

Introduction

The City Council Zoning and Planning Committee (ZAP) kicked-off the project to revise Newton’s Zoning Ordinance for village center commercial centers in early 2021. The second draft zoning ordinance below, “version 2.0,” represents the continued collaborative effort with the City Council, City staff, urban design & economic development consultants, and the Newton Community.

Why is this necessary? While Newton has a strong foundation of diverse and dynamic village centers, the current zoning one-size-fits-all format does not recognize this. This draft set of zoning rules, along with the version 1.0 zoning maps, build upon the successes and uniqueness of each village center, while also guiding development that addresses our current and future needs. In other words, the zoning is the technical tool that supports the community vision like helping small businesses thrive, responding to climate change, developing more diverse & affordable housing, and creating more communal & active spaces.

Commented [ML1]: I am assuming that this entire Introduction will be removed from the proposed ordinance since it is opinion, not directive.

How to read this document

Like the draft maps, the draft zoning ordinance is intentionally meant to be reviewed and updated. This is also a working document. Some items may not be fully resolved and other items may require further refinement in advance of a vote to adopt this zoning ordinance.

Commented [ML2]: Again, this section should be removed.

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Village Center Overlay District (VCOD)

1. Applicability.

1.1. General

- A. The provisions of Article # shall apply to all real property within a defined Overlay District as shown on the Newton Zoning Map. The provisions of the Overlay District will modify the form, location, and use of buildings by applying special dimensional, use, and other standards in a variety of areas in the City tailored to those specific areas and relevant policy objectives. Compliance with the Overlay District provisions may be voluntary or required based on the following criteria:
 - 1. Where a building permit for development of a lot, or any portion thereof, under the provisions and standards of the Overlay District has not been previously issued by the city, future development on the lot may occur either in accordance with the underlying zoning district or the Overlay District. Submittal for an Overlay District development application shall be voluntary.
 - 2. Where an Overlay District development application has been previously submitted and a building permit has been issued pursuant to such application for development activity for a given lot, or any portion thereof, any future development on the lot shall be subject to the provisions and standards of the Overlay District.
- B. Conflicts. If a site is subject to the provisions and standards of the Overlay District, and where conflicts exist between the Overlay District and any other provision of the City of Newton Zoning Ordinance, the provisions and standards of the Overlay District shall take precedence and apply.

2. Village Center Overlay District (VCOD)

2.1. District Intent.

- A. Allow the development of buildings and uses appropriate to Newton's village centers, areas immediately adjacent to village centers, and transit-rich areas, in a manner that aligns with the vision of the City's Comprehensive Plan and other policy documents.
- B. Encourage development that fosters compact, pedestrian-oriented villages with a diverse mix of residences, shops, offices, institutions, and opportunities for entertainment.
- C. Allow sufficient density and intensity of uses to promote a lively pedestrian environment, public transit, and variety of businesses that serve the needs of the community.
- D. Expand the diversity of housing options available in the City.
- E. Promote the health and well-being of the community by encouraging physical activity, use of alternative modes of transportation, and creating a sense of place.

Commented [ML3]: "Transit-rich" is an opinion and does not belong in this document. Nor is it a defined term.

Commented [ML4]: This proposal is not consistent with the current version of the Comprehensive Plan. Either the Plan needs to be amended or this section needs to be deleted.

Village Center Overlay District (VCOD)

F. Facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.

Commented [ML5]: The MBTA Communities Act and this plan are two distinct items. We can comply with the Act without enacting the Village Center Overlay District. Therefore, this should be removed.

2.2. District Purpose.

The Village Center Overlay District (VCOD) has been divided into four (4) distinct tiers of districts:

- A. Multi Residence Transit (MRT). The MRT District facilitates new, small-scale, multi-family buildings similar in size to the surrounding residential neighborhoods and the preservation of existing homes through conversion to multiple units. This district acts as a transition between the mixed-use cores of village centers and surrounding residential neighborhoods.
- B. Village Center 1 (VC1). The VC1 District facilitates small- to medium-scale multi-family buildings given its location along major corridors and proximity to amenities, mixture of uses, and transit options found in Newton’s village centers. This district acts to link certain village centers and allows for neighborhood serving retail along key corridors and intersections.
- C. Village Center 2 (VC2). The VC2 District facilitates mixed-use and residential development of moderate scale. This district serves as the core of some village centers and as a transition district for other village centers. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood as well as the larger Newton Community.
- D. Village Center 3 (VC3). The VC3 District facilitates mixed-use development of moderate- and large-scale. This district serves as the core commercial zone of certain village centers, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground story active uses address the needs of residents and employees in the immediate neighborhood, the larger Newton Community, and regional visitors.

Commented [ML6]: Community should not be capitalized.

2.3. Definitions

In addition to the definitions found in Article 8 Definition, the following definitions apply.

- A. Awning. A roof-like covering of canvas or other material attached to a metal or other frame and supported entirely from a building or other structure.
- B. Balcony. An unenclosed platform with a railing that provides outdoor amenity space on upper stories.
- C. Basement. See Section 1.5.4.D.
- D. Bay. A Bay is a window assembly extending from the main body of a building to permit increased light, provide multi-direction views, and articulate a building wall. Two Bays can connect around corners.
- E. Bicycle Parking, Long-Term. Accommodations for the parking of a bicycle for two (2) or more hours.

Commented [ML7]: None of these statements of purpose are necessary. Moreover, active uses in VC2 can, and should, be attractive to those outside of Newton. Indeed, it is those types of iconic businesses that we want to foster.

