



Medford City Council
Medford, Massachusetts

Planning and Permitting Committee, April 10, 2024

Voting Members

Kit Collins, Chair
Matt Leming, Vice Chair
Isaac B. "Zac" Bears
Anna Callahan
George A. Scarpelli

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/81638220215>

Call-in Number: +13052241968,,81638220215#

Broadcast Live: Channel 22 (Comcast), Channel 43 (Verizon), and medfordtv.org.

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

CALL TO ORDER & ROLL CALL

ACTION AND DISCUSSION ITEMS

24-033 - Offered by President Bears and Vice President Collins

Zoning Ordinance Updates with Innes Associates Team

PAPERS IN COMMITTEE

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

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

April 10, 2024

SPONSORED BY

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

AGENDA ITEM

24-033 - Zoning Ordinance Updates with Innes Associates Team

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that the Planning and Permitting Committee invite staff from the Office of Planning, Development, and Sustainability and Innes Associates, the Medford City Council's Zoning Consultant, to discuss our upcoming comprehensive review and update of the Zoning Ordinance.

Vice President Collins moved to refer the paper to the Planning and Permitting Committee (Councillor Scarpelli second)—referred to the Planning and Permitting Committee.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. 20240401 Zoning Memo #1 - 4.10.24 Planning-Permitting Committee
2. Zoning Change Recommendations 3 21 2024

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	Emily Keys Innes, AICP, LEED AP ND, President
Date	April 1, 2024
Project	23146 – Medford – Zoning
Subject	Zoning Memorandum #1
Cc:	Paula Ramos Martinez, Senior Urban Designer/Planner Jimmy Rocha, GIS Analyst/Data Scientist Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC

This memorandum identifies the initial updates to the City of Medford’s Zoning Ordinance. It is the first in a proposed series of memoranda that identify changes to be brought to City Council for review, discussion, and adoption or returned for further consideration. This and subsequent memoranda may also list topics that have been identified but are not yet ready for discussion. These will be included in a separate section.

Timeline

We are grouping changes into the following phases:

- **Phase 1:** Between now and June 30 – These are simpler changes that are already known and do not require additional research.
- **Phase 2:** Start before June 30, but bring to City Council after June 30. This includes potential changes that require more analysis or research, such as modifying dimensional standards and the boundaries of zoning district.
- **Phase 3:** Begin in July (some to be completed by the end of 2024; others by June 2025). The changes in this phase are likely to be driven by what has been accomplished/identified in the first two phases.

Topics

The Planning and Permitting Committee identified several topics to be addressed during this effort. The memoranda will track the topics and actions to ensure that each is addressed during this process. These will be included in the Status Update section which will be updated after each meeting with the Planning and Permitting Committee.

Identified Topics: Top Ten

This is an initial list of potential topics and a rough timeline of when they might be addressed based on the phasing schedule above.

	TOPIC	PHASE
CR	Climate resiliency	II and III
HP	Housing production	II and III
HA	Housing affordability	II and III
SQ	Major squares	I and II
COR	Mixed use corridors	I and II
MGB	Streets/neighborhoods	II and III
ED	Economic development and business growth	I and II
MAP	Map and districts	I and II
UDR	Uses and dimensional requirements	I and II
T	Transportation/multi-modal ways	II and III

In addition, we will track a “General Category” for items that either do not fit into the topics above or have global applicability.

Policies

We also discussed developing a policy for zoning topics to guide the direction of investigation and the development of the draft zoning language. We anticipate developing those policy statements in Phases I and II. An initial list of policies could be developed from the recommendations in the Medford Comprehensive Plan. Please see the end of this memorandum for that list.

Phase 1: Initial Proposed Changes

The initial proposed changes for consideration are shown below. These are known areas that need to be addressed.

General

Global

1. Check pronouns.
2. Choose format for Defined Terms – bold, underline, capitalized, all caps, other?

Definitions

1. Move the definitions that were added back in September into the Definitions section or leave them in specific zoning areas, as appropriate.
2. Eliminate Class A/Class B distinctions for Dwelling, Multiple.
3. Replace the word “Family” with “Household”
4. Remove the definition for “Family” and add the definition for “Household.”
5. Rename “Coverage of Lot” to “Lot Coverage” and add accessory buildings.
6. Replace “Drive-in eating places” with “Eating Place, Drive-Through.”
7. Revise definition of Special Permit by adding the Community Development Board to the definition and wherever SPGAs are mentioned.
8. Separate “Use, Accessory” and “Structure, accessory” from definition of “Accessory” and check for consistent use throughout the document.
9. Add definition for “Setbacks.”
10. Add definition for “Institution.”
11. Add definition for “Institutional Use.”
12. Add definition for “Mixed-Use.”
13. Add definition for “Café/Coffee shop.”

Hours of Operation

Move to General Ordinance.

Site Plan Review Topics

Address the following categories of Site Plan Review:

- Dover/Municipal
- Administrative
- Minor
- Major

9 Uses and Dimensional Requirements

Table of Uses

1. Add “Café/Coffee shop.”
2. Add “Mixed-use Building.”
3. Replace parking codes with spaces/SF requirement. Don’t change the actual requirements.

Mixed-Use Buildings

1. Establish uses allowed on ground level.

Status Updates (schedule)

As this table is updated, the actual zoning sections for each topic will be added. The recommended changes listed in Phase 1 are not part of this table; it is intended to be a holding document for potential changes that have not yet been addressed.

Proposed Change	Topic	Origin	Phase	Status
Refer to legal counsel for review: <ul style="list-style-type: none"> Replace Director of Community Development with “Director of Planning, Development & Sustainability” Replace “Office of Community Development” with “Department of Planning, Development & Sustainability” 	General	PDS		
Other edits from Legal Counsel	General	Jonathan Silverstein		
Accessory Dwelling Units	HP, HA	Cllr. Leming		
Transportation Demand Management	T	Cllr. Leming		
Identify changes to zoning districts – consider squares, corridors, neighborhoods.	SQ, COR, MGB, MAP, UDR		II	
Change dimensional standards to match new zoning districts and use types (including mixed-use buildings).	SQ, COR, MGB, UDR		II	
Update MUZ.	MAP, UDR			
Fences/ Visibility Requirements.	General, UDR			
Non-conforming Uses and Structures	UDR			
Parking and Loading/ Landscaping, Buffers, and Screening	UDR			
Signage				
Inclusionary Housing	HA			

Proposed Change	Topic	Origin	Phase	Status

	TOPIC	PHASE
CR	Climate resiliency	II and III
HP	Housing production	I and II
HA	Housing affordability	II and III
SQ	Major squares	I and II
COR	Mixed use corridors	I and II
MGB	Streets/neighborhoods	II and III
ED	Economic development and business growth	All
MAP	Map and districts	I and II
UDR	Uses and dimensional requirements	I and II
T	Transportation/multi-modal ways	II and III

Appendix: List of Objectives and Actions Tied to Zoning Changes (pages 204-206)

Theme 2: Welcoming and Supportive Neighborhoods

WS Goal 2: Ensure Affordable Housing for All

- WS.1.1 Objective: Create, expand, and protect mixed-income housing options throughout the city to create a minimum of 600 units by FY2025 as called for in the 2021 Housing Production Plan.
- • WS.1.1.1 Action: Update zoning to allow for multifamily dwellings of different typologies in different zoning districts, such as APT-1, APT-2, C-1, and C-2.
- • WS.1.1.2 Action: Actively pursue mixed-income and mixed-use residential development opportunities for vacant and underutilized lots in Medford’s business districts, such as existing surface parking lots and property owned by state agencies.
- • WS.1.1.4 Action: Consider allowing smaller, infill housing on nonconforming lots to add to housing stock.
- • WS.1.1.5 Action: Review impact of inclusionary housing ordinance and consider changes, such as cash-in-lieu for units or partial units.
- • WS.1.1.6 Action: Enable smaller and more diverse housing options through zoning updates. • WS.1.1.7 Action: Update zoning to foster affordable infill development.

Theme 3: Vibrant Places VP

Goal 1: Create accessible 12- and 18-hour communities in Medford

VP.1.1 Objective: Create opportunities for new amenities in Medford’s Business Districts.

