

MEMORANDUM

To	Members of the Planning and Permitting Committee Alicia Hunt, Director of Planning, Development & Sustainability Danielle Evans, Senior Planner Brenda Pike, Climate Planner
From	Paula Ramos Martinez, Senior Urban Designer/Planner
Date	May 15, 2024
Project	23146 – Medford – Zoning
Subject	Definitions Memo
Cc:	Emily Keys Innes, AICP, LEED AP ND, President Jimmy Rocha, GIS Analyst/Data Scientist Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC

This is an update to the memorandum for the May 8 meeting of the Planning and Permitting Committee. We have left our comments in place and provide this in a Word document to make commenting easier. Our goal is to combine this with the site plan review recommendations that Jonathan and Emily are working on separately in the package for discussion on May 22.

Please use track changes to send your comments to us.

1. **Term to be Defined:** Replace Dwelling, Multiple, Class A and Dwelling, Multiple Class B with a single definition.

Current definition: *Dwelling, multiple:* 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.

Class A: Not over three stories in height.

Class B: Not over 75 feet or six stories in height.

Suggested Definition 1: Dwelling, multi-unit or Dwelling, multiple A building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building. (Source: MGL Chapter 40A, Section 1A). Medford 3A definition.

Suggested Definition 2: Multi-unit dwelling: A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units. (Source: Concord)

Definitions associated with Dwelling that are currently in Medford zoning:

- Dwelling Unit: Dwelling unit means a room or group of rooms forming a habitable unit for one **family household** with facilities used or intended to be used for living, sleeping, cooking, sanitation, and eating.
- Dwelling, single-family, attached change to Dwelling, one unit, attached. Note: this is equivalent to a rowhouse, which we could also define.
- Dwelling, single-family, detached change to Dwelling, one unit, detached.
- Dwelling, two-family, attached change to Dwelling, two units, attached or Duplex.

2. **Term to be Defined:** Doggy Daycare (separate from Keeping of Animals).

Suggested Definition: 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. (Source: LawInsider.com)

3. **Term to be Defined:** Eating establishments, Café/Coffee Shop; and change “Drive-in eating places” becomes “Eating Place, Drive-Through.”
 - Eating establishments:

Suggested Definition 1: Café/Coffee Shop: Any development shall include a coffee shop or cafe with seating in which donuts, muffins, sandwiches and/or other prepared foods and non-alcoholic beverages are available to customers for their consumption on the premises (PUD zoning amendment in Milton (section 275-3.18)

Suggested Definition 2: Neighborhood café: means an establishment that serves a limited menu of food items and does not contain more than 2,000 square feet of gross floor area. (Source: House Bill 2252 State of Washington 68th Legislature 2024 Regular Session By Representatives Klicker, Leavitt, Sandlin, Reed, Fosse, Graham, and Taylor)

Standards of Use: The total gross floor area of the café may not exceed 2,000 square feet; Outdoor seating is limited to no more than 30 percent of the gross floor area of the café; There are no drive-through facilities at the café; The café must offer food if alcoholic drinks are offered; Hours of operation are limited to between 7:00 a.m. and 8:00 15 p.m. (Source: House Bill 2252 State of Washington 68th Legislature 2024 Regular Session By Representatives Klicker, Leavitt, Sandlin, Reed, Fosse, Graham, and Taylor)

4. **Term to be Defined:** Household and replace Family with Household.

Suggested Definition: Household. One or more persons occupying a dwelling unit and living as a single, housekeeping unit.

5. **Term to be Defined:** Institutional Use.

Suggested Definition: 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. (Source: Cambridge)

6. **Term to be Defined:** Mixed-Use.

Suggested Definition: Mixed-use development. Development containing a mix of residential uses and non-residential uses, including, without limitation, commercial, institutional, industrial or other uses. (Source: MGL Ch. 40A, Section 1A).

7. **Term to be Clarified:** Manufactured Home (new definition) / Mobile Home/
Tiny Home (new definition).

Current Definition: Mobile home. A dwelling unit 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. (Medford)

Suggested Definition: Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (Source: Oak Bluffs)

Suggested Definition: Modular Home. See HUD Definitions in comment.

Suggested Definition: Tiny House, Moveable. A transportable dwelling unit built on a frame or chassis with not more than 400 square feet, excluding lofts, projections from bay windows, open decks, porches or exterior utility and storage compartments, intended for residential use on an individual house lot where single-family dwellings are allowed or as an accessory dwelling unit. (Source: House Bill 1359)

Standards for Use: A “movable tiny house” shall be permanently affixed to a chassis approved by the Massachusetts Department of Transportation capable of carrying the total weight of the structure and the exterior width shall not exceed any dimension prohibited by the Massachusetts Department of Transportation for movement on a public way or highway; provided further, that a “movable tiny house” shall be built in conformance with the regulations and standards of the state building code but shall not be required to have insulation in walls and floors exceeding R-13 or in ceilings exceeding R-18. (Source: House Bill 1359)

Suggested Definition: Tiny House, Stationary. A dwelling that is 400 square feet (37m²) or less in floor area excluding lofts, projections from bay windows, open decks, porches or exterior utility and storage compartments, intended for residential use on an individual house lot where ~~single-family dwellings~~ **single-unit dwellings** are allowed or as an accessory dwelling unit. (Source: ICC+ House Bill 1359)

8. **Term to be Defined:** Motor Vehicles, Class III. *Note: We added Junkyards as a possible use to be prohibited and to clarify these two uses.*

Suggested Definition: Class III Motor Vehicle Sales. Principal business is: (1) buying used vehicles for purpose of remodeling, taking apart, or rebuilding and selling the same, or (2) buying or selling parts from used vehicles or tires, or the assembling of used vehicle parts. (Source: KP Law)

9. **Term to be Defined:** Junkyards

Suggested Definition: Junkyard or automobile graveyard: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling,

demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof. (Source: Salem)

10. **Term to be Clarified:** Structure, Accessory and Use, Accessory.

Suggested Definition: Keep Medford’s current definition of an Accessory Structure, change name from Accessory to Accessory Use.

Suggested Definition: Accessory Use: A use customarily incidental **and subordinate** to, and on the same lot or **group** of lots as a conforming principal use (Source: Medford, with standards removed).

11. **Rename/replace term:** “Coverage of Lot” becomes “Lot Coverage;” add accessory buildings.

Suggested Definition: **Lot Coverage.** The percent of the total lot area occupied by the principal structure **all structures on a lot**, exclusive of unenclosed porches and bay windows. (Medford; changes indicated by strike-through and bold text.)

12. **Terms to be Clarified:** Yards (area) vs. Setbacks (dimensions).

We have provided the current definitions for reference and two options to consider for changes.

Current Definitions:

Lot, frontage: The required length of the street line of a street abutting the lot in question over which pedestrians and automobiles have legal and easy physical access on to that lot. The end of streets without a turning circle shall not be considered frontage.

Lot line, front: 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 line, rear: The boundary of a lot which is opposite or farthest from a front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.

Yard: An open, uncovered space on the same lot with a building.

Yard, front: The yard lying between the front lot line and the principal structure and bounded by the side lot lines. The minimum front yard is measured horizontally between the nearest point of the principal structure and the front lot line.



Yard, rear: The yard lying between the rear of the principal structure and the rear lot line and bounded by the side lot lines. The minimum rear yard is measured horizontally between the nearest point of the principal structure and the rear lot line.

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. The minimum side yard is measured horizontally between the nearest point of the principal structure and the nearest adjacent side lot line.

Two different ways of organizing this set of definitions:

Definitions associated with Yards and Setbacks #1: Defines lot line, yard and yard setback.

Suggested Definition: *Lot Line, Front:* The property line dividing a lot from a street right-of-way (Source Arlington)

Suggested Definition 1: *Front Yard* an open space extending across the full width of the lot between the way on which the principal building thereon fronts and the nearest point of any building on the lot. (Andover)

Suggested Definition: *Front Yard Setback* means a horizontal distance on a lot measured at a right angle from the front lot line to the nearest main wall of a building or structure. (Source Toronto)

Suggested Definition: *Side Lot Line:* means any lot line other than a front lot line or a rear lot line. (Source Toronto)

Suggested Definition 1: *Side Yard:* An open space extending from the front yard to the rear yard between a side lot line and the nearest point of any building on the lot. (Andover)

Suggested Definition: *Side Yard setback:* means a horizontal distance on a lot measured at a right angle from the side lot lines to the nearest main wall of a building or structure. (Source Toronto)

Suggested Definition: *Rear Lot Line:* means, in the case of: (A) a square or rectangular lot, the lot line opposite the front lot line; (B) a three-sided lot, the point where two lot lines meet furthest from the front lot line; or (C) any other type of lot, the furthest lot line opposite the front lot line, including any contiguous line adjoining it at an angle of less than 45 degrees. (Source Toronto)

Suggested Definition 1: *Rear Yard* An open space extending the full width of the lot between the rear lot line and the nearest point of the principal building on the lot. (Andover)

Suggested Definition: Rear Yard Setback means a horizontal distance on a lot measured at a right angle from the rear lot line to the nearest main wall of a building or structure. (Source Toronto)

Definitions associated with Yards and Setbacks #2:
Defines yard, types of yards and setback.

Suggested Definition: Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building.

The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards. (Arlington)

Suggested Definition 2: Yard, Front: A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line. (Arlington)

Suggested Definition 2: Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line. (Arlington)

Suggested Definition 2: Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard. (Arlington)

Suggested Definition Option #1: Setback: The minimum horizontal distance between a specified lot line, measured along a straight line and at a right angle to such lot line, and the nearest point of a building or structure. Source: Pittsfield Mi

Suggested Definition Option #2: Setback: The shortest horizontal distance from the lot line to the nearest building wall or building part not specifically excluded in Section 5. (Source Arlington)

Under review.

13. **Term to be Defined:** Definitions of medical uses. More information is needed.

14. **Term to be Defined:** Definition of Permeable. Needs to be reviewed with Open Space definition.

15. **Term to be Defined:** Definition of Coworking. Under review.

Other terms to review/define:

“contractor yard” or similar associated with businesses that store equipment/machinery (not necessarily “junk”) such as landscapers. For example, this just came up with Barrett Tree Service on Middlesex Ave which doesn’t fit in any obvious use category so technically isn’t allowed. Somehow this use was allowed to be established because a prior landscaping business use morphed out of a prior autobody shop use. There are other examples of uses in the city that somehow were permitted with flimsy justifications as extensions of other nonconforming uses or ancillary to conforming uses.

Additional Notes from the Building Commissioner:

Will affordable housing have a better definition of what is affordable?

Should Building Attached use the word separated?

What is a non-commercial accessory structure? See containers above.

The definition of height seems awkward – should mean of grade be the average of grades on four sides of the structure? Are we meaning to attach it to the curb grade?

Should home occupation be in definitions and Section 94-3.4?

Do we address chickens in the definitions?

Do we still need ‘Story, half’ definition?

Visibility space at a corner is hard to understand. What about ‘no fence shall obstruct a view from a property frontage.