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- F. Bicycle Parking, Short-Term. Accommodations for the parking of a bicycle for less than two (2) hours.
- G. Building Footprint Area. Area of the largest above grade floor of the building as measured to the exterior faces of the walls, including decks that extend more than 8' from the building face.
- H. Development. The construction or modification of any principal building type, accessory building type, or other structure; and the establishment, change, or expansion of any use of any structure or land.
- I. Facade Build Out Ratio. The ratio of the width of the entire Front Elevation to the Lot Width along the Primary Front Lot Line.
- J. Frontage Area. The area of a lot between the building facade(s) and any front lot line(s), extending fully to each side lot line(s).
- K. Front Elevation. The exterior wall of a building oriented in whole or in part toward the public right of way.
- L. Furnishing Zone. The portion of the sidewalk between the curb and the walkway that is used for street trees, landscaping, transit stops, street lights, and site furnishing.
- M. Lot Line. See Section 1.5.2.A.
- N. Lot Line, Front. The lot line abutting a street or right of way.
- O. Lot Line, Side. Any lot line other than a front or rear lot line.
- P. Lot Line, Rear. Any lot line which is parallel to or within forty-five (45 degrees) of being parallel to a front lot line, unless that lot line is a side lot line of an abutting lot.
- Q. Lot Width. The length of the front lot line of a lot.
- R. Mixed-Use Priority Street. A portion of a street that requires ground story active uses within the VCOD tiers as shown on the Newton Zoning Map.
- S. Open Space, Usable. See definition in Article 8.
- T. Party Wall. A wall separating two attached buildings.
- U. Primary Front Lot Line. The lot line abutting a street or right of way. Where there are multiple lot lines abutting streets or rights of way, the Primary Front Lot Line shall be the one the main entrance faces. Where there are multiple lot lines abutting streets or rights of way and the main entrance does not face a street or right of way, the Primary Front Lot Line shall be determined by the Commissioner of Inspectional Services or their designee.
- V. Principal Entrance. The addressed entrance to a building or commercial space.
- W. Residential District. Residential districts include lots located in the Single Residence (SR), Multi Residence (MR), and Multi Residence Transit (MRT) zoning districts.
- X. Retaining Wall. See Sec. 5.4.2.A.
- Y. Screening. See Section #.
- Z. Step-Back. A recess of an upper story façade a set distance behind the façade of the story below.
- AA.Story. See Section 1.5.4.

Commented [ML8]: Eight feet is too big.

Commented [ML9]: Who owns the sidewalk – the city or the landowner (I think it is the former). Can we legally regulate sidewalk uses in this way (and maybe we can but we need to ask the questions).

Village Center Overlay District (VCOD)

BB. Story, Ground. The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.

CC. Story, Half. See VCOD Section 2.6.B.3

DD. Story, Upper. Any full story above the ground story of a building.

2.4. Development Review

A. Applicability.

- 1. The density and dimensional controls in Sec. # apply to all buildings, structures and uses in each of the listed VCOD tiers, except as expressly **excepted** in this VCOD ordinance.

Commented [ML10]: I think you need to use another word here.

B. Approval Process.

Development on any lot, by-right or by special permit, requires the submittal of development review materials as required in Article 7, except as modified herein. A pre-submittal discussion or meeting with the Planning Department, who shall consult with the Inspectional Services Department, is **recommended** for all development.

Commented [ML11]: Recommendations have no place in an ordinance. This should be stricken. It can be issued as a matter of guidance.

1. Special Permit is required for:

- i. Any Development in the Village Center 1, 2, and 3 tiers on a lot thirty-thousand (30,000) square feet or larger, except as modified through Adaptive Reuse (see Sec. #).
- ii. The construction of multiple buildings on a single lot in the Multi Residence Transit district (MRT), except as modified through Adaptive Reuse (see Sec. #).
- iii. The City Council is the granting authority for all development that requires a special permit, except as modified in this ordinance.

Commented [ML12]: This is too high a threshold. It should be somewhere between 10,000 – 15,000 feet.

2. Site Plan Review is required for:

- i. Any development in the Village Center 1, 2, and 3, and MRT) tiers on a lot twenty-thousand (20,000) square feet or larger but less than thirty-thousand (30,000) square feet, except as modified through Adaptive Reuse (see Sec. #).
- ii. The Planning Board is the granting authority for all development that requires Site Plan Review.

Commented [ML13]: I would eliminate this process entirely.

2.5. Dimensional Standards

A. Site Standards

VCOD	MRT	VC1	VC2	VC3	Definition List Standard ¹
Approval Process					
Special Permit					
–	Multiple buildings on a lot	Development on lots greater than or equal to 30,000 sf			
Site Plan Review					
Lot Size	Development on lots greater than or equal to 20,000 sf but less than 30,000 sf				
Usable Open Space					
Lots greater than 30,000 sf	30%	30%	5%	5%	
Building Setbacks					
Front (min.)					
–	10' or Average	10' or Average	0'	0'	
Side (min.)					
Abutting a Party Wall in a non-Residential District	7.5'	0'	0'	0'	
Abutting a building without a Party Wall in non-Residential District	7.5'	10'	0'	0'	
Abutting a Residential District	7.5'	15'	15'	15'	
Rear (min.)					
Abutting a non-Residential District	15'	15'	5'	5'	
Abutting a Residential District	15'				
Building Separation for Multiple Buildings on a Lot (min.)					

Commented [ML14]: In general, we do not need a VC3 concept, except in perhaps a few places.

Commented [ML15]: See above

Commented [ML16]: See above

Commented [ML17]: I need to have a better understanding of the implications of these dimensions before I can comment on them. Some examples would be helpful.

¹ Section references to be added as needed

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
–	15'	15'	25'	25'	
Facade					
Facade Build Out Ratio (min.)					
Facing a public right-of-way	N/A	75%, or Lot Width within side setbacks minus 15', whichever is less			
Parking Placement					
Parking Setbacks (min.)					
Facing a right of way		12'			
Not facing a right of way		4'			
-- = Not Allowed N/A = Not Applicable					

Commented [ML14]: In general, we do not need a VC3 concept, except in perhaps a few places.

B. Building Standards

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Building Massing					
Building Footprint (max.)					
–	1,500 sf	4,000 sf	10,000 sf	15,000 sf	
Building Height in Stories (max.)					
–	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	4.5	
Development within 50' of lot line abutting a Residential District	Pitched Roof: 2.5 Flat Roof: 2.0	2.5	3.5	3.5	
Pitched Roof, Building Height in Feet (max.)					
–	45'	45'	62'	75'	
Development within 50' of lot	45'	45'	62'	62'	

Commented [ML18]: See above regarding the need for a better understanding and examples.

Commented [ML19]: I object to the continued use of the half-story concept. These are not "half stories". They are top stories with slightly smaller dimensions.

