

CITY OF WORCESTER  
ZONING ORDINANCE - **Ordained April 2, 1991**

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## **ARTICLE I GENERAL PROVISIONS**

### **Section 1 – Purpose**

The purposes of this Ordinance are declared to be:

1. To promote the public health, safety and welfare.
2. To contribute to the implementation of the Master Plan.
3. To encourage the most appropriate use of land.
4. To prevent overcrowding of land.
5. To conserve the value of land and buildings including the conservation of natural resources and the prevention of blight and pollution of the environment.
6. To lessen congestion of traffic.
7. To prevent undue concentration of population.
8. To provide for adequate light, air quality and limitation of pollution.
9. To secure safety from fire, flood, panic and other dangers.
10. To encourage decent housing for persons of all income levels.
11. To facilitate the adequate and economic provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space, and other public requirements.
12. To promote the development of the natural, scenic and aesthetic qualities of the community.
13. To promote historic preservation of historically and/or architecturally significant land uses and structures along with implementing architectural and ecological considerations for the betterment of the community.
14. To preserve and increase the amenities of the city by implementing regulations to satisfy these objectives.

15. To promote and encourage a positive environment for business and economic development and expansion.

## **Section 2 – Definitions**

### **\*See Amendments #7440 & #7147**

Unless defined here or elsewhere in this Ordinance, terms shall have meanings as used in common discourse.

**ABANDONMENT** – The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; including, but not limited to the removal of characteristic equipment or furnishings, or the replacement of the nonconforming use with a conforming use. See Article XIII, Section 5(4).

**ABUTTING** – Having a common border with, or being separated from such common border by a right of way, alley or easement.

**ACCESSORY PARKING** – The parking required by this Ordinance pursuant to the primary use. Also includes that parking provided above the minimum requirements of the Ordinance.

**ACCESSORY USE** – A land use which is subordinate and incidental to a predominant or main use. See Article IV, Section 8.

**AFFORDABLE HOUSING** – In general, housing which can be afforded by a household whose income is eighty percent (80%) of the median household income for the City of Worcester, and/or housing which is eligible for some form of public support (local, state, federal). Except where the program criteria differ from this general definition, the program criteria shall govern.

**AGRICULTURAL, COMMERCIAL** – Agricultural activities for commercial purposes, including nursery, greenhouse, farm (not involving animals), or landscape gardening business, but excluding animal husbandry.

**AIR RIGHTS** – The rights to the space above a property for development.

**AIRPORT ENVIRONS** – An overlay district surrounding the Worcester Municipal Airport, as described in this ordinance, Article XI and shown on the Official Zoning Map.

**ALLEY** – Any private way affording a secondary means of vehicular access between abutting properties and not intended for general traffic circulation.

ALTERATION – Any construction, reconstruction or other action resulting in a change in a structure; including but not limited to the height, the number of stories or exits, the size, the use, or the location of a building or structure.

ANIMAL CLINIC – A building or structure used for walk-in treatment of injured animals not to be kept overnight.

ANIMAL HOSPITAL – A building or structure used to house and provide treatment for injured animals and to board and groom animals.

ANTENNA – Equipment designed to transmit or receive electronic signals; includes satellite dish.

AREA OF SPECIAL DEVELOPMENT SIGNIFICANCE – (ASDS) An area in the City of Worcester which has been designated in the Master Plan to receive special planning and development.

ASSISTED LIVING FACILITY – Building or structure other than hospital or nursing home/institution designed to accommodate persons who require assistance with one or more activities of daily living, such as dressing, eating, bathing, walking or toileting.

ATTIC – The space between the ceiling beams of the top habitable story and the roof rafters.

**\*See Amendment #7442 AUTOMOBILE REFUELING STATION**

BASEMENT – A portion of a building partly underground which has more than one-half (1/2) of its clear height from floor to ceiling above the outside average grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is six (6) feet or more above grade.

**\*See Amendment #7342 BED & BREAKFAST ESTABLISHMENT**

BLOCK – A portion of land measured along a public way right-of-way line, extending from one intersecting public way to the next intersecting public way along the same right-of-way line.

BUILDING – A combination of any materials, whether portable or fixed, having a roof and enclosed within exterior walls or firewalls which is built, erected or framed to form a structure for the shelter of persons, animals or property.

**BUILDING, ACCESSORY** – A building the use of which is primarily subordinate and incidental to that of the principal building and which is located on the same lot.

**BUILDING LINE** – The line, parallel to the street line, which passes through the point of the principal building nearest the front lot line.

**BUILDING, PRINCIPAL** – A building in which is conducted the principal use of the lot on which it is located.

**CAMPUS** – A campus is the single geographic area (even though such area may be divided by public or private streets, rivers, or parks), comprised of grounds and buildings owned or occupied by a licensed hospital or its affiliates or by an academic or professional college or university or other non-profit institution of learning whose primary function is educational, including any use of such land and buildings as may legally be carried on by or under the auspices of such institution.

**\*See Amendment #6463 CARPORT**

**CELLAR** – The portion of the building partially underground, having one-half (1/2) or more of its clear height below the grade plane.

**CHAPTER 131 LAND** – Any area under the jurisdiction of the Conservation Commission according to the State Wetlands Protection Act regulations (310 CMR 10.02).

**CHURCH/PLACE OF WORSHIP** – A building or portion of a structure set apart or consecrated for public worship which is regularly used for such purpose and associated accessory activities.

**CLINIC** – A place where persons, on an out-patient basis, are treated for dental or medical care by licensed practitioners operating as an established group and which provides no facilities for, and does not house, patients on an overnight basis.

**CLUB, LODGE** – A building or structure used by an organization of persons for special purposes or for the promotion and advancement of sports, arts, science, literature, politics or the like, whose facilities are available to members and guests.

**CLUSTER DEVELOPMENT** – A residential development in which the buildings and accessory uses are clustered together into one or more groups



separated from adjacent properties and other groups within the development by intervening open land.

CODE COMMISSIONER – The city officer designated by the City Manager as Code Commissioner.

**\*See Amendment #6463 CODE DIRECTOR**

COMMERCIAL VEHICLE – A vehicle used for business and/or commercial purposes.

CONTINUING CARE RETIREMENT COMMUNITY – A development of land comprising a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and associated services for retired and aging persons, with occupancy of dwelling units limited to persons, at least one of whom shall have attained the age of fifty-five (55) years, and as further provided in Article X.

CONSERVATION AREA – Land areas designated for acquisition and/or protection as open space by the City of Worcester because of significant physical and/or biological factors such as outstanding or unusual biological diversity or groundwater protection.

CONVALESCENT HOME/INSTITUTION – A building or structure other than a nursing home or hospital used for twenty-four (24) hour care of patients convalescing from sickness or disability.

CUL-DE-SAC – A dead end street which includes a vehicle turnaround area.

DAY CARE CENTER – Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage for non-residential custody or care during part or all of the day separate from their parents, as further defined in the State Building Code.

DAY CARE CENTER, ADULT – Any facility operated on a regular basis which receives adults not of common kindred for non-residential custody or care during part or all of the day.

DEVELOPER – A person who is responsible for any undertaking that requires a building permit, special permit and/or sign permit or other approval under this Ordinance.

DEVELOPMENT – That which is to be done pursuant to a zoning permit, special use permit, sign permit and/or other approval.

**\*See Amendment #7566 DISPLAY LOT & DISPLAY SPACE**

DORMITORY – A building, which is owned and/or operated by an educational institution, whose primary use is to provide living accommodations for individuals associated with the institution.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

DRIVEWAY - That portion of a vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the accommodation area.

DWELLING – A building and its attendant premises, designed and used in whole or in part for human habitation.

DWELLING, MULTI-FAMILY – A building or portion thereof used as a multiple dwelling for the purpose of providing four (4) or more separate dwelling units with shared means of ingress and egress and other essential facilities.

DWELLING, MULTI-FAMILY, HIGH RISE – A multi-family dwelling four (4) or more stories in height.

DWELLING, MULTI-FAMILY, LOW RISE – A multi-family dwelling not exceeding three (3) stories in height.

DWELLING, SINGLE FAMILY ATTACHED – A building consisting of not less than three (3) dwelling units, each unit of which is separated from the other by a vertical party wall or double wall, and each unit of which has a separate, ground floor entrance; includes townhouse.

**\*See Amendment #6463**

DWELLING, SINGLE FAMILY DETACHED – A building consisting of one (1) dwelling unit occupying one (1) lot.

DWELLING, SINGLE FAMILY SEMI-DETACHED – A building consisting of two (2) individually owned dwelling units erected side by side in a single building occupying two (2) adjoining lots with the units separated from the other by a party wall or double wall, on or along the common side lot line.

**\*See Amendment #6463**

DWELLING, THREE FAMILY DETACHED – A building consisting of three (3) dwelling units one above the other (in whole or part), sharing a common entrance or entrance way in a single building occupying one (1) lot; typically called three decker.

DWELLING, TWO FAMILY DETACHED – A building consisting of two (2) dwelling units, whether one above the other or side by side, sharing a common entrance or entrance way, in a single building occupying one (1) lot.

DWELLING UNIT – A single unit within a dwelling which provides complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

EARTH EXCAVATION – The removal of earth including soil, loam, sand, gravel, clay, stone, quarried rock or other subsurface products except water.

EARTH FILL (DUMPING) – The placing, filling or dumping of earth including, soil, loam, sand, gravel, clay, stone, quarried rock or other subsurface products except water.

EARTH MOVING/EARTH ALTERATION – The term “alter” shall include, without limitation, the following activities:

- a. Removal, excavation or dredging of soil, sand, gravel or aggregate materials of any kind;
- b. Changing of pre-existing drainage characteristics, sedimentation patterns, flow patterns or flood retention characteristics;
- c. Dumping, discharging or filling with any material which may degrade water quality.
- d. Placing of fill or removal of material which would alter elevation;
- e. Driving of piles, erection of or additions to buildings or structures of any kind;

- f. Placing of obstructions or objects in water;
- g. Removal of vegetation from a combined total area exceeding ten thousand (10,000) square feet on a single or adjacent lots;
- h. Changing water temperature, biochemical oxygen demand or other physical or chemical characteristics of water; but specifically excluding the use of de-icing materials and chemicals for roadway maintenance during the winter months;
- i. Any activities, changes or work which may cause or tend to contribute to the pollution of any body of water or ground water;
- j. For the purposes of this ordinance more than one contiguous area under development constitutes a single project.

**EASEMENT** – Authorization by a property owner of the use by another for a specified purpose of any designated part of his property.

**ELDERLY** – Persons in the community sixty-five (65) years of age or older.

**ENTRANCE RAMP** – A roadway connecting a feeder road with a limited access highway and used for access from the feeder road to the highway.

**EROSION** – The detachment and movement of soil or rock fragments by water, wind, ice and/or gravity.

**ESSENTIAL SERVICES** – The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead, gas, electrical, steam, fuel or water transmission or distribution towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment which are necessary for furnishing adequate service by such utilities or municipal departments for the general health, safety or welfare.

**EXIT RAMP** – A roadway connecting a feeder road with a limited access highway and used for access from the highway to the feeder road.

**EXPENDITURE** – A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

**FABRICATION SHOP** – Uses involving the fabrication of goods and materials, including but not limited to baked goods, canvas products, woodworking/carpentry, hardware, jewelry manufacture and repair, medical supply, printing, sign manufacture, taxidermy, wallpaper and paint supply, monument works and sales, plumbing and electrical materials, not involving retail sales of goods and materials, except incidentally.

**FAMILY** – One (1) or more persons occupying a dwelling unit and living together as a single housekeeping unit, not including a group of more than three (3) persons who are not within the second degree of kinship.

**FAMILY DAY CARE HOME** – Any private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided, however, in either case that the total number of children under sixteen (16) in a family day care home shall not exceed six (6), including participating children living in the residence.

**FLEA MARKET** – A shop or open market selling antiques, used household goods, curios and the like.

**FLOOD OR FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land from: (1) the overflow of inland waters; or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**FLOOD, AREA OF SPECIAL HAZARD** – The land in the floodplain within the community subject to a one (1) percent or greater chance of flooding in any given year.

**FLOOD, BASE** – A flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the one hundred (100) year flood in this Ordinance.

**FLOOD FRINGE, REGULATORY** – The portion of the regulatory floodplain outside the regulatory floodway. Flood waters in this area are usually shallow and slow moving.

**FLOOD HAZARD BOUNDARY MAP** – An official map of the community issued by the Federal Emergency Management Agency (FEMA) on which areas of special flood hazards and risk premium zones applicable to the community have been delineated.

**FLOOD INSURANCE STUDY** – The official report of the community provided by the Federal Emergency Management Agency (FEMA) which contains flood profiles, water surface elevations of the base flood and the Flood Hazard Boundary Floodway Map.

**FLOOD, ONE HUNDRED YEAR** – A flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as the base flood in this Ordinance.

**FLOODING, AREA OF SHALLOW** – An area of special flood hazards having shallow water depths and/or unpredictable flood paths between one (1) and three (3) feet, and where velocity of flow may be evident. Said area also does not have a clearly defined channel.

**FLOODPLAIN** – Any normally dry land susceptible to being periodically inundated by water.

**FLOODPLAIN DEVELOPMENT** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations.

**FLOODPLAIN DEVELOPMENT PERMIT** – Any permit issued by the City of Worcester for development in the floodplain.

**FLOODPROOFING** – Any combination of structural and non-structural additions, or adjustments to structures or land which reduce or eliminate flood damage to real estate, or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY, REGULATORY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**FLOOR AREA, GROSS** – The sum of the horizontal areas of the several floors of a building excluding areas used for accessory garage purposes, basements, cellar areas and attics. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches.

**FLOOR AREA RATIO** – The ratio of the total gross floor area of a building or buildings on one (1) lot to the total area of the lot.

**FOOD SERVICE ESTABLISHMENT** – Any fixed or mobile place, structure or vehicle, whether permanent, transient or temporary, including any restaurant,

coffee shop, cafeteria, luncheonette, short-order café, grille, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, roadside stand, and lunch wagon feeding establishment; private, public or non-profit organization or institution routinely serving the public, catering kitchen, commissary, or any other similar eating and drinking establishment or place in which food or drink is prepared for sale or for service on the premises or elsewhere, or where food is served or provided for the public with or without charge.

**FOOD SERVICE ESTABLISHMENT, FAST FOOD/DRIVE-IN** – A licensed food service establishment in which a substantial portion of the food is prepared in advance of the designated order, for consumption on or off the premises, which may provide for food pick-up by the public without the need to leave the car.

**\*See Amendment #6463**

**FRONTAGE, STREET** – A continuous portion of a lot abutting one (1) street measured along the front lot line dividing the lot from the right of way.

**\*See Amendment #6463 GARAGE-PRIVATE**

**GARAGE, PUBLIC** – A building for the storage, repair or servicing of motor vehicles, not including auto body repairs, and may include dispensing to the public of gasoline, oil, or other similar products for such vehicles by an attendant and/or by self-service.

**\*See Amendment #6463 GARBAGE**

**GAS STATION** – See garage, public and service station, self service.

**\*See Amendment #7442**

**GRADE** – The steepness of a slope of land as determined by a topographic map.

**GROUP RESIDENCE** – Any home licensed, authorized or operated by the Commonwealth for residential care and supervision of persons who are capable of self-preservation, as further defined in the State Building Code, Section 424.

**GROUP RESIDENCE, LIMITED** – Any home licensed, authorized or operated by the Commonwealth for residential care and supervision of persons who are not capable of self-preservation, as further defined in the State Building Code, Section 438.

HEIGHT OF BUILDING – The vertical distance from the grade level measured from the center of that face of the building having the main entrance, to a line extended horizontally from the highest point of the building. Chimneys and other similar projections shall not be included in calculating the height.

HELIPORT – An area, either at ground level or elevated on a structure, that is used for the landing and take-off of helicopters, with associated structures.

HOME OCCUPATION – A use conducted within the main building or accessory building which is clearly incidental and secondary to residential occupancy, as further defined in Article IV – Section 8.

HOSPITAL OR SANATORIUM – Any institution, however named, licensed by the Massachusetts Department of Public Health, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for persons admitted thereto for the purpose of diagnosis, medical or surgical treatment which is rendered within said institution.

HOTEL, MOTEL, INN – Any building or group of buildings with at least six (6) guest rooms for hire which provide sleeping accommodations for transient guests.

IMPERVIOUS SURFACE – Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, road, sidewalks and any area of concrete or asphalt.

INCLUSIONARY ZONING – A positive and active zoning policy and program designed to attract or maintain affordable housing in an area.

KENNEL – A lot with structures or pens in which three (3) or more dogs, cats or other household pets are boarded, bred or sold.

LEAST SET-BACK – That distance measured in linear feet, specified in Table 4.2 as the minimum front yard depth, measured from the front lot line.

**\*See Amendment #6688 LIMITED RESIDENTIAL HOSPICE HOUSE**

LOADING AND UNLOADING AREA – That portion of a vehicle accommodation area used to load and/or unload goods to/from motor vehicles.

LOCAL HISTORIC DISTRICT – An area of the City of Worcester officially designated by the City for the purpose of preserving historic features of that area.



**LODGING HOUSE** – A dwelling or that part of a dwelling where sleeping accommodations are let, with or without kitchen facilities, to four (4) or more persons not within the second degree of kindred to the person conducting it, and shall include rooming houses, boarding houses and tourist homes, but shall not include hotels, motels, inns, sorority, fraternity and cooperative residences, dormitories, or convalescent homes, nursing homes, rest homes, or group residences licensed or regulated by agencies of the Commonwealth.

**\*See Amendment #7716 – LOFT, COMMERCIAL ARTIST**

**LOT** – A single and contiguous parcel of land under one (1) ownership which is not divided by street or way appearing on the official map. Such a parcel is still a single lot even though interior lot lines exist.

**LOT AREA** – The total number of square feet within the exterior lines of the lot. For purposes of calculation, any water area more than ten (10) feet from the shoreline is excluded from the total lot area.

**LOT, BORDER** - A lot contiguous to a zone district boundary.

**LOT, CORNER** – A lot situated at the intersection of and abutting two (2) streets that have an angle of intersection of not more than three hundred and thirty-five (335) degrees.

**LOT LINE** – The boundary of a lot that separates it from adjoining lots.

**LOT, SPLIT** – A lot divided by a zone district boundary.

**MARINA** – Premises used for wharves, docking, boat liveries, boat yards, yacht clubs, sale of marine equipment, but excluding the sale of boats and the processing or sale of fish.

**MANUFACTURED HOME** – A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

**MASTER PLAN** – The comprehensive plan as adopted by the Planning Board, including graphic and written proposals, indicating the general location of and process for streets, parks, schools, public structures and all associated development for the City of Worcester, and including any amendment to such plan or part thereof.

MIXED USE DEVELOPMENT – A development seeking a density bonus pursuant to Article IX characterized by three (3) or more significant revenue producing uses, such as retail, office, residential, hotel/motel, entertainment/cultural/recreational which are mutually supporting, exhibit physical and functional integration and are developed in conformance with a coherent plan.

MOBILE HOME – A transportable, factory-built dwelling designed to be used as a year-round residence and built prior to enactment of the Federal Manufactured Housing and Construction and Safety Standards Act of 1974 which become effective June 15, 1976.

NEIGHBORHOOD PRESERVATION DISTRICT – An area designated by the City of Worcester for that purpose of regulating development and rehabilitation with respect to the impact on the historic visual quality of that area.

NODE – A location of special importance within the City of Worcester identified in the Master Plan.

**\*See Amendment #7566 – NON-ACCESSORY PARKING**

NONCONFORMING USE OR STRUCTURE – An activity use, structure or a portion thereof which does not conform to all of the regulations contained in this Ordinance, or amendments thereto.

NONCONFORMING USE OF SIMILAR NATURE – A change in a privileged nonconforming use to a conforming use of a similar nature is a change to any other use that would lawfully be permitted in the same zoning district in which the first use would fully be permitted.

NONCONFORMING USE, PRIVILEGED – A nonconforming use which was lawfully in existence on the effective date of this Ordinance but only to the extent to which it had been used or developed on said effective date.

NURSING HOME/INSTITUTION – A building or structure other than a hospital or convalescent home used for twenty-four (24) hour care of chronically ill or disabled persons and staffed as a skilled nursing facility.

OFFICE – A place in which business activities are conducted.

OFFICE, PROFESSIONAL – An office primarily devoted to professional activities, including real estate, insurance or other agency offices; office of an accountant, architect, artist, attorney, clergyman, dentist, engineer, home

builder, musician, optometrist, photographer, physician, psychiatrist, or psychologist, teacher or other recognized professional person.

**OPEN LOT STORAGE** – A location providing storage, handling or bailing of second hand lumber or other used building materials, metals, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles of salvage; wrecking and/or dismantling of motor vehicles.

**OPEN SPACE** – The space on a lot, unoccupied by structures and/or other site improvements, unobstructed to the sky by man-made objects other than walks, swimming pools and terraced areas, not devoted to streets, driveways or off-street parking and loading spaces.

**\*See Amendment #6463 OPEN SPACE ZONES**

**OVERLAY ZONE** – Areas designated by the City of Worcester in this Ordinance for the purpose of preserving the resources of the area while simultaneously promoting development there, including but not limited to Mixed Use, Floodplain, Airport Environs and Water Resources Protection.

**OWNER** – The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use, structure or lot in question.

**PARKING AREA AISLES** – A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

**PARKING FACILITY** – An area of land (not on a way), or a structure, that is used for the temporary placement of motor vehicles, including parking lots, spaces, open parking structures, driveways and aisle areas.

**PARKING SPACE** – A portion of a parking facility set aside for parking one (1) vehicle.

**PARKING STRUCTURE** – A structure designed for the parking of vehicles wherein no provision for the repairing or servicing of such vehicles is made.

**PATHWAY** – A right of way of special importance within the City of Worcester identified in the Master Plan.

**PERMIT, SPECIAL** – A permit issued by the Zoning Board of Appeals or other Special Permit Granting Authority (SPGA) that authorizes the recipient to make use of property in accordance with this Ordinance as well as any additional requirements imposed by the SPGA.

PERSON – Shall include any individual, group of individuals, business organization, trust, estate, partnership, association, company, corporation, department, agency, group, society or other entity, public or private (including a city, town, county, state, or other governmental unit) or any other legal entity, its legal representative, agents or assigns responsible in any way for an activity subject to this Ordinance.

PERFORMANCE STANDARDS – A minimum requirements or maximum allowable limit on the effects or characteristics of a use.

PORCH, OPEN – A porch that has no solid walls or windows other than those of the main building to which it is attached; includes a deck.

PUBLIC WAY – A way to which the public has the right of access; shall include a private way that is open to public use.

RECREATIONAL VEHICLE – A portable vehicular structure designed for travel, recreational camping or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle. Including but not limited to travel and camping trailer, truck campers and motor homes.

**\*See Amendment #6463 REFUSE**

**\*See Amendment #6463 REFUSE TRANSFER STATION FACILITY**

RESIDENCE, FRATERNITY, SORORITY, COOPERATIVE – A building whose primary purpose is to provide living accommodations of individuals affiliated with a fraternal, sororal or cooperative organization, said organization being in turn associated with an educational institution.

RESTAURANT – A licensed food service establishment in which food and beverages are served by a restaurant employee to the consumer at a table or counter and said food and beverage are consumed within the restaurant building.

**\*See Amendment #6463 RUBBISH**

SEDIMENTATION – The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity or other natural means as a result of erosion.

SERVICE SHOP – A retail establishment providing services to individuals.

SERVICE SHOP, PERSONAL – A service shop providing personal services, such as barber or beauty shop, tailor, shoe repair and milliner.

SERVICE STATION, SELF-SERVICE – A structure, building or premises or any portion thereof where gasoline is stored, housed and sold for supply to motor vehicles on a self-service basis to the public.

**\*See Amendment #7442**

SIGN – Any device, excluding its supporting structure, consisting of any letter, figure, character, mark, point, marquee sign, design, poster, mural, stroke, stripe, line, trademark, banner, insignia, or other reading matter that is used to attract or direct attention of the public to any object, product, place, activity, facility, event, attraction, person, institution, service organization or business displayed out-of-doors for recognized advertising or identification purposes.

SIGN, ACCESSORY – Any sign that advertises, directs attention to, or identifies the person occupying the premises in which the sign is erected or maintained, or the business transacted thereon or advertises the property itself or any part thereof as for sale or rent.

SIGN, AREA OF – (1) The area of a sign, other than a free standing or ground sign, shall be considered to be that of the smallest rectangle, circle or triangle which encompasses all of the individual works and symbols. In the case of a solid unit wall sign the sign area shall be considered to include the background on which the lettering, wording and accompanying design and symbols are displayed, except where the background is intended to serve as the façade of the building. (2) The area of a free standing or ground sign shall be considered to include all the lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any extensions, excluding the necessary supports or uprights on which the sign is placed.

**\*See Amendment #6463 SIGN, AWNING**

SIGN, BANNER – A piece of cloth or similar material hung and/or projecting, the purpose of which is primarily decorative and aesthetic.

SIGN, FREE STANDING – Any sign which is not attached to a building.

**\*See Amendment #6463 SIGN, FREESTANDING**

SIGN, GROUND – A sign which is supported by one (1) or more uprights or braces that are in or upon the ground.

**\*See Amendment #6463 SIGN, GROUND**

SIGN, ILLUMINATED – A sign which is lighted, whether internally or externally.

SIGN, MOTION – Any sign containing moving parts, flashing action and/or intermittent lighting.

SIGN, MURAL – A picture or decoration, usually large, applied directly to a wall, which is primarily for aesthetic and/or cultural purposes.

SIGN, NON-ACCESSORY – Any sign that is not an accessory sign.

SIGN, PAINTED – A sign directly applied to a surface by paint.

SIGN, PORTABLE – Any sign capable of readily being moved from one location to another and having no permanent or in-ground supporting structures or braces. This includes wheeled trailers whose primary function is to carry a sign which can be loaned, rented or leased. It excludes signs on cars, trucks, buses or trailers that identify the owner or products of the owner and whose function is other than pure advertising.

SIGN, PROJECTING – (1) A sign which is affixed to a building or structure (including signs affixed above the roof line of a one story building) and extends fourteen (14) inches or more beyond the building wall, structure or parts thereof; or (2) A pole sign which is supported by one or more uprights or braces that are in or upon the ground and projects into or over a public way.

**\*See Amendment #6463 SIGN, PROJECTING**

SIGN, ROOF – A sign which is erected, constructed or maintained above the roof or architectural projection of a building and does not project beyond the wall line of the building.

SIGN, TEMPORARY – Any sign intended to be maintained for a continuous period of not more than one (1) year, including contractors', engineers', architects' and political signs.

SIGN, WALL – A sign which is supported wholly or partially by an exterior wall of a building or structure and does not extend more than fourteen (14) inches therefrom and does not extend above the top nor beyond the ends of the wall to which it is attached.

SIGN, WINDOW – A sign permanently affixed to a window, including by paint or other means.

SITE PLAN APPROVAL – A process designed and carried out by the City of Worcester for evaluating the impact and benefits to the City of a development proposal, as provided in Article V of this Ordinance.

**\*See Amendment #6463 – SOLID WASTE**

**\*See Amendment #6463 – SPECIAL EVENT**

SPECIAL PERMIT GRANTING AUTHORITY – (SPGA) Those bodies which are authorized to grant special permits under the terms of this Ordinance and as provided in MGL Ch. 40A.

STABLE – Any building, lot, structure, enclosure, premises or portion thereof where livestock are kept or maintained for any purpose.

STORY – That part of a building above the basement or cellar, between the upper surface of floor and the upper surface of the next floor or roof above.

STORY, FIRST – The lowest story wholly above ground or the lowest story having more than two-thirds (2/3) of its entire wall area above ground.

STREET – A public way, alley, lane, court, sidewalk, public square, or other places that are parts of highways, including all of the rights of way between property lines, that are shown on the Official Map of Worcester and are used for vehicular and pedestrian traffic.

STRUCTURE – A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, flagpole, antenna and the like. A fence or wall over six (6) feet high is considered to be a structure.

SUBDIVISION – The division of a tract of land into two (2) or more lots requiring a way.

SUBSTANTIAL IMPROVEMENTS – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the assessed value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred. This includes the first alteration of any wall, ceiling, floor or other structural part of the building whether or not that

affects the external dimensions of that structure. The term does not include any project for improvement of a structure to comply with existing state and local health, sanitary or safety code specifications which are solely necessary to assure habitable living conditions.

**\*See Amendment #6730 – TEEN/YOUTH CENTER**

TEMPORARY SHELTER – A building or portion of a structure set aside for the provision of overnight accommodations for the homeless, which may also provide incidental food service and/or other social services.

TRAILER – A vehicular portable structure with wheels and having no motive power of its own, but which is designed to be pulled by an automobile, truck or tractor for hauling freight, animals or boats.

TRAILER, TRAVEL – See recreational vehicle

TRANSFER STATION – A transfer station is a solid waste handling facility used for the loading of solid waste (refuse) from one (1) container or vehicle to another prior to transporting to the location of further processing or treating or ultimate disposal. Refuse or dumpster type containers physically located on the premises they serve and used by the occupants of the premises shall not be considered a transfer station under these regulations.

**\*See Amendment #6463 TRANSFER STATION**

USE – Synonymous with land use. The manner in which a parcel of land or structures on the land are used by parties in possession of the land. Any use not defined or otherwise provided for within this Ordinance shall be deemed not allowed except by such variance and/or special permit procedures as herein provided.

VARIANCE – Such departure from the terms of this Ordinance as the Zoning Board of Appeals is empowered to authorize. See Article II.

VENDING MACHINE – Any self-service device offered for public use which, upon insertion of a coin, coins, token, paper currency, computer or magnetic tape card, or by other means dispenses servings of food or beverage, either in bulk or in package, or dispenses cash, products or services, except newspapers and publications protected by the privileges of the First Amendment of the United States Constitution; or which orders, instructs, or authorizes a financial institution to debit or credit an account or provide financial information relating to an account.



**WETLANDS** – Any marsh, swamp, bog, meadow or other low-lying area which is covered in part by natural non-flood water during a portion of the year and as further specified by the Massachusetts Wetlands Protection Act, as amended.

**YARD, FRONT** – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the principal building.

**YARD, REAR** – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the principal building.

**YARD, SIDE** – An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the principal building.

**YEAR-ROUND DWELLING** – Any dwelling which is suitable for human occupancy on a permanent, year-round basis and meets the requirements of the Massachusetts State Building Code and State Sanitary Code for a dwelling.

**ZONING PERMIT** – A permit issued by the Code Commissioner that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance.

## **ARTICLE II ADMINISTRATION AND PROCEDURE OF ENFORCEMENT**

### **Section 1 – Administrative Authority**

This Ordinance shall be interpreted, administered and enforced by the Code Commissioner. The interpretation and application of the provisions of this Ordinance shall be held to be the minimum requirements adopted.

### **Section 2 – Building Permits**

1. The Code Commissioner shall withhold a permit for the construction, alteration or moving any building or structure if the building or structure as constructed, altered or moved would be in violation of this Ordinance or any amendment thereof. No permit or license shall be granted for a new use of a building, structure or land use which would be in violation of this Ordinance. No permit or license shall be granted for a new use of a building, structure or land which requires site plan approval unless such approval has been secured from the Planning Board in accordance with Article V – Site Plan Approval.

2. All applications for building permits shall be accompanied by such plan or plans drawn to scale and showing the locations and dimensions of the lot to be built upon and such other information as may be deemed necessary by the Code Commissioner to determine compliance with the provisions of this Ordinance. The Code Commissioner shall promulgate regulations relative to this authority and shall file a copy of the regulations with the City Clerk.

3. Construction or operations under a building permit shall conform to any subsequent amendment(s) of this Ordinance unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the building permit and unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### **Section 3 – Violations**

1. If the Code Commissioner shall be informed, or have reason to believe that any provision of this Ordinance or any permit issued thereunder has been, is being, or is likely to be violated, he shall make or cause an investigation to be made of the facts, including an inspection of the property where the violation may exist. If he finds any violation, he shall give immediate notice in writing to the owner or his duly authorized agent, and to the occupants of the premises, and order that such violation immediately cease. Where it becomes necessary to effectively enforce this Ordinance, he may institute such legal process as

deemed advisable. In the prosecution of any such action he shall be given the services of the City Law Department. The Code Commissioner may take any other action as provided by law.

2. If the Code Commissioner is requested in writing to enforce a zoning ordinance against any person allegedly in violation of the same and the Code Commissioner declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons thereof, within fourteen (14) days of receipt of such request. Any such request not acted upon within 14 days shall be deemed denied.

#### **Section 4 – Penalty**

Any person violating any provisions of this Ordinance, or amendments thereof, or any of the conditions under which a special permit or variance is issued, may be fined not more than three hundred dollars (\$300.00) for each offense. Each day that such a violation continues shall constitute a separate offense.

#### **Section 5 – Zoning Coordination**

There shall be within the Office of Planning and Community Development a zoning coordination function. This function shall include such duties, responsibilities and powers as are herein provided including serving as Keeper of the Records for the Zoning Board of Appeals and other duties as determined by the Zoning Board of Appeals.

#### **Section 6 – Planning Board**

1. The Planning Board shall be the Special Permit Granting Authority for all special permits issued under Articles VII, VIII, IX, X and XII. The Planning Board shall be the approval authority for all approvals granted under Articles IV – Section 7 and Article V.

**\* See Amendment #6439**

2. The Planning Board, in exercising its role as a Special Permit Granting Authority (SPGA), shall be governed by the criteria set forth in Article II, Section 7 (4) (B) relative to special permit applications reviewed by the Zoning Board of Appeals.

**\* See Amendment #6463**

## **Section 7 – Zoning Board of Appeals**

1. Establishment – Under the authority of General Laws, Chapter 40A, there is hereby established a Zoning Board of Appeals, hereinafter call ZBA.

**\* See Amendment #6929**

2. Function – It shall be the function of the ZBA to hear and decide applications and appeals submitted by any person aggrieved by reason of his inability to obtain a building permit.

**\* See Amendment #6929**

3. Membership, Appointing Authority and Term – The ZBA shall consist of five (5) regular members and two (2) associate members appointed by the City Manager. The regular members shall be appointed for terms of five (5) years on a calendar basis in such a manner that the term of one (1) regular member shall expire each year. Associate members shall also be appointed for terms of five (5) years on a calendar basis. No member shall serve (as a regular and/or associate member) more than two full terms, or ten (10) years, whichever occurs first. The ZBA shall elect annually a chairperson from its regular members. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments. The chairperson may designate an associate member to sit on the ZBA until said vacancy is filled in the manner provided. (See M.G.L. Ch. 40A) The ZBA shall adopt rules not inconsistent with the provisions of this Ordinance for the conduct of its business and shall file a copy of said rules with the City Clerk. On adoption of this Ordinance, the members and terms of office of the ZBA established by the Zoning Ordinance hereby replaced are appointed for terms constituting the balance of the prior terms.

**\*See Amendments #6463, 6929**

4. Duties of the ZBA – the ZBA is authorized to do the following:

**\*See Amendment #6929**

### **A. Appeals**

To hear and decide appeals by: any person aggrieved by reason of their inability to obtain a permit or enforcement action from any administrative officer under the provisions of M.G.L. C. 40A, Section 8, the Central Massachusetts Regional Planning Commission, by any person aggrieved, by an order or decision of the Code Commissioner, an order or decision

by the Planning Board under Site Plan Approval, or an order or decision by any other administrative official in violation of any provision of M.G.L. Chapter 40A or of this Ordinance.

## B. Special Permits

Unless otherwise provided for in Article II, Section 6 of this Ordinance, the Zoning Board of Appeals shall be empowered to hear and decide applications for specific types of uses which shall only be permitted in specific districts upon the issuance of a special permit. Said permits may be issued only for uses which are in harmony with the general purpose and intent of this Ordinance provided that the following conditions are met:

- (1) The specific site is an appropriate location for such use.
- (2) The use as developed will not adversely affect the neighborhood.
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

All such permits shall be subject to general or specific provisions set forth therein, and may contain conditions, safeguards and limitation of time or use. (See M.G.L. Ch. 40A.)

## C. Variances

To grant upon appeal or upon petition with respect to particular land or structures, a variance from the terms of this Ordinance. The ZBA may grant a variance only when all statutory requirements are met, including the following findings:

- (1) A literal enforcement of the provision of this Ordinance would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
- (2) The hardship is owing to circumstances relating to the soil conditions, shape and/or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

- (3) Desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Ordinance.
- (4) The extent of the dimensional variance granted as it relates to floor space, bulk, number of occupants or other relevant measures shall be no greater than the minimum necessary to provide relief from the statutory hardship.

D. Filing of Appeals and Petitions to the ZBA

Appeals to the ZBA shall be taken within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal (in as many copies as are required by the ZBA) specifying the grounds thereof, with the City Clerk, who shall forthwith transmit copies thereof to such office or Board whose order or decision is being appealed, and to the ZBA. Such officer or Board shall forthwith transmit to the ZBA all documents and papers constituting the record of the case in which the appeal is taken.

**\*See Amendment #6463**

- (1) All appeals, applications, or petitions to the ZBA shall be in writing and in such form as prescribed by the ZBA. All applications, or petitions shall contain a written statement from the Code Commissioner detailing why the petition or application is being filed, what sections of the Zoning Ordinance apply, and if a special permit and/or variance is required.
- (2) Upon receipt of any filed documents, the City Clerk shall transmit seven (7) copies of each appeal, application or petition to the ZBA, two (2) copies to the Code Commissioner, one (1) copy to the City Law Department, one (1) copy to the Department of Public Works, one (1) copy to the Planning Board, one (1) copy to the Traffic Engineer, one (1) copy to the Conservation Commission, one (1) copy to the School Department, one (1) copy to the Office of Planning and Community Development and one (1) copy to the Department of Parks and Recreation, not more than three (3) days after the date of filing for such appeal, application or petition.

**\* See Amendment #6463**

**Section 8 – Rules, Regulations and Fees**

The ZBA and/or any SPGA are authorized to adopt such other rules and regulations as are not inconsistent with this Ordinance or MGL Ch. 40A and as are deemed appropriate to the faithful execution of their duties, including a determination of fees.

## **Section 9 - Meetings, Notices, Hearings and Decisions**

### 1. Meetings

Meetings of the ZBA and/or any SPGA shall be held at the call of the chairperson, or when called in such other manner as the ZBA or SPGA shall determine in its rules. The chairperson, or in his/her absence the acting chairperson, may administer oaths, summon witnesses, and call for the production of papers.

### 2. Notices

In all cases, notice of a public hearing shall be given by the City Clerk by publication in a newspaper of general circulation in the city once in each of two (2) successive weeks; the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before the day of such hearing. In all cases, notice to parties of interest shall be sent by mail, postage prepaid. "Parties of interest" as used herein shall mean the petitioner or appellant, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Building Commissioner, the City Law Department, the Department of Public Works, the Planning Board, if applicable, the Office of Planning and Community Development, the Department of Parks and Recreation and the Planning Board of every abutting city or town. The required publications and notices shall contain the name of the petitioner, a description of the area or premises, street address, or other adequate identification of the location, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested.

**\* See Amendment #6463**

### 3. Hearings

- A. Special permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application or petition with the ZBA and/or any SPGA through the City Clerk. The ZBA or SPGA shall render a decision within ninety (90) days following a public hearing for which notice has been given by publication and posting, and by mailing to all parties of interest. Failure of the ZBA and/or SPGA to take final action upon an application or petition for a special permit within said ninety (90) days following the date of public hearing may be deemed to be a grant of the special permit applied for. These requested time limits may be extended by written agreement.
- B. Variances shall only be issued following a public hearing held within sixty-five (65) days after filing of an application with the ZBA by the applicant. The ZBA shall render a decision within one hundred (100) days after filing of an application or petition. In accordance with MGL 40A, Section 15, failure of the ZBA to take final action upon an application or petition for a variance within said one hundred (100) days after the filing of said application or petition may be deemed to be a grant of the variance applied for. These requested time limits may be extended by written agreement.

#### 4. Decisions

- A. The ZBA may, in conformity with the Massachusetts General Laws and the provisions of this Ordinance, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
- B. The ZBA and/or SPGA shall cause to be made a detailed record or its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen (14) days of its decision in the office of the City Clerk and shall be public record, and notice of decisions shall be mailed forthwith by the ZBA and/or SPGA to the petitioner, applicant or appellant and to the parties of interest as listed in Section 9-2 and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice is to be sent. Each notice shall specify that appeals, if any, shall be filed within twenty (20)



days after the date of filing of the decision in the office of the City Clerk.

- C. Upon granting of variance, special permit or any extension, modification, or renewal thereof, the ZBA and/or SPGA shall issue to the owner and to the applicant, if other than the owner, a copy of its decision, certified by the ZBA and/or SPGA containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance and/or special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and City Clerk. No variance, special permit or any extension, modification or renewal thereof shall take effect until a copy of the decision bearing certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the District Registry of Deeds and indexed in the grantor index under the name of the owner of record or, in the case of registered land, is recorded and noted on the owner's certificate and a copy of such recordation is filed with the Code Commissioner.
- D. Special permits shall only be issued following public hearings by the ZBA and/or SPGA. If the activity authorized by a Special Permit is not initiated within one (1) year of the date of grant of such Special Permit except for phased construction as approved by SPGA and/or ZBA, and if the activity is not completed within two (2) years, then the Special Permit shall lapse unless the ZBA and/or SPGA makes a determination that the failure to complete was for good cause. After a lapse, the Special Permit may be re-established only after notice and a new hearing pursuant to this Ordinance.
- E. Construction or operations under a special permit shall conform to any subsequent amendment(s) of this Ordinance unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the special permit.
- F. Variances shall only be issued following public hearings by the ZBA. Said variance shall deal with respect to particular land or structures where the ZBA specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it

is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Ordinance. If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance they shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six (6) months; and provided further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty (30) days of the date of application therefore, and upon the expiration of the original one year period, such rights may be re-established only after notice and a new hearing pursuant to this Ordinance. (See M.G.L. Ch. 40A, Sec. 10).

## 5. Judicial Review

Any person aggrieved by a decision or the failure to take final action by the ZBA and/or any SPGA, may seek judicial review pursuant to M.G.L. c.40A, Section 17.

## ARTICLE III ZONING DISTRICTS

### Section 1 – Districts

For the purpose of this Ordinance the City of Worcester is hereby divided into the following districts.

#### RESIDENCE DISTRICTS

RS-10:	Residence, Single Family
RS-7:	Residence, Single Family
RL-7:	Residence, Limited
RG-5:	Residence, General

#### BUSINESS DISTRICTS

BO-1.0:	Business, Office
BO-2.0:	Business, Office
BL-1.0:	Business Limited
BG-2.0:	Business, General
BG-3.0:	Business, General
BG-4.0:	Business, General
BG-6.0:	Business, General

#### INDUSTRIAL PARK DISTRICTS

IP-0.33:	Light Industrial
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#### MANUFACTURING DISTRICTS

ML-0.5:	Manufacturing, Limited
ML-1.0:	Manufacturing, Limited
ML-2.0:	Manufacturing, Limited
MG-0.5:	Manufacturing, General
MG-1.0:	Manufacturing, General
MG-2.0:	Manufacturing, General

#### INSTITUTIONAL DISTRICTS

IN-S:	Institutional, Educational
IN-H:	Institutional, Medical

#### AIRPORT DISTRICT

A-1:	Airport
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**\*See Amendment #6463**

#### OVERLAY DISTRICTS

Such overlay districts as are provided for in other articles of this Ordinance.

MU:	Mixed Use Development
FP:	Floodplain
AE:	Airport Environs
WR:	Water Resources Protection

**\*See Amendment #6820**

**\*See Amendment #7716 – AOD: Arts Overlay District**

## **Section 2 – Zoning Map**

The zoning districts are hereby established as shown on the map entitled “The Official Zoning Map of the City of Worcester,” dated April 29, 1963 and amendments thereto, which map, with all explanatory matter thereon and including amendments thereto, shall be deemed to be and is hereby made a part of this Ordinance.

**\*See Amendment #6463**

## **Section 3 – Interpretation**

Where the Official Zoning Map is not clear, the following rules shall control:

1. Where the district boundary is indicated as a street, it is the center line of the street provided however that the depth of the district shall be measured from the right of way line of the street that existed at the time the district was created.
2. Where the district boundary is indicated as a water course it is the center line of the water course.
3. Where a district boundary line divides a lot or crosses unsubdivided property, the origin and length of such boundary shall be measured on the Official Zoning Map.
4. The Zoning Map shall be considered accurate to the nearest foot.

## **ARTICLE IV USE REGULATIONS**

### **Section 1 – Application**

1. No building, structure or land in any district may be used or erected, in whole or in part, for any use not expressly permitted for that district in this Article unless as a permitted accessory use. Uses permitted in a district are permitted to occur together as primary uses for a building, structure or land with applicable regulations applied proportionally to each.
2. Lots in two (2) or more districts may have uses permitted in the district only on that portion of the lot within the district.
3. Those uses permitted in certain districts only upon grant of a special permit as specified herein may be carried on only upon grant of the special permit.
4. Legal nonconforming uses existing on the effective date of this ordinance may be expanded or changed to a nonconforming use of a similar nature upon grant of the special permit.
5. Where a particular use does not, in the interpretation of the Code Commissioner, fall within a permitted category for that district, it shall be excluded in that district unless it can be established to the satisfaction of the Code Commissioner that it falls within one or both of the following categories:
  - A. Said use was lawfully in existence on the effective date of this Ordinance and can qualify as a privileged nonconforming use in accordance with law and the provisions of Article XIII of this Ordinance.
  - B. Said use has been granted a special permit or variance and all the conditions of the special permit or variance have been satisfied.

### **Section 2 – Permitted Uses**

In each zoning district the use of land, buildings and structures shall be regulated as set forth in this Ordinance. A use listed in Table 4.1 is permitted in any district only under which it is denoted by the word “yes”. If denoted by letters “SP”, a use may be permitted in such district upon grant of a special permit. If denoted by the word “no”, a use is not permitted in such district. The notes provided in Section 2 modify the permitted uses as shown on Table 4.1

and have the same force for regulating uses in each zoning district that Table 4.1 has.

**Table 4.1 - Permitted Uses By Zoning Districts Residential Use**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
RS 10	SP	SP	Y	SP	Y	N	N	N	N	N	Y	SP	SP	N	N
RS 7	SP	SP	Y	SP	Y	N	N	N	N	N	Y	SP	SP	N	N
RL 7	SP	SP	Y	SP	Y	N	N	N	SP	SP	Y	Y	SP	SP	Y
RG 5	SP	SP	Y	SP	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y
BO 1	SP	SP	Y	SP	Y	SP	N	N	Y	Y	Y	Y	SP	Y	Y
BO 2	SP	SP	Y	SP	Y	SP	N	N	Y	Y	Y	Y	SP	Y	Y
BL 1	SP	Y	Y	Y	Y	SP	N	N	Y	Y	Y	Y	SP	Y	Y
BG 2	SP	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y
BG 3	SP	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y
BG 4	SP	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y
BG 6	SP	Y	Y	Y	Y	SP	N	Y	Y	N	N	N	SP	Y	Y
ML 0.5	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
ML 1	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
ML 2	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
MG 0.5	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
MG 1	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
MG 2	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
IP 0.33	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N
IN S	SP	Y	Y	Y	Y	N	N	N	SP	Y	Y	Y	SP	Y	Y
IN H	SP	Y	Y	Y	Y	N	N	N	SP	Y	Y	Y	SP	Y	Y
A 1	N	N	Y	N	Y	N	N	N	N	N	N	N	SP	N	N

**Y = Yes; N = No; SP = Special Permit**

- 1. Continuing care retirement community**

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- 2. Dormitory**

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- 3. Family day care home**

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- 4. Fraternity/sorority/cooperative residence**

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- 5. Group residence (general or limited)**

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- 6. Lodging house**

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- 7. Mobile homes**

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- 8. Multi-family dwelling, high rise**

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- 9. Multi-family dwelling, low rise**

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- 10. Single-family attached dwelling**

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- 11. Single-family detached dwelling**

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- 12. Single-family semi-detached dwelling**

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- 13. Temporary shelter**

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- 14. Three-family detached dwelling**

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- 15. Two-family detached dwelling**

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**Table 4.1 - Permitted Uses By Zoning Districts General Use**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
RS 10	N	N	N	SP	Y	N	SP	N	N	SP	N	N	N	Y	N	SP	Y	N	SP	Y
RS 7	N	N	N	SP	Y	N	SP	N	N	SP	N	N	N	Y	N	SP	Y	N	SP	Y
RL 7	N	N	N	SP	Y	N	SP	N	N	SP	N	SP	N	Y	N	SP	Y	N	SP	Y
RG 5	N	N	SP	SP	Y	N	SP	N	Y	SP	N	Y	N	Y	N	SP	Y	N	SP	Y
BO 1	Y	N	Y	SP	Y	N	Y	Y	Y	SP	SP	Y	N	Y	SP	Y	Y	SP	Y	Y
BO 2	Y	N	Y	SP	Y	N	Y	Y	Y	SP	SP	Y	N	Y	SP	Y	Y	SP	Y	Y
BL 1	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	SP	Y	SP	Y	Y	SP	Y	Y
BG 2	Y	N	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y	SP	Y	SP	Y	Y	Y	Y	Y
BG 3	Y	N	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y	SP	Y	SP	Y	Y	Y	Y	Y
BG 4	Y	N	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y	SP	Y	SP	Y	Y	Y	Y	Y
BG 6	Y	N	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y	N	Y	SP	Y	Y	Y	Y	Y
ML 0.5	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
ML 1	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
ML 2	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
MG 0.5	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
MG 1	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
MG 2	N	N	SP	SP	Y	SP	SP	SP	N	Y	Y	N	SP	Y	Y	SP	Y	Y	Y	Y
IP 0.33	N	N	N	N	Y	SP	N	N	N	Y	Y	N	N	Y	N	N	Y	Y	Y	Y
IN S	N	N	N	N	Y	SP	Y	N	Y	Y	Y	N	N	Y	N	Y	Y	Y	Y	Y
IN H	N	N	Y	N	Y	SP	Y	N	Y	Y	Y	Y	N	Y	N	Y	Y	Y	Y	Y
A 1	N	N	N	N	Y	Y	N	N	N	N	Y	N	N	Y	N	N	Y	SP	Y	Y

**Y = Yes; N = No; SP = Special Permit**

- 1. Agriculture, horticulture, viticulture, floraculture on parcels less than five (5) acres**
- 2. Cemetery, crematory, memorial park**
- 3. Clinic**
- 4. Club, lodge, other private grounds (non-profit and private)**
- 5. Day care center**
- 6. Heliport**
- 7. Library/Museum (non-profit)**
- 8. Library/Museum (profit)**
- 9. Licensed hospital, sanatorium**
- 10. Non-accessory residential parking**
- 11. Non-residential parking facility (non-accessory)**
- 12. Nursing or convalescent home/institution/facility**
- 13. Open lot storage of more than one (1) unregistered automobile (in excess of seven (7)days)**
- 14. Place of worship**
- 15. Radio/TV transmission tower**
- 16. Recreational/service facility (non-profit)**
- 17. Schools (K-12, college, university, technical institute)---non-profit**
- 18. Schools (vocational, professional, other)---profit**
- 19. Transformer, pumping station, sub-station, telephone exchange**
- 20. Any exempt religious or educational use (See Art. XIII; M.G.L. c.40A, s.3)**



**Table 4.1 - Permitted Uses By Zoning Districts Business Uses**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
RS 10	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
RS 7	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
RL 7	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	N
RG 5	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	SP	N	N
BO 1	N	N	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	Y	Y	N	N	Y	Y	N	N	SP	N	N
BO 2	N	N	Y	Y	N	N	N	N	Y	N	N	N	N	N	N	N	Y	Y	N	N	Y	Y	N	N	SP	N	N
BL 1	N	SP	Y	Y	SP	SP	Y	SP	Y	Y	Y	SP	SP	SP	SP	Y	Y	N	Y	Y	Y	SP	Y	Y	SP	N	
BG 2	N	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	Y	Y	Y	N
BG 3	N	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	Y	Y	Y	Y
BG 4	N	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	Y	Y	Y	Y
BG 6	SP	Y	Y	SP	Y	SP	Y	Y	Y	Y	Y	SP	N	Y	Y	SP	Y	Y	SP	Y	Y	Y	SP	Y	Y	Y	Y
ML 0.5	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
ML 1	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
ML 2	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
MG 0.5	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
MG 1	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
MG 2	N	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	SP	N	Y	Y	Y	Y	Y	SP	Y	Y	Y	SP	SP	SP	Y	Y
IP 0.33	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N	Y
IN S	N	N	Y	Y	N	N	SP	SP	N	N	N	N	N	Y	N	N	N	N	N	N	Y	Y	N	SP	SP	Y	N
IN H	N	N	Y	Y	N	N	SP	SP	N	N	N	N	N	Y	N	N	N	Y	N	N	N	Y	N	SP	SP	N	N
A 1	N	N	SP	SP	Y	N	Y	Y	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	Y	N	Y	Y	N	Y

**Y = Yes; N = No; SP = Special Permit**

1. Adult book/merchandise store; adult motion picture theatre; nude dancing and/or entertainment
2. Animal hospital, clinic, pet shop
3. Bank, credit union
4. Bank, credit union with drive thru
5. Bus station or terminal, RR passenger station
6. Food service (drive-in/take out)
7. Food service (excludes consumption/sale of alcoholic beverages)
8. Food service (includes consumption/sale of alcoholic beverages) and or providing dancing and entertainment
9. Funeral undertaking establishment
10. In-door recreation, health club--profit
11. Indoor rental & service of equipment for home and recreational uses
12. Kennel
13. Marina
14. Motel, hotel, inn
15. Motor vehicle/trailer/boat sales, rental
16. Motor vehicle service repair, garage, display
17. Office, general (travel agency, auto driving school)
18. Office, professional
19. Outdoor recreation (for profit)
20. Package store (alcoholic beverage sale not to be consumed on premise)
21. Radio/TV studio
22. Research lab. w/o manufacturing abilities
23. Retailers greater than 50% display space outdoors

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**24. Retails sales, including retail with incidental fabrication assembly**

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**25. Service shop, personal services**

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**26. Theatre, motion picture theatre, concert hall**

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**27. Wholesale business or storage conducted entirely within an enclosed structure (with noise, dust, fumes, gases and odors confined to the premises)**

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**Table 4.1 - Permitted Uses By Zoning Districts Manufacturing Use**

	1	2	3	4	5	6	7	8	9	10	11	12	13	14
RS 10	N	N	N	N	N	N	N	N	N	N	N	N	N	N
RS 7	N	N	N	N	N	N	N	N	N	N	N	N	N	N
RL 7	N	N	N	N	N	N	N	N	N	N	N	N	N	N
RG 5	N	N	N	N	N	N	N	N	N	N	N	N	N	N
BO 1	N	N	N	N	N	N	N	N	N	N	N	N	N	N
BO 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
BL 1	SP	N	N	SP	N	N	N	N	N	N	SP	N	N	N
BG 2	SP	N	N	Y	N	N	N	N	N	N	Y	N	SP	SP
BG 3	SP	N	N	Y	N	N	N	N	N	N	Y	N	SP	SP
BG 4	SP	N	N	Y	N	N	N	N	N	N	Y	N	SP	SP
BG 6	SP	N	SP	Y	N	N	N	N	N	N	Y	N	N	N
ML 0.5	SP	Y	SP	Y	SP	SP	SP	Y	N	SP	Y	Y	Y	Y
ML 1	SP	Y	SP	Y	SP	SP	SP	Y	N	SP	Y	Y	Y	Y
ML 2	SP	Y	SP	Y	SP	SP	SP	Y	N	SP	Y	Y	Y	Y
MG 0.5	SP	Y	SP	Y	SP	Y	SP	Y	N	SP	Y	Y	Y	Y
MG 1	SP	Y	SP	Y	SP	Y	SP	Y	N	SP	Y	Y	Y	Y
MG 2	SP	Y	SP	Y	SP	Y	SP	Y	N	SP	Y	Y	Y	Y
IP 0.33	N	N	N	Y	SP	N	N	N	N	N	N	N	N	N
IN S	N	N	N	N	N	N	N	N	N	N	N	N	N	N
IN H	N	N	N	N	N	N	N	N	N	N	N	N	N	N
A 1	N	N	N	Y	N	SP	SP	N	N	N	N	N	N	N

**Y = Yes; N = No; SP = Special Permit**

- 1. Auction house**

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- 2. Auto/truck body or paint shop**

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- 3. Flea market**

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- 4. Manufacturing, assembly, processing, packaging, research and other industrial operations provided standards in note to Table 4.1 (8) are met.**

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- 5. Manufacturing, assembly, processing, packaging, or other industrial operations not otherwise permitted above, provided there will not be a nuisance of such magnitude as to prevent a reasonable use for the purpose for which they are zoned.**

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- 6. Motor freight terminal; truck/trailer/bus storage or servicing**

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- 7. Open lot storage, underground storage, salvage, recycling operations, refuse transfer station facility: includes flammable liquids/gas**

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- 8. Rail freight terminal & accessory storage place**

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- 9. Rendering works and slaughter house**

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- 10. Stable**

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- 11. Steam laundry, dry cleaning, rug cleaning establishment or plant**

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**12. Storage of materials and equipment not in enclosed buildings  
(excluding flammable liquids, gas and/or explosives)**

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**13. Truck sales/agencies/showroom**

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**14. Truck servicing and repair garages**

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Table 4.1  
Permitted Uses by Zoning Districts  
Notes to Table 4.1

1. A machine shop or other noisome activity accessory to a school or education center building, which is located in, or within two hundred (200) feet of, a Residential or Business Zoning District, shall confine its noise substantially on-site.
2. In Residence or Business Office districts no commercial greenhouse or outdoor storage of fertilizer may be within fifty (50) feet of any lot line.
3. Where public garages, autobody shops or paint shops are allowed, all washing, lubricating and repairs must be carried on inside a building. All outside storage of wrecked vehicles or parts shall be screened from street and neighborhood. Any structure housing repairs shall be designed to confine noise substantially to the premises; any flashing, fumes, gases, smoke and vapor shall be effectively confined to the premises.
4. Where an animal hospital, clinic or shelter, kennel or pet shop is allowed, no outdoor animal runs may be located within two hundred (200) feet of a Residence district.
5. Where open lot storage of new building materials, contractor's equipment, machinery or similar materials is allowed, any material, except equipment or machinery stored in unenclosed premises to a height greater than four (4) feet above grade level, shall be surrounded by a visual barrier.
6. Where open lot storage of coal, coke, sand or other solid fuel, or similar material, or storage of such material in a silo or hopper, or open lot storage, handling or bailing of second hand lumber or other used building materials, metals, junk, scrap, paper, rags, unrepaired or uncleaned containers, or other articles of salvage wrecking or dismantling of motor vehicles, or wholesale storage of flammable liquids or gas is allowed, all dust and dirt incident to storage or handling shall be effectively confined to the premises. All storage of salt must be under waterproof cover and placed upon an impervious surface to prevent leaching.

7. No more than one (1) unregistered motor vehicle may be stored in the open on a lot in excess of seven (7) days in any district except as otherwise permitted.

**\*See Amendment #7185**

8. In ML, MG, BG and IP districts where manufacture, assembly, processing, packaging, research or other industrial operations are allowed as a matter of right provided that all resulting odors, gases and particulate matter be effectively confined to the premises or so disposed of so as to audit any air pollution; and that all noise, vibration or flashing should not be perceptible normally without instruments either at a point more than three hundred and fifty (350) feet from the premises at any point within the nearest residence district more than one hundred fifty (150) feet beyond the nearest boundary of said district, whichever point is nearer to the premises.

9. In all districts, permitted uses involving biomedical research must conform to City of Worcester Revised Ordinances of 1986, Chapter 17 – Regulations Relative to Biomedical Research in the City of Worcester. This Chapter applies to all institutions which experiment with Recombinant DNA (RDNA) technology. All use of RDNA by institutions in the City of Worcester shall be undertaken only in conformity with current and applicable National Institutes of Health (NIH) of the U.S. Department of Health and Human Services guidelines.

10. In BG-6.0 district, banks and credit unions with drive-in and drive-through facilities require a Special Permit.

**\*See Amendment #6463**

**\*See Amendment #7917**

**\*See Amendment #6688**

**\*See Amendment #7348**

**\*See Amendment #7912**

### **Section 3 - Regulatory Provisions for Air Pollution**

No person shall construct, substantially reconstruct or alter any facility that may cause or increase a condition of air pollution without the approval of the Massachusetts Department of Environmental Protection. (See M.G.L. Ch. 111)

### **Section 4 – Dimensional Controls**

The dimensional controls set forth in Table 4.2 shall apply to land uses in each district, except in the case of uses specifically exempted or excepted therefrom by law or by applicable provisions of this Ordinance.

## **Section 5 – Filling and Excavating of Earth**

### 1. Filling or Dumping of Earth

A. The placing, filling or dumping of snow and ice or earth, including soil, loam, sand, gravel, clay, stone, quarried rock or other subsurface products, except water, is permitted in all districts if such placing, filling or dumping is entirely incidental to:

- (1) The construction of any structure for which a building permit has been issued.
- (2) The construction of ways within subdivisions and “more than one (1) building on a lot” projects which have been approved by the Planning Board.
- (3) Utility construction in public and private ways and private property.
- (4) The routine landscaping (not including significant changes in topography) of a lot with a one (1) or two (2) family residence thereon by the owner thereof so long as the existing topography of the parcel in no location exceeds a 15% grade.
- (5) The construction of parking lots as approved under Article IV, Section 7.

B. During construction for any of the activities in Section 5-1 (A), all disturbed areas of land shall have erosion control to prevent damage to any adjacent properties. Erosion control methods shall be approved by the Code Commissioner or DPW Commissioner, as applicable, and shall be installed prior to construction. The Code Commissioner or DPW Commissioner, as applicable, may require certification by a registered professional engineer of erosion control methods prior to the issuance of any building permit.

**See Amendments 6463 & 6688**

**Table 4.2 – Permitted Dimensions By District**

District	Use	Lot Area (min sq. ft)	Frontage (min linear ft)	Front Yard (min depth linear ft)	Side Yard (min depth linear ft)	Rear Yard (min depth linear ft)	Height (max in stories)	Height (max in ft)	Floor to area ratio (max)
<b>RS-10</b>	Single-family	10,000 per du	80 per du	25	10	20	2+	35	N/A
	Single-family semi-detached	6,000 per du	45 per du	25	10	20	2+	35	N/A
	Other permitted	10,000 per du	80 per du	25	20	50	2+	35	0.3 to 1
<b>RS-7</b>	Single-family	7,000 per du	65 per du	20	8	20	2+	35	N/A
	Single-family semi-detached	4,000 per du	35 per du	20	8	20	2+	35	N/A
	Other permitted	7,000 per du	65 per du	25	20	50	2+	35	0.4 to 1
<b>RL-7</b>	Single-family detached	7,000 per du	66 per du	20	8	20	2+	35	N/A
	Single-family semi-detached	4,000 per du	35 per du	20	8	20	2+	35	N/A
	Single-family attached	3,000 per du	25 per du	20	8	20	2+	35	N/A
	Two-family dwelling	8,000	70	20	8	20	2+	35	N/A
	Three-family dwelling	9,000	75	20	8	20	3+	50	N/A
	Multi-family dwelling, first unit	7,000	65	20	10	20	3+	50	N/A
	MFD, additional unit, Low rise	2,000 per du	+5' per du to total of 140'	N/A	N/A	N/A	N/A	N/A	N/A
	Other residential permitted	7,000 per du	65 per du	20	10	20	3+	45	N/A
	Other non-residential	7,000	65	20	20	20	3+	45	0.5 to 1
<b>RG-5</b>	Single-family detached	5,000 per du	50 per du	15	8	15	2+	35	N/A
	Single-family semi-detached	3,000 per du	30 per du	15	8	15	2+	35	N/A
	Single-family attached	2,200 per du	20 per du	15	8	15	2+	35	N/A
	Two -family dwelling	6,000	55	15	8	15	2+	35	N/A
	Three-family dwelling	7,000	60	15	8	8	3+	50	N/A
	Multi-family dwelling, first unit	5,000	50	15	10	15	3+	50	N/A

	MFD, additional unit, low rise	1,000 per du	+5' per du to total of 125'	N/A	N/A	N/A	3+	45	N/A
	MFD, additional unit, high rise	750 per du	+5' per du to total of 100'	N/A	N/A	N/A	8+	90	N/A
	Other residential permitted	5,000 per du	50 per du	15	10	15	3+	45	N/A
	Other non-residential	5,000	50	15	10	15	3+	45	1.0 to 1
<b>BO-1.0</b>	All	N/A	40 per du	15	10	10	3	40	1 to 1
<b>BO-2.0</b>	All	N/A	40 per du	15	10	10	3	40	2 to 1
<b>BL-1.0</b>	All	N/A	40 per du	10	10	20	3	40	1 to 1
<b>BG-2.0</b>	All	N/A	40 per du	N/A	N/A	15	N/A	50	2 to 1
<b>BG-3.0</b>	All	N/A	40 per du	N/A	N/A	10	N/A	100	3 to 1
<b>BG-4.0</b>	All	N/A	40 per du	N/A	N/A	10	N/A	150	4 to 1
<b>BG-6.0</b>	All	N/A	N/A	N/A	N/A	10	N/A	N/A	6 to 1
<b>IP-0.33</b>	All	75,000	200	25	25	25	N/A	50	0.33 to 1
<b>ML-0.5</b>	All	N/A	N/A	25	N/A	25	N/A	50	N/A
<b>ML-1.0</b>	All	N/A	N/A	10	N/A	15	N/A	50	N/A
<b>ML-2.0</b>	All	N/A	N/A	10	N/A	25	N/A	N/A	2 to 1
<b>MG-0.5</b>	All	N/A	N/A	25	N/A	25	N/A	50	N/A
<b>MG-1.0</b>	All	N/A	N/A	15	N/A	15	N/A	N/A	1 to 1
<b>MG-2.0</b>	All	N/A	N/A	15	N/A	15	N/A	N/A	2 to 1
<b>IN-S</b>	All	N/A	N/A	15	10	10	N/A	N/A	N/A
<b>IN-H</b>	All	N/A	N/A	15	10	10	N/A	N/A	N/A
<b>A-1</b>	All	N/A	N/A	15	10	10	N/A	N/A	N/A

\* Not applicable to that portion of a semi-detached or attached single-family dwelling, where permitted, that shares a party wall or double wall on or along a common side lot line with an adjacent unit.  
NOTE: The designations 2+ and 3+ indicate a height in stories plus an attic, as herein defined.

**Table 4.2**  
**Permitted Dimensions by District**  
**Notes to Table 4.2**

1. In BG-6.0 districts an additional floor space premium is allowed where off street parking is provided on-site of the building or within one thousand (1,000) feet of the facility it is to serve. The premium, six hundred (600) square feet of floor space for each parking space provided, may be used in computing the floor area ratio.

2. Each ML and MG use bordering an RS/RL/RG district must have a buffer to each abutting property of at least fifty (50) feet. Uses within the buffer shall be at an intensity no greater than fifty percent (50%) of that permitted in the district. From the date of adoption of the Ordinance, all subdivision of land for MG and ML purposes which are border lots must



provide the fifty (50) feet buffer at the perimeter(s) of the parcel being subdivided.

3. In Institutional Zones for educational institutions (IN-S), structures are required to be set back fifty (50) feet from the nearest property line. Any structure constructed between fifty one (51) and one hundred (100) feet from the nearest property line, shall be no higher than the height limitation imposed by the most restrictive abutting zoning district.

4. Due to state mandates under Chapter 30A, Section 3 and other judicial decisions and notwithstanding any provisions of the contrary, any group home for mentally and physically disabled persons shall meet all of the dimensional requirements of a single family dwelling.

**\*See Amendment #6463**

C. All earth placing, filling or dumping incidental to the activities in Section 5-1(A) shall have finished slopes at no greater than two and one half to one (2.5:1) without providing some form of slope protection or retaining walls. Any slope protection method or retaining wall shall receive the approval of the Code Commissioner or DPW Commissioner, as applicable, prior to its installation. The Code Commissioner or DPW Commissioner, as applicable, may require certification by a registered professional engineer of such protection prior to the issuance of any building permit.

D. All other earth placing, filling or dumping, including snow and ice, shall be permitted only upon grant of a special permit from the Zoning Board of Appeals.

The Zoning Board of Appeals may issue a special permit for the placing, filling or dumping of earth or other material, including ice and snow, after a report by the Commissioner of Public Health and Conservation Commission subject to the following conditions:

- (1) Establishment of a time period to complete the filling operations but not more than two (2) years.
- (2) Not more than two (2) entrances-exits shall be allowed onto any one street.
- (3) At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. During construction

or filling operations on sites adjacent to or where drainage and runoff will enter any natural stream, pond or culvert connected thereto, a berm will be constructed between the stream or pond and the construction site, with drainage channeled through a settling pool or catch basin to trap silt prior to entering the water body. If, when complete, the site is to be paved, all drainage shall be channeled through an approved catch basin before entering the water body.

- (4) During the period of placing, filling or dumping, all necessary precautions shall be taken as deemed necessary by the Zoning Board of Appeals for the protection of pedestrians and vehicles.
- (5) When the placing, filling and/or dumping of earth are completed, the area is to be graded so that no finish grade shall be steeper than a slope of 2.5 horizontal to 1 vertical.
- (6) A layer of arable topsoil of a quality approved by the Code Commissioner shall be spread over the clean fill to a minimum of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a suitable cover crop and maintained until the area is stabilized and approved by the Code Commissioner.
- (7) All necessary precautions shall be taken to protect against any damage being done to surrounding land and to ensure that no dangerous conditions are created after completion.
- (8) Prior to any placing, filling or dumping of earth, site plans shall be submitted to the Zoning Board of Appeals containing the following:
  - a. Existing and proposed contours at intervals of two (2) feet.
  - b. Estimated volume of earth to be dumped.
  - c. Proposed truck access to the excavation.
  - d. Names of abutters.

The Zoning Board of Appeals shall make a finding of approval, approval with conditions or disapproval. Any finding shall be in writing and shall be directed to one (1) or more of the standards provided above.

## 2. Earth Excavation

A. The removal of earth, including soil, loam, sand, gravel, clay, stone, quarried rock or other subsurface products except water, is permitted in all districts if such material is entirely incidental to:

- (1) The construction of any structure for which a building permit has been issued which specifies nature and extent of such earth removal.
- (2) The construction of ways within subdivisions and “more than one (1) building on a lot” projects which has been approved by the Planning Board.
- (3) Utility construction in public and private ways and private property.
- (4) The routine landscaping (not including significant changes in topography) of a lot with a one (1) or two (2) family residence thereon by the owner thereof, so long as the existing topography of the parcel in no location exceeds a 15% grade.
- (5) The construction of parking lots as approved under Article IV, Section 7.

B. During construction for any of the activities in Section 5-2(A), all disturbed areas of land shall have erosion control for the protection of adjacent properties. Erosion control methods shall be approved by the Code Commissioner or the DPW Commissioner, as applicable, and shall be installed prior to construction. The Code Commissioner or DPW Commissioner, as applicable, may require certification by a registered professional engineer of the erosion control methods prior to the issuance of any building permit.

C. Any earth removal incidental to the activities in Section 5-2(A) shall have finished slopes of no greater than two and one half to one (2.5:1) without providing some form of slope protection or retaining wall. Any slope protection method or retaining wall shall receive the approval of the Code Commissioner or DPW Commissioner, as applicable, prior to its installation. The Code Commissioner or DPW Commissioner, as applicable, may require certification by a registered professional engineer of slope protection prior to the issuance of any building permit.

D. All other earth removal shall be permitted only upon grant of a special permit from the Zoning Board of Appeals. The Zoning Board of Appeals may

issue a special permit for removal of earth after a report by the Commissioner of Public Health and the Conservation Commission subject to the following conditions:

- (1) Establishment of a time period to complete the removal operations but not more than two (2) years.
- (2) Existing topsoil not to be removed from the site until the area from which it was removed has been restored.
- (3) Not more than two (2) entrances – exits shall be allowed onto any one (1) street.
- (4) At all states of operation proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. During construction or soil removal, on sites adjacent to or where drainage and runoff will enter any natural stream, pond or culvert connected thereto, a berm will be constructed between the stream or pond and the construction site with drainage channeled through a settling pool or catch basin to trap silt prior to entering the water body. If when complete, the site is to be paved, all drainage shall be channeled through an approved catch basin before entering the water body.
- (5) During the period of excavation and removal, barricades and/or fences shall be erected as are deemed necessary by the Zoning Board of Appeals for the protection of pedestrians or vehicles.
- (6) When excavations and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope 2.5 horizontal to 1 vertical.
- (7) In restoring the excavated areas, topsoil shall be spread to a depth of four (4) inches and shall be seeded with a suitable cover crop and maintained until the area is stabilized and approved by the Code Commissioner.
- (8) Prior to any earth excavation, site plans shall be submitted to the Zoning Board of Appeals containing the following:
  - a. Existing and proposed contours at intervals of two (2) feet.
  - b. Estimated volume of earth to be removed.

- c. Proposed truck access to the excavation.
- d. Names of abutters.
- e. Ground water levels shall be indicated.
- f. Details of regrading and revegetation of the site at conclusion of operations.

The Zoning Board of Appeals shall make a finding of approval, approval with conditions or disapproval. Any finding shall be in writing and shall be directed to one (1) or more of the standards provided above.

### 3. Stripping and Stockpiling

On site stripping and stockpiling of topsoil, loam, sand, gravel and other forms of earth is not allowed unless it is incidental to the activities listed in Section 5-1(A) and Section 5-2(A) or as provided for in a special permit issued by the Zoning Board of Appeals under Section 5-1(D) and/or Section 5-2(D).

## **Section 6 – Signs**

It shall be the purpose of this section to promote proper maintenance and thoughtful placement of signs designed to fit with the surrounding environment and to allow sign messages to efficiently transfer information to the public; to allow creative and innovative design; to establish a variance and special permit system that recognizes changes in life style, travel patterns and land use philosophy; and a set of record keeping procedures that provide for equal treatment of all parties involved by regulation of the posting, displaying, erecting, use and maintenance of signs. No signs shall be permitted on any property, either as a primary or accessory use, except in accordance with the provisions of this Ordinance.

### I. General Applications For All Signs In All Districts

#### A. Administration

##### 1. Permits and Inspections

- a. Signs shall not be erected, enlarged or relocated until an application for a permit, together with plot plans

and specifications, has been filed with and approved by the Code Commissioner.

- b. Outdoor advertising subject to the rules and regulations of the Outdoor Advertising Board of the Commonwealth of Massachusetts requires a special permit from the Zoning Board of Appeals, subject to Article V Site Plan Approval, prior to the building permit issuance.
- c. Any sign twelve (12) feet or over in height above adjoining grade, or any free standing sign with an area over sixty (60) square feet, or any roof sign, projecting sign, or marquee sign shall have structural drawings and specifications, including foundations, prepared by a registered professional engineer.

## 2. Exemptions

- a. This Article shall not regulate signs erected by the City for the control and direction of traffic or parking; signs or banners erected by the City; signs erected by other authorized governmental agencies or departments; signs not intended to be viewed from a public way; temporary signs placed in windows; window displays; national flags, flags of political subdivisions and symbolic flags of an institution or business; historical site plaques or other signs of a non-commercial nature.
- b. The following temporary signs are permitted, providing that each sign conforms with the requirements set forth below as well as other applicable requirements herein provided, especially as to type:
  - (i) Real Estate Signs – Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Such signs for residential properties shall not exceed twelve (12) square feet in area. The limitation for a real estate sign for business, industrial, manufacturing, mixed use, institutional and all other non-residential properties shall be thirty-two (32) square feet in area and three hundred (300) square feet in area for a

banner. Said sign shall not be situated nearer to any lot line than one-half (0.5) the depth of the required setback of the lot.

- (ii) Construction Site Identification Signs – Such signs may identify the project, the owner and/or developer, architect, agent, engineer, contractor and subcontractors, funding sources and may contain related information including but not limited to sale or leasing information. Only one (1) such sign may be erected per site. It may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within ten (10) days after the issuance of the final certificate of occupancy.
- (iii) Holiday Displays – Displays, including lighting, erected in connection with the observance of holidays. Such signs/displays shall be removed within ten (10) days following the holiday.
- (iv) Political Signs – Signs erected in connection with elections or political campaigns must be removed within ten (10) days following the election.
- (v) Special Event Signs – Signs indicating that a special event (such as a grand opening, fair, carnival, circus, festival or similar) is to take place on the lot where the sign is located. Such signs may be erected not sooner than fourteen (14) days before the event and must be removed not later than three (3) days after the event.
- (vi) Other – Temporary signs not covered in the above categories are permitted so long as such signs meet the following regulations:
  - (a) No more than one (1) such sign may be located on any lot.
  - (b) No such sign may exceed six (6) square feet in surface area.
  - (c) Such sign may not be displayed for longer than three (3) consecutive days nor more than ten

(10) days out of any three hundred sixty-five (365) day period.

(vii) Wall murals and/or banners shall be allowed upon the issuance of a special permit by the Zoning Board of Appeals. There shall be no maximum size for a wall mural or banners. The Code Commissioner shall promulgate regulations for application and review of wall mural and banner permits.

3. Pre-existing signs – Signs legally erected before the adoption of this ordinance may be repaired and maintained, provided however, that when they are enlarged or relocated they must conform to the requirements of this Ordinance. Any exemption provided in this section shall terminate with respect to any sign which:
  - a. Shall have been abandoned for one (1) year.
  - b. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises.
  - c. Shall not have been repaired or properly maintained within sixty (60) days after written notice to that effect has been given by the Building Commissioner.
4. Illuminated Signs – All lighting used to illuminate signs shall be installed so that direct or reflected rays from such lighting shall not cause a public nuisance to adjacent properties or abutting streets. No open spark or flame may be used for lighting purposes.
5. Motion - Signs containing moving parts, flashing action and intermittent lighting are permitted in BL, BG and manufacturing districts only.
6. Obstructions to Traffic – Signs shall not be erected or maintained in any location which will unduly obstruct traffic visibility or reduce visibility at entrances, exits and intersections. No sign or device of any part thereof may be affixed within, placed upon or above the surface of any part of the travelled way of a street except for decorations or holidays as permitted under M.G.L. except as permitted under III-F below.
7. Projecting Signs – Signs may not project into the right of way of a street more than six (6) feet, or two-thirds (2/3) the width of the sidewalks



which ever is less. Projecting signs are not permitted in residential districts.

## B. Enforcement

1. The Code Commissioner is authorized to order the compliance or removal of any sign which is erected or maintained contrary to this Ordinance. He shall serve a written notice, by registered mail, and order upon the owner of record of the premises where a sign is located and any advertiser, tenant or other person having control of, or a substantial interest in said sign, directing it be brought into compliance or removal of the sign within sixty (60) days from the date of receipt of such notice.
2. If such sign is not removed or brought into compliance within sixty (60) days provided hereof, the Code Commissioner shall be authorized to enter upon the premises on which such sign is located and remove said sign. All reasonable expenses incurred by the City in removing any sign shall be accessible against any person who failed to comply with such notice and order and shall become a lien on the property upon which the sign is located.
3. This Article shall not be construed to prevent the repair or restoration of any part of a legally existing sign when damaged by natural deterioration, storm or other accidental emergency.

## II. Signs in Residence and Business Office Districts

In Residence (RS, RL, RG) and BO districts, signs are permitted as provided in Table 4.3, with the following further provisions:

- A. One (1) bulletin or announcement board or identification sign or device for a permitted nonresidential building or use, not exceeding fifteen (15) square feet in area and twelve (12) feet in height above the ground. No such sign may be located nearer to a street lot line than one-half (0.5) the depth of the required setback at that location.
- B. Signs in connection with a nonconforming use in RS, RL, RG and BO districts shall be subject to these limitations except that nonconforming business uses shall be governed by the regulations for signs in BL districts.

- C. One (1) identification sign at any public entrance to a subdivision, multi-family residential development, church, house of worship or other institutional use shall not exceed thirty-two (32) square feet in area nor over sixteen (16) feet in height above the ground.
- D. One (1) sign with an area not exceeding eight (8) square feet and a height no greater than ten (10) feet above ground, designating each entrance or exit of an off-street parking area.

III. Signs In Business Limited, Business General, Airport, Institutional, Industrial Park and Manufacturing Districts

In BL, BG, A, ML, MG, IN and IP districts, signs are permitted as provided in Table 4.3, with the following further provisions:

- A. Signs permitted in Residence and BO districts. (See II above.)
- B. Free standing signs or devices.
  - 1. No such sign may be located nearer to a lot line than five (5) feet.
- C. Each business establishment on a public way shall be entitled to maintain one (1) double faced panel on a free standing sign not to exceed one hundred (100) square feet per face. These panels may be part of a multi-faced sign or an individual sign. The height of said sign shall not exceed thirty (30) feet or one-half (0.5) the maximum building height in feet in the district, whichever is less.
- D. Where there are four (4) or more businesses on any one (1) lot, there may be one (1) free standing sign on said lot.
  - 1. One (1) double-faced panel on said sign may be used to identify the lot or premises, the size of each panel not to exceed the maximum sign size for the district.
  - 2. Each business occupying the premises shall be allowed a double faced panel on said sign not to exceed forty (40) square feet per face.
  - 3. There may also be one (1) double faced panel on said sign to be used as designated by the owner of the lot, such as a message board. This panel may be up to one-half (0.5) the maximum sign size (per face) for the district.

- E. Where a lot has greater than three hundred (300) feet of linear frontage along the same public way, two (2) free standing signs shall be permitted. The height of each said sign shall be a maximum of twenty-five (25) feet or one-half (0.5) the maximum above ground building height in feet in the district, whichever is lesser. Said signs shall be at least two hundred (200) feet apart.
- F. Where a business or group of businesses, on one (1) lot, have frontage on two (2) or more public ways, one (1) free standing sign is permitted on each public way as regulated by III-A, III-B, and III-C above.
- G. One (1) free standing sign to an Industrial Park in an IP or A district shall be allowed to identify the park and the business located therein. Said sign shall not exceed one hundred fifty (150) square feet per face.

#### IV. Signs Painted On, Projecting From or Attached To a Wall of a Building

Signs painted on, projecting from or attached to a wall of a building shall not have a total area exceeding twenty (20) percent of the area of that wall, project beyond the face of any other wall of the building, project above any part of the roof or parapet line, except for one (1) story buildings, or extend out from the building more than fourteen (14) inches from the wall unless it meets all the requirements for projecting signs.

#### V. Portable Signs

- A. A portable sign may not be located nearer than five (5) feet from any lot line.
- B. Shall not exceed fifty (50) square feet.
- C. Each business establishment shall be entitled to one (1) portable sign for a period of ninety (90) consecutive days in one (1) year commencing from the issuance of the permit.
- D. Before a portable sign is displayed there shall be deposited with the Code Commissioner a sum (to be determined by the Code Commissioner) in surety for the removal of the sign. This deposit shall be refunded upon the removal of the sign by the permit expiration date.

- E. A portable electric sign must be inspected and approved by the Code Commissioner immediately upon installation.

## VI. Non-accessory Signs

Non-accessory signs and advertising devices are permitted as follows:

- A. All non-accessory signs and other advertising devices must comply with M.G.L. Chapter 93, Sections 29-33 and amendments thereto.
- B. Such non-accessory signs and other advertising devices shall be permitted in MG and ML districts.
- C. Size of non-accessory signs.
  - 1. The maximum area for any sign shall be twelve hundred (1200) square feet; the maximum length shall be sixty (60) feet; the maximum height shall be twenty-five (25) feet.
  - 2. All dimensions shall include border, trim, cutouts or extensions, but shall exclude base, apron, supports and structural members.
  - 3. Adding temporary cutouts shall not be considered enlarged under Section 6, I, A (3).
  - 4. Back-to-back and V-type signs will be considered as one (1) structure with the maximum area, length and height permitted for each side.
  - 5. A sign structure may contain one (1) or two (2) signs facing the same direction if the total combined areas, combined lengths and heights do not exceed the maximum area, length or height permitted on a single sign.
- D. Spacing of non-accessory signs.
  - 1. Signs or sign structures may not be located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or obstruct or interfere with the driver's visibility of approaching, merging or intersecting traffic.

2. Spacing between sign structures along each side of a street shall be a minimum of one hundred (100) feet.
3. Wall signs shall not be erected to extend above the top of the wall, not extend beyond the ends of the wall to which they are attached unless meeting all the requirements for roof signs or projecting signs as the case may be.

VII. Other

- A. There may be one (1) exterior wall sign for each business establishment on each wall that can be viewed from a different travelled way, plus, if there is more than one (1) public entrance to any such business there may be one (1) additional secondary sign for each such entrance provided that the aggregate area of all such secondary signs does not exceed fifty (50) percent of the maximum size normally permitted.
- B. One (1) directory of the establishments occupying a building may be located at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one (1) square foot for each establishment occupying the building.

**\*See Amendment #7912**

**\*See Amendment #7917**

**Table 4.3 - Signs Permitted, By District, By Size And Type  
See Amendment #6463**

<b>ZONING DISTRICT</b>	<b>RS</b>	<b>RL</b>	<b>RG</b>	<b>BO</b>	<b>BL</b>	<b>BG</b>	<b>ML</b>	<b>MG</b>	<b>IN</b>	<b>IP</b>	<b>A</b>
MAXIMUM SIZE (in square ft.)	6	6	12	12	100	150	200	200	150	150	150
TYPES OF SIGNS:											
1. Free-standing	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES
2. Ground	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
3. Illuminated	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	SP
4. Motion	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	NO
5. Mural/Banner	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
6. Non-accessory	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
7. Painted	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES
8. Portable	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
9. Projecting	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES
10. Roof	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	NO
11. Wall	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
12. Window	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES

**Note: Further specifications as to size, type, location and exemptions within district are provided within the text of Art. IV, Sec. 6**

## Section 7 – Off-Street Parking and Loading

### 1. General Provisions for Off-Street Parking and Loading

#### **\*See Amendment #7566**

- A. Application – It is the intent of this Ordinance that all new buildings and land uses be provided with sufficient space located off-street for: (a) the accessory parking of motor vehicles, and (b) the standing, loading and unloading of motor carriers, to meet the needs of persons employed at or otherwise making use of such building or land under normal conditions.

NOTE: Further specifications as to size, type and exemptions within districts is provided within the text of Art. IV, Sec. 6

Any application for a permit for the erection of a new building, or for an alteration or change of use of an existing building that provides additional accommodations, or for the development of a land use that requires parking, or the modification of an existing parking area or structure, shall include a plan for parking and loading for the new or expanded facilities or areas in accordance with this Article. Such parking plans shall require approval of the Planning Board. Plans containing eight (8) or less spaces shall not require approval of the Planning Board.

Where a building or land area is used by two (2) or more categories of uses as defined above, the off-street parking and loading facilities required shall not be less than the sum of the requirements for the individual uses computed separately.

Notwithstanding anything above to the contrary, in all IN-S Zones, the educational institution's off-street parking requirements shall be calculated solely upon classroom and dormitory uses.

Buildings and land uses legally in existence on the effective date of this Ordinance are not subject to these off-street parking and loading requirements, provided that any parking or loading facilities now serving such buildings or uses may not in the future be reduced below these requirements.

Additions to existing buildings and land uses are subject to these off-street parking and loading requirements. If existing parking or

loading spaces exceed the requirements of this Ordinance, any excess shall be applied to the requirements for additions. If existing parking or loading spaces are less than the requirements of this Ordinance, only the requirements for any such additions need to be fulfilled with additional spaces. Common driveways may be used to serve both parking and loading spaces, but no part of a designated loading space may be extended into a designated parking space or into a common driveway.

- B. Jurisdiction – The Zoning Board of Appeals by special permit shall have the authority to modify parking, loading requirements, dimensional requirements, layout, and the number of required spaces up to one (1) space or a maximum of ten percent (10%), whichever is greater, where it is demonstrated that with such modification there will be adequate space for off-street parking and/or loading to provide for the needs of the subject building or use.

The Planning Board shall be the approving authority for parking lots of more than eight (8) spaces. Such approval shall be required prior to the issuance of the building permit. The Planning Board shall examine said parking plans with respect to access, drainage, capacity, circulation, compatibility, safety to pedestrians and vehicles using the facilities and using abutting streets and shall integrate such considerations into the review process.

Any project which has received approval under the site plan approval procedures, Article V, shall be deemed to have received parking lot approval under this Article.

Parking plans and loading plans submitted for approval should identify elevations and contours of the finished site, existing rights of way, entrances and exits, driveways, aisles, parking spaces, loading spaces, circulation, capacity, drainage, lighting, berms, curbing, fences, walkways, landscaped areas and other design features.

The procedures provided in Article V, including those for administration, fees, powers, hearing, and time limits shall apply to approvals by the Planning Board for parking lots under its jurisdiction.

The Code Commissioner shall be responsible for the enforcement of the Planning Board approval to ensure that the parking lot is



constructed and maintained in accordance with that approval. Lots shall be re-examined periodically commensurate with the certificate of inspection (as required by the State Building Code) or not less than once every two (2) years where a certificate of inspection is not required.

- C. Design Standards – In review of a plan with respect to parking and/or loading plan, the Planning Board shall review the plan in respect to access, drainage, including detention/retention ponds, capacity, circulation, safety to pedestrians and vehicles using the facility and the abutting streets, finished grades, lighting, berms, curbing, fencing, walkways and landscaping.

All off-street parking and loading facilities shall be provided with adequate vehicular access. Backing directly onto a street shall be prohibited except for single, two, and three family residences. Adequate ingress and egress to the parking facilities by means of clearly limited and defined drives shall be provided for all vehicles. Said access should be limited to well defined locations away from street intersections, and in no case shall there be unrestricted access along the length of a street.

Parking and loading areas shall be arranged for convenient access, egress and safety to pedestrians and vehicles. All lighting used to illuminate any off-street parking or loading facility shall be installed so that direct rays from such lighting shall not cause a public nuisance to adjacent property. All off-street parking and loading facilities shall be maintained by the owner or operator in good repair, neat orderly in appearance and free from refuse and debris. Storage of snow in parking or loading facilities shall be arranged so as not to unduly reduce sign distances and visibility at entrances and exits and aisles intersections.

- D. Decisions – The Planning Board shall act on applications for projects not otherwise subject to site plan approval under Article V within thirty-five (35) days of filing, unless a time extension is mutually agreed to by a applicant and the Planning Board.

- E. Off-Street Parking

- 1. Off-street parking spaces are to be provided according to the units of measurement as shown in Table 4.4 except as otherwise provided in this Ordinance. Multiple uses require space calculations for each applicable use. Capacities and

areas include outdoor use where applicable. In computing required spaces, any fraction thereto shall require a full parking space. Utility, energy, corridor, stairway, restroom, and building maintenance areas are exempt from space assignment.

**See Amendments 6463 and 7566**

**Table 4.4 – Off-Street Parking Requirements**

Use	Primary Spaces	
	<u>Number per Measurement Unit</u>	
<b><u>Residential</u></b>		
Single, two or three family dwelling	2.00	Dwelling Unit
Multi-family dwelling	2.00	Dwelling Unit
Group Residence	0.25	Bed
Lodging House	0.50	Bed
Housing for elderly (subsidized)	1.00	Dwelling Unit
Dormitory	0.33	Bed
Continuing Care Retirement Community	1.00	Dwelling Unit
CCRC Associated Medical Facilities	0.50	Bed
Temporary shelter	0.10	Bed
All other Residential, including Hotel & Motel	1.00	Bedroom
<b><u>General</u></b>		
Nursing, Convalescent Home/Facility	0.33	Bed
Hospital		
In-patient	1.00	Bed
Out-patient	3.00	Treatment room/space
Clinic	4.00	Treatment room/space
Educational Institution	10.00	Classroom, plus residential above
Places of Assembly (non-profit or profit)	0.25	Person accommodated
Day Care Center	1.00	Teacher or staff person
Library, museum, recreation/service facility	1.00	350 sf. gross floor area
Club, lodge, other (non-profit and profit)	2.50	350 sf. gross floor area
Health club (profit)	1.00	350 sf. gross floor area
Agricultural, commercial	1.00	350 sf. gross floor area
Heliport	1.00	350 sf. gross floor area
<b><u>Business</u></b>		
Office, Professional/General	1.00	300 sf. gross floor space
Bank	1.00	Teller station ( includes ATM)
plus	1.00	300 sf. gross floor area
Radio/TV studio	1.00	300 sf. gross floor area
Funeral/undertaking establishment	1.00	250 sf. gross floor area
Research laboratory ( no manufacturing)	1.00	300 sf. gross floor area
Retail sales	1.00	300 sf. gross floor area
Services (personal, animal and other)	1.00	300 sf. gross floor area
Food service/Lounge/Nightclub	0.50	person rated occupancy
Fast food-drive-in	1.00	40 sf. gross floor area
Bus/rail station	1.00	350 sf. gross floor area
Wholesale sales/storage/display	1.00	1,000 sf. gross floor area
Retail storage	1.00	750 sf. gross floor area
Marina, excluding retail space	0.25	Slip
Public garage, body or paint shop (auto/truck)	3.00	Bay/stall used for service/repair
Drive-ip service, lubritorium	1.00	Bay/stall used for service/repair

plus three (3) off-street waiting spaces leading to entrance/Island and one (1) space beyond service exit

**Manufacturing**

Manufacturing	1.00	1,000 sf. gross floor area
Warehousing/storage (enclosed/open)	1.00	3,000 sf. gross floor area
Freight handling	1.00	1,000 sf. gross floor area

**TABLE 4.4  
OFF-STREET PARKING REQUIREMENTS  
Notes to Table 4.4**

- 1. In no event shall the parking requirements for a group home housing mentally or physically disabled persons exceed two (2) spaces per dwelling unit.**

**\*See Amendment #6463**

No accessory parking is required in a BG-6.0 district.

2. Location and Dimensions

**\*See Amendment #7566**

- a. Required parking shall be provided on the same lot with the main use it is to serve. In Business and Manufacturing districts, required parking may be provided through the same ownership and/or through long-term lease agreements (of a minimum of five (5) years, with renewal options) within one thousand (1000) feet of the use it is to serve.
  - b. Aisles in a ninety (90) degree layout shall be twenty-four (24) feet wide to provide adequate width for vehicles to enter or leave parking space in a single motion. All vehicles must be parking completely within the property line. Aisles in a parking lot using other than ninety (90) degree angles shall provide adequate width for vehicles to enter or leave the parking spaces in a single motion.
3. Dimensions of Parking Space
    - a. Conventional Spaces – Each parking space shall not be less than nine (9) feet in width and eighteen (18) feet in length.

- b. Compact Spaces – On lots containing more than ten (10) spaces, up to fifty percent (50%) of the required parking spaces may be set aside for compact cars. Each compact space shall be not less than eight (8) feet in width and sixteen (16) feet in length.
- 4. Handicapped Parking – Parking lots containing fifteen (15) or more spaces shall be subject to the Architectural Access Board Regulations for parking lots and must provide handicapped spaces in accordance thereto.
- 5. Setbacks, Buffers and Landscaping – Wherever land areas and contours warrant parking areas shall be set back a minimum of five (5) feet from boundary lines. Such setback areas shall be appropriately landscaped, so as to provide visual buffering. No off-street parking shall be located within the required front yard depth or exterior side yard except as permitted in Article XIII, Section 4.

**\*See Amendment #6463**

- a. In an Industrial Park District all parking, except for those areas specifically reserved for visitor parking, should be located either beside or behind the main building, but not within the required side and rear yard setbacks.
- b. Driveways may occupy any part of a required front yard or exterior side yard in Industrial Park Districts.
- c. Public fuel garages shall be so constructed that the center lines of the fuel pumps shall be at least fifteen (15) feet from any street right of way in districts where no front yard is required or less than a fifteen (15) foot front yard is required. In districts where a twenty-five (25) foot front yard is required, the center lines of the fuel pumps shall be twenty-five (25) feet from any street right of way.

**\*Note 6 – See Amendment #8082 – Landscaping Requirements for Parking Lots**

- F. Off-street Loading – Off-street loading is to be provided for Business, Manufacturing, Institutional and high-rise Residential uses according to the units of measurement as shown in Table 4.5. Loading spaces shall not conflict with the area used for parking.

**\*See Amendment #7431**

## Section 8 – Accessory Uses

### I. General Rule

- A. A land use not otherwise allowed as a predominant or main use in the zoning district under the applicable use regulations of this ordinance shall be allowed as an accessory use, provided:
  - 1. The accessory use is customarily subordinate to and incidental to an allowed predominant or main use within the applicable zoning district; and
  - 2. The accessory use is located entirely within the same use district as the allowed predominant or main use to which the accessory use is subordinate and incidental; and
  - 3. The accessory use is located entirely on the same lot as the allowed predominate or main use to which the accessory use is subordinate and incidental.
- B. In any district the total area devoted to accessory uses may not exceed the following:
  - 1. More than twenty-five (25) percent of the floor area in a main building; or
  - 2. More than twenty-five (25) percent of the entire unbuilt area of a lot.
- C. The Code Commissioner may grant a permit for a nonconforming temporary structure or use incidental to a building development, where reasonably required for such development. Such permit may be issued for an initial period of not more than one (1) year and may be renewed by the Code Commissioner for successive periods of not more than one (1) year each.
- D. A mobile home used as a dwelling may be permitted by the Code Commissioner on a temporary basis, for a period not to exceed ninety (90) days, while a permanent dwelling or other building is being built. Such permit may be renewed by the Code Commissioner for successive periods of not more than ninety- (90) days each. Said permit may not be renewed more than three (3) times.

## Table 4.5 – Loading Requirements

Gross Floor Area of Structure      Number of Required Loading Spaces

(square feet)

0 – 10,000	0
0,001 – 50,000	1
50,001 – 100,000	2
100,001 – 200,000	3
200,001 – 400,000	4
each additional 200,000	1

1.      Dimensions of a Loading Space:

Each loading space shall be twelve (12) feet in width and fifty (50) feet in length and shall be located entirely within the property lines.

2.      Location:

Loading spaces located within one hundred (100) feet of a Residence district shall have all material handling activities relating thereto enclosed. In an Industrial Park district all loading and delivery facilities shall be located either at the side or rear of the building(s) they are designed to serve but not within the required side and rear yard setbacks. Loading areas shall be set back a minimum of five (5) feet from boundary lines. Such setback areas shall be appropriately landscaped, so as to provide visual and auditory bufferings.

II.      Limitation in Residential Districts

A.      The total area devoted to accessory uses, excluding private garages and swimming pools, may not exceed the following:

**\*See Amendment #6463**

1.      More than ten (10) percent of the floor area in a main building; or
2.      More than ten (10) percent of the entire unbuilt area of a lot.

- B. A private unattached garage located on the same lot with the building to which it is accessory may be provided with a maximum floor area of ten (10) percent of the lot area or seven hundred fifty (750) square feet whichever is larger. Larger private garages may be allowed by special permit of the Zoning Board of Appeals.
- C. A private swimming pool may be constructed within a required rear yard having an area in excess of the maximum coverage of ten (10) percent allowed above for an accessory building provided that such pool shall be no closer than six (6) feet to the property line and is enclosed by a four (4) foot high fence. Any structure built in conjunction with a swimming pool shall be classified as an accessory building unless it is a part of the main building on the lot.

**\*See Amendment #6463**

- D. No accessory building or use may occupy any part of a required front yard or exterior side yard for other than driveways in Residential districts, except as provided for in Article XIII, Section 4.
- E. In RL and RG residence districts only one (1) commercial vehicle may be kept on one (1) lot and it may not exceed  $\frac{3}{4}$  ton in carrying capacity. The same may be allowed in RS districts if garaged.
- F. Animals or birds, other than customary household pets, are excluded in all Residential districts

**\*See Amendment #6334**

**\*See Amendment #6463**

- G. A newstand, barber shop, dining room, or similar service for resident occupants and guests may be allowed in any multiple unit residential development of not less than twenty (20) units; an inn with more than eight (8) rooms; hotel or motel with more than fifty (50) rooms; or hospital.
- H. The renting of rooms by a resident family may be allowed in a Residential district to not more than two (2) non-transients.
- I. Yard sales may be conducted on the premises of the owner or tenant, provided said sale does not occur more than three (3) days



per year and all sale goods shall be limited to personal property used previously by the occupant.

- J. Unless provided herein, no accessory building or structure separate from the main building may exceed fifteen (15) feet in height, nor be located closer to any lot line than five (5) feet.

### III. Home Occupations in Residential Districts as Accessory Uses

- A. A home occupation, including a professional office, shall be allowed in Residential districts subject to the following limitations:
  - 1. The person uses the structure as his or her principal dwelling.
  - 2. There are no more than two (2) non-resident employees.
  - 3. The home occupation shall be conducted only within the closed living area of the principal dwelling or existing accessory building and occupy no more than twenty-five (25) percent of the floor area of the main building.
  - 4. There shall be no change in the outside appearance of building or premises, or other visible evidence of such home occupation, other than one (1) sign as provided in Section 6 of this Article.
  - 5. Electrical or mechanical equipment which creates visible or audible interference, causes fluctuations in line voltage, or which creates noise not normally associated with residential uses and are discernible beyond the limits of the lot which the home occupation is situated shall be prohibited.
  - 6. No storage or display of materials, goods, supplies, or equipment related to the operation of a home occupation shall be visible from the outside of any structure on the premises. No sales and/or distribution of goods or materials may be made from any structure on the premises.
  - 7. The establishment and conduct of a home occupation shall not change the character or use of the principal dwelling or existing accessory building involved.

### IV. Limitations in Business, Industrial and Manufacturing Districts

- A. No accessory building or use may occupy any part of a required front yard or exterior side yard for other than driveways.
- B. A dwelling structure accessory to an industrial use may be allowed in a manufacturing district but only for such persons as may be required to reside on the premises for the safe and proper operation of the primary use.

**\*See Amendment #6463**

## **Section 9 – Residential Conversions**

1. In RL and RG districts, residential structures in existence on the effective date of this Ordinance may be converted to provide additional dwelling units if the following are met:
  - A. Limited in RL districts, provided the structure as converted contains no more than two (2) units.
  - B. External appearance of the structure remains unchanged except for new doors and windows, fire escapes and stairways. Fire escapes and stairways must be in the rear of the structure where practical.
  - C. The structure, as converted, satisfies the dimensional standards and parking requirements of this Ordinance.
  - D. The dimensional standards in 1.C above, may be altered by special permit of the Zoning Board of Appeals.
2. In Business, Manufacturing and Industrial Park Zones, residential structures in existence on the effective date of this Ordinance may be converted to provide additional dwelling units if the following are met:
  - A. External appearance of the structure remains unchanged except for additional doors and windows, fire escapes and stairways. Fire escapes and stairways must be in the rear of the structure where practical.
  - B. The structure, as converted, satisfies the dimensional standards and parking requirements of this Ordinance.
  - C. The dimensional standards in 2.B above, may be altered by special permit of the Zoning Board of Appeals.

**\*See Amendment #6439**

**\*See Amendment #7147**

**\*See Amendment #7342**

**\*See Amendment #7440**

## **ARTICLE V SITE PLAN APPROVAL**

### **Section 1 – Purpose**

The purpose of this section is to provide for individual detailed review of development proposals which have an impact upon the natural and built environments of the City and upon the nature and provision of public services including but not limited to transportation, utilities, ways, public safety and education, and upon the general and specific character of the City. The review process is intended to promote the purposes listed in Article I of this Ordinance.

### **Section 2 – Uses Requiring Site Plan Approval**

1. Any structure and/or outdoor use and/or any substantial improvement, as herein defined, which requires a building permit under the State Building Code and which meets one (1) or more of the threshold standards for scale or lot characteristics as set forth in Table 5.1 shall be subject to the site plan approval standards and procedures hereinafter specified. This approval must be obtained prior to issuance of the building permit but is not a requirement for the grant of a special permit or variance. Any exterior alterations, exterior additions and exterior changes including fences, walls and driveways, to residential uses which are permitted by right in Residential districts shall be exempt.
2. For any project which applies to the Planning Board for approval under the Subdivision Control Law, the Planning Board shall conduct a site plan approval in conjunction with its hearing under the Subdivision Control law. The review and approval shall meet the criteria set forth in this Article.
3. Notwithstanding the site plan approval thresholds set forth in Table 5.1, any structure and/or substantial improvement which requires a building permit and will be used and operated as a lodging house shall be subject to the site plan approval standards and procedures hereinafter specified. In addition to the threshold standards in Table 5.1, any application for a building permit for the erection of a new building, or for any substantial improvements or rehabilitation of an existing building, which is or is intended to be used as a licensed lodging house, shall require site plan approval.
4. In addition to the threshold standards in Table 5.1, site plan approval must otherwise be obtained when any other provision of this Ordinance expressly requires it.

**Table 5.1 – Site Plan Approval Thresholds**

<b>CATEGORY</b>	<b>SCALE</b>	<b>LOT CHARACTERISTICS*</b>
<b>Residential</b>	<b>3 or more DU's or</b>	<b>15% slope or greater (see note)</b>
<b>Manufacturing</b>	<b>20,000 sq. ft. or</b>	<b>15% slope or greater</b>
<b>Business</b>	<b>10,000 sq. ft. or</b>	<b>15% slope or greater</b>
<b>General</b>	<b>15,000 sq. ft. or</b>	<b>15% slope or greater</b>

\*The slope shall be calculated in one of the following ways:

1. Within the area surrounding the building which extends from the street to the building, and to the sides and rear of the building to the setback lines of a lot sized so as to meet minimum area requirements of the proposed building.
2. Within any area of earth moving and/or earth alteration which contains slopes of 15% or greater.

**\*See Amendment #6463**

5. Notwithstanding any provisions of this Article to the contrary, site plan approval shall not be required for any project or land use for which a Final Environmental Impact Report, filed with the Massachusetts Executive Office of Environmental Affairs, has been certified by the Secretary of Environmental Affairs prior to April 2, 1991 as complying with the Massachusetts Environmental Policy Act.

### **Section 3 – Procedure**

**\*See Amendment #7431**

1. Administration

The Planning Board shall review and approve all uses and structures subject to Section 2 above. Approvals require an affirmative vote of three (3) members of the Planning Board. The Planning Board shall adopt reasonable rules and regulations governing the submission, form

and procedures for site plan approval and shall make them readily available to the public. These rules and regulations shall in no way conflict with other provisions of the laws of the City or the Commonwealth of Massachusetts. These rules and regulations shall be guided by the requirements and standards as enunciated in this Article with the Planning Board specifically provided with the necessary latitude to devise such rules and regulations it deems appropriate to achieving the purposes and intent herein provided. These rules and regulations may also provide for time periods for the review of and action on applications which differ according to the degree of complexity of the application, except that no time period may exceed sixty-five (65) days (excepting an extension mutually agreed upon with the applicant). It is the intent of this provision to ensure timely review for applications.

2. Coordination

There shall be a site plan approval coordination responsibility to assist the Planning Board in carrying out its responsibilities under this Article. The designee of the City Manager shall have the responsibility of keeping all records, providing those records for public display, arranging meetings with interested parties and any other duties the Planning Board may wish.

3. Fees

A. The Planning Board may establish and charge as needed fees for the review of site plan approval proposals. These fees shall reflect the time and detail required by the Planning Board and/or its designee(s) to responsibly conduct its review and may include provisions requiring the applicant to bear the costs of any and/or all of the ordinary and/or unusual time and/or services associated with the review.

B. The Planning Board may waive fees for site plan approval when such approval is done in conjunction with applications for approval under the Subdivision Control Law.

4. Powers

A. In reviewing applications under this Article, the Planning Board may require modification, conditions and safeguards reasonably related to the standards of this Article. The Planning Board may waive and/or modify provisions of its rules and regulations under Section 3.1 above, where such waivers and/or modifications of

these rules and regulations will better achieve the purposes and intent of this Article. The Planning Board shall also have the power to modify or amend its approval of a site plan development proposal upon application of the person owning or leasing the premises or upon its own motion in the event of changes in the physical condition of the site sufficient to justify such action consistent with the intent of this Article. The provisions of this Article shall be applicable to any modification or amendment of such plan.

## 5. Public Meetings

Approval for a site plan may be issued only after a public meeting held within sixty-five (65) days of the filing of an application with the Planning Board, a copy of which shall forthwith be given to the City Clerk by the applicant. The procedure for public meeting shall be as provided in Massachusetts General Law with the provision that all abutters be notified by mail and as may be further specified in the rules and regulations adopted hereinunder by the Planning Board with the following specific provisions:

- A. It shall be the applicant's responsibility to prepare the list of names and addresses of all parties of interest to be certified by the City Assessor as defined in Article II, Section 9-2.
- B. The applicant shall pay the cost of mailing of the meeting notices which shall be done by the City.
- C. The applicant shall pay the cost of the legal advertisement which shall be done by the City.

## 6. Time Limits

Approval under this Article shall become invalid unless the work or action authorized by it shall commence within one (1) year after the Planning Board has granted such approval and thereafter shall proceed in good faith continuously to completion so far as is reasonably practicable under the circumstances. If the work or action so authorized will not have commenced for good cause within one (1) year of its granting, the Planning Board, upon written application and after due notice and a public meeting as provided in statute, may grant one (1) or more extensions for time for periods not to exceed one (1) year for each extension.

## Section 4 - Application and Submission Requirements

### 1. Preliminary Application

At the option of the Applicant, a preliminary application for site plan approval shall be submitted for consideration by the Planning Board. A preliminary application shall demonstrate, by a narrative report or schematic drawings, how the proposed development impacts upon each of the standards for review provided herein, with particular reference to the following:

- A. Any significant natural, topographical or physical features of the property, including but not limited to wetland resource areas as defined in G.L. Ch. 131, Section 40;
- B. The number, use and description of proposed buildings and existing buildings, including height, floor area ratio, total ground coverage and number of dwelling units;
- C. Dimensions and number of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking spaces, loading spaces, access aisles, sidewalks, walkways and pathways;
- D. All existing and proposed surface and subsurface drainage facilities, including detention or retaining ponds;
- E. The total area of all useable open space or common property and the extent to which it is to be improved;
- F. Impact upon traffic and pedestrian movement, police and fire protection, water and sewer and public roadways;
- G. Such other and further information or documentation as the Planning Board may deem to be necessary and appropriate to a full and proper consideration and disposition of the particular application.

Within forty-five (45) days of submission of a preliminary application, the Planning Board shall specify in writing that the preliminary application has been approved, that the plan has been approved with modifications suggested by the Board, or the specific issues of potential adverse impacts to the standards set



forth for site plan approval not resolved by the preliminary application.

The Board shall further specify the issues to be addressed by the formal application for site plan approval, which description shall supercede the requirement for submittal of a formal application for site plan approval.

## 2. Formal Application

Application for site plan review approval shall be submitted in such form and numbers as required by the Planning Board's rules and regulations promulgated pursuant to Section 3-1 above. The rules and regulations shall provide, in part, that one (1) copy be filed with the City Clerk and sufficient copies be filed with the Planning Board for distribution to the following departments, boards and commissions: Department of Code Inspection; Department of Public Works; Health Department; Parks and Recreation

Department; Conservation Commission; Office of Planning and Community Development; School Department; Bureau of Land Use Control; Law Department; Fire Department; Traffic Engineering Department; and any other departments, boards and commissions deemed appropriate by the Planning Board, unless expressly excused in writing by the Planning Board, each application shall contain at least the following information:

**\*See Amendment #6463**

- A. The applicant's name, address and interest in the subject property.
- B. The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.
- C. The street address and/or legal description of the property.
- D. The zoning classification and present use of the property.
- E. The proposed use or uses and a description of the proposed development, including as appropriate, descriptions of development, scheduling, operation upon completion and method of maintaining any designated open space.
- F. An Impact Statement analyzing how the proposed development impacts upon each of the standards for review provided herein, with particular reference to how the proposed development will impact upon the natural, built and operating systems of the City including open space, housing, traffic and pedestrian movement, education, police and fire protection, water, sewer, roads, recreation and other similar amenities.
- G. A site plan drawn to a scale of not less than forty (40) feet to the inch, on one or more sheets, prepared by a registered engineer, illustrating the proposed development and use with appropriate title block information to identify location, applicant, owner and party responsible for preparing the plan and including the following:
  - (1) The boundary lines and dimensions of the subject property, existing subdivision lots, available utilities, easements, roadways, railroads, rail lines and public rights of way, crossing and adjacent to the subject property, a Locus Plan

showing the site of the proposed development in relation to the immediate and general street network and such other features of the natural and/or built environment as are relevant to the review of the site plan and a summary of zoning classification and requirements.

- (2) Any proposed regrading of the subject property and any significant natural, topographical or physical features of the property including, at least, watercourses, marshes, flood plain and wetlands, trees in excess of nine (9) inches in diameter, soil types and existing contours at two (2) feet in one hundred (100) feet.
- (3) The location, size, use attributes and arrangement, including height in stories and feet, floor area ratio, total floor area, total square feet of ground area coverage, number and size of dwelling units by number of bedrooms, exterior materials and elevations at appropriate scale, of proposed buildings and existing buildings which will remain, if any.
- (4) Minimum yard dimensions and, where relevant, relation of yard dimensions to the height of any building or structure.
- (5) Location, dimensions, number and construction materials of all vehicular and pedestrian circulation elements, including streets and roadways, driveways, entrances, curbs, curb cuts, parking spaces, loading spaces, access aisles, sidewalks, walkways and pathways.
- (6) All existing and proposed surface and subsurface drainage facilities, including detention or retaining ponds. Drainage circulations with data on predevelopment and post-development conditions to be provided.
- (7) Location, size and arrangement of all signs and lighting.
- (8) Proposed landscaping (noting how the existing vegetation is to be retained and used) including the type, location and quantity of all plant materials, location and height of fences or screen plantings and the type or kind of building materials or plantings to be used for fencing and screening.

- (9) Location, designation and total area of all useable open space or common property and the extent to which it is to be improved.
- (10) Methods and locations of erosion and sedimentation control devices for controlling erosion and sedimentation during the construction process as well as after.
- (11) Such other and further information or documentation as the Planning Board may deem to be necessary and appropriate to a full and proper consideration and disposition of the particular application. As part of the rules and regulations to be promulgated for this Article, the Planning Board shall identify, by development scale and lot characteristics, the type and form of such information or documentation.

## **Section 5 – Application Approval Process**

### **1. Procedure**

The Planning Board shall examine the application for site plan approval and all other pertinent information including that which is gathered in meeting(s) on the application and shall consider the recommendations and/or comments of City departments, commissions and/or other agencies.

### **2. Standards For Review**

The following standards shall be used by the Planning Board in reviewing all applications for site plan approval. These standards are intended to provide a frame of reference for the applicant in development of applications. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention or innovation. Applicants are encouraged to evaluate the extent to which the site plan, its immediate and general locus and the City more generally can tolerate the development being proposed and adjust their proposals accordingly.

- A. Adequacy and arrangement of vehicular traffic access and circulation including intersections, road widths, pavement surfaces, dividers and traffic controls.
- B. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

- C. Location, arrangement, appearance and sufficiency of off-street parking and loading.
- D. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
- E. Adequacy of stormwater and drainage facilities.
- F. Adequacy of water supply and sewerage disposal facilities.
- G. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's land and adjoining lands, including the maximum retention of existing vegetation.

**\*See Amendment #7431**

- H. In the case of an apartment complex or other multiple dwelling, the adequacy of useable common property or open space.
- I. Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.
- J. Adequacy of fire lanes and other emergency zones and the provisions of fire hydrants.
- K. Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- L. Adequacy of erosion and sedimentation control measures to be utilized during and after construction.
- M. Conformance of the site plan with design requirements, together with all other applicable provisions of the Worcester Zoning Ordinance.
- N. Conformance of the site design with the purposes and intent of the Worcester Zoning Ordinance.
- O. Conformance and compatibility of the site plan design with structures listed in the State Register of Historic Places as of 1988 and as amended.
- P. Adequacy of site safety and construction management plans.
- Q. Adequacy and impact on the regional transportation system.

3. Standards For Approval Or Disapproval
  - A. The Planning Board shall make a finding of approval, approval with conditions or disapproval. The Planning Board shall not disapprove an application for site plan approval except on the basis of specific written findings directed to one (1) or more of the standards as provided above. To the maximum extent possible an applicant shall be provided an opportunity to supply corrections and/or additions on development proposal particulars, especially those which contain or reveal violations of this Ordinance or other applicable regulations.
  - B. Any person aggrieved by any decision of the Planning Board made under the provisions of this Article may appeal that decision to the Zoning Board of Appeals as provided for in Article II of this Ordinance.

## **ARTICLE VI FLOODPLAIN OVERLAY DISTRICT**

### **Section 1 – Purpose**

The purposes of this Article are as follows:

1. To preserve, protect and maintain floodplains.
2. To protect the public health and safety, persons and property against the hazards of flooding.
3. To control land uses which cause damaging increase in erosion, siltation, turbidity, flood heights and flood velocities.
4. To preserve the natural flow pattern of watercourses providing safe and adequate flood water storage and runoff capacity.
5. To protect, preserve and maintain the water table and water recharge areas.
6. To encourage a suitable system of ponding areas to permit the temporary retention of water runoff.
7. To prevent the development of structures unfit for human usage by reason of danger from flooding, unsanitary conditions or other hazards.
8. To consider floodplain management programs in neighboring areas.
9. To help preserve and enhance property values.
10. To provide for public awareness of the flooding potential.
11. To require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
12. To minimize the need for rescue and relief efforts associated with flooding.
13. To prohibit nonessential or improper installation of public facilities and utilities in flood prone areas.

14. To divert development to areas safe from flooding in order to reduce flood damages and prevent environmentally incompatible floodplain uses.
15. To preserve flood prone areas for open space purposes.
16. To insure that potential buyers are notified that property is in a flood prone area.
17. To protect the community from additional costs of flood control.
18. To achieve these purposes in a manner consistent with all other applicable ordinances of the City of Worcester, the General Laws of the Commonwealth of Massachusetts and laws of the United States of America.

## **Section 2 – General Provisions**

1. All applications for building permits shall insure that such activity as proposed is consistent with the need to minimize flood damage.
2. Any new construction or substantial improvement to be undertaken in the Floodplain Overlay District shall be in accordance with the State Building Code and such other controls as are herein provided.

## **Section 3 - Definition And Establishment Of The Floodplain Overlay District**

**\*See Amendment #6435**

**\*See Amendment #7075**

**\*See Amendment #8341**

The Floodplain Overlay District includes those special flood hazard areas identified on the most recent revision of the Flood Insurance Rate Map covered by the Federal Emergency Management Agency (FEMA).

## **Section 4 - Administrative Authority Of The Code Commissioner In the Floodplain Overlay District**

The Code Commissioner of the City of Worcester is hereby authorized to do the following:



1. Review permits for proposed development to assure that all other necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
2. Notify adjacent communities and the State coordinator at the Division of Water Resources, Water Resource Commission, Massachusetts Department of Environmental Management and the Worcester Conservation Commission prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
3. Assure that maintenance is provided within the altered or relocated position of any watercourse so that the flood carrying capacity is not diminished.
4. Obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures, whether or not such structures contain a basement.
5. Obtain certification from a registered professional engineer when floodproofing is used for a particular structure.
6. Determine the exact location of the Floodplain Overlay District and the areas of special flood hazards, particularly where there is a conflict between a mapped boundary and actual field conditions.
7. Obtain and review any base flood elevation data available from a Federal, State or other source in order to administer the provisions of this article.
8. Submit an annual report to FEMA as required.

## **Section 5 – Development Permit Application**

Each application for a building permit subject to the provisions of this Article shall be made to the Code Commissioner on forms furnished by him and shall include the following:

1. **Site Plan**

A site plan drawn to a scale not less than forty (40) feet to the inch which is prepared by a registered professional engineer or professional land surveyor shall be submitted by the applicant. The site plan shall show at least the following information:

- A. The location, boundaries, elevations and dimensions of each lot.

- B. North-point-basis of bearing, date, scale and legend.
  - C. The name and address of the record owner, developer and the registered professional civil engineer or professional land surveyor.
  - D. Names and addresses of owners of adjacent lots as disclosed by the most recent records of the Assessing Department.
  - E. Location, names, elevations and dimensions of adjacent streets.
  - F. Two (2) foot contours of the existing and proposed land surface.
  - G. The locations and elevations of existing and proposed structures, fill, storage of materials, watercourses, drainage easements, means of access, water supply, drainage and sewage disposal facilities.
  - H. The locations and elevations of existing flood boundary and floodway.
2. Specific Standards For Flood Hazard Reduction In Special Flood Hazard Areas Where Base Flood Elevation Data Has Been Provided
- A. Any new construction or substantial improvements of residential structures shall have the lowest floor, including basement, elevated to not less than base flood elevation.
  - B. Any new construction or substantial improvements of non-residential structures shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood level the structure is water tight with walls substantially permeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification shall be provided to the Code Commissioner.

**\*See Amendment #8341**

- C. No encroachment, including fill, new construction, substantial improvement or other development shall be permitted within the adopted regulatory floodway as designated on Flood Boundary and Floodway Map that would result in any increase in flood levels during the base flood discharge.

**\*See Amendment #8341**

3. Specific Standard For Flood Hazard Reduction In Areas Of Shallow Flooding
  - A. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the Flood Insurance Rate Map of Worcester.
  - B. All new construction and substantial improvements of non-residential structures shall have the lowest floor, including basement, elevated above the crown of the nearest street to or above the depth number specified on the Flood Insurance Rate Map of Worcester or, together with attendant utility and sanitary map facilities, be completely flood proofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood. Such certification shall be provided to the Code Commissioner.

**\*See Amendment #7075**

**Section 6 – Use Regulations**

1. Permitted Uses

The following uses shall be permitted within the Floodplain Overlay District provided they do not require any construction of new primary or existing structures, substantial alterations to existing primary or existing structures, dumping, filling, excavating, earth transfer or storage of materials or equipment. Said uses shall not adversely affect the capacity of the channels or floodways of any tributary to the main stream, drainage ditch or any other

drainage facility or system. Said uses shall be compatible with the policies expressed in this Article.

- A. Outdoor recreation, including but not limited to driving ranges, archery ranges, picnic grounds, boating, swimming areas, parks, nature preserves, fish hatcheries, target ranges, hunting and fishing areas, foot paths, horseback riding trails and bicycle trails. Said uses must be otherwise legally permitted.
- B. Agricultural uses including grazing, outdoor plant nurseries, crop farming, horticulture, truck gardening, pasture and harvesting of crops.
- C. Forestry, including landscaping, and accessory uses such as flower or vegetable gardens and lawns.

2. Other uses permitted in the underlying zoning district

- A. Any uses other than those provided for in Section 6(1) permitted in the portions of the zoning districts which are overlaid by the Floodplain Overlay District shall be subject to the provision of site plan approval under Article V of this Ordinance from the Planning Board provided the standards under Section 5.2 and the following criteria are met:

(1) Said use shall not adversely affect life and property due to water or erosion hazards or which cause damaging increase in erosion, flood heights or flood velocities.

(2) Said use shall not overload any public water, drainage or sewer system or any other municipal system to such an extent that these systems are hindered from promoting the health, safety and general welfare of the community.

(3) Said use has received from the Conservation Commission an Order of Conditions or a negative Determination of Applicability which establishes that the use meets the standards administered by that body.

- B. A site plan shall be drawn according to the criteria set forth in Section 5.1 above. Copies shall be submitted to the Planning Board in such manner as provided for in Article V.

**Section 7 - Uses Not Allowed In The Underlying District**

**\*See Amending #6463**

1. Any use not allowed in the underlying district may be allowed in the Floodplain Overlay District only upon grant of a variance from the Zoning Board of Appeals.
2. No variance may authorize a use or activity not otherwise permitted according to the criteria set forth in Article II, Section 7. In addition to those criteria the following shall also be applied;
  - A. A demonstration of good and sufficient cause.
  - B. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with Federal, State or local laws or ordinances.
  - C. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. The applicant shall be notified in writing by the Code Commissioner that a variance to construct a structure below the base flood level shall be subject to increased premium rates for flood insurance and increased risks to life and property.
5. Maintenance of records

The Code Commissioner shall maintain a record of all variance actions including their justification and report such actions to FEMA upon request.

6. Site plan approval for variances
  - A. A site plan shall be drawn according to the criteria set forth in Section 5 above. Copies shall be submitted to the Zoning Board of Appeals in such manner as provided in Article II, Section 7-4(D)(2).
  - B. The Zoning Board of Appeals may require the following additional information if deemed necessary:

- (1) A valley cross section showing the channel of the stream, elevation of land adjoining each side of the channel, cross section of areas to be occupied by the proposed development and high water information.
  - (2) A profile showing the slope of the bottom of the channel or flow line of the bottom.
  - (3) Specifications for flood proofing, building construction and materials, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
- C. The procedures shall be those set forth in Article II, Section 7. The Zoning Board of Appeals shall approve, approve with conditions or deny said plan. The Zoning Board of Appeals shall not take final action on such plan until it has received reports from the Planning Board, Conservation Commission, Health Department and the Department of Public Works or has allowed thirty-five (35) days to elapse from the submission of said plan without receipt of any recommendations. Failure of any of these bodies to respond within thirty-five (35) days shall not preclude them from subsequently making such information available to the Zoning Board of Appeals, nor such failure to respond be deemed as either approval or disapproval.
- D. In considering a site plan, the Zoning Board of Appeals shall consider all relevant factors previously mentioned in this Article and:
- (1) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and property.
  - (2) Danger that materials may be swept onto other lands to the injury of others.
  - (3) Danger to life and property due to flooding or erosion damage.
  - (4) Susceptibility of proposed facilities and their contents to flood damage and the effect of such damage on the individual owner.

- (5) Susceptibility of proposed location and construction of utilities to flood damage where applicable.
- (6) Importance of the proposed facility to the community.
- (7) Necessity of a waterfront location where applicable.
- (8) Availability of alternative locations for the proposed use.
- (9) Compatibility of the proposed use with existing and anticipated development.
- (10) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
- (11) Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on site and the methods for providing adequate drainage so as to minimize flood damage.

# **ARTICLE VII INCLUSIONARY ZONING AND DENSITY BONUSES TO PROMOTE AFFORDABLE HOUSING**

## **Section 1 – Purpose**

It is the purpose of this Article to promote the provision of safe, sanitary and affordable housing for all sectors of the population of Worcester.

## **Section 2 – Application**

1. For any proposed development of twelve (12) or more dwelling units, the developer may elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:
  - A. The provision within the development of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. At least fifty (50) percent of said affordable housing units shall be for low income families. The affordable and low income units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development. The units shall not be grouped together; they shall be distributed among all units.
2. The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the development, the developer shall:
  - A. Provide all or some of the affordable housing on a site different from the development; or
  - B. Provide all or some of the affordable housing through an alternative means other than those already listed in this Article; or
  - C. Provide all or some of the affordable housing through a combination of any or all of the methods in this Article.
3. Density Bonus

The Planning Board may permit an increase in the maximum number of units permitted in the zoning district of an additional percentage equal to the percentage of affordable units plus five (5) percent up to a maximum



twenty-five (25) percent density bonus for twenty percent (20%) affordable housing. In RG-5 zones the maximum density bonus shall be limited to fifteen (15%) percent to prevent overcrowding. At least one-half (50%) of the additional affordable units must be for low income households (either family or elderly) as provided in Section 2-1 above. The provision of these units must be made according to the method set forth in Section 2-2 above.

4. If the Planning Board allows the provisions of some or all of the affordable housing by a method different from Section 2-2 of this ordinance, the Planning Board shall first find that such alternative method will help alleviate the undue concentration of population and encourage housing for persons of all income levels; and will encourage the most appropriate use of land and buildings, and/or avoid undue hardship to land and buildings.
5. Whenever the Planning Board authorizes the provision of off-site affordable housing units in accordance with Section 2-2 and the petitioner offers existing, rehabilitated or substantially rebuilt housing units to the City, he or she shall certify to the Code Commissioner that at the time of the developer's acquisition none of these units had been occupied at any time during the preceding twenty-four (24) months.
6. Any affordable housing unit to be provided offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability. The developer also may choose to offer the affordable housing units for sale to the City of Worcester, or to a municipal or non-profit agency designated by the City. Should no outside funding be available, the City, at its option, may choose to appropriate the necessary funds. Should there be no outside funding, and the City chooses not to appropriate any funds, the developer shall make the units available for lease for a period of twenty (20) years through the Worcester Housing Authority to eligible tenants under any State or Federal rent subsidy program which might be applicable. The City shall have the right to purchase all such units on the expiration of the twenty (20) year agreement at a price equal to the fair market value of said unit as established by an independent appraiser, paid for by the property owner, selected by the City. Should there be no rent subsidy program, the developer or his/her designee shall select tenants from the Worcester Housing Authority waiting lists and may not charge, as rent, an amount exceeding thirty (30) percent of the tenant's gross income. Should the Worcester Housing Authority not have a waiting list or any eligible tenants, the landlord shall annually certify that the income of the low

and/or moderate income tenants otherwise found does not exceed eighty (80) percent of the median family income for the Worcester Metropolitan Area.

The deeds conveyed to the City of Worcester or its designated agency shall provide good and clear record and marketable title, free from mortgages and any taxes, betterments, city services, fees or other similar financial encumbrances then due and owing. Such units shall be conveyed prior to the issuance of occupancy certificates for more than twenty-five (25) percent of the project's total number of units. In the event that all housing units in a development are to be rental units, the units required shall be provided to the City of Worcester under an agreement for a term of twenty (20) years (in five (5) year increments which are automatically renewable). The agreement shall be recorded by the developer (with a copy as recorded and filed with the Code Commissioner) in the Worcester County Registry of Deeds as a municipal lien running with the property for its entire term.

Should any rental development be converted to cooperative or condominium ownership the City shall be given an option to purchase its units. If the City does not acquire the units, the obligation for the remaining term of the original twenty (20) years shall continue.

7. In the case of a development of fifteen (15) or fewer dwelling units or a development sponsored and operated by a registered non-profit or charitable organization, the Planning Board may in its discretion, modify the requirements of Section 2-1 through Section 2-5 to avoid economic hardships. Such modifications shall be limited to a reduction in the number of affordable housing units to be provided to the City of Worcester.
8. In determining the number of units to be provided in accordance with Section 2-1 above, a fractional unit of .5 or more shall be regarded as a whole unit. When less than a .5 unit is required, the developer may satisfy his/her obligation by making a cash payment.
9. A development project may not be segmented to avoid or take advantage of the provisions or alternatives above, nor may a developer or petitioner divide or subdivide property or establish surrogate or subsidiary business entities to take advantage of these alternatives. Determination of the applicability of this section shall be the responsibility and at the sole discretion of the Planning Board.

Nothing in this Article shall require a developer to provide affordable housing within any development unless a density bonus under the provisions of this Article is sought.

## ARTICLE VIII CLUSTER ZONING

### Section 1 – Purpose

1. The purpose of this section is to provide for cluster subdivision developments and cluster developments of designed groups of single family dwellings as a means for more efficient and effective development of Worcester while also protecting its sensitive natural environment and providing for preservation of open space in both natural and improved states.

### Section 2 – Cluster Subdivisions

In lieu of a subdivision under conventional dimensional controls as provided in Articles III and IV, a cluster subdivision may be developed upon the granting of both a special permit and site plan approval by the Planning Board using the following standards:

1. The number of lots may not exceed the number permitted on the parcel determined by dividing the parcel size minus land subject to the Wetlands Protection Act and minus twenty-five (25) percent of the lot, by the minimum lot size.

Gross Sq. Footage – Ch. 131 Land – 25% of site Minimum Lot  
Size

2. The cluster lots may be no less than fifty (50) percent of the minimum lot size in the zone.
3. Frontage, setbacks and side and rear yard dimensions shall be guided by the characteristics of the site, proposed structures and nature of the existing built environment in the area of the proposed cluster subdivision. Zero lot line development is permitted.

### **\*See Amendment #6463**

4. A maximum of forty (40) percent of each developed lot may be impervious surface.
5. At least twenty-five (25) percent of the net site (calculated as the gross area minus the area dedicated to road right of way) must be permanently committed as open space. The designated open space must be accessible and capable of being used. It cannot be constituted only of “unbuildable

land”. Where density bonuses are given, the open space requirement may be proportionally decreased to twenty (20) percent of the net site. Such open land shall either be conveyed to the City and accepted by it for park or open space use, or be conveyed to a non-profit organization the principal purpose of which is the conservation of open space or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the subdivision. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the City, a restriction enforceable by the City shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

6. The submittal requirements and review standards including administration, application, submission requirements, fees, powers, hearings and time limits shall be those as provided in Article II and Article V. In addition, such subdivision rules and regulations as may be in force are applicable relative to standards for roadways, utilities, drainage and other aspects of site development and submittal format.

### **Section 3 - Cluster Groups Of Single Family Dwellings**

In lieu of a subdivision under conventional dimensional controls as provided in Articles III and IV, a cluster group of single family dwellings may be developed upon the granting of a special permit and site plan approval by the Planning Board under the following standards:

1. The number of dwellings may not exceed the number permitted on the parcel determined by dividing the parcel size minus land subject to the Wetlands Protection Act and minus twenty-five (25) percent of the lot, by the minimum lot size.

Gross Sq. Footage – Ch. 131 Land – 25% of site Minimum  
Lot Size

2. The single family units may be attached, detached or a combination of both as permitted in the underlying zone. Each unit must have private/direct entries and yard areas immediately adjacent to the unit for the private use of the unit occupants.
3. The entire site shall be designed to and shall remain in one ownership and shall be developed and maintained as a unit, excepting for units, private yards and other similarly designated spaces for private use and/or

ownership. The Planning Board shall determine that the design and ownership scheme assures unified control and maintenance of all land not so individually owned.

4. Unit placement and configuration shall be guided by the characteristics of the site, proposed structures and nature of the existing built environment in the area of the proposed cluster subdivision.
5. A maximum of forty percent (40%) of the site may be impervious surface.
6. At least (40) forty percent of the net site (calculated as the gross area minus the area dedicated to roadway) must be permanently committed as open space. The designated open space must be accessible and capable of being used. It cannot be constituted only of “unbuildable land”. Where density bonuses are given, the open space requirement may be proportionally decreased to thirty-five (35) percent of the net site. Such open land shall either be conveyed to the City and accepted by it for park or open space use or be conveyed to a non-profit organization the principal purpose of which is the conservation of open space or to be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the City, a restriction enforceable by the City shall be recorded providing that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.
7. The submittal requirements and review standards including administration, application and submission requirements, fees, powers, hearings and time limits, shall be those as provided in Article II and Article V. In addition, such subdivision rules and regulations as may be in force are applicable relative to standards for roadways, utilities, drainage and other aspects of site development and submittal format.

#### **Section 4 – Other Objectives**

The following objectives are important in the development of a cluster:

1. It is desirable to decrease municipal costs and environmental impacts through reduction in the length of streets, utilities and drainage systems per dwelling unit served.

2. It is desirable to increase the scale of contiguous area assured of preservation in a natural state, off street pathways and trails, recreation areas open at least to all residents of the cluster and wilderness areas.
3. It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
4. It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.
5. It is desirable to preserve environmental quality by reduction of the total area over which vegetation is disturbed by cut or fill or displacement; by reduction in critical lands (slopes in excess of fifteen percent (15%), land within 100 feet of a water body, wetlands or streams having outstanding or rare vegetation) disturbed by construction; reduction of the extent of waterways altered or relocated; reduction in the volume of cut and fill for roads and construction sites.
6. It is desirable to have the design and location and materials of the structure(s) on the site be sensitive to the natural environmental conditions, vistas and abutting properties.
7. There should be positive benefit to the City in some important respects, such as reduction of environmental damage, better controlled traffic, and preservation of current character through location of reserved open space.

## **ARTICLE IX MIXED USE DEVELOPMENT OVERLAY ZONE**

### **Section 1 – Purpose**

The purpose of the Mixed Use (MU) Development Overlay Zone is intended to provide for the coordinated and mixed development of residential, business, institutional and open/recreational space uses and their support functions in Areas of Special Development Significance (ASDS) of the City of Worcester by:

1. Creating major new mixed use areas in planned locations at appropriate densities, heights and mixture of uses;
2. Encouraging the preservation and rehabilitation of structures of historic or architectural merit in the overlay zones;
3. Encouraging flexibility in architectural design and building bulk;
4. Making recreation areas accessible to residents and visitors;
5. Creating environments conducive to a higher quality of life and environment for residents, businesses, employees and institutions.

Mixed Use Developments in the overlay zone shall require a special permit from the Planning Board.

### **Section 2 – Establishment Of Mixed Use Zones**

Mixed Use (MU) Overlay Zones are hereby established. The boundaries of the MU zones are shown on the Official Zoning Map. In these areas as designated now or in the future by public plans and policies, a mixture of uses and building densities shall be intended to promote and protect public health, safety, convenience, order, prosperity and general welfare of the community as best accomplished by the MU Overlay Zone.

### **Section 3 - Permitted Uses In A Mixed Use Development Overlay Zone**

All uses permitted in the underlying zone whether in Manufacturing (MG, ML), Residential (RS, RL, RG), Business (BO, BL, BG) or Institutional (IN) zones, as provided in Article IV (Table 4.1) are permitted uses in the Mixed Use Overlay Zone, except as otherwise provided in this Article.



## **Section 4 – Mixed Use Development Overlay Zone**

It is intended that each Mixed Use Development in the overlay zone contain a variety of land uses and may not be used solely to increase the allowable floor area of a single use permitted in the underlying district. The following uses may be permitted by special permit by the Planning Board within the Mixed Use Development Overlay Zone; provided the following standards are met:

1. Each Mixed Use Development within the overlay zone shall contain at least three (3) uses permitted in Article IV – Table 4.1.
2. The total residential use shall not comprise more than fifty (50) percent of the gross floor area of the development.
3. Any single non-residential use shall not comprise more than seventy-five (75) percent of the gross floor area of the development.
4. In a combined residential and non-residential structure the floor area ratio and square footage requirements per unit established for the underlying zone shall be satisfied within the Mixed Use Development.
5. In a multi-story mixed use development no residential use shall be located on the first floor.
6. Each proposed use within the mixed use development must be an allowed use in the underlying zone. Different uses within the mixed use development may be apportioned between two (2) or more buildings provided all the buildings are functionally integrated through the use of open space and pedestrian walkways. The determination of applicability of uses is the sole discretion of the Planning Board.

## **Section 5 - Prohibited Uses In A Mixed Use Development**

The following are prohibited uses within Mixed Use Developments in Mixed Use Development Overlay Zones:

1. Automobile related facilities, including but not limited to, repair shops, car washes, gasoline stations, auto body shops, lubratoriums;
2. Retail sales of motor vehicles, boats, mobile homes and house trailers;
3. Warehouse;
4. Trucking company/freight terminal;

5. Public utility;
6. Wholesale business;
7. Heavy industry;
8. Single and two family dwellings;
9. Animal hospital, kennel or veterinarian office;
10. Hospitals;
11. Sanitarium or nursing home;
12. Funeral home;
13. Adult book/merchandise store, adult motion picture theater, nude dancing and/or entertainment;
14. Drive-in establishments where goods or services are rendered directly to the occupants of motor vehicles.

## **Section 6 – Dimensional Controls**

1. The dimensional controls of the underlying zoning district (as provided in Article IV, Table 4.2) shall apply in each Mixed Use Development Overlay Zone, excepting as hereinafter provided.
2. If a mixed use development in a MU Development Overlay Zone is proposed and the proposal meets the thresholds of Section 4, than the permitted use intensity regulations herein described shall apply:
  - A. Permitted uses, as outlined in Article IV, Table 4.1 as single uses within the mixed use development, shall not constitute more than seventy-five (75) percent of the gross floor areas; provided further that a permitted residential use may not constitute more than fifty (50) percent of the gross floor area;
  - B. Space, measured in square feet, devoted to recreation and open space shall be equal to or greater than five (5) percent of the gross floor area devoted to the other proposed uses. At least one-half (1/2) of the recreation and open space must be built as part of the proposed structure(s);

- C. Recreation and open space includes the provisions of places, activities and/or amenities, either built or natural, which are free and accessible to the public.

### **Section 7 - Mixed Use Development Overlay Zone Intensity Regulations**

1. The dimensional regulations for height and floor area ratio (FAR) for uses provided in Section 4 may exceed the maximum of the underlying district by twenty (20) percent.
2. The gross floor space (in square feet) may be increased on a 1:1 ratio above the maximum provided in Section 4, above, for each square foot of space devoted to a child day care center, provided however that the developer must submit a plan which ensures to the satisfaction of the Planning Board, the initial and continuing operation of the day care facility.
3. Where two (2) or more principal buildings are proposed to be built upon property in one (1) ownership, required front, side and rear yards shall be provided between each building and assumed lot lines shall be shown on the site plan.

### **Section 8 – Review Standards**

In addition to its special permit review criteria under Article II, the Planning Board shall also consider the Mixed Use Development's conformance with the following planning and design objectives:

1. Whether the proposed use furthers the objectives of the mixed use districts;
2. The relationship of the proposal to other planning considerations for the area and the City of Worcester as a whole, including the plans, programs and policies of other departments and agencies of the government;
3. The impact of the proposed site plan on neighborhood properties;
4. The proposed site plan including the relationship of different uses on the site and any other matters that are within the Planning Board's jurisdiction;
5. Consideration of the traffic to be generated and its impact;

6. The location and design of vehicular access and parking facilities;
7. The number of parking and loading facilities;
8. The treatment of public space;
9. The availability of sewer and water capacity;
10. The impact of air quality;
11. The impact of noise.

## **ARTICLE X CONTINUING CARE RETIREMENT COMMUNITY**

### **Section 1 – Intent and Applicability**

The intent of this section is to allow flexibility in development of parcels for housing and related services of retired and aging persons, with particular interest in meeting the needs of residents of Worcester. A Continuing Care Retirement Community (CCRC), as defined herein, may be allowed upon grant of a special permit by the Planning Board.

### **Section 2 – Definition**

**\*See Amendment #6463**

As used in this Ordinance, Continuing Care Retirement Community (CCRC) shall mean a development of land comprised of a dwelling or dwellings with residential services operated or sponsored as a coordinated unit by a corporation or organization having among its principal purposes the provision of housing and associated services for retired and aging persons with occupancy of dwelling units limited to persons, at least one of whom shall have attained the age of fifty-five (55) years. Coordinated unit means a building or group of buildings under common management and serving purposes which assist the elderly in maintaining an independent lifestyle. The program of resident services may include:

1. Restorative care center/skilled nursing facility
2. Transportation
3. Financial
4. Barber/beautician
5. Medical evaluation/health care maintenance
6. Home health
7. Assisted Care
8. Adult day care and respite care services
9. Food services
10. Cleaning services
11. Exercise, recreational, educational and social services
12. Other services, activities and accessory uses incidental to the operation of a Continuing Care Retirement Community

These services will be primarily for the benefit of residents of the Continuing Care Retirement Community (CCRC) and/or the City of Worcester.

### **Section 3 - Types of Dwellings and Facilities Permitted**

Notwithstanding any restriction on uses permitted in the underlying zoning district, a special permit granted by the Planning Board may allow the construction of detached or attached dwellings of any combination, and may also allow the construction of a restorative care center/skilled nursing facility/clinic, assisted living facility and buildings to accommodate resident services. There shall be provided in appropriate cases suitable means of access and egress to, from and within dwellings for handicapped persons. Enclosed walkways and/or unenclosed walkways connecting buildings shall be permitted.

### **Section 4 – Specific Restrictions**

#### **\*See Amendment #6463**

A Continuing Care Retirement Community (CCRC) as provided herein shall also be subject to the following specific restrictions.

#### 1. Density and Parcel Size

A CCRC shall have a parcel of three (3) acres or greater. The allowable number of dwelling units in a CCRC shall be determined, using the following formula:

$$\text{Maximum Units} = 2 \times [(\text{Parcel Size} \times .8) / \text{Minimum Lot Size Permitted In Zoning District of Parcel}] \text{ (rounded to next lowest integer)}$$

An increase in the number of units of up to twenty-five (25) percent of the number of maximum units calculated by the above formula may be allowed. Such an increase will be based upon each unit so granted being affordable housing. In RG 5-0 zones the maximum density bonus shall be limited to fifteen (15%) percent to prevent overcrowding. In granting such increases the Planning Board shall require that the developer provide legally enforceable assurances that the units so granted will continue to be affordable housing, as herein defined.

In addition the number of beds, exclusive of existing beds, in the restorative care center/skilled nursing facility development density shall not exceed thirty-three percent (33%) of the numbered units in the CCRC. The gross acreage of the parcel shall be used in calculating the density.

#### 2. Lot Coverage and Open Space Requirements

Buildings shall be sited using cluster principles. At least twenty-five (25) percent of the site shall be preserved as open space. A minimum of seventy-five (75) percent of the open space shall be maintained as a natural vegetation area except that plantings, passive recreational uses (as may be permitted and/or required by the Planning Board under the provisions of Site Plan Approval, Article V), the installation, repair and maintenance of footpaths, underground utilities, access ways (if required by the City of Worcester or other governmental agency), drainage structures and facilities and such other construction as may be permitted and/or required by the Planning Board under the provisions of Article V, Site Plan Approval are permitted. However, such portions of the open space as shall have been disturbed for purposes so permitted shall be restored to former conditions as nearly as may be reasonably practicable. The open space shall be protected by a recorded restriction enforceable by the City of Worcester.

3. Parking

There shall be at least one (1) off-street parking space per dwelling unit. Any restorative care center/skilled nursing facility shall have at least point three three (.33) off-street parking spaces for each bed.

4. Roads and Utilities

Roads and utilities shall be designed and constructed in conformance with the City of Worcester Subdivision Rules and Regulations. The Planning Board may modify said rules and regulations if it determines that such action will more acceptably meet the purposes of the Article.

## **Section 5 – Other Objectives**

The following objectives are important in the development of a Continuing Care Retirement Community (CCRC):

1. It is desirable to minimize municipal costs and environmental impacts through reduction, to the extent reasonable, in the length of streets, utilities and drainage systems per dwelling unit served.
2. It is desirable to increase the size of contiguous area assured of preservation in a natural state and the number of off-street pathways and trails, recreation areas and wilderness area open to all residents of the CCRC.

3. It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.
4. It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.
5. It is desirable to preserve environmental quality by reduction of the total area over which vegetation is disturbed by cut or fill or displacement; by reduction in critical lands (slopes in excess of fifteen percent (15%), land within one hundred (100) feet of a water body, wetland or stream having outstanding or rare vegetation) disturbed by construction; reduction of the extent of waterways altered or relocated; reduction in the volume of cut and fill for roads and construction sites.
6. It is desirable to have the design and location and materials of the structure(s) on the site be sensitive to the natural environmental conditions, vistas and abutting properties.
7. There should be positive benefit to the City in some important respects, such as mitigation of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting the shelter and/or health needs of special populations of the City and so on.

## **Section 6 – Procedure**

The procedures to obtain approval for a Continuing Care Retirement Community, including administration, fees, powers, hearings and time limits, shall be those set forth in Article II for the special permit and in Article V for site plan.

## **Section 7 - Application and Submission Requirements**

The application and submission requirement, including informal review and formal application, shall be those as set forth in Article II for a special permit.

## **Section 8 – Application Review Process**

The special permit review process, standards for review and standards for approval shall be those as set forth in Article II. In applying those standards the Planning Board shall take into account all provisions of Article II.



## **ARTICLE XI AIRPORT ENVIRONS OVERLAY DISTRICT**

### **Section 1 – Purpose And Definition**

1. The purpose of this section is declared to be the promotion of land uses in the Airport Environs Overlay District which are compatible with the current and future use of the Worcester Regional Airport, are in harmony with the Master Plan and promote the purposes of this Ordinance. The Airport Environs Overlay District is as shown on the Zoning Map of the City.

### **Section 2 – Application**

#### **\*See Amendment #6463**

1. It is the intent of this ordinance that all new buildings and or land uses within the Airport Environs Overlay District be constructed and operated in a manner consistent with respect to the normal operations now and in the future of the Worcester Regional Airport.
2. All building permit applications for activities covered by Section 2.1 shall include a certificate, by an architect or professional engineer registered by the Commonwealth of Massachusetts or a third party approval agency recognized by the Commonwealth of Massachusetts or the United States Department of Housing and Urban Development, that the building as designed will achieve an interior noise reduction level as defined by the Worcester Airport's Noise Compatibility Program conducted under Part 150 of Federal Aviation Administration (FAA) regulations.

#### **\*See Amendment #6463**

3. Any application for a building permit for the erection of a new building, or land use within the Airport Environs Overlay District shall require site plan approval under Article V. In Addition to the general requirements for approval under Article V, all approvals required by this Article shall be subject to the following supplemental criteria:

Where applicable, in the opinion of the Planning Board, the deed to such parcel or parcels shall include the following:

- A. A statement indicating that any proposed structure on the lot shall comply with F.A.A. height restrictions

- B. Notification that the lot is located within an Airport Environs Overlay District and is subject to aircraft overflights.

## **ARTICLE XII WATER RESOURCES PROTECTION OVERLAY DISTRICT**

### **Section 1 – Purpose**

The purposes of this Water Resources Protection Overlay District (WRPOD) are:

1. To promote the health, safety and general welfare of the community;
2. To preserve and maintain the existing and potential groundwater supplies, aquifers and groundwater recharge areas of affected municipalities and to protect them from adverse development or land use practices;
3. To preserve and protect present potential sources of drinking water supply for the public health and safety;
4. To prevent blight and the pollution of the environment.

### **Section 2 – Application**

For all construction, reconstruction or expansion of existing buildings or uses within the Water Resources Protection Overlay District the provisions of this article shall apply.

### **Section 3 – Definitions**

**AQUIFER** – a geological formation composed of rock, sand and gravel that is potentially capable of producing a minimum of four hundred (400) gallons per minute of potable water.

**DISCHARGE** – the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of toxic or hazardous material upon or into any land or waters within the City of Worcester. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site sewage disposal system, drywell, catch basin or unapproved landfill. The term “discharge” as used and applied in this Ordinance does not include the following:

1. Proper and approved disposal of any material in a sanitary or industrial landfill within the Water Resources Protection Overlay District which has and maintained all necessary approvals for that purpose.
2. Application of road salts in conformance with the Snow Ice Control Program of the Massachusetts Department of Public Works and Worcester's Department of Public Works Snow Manual, or for private purposes.
3. Disposal of sanitary sewerage to subsurface sewage disposal systems as defined and permitted by Title V of Massachusetts Environmental Code, and any amendments made thereto by the Worcester Department of Public Health.

DISPOSAL – the deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that hazardous material or any constituent thereof may enter the environment or be emitted into the air resulting in discharge to any waters, including ground water.

EARTH EXCAVATION – the removal of earth including soil, loam, sand, gravel, clay, stone, quarried rock or other subsurface products except water.

GROUNDWATER – all the water beneath the surface of the ground.

HAZARDOUS MATERIALS – as defined in M.G.L. Ch. 21E, means material including but not limited to any material, in whatever form, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare or to the environment when improperly stored, treated, transported, disposed of, used, or otherwise managed. The term shall also include those substances which are included under 42 USC Sec. 9601 (14), but is not limited to those substances. Any substance deemed a “hazardous waste” in Mass. General Laws Ch. 21C shall also be deemed a hazardous material for purposes of this Ordinance.

HAZARDOUS WASTE – as defined in M.G.L. Ch. 21C means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety or welfare of the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved material in domestic sewage, or solid or dissolved materials in

irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy acts of 1954.

**IMPERVIOUS SURFACE** – material above or on the surface of or immediately occurring within twelve (12) inches of the surface of the ground, that does not allow water to penetrate into the soil below. An impervious surface shall include but not be limited to all buildings, parking areas, driveways, roads, sidewalks and areas of concrete or asphalt, except where runoff from impervious surfaces is recharged on-site and diverted to areas allowing for surface infiltration to the maximum extent possible.

**RECHARGE AREAS** – areas composed of permeable, porous material that allow significant infiltration and collection of precipitation or surface water and thereby transmit this water to aquifers.

**SANITARY SEWAGE** – any water carried putrescible waste resulting from the discharge of water closets, laundry tubs, washing machines, sinks, showers, dishwashers or any other source.

**SOLID WASTE** – useless, unwanted or discharged solid material with insufficient liquid content to be free flowing. This includes, but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

**\*See Amendment #6463**

#### **Section 4 - Delineation of Water Resources Protection District**

1. For the purpose of this Ordinance, there is hereby established within the City of Worcester an overlay district consisting of certain aquifer protection areas including zones of contribution and secondary recharge areas which are delineated on the zoning map and based on Aquifer Land Acquisition Maps, Delineation of Zones, Shrewsbury Well and Coal Mine Brook Wells, by IEP, Inc. dated October, 1983, at a scale of one (1) inch equals eight hundred (800) feet.
2. Uses otherwise not permitted in the portions of a zoning district as superimposed shall not be permitted in this district.
3. The Water Resources Protection Overlay District is defined as the aquifer zone of contribution and secondary recharge areas associated with the

Coal Mine Brook Well (Quinsigamond Well) and Shrewsbury Well groundwater supplies.

- A. The Zone of Contribution or GP-2 area is defined as the surface area which contributes water to each well under the most severe recharge and pumping conditions:
    - (1) One hundred and eighty (180) days of continuous pumping at the safe yield during drought conditions. This area includes the “Cone of Depression” limits (where drawdown does not exceed 0.1 feet) and all upgradient aquifer areas extended to the glacial till bedrock contact. This area also incorporates the area typically known as Zone 1, defined as the four hundred (400) foot radius located adjacent to each well.
  - B. The Secondary Recharge area or GP-3 area is defined as the surface and/or groundwater drainage area as determined by topography and geology which contributes surface and/or groundwater flow into the GP-2 or Zone of Contribution area.
4. For parcels located partially in the Water Resources Protection Overlay District or split between two (2) zones, the provisions of Section 5 apply to the individual portion of the parcel affected.

## **Section 5 – Use Regulations**

1. Within the Water Resources Protection Overlay District, the underlying district continue to apply, except that certain uses are prohibited where indicated by no (N) in Table 12.1, and require a special permit where indicated by an “SP” in Table 12.1, even where the underlying district is more permissive. Where there is no entry or a yes (Y) in the schedule, the underlying district requirements are controlling.

**\*See Amendment #6463**

2. Water Resources Protection Overlay District Summary of Use Regulations

Refer to Table 12.1

## **Section 6 – Pre-existing Nonconforming Uses**

Notwithstanding any prohibition contained in the use regulations set forth in Section 5, any structure or use lawfully in existence on the effective date of this Article may be expanded, reconstructed, altered or changed by special permit issued by the Planning Board provided the Board finds that the entire structure or use as expanded, reconstructed, altered or changed meets the approval criteria set forth in Section 7-3

**Table 12.1 - Water Resources Protection Overlay District Use Regulations**

REGULATED USES	ZONES	
	GP-2	GP-3
1. Disposal of Hazardous Materials	N	N
2. Manufacture, generation or storage of hazardous materials in containers greater than five (5) gallons, except for indoor storage of liquid petroleum products for heating or power generation purposes within the same building.	N	SP
3. In-ground storage of hazardous materials.	N	SP
4. Sanitary landfill, junkyard, salvage yard/or other Solid waste disposal.	N	SP
5. Industrial uses which discharge processed wastewater on-site, any commercial or service use discharging on-site wastewater containing contaminants other than sanitary sewerage.	N	N
6. Application of pesticides and herbicides for non-agricultural and non-residential uses.	SP	SP
7. Open storage of ice control chemicals in quantities greater than one (1) ton.	N	SP
8. Disposal of snow containing deicing chemicals.	N	SP
9. Commercial earth excavation.	SP	SP
10. Rendering impervious more than 20% of lot area.	SP	Y
11. Public garage or commercial garage, car washes automotive paint shops and automotive shops.	N	SP
12. Motor freight terminal.	N	SP
13. Commercial boat service, repair and storage facilities.	N	SP
14. Storage or landfilling of sludge or septage	N	SP



15. Storage of commercial fertilizers and soil conditioners, N SP including animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff and leachate

**\*See Amendment #6463**

## **Section 7 – Special Permits**

A special permit shall be granted if the Planning Board determines that the intent of this Ordinance, as well as the specific criteria set forth below, are met. In making such determination, the Planning Board shall give consideration to simplicity, reliability and feasibility of the control measures proposed and the degree of threat to surface and groundwater quality which would result if the control measures were to fail.

### 1. Application

- A. Each application for a special permit shall be filed with the Planning Board and in the manner and form indicated in its rules and regulations governing special permits. In addition, the applicant shall distribute copies of the application to the Department of Public Health, Department of Public Works – Water Operations, Department of Code Enforcement, Fire Department, Conservation Commission and Office of Planning and Community Development. The applicant shall file with the City Clerk’s Office an affidavit signed under the pains and penalties of perjury indicating the dates and departments to which the application was delivered.
- B. In addition to the information required by the Planning Board’s rules and regulations for special permits, each application shall also include the following:
  - (1) A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, along with a description of measures proposed to protect from vandalism, corrosion, leakage and counter-measures.
  - (2) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.

(3) Evidence of approval by the Massachusetts Department of Environmental Protection (DEP) of any industrial waste treatment or disposal system and of any wastewater treatment system over fifteen thousand (15,000) gallons per day capacity.

(4) For in-ground storage of hazardous materials, evidence of qualified professional supervision of the system design and installation.

(5) Evidence of approval and recommendations by the Chief of the Worcester Fire Department for the above ground or underground storage of any flammable, hazardous or toxic materials.

C. A site plan at a scale within the range of one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet. The plan or plans shall be prepared by a Registered Professional Engineer or Professional Land Surveyor and shall include but not be limited to the following:

- (1) Existing property boundaries.
  - (2) Existing and proposed topography at two (2) foot contour intervals.
  - (3) Existing and proposed structures and buildings.
  - (4) All facilities for surface drainage and erosion control, and calculations for the volume and rate of pre – construction and post – construction runoff from the site using either the Rational Method or Soil Conservation Service Method.
  - (5) All impervious areas and those left in a natural state.
  - (6) Maximum seasonal groundwater elevation.
  - (7) The type of all potential fill to be used on site.
- D. The application shall contain an analysis of the site conditions and potential impact of the proposed project, the Zone of Contribution (GP-2) and/or Recharge Area (GP-3) by a qualified engineer or hydrogeologist.

## 2. Procedures

- A. The following departments shall review, either jointly or separately, the application and shall submit its recommendations to the Planning Board: The Department of Public Health, Department of Public Works – Water Operations, Department of Code Enforcement, Fire Department, Conservation Commission and Office of Planning and Community Development.
- B. The Planning Board may retain the services of a qualified professional to determine what information is deemed necessary to reach a decision on an application, or to review information submitted by the owner or applicant and charge the owner or applicant for the cost of the investigation.

3. Approval Criteria

After notice and public hearing and after due consideration of the reports and recommendations of the reports and the recommendations of the Department of Public Health, Department of Public Works, Department of Code Enforcement, Fire Department, Conservation Commission and Office of Planning and Community Development, the Planning Board, in addition to the standards of review required under Article II, may grant such a special permit provided that it finds that the proposed use:

- A. Will not degrade the groundwater quality at the boundaries of the premises below existing levels.
- B. Is in harmony with the purpose and intent of this Ordinance and does not denigrate from the purposes of the Water Resources Protection Overlay District.
- C. Will not, during construction or thereafter, have an adverse environmental impact on the Zone of Contribution (GP-2) or Secondary Recharge Area (GP-3)
- D. Will not adversely affect an existing or identified potential public water supply within the Water Resources Protection Overlay District.
- E. Will meet the following standards:
  - (1) Any earth removal or land disturbing activity within the GP-2 zone of the overlay district may not be closer than four (4) feet above the maximum seasonal groundwater elevation. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

**\*See Amendment #6463**

- (2) All fill material must be clean and free from hazardous materials, construction debris and other material whose leachate would be a potential contamination hazard to ground or surface waters.
- (3) Hazardous materials stored above-ground must be located on an impervious surface. The storage area must be equipped with a secondary containment system to prevent the material from reaching ground or surface water in the event of a leak or spill. The containment system must be able to contain one hundred and ten (110) percent of the tank's contents.
- (4) Appropriate measures must be taken to ensure that any increase in stormwater runoff is artificially recharged into the ground. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.
- (5) All stormwater management facilities must be designed for the twenty-five (25) year storm and designed to ensure that the rate and amount of runoff leaving the site does not exceed the rate and amount of runoff in the predevelopment state. Facilities for runoff from paved areas shall include structures for trapping oil, gas and other containments before recharge into the ground. These facilities shall be maintained by the owner on a not less than an annual basis.

## **ARTICLE XIII GENERAL APPLICATION OF REGULATIONS**

### **Section 1 – General Applicability**

1. The provisions of this Ordinance shall apply to all buildings, structures and land uses; provided, however, that as specified in M.G.L., Ch. 40A, nothing herein contained shall regulate or restrict the use of land or structures for religious purposes or 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 non-profit educational corporation, or by a non-profit corporation with educational purposes, provided, however, that such land or structures shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements as provided herein, including the Institutional District and the application of such other dimensional controls as are applicable in other districts. Nor shall anything in this Ordinance be deemed or construed to apply to or control land uses, buildings, or structures otherwise, exempted by law from the application of zoning regulations. Except as may be otherwise specified herein, no building, structure or lot may be maintained or used unless in conformity with the provisions of this Ordinance.

2. No building, structure or part thereof may be erected, reconstructed, extended, enlarged, or altered within the exterior lines of existing public rights of way, proposed new or widened public rights of way or municipal parks as shown on the Official Map of Worcester. For the purposes of determining yard depth such exterior lines shall be considered as the street lines. This section shall not apply to the location of voting booths, fire escapes and buildings on land owned by the United States or the Commonwealth of Massachusetts (R.O.) 1951, City of Worcester, Appendix E, Section 7).

### **Section 2 – Exemptions**

1. Single Lots – Any increase in area, frontage, width, yard or depth requirements of this Ordinance shall not apply to a lot for single and two family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the Ordinance in effect in the City of Worcester.

2. Definitive Plans – If a definitive plan, or preliminary plan (as defined in M.G.L. Ch. 41) followed within seven (7) months by a definitive plan, is submitted to the Planning Board for approval under the Subdivision Control Law, and written notice of such submission has been given to the City Clerk before the effective date of this Ordinance or any subsequent amendments hereto, the land shown on such plan shall be governed by the applicable provisions of the Zoning Ordinance in effect at the time of the first such submission while such plan or plans are being processed under the Subdivision Control Law, and, if such definitive plan or an amendment thereof is finally approved, for eight (8) years from the date of the endorsement of such approval.

3. Approval Not Required Plans – When a plan referred to in Section 81P of MGL Chapter 41 (approval of plans not subject to subdivision control law procedure) has been submitted to the Planning Board and written notice of such submission has been given to the City Clerk, the use of the land shown on such plan shall be governed by applicable provisions of the Zoning Ordinance in effect at the time of the submission of such plan while such plan is being processed under the Subdivision Control Law including the time required to pursue or await the determination of an appeal referred to in said section, and for a period of three (3) years from the date of endorsement by the Planning Board that approval under the Subdivision Control Law is not required, or words of similar import.

4. The provisions of this Ordinance shall not apply to the City of Worcester in the carrying out of any of its functions except for the provisions of Article XII, Water Resources Protection Overlay District.

### **Section 3 – Specific Applications**

1. Lot or yard areas may not be transferred from one (1) parcel of land to another in such a manner as to make either parcel nonconforming dimensionally.

2. Lot or yard areas required for new buildings may not include lot or yard areas needed for the dimensional conformance of other buildings.

3. Where minimum frontages are required either of the following may be used, though in no case may any part of a lot have less than twenty (20) feet of access in any dimension.

A. The width of the lot as measured along the street right of way line.

B. In the case of a cul-de-sac, the width of the lot measured at the point of the least set-back and on a line parallel with the street right of way line.

4. On a lot where the frontage is on one (1) side of the street between two (2) intersecting streets is part in a Residence district and part in a Business or Manufacturing district, the front yard depth in the Business or Manufacturing district for a distance of one hundred (100) feet from the district boundary shall not be less than the front yard depth specified for the Residence district.

5. Alignment – Where the average front yard of two (2) or more existing buildings fronting on the same street on the same block and within a distance of one hundred fifty (150) feet of the applicant’s lot is five (5) feet greater than or less than the required front yard depth, then the average of the existing alignments shall be the required front yard depth for the applicant’s lot.

6. The owner of a corner lot may designate either street lot line as the front lot line. Once so designated, it shall apply for all dimensional purposes. The exterior side yard of a corner lot shall not be less than:

In RS and RL districts	fifteen (15) feet
In RG districts	ten (10) feet
In BO districts	ten (10) feet
In BL, ML and MG districts,	one half (.5) the respective front yard requirements

7. Clear View of Intersecting Streets – In all districts with front yard set back requirements, in order to provide a clear view of intersecting streets to vehicles, there shall be a triangular area of clear vision formed by the two intersecting streets. The size of the triangular area is to be the minimum front set back for the district. On any portion of a lot that lies within the triangular area, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2.5) feet and ten (10) feet above the grade at the two street center lines. The triangular area shall be formed by connecting three (3) points: the intersection of the two street right of way lines and the two (2) points along each street right of way line, at a distance from the intersecting point which is equal to the required front yard set back.

8. In Business or Manufacturing districts where a side lot line abuts a Residence district, the side yard requirements of the Residence district shall apply.

9. In a Business or Manufacturing district where a rear lot line abuts a Residence district, the rear yard shall not be less than twenty-five (25) feet deep.

10. Waiver – The Zoning Board of Appeals may, by special permit, waive or modify the requirements for street access, the location of accessory parking and spacing and dimensional controls for a group of buildings designed and intended to remain under the same ownership and management where it is demonstrated that with such modification there will be provided light, air, sunlight, and amenities of a standard no lower than would be provided under said requirements.

#### **Section 4 – Exceptions**

1. Provided it is not otherwise nonconforming, a structural alteration, repair or extension of an existing one (1), two (2) or three (3) unit residential use may be made although at the time of application for the building permit for said alteration, repair or extension, the lot or building do not conform to one (1) or more of the dimensional requirements of this Ordinance; provided, however, that there be no change of use and, in the case of extension (except for the enclosure of a porch in existence on the effective date of this Ordinance) no such extension shall be located nearer than eight (8) feet from any side or rear lot line, and no such extension shall be erected within a required front yard.

2. Provided it is not otherwise nonconforming, an institutional or public service building or group of such buildings on one lot may be altered, enlarged or supplemented by a new building to a floor area ratio fifty percent (50%) greater than the maximum permitted in Article IV and subject to site plan approval under Article V.

3. Provided it is not otherwise nonconforming, any business or manufacturing building or group of such buildings on one lot in existence on the effective date of the Ordinance, may be altered, enlarged or supplemented by a new building to a floor area ratio fifty percent (50%) greater than the maximum permitted in Article IV and subject to site plan approval under Article V.

4. Adjoining land, provided it is in the proper zone, may be used for the expansion of commercial and industrial properties lawfully in existence on the effective date of this Ordinance, subject to the dimensional controls of Article IV and subject to site plan approval under Article V.

5. An extension of a residential use in a Manufacturing district may be made provided that such extension or enlargement shall be located no nearer than eight (8) feet from any side lot line or rear lot line.



6. A bay window, balcony, open porch not over one-half (1/2) the length of the wall, chimney, flue or fire escape may project into a required yard up to four (4) feet. Belt courses, leaders, sills, pilasters or similar features may project not more than one (1) foot, and cornices, eaves, and gutters not more than two (2) feet into the required yard. In no case, however, may any such projection come within ten (10) feet of a side lot line in the case of a wood frame building in the fire district, otherwise, no closer than within five (5) feet of a side lot line, or ten (10) feet from a rear lot line, or in accordance with the State Building Code, whichever is greater.

7. Private garages (separate from main building) are permitted within the required front yard area in Residence districts by special permit when the difference in grade between the street and a conforming location for said private garage on the lot would require a driveway grade in excess of ten (10) percent, such determination to be made by the Code Commissioner.

8. The provisions of this Ordinance governing the height of buildings do not apply to chimneys, water tanks or towers, cooling towers, elevator bulkheads, skylights, ventilators and other necessary appurtenant features usually carried above roofs, excluding signs; nor to domes, towers, stacks or spires if such features are not used for human occupancy; nor to ornamental, observation, broadcasting and other like structures. Such structures may be erected in excess of height limits only to such height and to such extent as are necessary to accomplish the purposes they are normally intended to serve. They may not occupy in the aggregate more than ten (10) percent of the lot area nor twenty (20) percent of the roof area at the level on which they are built. In Residence districts they may not be erected closer to any lot line than one-third (1/3) of the height of the structure above grade at that point on the lot line nearest to such structure.

9. A campus or a contiguous area of land may be considered as one lot and under one ownership for the purposes of compliance with the dimensional parking, loading and other requirements of this Ordinance where there is management, lease or ownership control that will provide evidence sufficient in the opinion of the Code Commissioner that a grouping of contiguous tracts of real estate is designed, constructed and will continue to be operated and maintained as a single unit in accordance with an agreement executed by all parties having an interest in the parcel of land which agreement will be filed with the Code Commission and recorded in the Worcester County Registry of Deeds as part of the deed for each element of the tract.

10. Provided it is not otherwise nonconforming, where a lot or structure is reduced by a taking by eminent domain to a size not in conformity with the

dimensional requirements of this Ordinance, said use shall not be deemed nonconforming by reason thereof, and shall be treated as a dimensionally conforming use under this Ordinance.

11. For each foot by which a recorded lot in existence on the effective date of this Ordinance is narrower than the required width or narrower than fifty (50) feet where no minimum frontage is required, three (3) inches may be deducted from the required side yard setback provided that no side yard setback be less than seven (7) feet where a side setback is required by this Ordinance. For each foot by which a recorded lot in existence on the effective date of this Ordinance is less than one hundred (100) feet deep, one (1) foot may be deducted from the required rear yard set back provided that no rear yard setback may be less than ten (10) feet.

12. In districts of a 2.0 or greater floor area ratio, where a rear lot line abuts a public street, private street, of way at least ten (10) feet wide, no rear setback is required.

## **Section 5 – Nonconforming Uses and Buildings**

1. Unlawful Uses – A land use, building or structure not in conformity with the provisions of this Ordinance or with the terms and conditions of special permits or variances granted hereunder, which were not in existence on the date of enactment of this Ordinance or of any amendment hereto which prohibits said use, shall be deemed unlawful and the violator subject to legal prosecution or injunction.

2. Privileged Nonconforming Uses

A. This Ordinance shall not affect existing lawful buildings or structures, nor the existing lawful use of any building or structure, nor of land to the extent to which it is used at the effective date of this Ordinance, or of any amendment thereto. Such buildings, structures and/or uses which would not be permitted under this Ordinance are privileged to remain and shall hereinafter be referred to as nonconforming uses.

B. Nothing in this Ordinance shall prevent strengthening or restoring to a safe condition any building or part thereto declared unsafe by the Code Commissioner.

3. Changes in Privileged Nonconforming Uses – Such changes are prohibited unless in conformity with this Ordinance, except as may be otherwise provided herein. This Ordinance shall apply to any change of use of

any building, structure or land use, to any alteration of a building or structure when the same would amount to a reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration.

A nonconforming use may be changed by grant of a special permit of the ZBA to any other nonconforming use of a similar nature. A nonconforming use may be expanded upon grant of a special permit by the ZBA – provided in residential districts, the use as expanded meets the parking regulations of this Ordinance.

#### 4. Termination of Privilege

- A. By Revision – If a nonconforming use reverts to a use permitted in the district in which it is located, it may not be changed again to any use prohibited in the district. If a nonconforming use is changed to a more restricted use, it may not be changed back to the previous use or to another nonconforming use.
- B. By Destruction – If a nonconforming use is damaged or destroyed by explosion or other natural or non-natural disaster, such use or building may be rebuilt or restored and used again as previously, provided the rebuilding or restoration is completed within two (2) years after the damage occurred. The building as rebuilt may not be greater in volume or floor space than the original structure.
- C. By Abandonment of Use – If a nonconforming use is abandoned, it may not be rehabilitated thereafter. Unless the Code Commissioner shall determine sooner, a use shall be presumed abandoned if over a period of two (2) years the use has discontinued, except as to agriculture, horticulture, or floriculture where abandonment must be at least five (5) years.
- D. By Abandonment of Structure – If a nonconforming structure is abandoned, it may not be resumed.

5. Revival of the Privilege – Lawful nonconforming uses which have lost their privilege by reason of destruction as set forth above, may be renewed upon the grant of a special permit from the Zoning Board of Appeals and site plan approval from the Planning Board. Any such revival shall be limited in scope to the extent of the nonconforming use at the time of its termination.

## **ARTICLE XIV LEGAL EFFECT**

### **Section 1 – Word Application**

1. For the purposes of this Ordinance, verbs used in the present include the future; the singular noun includes the plural and plural the singular; masculine pronouns include the feminine and the neuter.
2. The word “building” includes “structure” and shall be construed as being followed by the words “or part thereof”; the verb “occupied” includes the words “designed, arranged or intended to be occupied.” Where the verb “use” is employed, it shall be construed as if followed by the words “or is intended, arranged designed, built, altered, converted, rented or leased to be used.”
3. The word “shall” is mandatory and not directory.
4. All distances and areas refer to measurements in a horizontal plane and are to be accurate only to the nearest foot for distance measurement.
5. The words “this Article” and/or “this Ordinance” shall include amendments including amendments to the Zoning Map.

### **Section 2 – Amendments**

1. No change or amendment to this Ordinance shall be adopted until after the Planning Board and the City Council (or a committee of the same designated or appointed for the purpose) have held hearings required by law. (M.G.L. Ch. 40A) Following hearings, no change shall be adopted except by a two-thirds (2/3) vote of all the members of the City Council; provided, that if there is filed with the City Clerk prior to final action by the City Council written protest against such change, stating the reasons, duly signed by the owners of twenty percent (20%) or more of the area proposed to be included in such change, or of the area of the land immediately adjacent, extending three hundred (300) feet therefrom, no such change of the Ordinance shall be adopted except by a three-fourths (3/4) vote of all the members of the City Council. (M.G.L. Ch. 40A)
2. When an amendment to this Ordinance or a change in the districts or their boundaries occurs subsequent to the date this Ordinance becomes effective, the right to continue to use or maintain any building, structure or premises which was lawful when such amendment or change became effective shall not be impaired by any such amendment or change, except as provided in Chapter 40A of the General Laws.

### **Section 3 – Repeal/Validity of Prior Action**

As of the effective date of this Ordinance the previously existing Zoning Ordinance of the City of Worcester is hereby repealed. Any existing Ordinances or such parts thereof as may be inconsistent herewith are also hereby repealed. Except as otherwise provided in Chapter 40A of the General Laws, the adoption of this Ordinance shall not affect the validity of any action lawfully taken under the provision of the Ordinance in effect prior to the date this Ordinance becomes effective.

### **Section 4 – Statutory References**

References to the Massachusetts General Laws, wherever they appear in parentheses in this Ordinance, are not a part of this Ordinance, but are inserted for purposes of assistance and reference only.

### **Section 5 – Marginal Notes and Illustrations**

Marginal notes and illustrations, wherever they appear in this Ordinance, are not a part of this Ordinance, but are inserted for purposes of assistance and reference only.

### **Section 6 – Severability**

It is hereby declared to be the intention of the City of Worcester that nothing in this Ordinance shall be construed to conflict with the laws of the Commonwealth of Massachusetts or to limit additional requirements, if any, imposed by law. This Ordinance and the various Articles, sections, paragraphs, sentences, clauses or phrases are severable. If any Article, section, paragraph, sentence, clause or phrase of this Ordinance shall be declared unconstitutional by the decree of any court of competent jurisdiction, such constitutionality shall not effect any of the remaining Articles, sections, paragraphs, sentences, clauses or phrases of this Ordinance.

**Amendments**

**6334**

**AN ORDINANCE AMENDING ARTICLE IV SECTION 8(II)(F) OF  
THE ZONING ORDINANCE OF APRIL 2, 1991 AND DESIGNATED AS  
APPENDIX D OF THE REVISED ORDINANCES OF 1986**

Be it ordained by the City Council of the City of Worcester as follows:

Section 1

Section 8(II)(F) of Article IV of Appendix D of the Revised Ordinances of 1986 be and is hereby amended by deleting Section 8 (II) (F) which presently reads as follows:

“F. Animals or birds, other than customary household pets, are excluded in all residential districts”

and inserting in lieu thereof the following new Section 8 (II) (F):

“F. Animals or birds, other than customary household pets are excluded in all residential districts, provided however, that Racing/Carrier pigeons shall be an allowed accessory use in RS-7 districts”.

**In City Council January 5, 1993**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**AN ORDINANCE AMENDING ARTICLE IV OF THE CITY OF WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991 AND DESIGNATED APPENDIX D OF THE REVISED ORDINANCES OF 1986 BY ADDING A NEW LINE 20 TO THE GENERAL USE CATEGORY OF TABLE 4.1**

Be it ordained by the City Council of the City of Worcester as follows:

Article IV of the City of Worcester Zoning Ordinance adopted April 2, 1991 and designed Appendix D of the Revised Ordinances of 1986 is hereby amended by adding the following new Line 20 to the General Use Category of Table 4.1

**PERMITTED USES BY ZONIG DISTRICTS TABLE 4.1 GENERAL USE**

20	RS	RS	RL	RG	BO	BO	BL	BG	BG	BG	BG
Any exempt	10	7	7	5	1.0	2.0	1.0	2.0	3.0	4.0	6.0
religious or	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
educational use											
(See Art. XIII;											
M.G.L. c. 40A, s. 3)											
	ML	ML	ML	MG	MG	MG	IP	IN	IN	A	
	0.5	1.0	2.0	0.5	1.0	2.0	0.33	S	H	1	
	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

**In City Council June 1, 1993**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

**AN ORDINANCE AMENDING SECTION 3 OF ARTICLE VI OF THE ZONING ORDINANCE ADOPTED APRIL 2, 1991 AND DESIGNATED AS APPENDIX D OF THE REVISED ORDINANCES OF 1986 RELATIVE TO THE DESIGNATION OF THE FLOODPLAIN OVERLAY DISTRICT**

Be it ordained by the City Council of the City of Worcester as follows:

Section 3 of Article VI of the Zoning Ordinance adopted April 2, 1991 be and is hereby amended by deleting the text of said section in its entirety and inserting in lieu thereof the following new text:

“The Floodplain Overlay District includes those special flood hazard areas identified on the Flood Insurance Rate Map (FIRM) dated August 15, 1980, as revised by a Letter of Map Revision (LOMR) dated December 16, 1992, issued by the Federal Emergency Management Agency (FEMA).”

**In City Council August 24, 1993**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**



**AN ORDINANCE AMENDING SECTION 8 OF ARTICLE IV AND SECTION 6(1) OF ARTICLE II OF THE ZONING ORDINANCE DATED APRIL 2, 1991 AND DESIGNATED AS APPENDIX D OF THE REVISED ORDINANCES OF 1986**

Be it enacted by the City Council of the City of Worcester as follows:

SECTION 1. Section 8 of Article IV of the Zoning Ordinance, dated April 2, 1991 and designed as Appendix D of the Revised Ordinances of 1986 is hereby amended by adding the following sub-section "V. Private Driveways In All Districts", which reads as follows:

V. Private Driveways In All Districts

- A. Private or common driveways that serve three (3) or more lots are prohibited except through the issuance of Special Permit by the Planning Board.
- B. Private or common driveways cannot be used to satisfy or calculate frontage requirements.
- C. The construction of private or common driveways must be in accordance with the standards outlined in the City of Worcester Subdivision Control Regulations.
- D. Private or common driveways must access the lots over approved frontage.
- E. Private or common driveways may not exceed three hundred (300) feet in length.

SECTION 2. Section 6 of Article II of the Zoning Ordinance, dated April 2, 1991 and designated as Appendix D of the Revised Ordinances of 1986 is hereby amended by deleting the existing subsection (1) and inserting in lieu thereof the following:

- 1. The Worcester Planning Board shall be the Special Permit Granting Authority (SPGA) for all Special Permits issued under Article IV, Section V – Private Driveways, and Articles VII, VIII, IX, X and XII.

**In City Council September 28, 1993**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**AN ORDINANCE AMENDING APPENDIX D OF THE REVISED ORDINANCES OF 1986, “THE ZONING ORDINANCE”**

Be it ordained by the City Council of the City of Worcester, as follows:

Appendix D of the Revised Ordinances of 1986, “The Zoning Ordinance” is hereby amended as follows:

1. by deleting the definition of “Campus” in Article I, section 2, therein and inserting in lieu thereof the following.

“A campus is the single geographic area (even though such area may be divided by public or private streets, rivers or parks) comprised of grounds and buildings owned or occupied by a licensed hospital or its affiliates or by a nonprofit academic or professional college or university.”

2. by inserting after the definition of “Campus” in Article I, section 2, therein the following new defined term:

“Carport – An attached roof projecting from the side of a building, used as a shelter for an automobile.”

3. by deleting the definition of “Code Commissioner” in Article I, section 2, and inserting in lieu thereof the following:

“Code Director – The city officer responsible for the enforcement of the Zoning Ordinances by virtue of the Revised Ordinances of the City of Worcester.”

4. by deleting the designation “Code Commissioner” whenever and wherever it appears in this Zoning Ordinance and inserting in lieu thereof the designation “Code Director”.

5. by deleting “two (2)” in line 2 of the definition of “Dwelling, Single Family Attached” in Article I, section 2, and inserting in lieu thereof “three (3)”.

6. by inserting the phrase “for example, a duplex” after the words “lot line” at the conclusion of the definition of “Dwelling, Single Family Semi-Detached” in Article I, section 2.

7. by deleting the words “may provide” in the definition of “Food Service Establishment, Fast Food/Drive-In” in Article I, section 2, and inserting “provides” in lieu thereof.

8. by inserting after the definition of “Frontage, Street”, in Article I, section 2, the following new definition”

“Garage – Private – A building or part of a building in which to park a car or cars.”

9. by inserting after the definition of “Garage, Private”, as inserted by item 8 above, in Article I, section 2, the following new definition:

“Garbage – The animal, vegetable or other organic waste resulting from the handling, preparation, cooking, or consumption of food.”

10. by inserting after the definition of “Open Space” in Article I, section 2, the following new definition:

“Open Space Zones – Publicly owned property such as parks, conservation areas and great ponds which are open subject to special land use restrictions for open space protection under State law. These properties are designated on the Zoning Map under the provisions of M.G.L. Chapter 40, Section 32B. OS-P – parks and OS-C – Conservation areas.”

11. by inserting after the definition of “Recreational Vehicle” in Article I, section 2, the following new definition:

“Refuse – Putrescible or nonputrescible (decayable) solid waste materials, consisting of all combustible and noncombustible solid wastes including garbage and rubbish, but not including sewage or liquid wastes.”

12. by inserting after the definition of “Refuse”, as inserted by item 11 above, in Article I, section 2, the following new definition:

“Refuse Transfer Station Facility –

A solid waste handling facility used for the loading

of solid waste (refuse) from one container or vehicle to another prior to transporting to the location of further processing or treating or ultimate disposal. Refuse or dumpster type containers physically located on the premises they serve and used by the occupants of the premises shall not be considered a transfer station under this ordinance.”

13. by inserting after the definition of “Restaurant” in Article I, section 2, the following new definition:

“Rubbish – Combustible or noncombustible solid waste materials, except garbage and sewage, including but not limited to such materials as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, grass clippings, tin cans, metals, minerals matter, glass, crockery, dust, ashes, construction wastes, industrial wastes, commercial wastes, demolition wastes, agricultural wastes, abandoned vehicles, street sweepings, bulky wastes, the residue from the burning of wood, coal, coke or other combustible materials and any other unwanted or discarded material.”

14. by inserting after the definition of “Sign, accessory” in Article I, section 2, the following new definition:

“Sign, Awning – A sign painted on, printed on or attached flat against the surface of an awning which is constructed of non-rigid materials on a supporting framework.”

15. by deleting in its entirety the definition of “Sign Free Standing” in Article I, section 2, and inserting in lieu thereof the following:

“Sign, Freestanding – A sign supported permanently upon the ground by poles or braces and not attached to any building.”

16. by deleting in its entirety the definition of “Sign, Ground” in Article I, section 2, and inserting in lieu thereof the following:

“Sign, Ground – A sign, also called a blade sign, which is anchored to the ground similar to a pylon or freestanding sign but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same for freestanding signs.”

17. by deleting the word “pole” in the fourth line of the definition of “Sign, Projecting” in Article I, section 2, and inserting in lieu thereof the word “freestanding”.

18. by inserting after the definition of “Site Plan Approval” in Article I, section 2, the following new definition:

“Solid Wastes – Any unwanted or discarded solid material.

Solid wastes are classed as refuse. Remove old definition of transfer station. Under Open Lot Storage in Table 4.1, add refuse transfer station facility. Also, add provisions for dumpster and compactors in Accessory Uses (Article IV, Section V)”.

19. by inserting after the definition of “Solid Wastes”, inserted by item 16 above, in Article I, section 2, the following new definition:

“Special Event – Circuses, fairs, carnivals, festivals or other types of special events that: (1) run for longer than one (1) day but not longer than two (2) weeks; (2) are intended to or likely to attract substantial numbers of people; and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.”

20. by deleting in its entirety the term “Transfer Station” and its definition from section 2 of Article I.

21. by deleting the reference to “Section 7(4)(B)” in the third line of paragraph 2 of section 6 of Article II and inserting in lieu thereof “Section 7(4)(B)(1) through 7(4)(B)(4)”.

22. by inserting after the word “Clerk” in the eighteenth line of paragraph 3 of section 7 of Article II the words “and OPCD”.

23. by inserting in the fifth line of subparagraph D of paragraph 4 of section 7 of Article II the words “and OPCD”.

24. by deleting the words “the City Clerk” in line 1 of subparagraph D(2) of paragraph 4 of section 7 of Article II and inserting in lieu thereof “OPCD”.

25. by deleting the words “the City Clerk” in the second line of paragraph 2 of section 9 of Article II and inserting in lieu thereof “OPCD”.

26. by inserting in Section 1 of Article III after “Airport District, A-1: Airport” a new zoning district as follows:

“OPEN SPACE ZONES: OS-P Parks OS-C Conservation Areas”

27. by deleting the date “April 29, 1963” from the third line of section 2 of Article III and inserting in lieu thereof “December 30, 1991”.

28. by amending the table of permitted uses, Table 4.1, in section 2 of Article IV so as to provide as follows:

“Residential Use:

2. Dormitory: Special Permit BO-1.0 and BO-2.0
3. Family Day Care: By right in all zones
4. Fraternity/Sorority/Cooperative: Special Permit BO-1.0 and BO-2.0
5. Group Residence: Permitted in all zones
6. Lodging Houses: N, RL-7; Special Permit, RG-5  
And all business zones
10. Single Family Attached: No, RS-10 and RS-7
13. Temporary Shelter: Special Permit all zones

General Use:

1. Agriculture, horticulture, viticulture, floraculture  
on parcels less than five (5) acres

3. Clinic: Special Permit, RG-5
4. Club, lodge, other private grounds: Special Permit, BO-1.0 and BO-2.0
6. Heliport: No, BO-1.0, BO-2.0 and BL-1.0
10. Non-accessory residential parking: Special Permit, RL-7, RG-5, BO-1.0 and BO-2.0
11. Non-Residential parking facility: Special Permit, BO-1.0 and BO-2.0
13. Open lot storage of more than one (1) unregistered Automobile (in excess of seven (7) days): No, BO-1.0 and BO-2.0
15. Radio/TV/Communication Tower: Special Permit, BO-1.0, BO-2.0, BL-1.0, BG-2.0, BG-3.0 and BG4.0
18. Schools (vocational, professional, other) . . . profit: Special Permit, BL-1.0

Business Use:

5. Food service (drive-in, take-out): Special Permit, BL and BG
14. Motel, hotel, inn: Special Permit, BL-1.0
26. Theatre, motion picture theatre, concert hall: Special Permit, BL-1.0
27. Wholesale business or storage conducted entirely within an enclosed structure (with noise, dust, fumes, gases and odors confined to the premises): Yes, MG-0.5

Manufacturing Uses:

7. Open lot storage, underground storage, salvage, recycling operations, refuse transfer station facility: includes flammable liquids/gas”

29. by inserting in the “notes to Table 4.1” in section 2 of Article IV as a new note as follows:

11. For State licensed group homes subject to State Law, Chapter 40A, Section 3 and current judicial decisions, the City must adhere to State mandates relative to their siting and control. Notwithstanding any provisions to



the contrary, group homes for mentally and physically disabled persons shall be permitted in all zones by State law.

30. by amending the table of permitted dimensions by district, Table 4.2 in section 2 of Article IV, so as to make the provisions of “Attachment I’ supersede any inconsistent provisions of Table 4.2.

31. by inserting in Table 4.2 in section 2 of Article IV, under the categories “Lot Area” and “Frontage” the designation “per du” whenever a numeral appears without such designation.

32. by deleting the phrase “most restrictive abutting zoning district” in Note 3 in the “Notes to Table 4.2” in section 2 of Article IV and inserting in lieu thereof the following:

“abutting zoning district nearest to the structure to be built.”

33. by inserting in the “Notes to Table 4.2” in section 2 of Article IV a new note as follows:

4. Due to State mandates under Chapter 30A, Section 3 and other judicial decisions and notwithstanding any provisions of the contrary, any group home for mentally and physically disabled persons shall meet all the dimensional requirements of a single family dwelling.

34. by amending Table 4.3 of Article IV by:

- a) changing “100” to “30” for the maximum size (in square feet) for a sign in a BL zone;
- b) changing “no” to “yes” for category 2 “Ground” under columns “BO” and “BL”;
- c) changing “no” to “yes” for category 4 “motion” under column “BL”;
- d) changing “no” to “yes” for category 6 “non-accessory” under column “BG”;
- e) changing “no” to “yes” for category 20 “roof” under column “BL”;
- f) inserting in the footnote to Table 4.3 after the word “type” the word “location”; and
- g) deleting the word “is” in the footnote to Table 4.3 and

inserting in lieu thereof “are”.

35. by amending the off-street parking requirements table, “Table 4.4”, in Article IV, section 7(1)(E)(1), by deleting the word “Licensed” in the column labeled “Number per Measurement Unit” for the category: “Residential, Lodging House.”

36. by inserting after the off-street parking requirements table, “Table 4.4”, in Article IV, section 7(1)(E)(1), a new section labeled “Notes to Table 4.4” as follows:

“Notes to Table 4.4

1. In no event shall the parking requirements for a group home housing mentally or physically disabled persons exceed two (2) spaces per dwelling unit.”

37. by deleting the words “Wherever land areas and contours warrant” from the first-two lines of subsection 7(I)(E)(5) of Article IV and capitalizing the first letter of the word “Parking”.

38. by inserting the phrase”, excluding parking,” after the words “accessory uses” in the first line of subsection 8(I)(B) of Article IV.

39. by inserting the word “parking” after the word “excluding” in the first line of subsection 9(II)(A).

40. by inserting the word “separate” after the words “by a” in the sixth line of subsection 8(II)(C) of Article IV.

41. by inserting after the word “districts” in the second line of subsection 8(II)(F) the following:

“except upon the granting of a Special Permit by the Zoning Board of Appeals.”

42. by inserting a new subsection (“V”) in section 8 of Article IV as follows:

“V. Refuse Transfer Station Facilities as Accessory Uses

A. Refuse transfer station facilities are considered accessory Uses provided the following requirements are met:

1. The handling of solid waste is not a primary use on the property.
2. No more than 100 cubic yards of solid waste are stored on the property at any given time.
3. Solid waste storage containers, including dumpsters and compactors, shall not exceed 50 cubic yards.
4. An opaque visual barrier (e.g. vegetation, walls and/or fencing) must be placed around all solid waste storage containers so as to block the view of the containers from adjacent residential uses in residential areas. The visual barrier shall be constructed and placed to a maximum height as appropriate to protect the view of abutters.

B. Refuse transfer station facilities are not allowed as accessory uses in residential zones, except during demolition and construction.

C. Refuse transfer station facilities as accessory uses shall be set back a minimum of 50 feet from any adjacent residential zone.”

43. by inserting in the table referred to in subsection 4 of section 2 of Article V, “Table 5.1”, a new category as follows:

“Properties listed on the National Registry of Historic Places and Properties abutting National Register sites.”

44. by deleting note number “1” in the footnote in the table referred to in subsection 4 of section 2 of Article V, “Table 5.1”.

45. by deleting the references to the “Department of Code Inspection” and the “Health Department” in the eighth and ninth lines of subsection 2 of section 4 of Article V and inserting in lieu thereof “Department of Health and Code Enforcement.”

46. by deleting in its entirety section 7 of Article VI.

47. by deleting the word “setbacks” in the first line of subsection 3 of section 2 of Article VIII and inserting in lieu thereof the word “setback”.

48. by deleting the words “of land” in the third line of section 2 of Article X and inserting in lieu thereof the phrase “on a parcel of land three (3) acres or greater”.

49. by deleting the word “A” in the first line of section 4 of Article X and inserting in lieu thereof the following:

“In lieu of a development under conventional dimensional controls as provided in Article III and IV, a”

50. by inserting the word “residential” three times in section 2 of Article XI as follows:

- after the word “new” in the first line of subparagraph 1;  
and
- after the word “All” in the first line of subparagraph 2;  
and
- after the word “new” in the first line of subparagraph 3.

51. by inserting after the word “level” in the seventh line of subsection 2 of section 2 of Article XI the phrase “of 25 dba”.

52. by deleting the definition of “Solid Waste” in section 3 of Article XII and inserting in lieu thereof the following:

“Unless, unwanted or discharged solid material with insufficient liquid content to be free flowing. This includes, but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, sanitary landfill, junkyard, salvage, yard/ automobile graveyard. Solid wastes are classed as refuse.”

53. by deleting the table referred to in section 5 of Article XII, “Table 12.1”, and inserting in lieu thereof the new Table 12.1 attached hereto.

54. by deleting that portion of section 6 of Article XII beginning with the word “entire” in the fifth line and ending with the word “Section 7.3” in the seventh line and inserting in lieu thereof the following:

“expanded, reconstructed, altered or changed portion of the building meets the approved criteria set forth in section 7-3; provided that any such special permit shall be granted with the condition that any existing underground storage tanks located on the entire site shall be removed

and may be replaced with above ground storage facilities that meet the approved criteria set forth in 7.3E(3).”

55. be deleting the words “maximum seasonal groundwater” in the third and fourth lines of subparagraph (1) of paragraph 3(E) of section 7 of Article XII and inserting in lieu thereof the words “historic high water”.

**In City Council November 16, 1993**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays**

AN ORDINANCE AMENDING SECTION 2 OF ARTICLE IV OF THE ZONING ORDINANCE ADOPTED APRIL 2, 1991 AND DESIGNATED APPENDIX D OF THE REVISED ORDINANCES OF 1986 RELATIVE TO THE TABLE OF PERMITTED USES

Be it ordained by the City Council of the City of Worcester as follows:

Section 1. Section 2, Table 4.1 of Article IV of the Zoning Ordinance adopted April 2, 1991 and designated as Appendix D of the Revised Ordinances of 1986 be and is hereby amended, under the Category of Business Uses, Item No. 27 – Wholesale business or storage conducted entirely within an enclosed structure (with noise, dust, fumes, gases and odors confined to the premises) – by deleting, under the column of zoning district ML 0.5, the letter “N” and inserting in lieu thereof the letter “Y”.

**In City Council April 5, 1994**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays**

AN ORDINANCE AMENDING APPENDIX D, ARTICLE IV, SECTION 2, TABLE 4.2 OF THE REVISED ORDINANCES OF 1986, THE ZONING ORDINANCE

Be it ordained by the City Council of the City of Worcester, as follows:

Article IV, Section 2, Table 4.2 of Appendix D of the Revised Ordinances of 1986, "The Zoning Ordinance" is hereby amended by deleting the following:

<u>District</u>	<u>Use</u>	<u>Lot Area</u>	<u>Frontage</u>
RL-7	Two-Family Dwelling	8,000 per du	70 per du
	Three-Family Dwelling	9,000 per du	75 per du
	Multi-Family Dwelling		
	First Unit	7,000 per du	65 per du
	Other Non-Residential	7,000 per du	65 per du
RG-5	Two-Family Dwelling	6,000 per du	55 per du
	Three-Family Dwelling	7,000 per du	60 per du
	Multi-Family Dwelling		
	First Unit	5,000 per du	50 per du
	Other Non-Residential	5,000 per du	50 per du
IPO.33	All	75,000 per du	200 per du

And inserting in lieu thereof the following:

RL-7	Two-Family Dwelling	8,000	70
	Three-Family Dwelling	9,000	75
	Multi-Family Dwelling		
	First Unit	7,000	65
	Other Non Residential	7,000	65
RG-5	Two-Family Dwelling	6,000	55
	Three-Family Dwelling	7,000	60
RG-5	Multi-Family Dwelling		
	First Unit	5,000	50
	Other Non-Residential	5,000	50
IPO.33	All	75,000	200

**In City Council July 12, 1994**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays**



AN ORDINANCE AMENDING APPENDIX D, THE “ZONING ORDINANCE” OF THE REVISED ORDINANCES OF 1986, RELATIVE TO LIMITED RESIDENTIAL HOSPICES

Be it ordained by the City Council of the City of Worcester as follows:

Section 1.

By inserting after the definition of “Least Set-Back” in Article I, Section 2, the following new definition:

LIMITED RESIDENTIAL HOSPICE HOUSE – A single family detached dwelling in which care is given to terminally ill patients who have a medically documented prognosis of less than six months to live. Hospice services given in a Limited Residential Hospice House under this ordinance must be provided by a non-profit entity that holds a license as a hospice care program from the Department of Public Health of the Commonwealth of Massachusetts, pursuant to G.L. Chapter 111, section 57D and 105 CMR Section 141.000.

Section 2.

By inserting in Article IV, Section 2, Table 4.1 – Residential Use, the following new line:

16. Limited Residential Hospice House					
RS-10	RS-7	RL-7	RG-5	BO-1	BO-2
BL-1					
SP	SP	SP	SP	N	SP
N					
BG-2	BG-3	BG-4	BG-6	ML-.5	ML-1
ML-2					
N	N	N	N	N	N
N					
MG-.05	MG-1	MG-2	IP-.33	IN-S	IN-H
A-1					
N	N	N	N	N	N
N					

### Section 3.

By inserting, in Article IV, Section 2, Notes to Tables 4.1, the following new note:

In addition to the special permit review criteria in Article II, a Limited Residential Hospice House shall also conform to the following conditions in order to be eligible for grant of a special permit; a) no more than two (2) persons unrelated by marriage may live in each bedroom within the Limited Residential Hospice House; b) there shall be a maximum of two (10) bedrooms in the Limited Residential Hospice House; c) no external signs shall be placed on the property, except with the approval of the Board of Appeals; and d) the maximum number of hospice residents in the limited residential hospice house shall not exceed sixteen (16) in number.

### Section 4.

By inserting, in Article IV, Section 4, Table 4.2, the following specific dimensional requirements for Limited Residential Hospice House in the applicable section of the table

District	Use	Lot Area	Frontage	Front Yard	Side Yard	Rear Yard	Height in Stores	Height in Feet	F.A.R .
RS-10	Limited Residential Hospice House	40,000	80	25	10	20	2+	35	N/A
RS-7	Limited Residential Hospice House	30,000	65	25	10	20	2+	35	N/A
RI-7	Limited Residential Hospice House	20,000	65	25	10	20	3+	50	N/A
RG-5	Limited Residential Hospice House	15,000	50	20	10	10	3+	50	N/A

### Section 5.

By inserting in Article IV, Section 7(E), Table 4.4, the following new Line under the sub-heading "Residential":

Limited Residential Hospice House	0.5 per bed, plus (1) per employee living on the premises
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**In City Council January 3, 1995**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays**

AN ORDINANCE AMENDING APPENDIX D, THE “ZONING ORDINANCE” OF THE REVISED ORDINANCES OF 1986, RELATIVE TO TEEN/YOUTH CENTERS

Be it ordained by the City Council of the City of Worcester as follows:

Section 1.

By inserting after the definition of “Substantial Improvements” in Article I, Section 2, the following new definition:

TEEN/YOUTH CENTER – A place, structure, area or other facility used for and providing a program mix of recreational, educational and drop-in programs generally open to the teen/youth public and designed to accommodate and serve significant teen/youth segments of the community.

Section 2.

By inserting in Article IV, Section 2, Table 4.1 – General Use, the following new line:

21. Teen/Youth Center

RS-10	RS-7	RL-7	RG-5	BO-1.0	BO-2.0
BL-1.0					
N	N	N	N	SP	SP
SP					
BG-2.0	BG-3.0	BG-4.0	BG-6.0	ML-.5	ML-1.0
SP	SP	SP	SP	SP	SP
ML-2.0	MG-.05	MG-1.0	MG-2.0	IP-.33	IN-S
SP	SP	SP	SP	N	N
IN-H	A-1				
N	N				

**In City Council March 7, 1995**

**Passed to be ordained by a yeas and nays vote of Ten Yeas and No Nays**

AN ORDINANCE AMENDING APPENDIX D, THE “ZONING ORDINANCE” OF THE REVISED ORDINANCES OF 1986, RELATIVE TO THE CREATION OF A FLEXIBLE PARKING OVERLAY DISTRICT IN THE SHREWSBURY STREET AREA

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, dated April 2, 1991, as revised, designed as Appendix D of the Revised Ordinances of 1986 is hereby further amended as follows:

SECTION 1.

By inserting after Article XIV, the following new Article XV:

**ARTICLE XV  
FLEXIBLE PARKING OVERLAY DISTRICT**

Section 1 – Purpose

The purposes of the Flexible Parking Overlay District (FPOD) are:

1. To promote the health, safety and general welfare of the community.
2. To promote the expansion of restaurants as a compatible land use within the FPOD, by establishing a flexible off-street parking approval procedure.
3. To reduce the amount of land devoted to restaurant parking areas, and to decrease land use compatibility problems within the FPOD.
4. To enhance the pedestrian environment and improve site layouts of restaurant properties within the FPOD.

Section 2 – Application and Jurisdiction

- A. The provisions of the Flexible Parking Overlay District (FPOD) apply to all restaurant uses, existing or proposed, within the FPOD.
- B. Notwithstanding anything to the contrary contained in Article IV, Section 7, the Planning Board shall be authorized to grant a special permit to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas, layout

requirements, and the number of required spaces, up to a maximum of seventy-five percent of the requirements otherwise set forth therein.

### Section 3 – Establishment of Flexible Parking Overlay District Zones

A Flexible Parking Overlay District (FPOD) is hereby established. The boundaries of the FPOD are shown on the Official Zoning Map.

### Section 4 – Review Standards

- A. In addition to the special permit review criteria under Article II of this Ordinance, the Planning Board shall also review the special permit application for conformance with the following planning and design objectives.
1. Whether the proposed modifications furthers the objectives of the FPOD.
  2. The relationship of the modifications to other planning considerations for the area and the city of Worcester as a whole, including the plans, programs and policies of the various departments and agencies of the city.
  3. The impact of the required modifications on neighborhood properties.
  4. Whether the restaurant use, with the requested modifications, will have adequate parking, through a combination of on- and off-site locations, to provide for the needs of such use.
- B. An application for a special permit under this Article shall be accompanied by such plans and information as are otherwise required in connection with the parking lot approval process set forth in Article IV, Section 7. Any project which receives a special permit under this Article shall be deemed to have also received, where applicable, its parking plan approval for purposes of Article IV, Section 7.

## SECTION 2.

By inserting, after the designation “WR: Water Resources Protection” under the category of OVERLAY DISTRICTS, in Article III, Section 1, the following additional designation:

“FP: Flexible Parking”

### SECTION 3.

By amending Article III, Section 2 to alter the official zoning map of the city to create an overlay district comprised as follows:

Beginning at the intersection of Shrewsbury Street and Interstate 290 traveling easterly, 800 feet to the intersection of Shrewsbury Street and East Worcester Street;

THENCE: 1,650 feet easterly, following East Worcester Street to the MBTA railroad tracks;

THENCE: northeasterly, following the MBTA railroad tracks for a distance of 3,950 feet;

THENCE: turning northerly, 400 feet to a point terminating 100 feet northerly of the intersection of Shrewsbury Street and Liscomb Street;

THENCE: 500 feet southwesterly, to eastern terminus of Imperial Place;

THENCE: 350 feet westerly, to the intersection of Imperial Place and Imperial Road:

THENCE: 150 feet southerly, along the centerline of Imperial Road;

THENCE: 250 feet southwesterly, to the intersection of Adams and Chilmark Streets;

THENCE: 250 FEET WESTERLY ON Chilmark Street to its Intersection with Araia Street;

THENCE: traveling southerly, 150 feet along he centerline of Araia Street to the intersection of Araia and Wilson Streets;

THENCE: following the centerline of Wilson Street 1,875 feet westerly to the intersection with East Park Terrace;

THENCE: following East Park Terrace southerly, 450 feet to its southern terminus, then southerly, 220 feet along the eastern boundary of Cristoforo Columbo Park to Shrewsbury Street;

- THENCE: traveling southwest on Shrewsbury Street 550 feet to the southwest corner of Cristoforo Columbo Park;
- THENCE: traveling 270 feet north along the border of Cristoforo Columbo Park, then 150 feet southwesterly to the northern terminus of Risso Court;
- THENCE: 150 feet south, along the westerly boundary of Risso Court;
- THENCE: 400 feet southwesterly to Shamrock Street;
- THENCE: 100 feet southerly, along the centerline of Shamrock Street, then 100 feet west and 50 feet south along the existing BG-3.0 zone line to East Central Street;
- THENCE: following East Central Street along its centerline west, for 1,330 feet to the intersection of East Central Street and Interstate 290;
- THENCE: following Interstate 290 south for 1,200 feet to the intersection of Interstate 290 and Shrewsbury Street to the point of beginning.

The above described area constitutes the Flexible Parking Overlay District (FPOD) as established under Article XV of the “Zoning Ordinance.”

**In City Council September 5, 1995**

**Passed to be ordained by a yea and nay vote of Eight Yeas and No Nays**



AN ORDINANCE AMENDING ARTICLE TWO OF THE ZONING  
ORDINANCE

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, Article II, Section 7 is hereby amended:

1. by deleting sub-section "1" thereof and inserting in lieu thereof the following new sub-section "1":

"1. Establishment – References in this Ordinance to the Zoning Board of Appeals shall mean the agency of the City established under Article Six of the Home Rule Charter and codified in the "Organization of City Agencies" portion of the Revised Ordinances of 1996."

2. by deleting sub-sections "2" and "3" thereof in their entirety; and
3. by renumbering sub-section "4" thereof as sub-section number "2"

**In City Council March 12, 1996**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays**

AN ORDINANCE AMENDING ARTICLE VI OF THE WORCESTER  
ZONING ORDINANCE, ADOPTED APRIL 2, 1991 RELATIVE TO THE  
FLOODPLAIN OVERLAY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

SECTION 1.

Article VI, Section 3 of the Worcester Zoning Ordinance is hereby amended by deleting it in its entirety, and inserting in lieu thereof the following:

“Section 3 – Definition and Establishment of the Floodplain Overlay District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated as Zone A., AH, AO, A1-30 on the Worcester Flood Insurance Rate Map (FIRM) and Flood Boundary & Floodway Map issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated August 15, 1980, as revised by a Letter Of Map Revision (LOMR) dated December 16, 1992, issued by the Federal Emergency Management Agency (FEMA), both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated February 1980. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the City Clerk, Planning Board, Public Health & Code Enforcement Department, Conservation Commission and the City Manager’s Office of Planning & Community Development (OPCD).”

SECTION 2.

Article VI, Section 5 of the Worcester Zoning Ordinance is hereby amended by adding the following new sub-section at the end thereof:

“4. Compliance

All development in the Floodplain Overlay District, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- a. that section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2102.2, “Flood Resistant Construction”);
- b. the state Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c. the Inland Wetlands Regulations, Department of Environmental Management (DEM) (currently 302 CMR 6.00);
- d. the minimum requirements for the Subsurface Disposal of Sanitary Sewage Regulations, DEP (currently 319 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.”

**In City Council August 20, 1996**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays**

AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE,  
ADOPTED APRIL 2, 1991, RELATIVE TO ADULT ENTERTAINMENT  
USES

Be it ordained by the City Council of the City of Worcester as follows:

1. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following new definitions in § 2 of Article I thereof:

"ADULT BOOKSTORE - an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, §31."

"ADULT ENTERTAINMENT ESTABLISHMENT - an establishment or venue whereby one or more of the following uses, as defined under this ordinance, is conducted, sponsored, produced or otherwise allowed to take place upon the property: adult bookstore; adult motion picture theatre, adult establishment which displays live nudity for its patrons, adult paraphernalia store, adult video store."

"ADULT MOTION PICTURE THEATRE - an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, §31."

"ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS - any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in G.L. c. 272, §31."

"ADULT PARAPHERNALIA STORE - an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L. c. 272, §31."

"ADULT VIDEO STORE - an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, §31."

2. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting in Article IV, § 2, Table 4.1 - Business Uses, line 1, the

words, "Adult book/merchandise store; adult picture theatre; nude dancing and /or entertainment" and inserting in lieu thereof the words, "Adult entertainment establishments."

3. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following new section ten at the end of Article IV:

#### Section 10 - Adult Entertainment Establishments

A. An adult entertainment establishment may be operated only in the zoning district(s) determined by Table 4.1 and only then upon the issuance of a special permit by the Zoning Board of Appeals acting in accordance with this ordinance and the standards set forth in this section.

B. No special permit shall be granted for any adult entertainment establishment located within five hundred linear feet, measured from any exterior property line of the property said use is to be located upon, to any exterior property line of any:

1. property zoned or used for residential purposes; or
2. other adult entertainment establishment; or
3. establishment licensed under the provisions of G.L. c. 138, §12; or
4. day care center, municipally-owned property, public or private elementary or secondary school; or
5. church/place of worship, clinic, convalescent home/institution, funeral undertaking establishment, hospital or sanatorium, library or nursing home/institution.

C. No special permit shall be granted for any adult entertainment establishment owned, controlled or managed by any person convicted of violating the provisions of G.L. c. 119, §63, or G.L. c. 272, §28.

D. No special permit shall be granted for any adult entertainment establishment unless the ZBA shall have made detailed findings, based upon the required submissions in the following subsections E and F, that:

1. The specific site is an appropriate location for such use in accordance with the standards set forth in the foregoing subsection B;

2. The use as developed and carried on will not adversely affect the neighboring properties or people.

3. The use as developed and carried on will not create a nuisance or serious hazard to vehicles or pedestrians traveling into, out of and about the premises.

4. The use as developed shall provide adequate and appropriate facilities for its proper operation, taking into account the public health and welfare of its patrons and the surrounding environs of the property.

E. In addition to the submittal requirements and review standards pertaining to administration, application and submission requirements, fees, powers, hearings and time limits, provided in Article II of this ordinance, each applicant for a special permit under this section shall submit:

1. A security plan detailing how the property will be policed so as to avoid unruly and/or illegal activities from taking place upon the applicant's property and to deter and prevent incidents of vandalism, loitering and other associated activities upon its property.

2. A plan to protect adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features.

3. Evidence that adequate stormwater and drainage facilities are available or will be provided to service the use; this information shall be contained on the site plan submitted under subsection F. The site plan shall also demonstrate the adequacy of water supply and sewerage disposal facilities to service the site and the proposed use.

4. Evidence of that the adult entertainment establishment will not generate excessive noise so as to create a disturbance and nuisance to adjacent or neighboring properties.

F. Each application for a special permit under this section shall include a site plan showing:

1. The location, arrangement, appearance and sufficiency of off-street parking and loading. In computing the required off-street parking under Article IV, the proposed adult entertainment establishment shall calculate its required parking pursuant to the category entitled, "Food service/Lounge/Nightclub" set forth in Table 4.4.

2. The adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.

3. The location and adequacy of fire lanes and other emergency zones, and the location of fire hydrants, where applicable.

4. The location, arrangement, size, design and general site compatibility of lighting and signs to be erected thereon. Any outdoor lighting used to advertise the business operated on the premises, and/or to illuminate the off-street parking areas, shall not cause a nuisance to adjacent properties.

5. A plan detailing the adequacy, type, and arrangement of trees, shrubs and other landscaping which shall constitute a visual and/or noise buffer between the applicant's land and the adjoining lands. Wherever possible, the maximum retention of existing vegetation shall be required.

G. The site plan required under subsection F above, shall be drawn to a scale of not less than forty feet to the inch, on one or more sheets, prepared by a professional engineer, and a professional land surveyor, when applicable, illustrating the information to identify location, applicant, owner and party responsible for preparing the plan.

H. Any special permit granted under this section 10 shall lapse and become null and void:

1. If a substantial use thereof has not commenced within six months from the date of the grant thereof, including such time required to pursue or await the determination of an appeal, except for good cause; or, in the case of a permit for construction, if construction has not begun by such date, except for good cause; or,

2. Thirty days after the date of a conviction under the provisions of G.L. c. 119, §63, or G.L. c. 272, §28 by any person having an interest in said adult entertainment establishment, unless said person divests him- or herself of such interest by such date; or,

3. Immediately whenever any person having been convicted of violating G.L. c. 119, §63, or G.L. c. 272, §28 shall acquire an interest in said adult entertainment establishment.

I. Every adult entertainment establishment lawfully in existence as of the date of adoption of this section shall apply for a special permit as a condition of its continued operation at such location, within ninety days of the effective date

of adoption of this section 10; provided, however, that any adult entertainment establishment in operation and holding a license granted under G.L. c. 138, §12, as of the date of adoption of this section shall not be subject to subsections A and B of this section, but shall be grandfathered as to its location and considered a nonconforming use with respect thereto; and provided, further, that any of the particular requirements contained in subsections D, E, F, G or H of this section may be waived upon a finding that the literal enforcement of any of the particular requirements of these subsections upon such existing adult entertainment establishment would result in an extreme hardship.

**In City Council December 17, 1996**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**



AN ORDINANCE AMENDING SECTION 2, ARTICLE IV OF THE  
WORCESTER ZONING ORDINANCE, ADOPTED APRIL 2, 1991,  
RELATIVE TO THE STORAGE OF UNREGISTERED MOTOR VEHICLES

Be it ordained by the City Council of the City of Worcester as follows:

Section 1

Table 4.1, Permitted Uses By Zoning Districts, Notes to Table 4.1, is hereby amended by deleting, in its entirety, note number 7, which is as follows:

"7. No more than one (1) unregistered motor vehicle may be stored in the open on a lot in excess of seven (7) days in any district except as otherwise permitted."

Section 2

Table 4.1 - General Uses, line 13, is hereby amended by deleting the words "(in excess of of seven (7) days)."

**In City Council February 4, 1997**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO BED AND  
BREAKFAST ESTABLISHMENTS

Be it ordained by the City Council of the City of Worcester as follows:

1. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting after the definition of "Basement" in Article I, Section 2, the following new definition:

"BED AND BREAKFAST ESTABLISHMENT" - A private, owner-occupied house with no more than six (6) guestrooms, that includes a breakfast in the guestroom rate, for a term of residency of less than eight (8) days and conforms to any requirements of the Massachusetts Department of Public Health and the Department of Public Health and Code Enforcement. Guestrooms shall not include individual kitchen facilities, but shall be allowed an individual or shared bath/toilet facility, with at least one toilet, one bath/shower, and one wash basin separate from those required for the single family residence portion of the dwelling. A maximum of two guests are allowed per room and children under the age of twelve (12) years shall not be considered in the total number of guests. The use of that portion of the dwelling devoted to transient occupancy shall be accessory to the use of the dwelling as a single family residence and shall not change the character thereof.

2. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, Section 2, Table 4.1 - Residential Uses, the following new line 17, "Bed and Breakfast Establishment" and the accompanying new schedule:

RS-10	RS-7	RL-7	RG-5	BO-1.0	BO-2.0	BL-1.0	BG-2.0	BG-3.0	BG-4.0
SP	SP	SP	SP	SP	SP	SP	N	N	N

BG-6.0	ML-0.5	ML-1.0	ML-2.0	MG-0.5	MG-1.0	MG-2.0	IP-0.33	IN-S	IN-H	A-1
N	N	N	N	N	N	N	N	N	N	N

3. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following new section eleven at the end of Article IV:

Section 11 - Bed & Breakfast Establishment

A. General Conditions and Requirements:

1. No bed and breakfast establishment shall be operated without first being granted a special permit from the Zoning Board of Appeals and a certificate of occupancy from the Department of Public Health and Code Enforcement.

2. Within each detached single family dwelling issued a special permit for a bed and breakfast establishment, there may be a maximum of six (6) guestrooms that are rented as bed and breakfast units. The bed and breakfast establishment shall not occupy more than 50 percent of the gross floor area of the residence, excluding closet space, storage space, and hallways.

3. A special permit shall be issued only to the owner of the property and shall not be transferable. Any changes in ownership of the property shall require a new special permit.

4. Food for a fee may be served only to overnight guests.

a. Bed and breakfast establishments with three or fewer guestrooms and serving continental breakfast are not considered food establishments and need not obtain a food establishment permit. For the purpose of this section, continental breakfast is defined as: beverages; fresh, frozen, and commercially processed fruits; baked goods; cereals; homemade or commercial jams, jellies, honey, and maple syrup; cream; butter; and commercially manufactured hard cheeses, cream cheese, and yogurt.

b. Bed and breakfast establishments with three or fewer guestrooms and serving full breakfast shall obtain a residential kitchen permit from the Department of Public Health and Code Enforcement.

5. Notwithstanding any provisions to the contrary in Article IV, Section 6 (Signs), signage shall be limited to one attached wall or window sign, not to exceed three (3) square feet, mounted on the building and one ground sign, single- or double-faced, permanently anchored five (5) feet or less above grade, as approved by the Zoning Enforcement Officer, not to exceed three (3) square feet per face, not to be internally illuminated, not located so as to obstruct traffic visibility across street corners, and located no closer than five (5) feet to any lot line.

6. The architectural character of the dwelling shall be maintained as a single family dwelling unit.

B. The residence containing the bed and breakfast establishment shall be designed so that the exterior appearance of the structure remains that of a single family dwelling.

C. Procedures

Each application for a special permit shall be accompanied by fifteen (15) copies of a site plan including the following information:

1. All existing and proposed structures and appurtenances, any changes to existing grade, and all boundary/property lines and easements. A certified plot plan may be required by the Department of Public Health and Code Enforcement.

2. A floor plan, drawn to scale, of the single-family dwelling showing each of the bed and breakfast guestrooms and the access to, and egress from, each such guestrooms and each guestroom's relationship to an adequate bathroom. The area(s) where breakfast is to be prepared and served shall be designated.

3. An off-street parking plan showing that one off-street parking space per bed and breakfast guestroom, in addition to the number of parking spaces required for the existing dwelling, shall be provided without causing undue burden on the neighborhood. Off-street parking shall be prohibited from the prescribed building front yard and restricted to the sides and rear of the premises.

4. A presentation of all proposed exterior structural changes sufficient to show that the architectural character of the dwelling is maintained as a single family dwelling unit.

D. Review Standards

In addition to its special permit review criteria under Article II, the Zoning Board of Appeals shall also consider the bed and breakfast establishment's conformance with the following planning and design objectives:

1. The relationship of the proposal to other planning considerations of the area and the city of Worcester as a whole, including the plans, programs, and policies of other departments and agencies of the government;

2. The proposed site plot plan, including the relationship of different uses on the site and any other matters that are within the Zoning Board of Appeals' jurisdiction;
3. The location and design of vehicular access and parking facilities;
4. The number of parking and loading facilities;
5. The impact of outdoor lighting.

**In City Council October 28, 1997**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING SECTION 2, ARTICLE IV OF THE  
WORCESTER ZONING ORDINANCE, ADOPTED APRIL 2, 1991,  
RELATIVE TO A TEMPORARY MORATORIUM ON THE  
CONSTRUCTION, ALTERATION OR EXPANSION OF PERSONAL  
WIRELESS SERVICE FACILITIES

Be it ordained by the City Council of the City of Worcester as follows:

1. Table 4.1, Permitted Uses By Zoning Districts, Notes to Table 4.1, is hereby amended by adding the following new note:

"13. Notwithstanding anything to the contrary in Article IV, Section 2, Table 4.1, no permits shall be issued for the construction, installation, alteration or expansion of any radio/television transmission towers, or personal wireless service facilities prior to December 1, 1997. "Personal wireless services," as defined by Section 704(a)(7)(C)(i) of the Telecommunications Act of 1996, includes common carrier wireless exchange access services, unlicensed wireless services (excluding direct-to-home satellite services) and commercial mobile radio services, which includes cellular, PCS, enhanced specialized mobile radio, specialized mobile radio and paging services. Provided further, that nothing herein shall apply to permits for the repair or restoration of existing radio/television transmission towers or personal wireless service facilities in existence prior to the effective date of this note 13, to the extent that such work is limited to restoring the building or structure to its condition prior to the damage that occurred, or to abate a public safety problem."

**In City Council December 2, 1997**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO THE  
ESTABLISHMENT OF LANDSCAPING REQUIREMENTS

Be it ordained by the City Council of the City Worcester as follows:

1. Table 4.4, Off-Street Parking Requirements, Notes to Table 4.4, is hereby amended by deleting note number 5 in its entirety, and inserting the following in lieu thereof:

"5. Setbacks, Buffers and Landscaping - Parking areas be set back a minimum of five (5) feet from boundary lines. Such setback areas shall be appropriately landscaped in accordance with the landscape design standards set out in Article V, §5(3), so as to provide visual buffering and an aesthetic parking area design in harmony with the purpose and intent of this Ordinance. No off-street parking shall be located within the required front yard depth or exterior side yard except as permitted in Article XIII, Section 4."

2. Table 4.4, Off-Street Parking Requirements, Notes to Table 4.4, is hereby amended by inserting a new note number 6, as follows:

"6. Interior Landscaping - Parking lots with more than ten (10) parking spaces shall have landscaping in the interior of the parking lot in addition to landscaping along the edges of the lot. At least one (1) tree shall be planted within the lot for every ten (10) proposed and existing parking spaces. Such trees shall be in addition to trees required along the edges of the lot. Such trees shall be planted in planting beds no smaller than five feet by five feet (5' x 5'). Trees shall be located in such a manner as to provide shade over the greatest number of parking spaces practicable. Notwithstanding any of the foregoing to the contrary, the Planning Board may waive or modify these interior landscaping requirements upon a specific finding, in writing, that a substantial hardship would result, or would otherwise cause the parking area to be in noncompliance with this Ordinance."

3. Article V, §5(2) is hereby amended by deleting paragraph G in its entirety and inserting the following in lieu thereof:

"G. Adequacy, type and arrangement of trees, shrubs and other landscaping elements in accordance with the Landscaping Design Standards set forth Section 5(3)."

4. Article V, §(3) is hereby amended by re-designating it as section (4) and inserting the following as the new section (3):

"3. Landscaping Design Standards

A. Landscape Screening

1. Landscape screening shall be required along the sidewalk edge and side lot lines where the parking, work or service area of a proposed project abuts a street, public park or residential property.

2. Landscaping screening shall consist of planting areas at least five (5) feet wide located along the sidewalk edge and/or side lot lines of a proposed use. Landscape screening areas shall be separated from parking areas by a six inch high curb. Trees shall be the major elements of landscape screening. A combination of plant materials, trees and shrubs shall be included in landscape screening areas. Fencing may be used, in combination with trees and shrubs, when appropriate.

a. Trees

Trees shall be planted every twenty (20) to twenty-five (25) feet on center. Trees to be planted shall have trunks at least three (3) to three and one-half (3½) inches in diameter when measured six (6) inches above the ground. Recommended species of trees include, but are not limited to:

Acer Pseudoplatanus (Sycamore Maple)  
Acer rubrum (Red Maple)  
Pyrus calleryana 'Aristocrat' (Aristocrat Callery Pear)  
Gleditsia tricanthos var. Inermis (Honey Locust)  
Gingko biloba, 'Magyar' or 'Sentry' varieties (Maidenfern Tree)  
Platanus acerifolia x hybrida 'bloodgood' (Bloodgood London Plane)  
Tila tomentosa (Silver Linden)  
Sophora japonica (Scholar Tree)  
Zelkova serrata (Zelkoiva)

b. Shrubs

Shrubs shall be planted along with trees in a landscape screening area. Shrubs may be deciduous or evergreen, or a mixture of both types, and shall be densely planted to provide a mature appearance within three (3) years. For landscape screening areas along a sidewalk edge, shrubs shall be no taller than four (4) feet high. Recommended species include, but are not limited to:



Euonymus alatus (Winged Euonymus)  
Taxus x media (Hicksii or Hatfield Yew)  
Prunus x cistena (Purple Leafed Sand Cherry)  
Ilex crenata 'Convexa' (Japanese Holly)

For landscape screening areas which abut adjacent residential uses, shrubs may be up to seven (7) feet in height to provide a more effective buffer between land uses. Recommended species include, but are not limited to:

Viburnum trilobum (American Cranberry Bush)  
Ligustrum amurense (Privet)  
Thuja occidentalis (Evergreen Eastern Arborvitae)  
Philadelphus coronarius (Mock Orange)  
Tsuga canadensis (Eastern Hemlock)

#### c. Fencing

Fencing in a landscape screening area along a sidewalk edge shall be installed just inside the property line. Such fence shall be three (3) to four (4) feet in height and at least fifty percent (50%) perforated. Decorative appropriate for sidewalk edges.

A landscape screening area adjacent to an abutting residential use shall be four (4) to seven (7) feet in height. Fencing shall be located up to or within a three foot distance from the property line. Such fencing shall be opaque. High fences that cover long distances shall have surface textures to minimize their size. A wooden shadowbox fence is an effective screen between properties.

In general, chain link fencing is to be discouraged. If chain link fencing is used, it shall be limited to small areas and shall be vinyl-coated chain link. The Planning Board shall determine the color of the vinyl-coating to be used.

#### d. Maintenance of Landscaped Areas

Required landscaping shall be maintained in a healthy growing condition, free or refuse and debris, and any plantings that do not survive shall be replaced in kind by the applicant or property owner within a reasonable period of time. All plant material and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles or snow storage in areas used for screening and buffering."

**In City Council**

**April 28, 1998**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

**AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE, ADOPTED APRIL 2, 1991 RELATIVE TO PERSONAL WIRELESS SERVICE FACILITIES**

Be it ordained by the City Council of the City of Worcester as follows:

1. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article 1, Section 2, the following new definitions:

**Above Ground Level (AGL)** - A measurement of height from the natural grade of a site to the highest point of a structure.

**Antenna** - The surface from which wireless radio signals are sent and received by a Personal Wireless Service Facility.

**Camouflaged** - A Personal Wireless Service Facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure.

**Carrier** - A company that provides wireless services.

**Co-Location** - The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

**Cross-Polarized (or Dual-Polarized) Antenna** - A low mount that has three panels flush mounted or attached very close to the shaft.

**Elevation** - The measurement of height above sea level.

**Environmental Assessment (EA)** - An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a Personal Wireless Service Facility is placed in certain designated areas.

**Equipment Shelter** - An enclosed structure, cabinet, shed, or box, at the base of the mount within which are housed batteries and electrical equipment.

**Fall Zone** - The area on the ground within a prescribed radius from the base of a Personal Wireless Service Facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

**Functionally Equivalent Services** - Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

**Guyed Tower** - A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

**Lattice Tower** - A type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

**Licensed Carrier** - A company authorized by the FCC to construct and operate a commercial mobile radio services system.

**Monopole** - The type of mount that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for panel antennas arrayed at the top.

**Mount** - The structure or surface upon which antennas are mounted, including the following four (4) types of mounts.

1. **Roof-mounted:** Mounted on the roof of a building.
2. **Side-mounted:** Mounted on the side of a building.
3. **Ground-mounted:** Mounted on the ground.
4. **Structure-mounted:** Mounted on a structure other than a building.
5. **Interior-mounted:** Mounted within a building such that the Personal Wireless Service Facility is not visible from the exterior of the building/structure.

**Omnidirectional (Whip) Antenna** - A thin rod that beams and receives a signal in all directions.

**Panel Antenna** - A flat surface antenna usually developed in multiples.

**Personal Wireless Service Facility** - Facility for the provision of personal wireless services.

**Personal Wireless Services** - Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services [47 U.S.C. Sec. 332 (c)(7)(C)(i)].

**Radio frequency (RF) Engineer** - An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

**Radiofrequency Radiation (RFR)** - The emissions from Personal Wireless Service Facilities.

**Security Barrier** - A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

**Separation** - The distance between one (1) carrier's array of antennas and another carrier's array.

2. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, ( 2, Table 4.1 - General Uses, the following line 22, "Roof-Mounted, Ground-Mounted and Structure-Mounted Personal Wireless Service Facilities" and the accompanying new schedule:

<b>RS-10</b>	<b>RS-7</b>	<b>RL-7</b>	<b>RG-5</b>	<b>BO-1.0</b>	<b>BO-2.0</b>	<b>BL-1.0</b>	<b>BG-2.0</b>	<b>BG-3.0</b>	<b>BG-4.0</b>	<b>BG-6</b>
N	N	N	N	N	SP	SP	SP	SP	SP	SP
<b>ML-0.5</b>	<b>ML-1.0</b>	<b>ML-2.0</b>	<b>MG-0.5</b>	<b>MG-1.0</b>	<b>MG-2.0</b>	<b>IP-0.33</b>	<b>IN-S</b>	<b>IN-H</b>	<b>A-1</b>	
SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, ( 2, Table 4.1 - General Uses, the following line 23, "Interior-Mounted and Side-Mounted Personal Wireless Service Facilities" and the accompanying new schedule:

<b>RS-10</b>	<b>RS-7</b>	<b>RL-7</b>	<b>RG-5</b>	<b>BO-1.0</b>	<b>BO-2.0</b>	<b>BL-1.0</b>	<b>BG-2.0</b>	<b>BG-3.0</b>	<b>BG-4.0</b>	<b>BG-6</b>
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b>ML-0.5</b>	<b>ML-1.0</b>	<b>ML-2.0</b>	<b>MG-0.5</b>	<b>MG-1.0</b>	<b>MG-2.0</b>	<b>IP-0.33</b>	<b>IN-S</b>	<b>IN-H</b>	<b>A-1</b>	
Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

3. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following Section 12 at the end of Article IV.

#### Article IV

#### Section 12 - Personal Wireless Service Facilities

##### 1. Purpose and Intent

It is the express purpose of this Ordinance to minimize the adverse visual impacts of Personal Wireless Service Facilities, to avoid damage to adjacent properties, to lessen impacts on surrounding properties, to lessen traffic impacts, to minimize use of towers, to reduce the number constructed and to limit emissions in order to minimize potential adverse effects on human and animal health. This Ordinance is intended to be used in conjunction with other regulations adopted by the City

of Worcester, including historic district regulations, site plan review, and other local ordinances designed to encourage appropriate land use, environmental protection, and provision of adequate infrastructure development in the City of Worcester.

The regulation of Personal Wireless Service Facilities is consistent with the authorization of the City of Worcester Zoning Ordinance to regulate uses in harmony with the general purpose and intent of the Ordinance.

## 2. Use Regulations

A. Use Regulations. A Personal Wireless Service Facility shall be permitted as follows:

1. A Personal Wireless Service Facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new Personal Wireless Service Facility does not increase the height of the existing structure except as provided in Section C-2 below.

2. Interior-Mounted and Side-Mounted Personal Wireless Service Facilities may be located as provided in Article I, Section 2, line 22. Except for the fact that a Special Permit is not required for such Personal Wireless Service Facilities, all other relevant provisions of this Article IV, Section 10 shall apply.

B. Location. Applicants seeking approval for Personal Wireless Service Facilities shall comply with the following:

1. The applicant shall submit documentation of the legal right to install and/or use the proposed Personal Wireless Service Facility mount at the time of application for a building permit and/or Special Permit.

2. If feasible, Personal Wireless Service Facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunications facilities, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more Personal Wireless Service Facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

3. If the applicant demonstrates that it is not feasible to locate on an existing structure, Personal Wireless Service Facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of

compatible building materials and colors, screening, landscaping, and placement within clusters of trees.

C. Dimensional Requirements. Personal Wireless Service Facilities shall comply with the following requirements:

1. Height, Roof-Mounted Facilities. Roof-mounted Personal Wireless Service Facilities shall not project more than ten (10) feet above the height of the existing building upon which the Personal Wireless Service Facility is proposed to be located. Said Personal Wireless Service Facilities may be located on a building that is legally non-conforming with respect to height, providing that the Personal Wireless Service Facilities do not project more than ten (10) feet above the existing building height.

2. Height, Structure-Mounted Facilities. Structure-mounted Personal Wireless Service Facilities shall not project more than ten (10) feet above the height of the existing structure upon which the Personal Wireless Service Facility is proposed to be located. Said Personal Wireless Service Facilities may be located on a structure that is legally nonconforming with respect to height, providing that the Personal Wireless Service Facilities do not project more than ten (10) feet above the existing structure height.

3. Height, Side-Mounted Facilities. Side-mounted Personal Wireless Service Facilities shall not project above the height of the existing building or structure upon which the Personal Wireless Service Facility is proposed to be located. Said Personal Wireless Service Facilities may be located on a building or structure that is legally nonconforming with respect to height, providing that the Personal Wireless Service Facilities do not project above the existing building or structure height.

4. Height, Interior-Mounted Facilities. Interior-mounted Personal Wireless Service Facilities shall not exceed the height of the building or structure upon which the Personal Wireless Service Facility is proposed to be located and shall be completely camouflaged such as within a flagpole, steeple, chimney or similar structure.

5. Height, Ground-Mounted Facilities. Ground-mounted Personal Wireless Service Facilities shall comply with the following requirements:

<b>LIMITATIONS</b>	<b>ZONE</b>	<b>HEIGHT</b>
	RS-10	Not Allowed
	RS-7	Not Allowed
	RL-7	Not Allowed
	RG-5	Not Allowed
	BO-1.0	40
	BO-2.0	40
	BL-1.0	40
	BG-2.0	50
	BG-3.0	100
	BG-4.0	150
	BG-6.0	75
	ML-0.5	50
	ML-1.0	50
	ML-2.0	100
	MG-0.5	50
	MG-1.0	100
	MG-2.0	100
	IP-0.33	50
	IN-S	40
	IN-H	40
	A-1	100

6. Setbacks. All Personal Wireless Service Facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the Personal Wireless Service Facility is located. In addition, the following setbacks shall be observed:

a. In order to ensure public safety, the minimum distance from the base of any ground-mounted Personal Wireless Service Facilities to any property line, road, habitable dwelling, business or institutional use, or public recreational area shall be the height of the facility/mount including any antennas or other appurtenances. This setback shall be referred to as the "fall zone".

### 3. Special Permit Regulations

All Personal Wireless Service Facilities shall comply with the Performance Standards set forth in this section.

#### A. Design Standards



1. Visibility/Camouflage. Personal Wireless Service Facilities shall be camouflaged as follows:

a. Camouflage by Existing Buildings:

(i) When a Personal Wireless Service Facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal the Personal Wireless Service Facility within or behind existing architectural features to limit its visibility from adjoining ways. Personal Wireless Service Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

(ii) Personal Wireless Service Facilities which are side mounted shall blend with the existing building's architecture and, if over 5 square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

b. Camouflage by Vegetation:

All ground-mounted Personal Wireless Service Facilities and equipment shelters shall be surrounded by buffers of tree growth and understory vegetation in all directions to create an effective visual buffer at the street level. Ground-mounted Personal Wireless Service Facilities shall provide a vegetated buffer of sufficient height and depth to effectively screen the Personal Wireless Service Facility at the street level. Trees and vegetation may be existing on the subject property or installed as part of the proposed Personal Wireless Service Facility or a combination of both. The Special Permit Granting Authority (SPGA) shall determine the types of trees and plant materials, depth and overall appropriate design of the needed buffer on site conditions.

c. Color:

(i) Personal Wireless Service Facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

(ii) To the extent that any Personal Wireless Service Facilities extend above the height of the vegetation immediately surrounding it, they shall be painted in a light grey or light blue hue which blends with the sky and clouds.

2. Equipment Shelters

Equipment shelters for Personal Wireless Service Facilities shall be designed consistent with one of the following design standards:

- a. Equipment shelters shall be located in underground vaults; or
- b. Equipment shelters shall be designed in accordance with architectural styles and materials reflective of the uses within a 300 foot radius of the location acceptable to the Special Permit Granting Authority (SPGA); or
- c. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Special Permit Granting Authority (SPGA) shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.

### 3. Lighting and Signage

- a. Personal Wireless Service Facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the parcel to be developed, and footcandle measurements at the property line shall be 0.0 initial footcandles when measured at grade.
- b. Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of Article IV, Section 6.
- c. All ground mounted Personal Wireless Service Facilities shall be surrounded by a security barrier of a design and material acceptable to the Special Permit Granting Authority (SPGA).

### 4. Historic Buildings and Districts

- a. Any Personal Wireless Service Facilities located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
- b. Any alteration made to an historic structure to accommodate a Personal Wireless Service Facility shall be fully reversible.
- c. Personal Wireless Service Facilities within an historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from adjoining ways and viewing areas within the district.

## B. Environmental Standards

1. Personal Wireless Service Facilities shall not be located in wetlands. Locating of Personal Wireless Service Facilities in wetland buffer areas as defined by the Wetlands Protection Act (M.G.L. c.131, Section 40) and the City of Worcester Wetlands Protection Ordinance shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.
2. No hazardous waste shall be discharged on the site of any Personal Wireless Service Facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
3. Stormwater run-off shall be contained on-site or adequately disposed of off-site via connection to an existing stormwater drainage system.
4. Ground-mounted equipment for Personal Wireless Service Facilities shall not generate noise in excess of 50 decibels at the property line.
5. Equipment for Personal Wireless Service Facilities shall not generate noise in excess of 50 decibels at ground level at the base of the building closest to the antenna or at any neighboring structure.

## C. Safety Standards

1. Radiofrequency Radiation (RFR) Standards. All equipment proposed for a Personal Wireless Service Facility shall comply with the Federal Communications Commission Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (FCC Guidelines) and shall be maintained so as to remain in compliance with such guidelines as they may be amended.

### 4. Application Procedures

- A. Special Permit Granting Authority (SPGA). The Special Permit Granting Authority (SPGA) for Personal Wireless Service Facilities shall be the Zoning Board of Appeals.

### B. Optional Pre-Application Conference

Prior to the submission of an application for a Special Permit under this regulation, the applicant is strongly encouraged to meet with the Special Permit Granting Authority (SPGA) at a public meeting to discuss the proposed Personal

Wireless Service Facility in general terms and to clarify the filing requirements. The Special Permit Granting Authority (SPGA) shall meet with an applicant under this regulation within twenty-one (21) days following a written request submitted to the Special Permit Granting Authority (SPGA).

### C. Pre-Application Filing Requirements

The purpose of the conference is to inform the Special Permit Granting Authority (SPGA) as to the preliminary nature of the proposed Personal Wireless Service Facility. As such, no formal filings are required for the pre-application conference. However, the applicant is encouraged to prepare preliminary architectural and/or engineering drawings sufficient to inform the Special Permit Granting Authority (SPGA) of the location of the proposed Personal Wireless Service Facility, as well as its scale and overall design.

### D. Application Filing Requirements

The following shall be included with an application for a Special Permit for all Personal Wireless Service Facilities:

#### 1. General Filing Requirements

Name, address and telephone number of applicant and any co-applicants as well as any agents for the applicant or co-applicants.

Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the Personal Wireless Service Facility.

A licensed carrier shall either be an applicant or a co-applicant.

Original signatures for the applicant and all co-applicants applying for the Special Permit. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant. Photoreproductions of signatures will not be accepted.

#### 2. Location Filing Requirements

Identify the subject property by including the name of the nearest road or roads, and street address, if any.

Tax map and parcel number of subject property.

Zoning district designation for the subject parcel (Submit color copy or color grid section of City Zoning Map with parcel identified).

A line map to scale showing the lot lines of the subject property and all properties within 300 feet and the location of all buildings, including accessory structures, on all properties shown.

A city-wide map showing the other existing Personal Wireless Service Facilities in the City and outside the City within one mile of its corporate limits.

The proposed locations of all existing and future Personal Wireless Service Facilities in the City on a city-wide map for this carrier.

### 3. Siting Filing Requirements

a. A one-inch-equals-forty-feet vicinity plan showing the following:

Property lines for the subject property.

Property lines of all properties adjacent to the subject property within 300 feet.

Vegetative cover on the subject property and immediately abutting adjacent properties.

Outline of all existing buildings, including purpose (e.g., residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within 300 feet.

Proposed location of antenna, mount and equipment shelter(s).

Proposed security barrier, indicating type and extent as well as point of controlled entry.

Location of all roads, public and private, on subject property and on all adjacent properties within 300 feet including driveways proposed to serve the Personal Wireless Service Facility.

Distances, at grade, from the proposed Personal Wireless Service Facility to each building on the vicinity plan.

Contours at each two feet AMSL (Above Mean Sea Level) for the subject property and adjacent properties within 300 feet.

All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

Architectural or graphic representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the Personal Wireless Service Facility.

Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed) from "Sight Lines" subsection below.

b. Sight lines and photographs as described below:

Existing (before condition) photographs. Each sight line shall be illustrated by one four-inch by six-inch color photograph of what can currently be seen from any public road within 300 feet.

Proposed (after condition) photographs. Each of the existing condition photographs shall have the proposed Personal Wireless Service Facility superimposed on it to show what will be seen from public roads if the proposed Personal Wireless Service Facility is built.

c. Siting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed Personal Wireless Service Facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL (Above Ground Level) of the highest point.

Security barrier. If the security barrier will block views of the Personal Wireless Service Facility, the barrier drawing shall be cut away to show the view behind the barrier.

Any and all structures on the subject property.

Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot topographical contours.

4. Design Filing Requirements

Equipment brochures for the proposed Personal Wireless Service Facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

Materials of the proposed Personal Wireless Service Facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

Colors of the proposed Personal Wireless Service Facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

d. Dimensions of the Personal Wireless Service Facility specified for all three directions: height, width, and breadth. These shall be provided for the antennas, mounts, equipment shelters, and security barrier, if any.

e. Appearance shown by at least two photographic superimpositions of the Personal Wireless Service Facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any, for the total height, width and breadth.

f. Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

g. Within 30 days of the pre-application conference, or within 21 days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed Personal Wireless Service Facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the City at least 14 days, but not more than 21 days prior to the test.

h. If lighting of the site is proposed, the applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal footcandle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

## 5. Noise Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed Personal Wireless Service Facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

- a. Existing, or ambient: the measurements of existing noise.
- b. Existing plus proposed Personal Wireless Service Facilities: maximum estimate of noise from the proposed Personal Wireless Service Facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this Ordinance.

#### 6. Radiofrequency Radiation (RFR) Filing Requirements

The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed Personal Wireless Service Facility, for the following situations:

- a. Existing, or ambient: the measurements of existing RFR.
- b. Existing plus proposed Personal Wireless Service Facilities: maximum estimate of RFR from the proposed Personal Wireless Service Facility plus the existing RFR environment.
- c. Certification, signed by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of this Ordinance.

#### 7. Federal Environmental Filing Requirements

a. The National Environmental Policy Act (NEPA) applies to all applications for Personal Wireless Service Facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch.I). The FCC requires that an Environmental Assessment (EA) be filed with the FCC prior to beginning operations for any Personal Wireless Service Facility proposed in or involving any of the following:

Wilderness areas.

Wildlife preserves.

Endangered species habitat.

Historical site.



Indian religious site.  
Floodplain.  
Wetlands.  
High intensity white lights in residential neighborhoods.  
Excessive radiofrequency radiation exposure.

b. At the time of application filing, an EA that meets the FCC requirements shall be submitted to the City for each Personal Wireless Service Facility site that requires such an EA to be submitted to the FCC.

c. The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the Personal Wireless Service Facility that are considered hazardous by the federal, state or local government.

d. At the time of application filing, the applicant shall file an approval letter from the Massachusetts Department of Public Health confirming that the proposed filing meets the requirements of Massachusetts Department of Public Health regulation 105 CMR 122.000 for Personal Wireless Service Facilities with respect to emissions.

8. The Special Permit Granting Authority (SPGA) may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed Personal Wireless Service Facility.

## 5. Co-Location

A. Licensed carriers may share Personal Wireless Service Facilities and sites where feasible and appropriate, thereby reducing the number of Personal Wireless Service Facilities that are stand-alone Personal Wireless Service Facilities. All applicants for a Special Permit for a Personal Wireless Service Facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

1. A survey of all existing structures that may be feasible sites for co-locating Personal Wireless Service Facilities;

2. Contact with all the other licensed carriers for commercial mobile radio services operating in Worcester County; and

3. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

B. In the event that co-location is found to be not feasible, a written statement of the reasons for the infeasibility shall be submitted to the Special Permit Granting Authority (SPGA). The Special Permit Granting Authority (SPGA) may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Special Permit Granting Authority (SPGA) may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

C. If the applicant does intend to co-locate or to permit co-location, the Special Permit Granting Authority (SPGA) shall request drawings and studies which show the ultimate appearance and operation of the Personal Wireless Service Facility at full build-out.

D. If the Special Permit Granting Authority (SPGA) approves co-location for a Personal Wireless Service Facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Estimates of RFR emissions will be required for all Personal Wireless Service Facilities, including proposed and future Personal Wireless Service Facilities.

## 6. Modifications

A modification of a Personal Wireless Service Facility may be considered equivalent to an application for a new Personal Wireless Service Facility and will require a Special Permit when the following events apply:

A. The applicant and/or co-applicant wants to alter the terms of the Special Permit by changing the Personal Wireless Service Facility in one or more of the following ways:

1. Change in the number of Personal Wireless Service Facilities permitted on the site;
2. Change in technology used for the Personal Wireless Service Facility.

B. The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

## 7. Monitoring and Maintenance

A. After the Personal Wireless Service Facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the Personal Wireless Service Facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Standards section of this Ordinance.

B. After the Personal Wireless Service Facility is operational, the applicant shall submit, within 90 days of the commencement of operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of noise from the Personal Wireless Service Facility. Such measurements shall be signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards sub-section of this Ordinance.

C. The applicant and co-applicant shall maintain the Personal Wireless Service Facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.

## 8. Abandonment or Discontinuation of Use

A. At such time that a licensed carrier plans to abandon or discontinue operation of a ground-mounted or free-standing Personal Wireless Service Facility, such carrier will notify the Special Permit Granting Authority (SPGA) by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the Personal Wireless Service Facility shall be considered abandoned upon such discontinuation of operations.

B. Upon abandonment or discontinuation of use, the carrier shall physically remove the Personal Wireless Service Facility within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.

2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

C. If a carrier fails to remove a Personal Wireless Service Facility in accordance with this section of this Ordinance, the City of Worcester shall have the authority to enter the subject property and physically remove the Personal Wireless Service Facility. The applicant and/or the landowner shall be responsible for such cost of removal. The Special Permit Granting Authority (SPGA) may require the applicant to post a bond at the time of construction to cover costs for the removal of the Personal Wireless Service Facility in the event the City of Worcester must remove the Personal Wireless Service Facility.

9. Reconstruction or Replacement of Existing Towers and Monopoles

Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this Ordinance may be reconstructed, altered, extended or replaced on the same site by Special Permit, provided that the Special Permit Granting Authority (SPGA) finds that such reconstruction, alteration, extension, or replacement will not be substantially more detrimental to the neighborhood and/or the City than the existing structure. In making such a determination, the Special Permit Granting Authority (SPGA) shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing Personal Wireless Service Facility by more than twenty (20) feet.

10. Term of Special Permit

A Special Permit issued for any Personal Wireless Service Facility over fifty (50) feet in height shall be valid for no more than fifteen (15) years as determined by the Special Permit Granting Authority (SPGA).

**In City Council May 26, 1998**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO SITE PLAN  
APPROVAL

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991 be and is hereby amended by inserting after paragraph "Q", in Article V, Section 5, Standards For Review, the following new paragraph:

"R. Adequacy of plans and protective measures to ensure minimal risk of contamination to surface or ground water."

**In City Council May 26, 1998**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO THE  
REGULATION OF AUTOMOBILE REFUELING STATIONS

Be it ordained by the City Council of the City of Worcester as follows:

1. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the words "SERVICE STATION, SELF-SERVICE" and the definition thereof, as listed in Section 2 of Article I, and inserting in lieu thereof the following:

AUTOMOBILE REFUELING STATION - A structure, building or premises or any portion thereof where gasoline, oil, alternative fuels or other similar products are stored and sold by an attendant and/or on a self-service basis to the public, without repair service or garage.

2. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the words "GAS STATION" and the definition thereof, as listed in Section 2 of Article I, and inserting in lieu thereof the following:

GAS STATION - See Garage, Public and Automobile Refueling Station.

3. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by replacing the number 16 in Table 4.1 Business Uses, with the number and letter "16a."

4. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting a line "No. 16b," between line No. 16a and line No. 17, in Table 4.1 Business Uses, to read as follows:

16b. Automobile Refueling Station.

and inserting the following uses by zoning district for line No. 16b in Table 4.1 Business Uses:

RS	RS	RL	RG	BO	BO	BL	BG	BG	BG	BG
10	7	7	5	1.0	2.0	1.0	2.0	3.0	4.0	6.0
N	N	N	N	N	N	SP	SP	SP	SP	SP
ML	ML	ML	MG	MG	MG	IP	IN	IN	A	

0.5	1.0	2.0	0.5	1.0	2.0	0.33	S	H	1
SP	SP	SP	SP	SP	SP	N	N	N	SP

**In City Council May 26, 1998**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO NON-  
ACCESSORY PARKING LOTS AND DISPLAY LOTS FOR MOTOR  
VEHICLE, TRAILER, AND BOAT SALES, LEASE OR RENTALS

Be it ordained by the City Council of the City of Worcester as follows:

Section 1.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting, after the definition of "DEVELOPMENT" in Article I, §2, the following definition:

"DISPLAY LOT" - an area of land used for the parking, storage, or presentation of motor vehicles, trailers, and boats for sale, lease or rent.

Section 2.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting, after the definition of "DISPLAY LOT" in Article I, §2, the following definition:

"DISPLAY SPACE" - A portion of a display lot set aside for the display or storage of one vehicle, trailer, boat or similar item.

Section 3.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting, after the definition of "NODE," in Article I, §2, the following definition:

"NON-ACCESSORY PARKING" - A parking facility designated and operated as a predominant, or main use of land.

Section 4.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the title to subsection 1 of Article IV, Section 7 and inserting in lieu thereof the following:

"1. General Provisions for Off-Street Accessory Parking and Loading"



## Section 5.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting a new subsection 2 of Article IV, Section 7, to read as follows:

"2. General Provisions for Off-Street Non-accessory Parking and Display Lots"

(A) Prior to any construction, reconstruction, alteration or extension of a non-accessory parking lot or display lot, a plan thereof shall be reviewed for compliance with the requirements of this ordinance. Plans of non-accessory parking lots or display lots containing nine (9) or more total spaces shall be reviewed and approved by the Planning Board.

(B) The Planning Board shall examine non-accessory parking lot plans and display lot plans with respect to the following:

1. Ingress and egress for those areas of parking or display which have direct access onto an abutting street. Except as may be pre-existing on the effective date of this provision, no such access drive shall be located within fifty feet of street intersections. Access drives shall be clearly limited and defined, and in no case shall there be unrestricted access along the length of street.

2. All lighting used to illuminate the non accessory parking lot or display lot shall be installed so as to direct the light away from any abutting streets and away from adjoining property used for residential purposes. The maximum spillover illumination to adjacent properties used for residential purposes shall be 1.0 footcandle.

3. Where customer vehicular traffic will integrate with and pass through the display lot, the Planning Board shall review the adequacy of the layout for circulation, compatibility with non-display lot areas, safety to pedestrians and vehicles using the facilities and abutting streets and, shall integrate such considerations into the review process. Where any required off-street parking and loading areas are included in the area for the display lot, such parking and loading areas shall comply with Article IV, §7(1).

4. The non-accessory parking lot or display lot shall provide adequate grading and drainage so that surface runoff is properly disposed of and does not increase run-off onto abutting street or properties. Unless otherwise waived by the Planning Board, the non-accessory parking lot or display lot shall be surfaced with bituminous cement or concrete material. Where applicable, the Planning

Board may require the installation of berm or bumpers at the edge of the surfaced area to protect abutting properties, streets, or landscaped areas.

5. Non-accessory parking lots and display lots shall be set back a minimum of five (5) feet from property lines. Such setback areas shall be appropriately landscaped, however, while no interior landscaping of display lots is required, the Planning Board may require installation of screening materials such as fencing, shrubbery, walls or a combination of such devices as a visual buffer to adjoining properties.

(C) Display lot plans and non-accessory parking lot plans submitted for approval shall be prepared by a Professional Engineer, unless this requirement is waived by the Planning Board. The Planning Board shall adopt reasonable rules and regulations governing the submission, form and content of display lot plans and non-accessory parking lot plans.

(D) Whenever a project involving the construction, reconstruction, alteration or expansion of a display lot otherwise requires Site Plan Approval under Article V of this ordinance, such review shall incorporate the requirements of this subsection \_\_\_, and approval under Article V shall be deemed approval hereunder as well.

(E) Where a project requires review and approval under both subsections 1 and 2 of Article IV, §7, only one filing shall be made and only one fee shall be assessed.

(F) The Planning Board shall act on applications hereunder, not otherwise subject to Article V, within thirty-five (35) days of filing, unless a time extension is mutually agreed to by an applicant and the Planning Board.

(G) An applicant for approval hereunder shall be the owner, lessee or other person with lawful authority to use the property, or a duly authorized agent of any of the foregoing. An applicant, if requested by the Planning Board, shall submit proof of authority to make such improvements or alterations to the site as the Planning Board may require as a condition to its approval. If an applicant does not have such authority, the property owner or other appropriate person shall be added as a co-applicant.

(H) Where fifty percent (50%) or more of an existing display lot or non-accessory parking lot is reconstructed or altered, or where an existing display lot or non-accessory parking lot is extended by fifty percent (50%) or more, the entire lot is subject to review and approval hereunder. Otherwise, only the reconstructed, altered or extended area of the display lot shall be reviewed by the Planning Board.

(I) Plans of display lots or non-accessory parking lots containing under nine (9) spaces shall be reviewed and approved administratively by the zoning enforcement officer, who shall also act within the time frame set forth in paragraph (F), above. In all cases, the review and approval of display lots and non-accessory parking lots shall be in conformance with the foregoing design requirements, so far as applicable.

(J) The zoning enforcement officer shall be responsible for enforcement of the Planning Board approval to ensure that the display lot or non-accessory parking lot is constructed and maintained in accordance with that approval. Any deviation or alteration from an approved plan shall require an amendment to the original approval.

Section 6.

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting the title to Table 4.4 in Article IV, Section 7 and inserting in lieu thereof the following title:

"OFF-STREET ACCESSORY PARKING REQUIREMENTS - Table 4.4"

**In City Council January 19, 1999**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE  
ADOPTED APRIL 2, 1991, RELATIVE TO THE CREATION OF AN ARTS  
OVERLAY ZONE

Be it ordained by the City Council of the City of Worcester as follows:

**SECTION I.**

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following definition in Article I, Section 2, after the definition “Lodging House” and before the definition “Lot”:

**Loft, Commercial Artist** – Commercial artist loft space used, or designed to be used by artists or craftspeople to create works of art or crafts, and which may also be used by such artists or craftspeople to reside in. Such residency shall be limited to one (1) per family per dwelling unit. Works of art or craft shall mean items that are created primarily for purposes of aesthetic enjoyment, and not solely for practical purpose, including but not necessarily limited to paintings, drawings, lithographs, and other representations; photographs, film, video, prints and other visual and electronic media; textiles and costumes; jewelry; pottery; art objects made of glass; precious and semi-precious metals, stones and the like; lighting used for artistic purposes; gallery and exhibit space; performance arts including dance, music and theater including lessons, practice, rehearsal and actual performances whether live audiences, taped or filmed.

**SECTION II.**

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby further amended by inserting after Article XV therein the following new Article XVI:

Article XVI  
Arts Overlay District

Section 1 – Purpose

The purposes of the Arts Overlay District (AOD) are:

1. To promote the health, safety and general welfare of the community.
2. To promote the expansion of commercial art and craft activities as a compatible land use within the AOD.

3. To enhance the environment and improve site opportunities for commercial art and craft activities within the AOD.

## Section 2 - Establishment of Arts Overlay District Zone

An Arts Overlay District (AOD) is hereby established as an overlay district. The boundaries of the AOD are shown on the Official Zoning Map.

## Section 3 – Application and Jurisdiction

The provisions of the Arts Overlay District (AOD) apply to all uses that produce works of art or craft within the AOD, as specified in the Loft, Commercial Artist definition in Article I, Section 2 of this ordinance.

## Section 4 – Permitted Uses in Arts Overlay District Zone

- (a) All uses permitted in the underlying zone whether in Manufacturing (MG-2.0), Business (BG-3.0, BL-1.0) or Residential (RG-5) zones, as provided in Article IV (Table 4.1) are permitted uses in the Arts Overlay District Zone, except as other-wise provided in this article.
- (b) Dimensions, Non-conforming Structures and Change of Use-Within the Arts Overlay District, in buildings in which a minimum of 50% of the building gross floor area is devoted to Commercial Artist Loft usage as defined in Article I, Section 2-Definitions of this Ordinance, interior and structural alterations and repairs may be made even though at the time of the application for the building permit for the alteration or repair, the lot or structure do not conform to one or more of the dimensional requirements in this Ordinance; provided, however, that the alteration does not amount to an extension or expansion of the exterior of the structure except for alterations to conform to the building code for safety purposes.
- © Adult Entertainment Establishments as defined as in Article I, Section 2-Definitions of this Ordinance are prohibited in the Arts Overlay District Zone unless allowed in the underlying district.

## Section 5 - Parking Requirements

Required parking for buildings in the Arts Overlay District of which a minimum of 50% of the building gross floor area is devoted to Commercial Artist Loft usage, as defined in Article I, