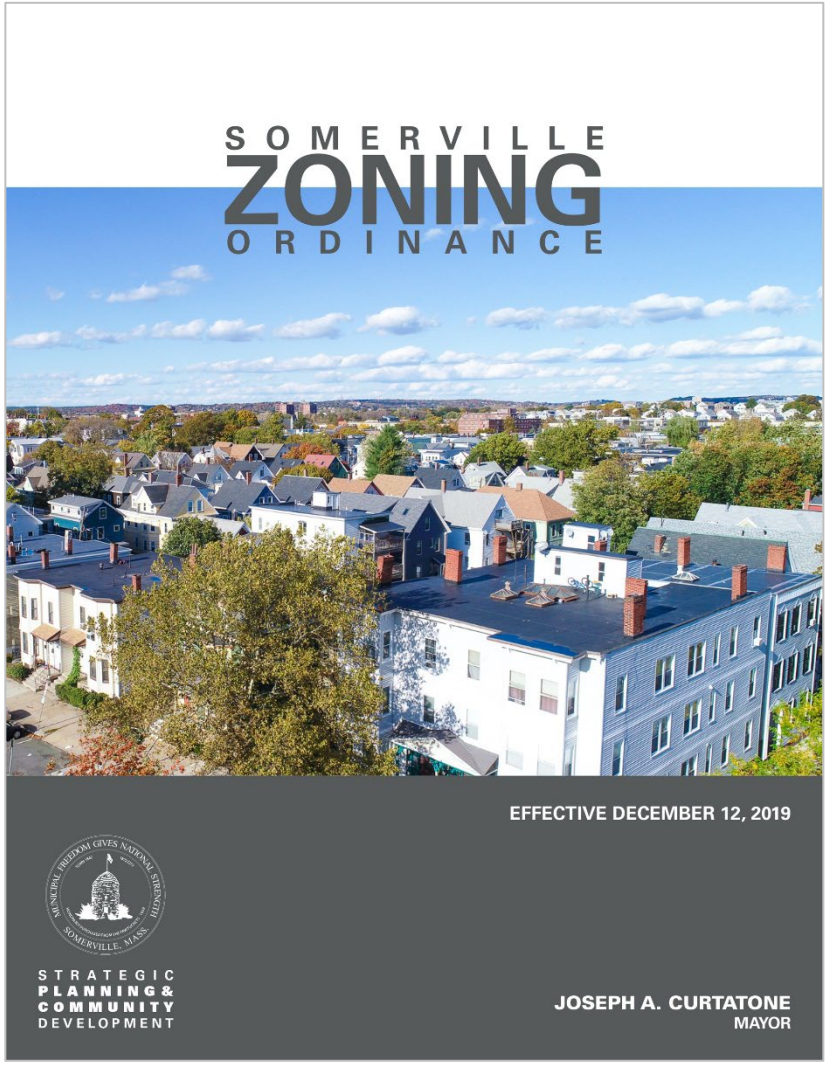
LAND USE COMMITTEE

October 6, 2022

www.somervillezoning.com



Presentation Topics

1. **Zoning Amendments**
2. **MBTA Communities**

Zoning Amendments

22-1431 Ground Story Commercial Spaces Fronting a P-Street

Adding additional permitted uses.

22-1430 Pre-Existing, Non-Conforming Commercial Buildings in NR & UR

Adding additional permitted uses.

Both Amendments

New formatting of the District use tables.

Current Table Format

13. 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 9 apply.
   ii. Unless otherwise specified, USE categories are permitted as specified on Table 4.1.13. USE categories that are not identified on Table 4.1.13 are prohibited.
   iii. All USES must comply with any USE-specific standards applicable for each USE in §9.2 USE Definitions & Limitations.
   iv. USES permitted by Special Permit require additional DEVELOPMENT review in accordance with §15.2.1 Special Permits.

b. Permitted Use Limitations
   i. Occupancy of a ground story commercial space fronting a pedestrian street is permitted as specified in parentheses on Table 4.1.13 Permitted Uses.

Table 4.1.13 Permitted Uses

Use Category Specific Use	MR3
Arts & Creative Enterprise	
Artisanal Production	P (P)
Arts Exhibition	P (P)
Arts Sales & Services	P (P)
Co-working	P (P)
Design Services	P (P)
Shared Workspaces & Arts Education	P (P)
Auto-Oriented	
Recharging Station	P
Cannabis Establishment	
Cannabis Cultivation	P
Cannabis Retail Sales	SP (SP)
Cannabis Research & Development	P

New Table Format

13. 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 9 apply.

ii. Unless otherwise specified, USE categories are permitted as specified in the first column on Table 4.1.13.

iii. Use categories that are not identified on Table 4.1.13 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. Permitted Use Limitations

i. Occupancy of a ground story commercial space fronting a pedestrian street is permitted as specified in ~~parentheses~~ the second column on Table 4.1.13 ~~Permitted Uses~~.

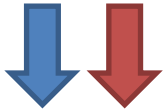


Table 4.1.13 Permitted Uses

Use Category Specific Use	1	2
Arts & Creative Enterprise		
Artisanal Production	P	P
Arts Exhibition	P	P
Arts Sales & Services	P	P
Co-working	P	P
Design Services	P	P
Shared Workspaces & Arts Education	P	P
Auto-Oriented		
Recharging Station	P	N
Cannabis Establishment		
Cannabis Cultivation	P	N
Cannabis Retail Sales	SP	SP
Cannabis Research & Development	P	N
Cannabis Testing Laboratory	P	N

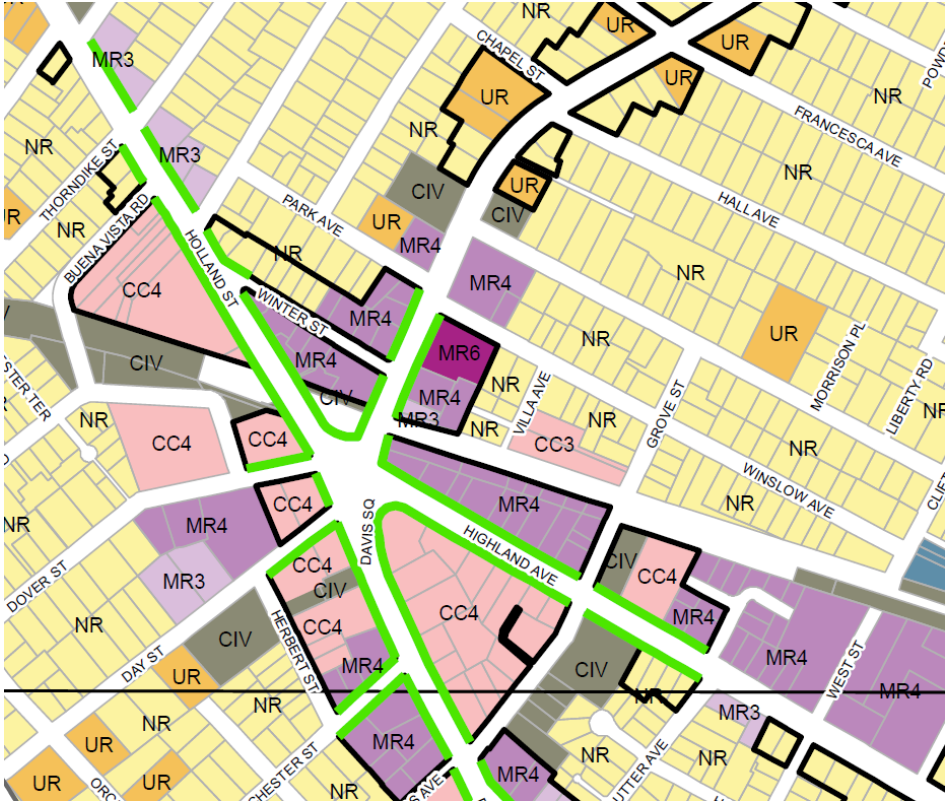
Where did this all begin?

Veterinarians

Table 4.1.13 Permitted Uses (continued)

Use Category Specific Use	MR3
Commercial Services	
Animal Services (as noted below)	--
Commercial Kennel	SP
Pet Grooming	P
Pet Daycare & Training	SP
Veterinarian	SP

No (P) or (SP) means NOT permitted on a P-Street



Where did this all begin?

Veterinarians

b. Adaptive Re-Use of Specific Buildings
   i. The USE of any PRINCIPAL BUILDING constructed before the adoption date of this Ordinance for a non-residential USE that is considered nonconforming in the Neighborhood Residence district, as established by permit records or other historical documents accepted by the BUILDING OFFICIAL, or any BUILDING USED for municipal operations by the City of Somerville may be changed to any USE within the following PRINCIPAL USE categories in accordance with Table 3.1.16:
      a). ARTISANAL PRODUCTION;
      b). Arts Sales & Services;
      c). Design SERVICES;
      d). Shared Workspace & Arts Education;
      e). CONSUMER GOODS; or
      f). Fresh Food Market or Grocery.

