



Medford City Council
Medford, Massachusetts

Planning and Permitting Committee, March 17, 2026

Voting Members

Matt Leming, Chair
Isaac B. "Zac" Bears, Vice Chair
Anna Callahan
Emily Lazzaro
Liz Mullane

This meeting will take place at 6:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link:

<https://us06web.zoom.us/j/81869514550?pwd=WnkvKaT52uOhOQsvmRqSwrmxqVvAx.1>

Call-in Number: +13092053325,,81869514550#,,, *791673#

Live: Channel 22 (Comcast), Channel 43 (Verizon), [YouTube](#), and medfordtv.org.

To submit written comments, please email ccmembers@medford-ma.gov.

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

26-059 - Offered by President Bears

Proposed Amendments to Address Technical and Procedural Issues in Medford Zoning Ordinance

25-054 - Offered by Vice President Lazzaro, Councilor Leming, and Councilor Tseng

Chapter 10, Article VIII - Proposed Vacant Building Ordinance

PAPERS IN COMMITTEE

To view Papers in Committee, please email ahurtubise@medford-ma.gov.

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

March 17, 2026

SPONSORED BY

Isaac Bears, Council President, Kit Collins, Council Vice President

AGENDA ITEM

26-059 - Proposed Amendments to Address Technical and Procedural Issues in Medford Zoning Ordinance

FULL TEXT AND DESCRIPTION

This is the 29th zoning updates project meeting in the Planning and Permitting Committee with Innes Land Strategies Group (formerly Innes Associates). The following will be discussed:

- Review of topics for general amendments to address technical and procedural issues in the Medford Zoning Ordinance
 - List of items provided by Office of Planning, Development, and Sustainability staff
 - List of items provided by the Building Commissioner
- Review of upcoming zoning updates project topics and meetings from March 2026 to June 2026
- General discussion of updates to the Medford Zoning Ordinance

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. PROPOSED ZONING CLEANUP MARCH 4 2026
2. List of Proposed Changes for Medford Zoning Clean-up
3. Table of Uses and Definitions (as of 3-5-26)

PROPOSED ZONING CLEANUP MARCH 4, 2026

S94-2.2 Zoning Map The location and boundaries of the zoning districts are as shown, defined, and bounded on the set of maps accompanying this chapter entitled, "Zoning Map, City of Medford, Massachusetts," dated ~~April 13, 1965~~ TBD.

S.94-3.0 Use Regulations

Allow added definitions through Building Code; *Terms or words not defined herein but otherwise defined in the Building Code shall have meanings given therein, unless a contrary intention clearly appears, otherwise as the meaning quoted in the latest edition of Webster's Unabridged Dictionary.*

S.94-3.1.1(1) Multiple Principal Structures on a Lot

In any district, two principal structures shall ~~not~~ be permitted on the same lot, other than in the SF-1, SF-2 and GR Zoning districts, ~~except by Special Permit for all other districts~~, from the Community Development Board or as otherwise authorized in this Ordinance.

Proposed new language:

In any district, two principal structures shall be permitted on the same lot, except as otherwise stated here or elsewhere in this zoning. In the SF-1, SF-2 and GR Zoning districts, two principal structures are only permitted by Special Permit from the Community Development Board.

94-4.2.3 Application of Front Yard Requirements.

2. Front yard requirements shall not apply to terraces or patios, steps, ~~uncovered porches~~, or other similar features at or below the elevation of the floor of the first story, nor to fences, hedges, or walls less than four feet above the grade in the required front yard ~~excepting a 25 sf platform and steps as needed to provide emergency egress.~~

3. ~~Balconies, and uncovered porches not over half the length of the front building wall, may project into a required front yard but not more than one-third of its width.~~ Belt courses, fins, columns, leaders, sills, pilasters, lintels and ornamental features may project not more than one foot, and cornices and gutters not more than two feet, over a required front yard. In no case shall any such projection come within eight feet of any front lot line.

S.94-4.3(3) Dimensional Requirements for Accessory Structures

Any accessory structures must be set back a minimum of ~~three~~ five feet from rear and side lot line ~~or a one-foot separation from the lot lines if constructed of fire-resistant wall assemblies, as defined by the State Building Code.~~

o S.94-5.9 Substandard Lots and/or 94-4.2.8(3)

~~Review for language to alter merger doctrine to support constructing upon infill lots of a certain size and shape.~~

S94-6.1.4 Off-Street Parking Requirements; General

Parking spaces not enclosed in a structure may be provided anywhere on the lot except in an inner court, ~~except that no parking may be provided within the front yards in SF-1, SF-2, and GR district.~~

Commented [AH1]: i don't understand when you need a special permit given this language. Could we re-write this cleanly?

Commented [AH2]: This sounds like the 25sf platform IS included in the front yard requirement; is it exempted from it or included in it? I'd have to go back and read the "front yard requirement" to understand, but given the rest of it, i think you mean to exempt it.

Commented [AH3]: This one feels like an opinion, and a material change. It doesn't feel like "cleaning up" or administrative.

Commented [AH4R3]: Scott response: Balconies and Porches - I was taking a stab at clarifying a long standing confusion over uncovered porches of a certain size being allowed to project into the front yard. Yes, it is a step beyond cleanup.

Commented [AH5]: is this to allow them in the front yard area now? Or are you recommending we put that somewhere else?

Commented [AH6R5]: Scott response: Front yard parking spaces is a problem because people often use that as an enforcement effort to piss off their neighbors on existing driveways; I'd really like to see it either limited to newly created spaces or limited knowing that it is not always physically possible on some lots.

5. Parking spaces shall ~~be designed for occupancy only by passenger cars and commercial vehicles not exceeding seven and one-half feet in width or 18 feet in length, unless the parking spaces are specifically identified on a plan accompanying an application for a building permit or occupancy permit with sufficient area and adequate width of aisles for the vehicle intended.~~

6. ~~Except for vehicles exceeding seven and one-half feet in width or 18 feet in length:~~

a. ~~be the minimum parking space will include;~~

aa. Public Use Spaces - a rectangular area not less than Nine (9) feet in width and Nineteen (19) feet in length. ~~for all angle with Eight (8) feet clear height.~~

bb. Private Use Spaces - a rectangular area not less than Nine (9) feet in width and Eighteen (18) feet in length with Seven (7) feet clear height.

cc. Parallel Parking Spaces - a rectangular area not less than Nine (9) feet in width, Twenty Two (22) feet in length for ~~parallel angled parking and clear height of not less than Eight (8) feet clear height.~~

dd. Compact Car Spaces – a rectangular area of not less than Seven and ½ (7’6”) in width, Sixteen (16) in length and Eight (8) feet in clear height.

b. For multiple dwellings where the required parking is 20 or more spaces, up to 30 percent of the ~~angle parking spaces may be designated for compact cars, and include a minimum rectangular area of not less than eight (8) feet in width and seventeen 17 feet in length per space.~~

S94-6.3.4 Landscaping buffers and screening

A fence, other than a chain link fence, not to exceed ~~seven six~~ feet in height, complemented by suitable plantings and located at the border of the lot with the nonresidential use, may be substituted for such landscaped buffer strip if and as approved by the ~~director~~ Director of the ~~office of community development~~ Planning, Development & Sustainability

~~S94-6.2.9 All signs in existence by permit or special permit granted under this section or previous ordinances shall be reinspected every three years from date of issue or from date of enactment of the ordinance from which this section is derived, and every three years thereafter. The building department shall mail a reinspection application to each sign owner 60 days prior to the expiration of every three-year period. The reinspection application shall be completed by the sign owner and submitted to the building department before the expiration of the three-year period. The application shall include a recent color photograph of the sign showing its setting and location, and the designated fee. The building commissioner shall examine the sign and determine that it is in good repair, prior to issuing a reinspection certificate. If the building commissioner determines that the sign is in disrepair, the matter shall proceed as directed in section 94-6.2.16. The reinspection fee schedule shall be as set forth in the fee schedule in Appendix A to this chapter. Additional fines shall be levied according to this section if the reinspection application is not received within 60 days from receipt of notice. Redress for violation of this subsection shall be as provided herein.~~

94-7.5.3 Definitions. See ~~section 94-12.0, "Vacant and foreclosing properties"~~.

94-8.1.2 Definitions. See ~~section 94-12.0, "Inclusionary housing"~~.

Commented [AH7]: do we need to define dimensions for angled parking like we do for public & private spaces, parallel and compact? also, should public & private be defined as perpendicular?

Commented [AH8R7]: Scott response: Parking spaces sizes; I was trying to clarify confusion on parking space sizes, and bring them into consistency with AASHTO standards. There are multiple sizes for nebulous vehicles.

94-8.4.2 Definitions. ~~See section 94-12.0, "Short term rentals".~~ *Short term rental*: The rental of a residential unit for its intended purpose, in exchange for payment as residential accommodations for a duration of not more than 30 consecutive days. Such a rental may or may not be facilitated through the use of a booking agent.

S94-7.7 Wireless Telecommunications Facility (WTF) Relocate all Definitions to this Section for clarity.

S94-11.1.5 Right of Entry

94-11.3.2 Violation; Penalty. Any person determined to be in ~~convicted of a~~ violation of this chapter shall be fined not more than \$300.00 for each day such violation continues to exist ~~in accordance with M.G.L 40a, § 7.~~

~~94-11.3.3 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this chapter may be enforced by the building commissioner by noncriminal complaint pursuant to the provisions of M.G.L.A. c. 40, § 21D. The penalty for violation of any provision of this chapter shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.~~

S94-11.7.2(b)

Administrative review. Any construction project that requires a building permit but is not included within the definition of a major project is subject to administrative review by the Building Inspector in accordance with the Massachusetts State Building Code, 780 CMR Chapter 1, Section 111 (Permits).

DEFINITIONS

Accessory Dwelling Unit (ADU):

Accessory office: The use of a room or rooms in a dwelling by a person resident in the dwelling for an office or studio, ~~as an allowed home occupancy~~, and as referred to in this chapter also means a use in which not more than one nonresident is employed and no goods are publicly displayed or offered for sale.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. ~~For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof."~~

~~*Building, accessory*: A building devoted exclusively to a use accessory to the principal use of the lot.~~

~~*Building, attached*: A principal building separated from another principal building on one or both sides either by a vertical party wall or walls or by a solid contiguous wall or walls without any side yards.~~

~~*Building, detached*: A principal building which is substantially separated by yards or courts from any other principal structure.~~

~~*Building, principal*: Any building devoted to a principal use or, for determining the dimensional requirements of this chapter in the case of an open principal use, the area of any building and of the lot devoted to such principal use exclusive of parking, loading, and access drives.~~

Building Coverage:

Dog Day Care ;

Greenhouse, tool shed, or similar noncommercial accessory structure: Storage structure for garden equipment, swimming pool, tools, and the like.

Space, Habitable; An area of any structure that is legally accessible and intended for human occupancy for residential or commercial uses. Mechanical rooms, parking areas, storage areas and other passive accommodations shall not constitute habitable space.

Space, Occupiable; The total enclosed area of any structure that is habitable and useable including, but not limited to; mechanical rooms, parking areas, storage areas, crawl spaces and other passive accommodations..

Height: The vertical distance between the average mean level of the established grade at the structure and the mean average height of the pitched roof from base of eave projection to top of main ridge of the vertical distance between the ceiling joists and ridge of the roof, or the highest point of the roof in the case of a flat roof. The mean level of the established grade is the arithmetic average of the lowest and highest curb grades between the points where the side lot lines extended intersect the line of the nearest curb on streets where the lot has frontage. If a lot has discontinuous frontage on two streets so that different established grades might be determined, the higher grade may only be used within 100 feet of the street line abutting the higher street. The mean level of the established grade of courts may be taken as the elevation of the lowest floor facing on the court.

Gross Floor Area (see also 94-5.7.1) The total enclosed floor area of structure measured to the external face of its walls, including all floors, structural elements and enclosed spaces.

o **High-frequency transit:** Service that takes place more than three times per hour in the same direction during its peak daytime schedule. Distance from to a transit point shall be measured along reasonable pedestrian routes using public rights of way and shall not exceed ½ mile. The term may apply to existing fixed-route service using buses or existing and planned rail service within five years.

Keeping or raising of livestock, including animal stable and kennel: Facility for keeping three or more animals, three months old or older, on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where animals are customarily kept for sale, but this definition shall not include any business that meets the definition of dog daycare.

Yard, side: The yard lying between the side of the principal structure and the side lot line, and bounded by the front and rear yards, and lying between the rear and front of the principal structures main facade, The minimum side yard is measured horizontally between the nearest point of the principal structure and the nearest adjacent side lot line.

Parking Space;

An on-site, off-street space having an size of not less than 7.5 feet by 18 feet, plus access and maneuvering space, whether inside or outside a structure, for exclusive use as a parking stall for one motorized vehicle featuring a durable surface. Tandem, or stacked parking shall only be allowed by Special Permit.

Commented [AH9]: do we think that it would be clear if we said "4 or more times an hour"

Commented [AH10]: we may want to be more clear about what "in the same direction" means - what if they're along the same route for 1 block? versus on separate roads but both end at the orange line?

Commented [AH11]: shall we define peak daytime schedule?

Commented [AH12R11]: Scott response: HFT – When i made determinations about applicability for 360 Salem, my model was morning peak period from 7-9 am and afternoon peak period from 4-6; two hour time frames to get a better average of service.

Commented [AH13]: lets ask Maryann for a better definition - this one allows you to have 2 cows, or 10 baby calves...

Commented [AH14R13]: Scott response: Livestock is commonly defined as chickens, sheep, goats, cows, pigs and other not normally considered domesticated pets, commonly raised and sold for use in products. Chickens are livestock as are cows. Dog and cats are not. Rabbits and guinea pigs are something else, but when kept as pets are not normally kept outdoors where odors, rats, etc. become issues.

Dwelling, Multiple – Class A, Class B A building or structure designed for or containing three or more dwelling units; or a building or structure designed for or containing one or more dwelling units in addition to a nonresidential use, but not including a group of three or more attached single-family dwellings, a lodging house, a hotel or motel, a dormitory, fraternity or sorority house.

Dwelling, Single Family Attached A dwelling unit attached to an existing structure An attached residential building intended and designed to contain or containing not more than one dwelling unit.

Dwelling, Single Family Detached A detached structure residential building intended and designed to contain or containing not more than one dwelling unit.

Dwelling, Two-Family A detached residential building intended and designed to contain to containing two dwelling units

Dwelling Unit Dwelling unit means a room or group of rooms forming a habitable unit for one family a single household unit with facilities used or intended to be used for living, sleeping, cooking, sanitation, and eating.

Coverage of lot: Lot, Coverage The percent of the total lot area occupied by the principal structure exclusive of unenclosed porches and bay windows.

Junkyards; (add to Use Table as not allowed)

A yard, field, or other area used as a place of storage for:

A. Discarded, worn-out, or junked plumbing, heating supplies, household appliances and furniture.

B. Discarded, scrap, and junked lumber.

C. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, or plastic debris, waste, and all ferrous material.

D. Discarded motor vehicle parts or more than two unregistered motor vehicles.

Lot line: A line of record, bounding a lot. Any boundary of a lot.

Lot line, front: The horizontal distance measured along the front lot line between the points of intersection of the side lot lines which primarily abuts the way. A lot line along which the lot has frontage. Only one lot line may be designated as a front lot line. If the lot has frontage on two or more sides, then among those, the lot line most nearly parallel and closest to the front of the structure shall be the front lot line.

Lot width: The unbroken horizontal distance on a lot measured perpendicular to and at all points on the required depth. Within the required front yard, the required frontage may be substituted for the width

Dwelling, Mobile or Manufactured home: A dwelling unit, not including RV's or Tiny Homes, built on a chassis and containing complete electrical, plumbing, and sanitary facilities, and designed to be installed on a temporary or permanent foundation for living quarters. built in accordance to the Department of Housing and Urban Development's codes governing building standards for these factory-built homes.

Nonconforming use: A use of a structure building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located, but which was in existence at the time the use regulation became effective and was permitted at the time the use was established.

Permit granting authority: The board of appeals.

Commented [AH15]: is this intended to include the new buildings being built in factories? Some look identical to buildings built on site - for example, the Tufts buildings on Capen & winthrop built in the last few years were built in modules in factories. I don't see why those would be zoned differently from other buildings, whereas, one might not want to allow "mobile homes" because of the look, feel & substandard conditions

Commented [AH16R15]: Scott response: Manufactured/Mobil Homes Dwellings are the same thing through HUD; they altered the definition in 1976. Mobile/manufactured homes are often not allowed as they are not 'real estate' and nobody wants to see one (they could be presented as a backyard ADU otherwise). The Tufts buildings were Modular homes and are truly stick-built in factories and placed on site as a box; these also are subject to Mass. Code specific to them.

Commented [AH17R15]: Can we add "not to be confused with modular homes"

Permit granting authority, special (SPGA): Shall include the city council (CC), the community development board (CDB), and the board of appeals (BA), as designated by the chapter.

Short Term Rental, et al. – Relocate all associated definitions to within Section 94-8.4 of the Medford Ordinance.

Story; That portion of a structure included between upper surface of a floor and the upper surface of the floor or roof next above. This shall include any story, of habitable height, in which the finished floor surface is entirely above average grade plane or in which the finished floor surface of the story next is more than six feet about average grade plane.

Story, half: A story used or designed to be used for human occupancy that has a floor area measured seven feet vertically from the floor of not than one-half the area of the floor next below. An uppermost story containing occupiable or usable space within a sloping roof, such as a gable, gambrel or hip roof, whereas at least two opposite walls are no taller than 3 feet above the floor and the floor area shall not exceed 50% of the floor area of the story below.

Lodging house: A structure dwelling used in accordance with M.G.L., §22 in which living space, without individual kitchens and with or without kitchen privileges, is designed, occupied, or intended for occupancy by, or let for compensation to five or more lodgers, including a rooming house or boarding house, but not including a senior housing facility, hotel or motel, dormitory, fraternity or sorority house, or other building of an institutional or educational use.

Street line: The boundary separating a lot from the street on which it abuts

Use, principal: The main or primary use of a structure or on a lot for which it is designed, arranged or intended or for which it may be used, occupied or maintained under the ordinance. Any other use with the principal structure or on the lot, and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered as an accessory use.

Visibility space, lot -corner: On a corner lot the space between a plane tow and one-half feet above curb level and a plane seven feet above curb level and within the triangular area bounded on two sides by the two outer lines or exposed edges of the curbs, or by projection of such lines to their point of intersection, and on the third side by a straight line connecting points on such curb lines (or their projections) each of which is 35 feet distant from the point of intersection of the two curb lines or their projections. Fencing may not exceed 48” in height at any point of placement within the front yard, or yard which abuts a street or way, including two sides on a corner lot.

Site Plan Review

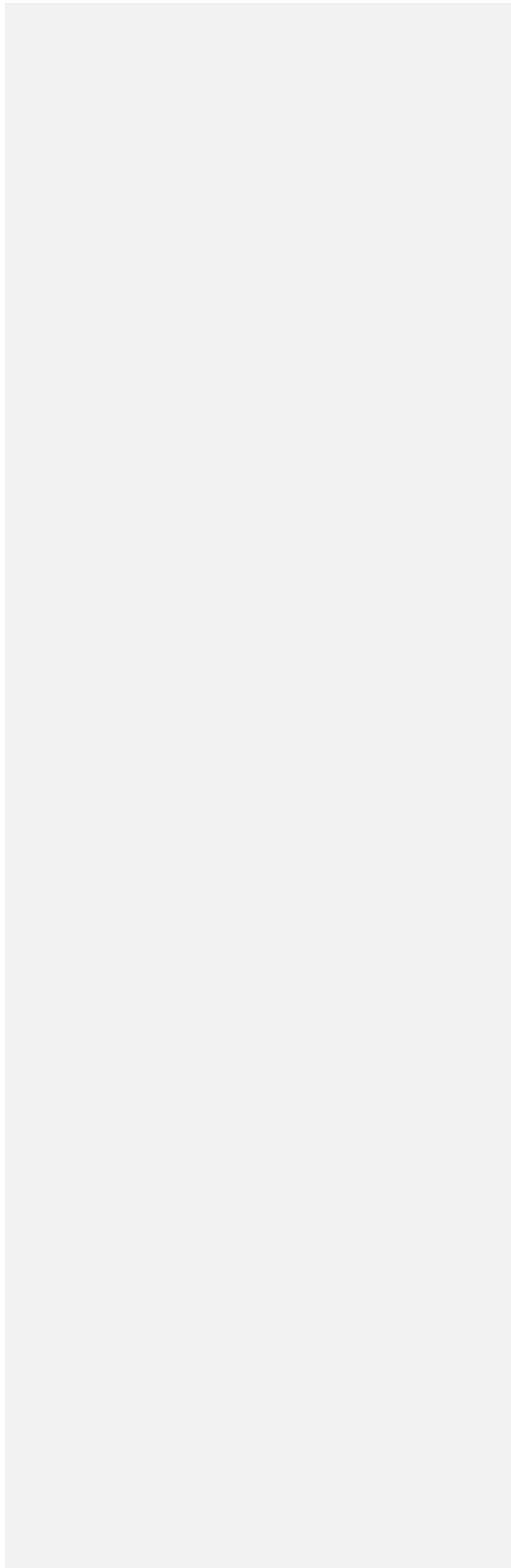
11.7.2 Applicability.

Strike out

~~9. Neighborhood and Convenience Retail Sales~~

Commented [AH18]: this change is based on our conversation during the ZWG. Applying SPR to small businesses would be a major impediment to small businesses and should be removed from the zoning.

SV Ed. 3/5/2026



General Changes:

- Standardize formatting throughout ordinance:
 - **SECTION HEADING (ex. SECTION 94-6.0 GENERAL REGULATIONS)**
 - All Caps, Bold, 16-point font
 - **SUBSECTION HEADING (ex. 94-6.4 PERFORMANCE STANDARDS FOR MULTIPLE DWELLING FOR NONRESIDENTIAL USE.)**
 - All Caps, Bold, 12-point font
 - **Sub-subsection heading (ex. 94-6.4.4 Lighting Standards.)**
 - Bold, 12-point font
 - *Point heading (ex. 94-6.4.4.9 Height of Fixtures.)*
 - Bold, Italics, 12-point font
 - *Subpoint Heading (ex. 94-6.4.4.9.a Wall Mounted Fixtures)*
 - Italics, 12-point font
 - Sub-subpoint Heading (ex. 94-6.5.7.2.d.i Size categories)
 - Regular 12-point font, underlined
 - **Definition heading (ex. Retail Sales:)**
 - Bold, colon, 12-point font
- Table title/captions/labels (ex. Table 2.1-1. Medford Zoning District Classifications and Abbreviations)
 - Numbering scheme reflects subsection numbering (2.1) and then number of the table in the section (-1, -2, -3, etc.)
- All numbers listed in text (that do not reference laws or years) should be formatted the same:
 - Numbers
 - Ex. ten (10)
 - Percents
 - Ex. ten (10) percent
 - Dollars
 - Ex. ten dollars (\$10.00)

Specific Edits Made Throughout:

- **Blue highlights= Reformatting:**
 - Numbers or Headings/Section titles or Definitions
 - Other Reformatting
 - Table 9.2.A-1: Table of Uses for Planned Development District 1: Winchester Street (Page 216)- update table references to reflect table of uses
 - Table 9.2.B-1: Table of Uses for Planned Development District 2: Mystic Avenue (Pages 132-133)- update table references to reflect table of uses
 - Definition for Private entertainment/recreational facility moved to be alphabetical in list (Pages 143 and 143)
 - Table 9.3-1: Table of Uses for Wellington Station Multi-Family Overlay District (Page 145)- update table references to reflect table of uses
 -
- **Yellow highlights= Additions** ~~Red text = Remove~~
 - Table Titles:
 - **Table 2.1-1. Medford Zoning Districts Classifications and Abbreviations** (Page 3)
 - **Table 6.1-1. Table of Parking Requirements** (Page 17)--Note
 - **Table 6.1-2. Minimum Width of Aisles per Parking Angle** (Page 19)
 - **Table 6.1-3. Required Number of Loading Spaces** (Page 21)
 - **Figure 6.5-1. Visual Workflow of the Applicability of the Green Score Requirement** (Page 57)
 - **Table 6.5-1. Required Green Score by Zoning District** (Page 57)
 - **Figure 6.5-2. Example of Integration and Stackability of Landscape Elements** (Page 60)
 - **Table 6.5-5. Canopy Sizes for Tree Categories** (Page 62)
 - **Table 6.5-6. Soil Requirements for Trees and Trees in Containers** (Page 63)
 - **Table 9.2.A-1: Table of Uses for Planned Development District 1: Winchester Street** (Page 216)
 - **Table 9.2.A-2: Table of Dimensional Standards for Planned Development District 1: Winchester Street** (Page 127)
 - **Table 9.2.B-1: Table of Uses for Planned Development District 2: Mystic Avenue** (Page 132)
 - **Table 9.2.B-2: Table of Dimensional Standards for Planned Development District 2: Mystic Avenue** (Page 134)
 - **Table 9.2.C-1: Table of Uses for Planned Development District 3: Walkling Court** (Page 139)
 - **Table 9.2.C-2: Table of Dimensional Standards for Planned Development District 3: Walkling Court** (Page 139)

- Table 9.3-1: Table of Uses for Wellington Station Multi-Family Overlay District (Page 145)
- Table 9.3-2: Table of Dimensional Standards for Wellington Station Multi-Family Overlay District (Page 146)
- Table 9.3-3: Table of Development Incentive Bonuses for Wellington Station Multi-Family Overlay District (Page 147)
- Table 9.3-4: Table of Motor Vehicle Parking Requirements for Wellington Station Multi-Family Overlay District (Page 148)
- Table 9.3-5: Table of Bicycle Parking Requirements for Wellington Station Multi-Family Overlay District (Page 149)
- Table 9.4-1: Table of Development Incentive Bonuses for Mystic Avenue Corridor District (Page 155)
- Table 9.5-1: Table of Development Incentive Bonuses for Salem Street Neighborhood Corridor District (Page 163)
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- Edits to Section 94-2.3 (Page 4): Add district names
 - Wellington Station Multifamily Overlay District WSMOD
 - Mystic Avenue Corridor District MACD
 - Salem Street Neighborhood Corridor District SSNCD
 - Medford Square District MSD
- Edit to Section 94-6.5.7.2.a (Page 61-62): remove “factor” and add Score
 - *Mulch, ground covers, or other plants less than two (2) feet tall at maturity.* Evergreen ground covers are spreading plants typically less than twelve (12) inches tall, which provide year-round soil coverage when established. For Green Score, areas covered with evergreen perennials or shrubs less than two (2) feet tall are awarded the same credit as areas covered with evergreen ground cover. Non-evergreen plants (e.g. grasses) of any height qualify as ground covers so long as they provide soil coverage year-round. Plants that die back below the soil each year do not qualify for Green ~~Factor~~ Score credit.
- Edit to Section 94-8.1.2 (Page 96): rename to match other occurrences of this word
 - ~~Substantial rehabilitation:~~ **Substantially rehabilitate:** cause alterations or repairs to be made, to a structure or structures costing in excess of fifty (50) percent of the assessed value for property tax purposes Assessed value of a structure or structures shall be based on the assessed value as recorded on the assessment rolls of the city as of the first of January preceding the date of the application for development impact project plan approval.
- Edits to Section 94-9.1.4 (Page 109): Update Section references
 - 3. Notwithstanding the foregoing, in a MUZ District, the FAR on a lot may exceed the FAR base if there is a corresponding decrease in GFA and FAR on another lot within the same MUZ District, as hereinafter specified, provided, however, that the FAR on a lot shall not exceed the

"FAR Maximum" (as hereinafter defined). The FAR base shall be 2.25, except that the City Council may, by special permit granted pursuant to Section 11.6, increase by ten (10) percent (i.e., to 2.475) the FAR base, and, the FAR maximum shall be 2.475, except that the City Council may, by special permit granted pursuant to Section 94-9.1.8 94-220, increase by ten (10) percent (i.e., to 2.7225) the FAR maximum. FAR shall be increased on a lot or lots (a lot on which such an increase occurs being referred to as a "benefited lot") and correspondingly decreased on another lot or lots (a lot on which such a decrease occurs being referred to as a "burdened lot") as follows:

1. The FAR on a benefited lot shall be increased as follows: the then permitted FAR on the benefited lot (i.e., 2.25, as the same may have been previously increased or decreased by operation of this Section 94-9.1.4 94-214) shall be multiplied by the lot area of the benefited lot; to that product there shall be added the number of square feet of GFA transferred from the burdened lot or lots, and the resulting sum shall be divided by the lot area of the benefited lot to yield the then-permitted FAR for the benefited lot.
2. The FAR on a burdened lot shall be reduced as follows: the then-permitted FAR on the burdened lot (i.e., 2.25, as the same may have been previously increased or decreased by operation of this Section 94-9.1.4 94-214) shall be multiplied by the lot area of the burdened lot; from that product there shall be subtracted the number of square feet of GFA transferred to the benefited lot or lots, and the resulting sum shall be divided by the lot area of the burdened lot to yield the then permitted FAR for the burdened lot.

- Edits to Table 9.2.A-2: Table of Dimensional Standards for Planned Development District 1: Winchester Street (Page 127)
 - remove “ ‘ “ and substitute for ft
- Edits to Table 9.2.B-2: Table of Dimensional Standards for Planned Development District 2: Mystic Avenue (Page 134)
 1. remove “ ‘ “ and substitute for ft
- Edits to Table 9.3-2: Table of Dimensional Standards for Wellington Station Multi-Family Overlay District (146)
 - remove “ ‘ “ and substitute for ft
- Edits to Table 9.4-1: Table of Development Incentive Bonuses for Mystic Avenue Corridor District (Page 155)
 - Development is ~~certified~~ certifiable as LEED Platinum or equivalent standard
- Edits to Section 94-9.4.5.2 (Page 156): update section reference
 - ***Applicability of Development Standards.*** Sections 94-9.4.6 Development Standards shall apply to all projects submitted under this MACD. These standards, along with any Design Guidelines adopted under paragraph 1 (Section 94-9.4.5.1), above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.

- Edits to Section 94-9.5.5.2 (Page 164): update section reference
 - ***Applicability of Development Standards.*** Section 94-9.5.6 Development Standards shall apply to all projects submitted under this SSNCD. These standards, along with any Design Guidelines adopted under paragraph 1 (**Section 94-9.5.5.1**), above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.
- Edits to Section 94-10.1.2 (170): update section Reference
 - **Development impact project:** means any development in the city in which it is proposed to construct, enlarge, extend, substantially rehabilitate, or change in use for any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential structure containing six (6) dwelling units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to ~~section 94-385~~ **Subsection 94-10.1.4**. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
 - **Development impact project linkage fee:** means the assessment and payment of a sum of money by the project applicant by means of the park and recreational facilities linkage fee calculated according to the formula as set forth in ~~subsection 94-384(b)~~ **Section 94-10.1.3.6**, to the park and recreational facilities trust.
- Edits to Section 94-10.2.1 (Page 174): update reference to linkage facilities
 - 2. Provide a fund for police and fire facility capital improvements through a linkage grant to the ~~park and recreational~~ **police and fire** facilities trust, as a condition of the approval of: any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential development of six (6) units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to Section 10.2.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
- Edits to Section 94-10.2.2 (174): update section Reference
 - **Development impact project:** means any development in the city in which it is proposed to construct, enlarge, extend, substantially rehabilitate, or change in use for any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential structure containing six (6) dwelling units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that requested for a project of

- five thousand (5,000) square feet or more, except those that are exempt pursuant to ~~section 94-385~~ Subsection 94-10.2.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
- **Development impact project linkage fee:** means the assessment and payment of a sum of money by the project applicant by means of the park and recreational facilities linkage fee calculated according to the formula as set forth in ~~subsection 94-384(b)~~ Section 94-10.2.3.6, to the police and fire facilities trust.
- Edits to Section 94-10.3.1 (Page 178): update reference to linkage facilities
 - Provide a fund for roads and traffic facility capital improvements through a linkage grant to the ~~park and recreational~~ roads and traffic facilities trust as a condition of the approval of: any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential development of six (6) units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that is requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to Section 10.3.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
 - Edits to Section 94-10.3.2 (Page 178): update section Reference
 - **Development impact project:** means any development in the city in which it is proposed to construct, enlarge, extend, substantially rehabilitate, or change in use for any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential structure containing six (6) dwelling units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to ~~section 94-385~~ Subsection 94-10.3.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
 - **Development impact project linkage fee:** means the assessment and payment of a sum of money by the project applicant by means of the park and recreational facilities linkage fee calculated according to the formula as set forth in ~~subsection 94-384(b)~~ Section 94-10.3.3.6, to the roads and traffic facilities trust.
 - Edits to Section 94-10.4.1 (Pages 178-179): update reference to linkage facilities
 - **94-10.4.1 Purpose.** The purpose of this Section is to promote the public health, safety, convenience and welfare; to prevent overuse and deterioration of existing water and sewer facilities; to establish a balance between real estate development and the ~~road and traffic~~ water and sewer needs of city residents; and to mitigate the impacts of future development

on the overuse and deterioration of ~~road and traffic~~ water and sewer facilities, by provisions designed to:

1. Afford review and regulation of real estate development projects which directly or indirectly lead to conditions of the use of ~~road and traffic~~ water and sewer facilities that contribute to an increase in the costs for the upgrade, repair and maintenance of ~~road and traffic~~ water and sewer facilities; and the need for new capital improvements.
 2. Provide a fund for water and sewer facility capital improvements through a linkage grant to the ~~park and recreational~~ water and sewer facilities trust, as a condition of the approval of: any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential development of six (6) units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit, or zoning map amendment that is requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to Section 10.4.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
- Edits to Section 94-10.4.2 (Pages 183-184): update section Reference
 - **Development impact project:** means any development in the city in which it is proposed to construct, enlarge, extend, substantially rehabilitate, or change in use for any nonresidential development of ten thousand (10,000) square feet of gross floor area or more; any residential structure containing six (6) dwelling units or more; any subdivision of property which creates six (6) or more units or buildable lots; or any residential or nonresidential project requiring a density bonus, variance, special permit or zoning map amendment that requested for a project of five thousand (5,000) square feet or more, except those that are exempt pursuant to ~~section 94-385~~ Subsection 94-10.4.4. Requests for such zoning relief may include bonuses in density of use such as increases in gross floor area, height or other changes in dimensional requirements.
 - **Development impact project linkage fee:** means the assessment and payment of a sum of money by the project applicant by means of the park and recreational facilities linkage fee calculated according to the formula as set forth in ~~subsection 94-384(b)~~ Section 94-10.4.3.6, to the water and sewer facilities trust.
 - Edits to Section Section 94-11.9.1 (Page 202): add references for acronyms
 - **94-11.9.1 Purpose.** Under the Fair Housing Act (FHA), it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling" 42 U.S.C. Section 3604(f)(3)(B). The same standard applies under the Americans with Disabilities Act (ADA), which also

addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. Section 12112(b)(5). See also G.L. c. 40A, s. 3. The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

- Edits to Table A.1 MACD Table of Uses (Page 234)
 - Uses F.8- F.11 should be “BA” instead of “ZBA” for consistency
- Edits to Table B.2 SSNCD Table of Dimensional Requirements (Page 251)
 - Add ft as units
- **Green highlights= Grammatical edits** ~~Red text= Remove~~
 - Page 44 (94-6.3.11): add letter “e” to “ither”
 - **94-6.3.11 Special Permit to Waive or Reduce Requirements.** The SPGA or Site Plan Review Authority may reduce or waive any provision of this Section by special permit, if warranted considering, among other factors: a waiver is offset by either beneficial aspects of the proposal relevant to the provisions of this Section; the overall design and site planning enhances the visual and civic quality of the site; the overall design and experience for residents and visitors; and that no substantial detriment shall result to the neighborhood.
 - Page 56 (94-6.5.2.3): capitalize Green Score
 - The environmental performance of each landscape element is quantified by assigning a unique multiplier to each feature. This multiplier gives landscape elements with greater environmental value a higher Green Score. Landscaped areas that earn a higher Green Score correlate to higher environmental sustainability than sites that earn a lower score.
 - Page 60 (94-6.5.6.3): remove “ ‘ “ and substitute for ft
 - ***Invasive species.*** Invasive species are prohibited for new plantings. All invasive species must be removed from the development site before new planting. Additionally, a minimum ten (10²) foot wide buffer around all planted areas must be cleared of invasive species, except in portions of the buffer which extend beyond the development site.
 - Page 61 (94-6.5.6.5): reword for consistency
 - ***Soil and Mulch.*** Decompact (loosen) subsoil at a minimum ~~4-inches depth~~ **four (4) inch depth** (whether amended or imported soil) to produce a minimum twelve (12) inch depth of uncompacted soil in all planting areas.
 - Pages 61-62 (94-6.5.7.2.a): add comma
 - ***Mulch, ground covers, or other plants less than two (2) feet tall at maturity.*** Evergreen ground covers are spreading plants typically less than twelve (12) inches tall, which provide year-round soil coverage when established. For Green Score, areas covered with evergreen perennials or shrubs less than two (2) feet tall are awarded the same credit as areas

- covered with evergreen ground cover. Non-evergreen plants (e.g. grasses) of any height qualify as ground covers so long as they provide soil coverage year-round. Plants that die back below the soil each year do not qualify for Green Score credit.
- Page 64 (94-6.5.7.2.b.ii.1) : spelling edit
 - Blue roofs are flat roofs that are designed to temporarily store water to reduce flooding to the surrounding area and ~~hep~~ help prevent sewer overflow. The stored water is gradually released as residents use it for various purposes like watering plants or flushing toilets, or it is simply returned to the ground or sewage system in a controlled way after the storm has moved on.
 - Page 65 (94-6.5.7.2.b.ii.5) : reformat acronym
 - Blue roofs, like all other stormwater ~~Best Management Practices (BMPs)~~ **Best Management Practices (BMPs)** require maintenance; therefore, all maintenance personnel shall access the roof. Additionally, if the roof is open to the public, measures shall be included to ensure safety.
 - Page 128 (94-9.2B.2) undo all caps
 - **94-9.2B.2 Overlay District.** The PDD-2 is hereby established as an overlay district superimposed over, rather than replacing, the underlying zoning designations of the land ~~LOCATED ON THE CORNER OF~~ **located on the corner of** Mystic Avenue and Harvard Street and known and numbered as 243 Mystic Avenue, as depicted on the Survey Plan, as defined below. The owner(s) of land within the PDD-2 may choose to develop such land in conformance with either, but not both, of (a) all the controls and processes which govern the underlying zoning, or (b) provided that it obtains a PDD-2 Special Permit within two (2) years of the date of adoption of the PDD-2 Rezoning Ordinance as required by Section 94-9.2.4 of the Ordinance, all the controls and processes contained in this PDD-2 Rezoning Ordinance.
 - Page 142 (94-9.3.2.1): change a to the
 - **Applicability of WSMOD.** An applicant may develop multi-family housing located within ~~the a~~ WSMOD in accordance with the provisions of Section 94-9.3.
 - Pages 143-144 (94-9.3.3) change case of letters in two definitions
 - **Compliance Guidelines:** Compliance Guidelines for Multi-~~F~~family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
 - **Special p~~e~~ Permit g~~r~~anting a~~n~~ Authority:** The Special Permit Granting Authority shall be the Community Development Board for the issuance of

special permits in the Wellington Multi-Family Overlay District (WSMOD).

- Page 154 (94-9.4.2) capitalization
 - *Commercial.* The Commercial s Subdistrict does not include residential uses. The buildings vary in scale and massing. A greater variety of commercial uses are allowed in this district than in the mixed-use districts.
- Page 155 (94-9.4.4) capitalization and correct term
 - **94-9.4.4. Development Incentives.** In exchange for incorporating certain provisions that further the City’s goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for certain development permissions beyond what is allowed as of right. These permissions include one (1) or more additional stories, up to the maximum number of stories allowed in each subdistrict. Additional stories must comply with any setback, setback stepback, or other dimensional requirements and the development and design standards in 94-9.4.6 Development Standards.
- Page 156 (94-9.4.5.2) spelling error
 - *Applicability of Development Standards.* Sections 94-9.4.6 Development Standards shall apply to all projects submitted under this MACD. These standards, along with any Desing Design Guidelines adopted under paragraph 1 (Section 94-9.4.5.1), above, are components of the Site Plan Review and Special Permit processes as defined in this Zoning Ordinance.
- Page 161 (94-9.5.2) capitalization
 - *Commercial.* The Commercial s Subdistrict does not include residential uses. The buildings vary in scale and massing. A greater variety of commercial uses are allowed in this district than in the mixed-use districts.
- Page 161 (94-9.5.3) spelling errors
 - **Height Stepback Requirements.** For any lot within the MX-1, MX-2, or Commercial district that abuts a MR, GR, or APT-1 district, a height setback stepback is required along the lot line abutting the residential district. The height stepback is calculated by a forty-five (45) degree angle beginning at the third floor and extending to the highest floor of the building in the MX-1, MX-2, or Commercial district. The forth fourth, fifth, and sixth floors shall not break the plane of that forty-five (45) degree angle.
- Page 162 (94-9.5.4) capitalization
 - **94-9.5.4. Development Incentives.** In exchange for incorporating certain provisions that further the City’s goals for affordability, economic development, environmental sustainability, and climate resiliency,

Applicants may receive Development Incentive Bonuses that allow for additional stories beyond the base number of stories that are allowed as of right under Section 94-4.1 Table of Dimensional Requirements. However, that total number of stories is limited to the maximum number of stories allowed in each subdistrict, as shown in Section 94-4.1 Table of Dimensional Requirements. Additional stories must comply with any setback, stepback, or other dimensional requirements and the development and design standards in 94-9.5.3 Dimensional Requirements and Waivers and 94-9.5.6 Development Standards

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- **Red text = Remove**
 - Page 63 (94-6.5.7.2.d.i.e): remove word “urban” for proper name of office
 - In the right-of-way, deciduous trees with one trunk must be two (2) to 2.5 inches, measured six (6) inches above the ground. The **Urban** Forestry Division of DPW requires that they inspect and approve street trees before planting.
 - Page 66 (94-6.5.7.2.c.v) : remove improper numbering
 - The walls shall be at least five (5) feet (~~5 ft.~~) from a side or rear lot line.
 - Page 96 (Section 94-8.1.2): remove this mention of this section of old zoning ordinance to match other occurrences of this definition
 - **Substantially rehabilitate:** ~~To~~ cause alterations or repairs to be made, to a structure or structures costing in excess of fifty (50) percent of the assessed value for property tax purposes ~~as defined in the City of Medford Zoning Code under section 94-382~~. Assessed value of a structure or structures shall be based on the assessed value as recorded on the assessment rolls of the city as of the first of January preceding the date of the application for development impact project plan approval.
 - Page 157 (Section 94-9.4.6) remove weird number formatting
 - *Screening for Surface Parking.* Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than ~~[6-(six)]~~ six (6) feet. The buffer may include a fence or wall of no more than three (3) feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.
 - Page 165 (Section 94-9.5.6) remove weird number formatting
 - *Screening for Surface Parking.* Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no

less than ~~[6-(six)]~~ six (6) feet. The buffer may include a fence or wall of no more than three (3) feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.

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List of Comments or Suggested Changes or Sections to Edit:

- Section 94-2.2 ZONING MAP (Page 3)
 - Edit this to include online map and additional adopted map (MACD and SSNCD)
- Table 6.1-1. Table of Parking Requirements (Page 17)
 - Should this table be removed, since these codes no longer exist in the table of uses
- Section 94-6.5.7.2.d.vi (Permeable Pavement) and 94-6.5.7.2.e.v (Enhanced tree growth systems (Pages 67-68)
 - Both of the following points are the exact same, I think this is a typo and should only be under permeable pavement section:
 - “Permeable paving and structural soil together cannot added up to more than one-third (1/3) of a site’s Green Score.”
- Section 94-7.4.3.4 (Page 72) References “Director of Energy and Environment”
 - Should this title be removed since it is not PDS Director
- Section 94-7.5 (Pages 72-76)
 - Should this be moved given the CC wanting to do this and create a new verison
- Section 94-7.7 (Pages 88-94)
 - Add Section 94-7.7.2 Definitions

- Add Wireless Telecommunications Facility definitions to this section
 - Move them from Section 12.0
 - Renumber rest of Section
- Section 94-8.3.2 (Page 101)
 - Add Senior Housing Facility definitions to this section
 - Move them from Section 12.0
- Section 94-8.3.4 (Page 103)
 - Add Short Term Rental definitions to this section
 - Move them from Section 12.0
- Section 94-9.2B.1 (Page 128): PDD2 text references C-2 on Mystic Ave, this was undone by the MACD, should it be changed now?
 - **94-9.2B.1 Purpose and Intent.** The Mystic Avenue Planned Development District (“PDD-2”) is adopted in furtherance of the stated purpose and intent set forth Section 94-9.2.1 of this Ordinance. More specifically, the PDD-2 is intended to promote beneficial and appropriate redevelopment of the land within the PDD-2 by allowing flexible design and permitting for certain uses for which increased mass and density may be beneficial if the impacts are appropriately mitigated. The PDD-2 is in an area that transitions from commercial use to residential use and can be developed as a buffer between the predominantly residential neighborhoods on the west and the more industrialized and commercial neighborhoods on the east traversed by busy roadways such as I-93, Mystic Avenue, and the Mystic Avenue Parkway. **The zoning district underlying the PDD-2 is Commercial 2 (C-2). Bordering the C-2 district on the west is a General Residence (GR) zoning district.**
- Section 94-9.2C.3 (Page 136): page numbers of plan set missing:
 - **“Survey Plan:** The plan entitled, “Preliminary Site Construction Plans” prepared by Fuss & O’Neill, Inc., comprising of [] sheets designated Sheets [] through [].”
- Table 9.3-3 Table of Development Incentive Bonuses for Wellington Station Multi-Family Overlay District (Page 147)
 - Should AMI be defined or spelled out?
- Section 94-9.4.3 (Page 154) and 94-9.5.3 (Page 161)
 - Separate Dimensional Requirements and Waivers into 2 separate sections
- Section 94-9.4.3 (Page 154) and 94-9.5.3 (Page 161)
 - Side and Rear Setbacks section needs more clarity on what requires the landscape buffer
 - **Side and Rear Setbacks.** A setback next to an existing lot with a residential use of fewer than five (5) units must include a landscaped buffer at least ten (10) feet wide or a fence of eight (8) feet in height a minimum of five (5) feet from the lot line. The area between the lot line

and the fence must be landscaped. The property owner must maintain the buffer, landscaping, and fence, as applicable.

- Table 9.4-1: Table of Development Incentive Bonuses for Mystic Avenue Corridor District (Page 155)
 - Incentive for “Low income share community solar” missing
 - Says “to be confirmed”
- Table 9.5-1: Table of Development Incentive Bonuses for Salem Street Neighborhood Corridor District (Page 163)
 - Incentive for “Low income share community solar” and public parking missing
 - Says “to be confirmed”
- Section 94-10.1.3.6 (Page 171), 94-10.2.3.6 (Page 176), 94-10.3.3.6 (Page), 94-10.4.3.6 (Page)
 - 6. The formula (amount and rate of payment) for the park and recreational facilities linkage fee shall be subject to recalculation no more than three (3) years after the effective date of this provision, and no more than every three (3) years thereafter. The Community Development Board, after public notice and a public hearing may recalculate and amend the formula for the park and recreational facilities linkage fee, based on a methodology and analysis established as a result of report(s), documentation and information prepared by the Office of Community Development.
 - Should this section be changed to reflect Chapter 58 of the Acts of 2025
- Section 94-11.4.1 (Page 190): should highlighted language change to reflect new charter?
 - **94-11.4.1 Establishment.** A Board of Appeals, provided for under G.L. c. 40A, s. 12, is hereby established consisting of five (5) members who shall be appointed by the mayor. The members shall serve for a term of three (3) years which shall expire the first Monday of March, staggered so that the term of one (1) member shall expire each year. The members shall be residents of the City. The Board shall annually elect a chairman from among its own members and a clerk. The mayor shall also annually appoint two (2) associate members of such Board of Appeals who shall be appointed for a one (1) year term and who shall sit on the Board upon the designation of the chairman to act in the event of a vacancy or the absence, inability to act, or interest on the part of a member thereof. Members and the associate members shall serve until a successor is appointed and qualified, unless sooner removed.
- Section 94-11.5.1 (Page 190) should DHCD be changed to EOHLC
 - **94-11.5.1 Establishment.** The Community Development Board, as established by the Acts of 1974, Chapter 839, Section 7, shall have seven (7) members, six (6) appointed by the Mayor and one (1) appointed by the Department of Housing and Community Development. Members appointed by the Mayor shall serve for a term of three (3) years. Terms of all members appointed by the Mayor shall expire on June 30 on any year.
- Section 94-11.7 (Pages 194-200)
 - We have consistently talked about amending the submittal requirements for SPR adding items like shadow studies, explanations of incentive bonuses they are receiving and why, and explanations of high frequency transit. We should revisit this section

- Section 94-11.7.18 (Page 200)
 - Should this language be updated to include other waivers beyond Green Score?
 - **94-11.7.18. Waivers.** Upon the request of the applicant, the Site Plan Review Authority may waive the requirements of Green Score in the interests of design flexibility and overall project quality and upon a finding of consistency of such variation with the purpose of the Green Score and the relevant zoning district's overall purpose and objectives.
- Table B.1 MACD Table of Dimensional Requirements (Page 250)
 - Maximum Height for parcels abutting Mystic Ave. (Stories) should be reworded to max incentive height, because it is currently unclear that it is what it saying
 - Ideal Green Score Values should be added
- Table B.2 SSNCD Table of Dimensional Requirements (Page 251)
 - Maximum Height for buildings that front on Salem St. (Stories) should be reworded to max incentive height, because it is currently unclear that it is what it saying
- Naming Consistency between OCD and PDS
 - Both titles are used

A. RESIDENTIAL USES	Definition
1. Detached single family dwelling	
2. Attached single family dwelling: Two dwelling structure	
Three or more dwelling structure	
3. Detached two-family dwelling	
4. Multiple dwelling, Class A	<p>Dwelling, Multiple: A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.</p> <p>Class A: Not over three (3) stories in height.</p>
5. Multiple dwelling, Class B	<p>Dwelling, Multiple: A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.</p> <p>Class B: Not over seventy (75) feet or six (6) stories in height.</p>
6. Dormitory, fraternity or sorority house	<p>Dormitory: Any dwelling (other than a sorority or fraternity house) owned or controlled by an educational institution and occupied primarily as a place of temporary residence for persons who are employed or enrolled at the educational institution.</p> <p>Fraternity or Sorority House: A dormitory in which, during the academic year, membership in a fraternity or sorority is required as a condition to residence.</p>
7. Lodging or boarding house	<p>Lodging House: A dwelling in which living space, without individual kitchens and with or without kitchen privileges, is designed, occupied, or intended for occupancy by, or let for compensation to five or more lodgers, including a rooming house or boarding house, but not including a senior housing facility, hotel or motel, dormitory, fraternity or sorority house, or other building of an institutional or educational use.</p>
8. Senior housing facility	<p>Senior Housing Facility: An Assisted Living Facility, Continuing Care Facility, Independent Living Facility, or Long Term Care Facility, whether operated as a free-</p>

	standing facility or in combination with another type of facility on the same lot or adjacent lot in common control.
X. Senior Housing Independent Living Facility (PDD-3)	Independent Living Facility: A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility.
X. Multi-family (WSMOD)	Multi-family housing. A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building.
X. Detached one unit dwelling (MACD, SSNCD, and MSD)	Dwelling, one unit, Detached: A detached residential building intended and designed to contain or containing one dwelling unit.
X. Attached one-unit dwelling (Rowhouse) (MACD, SSNCD, and MSD)	Dwelling, one unit, Attached: An attached residential building intended and designed to contain or containing one dwelling unit. Also known as rowhouse.
X. Detached two unit dwelling (Duplex) (MACD, SSNCD, and MSD)	
X. Multiple dwelling (MACD and SSNCD)	Dwelling, Multiple: A building with three (3) or more residential dwelling units or two (2) or more buildings on the same lot with more than one (1) residential dwelling unit in each building. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.
X. Co-housing (MACD, SSNCD, and MSD)	Co-housing: A group of buildings in common ownership which include a combination of single-unit, two-unit, or multiunit buildings and one or more buildings with shared living spaces, such as a common room, library, dining room, kitchen, etc.
X. Congregate Housing (MACD, SSNCD, and MSD)	Congregate Housing: Residential occupancy of a dwelling unit by more than four (4) unrelated individuals that are ‘handicapped’ as defined in 42 U.S.C. §3602 or have a ‘disability’ as defined in 42 U.S.C. §1202. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.

X. Three-unit dwelling, Detached (MACD, SSNCD, and MSD)	Three-dwelling Unit, Detached: A building that is divided into three (3) dwelling units. Each unit has an independent entrance either directly from outside the building or through a common vestibule. This building type includes triple decker.
X. Townhouse (MACD, SSNCD, and MSD)	Townhouse: A group of attached dwelling units occupied by not more than one family in each unit between side walls, each unit having separate entrance from the street and sharing a common open space. Townhouse shall include condominiums or cooperative ownership.
X. Historic Conversion (MSD)	
X. Multiplex (4-6 units) (MSD)	
X. Multiple Dwelling (> 6 units) (MSD)	
B. COMMUNITY USES	
1. Museum	
2. Community center or adult recreational center, nonprofit	Community Center or Adult Educational Center, Public or Nonprofit: A facility operated by a religious, nonprofit or civic organization primarily to provide public facilities for meetings, classes, teen centers and similar uses. A community center may include artists' space and offices for nonprofit organizations if such uses are clearly secondary to the primary use of the building and do not include any residential or overnight components.
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	
5. Child care center or school aged child care program	Child Care Center: A child care center, as that term is defined in G.L. c. 15D, s. 1A.
6. Public fire station	
7. Public library	

8. Other municipal uses	
9. Essential services	
10. Hospital, nonprofit	Hospital, Nonprofit: A building providing 24-hour in-patient services for the diagnosis, treatment or other care of human ailments including, where appropriate, a long term care facility
11. Other Institution	Institutional Use: the use of land or structures for the non-profit charitable, benevolent, spiritual, instructional or custodial activities of government, education, religious, health care, social service, fraternal/sorority or similar organizations.
C. OPEN RECREATIONAL AND AGTICULTURAL USES	
1. Private open recreational uses, available to the public	Recreational Use: The use of any site or indoor or outdoor facility for the purpose of play, diversion, amusement, or physical fitness which is primarily for other than residents of the premises, including, without limiting the generality of the foregoing a park, playground, beach, swimming pool, marina, bowling alley, theater, and concert hall, and as referred to in this chapter also means a use in which no outdoor area designed for active use is located within any required yard and in which all activities, both indoor and outdoor are so arranged and sound-insulated so as to protect the neighborhood from inappropriate light and noise in any season.
2. Public open recreational uses	Recreational Use: The use of any site or indoor or outdoor facility for the purpose of play, diversion, amusement, or physical fitness which is primarily for other than residents of the premises, including, without limiting the generality of the foregoing a park, playground, beach, swimming pool, marina, bowling alley, theater, and concert hall, and as referred to in this chapter also means a use in which no outdoor area designed for active use is located within any required yard and in which all activities, both indoor and outdoor are so arranged and sound-insulated so as to protect the neighborhood from inappropriate light and noise in any season.
3. Exempt agriculture	Agriculture, Exempt: As set forth in G.L. c. 40A, s. 3, use of land for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or

Commented [ZC1]: Not sure if this is the correct definition we want to use for this. What is other?

Commented [ZC2]: definition for regular recreational use, but none for public and private

	<p>viticulture, including those facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities may be limited to parcels of 5 acres or more or to parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as 1 parcel.</p>
4. Production of crops, horticulture and floriculture	
5. Keeping and raising of livestock, including animal stable or kennel	<p>Keeping or Raising of Livestock, Including Animal Stable and Kennel: Facility for keeping three or more animals, three months old or older, on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where animals are customarily kept for sale, but this definition shall not include any business that meets the definition of dog daycare.</p>
D. COMMERCIAL USES	
1. Private entertainment or recreation facility excluding adult uses	<p>Private entertainment/recreational facility. A type of retail or consumer service establishment whose principal use is to provide entertainment or recreation services to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit, such as but not limited to a bowling alley, rock</p>

	climbing gym, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, or game room.
2. Public entertainment or recreation facility	
3. Private nonprofit members only recreational club or lodge	Club or Lodge, Private Nonprofit: A building or portion thereof or an area which is used to meet the social and recreational needs of a nonprofit group or organization to which membership is required, with or without the sale of alcoholic beverages.
4. Trade, professional, or other school operated for profit	
5. Hotel or motel, small	Hotel or Motel: A building or group of buildings which may or may not contain a public dining room and which is designed or used for shelter to transient residents or guests.
6. Hotel, large	Hotel or Motel: A building or group of buildings which may or may not contain a public dining room and which is designed or used for shelter to transient residents or guests.
7. Mortuary, undertaking or funeral establishment	Mortuary, Undertaking, or Funeral Establishment: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services necessary for the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; (e) facilities for cremation; and (f) the living quarters of an individual whose bona fide occupation is in the funeral establishment.
8. Adult use	Adult Use: An adult bookstore, video, or motion picture theatre.
9. Brewery or taproom ¹	Brewery: An establishment primarily engaged in the production and distribution of beer, ale, or other malt beverages, which may include accessory uses such as tours of the brewery, retail sales, and/or on-site consumption of their products, e.g., a “taproom” or “tasting room”. This facility shall hold the appropriate Commonwealth of Massachusetts brewery license as well as any required pouring license approved by the Local Licensing Authority. This facility may host marketing events, special events, and

Commented [ZC3]: Only listed in WSMOD (Section 94-9.3.3) not Section 12

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	<p>brewery tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery. The facility may also provide food that is produced on-site, produced off-site, or produced with food trucks that are located on-site.</p> <p>Barrel: A container, usually cylindrical in nature used for the storage of a malt beverage with a capacity of not more than thirty-one (31) gallons.</p> <p>Tasting Room/Taproom: A room attached to a brewery that allows patrons to sample or consume beer, ale or other malt beverages that are produced on-site in accordance with G.L. c. 138.</p>
<p>X. Artisanal Fabrication (MACD, SSNCD, and MSD)</p>	<p>Artisanal Fabrication: Production of goods using hands tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operation or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shop, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.</p>
<p>X. Artistic/Creative Production (MACD, SSNCD, and MSD)</p>	<p>Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.</p>
<p>X. Work-Only Artists Studio (MACD, SSNCD, and MSD)</p>	<p>Work-Only Artists' Studio: A space used by an artist for the creation of any visual art or craft, including but not limited to, painting, drawing, photography, sculpture, jewelry-making, basket weaving, pottery, or other art or craft; of written works of fiction or nonfiction; or any performing art, whether for live or recorded performance, including music, dance, and theater. Retail sales of art produced on-site and arts instruction by the artist are allowable accessory uses.</p>

X. Co-working Space (MACD, SSNCD, and MSD)	Co-working Space: A building or portion thereof consisting of a shared office environment, which contains desks or other workspaces and facilities, including but not limited to, dedicated workstations, office suites, meeting rooms, event space, resource libraries, and business or administrative support services, and is used by a recognized membership who share to interact and collaborate with each other.
X. Retail Store of Shop for Sale of Custom Work or Articles Made on Premises (MACD, SSNCD, and MSD)	Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises. Any manufacturing or fabrication shall be considered a light manufacturing operation incidental to retail or service use and involved products customarily sold on the premises by the producer to the customer.
E. OFFICE USES	
1. Business, professional, or government office	Office, Business, Professional, or Government: An office for the conduct of business by a professional such as an attorney or accountant, realtor, financial advisor, or the like, or a governmental office. Professional Office: Building housing members of a recognized profession such as doctors, lawyers, dentists, architects, civil engineers, optical services, podiatrists, chiropractors, and medical clinic subject to special requirements in residential districts and that do not include retail sales as a principal use.
2. Business, professional, or government office, large (removed in MACD, SSNCD, MSD)	Office, Business, professional or government, large: An office greater in height than the maximum otherwise allowed in the district, but not greater than one hundred and twenty-five (125) feet in height.
3. Medical office	Office, Medical: An office or clinic for the medical or dental examination or treatment of persons or animals as outpatients, including laboratories incidental thereto.
4. Bank and other financial institution	
X. Laboratory Office (PDD2)	
X. Neighborhood Medical Office (MACD, SSNCD, and MSD)	Neighborhood Medical Office: Office of a physician, dentist or other medical practitioner not located in a clinic or hospital as defined in Section 94-12.0 Definitions. The office area shall not exceed 1,500 square feet of gross floor area, shall have no

	more than 5 employees, and shall operate only between the hours of 8:00 a.m. and 7:00 p.m.
X. Clinic not affiliated with any other institution (MACD)	
X. Clinic affiliated with a hospital or accredited university medical school (MACD)	
X. Clinic connected to a community center (MACD)	
D. RETAIL AND SERVICE USES	
1. Retail sales ²	Retail Sales: A store with more than 5,001 square feet of gross floor area, including, without limiting the generality of the foregoing, a grocer, baker, food store, package store, dry goods, variety, clothing, hardware, paint, household goods, furniture, books, tobacco, flowers, drugs, and general merchandise.
2. Convenience retail ²	Retail Sales, Convenience: Retail sales in a building with 2,501 to 5,000 square feet of gross floor area.
3. Neighborhood retail	Retail Sales, Neighborhood: Retail sales in a building with 0 to 2,500 square feet of gross floor area.
4. Drive through retail sales and consumer service	
5. Consumer service establishment	Consumer Service Business: Activities primarily serving families and individuals as distinguished from businesses or industries, including without limiting the generality of the foregoing the following: Barber, beauty shop, laundry and dry-cleaning pickup agency, shoe repair, self-service laundry or other similar use; Hand laundry, dry cleaning or tailoring, or other similar use, provided personnel limited to five persons at any one time; Printing shop, photographers studio, caterer, or other similar use where personnel is limited to five persons at any one time.
6. Paranormal service and sales (not in MACD, SSNCD, and MSD)	Paranormal Service and Sales: Business engaged in providing services or sales which relate, in any way, to fortune telling, palmistry, card reading, astrology, phrenology, parapsychology, paranormal phenomena, precognition, prediction of future

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	events by use of tarot cards or the like, telekinesis, psychic ability, horoscopes or any similar services or sales.
7. Body art establishment	Body Art Establishment: A specifically identified individual who has been granted a permit by the Board of Health to perform body art in an establishment that has been granted a permit by the Board of Health. Body art establishments shall not be located less than 2,000 feet from the nearest lot line of another body art establishment.
8. Adult Use Marijuana Establishment - Cultivation	Marijuana Cultivator: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.
9. Adult Use Marijuana Establishment – Manufacture and processing	Marijuana Product Manufacturer: An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.
10. Adult Use Marijuana Establishment – Retail	Marijuana Retailer: An entity licensed to purchase and transport marijuana and marijuana products from Marijuana Establishments and to transfer, sell or otherwise transfer this product to Marijuana Establishments and to sell to consumers. Marijuana Retailers are prohibited from offering Marijuana or Marijuana Products for the purpose of on-site social consumption on the premises of a Marijuana Establishment.
11. Adult Use Marijuana Establishment – Independent laboratory	Independent Testing Laboratory: A laboratory that is licensed or registered by the Cannabis Control Commission and is: <ul style="list-style-type: none"> (a) currently and validly licensed under 935 CMR 500.001: Application Requirements, or formerly and validly registered by the Commission; (b) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International

Commented [ZC6]: listed in Section 94-7.6.2 and not Section 12

	<p>Laboratory Accreditation Cooperation mutual recognition arrangement or that is otherwise approved by the commission;</p> <p>(c) independent financially from any medical marijuana treatment center or any licensee or Marijuana Establishment for which it conducts a test; and</p> <p>(d) qualified to test marijuana in compliance with regulations promulgated by the commission.</p>
X. Doggy Daycare (MACD, SSNCD, and MSD)	Doggy Daycare: A facility providing care for dogs on a daily basis without overnight accommodation. The facility may include indoor and outdoor areas for the dogs where they will be under supervision. For clarity, this definition does not include animal boarding facilities
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS	
1. Eating place, without drive through	Eating Place: A use including but not limited to lunch room, restaurant, cafeteria, place for the sale and consumption of food, beverages, ice cream, and the like, and as referred to in this chapter also means a use primarily in an enclosed structure, with no dancing, nor entertainment other than music.
2. Eating place, with drive through	Eating Place, Drive Through: An eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption by a customer of goods sold normally takes place within the customer's automobile on the premises of the establishment.
X. Neighborhood Cafe (MACD, SSNCD, and MSD)	Neighborhood café: means an establishment that serves a limited menu of food items and does not contain more than 2,00 square feet of gross floor area

H. MOTOR VEHICLE RELATED USES	
1. Motor vehicle light service station	Motor Vehicle Light Service Station: A building or premises used for the dispensing, sales or offering for sale of motor fuels directly to users of motor vehicles. Other sales activities and any repairs shall be activities minor in scope and clearly subordinate to the sale of motor fuels, oils and lubricants. No drive-through facilities are permitted without further zoning relief.
2. Motor vehicle repair establishment	Motor Vehicle Repair: A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle equipment.
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	Motor Vehicle Sales or Leasing: Premises for the sale or lease of used or new motor vehicles, including supplying of fuel, oil, lubrication, washing, or repair services, but not to include body work or painting. Motor Vehicle Hourly Rental Station: A facility at which, by contract, motor vehicles are made available for rent for a period not longer than 24 hours.
4. Outdoor motor vehicle sales and storage accessory to H.3	Open Storage: Uncovered storage of building materials or other materials, including, without limiting the generality of the foregoing: lumber, cement, electrical, heating, plumbing, refrigeration, roofing supplies, tools, ladders, plows, containers, and other equipment. The term "open storage" shall include uncovered storage of motor vehicles or trailers not in regular use by the property owner or occupant.
5. Motor vehicle sales and storage, outdoors	
6. Class II used motor vehicle sales	Motor Vehicle Sales under Class II License: Sale of second hand or used motor vehicles pursuant to G.L. c. 140, s. 58.
7. Motor vehicle wash within enclosed structure	
I. MISCELLANEOUS COMMERCIAL USES	
1. Parking area or garage not accessory to permitted principal use: Residential	Parking Garage or Parking Area, Residential: A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair of

Commented [ZC7]: Open storage references this, but no official definition

	noncommercial motor vehicles, and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use or uses permitted in a residential district, and in which no space is rented for casual or transient parkers.
Nonresidential	Parking Garage or Parking Area, Nonresidential: A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair of noncommercial motor vehicles, and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use or uses permitted in a residential district, and in which space is rented for casual or transient parkers.
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district ³	
6. Open Storage	Open Storage: Uncovered storage of building materials or other materials, including, without limiting the generality of the foregoing: lumber, cement, electrical, heating, plumbing, refrigeration, roofing supplies, tools, ladders, plows, containers, and other equipment. The term "open storage" shall include uncovered storage of motor vehicles or trailers not in regular use by the property owner or occupant.
7. Moving of land	Moving of Land: Excavation, receipt, storage, or removal of sod, loam, sand, gravel or rock as a principal use or activity unrelated to any construction. Excavation for the

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	purpose of human interment and receipt of less than 30 cubic yards of loam for landscaping purposes shall not be considered to fall within this definition.
8. Radio and television tower	Radio and Television Tower: A tower for the electronic transmission of entertainment and information for the general public by public and commercial radio and television stations. This use shall include appurtenant devices such as monitoring systems, ground radial systems, guy cables, supports and control systems. This use does not include private radio stations or citizens band stations.
9. Solar energy system	Solar Energy System: A system designed for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating, as further defined in G.L. c. 40A, s. 1A.
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES	
1. Fuel and ice sales	
2. Motor freight terminal	Motor Freight Terminal: A structure or area where freight brought by truck or rail is stored for routing and reshipment.
3. Printing and publishing	
4. Railroad right of way	
5. Manufacturing	
6. Research and testing laboratory	Research and Testing Laboratory: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses, but excluding laboratories categorized as Level 3 or 4 by the National Institutes for Health.
7. Plumbing or carpentry shop, and other similar service or repair shops	
8. Wholesale bakery or food processing plant	
9. Wholesale laundry, cleaner, dyer or similar use	

10. Warehouse, Wholesale establishment	
11. Mini or self storage warehouse	
X. Distillery or winery (MACD, SSNCD, and MSD)	Distillery or Winery: A small, independently owned facility in which alcoholic beverages produced on-site are bottled and sold, typically or final conjunction with a bar, tavern, or restaurant use. This includes the substantial equivalent to distilleries and wineries.
X. Food production facility (MACD, SSNCD, and MSD)	Food Production Facility: Food and beverage manufacturing plants that transform raw materials into products for intermediate or final consumption by applying labor, machinery, energy, and scientific knowledge. Food production facilities do not include marijuana establishments or medical marijuana treatment centers.
X. Life Sciences Facility (MACD, SSNCD, and MSD)	Life Sciences Facility: A facility for the study, testing, and development of products or services related to chemicals, drugs, or biological matter.
X. Light Manufacturing (MACD, SSNCD, and MSD)	Light manufacturing: The fabrication, processing, finishing, assembly, packing, or treatment of articles or merchandise conducted solely within a totally enclosed building which will not generate more noise, odor, smoke, vibration, or electrical interference, than the standard set forth in this Zoning Ordinance.
X. Maker Space (MACD, SSNCD, and MSD)	Maker Space: A building or portion thereof used for on-site production of parts or finished products by individual or shared use of hand-tools, mechanical tools, and electronic tools. Maker Spaces may include space for design and prototyping of new materials, fabrication methodologies, and products, as well as space for packaging, incidental storage, sales, and distribution of such projects. Typical uses include but are not limited to: electronic goods; printmaking; leather products; jewelry and clothing/apparel; metal work; furniture; woodworking and cabinet shops; glass or ceramic production; and paper design and production.
X. Shared-use kitchen (MACD, SSNCD, and MSD)	Shared-use Kitchen: on-Retail Food Processing Establishment. Commercial space and equipment to multiple individuals or business entities to commercially prepare or handle food that will be offered for wholesale, resale, or distribution. Shared-use kitchens may include multiple workstations, professional-grade equipment, freezer, cold and dry storage areas, and proper sanitation equipment. The spaces may serve as a commercial production area, a packaging facility, and/or commissary for food

	businesses. Renters or members can rent existing infrastructure for hourly or daily time blocks.
J. ACCESSORY USES	
1. Home occupation (see s. 3.4) As of right	Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling us. In connection with such use, there shall be no retail sale of merchandise on the premises.
by special permit	Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling us. In connection with such use, there shall be no retail sale of merchandise on the premises.
2. Accessory child care center or school aged child care program	School Aged Child Care Program: A school aged child care program, as that term is defined in G.L. c. 15D, s. 1A.
3. Family day care home	Family Child Care Home: An accessory use as defined by G.L. c. 15D, s. 1A. Family Day Care Homes. Small and large family day care homes are allowed as of right as an accessory use as set forth in the Table of Use and Parking Regulations, subject to site plan approval by the Community Development Board.
4. Family day care home, large	Family Child Care Home, Large: An accessory use as defined by G.L. c. 15D, s. 1A.
5. Adult day care home	
6. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	
7. Noncommercial greenhouse, tool shed, or similar accessory structure	Greenhouse, Tool Shed, or Similar Noncommercial Accessory Structure: Storage structure for garden equipment, swimming pool, tools, and the like.
8. Swimming pool, on a lot with: Less than 4,500 sq. ft.	

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More than 4,500 sq. ft.	
9. Scientific research and development, as provided at Section 3.3.3.1	Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals as set forth in the Table of Use and Parking Regulations, provided that the Board finds that the proposed use does not substantially derogate from the public good.
10. Keno	
11. Open storage	Open Storage: Uncovered storage of building materials or other materials, including, without limiting the generality of the foregoing: lumber, cement, electrical, heating, plumbing, refrigeration, roofing supplies, tools, ladders, plows, containers, and other equipment. The term "open storage" shall include uncovered storage of motor vehicles or trailers not in regular use by the property owner or occupant.
12. Heavy repair operations	
X. Accessory Dwelling Units (MSD)	Accessory Dwelling Unit: A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, as further defined in G.L. c. 40A, s. 1A.
L. OTHER PRINCIPAL USES (MACD, SSNCD, and MSD)	
1. Mixed-use, Community (MACD, SSNCD, and MSD)	Mixed use, Community: Development containing a mix of residential uses and small-scale commercial uses such as, but not limited to, Neighborhood Café, Co-working Space, Day Care, and Laundromat.
2. Mixed-use, Development (MACD, SSNCD, and MSD)	Mixed-Use Development: development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses

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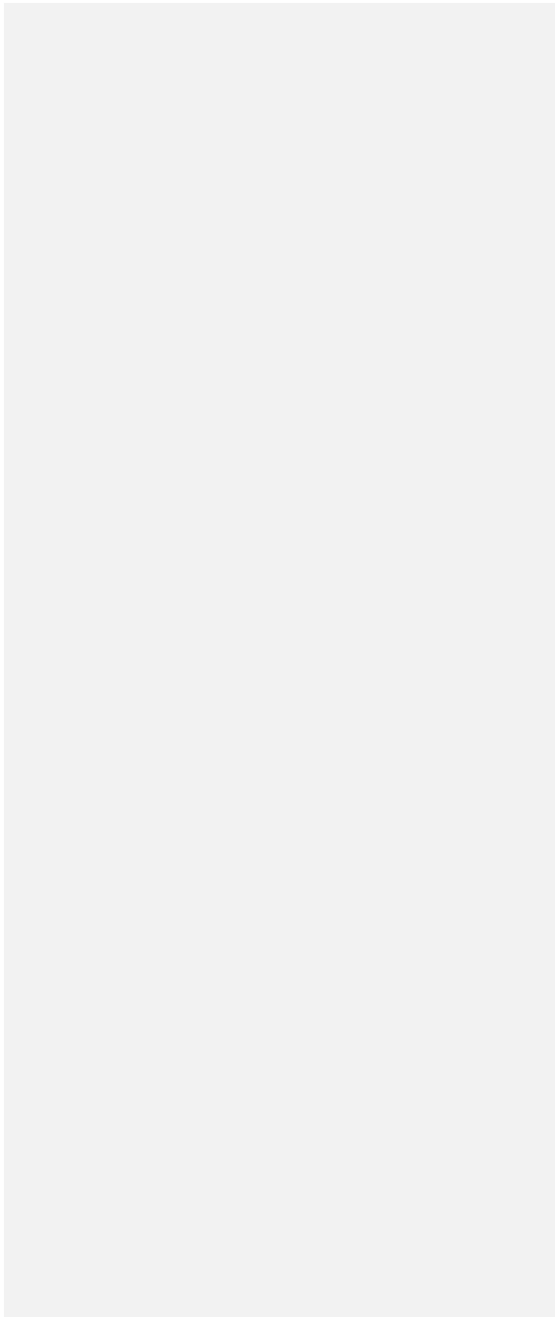
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Uses listed as definitions, but not found in the use table:

1. **Accessory Office:** The use of a room or rooms in a dwelling by a person resident in the dwelling for an office or studio, and as referred to in this chapter also means a use in which not more than **one (1)** nonresident is employed and no goods are publicly displayed or offered for sale.
2. **Business Incubator:** An organization that assists early innovators achieve a minimum viable product or service and creates an achievable plan to take that product or service to market. In addition to mentorship and investment opportunities, a business incubator gives access to logistical and technical resources, as well as shared office space. An incubator program can last from several months to a few years.
3. **Clinic:** A clinic as defined in M.G.L. c. 111, section 52.
4. **Co-living:** A building in which a group of residents pay rent to occupy a single unit with private bedrooms and shared living spaces, including cooking and sanitary facilities. Such residents have input over the selection of the other residents living in the housing unit.
5. **Junkyards:** The use of any area or any lot, whether inside or outside of a building, for storage, keeping, or abandonment of junk, scarp or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof, including, but not limited to:
 - a. Discarded, worn-out, or junked plumbing, heating supplies, household appliance and furniture.
 - b. Discarded, scrap, and junked lumber.
 - c. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, or plastic debris, waste, and all ferrous material.
 - d. Discarded motor vehicle parts or more than **two (2)** unregistered motor vehicles.
6. **Scenic View Points:** Site lines of scenic, historic, environmental and natural or man-made resources as designated from time to time and filed by the Board of Appeals as being of particular importance to the preservation of the distinguishing physical and visual characteristics of the City. From time to time, the Board of Appeals may file a then current list of Scenic View Points with the Zoning Enforcement Officer.
7. **Trade Shop:** Shop of a carpenter, plumber, electrician, roofer, or similar trade.

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**MEDFORD
CITY COUNCIL**

Office of Justin Tseng,
City Councilor

UPDATING THE VACANT PROPERTIES ORDINANCE

Proposal for the Planning and Permitting Committee



BACKGROUND: VACANCIES IN MEDFORD

VACANCIES IN MEDFORD

- Medford has had a few vacant buildings in public places for a long time.
- Long-term vacancies harm economic vitality and community life
 - Reduce foot traffic and weaken commercial corridors
 - Create blight, safety concerns, and lost opportunities for social spaces that residents are asking for





BACKGROUND: VACANCIES IN MEDFORD

OUR PROCESS THUS FAR

- Councilor Tseng drafted the current version of the vacant building ordinance with a team at Harvard Law School.
- Council sought and incorporated feedback on it from the Building Commissioner, PDS, other interested parties, and municipal leaders in other Mass. communities that have seen success tackling the issue. Feedback was sought in earnest from many stakeholders.





BACKGROUND: VACANCIES IN MEDFORD

WHAT WE'VE FOUND

- Landlords hold out for higher-paying tenants
 - High eviction costs and long lease terms
 - Inability to pay to bring buildings up to code
 - Option value of waiting often exceeds lost rent
- Limited success with existing measures:
 - State tax credits require long vacancy periods
 - Grants are small, highly restricted, and don't create long-term stability for new business owners
 - Limited ability to engage property owners directly





RESIDENTS DON'T LIKE LONG-TERM VACANCIES

- *“Require landlords of empty commercial space to properly maintain their storefronts.” - 12/19/2025*
- *“How can I help? I’m embarrassed by my town, which I adore.” - Concerning West Medford’s vacancies, 11/13/2025*
- *“I live on Hillcroft Park in West Medford. My neighbor...tells me that you are working on an ordinance to address the problem of vacant storefronts...As you may know, the north side of High Street between Warren and Playstead in particular is plagued by this problem. Several storefronts -- in buildings with the same owner, I believe -- have been vacant for years even though it is my understanding that multiple potential tenants have expressed interest in occupying them. I’m sure you appreciate that this not only creates an eyesore but makes our community less safe and deprives us of local services that could improve the quality of our lives...I’d like to know if there is any other way I can be helpful.” - 5/8/2025*
- *“I like the vacancy tax. Good plan.” - 11/19/2024*



VACANT BUILDING POLICIES IN OTHER CITIES

- Easthampton's Vacant Building Ordinance imposes a \$500 vacant storefront registration fee that escalates each year of vacancy and waives those fees for properties displaying public art; Easthampton's Mayor thought that this policy was the likeliest reason their own rate of vacant storefronts plummeted, filling all but two of their vacant storefronts.
- Lowell imposes a \$1000 vacant storefront registration fee that escalates by an additional \$1000 each year of vacancy.
- Arlington's Economic Development Coordinator noted that the city's annual vacancy registration fee has been a useful tool in improving building upkeep and facilitating contact with property owners who have typically been unresponsive when the city needs to contact them for various issues, including condemnation, squatters, or opportunities for mixed use and potential renters.



VACANT BUILDING POLICIES IN OTHER CITIES

- New Bedford, which implements a similar vacancy registration fee, also reported positive overall results: improved maintenance, a “robust database of information on vacant properties,” and improved communication with property owners.
- San Francisco has a vacancy tax, under which landlords of spaces vacant for over 182 days must pay an annual tax of \$250 per linear foot of frontage, where the tax steps up in subsequent years, and vacancy registrations, requiring vacant storefronts to be registered within 30 days of vacancy. Early evidence indicates the vacancy tax has contributed to a 50 percent reduction in vacancy rates across the city.
- **Generally, vacancy registration fees used in MA cities have led to:**
 - Improved communication and property upkeep
 - Sharp reductions in vacancy rates reported



WHAT'S IN THE PROPOSED ORDINANCE?



PURPOSE

1. Establish, develop, and maintain an online registry of Vacant Properties in Medford to reflect current vacancies,
2. Conduct the inspections provided for in this section,
3. Provide an administration appeal process for any person aggrieved by the requirements of this section, and
4. Mitigate negative effects of vacant or foreclosing properties on the health, safety, welfare and economic vitality of the city and its residents.



DATABASE

- Fees collected from vacancies pay for a database that help publicize vacant properties available for purchase or lease. Within 90 days of the building becomes vacant, building owner must register the property with a database that includes the following:
 - The owner's name, address, telephone number;
 - Property street number;
 - Storefront status (vacant, leased, or sold to another owner);
 - Property type and use;
 - Square footage;
 - Contact info of any property manager or property management company, if applicable;
 - A statement as to whether the Building is currently a Vacant Property and if not, the date upon which the Building will become a Vacant Property;
 - A statement as to whether the Building is currently a Foreclosing Property and if not, the date upon which the Building will become a Foreclosing Property;
 - A certification that the property was inspected by the owner or agent;
 - Clear photographs of interior rooms and any street-facing exteriors.



FEES AND WAIVERS

- Annual registration requirement for vacant properties, with an escalating fee over time
 - \$1000 first year of vacancy, \$2000 second year, \$3000 each subsequent year
- Fee can be waived in the case of
 - Demonstrated substantial financial hardship of the owner;
 - The building owner puts on a public art display;
 - The building is used for community events;
 - A demonstration that the building is being improved for future use;
 - Special cases like condemnation of the building or upcoming changes to the zoning code.



HIGHER MAINTENANCE STANDARDS

- Building owners required to
 - Inspect vacant properties monthly;
 - Affix a 24-hour contact number of the local individual or property management company in charge of it
 - Make repairs to broken windows, doors, and so on
 - Keep it free of rats, mice, etc.



MODERNIZING INSPECTIONS

- Building Commissioner, Police Chief, Fire Chief, or the Health Director may inspect a property.
- May inspect on a quarterly basis the exterior and interior of any properties.
- May issue fines or citations for violations of this ordinance or any other.



ENFORCEMENT

- Enforced with discretion by the Building Department and the Board of Health to encourage compliance
- Infractions punishable by fines of \$300/day:
 - Failure to register the property
 - Failure to identify an individual or local property management company on the building
 - Failure to provide proof of sale or occupancy to the building commissioner when the property ceases to become vacant
 - Failure to pay the annual registration permit fee
 - Failure to maintain the property
- Get seven days to remedy issues prior to issuance of fines.
- Fines may be waived upon abatement of the violations
- Appeals may be made to the Building Department within 30 days of the imposition of a fine.



ENFORCEMENT

WHAT OPTIONS DOES THE CITY HAVE FOR ENFORCEMENT?

- The city has two only mechanisms of enforcement: condemnation and fines
 - Condemnation is a process regulated by state law and essentially means the building commissioner has to demolish the building entirely. It creates liability and responsibility upon the Municipality, so we try strenuously to avoid condemnation.
 - Charging fines to the property owners are the only other means available to the City for enforcement of these ordinances



SUMMARY

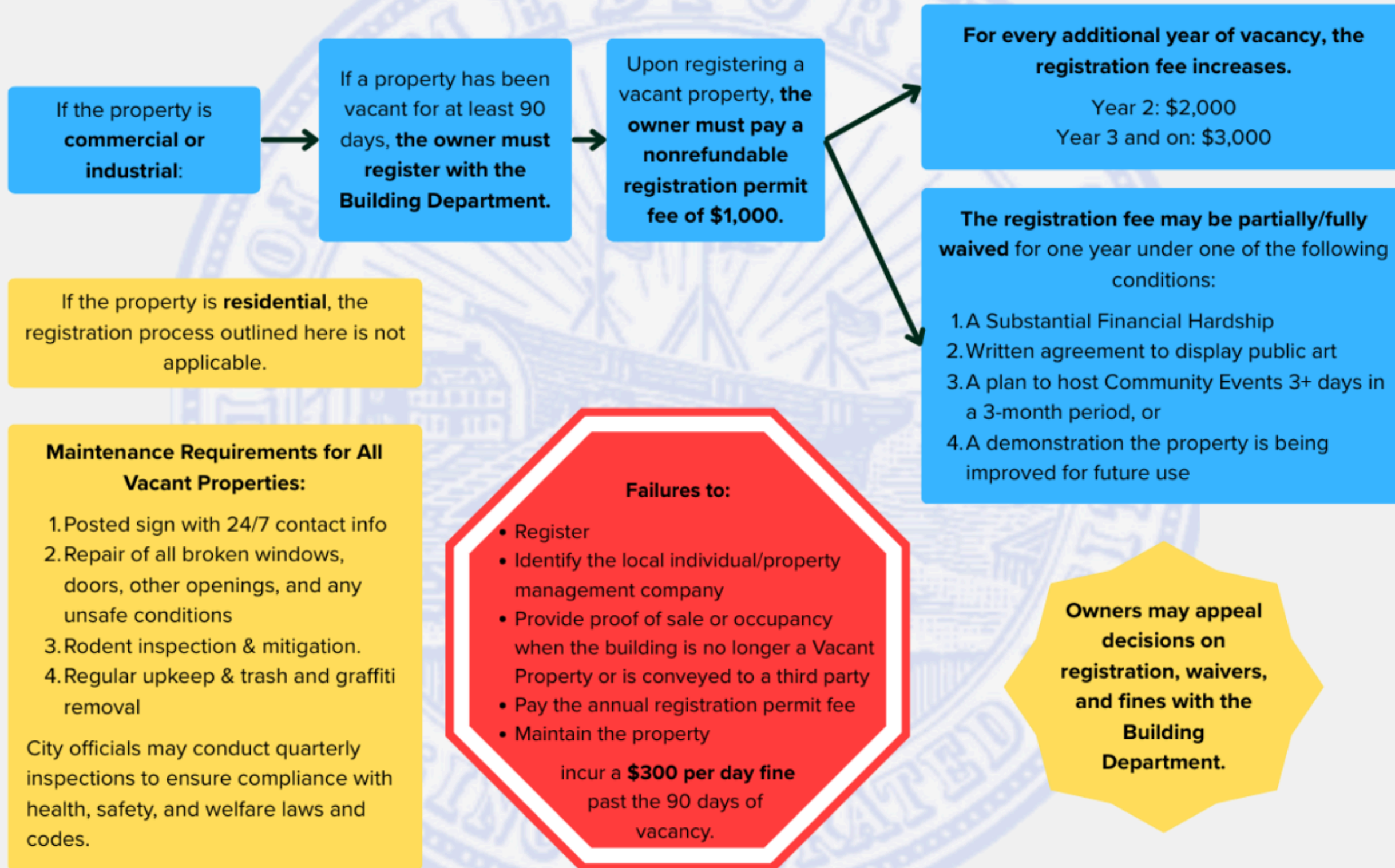
WHAT DOES THIS PROPOSAL DO?

- This proposal will give the city far more leverage than before against negligent landlords, and we need carrots as well as sticks to solve this problem. Communities that have adopted this report that most properties come into compliance sooner than when any fees kicks in.
- It encourages productive use of commercial space
 - Improves neighborhood vitality and aesthetics
 - Adds a practical, legally sound tool to Medford's toolkit
- In summary, this will **reduce vacancies, incentivize communications** with property owners, and **improve building upkeep and inspections**.



VACANT BUILDING REGISTRATION

Breaking down the registration process for vacant commercial and industrial properties in Medford





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City Councilor

City of Medford

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PROPOSED ORDINANCE TEXT

TO: Medford City Council
FROM: Medford City Councilor Justin Tseng, Erin Yu, Melody Wang, & Otto Barenberg
DATE: Thursday, January 22, 2025
RE: Proposed Vacant Properties Ordinance Draft

CHAPTER 94 - Sec 95-7.5 is hereby removed.

CHAPTER 10 – BUILDINGS AND BUILDING REGULATIONS

ARTICLE VIII. - Vacant and foreclosing properties.

10-118 Purpose and Findings.

1. Whereas among other things, Vacant Commercial Properties and Vacant Industrial Properties can degrade the vitality of Medford’s commercial districts, frustrate local planning and development efforts, create increased specific risks of fire damage, vandalism and unlawful entry or uses, and give rise to other public health and safety hazards, this section is intended to promote the City’s public welfare and economic health by requiring all property owners to register and properly maintain vacant or foreclosing commercial and industrial properties.
2. It is the intent of this section to protect the health, safety, welfare and economic vitality of the City of Medford and its residents by protecting property values, maintaining neighborhood integrity and accessibility, safeguarding against property blight, protecting City resources and ensuring the safe and sanitary maintenance of Vacant Properties.
3. Furthermore, it is the intent of this section to use the monies raised by the fees set forth in this section to:
 - a. Establish, develop, and maintain an online registry of Vacant Properties s in Medford to reflect current vacancies,

- b. Conduct the inspections provided for in this section,
- c. Provide an administration appeal process for any person aggrieved by the requirements of this section, and
- d. Mitigate negative effects of vacant or foreclosing properties on the health, safety, welfare and economic vitality of the city and its residents.

10-119 Definitions.

- 1. The terms used in this Section shall have the meanings indicated in Section 94-12.0 of the Medford Municipal Code.
- 2. For purposes of this Section only, the following terms shall be defined as follows:

Commercial Property: A property containing a Building or portion thereof used within the past three (3) years for a period of no less than thirty (30) days for:

- 1. Commercial Uses as indicated in the Table of Use and Parking Regulations in Chapter 94 of the Medford Code of Ordinances, or
- 2. Retail and Service Uses as indicated in the Table of Use and Parking Regulations in Chapter 94 of the Medford Code of Ordinances.

Community Event: Temporary or interim use of a Vacant Commercial Property or Vacant Industrial Property for a public or semi-public purpose as determined by the Planning, Development, and Sustainability Director or their designee.

Foreclosing Property: A property undergoing a legal proceeding to terminate a mortgagor's interest in property instituted by the mortgagee and regulated under M.G.L. ch. 244.

Foreclosing Commercial Property: Any building that meets both the definitions of Foreclosing Property and Commercial Property in this section.

Foreclosing Industrial Property: Any building that meets both the definitions of Foreclosing Property and Industrial Property in this section.

Industrial Property: A property used within the past three (3) years for a period of no less than thirty (30) days for Wholesale, Transportation Uses or Office Uses as indicated in the Table of Use and Parking Regulations in Chapter 94 of the Medford Code of Ordinances.

Owner: A person or entity who, alone or severally with others:

1. Has legal or equitable title to any Vacant Property or has care, charge or control of any Vacant Property in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
2. Is a tenant with a legal right to possess a part of or the entire Vacant Property; or
3. Is a mortgagee in possession of any Vacant Property; or
4. Is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a Vacant Property; or
5. Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a Vacant Property.

Public Art: Works of art for public benefit and viewing approved by the Planning, Developing, and Sustainability Director or their designee for temporary display inside storefront windows or upon other safe, visible exterior surfaces of Vacant Properties.

Vacant Property: Any unoccupied real property which:

1. Is not legally occupied, is abandoned, or is not used for a period of at least ninety (90) consecutive days by occupants having custody or legal right of entry to such property who do not intend to continue to use the property; or
2. Is intermittently occupied by persons with legal right of entry, but exhibits in the opinion of the Building Inspector dilapidated walls, roof, or doors which fail to prevent the entry of a trespasser for a period of more than seven (7) days.

This definition shall exclude new constructions, including significant improvements, as determined by the Building Commissioner. New constructions shall include any construction of a structure on a vacant lot or any construction which involves demolition of more than 50% (fifty percent) of the building shell exclusive of demolition of a single story attached garage. For purposes of calculating the percentages of any demolition under this definition, all demolition shall be taken into account which commenced, or could have commenced, pursuant to an issued permit within two (2) years prior to the

date of any request for any permit to construct, re-construct, alter, add, extend or otherwise structurally change any structure.

Vacant Commercial Property: Any building which meets both the definitions of Vacant Property and Commercial Property in this section.

Vacant Industrial Property: Any building which meets both the definitions of Vacant Property and Industrial Property in this section.

10-120 Registration of Vacant Commercial and Vacant Industrial Properties; Notice of Foreclosure.

1. Prior to, but not more than ninety (90) days after any property, or portion of a property, becomes a Vacant Commercial Property or Vacant Industrial Property, Foreclosing Commercial Property, or a Foreclosing Industrial Property, the owner(s) shall register the property with the City utilizing a form promulgated by the Building Commissioner or their designee which shall, at a minimum, include the following criteria:
 - a. The owner's name, address (which may not be a post office box), telephone number and secondary telephone number designated by phone type;
 - b. Property street number;
 - c. Storefront status (vacant, leased, or sold to another owner);
 - d. Property type and use;
 - e. Square footage;
 - f. The name, phone number, and 24 hour contact information, and local mailing address of any property manager or property management company, if applicable;
 - g. A statement as to whether the Building is currently a Vacant Property and if not, the date upon which the Building will become a Vacant Property ; and
 - h. A statement as to whether the Building is currently a Foreclosing Property and if not, the date upon which the Building will become a Foreclosing Property;
 - i. A certification, as determined by the building commissioner, that the property was inspected by the owner or agent;
 - j. Clear photographs of interior rooms and any street-facing exteriors.

2. If the property is a Vacant Commercial Property or Vacant Industrial Property, the owner or agent shall designate and retain a local individual or local property management company responsible for securing and maintaining the property.
3. If the property is in the process of foreclosure, as defined and regulated by M.G.L. ch. 244, then the registration shall be filed within seven days of the initiation of the foreclosure process. If the commissioner determines that the property is vacant and that foreclosure proceedings have not been initiated, the registration must be received within 14 days of the commissioner's first citation for improper maintenance.
4. All property registrations are valid for one calendar year. An annual registration fee as determined by section 94-7.5.4 shall accompany the registration form. Subsequent annual registrations and fees are due at least thirty (30) days prior to the expiration of the previous registration and must certify whether the Vacant Commercial Property, Foreclosing Commercial Property, Vacant Industrial Property, or Foreclosing Industrial Property remains vacant or foreclosed.
5. If or when the Property is no longer a Vacant Property, the owner must provide proof of sale or written notice and proof of occupancy to the Building Commissioner. Upon the sale of the property, the timelines outlined in the ordinance shall reset.
6. If the property containing a Vacant Property is conveyed to a third party, the owner must provide proof of sale or written notice and proof of occupancy to the Building Commissioner.
7. The Building Commissioner or their designees shall maintain a registry of all Vacant Properties registered with the City under this Section on the City website. This registry shall include a listing of any approved uses for the Vacant Property as determined by other sections of the Code.

10-121 Annual Registration Permit Fee for Vacant Commercial Properties and Vacant Industrial Properties, Waiver.

1. Upon registering a Vacant Commercial Property or a Vacant Industrial Property as required by this section, the Owner shall pay the City through the Building Commissioner a non-refundable registration permit fee of \$1,000 for the calendar year in which the Building becomes a Vacant Commercial Property or a Vacant Industrial Property. The registration permit fee for each successive year the Building remains a Vacant Commercial Property or a Vacant Industrial Property shall be paid upon re-application. The charges for subsequent years

shall be as follows: Year 2 \$2,000; Year 3 and each subsequent year \$3,000 and shall be paid at least thirty (30) days prior to the expiration of the previous registration.

2. The amount of the annual registration permit fee may be amended by the City Council, and the Building Commissioner and Planning, Development, and Sustainability Director may, from time to time, submit proposals to reassess the fee.

Owners may apply for a partial or full waiver of the annual registration permit fee at the time the Vacant Commercial Property or the Vacant Industrial Property is registered on a form promulgated by the Building Department, which shall be renewed on an annual basis at the time the invoice for the annual permit registration fee is received by the owner. All requests and applications for waivers are due either (i) prior to, but not more than ninety (90) days after any property becomes a Vacant Commercial Property or Vacant Industrial Property, or (ii) at least thirty (30) days prior to the expiration of the previous waiver. A waiver of the annual registration permit fee may be allowed by the Building Commissioner or their designee, after consultation with any other relevant departments upon a showing of clear and convincing evidence of:

- a. A substantial financial hardship, which shall be granted only when the applicant demonstrates that payment of the registration permit fee would cause the applicant a substantial financial hardship and no other form of waiver is available to the applicant.
- b. A written agreement to display Public Art as defined in Section 94-7.5.2, which shall be granted only when sufficient public viewing of the public art display is available; the Vacant Property is an appropriate location for such display; and the proposal for the public art display has been reviewed and approved by the Planning, Development, and Sustainability Department, the artist, and the owner. Terms of the exhibition shall be set forth in a written agreement promulgated by the Planning, Development, and Sustainability Department;
- c. A plan to use the property for Community Events as defined in Section 94-7.5.2, which shall be granted only when the applicant must provide documentation of a space usage plan for this purpose where the Vacant Commercial Property or the Vacant Industrial Property, or an accessory structure or an accessory parking area as defined in Section 94-12.0, is occupied for Community Events for at least three days in a three month period. This shall include any agreements with the City or Community Event organizers, schedules, and permits to the Building Department deemed necessary by the Building Commissioner; or by

- d. A demonstration that the Vacant Commercial Property or a Vacant Industrial Property is being improved for future use, which shall be reviewed by the Building Commissioner. Any building with an active building permit or application to the planning board shall be exempt from this section.
3. The Building Commissioner and Planning, Development, and Sustainability Director may also issue a waiver on the basis of pending amendments to the Zoning Code or the Medford Comprehensive Plan.
4. A Vacant Commercial Property or Vacant Industrial Property that has been condemned in accordance with M.G.L ch. 143, § 9 or a like statute shall not be eligible for the Public Art or Community Benefits waivers to the annual registration permit fee.
5. Requests for waivers of the annual permit registration fee shall be acted upon by the Building Commissioner or their designee within thirty (30) days of request for such waiver. Approval or denial of such waivers shall be in writing, explaining the basis for the approval or denial. If the waiver is denied, the annual registration permit fee shall be paid within thirty (30) calendar days of such denial.
6. An owner may appeal the rejection of a waiver through the process defined at Section 94-7.5.8.

10-122 Maintenance Requirements for All Vacant Properties.

1. Notwithstanding anything in this ordinance to the contrary, the owner of a Vacant Property shall maintain the Vacant Property in accordance with all applicable state and municipal sanitary codes, building codes, laws, regulations and ordinances. The owner, local individual or local property management company shall inspect and maintain the property on a monthly basis for the duration of the vacancy.
 - a. The name and 24-hour contact phone number of the local individual or property management company responsible for maintenance shall be affixed to the property. This sign shall be posted on the front of the property.
 - b. The owner of a Vacant Property shall promptly repair all broken windows, doors, other openings, and any unsafe conditions at the Vacant Property . Boarding of open or broken windows and doors is prohibited except as a temporary measure allowed by city ordinance, unless the Building Commissioner or Health Director as the case may be, determines that, due to vandalism, security reasons, public health or circumstances out of the owner's control, the proper boarding of windows and doors is necessary.

Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.

- c. The owner of a Vacant Property must maintain the property free from rats, mice, and other vectors. Upon registration with the city, the owner must provide the Health Director with either a letter or other certification from a Massachusetts state licensed exterminator stating that the inside and outside of the property has been inspected and found to be free from moderate to severe rodent activity, or documentation that rodent activity or infestation has been discovered and appropriate baiting or other abatement measures have occurred or will occur within thirty days of registration. These abatement measures must take place for a period of at least two (2) weeks, or until rodent activity on the property has ceased, whichever time period is longer. Six (6) months after this initial inspection, and every six months thereafter while the property remains vacant, the owner must provide the Health Director with documentation that the property has been re-inspected and either found to be free from rodent activity or that appropriate abatement measures have been taken, as defined above. All windows, doors, exterior walls, foundations, basements, cellars, crawlspaces, and interior spaces on the property shall be maintained in a sound condition, free from cracks, holes, breaks, gaps, loose boards, and all other conditions that allow for rodent entry and harborage on the property. The property shall remain free from all dead or overgrown vegetation, junk, trash, lumber, boxes, and large debris, or any material that may provide food or harborage for rodents. Maintenance shall comply with the process and permits outlined in the Integrated Pest Management Plan of the Board of Health.
 - d. The owner of a Vacant Property shall maintain the Vacant Property and land on which it is located for the duration of its existence as a Vacant Property in a condition so that the Vacant Property does not appear to a reasonable person to be unused or vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the Vacant Property or property by the Owner within seven (7) days.
2. Compliance with this section does not relieve the owner of any applicable obligations set forth in city ordinances or regulations, covenant conditions and restrictions, and/or homeowners' association rules and regulations.

3. The owner of a Vacant Property may display advertising materials in the vacant space or in the Vacant Property's street-facing windows in accordance with the sign ordinance and other provisions of Section 94 of the Code of Ordinances.
4. The Building Commissioner may direct the shutting off, cutting, or capping of utilities serving any building which is a Vacant Property for a period exceeding six (6) months if deemed necessary to preserve public safety. The Building Commissioner shall direct the restoration of utility services for the purpose of Community Events.
5. If the Building Commissioner determines a building to be unsafe, the Building Commissioner may act immediately in accordance with the Massachusetts State Building Code and other applicable codes or laws to protect public safety. Furthermore, nothing in this section shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L. c. 139, § 1 et seq. and M.G.L. c. 143, § 6 et seq.

10-123 Inspections.

The Building Commissioner, Police Chief, Fire Chief, and the Health Director, or their designees, shall have the authority to periodically inspect and shall inspect on a quarterly basis, the exterior and interior of any properties subject to this section for compliance with this section and other laws, regulations and ordinances relating to the health, safety and welfare of the citizens of Medford. They shall also have the authority to issue separate citations for any violations of those laws, regulations and ordinances.

10-124 Violations and Penalties; Enforcement.

1. The Building Commissioner or Health Director or their designees acting as Code Enforcement Officers are authorized to administer and enforce this section.
2. This section shall be enforced in the manner provided in Section 1-13 of the Medford Code of Ordinances and M.G.L. ch. 40, § 21D. Any property owner who violates any provision of this section shall be subject to the following penalties:
 - a. Failure to register with the Building Commissioner under Section 94.7.5.3 shall be considered a violation of this section and is punishable by a fine of \$300.00. Each day that such violation continues shall constitute a separate offense. Registration under Section 94.7.5.3 shall constitute a remedy for this violation.

- b. Failure to identify the local individual or local property management company if deemed applicable by the Building Commissioner under Section 94.7.5.3 shall be considered a violation of this section and is punishable by a fine of \$300.00. Each day that such violation continues shall constitute a separate offense. Such identification under Section 94.7.5.3 shall constitute a remedy for this violation.
 - c. Failure to provide proof of sale or written notice and proof of occupancy to the Building Commissioner if or when the Building is no longer a Vacant Property under Section 94.7.5.3 shall be considered a violation of this section and is punishable by a fine of \$300.00. Each day that such violation continues shall constitute a separate offense. Providing such proof under Section 94.7.5.3 shall constitute a remedy for this violation.
 - d. Failure to provide proof of sale or written notice and proof of occupancy to the Building Commissioner if the property containing a Vacant Property is conveyed to a third party under Section 94.7.5.3 shall be considered a violation of this section and is punishable by a fine of \$300.00. Each day that such violation continues shall constitute a separate offense. Providing such proof under Section 94.7.5.3 shall constitute a remedy for this violation.
 - e. Failure to pay the annual registration permit fee to the Building Commissioner to the Building Commissioner under Section 94.7.5.4 shall be a violation of this section and is punishable by a fine of \$300.00. Payment of the fee under Section 94.7.5.4 shall constitute a remedy for this violation.
 - f. Failure to maintain the property under Section 94.7.5.5 shall be considered a violation of this section and is punishable by a fine of \$300.00. Each day that such violation continues shall be considered a separate offense. Compliance with maintenance requirements under Section 94.7.5.5 shall constitute a remedy for this violation.
3. Nothing in this section shall abrogate the powers and/or duties of municipal officials to issue fines pursuant to any general statutory authority or any other law, code, or ordinance.
 4. Except where public safety is at issue, any owner found to be in violation of this section shall receive a written notice on a form promulgated by the Building Commissioner providing the owner notice of the violation and the amount of the fine.
 5. Fines shall be due at least twenty-one days after the date of such notice as promulgated by the Building Commissioner in Section 94-7.5.7.4.

6. The Building Commissioner shall afford a minimum of seven (7) days to remedy all violations prior to the levying of registration fees, fines or initiation of any enforcement action.
7. Any fee assessed or fines issued or levied under this section shall constitute a "municipal charges lien" on the Vacant Property, to be collected in accordance with M.G.L. c. 40, § 58.
8. The officer enforcing a particular penalty may waive any fine assessed under this section in total or in part upon the abatement of the violation(s). If a lien has been placed on the Vacant Property as the result of a fine, the City shall work with the tax collector to remove such lien, if it is determined the violations have been addressed and all or part of the fine has been waived as provided for herein.

10-125 Appeal.

Any person aggrieved by the requirements of this section may seek an administrative appeal by making a written application to the Building Department. The written application must be filed with the Building Department within thirty (30) days of the imposition of an order or penalty pursuant to Section 94-11.4.2. The Building Department may designate a member of their staff to hear appeals pursuant to this section. Any person aggrieved by a final decision issued under this section may seek relief in any court of competent jurisdiction as provided by the laws of the commonwealth. Any appeal made shall be requested in writing within thirty (30) days of the date of the decision.

10-126 Regulations.

The Building Commissioner shall have the authority to promulgate rules and regulations necessary to implement and enforce this section.

10-127. Compliance with Other Laws; Severability.

1. Compliance with this Section shall not relieve the owner of any obligations set forth in any other applicable statutes, ordinances, regulations, codes, covenant conditions or restrictions and/or association rules and regulations. In the event of a conflict, the stricter of the rules and regulations shall apply.
2. If any provision of this Section is held to be invalid or unenforceable for any reason by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

10-128. Date of Effect.

This section shall take effect 365 days after its passage.