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
line abutting Residential District					
Flat Roof, Building Height in Feet (max.)					
–	27'	40'	56'	69'	
Development within 50' of lot line abutting Residential district	27'	40'	56'	56'	
Ground Story Height in Feet (min.)					
Mixed-Use Priority Streets	N/A	15'			
All other Streets	N/A	12'	12'	12'	
Half-Story Height in Feet (max.)					
Flat Roof	12'				
Pitched Roof	18'				
Half-Story Step-Back in Feet (min.)					
Flat Roof	7' along all Lot Lines, see Sec. #				
Pitched Roof	N/A, see figure #				
Facade					
Ground Story Fenestration (min.)					
Mixed-Use Priority Streets	N/A	N/A	70%	70%	Commented [ML20]: How do you define "priority streets"?
All other Streets, non-residential use	N/A	N/A	50%	50%	
All other Streets, residential use	N/A	N/A	15%	15%	
Ground Story Active Use (min.)					
Mixed-Use Priority Streets	N/A	N/A	100%	100%	
Active Use Depth	N/A	N/A	25'	25'	
Articulation					

VCOD	MRT	VC1	VC2	VC3	Definition / Listed Standard
Length of continuous facade (max.)	100', see Sec. #				
Use and Occupancy					
Dwelling Units (min./max.)	3 / 4 except as modified through Adaptive Reuse (see Sec. #)	3 / N/A	3 / N/A	3 / N/A	
-- = Not Allowed N/A = Not Applicable					

Commented [ML21]: Please confirm that if a property is currently zoned SR1, 2 or 3 that there will be no prohibitions in building in that manner.

2.6. Development and Design Standards

A. Site Design Standards

This section provides the dimensional standards for lot improvements within the VCOD tiers, defines how to measure certain standards, and provides other requirements and information.

Commented [ML22]: As noted above, I need a better understanding of the implications of these rules, including examples.

1. Building Placement

- a. The Front Elevation must be built out to a percentage of the Lot Width as specified by the Facade Build Out Ratio in the Lot Standards for each VCOD tier.
 - i. The Facade Build Out Ratio may be met cumulatively by multiple buildings on a lot.
 - ii. Usable Open Space with Ground Story Active Uses is considered part of the building for the purpose of calculating the facade build out ratio.
- b. Buildings must be set back from any lot line abutting a sidewalk an additional distance so that at least twelve (12) feet in width is provided between the back of curb and exterior facade of the building, at all points. The area of the lot that is within twelve (12) feet of the curb shall be paved in compliance with the City's sidewalk standards.

2. Number of Buildings

- a. Multiple buildings are permitted on each lot by-right, except;
 - i. A special permit is required in the MRT district for multiple buildings on a lot, except as modified through Adaptive Reuse (see Sec. #).

Commented [ML23]: I do not think multiple buildings should be permitted without a special permit.

3. Building Separation

- a. Multiple buildings on a single lot must comply with the building separation distance at all points as specified in the Building Standards for each VCOD tier.

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- 4. Open Space and Public Realm
 - a. Development on lots 30,000 sf and greater must provide Usable Open Space as specified for each VCOD tier.
 - b. In the VC2 and VC3 districts, the Usable Open Space must be accessible to the public.
 - c. Buildings must provide shared Usable Open Space as exterior spaces (patio, roof deck, roof terrace, yard, forecourt, plaza) that maintain attractive landscaping where it enhances the public realm, environmental sustainability, and/or the appearance of the site.
- 5. Retaining Walls
 - a. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit.

Commented [ML24]: This threshold should be lower.

Commented [ML25]: Please define how that will be done.

Commented [ML26]: This is a completely subjective term. What is attractive to one person may be unattractive to another.

Commented [ML27]: Who will be deciding if these standards are met?

B. Building Design Standards

This section provides the dimensional standards for buildings within the VCOD tiers, defines how to measure certain standards, and provides other requirements and information.

- 1. Building Height
 - a. Buildings may not exceed the maximum building height specified for each building type. Building height is measured as defined in Section 1.5.4. Height.
- 2. Story Height
 - a. The Ground Story of a building must comply with the minimum story height requirements specified for each VCOD tier.
 - b. The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, or to the top of the highest roof beam if no finished floor is immediately above, at all points.
 - c. The height of a half story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.
- 3. Number of Stories
 - a. Buildings may not exceed the maximum number of stories as specified in the Building Standards for each VCOD tier.
 - b. The Ground Story is always counted as one (1) story, except that a single Ground Story eighteen (18) feet or greater in height is counted as two (2) stories.
 - c. Any Upper Story is counted as (1) additional story, except that any upper story sixteen (16) feet or greater in height is counted as two (2) stories;
 - d. Space located directly under a pitched roof is counted as a half (0.5)-story, provided the following standards are all met:
 - i. At least two (2) opposite roof planes are pitched toward each other.

Commented [ML28]: Why isn't this twelve feet?

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- ii. A pitched roof may be composed of roof planes with different slopes.
 - iii. The slope of any pitch must be no greater than 14:12 (49.4 degrees); otherwise, this story is counted as a full story.
 - iv. The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the half (0.5)-story; otherwise, this story is counted as a full story.
 - v. Dormers must comply with the requirements set forth in Sec. 1.5.4.G.
4. Half-Story Step-Back for Flat Roofs
- a. Required Step-Backs must be provided for all stories as specified in the Building Standards for each VCOD tier.
 - b. Buildings on any lot with a Lot Width of seventy (70) feet or less are exempt for the upper story Step-Back requirement along the Side Lot Line(s), except when abutting a Residential District the facade of the building facing the Residential District is not exempt from the upper story Step-Back requirement..
 - c. Buildings on any lot with an average lot depth less than seventy (70) feet are exempt from the upper story Step-Back requirement along the Rear Lot Line, except when the rear lot line abuts a Residential District.
5. Building Footprint
- a. Buildings must comply with the maximum Building Footprint as specified in the Building Standards for each VCOD tier.
 - b. Building Footprint includes all enclosed spaces whether for habitation or storage. Any parking area that is covered by a roof is included in the Building Footprint.
 - c. Portions of the building below the average grade and not visible from any right of way or adjacent lot line do not count towards the Building Footprint.
 - d. Bays, Awnings, and Balconies, do not count towards the Building Footprint. See Sec. # Architectural Features.
6. Affordable Housing
- a. Except as modified herein, the provisions of Section 5.11 Inclusionary Zoning shall apply in the VCOD.
 - b. Bonus. To increase the supply of affordable housing, beyond the requirements within Newton's Inclusionary Zoning Ordinance, the following building height and building footprint increases are allowed within the VC2 and VC3 districts by-right, subject to the requirements of Sec. 2.6.B.6.c.:

Commented [ML29]: Please provide examples so we can better understand the implications of this proposal.

Commented [ML30]: How is roof defined for this purpose?

