January 2017 Annual Zoning Ordinance Clean-up FINAL LIST

Section References	Page Numbers	Issue	Recommended Solution
Sec. 3.1.3, 3.1.4, 3.15, 3.1.6, 3.1.7, 3.1.8, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.7, 3.2.8, 3.2.9, 3.2.10	p. 8-6	Ordinance has definitions for 'Open Space, Beneficial' and 'Open Space, Usable. The dimensional tables in article 3 just say 'open space'.	In each dimensional table, add the word 'Usable' next to 'Open Space'.
Sec. 3.1.5	pgs 3-5	The language in 1.5.2.G.2 states that when the Council issues a special permit, a rear lot may satisfy the min frontage by measuring the lot frontage along the rear line of the lot or lots in front. The graphic in section 3.1.5 implies that the frontage (D in the graphic) is measured along the street.	Make the graphic in section 3.1.5 consistent.
Sec. 3.4.2.A.4	pg 3-27	Section 3.4.2.A.4 references 6.7.3 incorrectly. Should reference 6.7.2	Replace "Sec. 6.7.1" with "Section 6.7.2"
Sec 3.4.2 a & b	3-27	In the old ordinance, all accessory uses allowed in the single residence districts were also allowed in the multi-residence districts.	Change 3.4.2.A to read: "By Right in All Residence Districts. Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:" Remove sec. 3.4.2.B. Relabel sec 3.4.2.C as B.
Sec 4.2.2.B.3	Pg. 4-10	The table appears to not allow 4 stories. 'Or more' is not accurate.	Add SP to Sec. 4.2.2.B.3 to the 4 stories row and remove "or more" from that row heading.
Sec 4.4.1	Pg. 4-18	Live/work space was first identified as a use for the MU3 district, and also allowed in MU4. In doing so, the use became not allowed in all other districts. This use should exist in BU 1 to 4 and MU1 and 2.	There should be a P added in the BU1, BU2, BU3, BU4, MU1, and MU2 columns in the 'Live/work space' row.

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Sec 4.4.1	Pg. 4-18	'Community use space' was first identified as a use for the MU3 district, and also allowed in MU4. In doing so, the use became not allowed in all other districts. This use currently, and appropriately, exists in all commercial areas of the City.	There should be a P in all columns in the 'Community use space' row.
Sec 4.4.1	Pg. 4-18	Rail and bus stations should be allowed in all commercial districts.	There should be a P in all columns in the 'Rail/bus station' row.
Sec. 4.4.1	pg 4-19	Banks no longer permitted in the MU4 district where they had been allowed by right or by special permit depending on size. Similarly, in MU3, banks had been allowed by special permit and now are not allowed.	Replace the 'Bank' row with two rows, 'Bank, up to 5,000 square feet; and 'Bank, over 5,000 square feet. The column entries for P and SP should be the same in both rows as the current row except under MU3 it should be SP in both new rows and in MU4 it should be P in the under 5,000 row and SP in the over 5,000 row.
Sec 4.4.1	Pg. 4-19	Business incubator was first identified as a use for the MU3 district. In doing so, the use became not allowed in all other districts. This use should exist in BU1 to 4, in MU1 and 2, and in M and LM.	There should be a P added in the BU1, BU2, BU3, BU4, MU1, MU2, M, and LM columns in the 'Business incubator' row. There should be two dashes signifying not allowed in the MU4.
Sec 4.4.1	Pg. 4-19	Car and bike sharing/rental as well as electric car charging stations were first identified as uses for the MU3 district, and also allowed in MU4. In doing so, the use became not allowed in all other districts. This use should exist in all commercial areas of the City and had previously been interpreted as allowed.	There should be a P in all columns in the 'Car-sharing service, car rental, bike rental, electric car-charging station' row except the M.