- VP.1.1.1 Action: Undertake corridor or commercial center studies to allow an appropriate mix of uses and land use controls for cohesive development along corridors and within village centers.
- VP.1.1.2 Action: Rezone to allow mixed-use in “village centers” as-of-right in smaller nodes outside the traditional commercial squares, such as Salem Street.
- VP.1.1.4 Action: Rezone appropriate emerging corridors, such as Mystic Avenue and Mystic Valley Parkway, to create zoning responsive to the desired land uses for each corridor.

VP.1.2 Objective: Make development and regulations consistent with the Comprehensive Plan’s overall vision for land use within the City, considering squares, corridors, open spaces, and areas that are primarily residential.

- VP.1.2.1 Action: Balance as-of-right uses with appropriate land use controls.
- VP.1.2.2 Action: Address inconsistencies between current and past land use and the current zoning ordinance.
- VP.1.2.3 Action: Review process for site plan/special permit approval and consider whether the process can be streamlined.

VP.1.4 Objective: Increase job opportunities for residents within Medford.

- VP.1.4.3 Action: Update zoning code to create incentives for new types of industry that can mix with other land uses.

VP.1.6 Objective: Incentivize regular upgrades to facades and storefronts.

- VP.1.6.2 Action: Develop appropriate design guidelines for storefronts and signage design that reinforce the unique identity of each commercial center.

VP.1.8 Objective: Alleviate restrictions on land use and new construction that currently limit developer investment restrictions on land use and new construction that currently limit developer investment

- VP.1.8.1 Reduce zoning barriers to multifamily and mixed-use housing development.
- VP.1.8.2 Create development standards/design guidelines for new construction and significant rehabilitation/additions and tie them to design criteria/requirements to maintain consistency in the review process.
- VP.1.8.3 Reduce parking requirements where possible based on demand audits to allow for more flexible development proposals.
- VP.1.8.4 Action: Update allowable uses under existing zoning codes, such as expanding where life sciences and/or breweries are permitted and exploring additional industries such as distilleries.
- VP.1.8.5 Action: Create bonuses for additional density, height, parking waivers, etc. tied to community benefits related to energy efficiency, climate adaptation, active ground floor spaces (indoor or outdoor), or other amenities. Consider a menu of options rather than strict requirements.
- VP.1.8.6 Action: Evaluate permitting and review process to reduce the time from application to approval.
- VP.1.8.7 Allow desired uses in specific areas as of right or with a reduced permitting process (ex. site plan review instead of a special permit and/or variance.). VP Goal 2: Encourage balanced growth

VP.2.1 Objective: Enable growth through regulatory and policy changes.

- VP.2.1.1 Action: Review and revise zoning and permitting processes to encourage appropriate development within neighborhoods, including small-scale neighborhood retail and services, and neighborhood /commercial center and comprehensive plan goals.
- VP.2.1.2 Action: Revise zoning to allow for redevelopment of non-conforming lots for smaller housing types in neighborhoods.
- VP.2.1.4 Action: Review parking regulations for consistency with municipalities that have similar development patterns.

Theme 4: Access for All

AA Goal 1: Connect Multimodal Networks

AA.1.1 Objective: Continue to implement the Complete Streets Policy to accommodate all road users.

- AA.1.1.5 Action: Update design code and development permitting processes to integrate the City's Complete Streets policy.
- AA.1.1.7 Action: Evaluate effectiveness of existing performance standards related to transportation access and impacts.

AA Goal 2: Coordinate Mobility & Development Future place-based studies

AA.2.1 Objective: Increase the presence of residents, jobs, and destinations in areas with high transit access today or in coordination with plans for expanded multi-modal access.

- AA.2.1.1 Action: Allow and promote increased density and mixed uses within walking distance of MBTA train stations and major bus hubs.
- AA.2.1.2 Action: Promote transit-oriented mixed-use development along emerging corridors like Mystic Avenue and Mystic Valley Parkway.
- AA.2.1.3 Action: Evaluate current density in transit-rich areas and consider increases that are compatible with areas of lower density.
- AA.2.1.4 Action: Evaluate whether Medford's current zoning is consistent with the new housing requirements for MBTA communities and modify zoning to bring the City into compliance and preserve its right to access state grants.
- AA.2.1.5 Action: Create design guidelines or studies to inform how areas of higher density can transition effectively to areas of lower density. Update zoning to address the uses, dimensional standards and development standards required.

