, Section11-33 (b) of The Code of Ordinances, City of Somerville, Massachusetts.

15.1.5 ~~Development Review~~ Application Submittal

a. Purpose

i. To provide the Building Official or review board with all of the information necessary to ~~determine if a development proposal is permitted or necessitates the need for additional development review in accordance with~~ carry out their responsibilities and authority established by this Ordinance.

b. Submittal

i. ~~Development review a~~Applications must include all necessary information and submittal materials required by the Building Official and ~~Review~~ review ~~Boards~~boards.

~~i.~~ii. The Building Official shall make all application submittal requirements available to the public on the City website.

a). Applicants must demonstrate ownership or site control of a development site through one or more of the following:

i). Fee ownership or consent of the fee owner of a parcel;

ii). Leasehold interest;

iii). An easement agreement;

iv). An option to purchase or lease; or v). A Land Disposition Agreement with the Somerville Redevelopment Authority pursuant to a Revitalization Plan and the provisions of 760 CMR 12.05.

c. Completeness

i. ~~A development review~~An application is not considered complete until all necessary information has been supplied by the Applicant and all fees have been paid, including fees for costs incurred by the City for public notice.

ii. Upon written request by an Applicant, the review board may, in its discretion, waive any of the information ~~required when~~ it requires for ~~applying for development review~~application submittal.

iii. ~~Completed a~~Applications will be scheduled for a public hearing, publicly noticed, or administratively evaluated as indicated for each type of discretionary or administrative permit.

~~iv. Incomplete applications will not be reviewed, will not be publicly noticed, will not be scheduled for a public hearing.~~

~~v.~~iv. If an application reaches a public hearing and the review board deems the submittal incomplete, the board shall do one (1) of the following:

a). deny the application;

b). allow the Applicant to withdraw the application without prejudice according to §15.1.5.d. Withdrawal; or

c). allow the Applicant waive the procedural time requirements according to §15.1.8.d Continuance.

d. Withdrawal

i. An application may be withdrawn without prejudice at any time prior to the issuance of the public notice advertising the development review public hearing where the application will be reviewed.

ii. Once the public notice advertising a development review public hearing has been issued, a request to withdraw an application can be granted only by a four-fifths majority of the review board.

iii. Upon request to withdraw without prejudice, the review board has the option to do one of the following:

a). approve a request to withdraw without prejudice; or

b). deny the request and proceed to evaluate the application based on the merits of the information submitted.

iv. Applications withdrawn prior to public notice are not eligible for a refund of fees.

e. Repetitive Applications

i. A denied development review application will not be reconsidered for a minimum of two (2) years from the date final action was taken by the review board unless the review board determines, in accordance with M.G.L. Chapter 40A Section 16, that specific and material changes in the conditions upon which the prior denial was based, including, but not limited to, substantial new evidence or a significant mistake of law or of fact, justifies reconsideration of the application.

ii. If the development review application is resubmitted earlier than two (2) years from the date of final action, the development review application must include a detailed statement of the evidence justifying its reconsideration.

iii. The review boards shall not regard the re-submittal of development review applications withdrawn without prejudice as a repetitive application.

15.2 DISCRETIONARY PERMITS

Contents:

15.2.1 Special Permit
15.2.2 Master Plan Special Permit
15.2.3 Hardship Variance
15.2.4 Plan Revision

15.2.1 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 Building Official may not issue a 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 Submittal
      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
   ii. The following additional review procedures are required prior to Step 1: ~~Development Review~~ Application Submittal 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~~ or 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.

~~ii.~~iii. The review board may subsequently remove conditions or limitations attached to any Special Permit subject to the review procedures of §15.2.1.d.

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 in interest 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.

15.2.2 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 Submittal
      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
   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 Services, 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 Master Plan 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.

~~iv.~~v. The review board may subsequently remove conditions or limitations attached to any Master Plan Special Permit subject to the review procedures of §15.2.2.d.i.c) through §15.2.2.d.i.i).

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 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 in interest 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.

15.2.3 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 Building Official may not issue a 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.
   iii. 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 Submittal
      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
   ii. The following steps may be required prior to Step 2: Development Review Application 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.

~~ii.~~iii. The review board may subsequently remove conditions or limitations attached to any Hardship Variance subject to the review procedures of §15.2.3.d.i.b) through §15.2.3.d.i.h).

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

i. Hardship Variances remain valid for one (1) year from the date the decision is made by the Zoning Board of Appeals, not the date that the decision is filed with the Office of the City Clerk, excluding any time required awaiting the decision of an appeal.

ii. Upon written request by an Applicant, the Zoning Board of Appeals may, in its discretion, extend the time period that a Hardship Variance remains valid for up to six (6) months.

iii. Requests for extension of a Hardship Variance must be submitted to the Office of the City Clerk on the appropriate forms provided by the Building Official.

i. Appeals

i. An aggrieved party in interest 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 according to the procedures of §15.5.3. Judicial Appeal.

15.2.4 Plan Revision

a. Purpose

i. Plan revision allows an Applicant to revise the nature of a development review application that is subject to a previously approved Discretionary or administrative permit.

b. Applicability

i. Revisions to a previously approved development review application may be submitted by an Applicant in accordance with the provisions of this Section.

c. Authority

i. The Director of Planning & Zoning is the decision making authority for a Plan Revision.

d. Procedure

i. The following review procedures are required:

a). Step 1: Pre-Submittal Meeting

b). Step 2: ~~Development Review~~ Application Submittal

ii. Within fourteen (14) days after revision to a previously approved development review application, the Director of Planning & Zoning must review the application and determine if the proposed revision is de minimis or significant enough to be considered a major amendment to the original proposal.

iii. Upon a determination that the proposed revision is de minimis, the Director of Planning & Zoning will approve or deny the proposed revisions in writing.

iv. Upon a determination that the proposed revision is a major amendment, the Director of Planning & Zoning shall notify the Applicant, in writing, and forward the revised application to the designated review board as a revision to a previously approved development review application.

e. Review Criteria

i. The Director of Planning & Zoning may determine the proposed revision is de minimis upon finding that the revised application:

a). Does not contravene the previously published public notice, any finding, or attached condition made by the review board for the original development review application;

b). Does not detrimentally impact matters of substance identified in the meeting minutes of the original public meetings or public hearings;

c). Features changes that are insignificant to the degree that persons familiar with the original application would not notice a substantial change in operational or built outcome.

ii. When considering a revision to a previously approved development review application, the review boards shall limit their review to only the changes to the previously approved application.

f. Conditions

i. The Director of Planning & Zoning may attach conditions and limitations that are deemed necessary in order to ensure compliance to a de minimis revised development review application.

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. Appeals

i. An aggrieved party in interest may appeal the decision of the Director of Planning & Zoning according to the procedures of §15.5.2. Administrative Appeal.

15.3 ADMINISTRATIVE PERMITS

Contents:

15.3.1 Subdivision Plan Approval
15.3.2 Site Plan Approval
15.3.3 ~~Thoroughfare~~Streetscape Construction Permit
15.3.4 Civic Space Permit
15.3.5 Building Permit

15.3.1 Subdivision Plan Approval

a. Purpose
   i. Subdivision Plan Approval certifies that a final plat plan showing the division(s) of a parcel of land into new lots and the thoroughfares that provide access to them conforms to the provisions of this Ordinance.
   ii. The Subdivision Plan Approval process provides Applicants with the opportunity to submit a preliminary plat plan to identify potential issues and the need for waivers prior to the submittal of a more detailed final plat plan.

b. Applicability
   i. Per Chapter 288 of the Acts of 1993, the provisions of M.G.L. 41, 81K through 81GG, inclusive, do not apply to the City of Somerville.
   ii. No person shall subdivide any land within the City of Somerville, proceed with the improvement or sale of lots, construct thoroughfares, install utility services, or undertake preliminary site preparation, such as clearing of land or excavation, in a development site requiring Subdivision Plan Approval until a final plat plan has been submitted to, approved, and endorsed by the designated review board and recorded in the Registry of Deeds or Land Court in accordance with the provisions of this Article.
   iii. Granting of a Subdivision Plan Approval authorizes a property owner to file legal documents related to the subdivision of real estate within the city of Somerville with the Registry of Deeds or Land Court.
   iv. Subdivision Plan Approval does not apply to lot splits, lot mergers, and lot line adjustments.

c. Authority
   i. The Planning Board is the decision making authority for a Subdivision Plan Approval.

d. Procedure
   i. Subdivision Plan Approval requires a two (2) stage permitting process that requires the submittal of a preliminary plat plan as a prerequisite to submittal of a final plat plan.
   ii. The following review procedures are required for preliminary plat approval:
      a). Step 1: Pre-Submittal Meeting
      b). Step 2: ~~Development Review~~ Application Submittal
      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
   iii. The following review procedures are required for final plat approval:

a). Step 1: Draft & Submit Final Plat

b). Step 2: Planning Board Approval

c). Step 3: Certification of Decision

iv. The review procedures required for a Subdivision Plan Approval may, at the discretion of the Review Board, be conducted simultaneously with the review procedures required for other discretionary or administrative permits.

e. Review Criteria

i. The Planning Board shall approve an application for Subdivision 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). Considerations indicated elsewhere in this Ordinance for the required Subdivision Plan Approval.

ii. When considering a revision to a previously approved development review application that required a Subdivision 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 to the Board's findings and the standards for granting of a Subdivision 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.

~~ii.~~iii. The review board may subsequently remove conditions or limitations attached to any Special Permit subject to the review procedures of §15.3.1.d.i.b) through §15.3.1.d.i.g).

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 in interest may appeal the decision of the Planning Board according to the procedures of §15.5.3. Judicial Appeal.

15.3.2 Site Plan Approval

a. Purpose
   i. Site Plan Approval is the administrative review and approval of a development review application that is conforming to the provisions of this Ordinance to 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. The Building Official may not issue a 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 Submittal
      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
   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.

~~ii.~~iii. The review board may subsequently remove conditions or limitations attached to any Site Plan Approval subject to the review procedures of §15.3.2.d.i.e) through §15.3.2.d.i.k).

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 in interest may appeal the decision of the Planning Board according to the procedures of §15.5.3. Judicial Appeal.

15.3.3 ~~Thoroughfare~~Streetscape Construction Permit

a. Purpose

i. A ~~Thoroughfare~~Streetscape Construction 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~~Streetscape Construction Permit has been issued by the City Engineer.

ii. The City Engineer may not issue a ~~Thoroughfare~~Streetscape Construction 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~~Streetscape Construction Permits.

d. Procedure

i. Within thirty (30) days after receiving a completed application for a ~~Thoroughfare~~Streetscape Construction 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~~Streetscape Construction 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 in interest 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.

15.3.4 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 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 in interest 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.

15.3.5 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 for development if construction documents do not accurately reflect the following:
      a). any development plan documentation submitted as part of a development review application; and
      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
   i. Within thirty (30) days after receiving a completed application for a Building Permit, the Building Official 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 Building Permit and continue towards completion in a continuous and expeditious manner for the permit to remain valid.

f. Inspections
   i. Submittal of a Building Permit application provides consent, by the Applicant, for the Building Official, or their designee, to enter upon private real property to conduct routine inspections as needed.

g. Appeals
   i. Any aggrieved party in interest may appeal an interpretation, order, requirement, direction, or failure to act by the Building Official according to the procedures of §15.5.2. Administrative Appeal.
   ii. Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by the Building Official according to the procedures of §15.5.1. Building Code Appeal.

15.4 CERTIFICATES

Contents:

15.4.1 Certificate of Occupancy
15.4.3 Written Interpretation

15.4.1 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 final certificate of occupancy for 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
      c). conditions attached to any discretionary or administrative permit.
   iii. Development is not considered complete until a final Certificate of Occupancy is issued.

c. Authority
   i. The Building Official reviews and approves all applications for a Certificate of Occupancy.

d. Procedure
   i. The approval or denial of a certificate of occupancy application is conducted administratively.
   ii. Within ten (10) days after final inspection for a certificate of occupancy, the Building Official shall issue such certificate, or transmit, in writing, the reasons for failure to issue such certificate to the Applicant.

e. Inspections
   i. Submittal of a Certificate of Occupancy application provides consent, by the Applicant, for the Building Official to enter upon private real property to conduct inspections, as needed, until such Certificate is issued.

f. Appeals
   i. Administrative Appeal
      a). Any aggrieved party in interest may appeal an interpretation, order, requirement, direction, or failure to act by the Building Official in accordance with the procedures of §15.5.2. Administrative Appeal.
   ii. Building Code Appeal
      a). Any aggrieved party may appeal an interpretation, order, requirement, direction, or failure to act by the Building Official according to the procedures of §15.5.1. Building Code Appeal.

15.4.3 Written Interpretation

a. Purpose
   i. A written interpretation is a formal explanation or clarification of the regulations of this ordinance as applied to specific cases.

b. Applicability
   i. A written interpretation may be requested by the public only for a pending application for development review.
   ii. The Building Official may issue, update, or amend a written interpretation at their own initiative, without petition from the public.
   iii. A written interpretation does not require the Building Official or any review board to reach a particular decision for any application for development review if the facts of the application, property, location, or character of the development proposal differ from those stated or assumed in a previously issued written interpretation.
   iv. Written interpretations must be consistent with the intent and purpose of this Ordinance and may not contradict or override any provision of this Ordinance or any other City Ordinances.
   v. The Building Official shall update or amend any written interpretation substantive to the findings of any administrative and judicial appeal.

c. Authority
   i. The Building Official issues written interpretations.

d. Procedure
   i. The issuance of a written interpretation is conducted administratively.
   ii. Within thirty (30) days after receiving a petition for a written interpretation, the Building Official must:
      a). review the specific provision or provisions to be interpreted and the facts of the specific situation concerning the request for an interpretation;
      b). issue, in writing, meaningful explanation or clarification of the provision in question;
      c). file the written interpretation with the Office of the City Clerk; and
      d). post the written interpretation on the City website.
   iii. The Building Official may require further facts and information as are, in their judgment, necessary to provide a meaningful interpretation of the provision in question.

e. Appeals
   i. Administrative Appeal
      a). An aggrieved party in interest may appeal the decision of the Building Official in accordance with the procedures of §15.5.2. Administrative Appeal.

15.5 APPEALS

Contents:

15.5.1 Building Code Appeal
15.5.2 Administrative Appeal
15.5.3 Judicial Appeal

15.5.1 Building Code Appeal

a. Purpose

   i. A building code appeal is a petition to rectify an interpretation, order, requirement, direction, or failure to act by the Building Official when an alleged error or misinterpretation has been made in the enforcement or application of the State Building Code (780 CMR).

b. Procedure

   i. Building code appeals must be filed with the State Building Code Appeal Board in accordance with the procedures set forth in M.G.L. Title XX, Chapter 143, Section 100, as amended.

15.5.2 Administrative Appeal

a. Purpose

i. An administrative appeal is a petition to rectify a failure to act, denial of a permit, decision made, or enforcement action taken by the Building Official or Director of Planning & Zoning in an administrative development review case when an alleged error or misinterpretation has been made in the enforcement or application of the provisions of this Ordinance.

b. Authority

i. The Zoning Board of Appeals reviews and decides all administrative appeals.

c. Procedure

i. Administrative appeals must be filed with the Office of the City Clerk within twenty (20) days after notice is served of an interpretation, order, requirement, direction, or failure to act by the Building Official or the filing of the decision of a review board.

ii. The following review procedures are required:

a). Step 1: ~~Development Review~~ Application Submittal

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

d. Judicial Appeal

i. An aggrieved party may appeal the decision of the Zoning Board of Appeals according to the procedures of Section 15.3. Judicial Appeal.