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Sec 4.4.1	Pg. 4-19	In sec 4.2.5.A.7 requires special permit for office uses on street level and rules for lobbies. Section 4.4.1 simply identifies office use as permitted.	Replace P in the MU4 column in the 'Office' row with a 'L/SP'.
Sec 4.4.1	pg 4-19	Public parking facility use conflicts with public use definition, which includes public parking lots. All public uses are allowed in all districts, therefore, a public parking facility is allowed in all districts.	Remove Parking Facility, Public from Table 4.4.1
Sec 4.4.1	Pg. 4-20	The 'Service Establishment' use should be allowed in business districts & mixed-use.	For both the under and over 5,000 square feet, place a P in the column for BU1, BU2, BU3, and BU4.
Sec. 5.1.4.A	pgs. 5-4 and 5-5	The previous ordinance had the use category of 'Service Use', but to address inconsistencies, this use was split into 'Personal Service' and 'Service Establishment'. There is no parking requirement assigned to Personal Service.	Add Personal Service to the parking table with 1 per 300 sf plus 1 per 3 employees.
Sec 5.1.7.A	p. 5-7	Should allow 2 parking spaces in side setback but not front setback.	Clarify language
Sec 5.2.6.A.1	pg 5-18	Reference to Sec 6.2.9 should be 5.2.9.	Replace '(see Sec. 6.2.9)' with '(see Sec. 5.2.9)'
Sec 5.2.8	pg 5-21	Chart is inconsistent as to whether the # of signs allowed is per business establishment or per building	Table for Sec 5.2.8, number column: Row 1: Replace "1 total" with "1 per establishment" Row 2: Replace "2 total" with "2 total per establishment"

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			Row 3: Replace "1 total" with "1 per building entrance"
Sec. 6.2.1, 6.2.2	pg. 6-3	The ordinance reads that single and two family houses in the Business districts may not continue to exist unless abutting residentially zoned lots on two sides. The entire provision is unnecessary because a legally non-conforming use is allowed to continue and section 7.8.2.C.2 deals with how such nonconforming lots are handled.	Remove the text found in sec 6.2.1.B and 6.2.2.B. Leave 'standards' and insert 'reserved' in both places.
Sec 6.2.3.B.2	p. 6-3	Parking space restrictions here should be waivable by special permit as it was in the old ordinance.	Add to section 6.2.3.B.2 "In particular instances the City Council may, in accordance with Section 7.3, grant exceptions to Sec. 6.2.3.B.2 if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety of protection of environmental features."
Sec 6.3.12.B.1	Pg. 6-9	Ref to Admin Site Plan Review should be to section 7.5.	Replace "Sec. 7.2" with "Sec. 7.5"
Sec 6.4.25	pg 6-12	Laundry and dry-cleaning shows up both as a stand-alone use and as part of the personal services use. The difference between these uses needs to be clarified.	In personal service definition, reword so that it becomes 'and laundry and/or dry cleaning drop off.'

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Sec 7.3.2.E	Pg. 7-4	Legislature has amended MGL 40A to increase the term of a special permit to 3 years.	Change 1 year to 3 years so that it reads: "Any approval of an application for a special permit shall lapse not later than 3 years from the grant of such approval…"
Sec 7.3.4.A	pg 7-5	Ordinance indicates rear lots are subject to the dimensional controls of 3.1.4, which covers only single residence districts and rear lots are also allowed in MR districts. Reference to 3.1.4 should be to 3.1.5.	Change text in 7.3.4.A to read: Creation of rear lots in residential districts requires a special permit. The rear lot development density and dimensional controls in Secs. 3.1.5 and 3.1.10 for Single Residence districts, and 3.2.5 and 3.2.12 for Multi Residence districts, respectively, shall apply to the proposed rear lot and the remainder of the original lot shall be subject to the density and dimensional controls of the underlying district unless waivers from either of such controls are granted by the City Council.
Sec. 7.6.5	Pg. 7-17	Typo	Replace 're-establidf' with 're-established'.
Sec 7.8.2.B.2	Pg. 7-21	Should be reference section 1 not section a.	Change so that it reads: "In accordance with Sec. 7.8.2.B.1, the following de minimus alterations are allowed:"