Commented [ML31]: I do not support Option 2. I need a better understanding of Option 1.

Affordable Housing Bonus

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	Option 1		Option 2
	VC2	VC3	VC3
VCOD District	VC2	VC3	VC3
Building Height in Stories, (max.)	4.5	5.5	6.5
Pitched Roof, Building Height in Feet, (max.)	72'	84'	96'
Flat Roof, Height in Feet, (max.)	66'	78'	90'
Building Footprint, (max.)	12,500 sf	17,500 sf	17,500 sf

c. Standards

- i. To utilize the affordable housing bonus in the above table, a development must fully comply with the provisions of Section 5.11, except the number of inclusionary units required shall be as follows:

Number of Inclusionary Units Required				
Project Type	Option 1		Option 2	
	Rental	Ownership	Rental	Ownership
Tier 1 (# of units)	25%	25%	30%	30%
Tier 2 (# of units)	N/A	N/A	N/A	N/A
Area Median Income (AMI)	50-80%	80%	50-80%	80%

- ii. The portion of the building within 50' of a lot line abutting a Residential District may not increase the number of stories or height.
- iii. A VC3 lot adjacent to a VC1 or Residential District may not utilize Option 2.

7. Ground Story Active Uses

- a. Any lot with Mixed Use Priority Street frontage must also provide ground story Active Use space. The active use space must meet the depth requirement specified in each VCOD Tier, measured as the distance from the interior of the wall fronting on the Mixed Use

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Priority Street towards the interior of the building, for one hundred percent (100%) of the total width of the building. No more than thirty percent (30%) of the required active use space may be dedicated to semi-active accessory uses, as defined below.

Commented [ML32]: This seems too high. I would want to discuss further.

- b. Active Uses only include:
 - i. Retail
 - ii. Restaurant / bar / specialty food service
 - iii. Place of amusement
 - iv. Personal service
 - v. Gallery / arts studio
 - vi. Live/work space
 - vii. Community use space
- c. Semi-active accessory uses include: lobbies and common areas associated with office, hotel, or residential uses, and access to accessory parking.

8. Adaptive Reuse

- a. The reuse and revitalization of existing buildings, including historically significant buildings, within the VCOD tiers will benefit the general health and welfare of the Newton community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation.

Commented [ML33]: This language is not necessary.

- b. A building on a lot in the VCOD District must meet the following criteria to be eligible to be developed as an adaptive reuse development:
 - i. Buildings within the VC2 and VC3 tiers must have at least two (2) stories in height, and have been constructed prior to 1945 or determined to be historically significant by the Newton Historical Commission.
 - ii. Buildings within the MRT and VC1 tiers must have at least one-and-a-half (1.5) stories in height.

- c. A building on a lot in the VCOD District that meets the foregoing eligibility criteria may be developed as an adaptive reuse development, provided that a pre-development site survey with existing conditions prepared, stamped, and signed by a registered engineer or land surveyor is submitted with the required Overlay District development application.

- d. Notwithstanding anything to the contrary in the zoning ordinance, an existing building on a lot that qualifies as an adaptive reuse development in any of the VCOD tiers may utilize the following building standards:

Commented [ML34]: I need to better understand the implications of this proposal. Examples would be helpful.

- i. Additional height may be added to existing buildings; however the total height may not exceed the overall height or number of stories as specified in each VCOD tier.
- ii. There are no parking requirements.

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- iii. There are no open space requirements.
 - iv. New construction must meet minimum sidewalk width requirements; however existing buildings and portions of existing buildings are exempt.
 - v. Existing building side and rear setbacks that do not meet the minimums in Sec. # may remain. Alterations, enlargements, or reconstruction within the side or rear setbacks are not allowed, except as permitted under Section 7.8.
- e. Additional standards for buildings within the VC2 and VC3 tiers utilizing this Section:
- i. A building may exceed the maximum Building Footprint, up to five-thousand (5,000) square feet along the side and rear elevations set back at least twenty (20) feet from the Front Elevation.
 - ii. Development on lots larger than thirty thousand (30,000) square feet is permitted by-right, subject to Site Plan Review.
- f. Additional standards for buildings within the VC1 and MRT tiers utilizing this Section:
- i. A building may exceed the maximum Building Footprint by fifty percent (50%) along the side and rear elevations set back at least twenty (20) feet from the front elevation.
 - ii. Multiple buildings on a lot are permitted, subject to Site Plan Review.
- g. No exterior alterations of the building along the Front Elevation except those necessary to comply with applicable Health, Building, and Fire codes.
9. Architectural Features
- a. The structural and architectural elements which extend outward from a building facade, including Awnings, Canopies, Bays, and Balconies. Architectural features may project into the front setback and/or right of way as shown below:
 - i. Bay.

Commented [ML35]: This threshold should be much lower, as noted above.

Commented [ML36]: I am not comfortable with these provisions without further explanation.

Dimensions	
Width of Each Bay (max.)	Greater of 20% of wall length or 12 ft
Depth (max.)	3 ft
Fenestration (min.)	60%
Front Setback Encroachment at Ground Story (max.)	3 ft

Commented [ML37]: What is the rationale for this provision?

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Front Setback Encroachment at Upper Story (max.)	100%
Extension into the right of way (max.)	3 ft
Clearance above Grade within right of way (min.)	Top of the Ground Story

ii. Balcony.

Dimensions	
Width of Each Balcony (min. / max.)	5 ft / Greater of 20% of wall length or 12 ft
Depth (min. / max.)	3 ft / 8 ft
Clearance above Grade (min.)	Top of the Ground Story
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	3 ft

iii. Awning.

Dimensions	
Width of Each Awning	–
Depth (min.)	3 ft
Clearance above Grade (min.)	8 ft
Front Setback Encroachment (max.)	100%
Extension into the right of way (max.)	10 ft

10. Facade Articulation

- a. The Front Elevation of any building greater than one hundred (100) feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide. Modifications to the facade of existing buildings are exempt.

11. Ground Story Fenestration

- a. Fenestration must be provided as specified in the Building Standards for each VCOD tier and is calculated as a percentage of the area of the Front Elevation.

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- b. For buildings with ground story Active Use spaces, ground story fenestration is measured between two (2) feet and ten (10) feet above the finished floor of the ground story.
- c. For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

12. Building Entrances

- a. For lots with Street frontage, buildings must have their main entrance from a right of way on that Street. For parcels without Street frontage, buildings should have their main entrance on the side wall oriented toward the parking lot provided for the building.
- b. Buildings with ground story Active Use spaces must have principal entrances for the Active Uses along the Street frontage.
- c. Principal entrances must either be recessed from the plane of the facade, or have a projecting Awning, to signal building entry and provide adequate protection from the elements.

13. Roof Features

- a. Non-habitable architectural features are permitted on roofs in accordance with Section 1.5.4.A.

14. Mechanical Equipment

- a. Roof-mounted mechanical equipment must be screened and setback at least ten (10) feet from the intersection of the roof and wall plane immediately below. See Section # Screening.
- b. Wall-mounted mechanical and/or electrical equipment such as louvers, exhaust equipment, ducts, alarm devices, cable boxes, utility meters, etc. shall not be mounted on a Front Elevation.
- c. All free standing mechanical and/or electrical equipment are prohibited between any Front Lot Line and Front Elevation.

Commented [ML38]: Don't use "etc." in an ordinance.

C. Parking Design Standards

1. Required Accessory Parking Spaces

- a. There are no motor vehicle parking minimums within the VCOD.
- b. Bicycle parking must be provided as specified in Sec. #.
- c. Motor vehicle parking spaces for persons with disabilities may not be shared and must be provided on-site.
- d. Centralized parking facilities must provide signage identifying the permitted users.
- e. Pedestrian access to motor vehicle parking must be via a paved sidewalk or walkway.
- f. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents.

Commented [ML39]: If we believe that the market should dictate how much parking to provide, then the same should be true for bicycles. Furthermore, depending on the needs of the residents and businesses, the necessity of bike parking might vary considerably. Shouldn't we let the market decide?

Commented [ML40]: If there are no parking requirements, then I do not understand the need for this provision. Do we want to require a certain amount of parking for persons with disabilities?

2. Required Number of Accessory Bicycle Parking Stalls

Commented [ML41]: See above.

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The following standards for accessory bicycle and motor vehicle parking spaces are associated with the use categories permitted in the VCOD tiers:

Use Category	Bicycle Parking	
	Short-term (min.)	Long-term (min.)
Residential Uses		
Multi-family dwelling, ten (10) units or less	None	None
Multi-family dwelling, more than ten (10) units	0.1 per unit	1.0 per unit
Lodging House	1 per 10,000 sf	1 per 5,000 sf
Live/work space	0.5 per unit	0.1 per unit
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	–	–
Elderly housing with services, residential care facility, elderly congregate living facility	–	–
Civic/Institutional Uses		
Dormitory	0.1 per bed	0.5 per bed
Religious Institutions	–	–
School serving children under 14 years of age	1 per classroom	4 per classroom
Commercial Uses		
Bank	1 per 5,000 sf	1 per 2,500 sf
Family child care home, large family child care home, day care center	2	1 per 10,000 sf
Funeral home	1 per 2,500 sf	1 per 10,000 sf
Health club, similar establishment	1 per 2,500 sf	1 per 10,000 sf
Hospital, sanitarium	10 per entrance	1 per 5,000 sf
Hotel, motel	1 per 20 rooms	1 per 10 rooms
Medical office	1 per 2,000 sf	1 per 10,000 sf

Commented [ML42]: Would this include a pre-school or daycare center?

Commented [ML43]: Why aren't city facilities sufficient for this parking?

Village Center Overlay District (VCOD)

Office, professional building	1 per 5,000 sf	1 per 2,000 sf
Outdoor or open-air sales space, drive-in establishments, open-air retail business, amusements and other similar uses	–	–
Personal service	1 per 1,000 sf	1 per 2,500 sf
Post Office	1 per 1,000 sf	1 per 2,500 sf
Radio or television broadcasting studio	1 per 2,500 sf	1 per 10,000 sf
Restaurant, food or beverage establishment (for sidewalk and parking space cafe seating, see 12-70)	1 per 2,000 sf	1 per 2,000 sf
Retail store, showroom	1 per 2,500 sf	1 per 10,000 sf
Service establishment	1 per 1,000 sf	1 per 2,500 sf
Theaters, halls, clubs, auditoriums and other places of amusement or assembly	1 per 5,000 sf	1 per 2,500 sf
Industrial Uses		
Manufacturing	–	1 per 10,000 sf
Research, laboratory	1 per 20,000 sf	1 per 5,000 sf
Storage warehouse or business	–	–
Telecommunications and data storage facility	–	–
Wholesale business	–	1 per 40,000 sf

3. Parking Access

- a. Vehicular access to parking lots and structures along the Primary Front Lot Line is prohibited when vehicular access along another lot line is available.
- b. Shared use of parking lots, by multiple uses and/or developments on multiple parcels, is permitted.
- c. The sum of the width of a garage door or doors may be no more than 40% of the Front Elevation along any Primary Front Lot Line.

4. Curb Cuts and Driveways

- a. Curb cuts are prohibited along the Primary Front Lot Line when vehicular access along another lot line is available.
- b. Each lot is limited to one curb cut per Street frontage.
- c. The maximum width of a driveway for vehicular access to parking lots and structures is as follows:

Access Type	Width (max.)
One-way	12 ft
Two-way	24 ft

- d. The interior width of a curb cut (between curb stones) may be no wider than the driveway, vehicular entrance, or loading facility it serves.
 - e. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway.
 - f. Curb cuts for driveways must be at least 20 feet from an unsignalized intersection and at least forty 40 feet from a signalized intersection.
5. Vehicular Parking Placement
- a. Unless otherwise specified in this Section, all parking spaces must be located at or behind any required parking setback as specified in the Lot Standards for each VCOD tier.
 - b. No parking spaces are allowed between the Front Elevation and the Primary Front Lot Line.
6. Parking Stall Dimensions
- a. For vehicular parking stalls, see Section 5.1.8.B and 5.1.8.C.
 - b. Bicycle parking stalls must meet the following standards:
 - i. Size and Layout. Each bicycle parking stall must be at least two (2) feet by six (6) feet in size or the minimum required by the manufacturer of a bicycle rack or locker, whichever is more.
 - ii. Access.
 - a. Areas designed for bicycle parking stalls must have a hard, stabilized surface.
 - b. Bicycle parking stalls must have at least one (1) access aisle at least five (5) feet wide to allow room for maneuvering. This access aisle must be kept free from obstructions.
 - c. Bicycle parking stalls must be accessible without moving another bicycle or lifting or carrying a bicycle over any steps or stairs.
 - d. Outdoor access routes must be appropriately lighted to allow for safe nighttime use.
 - iii. Weather Protection. When provided, weather protection must be permanent, designed to protect bicycles from rainfall, and provide at least seven (7) feet of clearance above ground level.

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- iv. Bicycle racks must meet the following standards:
 - a. Be a fixed-in-place stand that is securely anchored to the ground;
 - b. Provide support to the bicycle frame, allowing for both wheels to rest upon a stable surface and for the bicycle to stand upright and not fall over without the use of a kick-stand;
 - c. Be configured not to block handlebars and baskets and to provide two points of contact for locking the frame and at least one wheel with a user-provided locking device;
 - d. Be constructed of materials that resist cutting, rusting, bending, or deformation; and
 - e. Be arranged in rows (with bicycles parked side-by-side) or in alignment (with bicycles parked end-to-end).
- v. Bicycle lockers must meet the following standards:
 - a. Be securely anchored to the ground;
 - b. Be configured to provide support to the bicycle, allowing it to stand upright without the use of a kick-stand, and
 - c. Be secured by means of a lockable door or, alternatively, configured internally to allow locking of the frame and at least one wheel with a user-provided locking device.
- vi. Signage. If required bicycle parking is not visible from the street or principal entrance(s), a sign must be posted at the principal entrance(s) indicating the location of the parking. Such signage must meet the standards found in Sec. 5.2. Signs.
- vii. Additional standards for Short-Term Bicycle Parking.
 - a. Short-term bicycle parking may be provided in any combination of bicycle racks and bicycle lockers. Racks that are double height or require hanging of a bicycle are prohibited for short-term bicycle parking.
 - b. Short-term bicycle parking must be provided outside of a principal building and within one-hundred (100) feet of the principal entrance of the use served by the parking.
 - c. Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route from the

- sidewalk that is a minimum of five (5) feet wide, with no steps and a six percent (6%) slope or less.
- d. Short-term bicycle parking serving multiple uses on a single lot, or abutting parcels under the same ownership, may be combined into a single area.
 - e. Any required Short-Term Bicycle Parking provided in a structure or under cover must be provided at ground level, free of charge, and clearly marked as bicycle parking.
- viii. Additional standards for Long-Term Bicycle Parking.
- a. Long-term bicycle parking may be provided through any combination of racks or lockers.
 - b. Long-term bicycle parking must be provided in a well lit, secure location within the same building as the use the parking is intended to serve or within an accessory structure located within two-hundred (200) feet of the principal entrance of the building.
 - c. To provide security, long-term bicycle parking must either be:
 - i. In a locked room;
 - ii. In an area that is enclosed by a fence with a locked gate. The fence must be either eight (8) feet high, or be floor-to-ceiling;
 - iii. Within view of an attendant or security guard;
 - iv. In an area that is monitored by a security camera; or
 - v. In an area that is visible from employee work areas.
 - d. All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
 - e. Long-term bicycle parking serving multiple uses may be combined into a single area or accessory structure.
 - f. Where long-term bicycle parking is located adjacent to motor vehicle parking or loading facilities, a physical barrier must be provided to prevent potential damage to bicycles by other vehicles.
 - g. When twenty (20) or more long term bicycle parking spaces are provided, a minimum of ten percent (10%) of the spaces must be three (3) feet by eight (8) feet in size.

- h. Up to twenty five (25%) of long term bicycle parking space may be provided as racks that require bicycles to be hung or lifted off the ground or floor.
- ix. Alternative Compliance. The provisions of this Section # may be modified by special permit to accommodate alternative technologies and methods for providing bicycle parking so long as the Special Permit Granting Authority makes a finding that the alternative bicycle parking provides equal or greater benefits to bicycle users.

7. Screening

- a. Parking lots must be separated from the right of way by a building or screening within the parking setback as specified in the Lot Standards for each VCOD Tier. Screening shall consist of one or a combination of the following:
 - i. A landscape strip at least five (5) feet in width, running the full length of the parking lot perimeter along the right-of-way, excluding curb cuts and driveways (Fig. #).
 - a. The landscape strip must be planted with trees, shrubs, perennials, native grasses, and/or other planting types that provide a buffer from the right-of-way.
 - b. Deciduous shade trees must be planted for every 20 feet of landscape strip length, spaced linearly and parallel to the public right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - ii. A wall, barrier, or fence of uniform appearance. Such a wall, barrier, or fence may be opaque or perforated provided that not more than fifty (50) percent of the face is open. There shall be a landscaped strip with a minimum width of 3 feet between the base of the wall, barrier, or fence and right of way. The wall, barrier, or fence shall comply with the provisions of the Fence ordinance in Chapter 5, Sections 5-30 - 5-34.
- b. The required screening shall be located so as not to conflict with any corner visibility requirements or any other City ordinances. Such screening may be interrupted by entrances or exits.
- c. The use of stormwater management techniques such as rain gardens and bioswales is encouraged in landscape strips.
- d. Outdoor parking facilities containing 20 stalls or more must comply with the requirements in Sec. 5.1.9.B.
- e. Parking lots in the VC1, VC2, and VC3 districts abutting properties in any Residential Districts along any side or rear lot line must be screened, per the standards above.

Commented [ML44]: The word "encouraged" is not appropriate for an ordinance.

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- f. Parking lot landscape strips, parking lot islands, landscape buffers, and other landscaped areas should utilize Low-Impact-Development (LID) practices consistent with state law to treat and discharge stormwater.
- 8. Lighting. Lighting shall comply with the provisions of the Light Trespass ordinance in Chapter 20 Sections 20-23 - 20-49.
- 9. Loading
 - a. For off-street loading requirements, see Section 5.1.12.
 - b. Access to loading docks and areas along the Primary Front Lot Line is prohibited.
 - c. Outdoor loading facilities, including all docks and areas used for the storage and staging of goods or materials, that are visible from a public street, public space, or abutting properties in any Residential Districts must be screened from view. See Section #.
- 10. Service Areas
 - a. Buildings containing five or more residential units must provide private trash and recycling pick up.
 - b. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.
 - c. Outdoor service areas are not permitted along any Primary Front Lot Line.
 - d. Outdoor service areas that are visible from a public street, public space, or abutting properties in any Residential Districts must be fully screened from view. See Section #.
- 11. Parking Relief
 - a. The Planning Board is the Special Permit Granting Authority for all parking relief within the VCOD tiers.
 - b. In particular instances, a special permit may be granted to allow for exceptions to this Sec. # if it is determined that literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

Commented [ML45]: What about delivery vehicles, such as Amazon?

Commented [ML46]: I do not think that the Planning Board should be involved with this.

Commented [ML47]: The Planning Board is not a special permit granting authority. I do not understand this language.

2.7. Design Guidelines

The Director of Planning and Development shall adopt, and periodically amend as deemed necessary, design guidelines. These guidelines provide direction, not requirements, for the design of new development within the VCOD tiers resulting in a cohesive pattern over time. The intent is to define expectations for new development while allowing for flexibility and fostering high quality design.

Commented [ML48]: I think that this section should be deleted. The Director of Planning can issue (or not issue) guidelines but since they are not legally enforceable, they should not be part of an ordinance. Likewise, "expectations" should not be part of an ordinance.

2.8. Allowed Uses

Uses permitted in buildings with the VCOD tiers are described below.

A. Permitted Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Uses are permitted as specified in Sec. #.
3. Use categories not expressly authorized are prohibited.
4. Uses permitted by special permit require additional development review in accordance with Article #.

B. Permitted Accessory Uses

1. The use of real property is subject to the provisions of Article # Use Regulations.
2. Accessory Uses are permitted as specified in Sec. #.
3. Accessory Uses not expressly authorized are prohibited.
4. Accessory Uses permitted by special permit require additional development review in accordance with Article #.

C. Use Table

Use Category	MRT	VC1	VC2	VC3	Definitions & Use Specific Standards
Residential Uses					
Single-Family, detached	–	–	–	–	Sec. 6.2.1
Two-Family, detached	–	–	–	–	Sec. 6.2.2
Multi-Family Residential use	P	P	P	P	Sec 6.2.4
Assisted living, nursing home	SP	SP	SP	SP	Sec. 6.2.5
Elderly housing with services	SP	SP	SP	SP	Sec. 6.2.10
Live/work space	P	P	P	P	Sec. 6.2.11
Lodging House	SP	SP	SP	SP	Sec. 7
Civic/Institutional Uses					
Cemetery, private	–	–	–	–	Sec. 6.3.1
Club, clubhouse	SP	P	P	P	Sec. 6.3.2
Community use space	P	P	P	P	Sec. 6.3.3
Family child care home, large family child care home, day care center	L	L	L	L	Sec. 6.3.4

Government offices or services	P	P	P	P	Sec. 6.3.5
Heliport	-	-	-	-	Sec. 6.3.6
Hospital	-	SP	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	P	P	P	Sec. 6.3.8
Public use	L	L	L	L	Sec. 6.3.10
Rail/bus station	P	P	P	P	Sec. 6.3.11
Religious institution	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	Sec. 6.3.14
Theater, hall	SP	P	P	P	Sec. 6.3.15
Commercial Uses					
Animal service, excluding overnight boarding	-	P	P	P	Sec. 6.4.1
ATM, standalone	-	P	P	P	Sec. 6.4.2
Bank, ground story	-	SP	SP	-	Sec. 6.4.4
Bank, upper story	-	-	SP	SP	Sec. 6.4.4
Bed & Breakfast	P	P	P	SP	Sec. 6.4.5
Business incubator	-	P	P	P	Sec. 6.4.6
Business services	-	SP	P	P	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station as accessory uses	P	P	P	P	Sec. 6.4.8
Car wash	-	-	-	-	Sec. 6.4.9
Drive-in business	-	-	-	-	Sec. 6.4.11
Dry cleaning or laundry, retail	-	P	P	P	Sec. 6.4.12
Fast food establishment	-	-	-	-	Sec. 6.4.13
Fuel establishment	-	-	-	-	Sec. 6.4.14

Commented [ML49]: I think that this warrants further discussion.

Commented [ML50]: This warrants further discussion. Do we want parking lots of cars for car sharing or rental?

Village Center Overlay District (VCOD)

Funeral home	-	-	SP	SP	Sec. 6.4.15
Health club	-	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	-	SP	P	P	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	-	P	P	P	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	-	SP	SP	SP	Sec. 6.4.18
Kennel	-	-	-	-	Sec. 6.4.19
Microfulfillment Center	-	-	-	-	Sec. 6.4.47
Office	-	SP	P	P	Sec. 6.4.20
Open-air business	-	SP	P	P	Sec. 6.4.22
Outdoor storage	-	-	-	-	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, single level	P	P	P	P	Sec. 6.4.24
Parking facility, accessory, multi-level	-	P	P	P	Sec. 6.4.24
Parking facility, non-accessory, multi-level	-	P	P	P	Sec. 6.4.24
Personal service, up to 5,000 square feet	-	P	P	P	Sec. 6.4.25
Personal service, over 5,000 square feet	-	-	P	P	Sec. 6.4.25
Place of amusement, indoor or outdoor	-	P	P	P	Sec. 6.4.26
Radio or television broadcasting studio	-	P	P	P	Sec. 6.4.27
Radio, or television transmission station	-	-	-	-	Sec. 6.4.27
Restaurant	-	P	P	P	Sec. 6.4.29
Retail sales, under 5,000 square feet	-	P	P	P	Sec. 6.4.30
Retail sales, over 5,000 square feet	-	SP	P	P	Sec. 6.4.30
Service establishment, up to 5,000 sq. feet	-	P	P	P	Sec. 6.4.31
Service establishment, over 5,000 sq. feet	-	SP	P	P	Sec. 6.4.31
Stable, public	-	-	-	-	Sec. 6.4.32

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Taxidermist	-	-	-	-	Sec. 6.4.33
Vehicle repair shop, minor	-	-	-	-	Sec. 6.4.34
Vehicle repair shop, major	-	-	-	-	Sec. 6.4.34
Vehicles sales and service facility, indoor -	-	-	-	-	Sec. 6.4.35
Vehicles sales and service facility, outdoor	-	-	-	-	Sec. 6.4.35
Veterinary hospital	-	SP	SP	SP	Sec. 6.4.36
Industrial Uses					
Assembly or fabrication of materials manufactured off premise	-	-	-	-	Sec. 6.5.1
Bakery, wholesale	-	-	-	-	Sec. 6.5.2
Boat building, storage and repair	-	-	-	-	Sec. 6.5.3
Bottling works (except for alcoholic beverages)	-	-	-	-	Sec. 6.5.4
Building materials sales yard and storage building	-	-	-	-	Sec. 6.5.5
Contractor's yard	-	-	-	-	Sec. 6.5.6
Feed and seed store	-	-	-	-	Sec. 6.5.7
Food processing, wholesale	-	-	-	-	Sec. 6.5.8
Laboratory, research and development	-	-	P	P	Sec. 6.5.9
Laundry, cleaning & dyeing establishment	-	-	-	-	Sec. 6.5.10
Manufacturing	-	-	-	-	Sec. 6.5.11
Manufacturing, molding, shaping or assembly from prepared materials (including repairs)	-	-	-	-	Sec. 6.5.11
Paint store	-	-	-	-	Sec. 6.5.12
Printing, publishing and reproduction establishment	-	-	-	-	Sec. 6.5.13
Sign painting shop	-	-	-	-	Sec. 6.5.14
Telecommunications and data storage facility	-	-	-	-	Sec. 6.5.15
Trash or yard waste, collection, storage, transfer-haul or composting	-	-	-	-	Sec. 6.5.16

Vehicle storage	-	-	-	-	Sec. 6.5.17
Wholesale business or storage facility -	-	-	-	-	Sec. 6.5.18
Wholesale distribution plant	-	-	-	-	Sec. 6.5.19
Wireless communication equipment	-	-	-	-	Sec. 6.9
Manufacturing, uses not allowed by right	-	-	-	-	Sec. 6.5.11
Open Space Uses					
Agriculture, on a parcel of 5 or more acres	-	-	-	-	Sec. 6.6.1
Agriculture, on a parcel under 5 acres	-	-	-	-	Sec. 6.6.1
Resource extraction	-	-	-	-	Sec. 6.6.4
Restricted Uses					
Adult business	-	-	-	-	Sec. 6.10.1
Keno	-	-	-	-	Sec. 6.10.2
Medical Marijuana Treatment Center	-	-	-	-	Sec. 6.10.3
Craft Marijuana Cooperative	-	-	-	-	Sec. 6.10.3
Independent Testing Laboratory	-	-	-	-	Sec. 6.10.3
Marijuana Courier	-	-	-	-	Sec. 6.10.3
Marijuana Cultivator	-	-	-	-	Sec. 6.10.3
Marijuana Delivery Operator	-	-	-	-	Sec. 6.10.3
Marijuana Product Manufacturing	-	-	-	-	Sec. 6.10.3
Marijuana Research Facility	-	-	-	-	Sec. 6.10.3
Marijuana Retailer	-	-	-	-	Sec. 6.10.3
Marijuana Transporter	-	-	-	-	Sec. 6.10.3
Microbusiness	-	-	-	-	Sec. 6.10.3
Firearm Business	-	-	-	-	Sec. 6.10.4
Firing Range	-	-	-	-	Sec. 6.10.4
Gunsmith	-	-	-	-	Sec. 6.10.4

Commented [ML51]: Is this intended to include storage facilities such as the one on Newtonville Ave? I would expect that we would not want those to be built without a special permit.

P = Permitted	-- = Not Allowed	L = Allowed with Limitations	SP = Special Permit
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2.9. Administration

A. Special Permit Review

1. A special permit application shall be submitted and reviewed in accordance with Section 7.3, except in lieu of the criteria in 7.3.3.C, the City Council shall not approve any application for a special permit in the VCOD unless it finds, in its judgment, that the proposal meets all the following criteria:
 - i. The proposed development is consistent with the City's Comprehensive Plan and existing policies and plans established by the City.
 - ii. The proposed development is consistent with the intent and purposes of the VCOD.

Commented [ML52]: Shouldn't we be including the normal special permit criteria here – I think they are part of state law.

B. Site Plan Review

1. Application. Whenever Site Plan Review is required under the provisions of the VCOD an electronic application shall be submitted in accordance with forms and instructions provided by the Planning and Development Department.
 - i. Fee. [Reserved]
2. Review. Site Plan Review shall be conducted by the Planning and Development Board.
 - i. Timeline. [Reserved]
3. Grant of Permit. Site Plan approval shall be granted upon determination by the Planning and Development Board that the following conditions have been satisfied. The Planning and Development Board may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - i. The Applicant has submitted the required fees and information as set forth in the City's requirements for Site Plan Review; and
 - ii. The project as described in the application meets the development standards set forth in Section #.
4. Site Plan approval shall be granted by a majority vote of the Planning and Development Board.
5. Site Plan approval under this Section # shall lapse if substantial use thereof or construction thereunder has not begun within 36 months following the grant of the Site Plan approval.

Commented [ML53]: I do not think that there should be any Site Plan Review Process – it should either be by right or by special permit and, as discussed above, the threshold for a special permit should be much lower.

Commented [ML54]: I do not think this works.

Commented [ML55]: Why wouldn't this be part of the ordinary process that Inspectional Services undertakes?

Commented [ML56]: The Director of Planning sits on the Board – the director should not be able to vote on a project.



Memorandum

To: Barney S. Heath, Director of Planning and Development;
Jennifer Caira, Deputy Director

From: Councilor Pam Wright

Re: Proposed amendments to zoning

Date: July 28, 2023

Approval process:

1. 2.4.B.1.i change special permit from 30,000 sf to 15,000 sf and add priority streets special permit to 10,000 sf or larger. *Priority streets are not counted in MBTA Act and we get more control on what our village centers will be.*
2. 2.4.B.1.ii replace “except as modified through Adaptive Reuse” to “except for one additional building as modified through Adaptive Reuse”.
3. 2.4.B.2.i change site plan review from 20,000 sf to 10,000 sf.
4. 2.4.B.2.ii Add public hearing for site plan and design reviews. *Brookline is having public hearings for site plan and design review in their zoning proposal.*

Dimensional Standards Site:

1. 2.5.A special permit: change special permit from 30,000 sf to 15,000 sf and add priority streets special permit to 10,000 sf or larger. *Priority streets are not counted in MBTA Act and we get more control on what our village centers will become. Through my calculations, proposed zoning will allow over 18,300 units by right plus additional units in multiple buildings and lot separation (~2000 units+). Lowering the special permit to 15,000 sf still allows over 14,300+ units by right and over 9000 units in the MBTA communities areas. Lowering special permits on priority streets give us more control over the village centers.*
2. 2.5.A Change site plan review from 20,000 sf to 10,000 sf. And add public comment requirement. Brookline will do this too.