Animal Services Comparison

Table 4.1.13 Permitted Uses (continued)

Use Category Specific Use	MR3
Commercial Services	
Animal Services (as noted below)	--
Commercial Kennel	SP
Pet Grooming	P
Pet Daycare & Training	SP
Veterinarian	SP

Personal Services (except as noted below)	P (P)
Body-Art Services	P (P)
Fitness Services	P (SP)
Funeral Services	SP
Health Care Services	SP (SP)

Commercial Space fronting a P-Street (22-1341)

Table 4.1.13 Permitted Uses (continued)

Use Category Specific Use	1	2	
Commercial Services			(Existing)
Animal Services (as noted below)	--	--	
Commercial Kennel	SP	N	(N)
Pet Grooming	P →	P	(N)
Pet Daycare & Training	P	N	(N)
Veterinarian	P →	SP	(N)

Existing Commercial Buildings in NR & UR (22-1430)

b. Adaptive Re-Use of Specific Buildings
   i. The USE of any PRINCIPAL BUILDING constructed before the adoption date of this Ordinance for a non-residential USE that is considered nonconforming in the Neighborhood Residence district, as established by permit records or other historical documents accepted by the BUILDING OFFICIAL, or any BUILDING USED for municipal operations by the City of Somerville may be changed to any USE within the following PRINCIPAL USE categories in accordance with Table 3.1.16:
      a). ARTISANAL PRODUCTION;
      b). Arts Sales & Services;
      c). Design SERVICES;
      d). Shared Workspace & Arts Education;
      e). CONSUMER GOODS; or
      f). Fresh Food Market or Grocery.

DO NOT
ENTER

North Star Rental Systems, Inc.
UNIFORMS • LINENS
NO PARKING
8AM-6PM

ALLEN
PERMIT
PARKING
ONLY

121-123

T.C. AUTO EXCHANGE
USED AUTO PARTS AND USED CARS
176-178 TREMONT STREET
(617) 666-2228

Somerville Family Practice
1020
SAFETY ZONE
SPEED LIMIT
20
Google

DINO'S
Auto Center
857-23737-9207
OPEN
308
OIL CHANGE
TRANSMISSION
BRAKES
MUFFLE
TUNE-UP
FRONT EXD
BRAKES
OIL CHANGE
MUFFLERS
ENGINE
SUSPENSION

BEER &
FINE WINES
617-776-8797
Y-NOT VARIETY
GROCERIES
OPEN SUNDAY
COLD CUTS
Y-NOT
OPEN
ATM

Existing Commercial Buildings in NR & UR (22-1430)

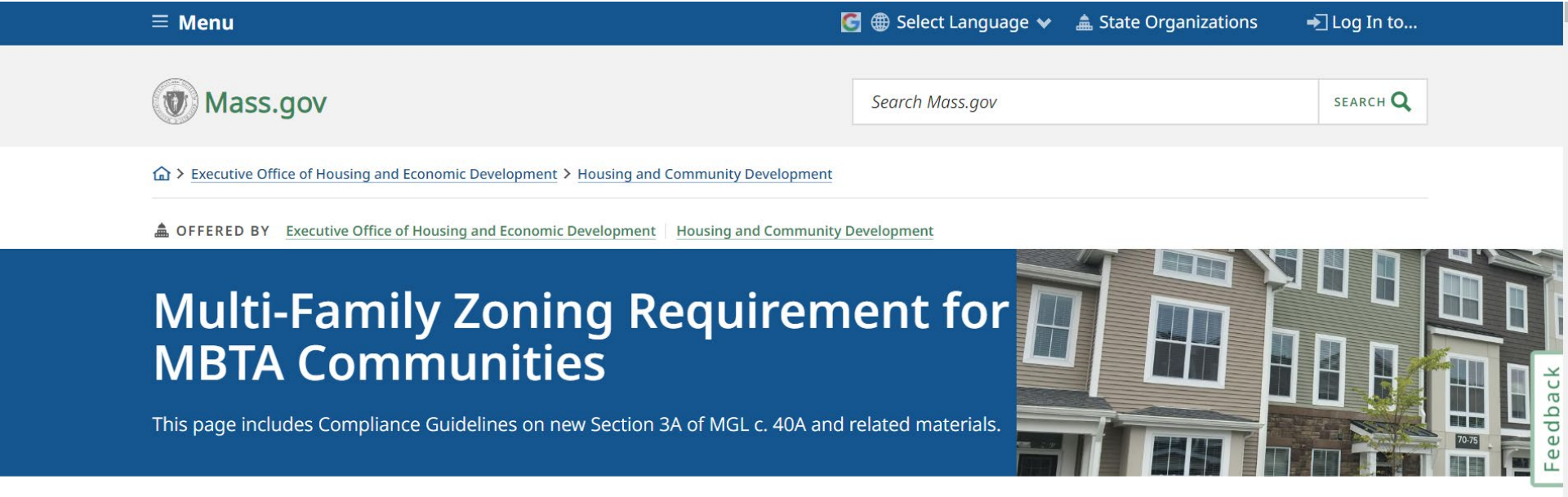
b. Adaptive Re-Use of Specific Building Types
   i. The use of any ~~principal building~~ commercial building type constructed before the adoption date of this Ordinance ~~for a non-residential use that is considered nonconforming in the Neighborhood Residence district~~, as established by permit records or other historical documents accepted by the Building Official, ~~or any building used for municipal operations by the City of Somerville may be changed to any use within the following principal use categories in accordance with~~ is permitted only as specified in the second column of Table 3.1.16. The following standards apply:
      a). Business operations are permitted only between the hours of 7:00am to 9:00pm.
      b). In addition to the review criteria for all Special Permits specified in §15.2.1.e. Review Criteria, the review board shall make findings considering the following in its discretion to approve or deny a special permit authorizing a Veterinarian or Health Care Services specific use to occupy a commercial building.
         i). The existing concentration of same uses within the neighborhood.
         ii). The availability of the same services within the neighborhood.
         iii). The availability of comparable commercial spaces within the neighborhood.

Commercial Services		
Animal Services (as noted below)	--	--
Commercial Kennel	N	N
Pet Grooming	N →	P
Pet Day Care or Training	N	P
Veterinarian	N →	SP
Day Care Service (as noted below)	--	--
Child Day Care Center	P	P
Personal Services (except as follows)	N →	P
Body Art Services	N	P
Fitness Services	N	P
Funeral Services	N	N
Health Care Services	N →	SP

MBTA Communities Discussion #2

Updated DHCD Compliance Guidelines - August 10, 2022

https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities



MBTA Communities Discussion #2

Technical Assistance for Municipalities

TOP

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Section 3A Guidelines Webinar

Thursday, September 8, 2022, 1PM

This webinar covers an overview of the Section 3A legislation, key changes made from draft to final guidelines, and a description of the compliance model that will be used to estimate multi-family unit capacity and density in 3A-zoning districts.

Download the presentation for the webinar: MBTA Communities Webinar Slide 9.8.22

MBTA Communities Discussion #2

Updated DHCD Compliance Guidelines

Text of 40A Sec. 3A

1. At least 1 zoning district
2. *Reasonable size*
    a. *Gross density* of 15 du/acre
    b. within 0.5 miles of T station
3. Multi-unit housing permitted "*by-right*"
4. No age restrictions
5. *Suitable for families*

DHCD Guidelines

1. Reasonable Size
    a. Minimum land area
        a. Less of 50 ac. or 1.5% of developable area (24 ac.)
        b. 50% contiguous
    b. Minimum Unit Capacity
        a. 25% of existing dwelling units (9,067 du)
2. Gross Density
    a. No prohibitive dimensional or parking requirements
3. By-Right
    a. No discretionary approval (SP, waivers, etc.)
    b. No affordability requirement over 10%
        a. Units must be priced at 80% AMI
    c. No required commercial uses (mixed use; ground story)
    d. No higher energy efficiency standards or 3rd party certifications (LEED or Passive House)
4. Suitable for Families
    a. No restrictions on size of units, number of bedrooms, size of bedrooms, age of occupants, minimum age of occupants, or number of occupants

MBTA Communities Discussion #2

Compliance Deadlines

Submit Action Plan	January 31, 2023
Submit District Compliance Application	December 31, 2023

An MBTA community that fails to comply with DHCD's standards is not be eligible for funds from the following major MA State grant programs:

- Housing Choice Initiative
- Local Capital Projects Fund
- MassWorks Infrastructure Program