AA Goal 3: Support an improved experience for all methods and levels of mobility.

AA.3.1 Objective: Improve the pedestrian and biking experience.

- AA.3.1.8 Action: Update bicycle and motor vehicle parking requirements.

Theme 5: Climate Resilience

CR Goal 2: Achieve and Evolve the 2021 Climate Action and Adaptation Plan

CR.2.1 Objective: Adopt zoning changes identified by the plan and identify metrics to ensure that the new regulations have the anticipated impact.

- CR.2.1.1 Action: Review adopted environmental performance standards to incorporate climate resilience best practices. (CAAP; Strategy BE 1.2.A)
- CR.2.1.4 Action: Adopt flood resilience building guidelines. (CAAP Strategy BE 1.3.B)
- CR.2.1.5 Action: Adopt design and material standards for cooler surfaces. (CAAP Strategy PH 1.2.C)
- CR.2.1.6 Action: Update zoning codes to support community health outcomes. (CAAP Strategy PH 1.1.A)
- CR.2.1.7 Action: Adopt new landscape performance standards for heat mitigation, stormwater infiltration, and soil health.

Zoning Change Recommendations March 2024

94-12.0 Expand the definition of terms with language as follows; Terms or words not defined herein but 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.

94-5.0 Re-introduce use of Finding, rather than Special Permits; for judging changes to nonconforming preexisting use and structures. Ch40A specifically views Special Permits as addressing Uses allowed in Districts that need additional review in order to add conditions for safeguards and limitations on tie and use.

Reviewing Nonconforming Use and Structures for changes are more concerned with whether or not a permanent change is 'substantially more detrimental than what currently exists'.

94-5.9 Add language to address an ability to limit merger doctrine where it would be in the City's best interest for lots held in common ownership; perhaps as a Variance.

94-4.2.4 Clear up ambiguities in this section regarding the many parts and pieces specified in Paragraphs 4 & 5.

Fencing – Consider allowing fencing up to 7' high to be zoning exempt in concert with the Building Code.

94-4.3 (4) clarify pool setback as 'to the water's edge' so as to limit arguments that the concrete skirting around a pool is part of the setback.

94-5.2 Clarify if extension of a use includes accessory structures on a single lot. Also clarify if a nonpermitted, nonconforming use can be allowed by the passage of time being viewed as not substantially detrimental.

94-5.4 Expand the definition and criteria by which a Variance is granted in accordance with Ch40a.

94-6.0 Consider removing parking from the use table and consolidating within this Chapter.

94-6.2.9 Sign Renewal Permits? Feasible?

94-7.4 Review solar energy systems for conformity to newest energy codes.

94-7.7 Consider adding fall zone setback requirements to WTF's.

94-8.1.8 Inclusionary Housing – review language that controls a developer's ability to subdivide, ANR or otherwise alter a property prior to creating a development so to avoid compliance by adding 'common control' in addition to common ownership.

Consider requiring an agreement be reached, and recorded, prior to issuance of a building permit in lieu of awaiting occupancy. This should not be contravened in the event a permit is issued without an agreement having been reached and recorded.

94-8.2 Review whether or not an accessory structure can be concerted to a dwelling unit and how that fits with allowing two principal structures on a lot.

94-11.1.5 Entry rights as written are constitutionally vague and can create problems. See also 94-11.3

94-11.2 Do we really post a sign?

94-11.4.2 Revisit the ZBA ability to grant use variances; provide definition to that term.

94-12.0 Review definitions for medical uses, eating places,

Should 'Keeping of Animals' include doggie daycare; should doggie daycare be a Special Permit?

Lot Frontage – clarify to confirm avoiding overlapping rights.

Mobile home – is this an RV, Tiny home or manufactured home (as HUD has called mobile homes since 1976)? Most of these come with dimensional clarifications.

Motor Vehicles – Class 3 for junkyards?

Story Half – review for conformance to building code

Yard v Lot definitions?

Table of Uses – Consider exempting City from Zoning compliance, with conditions.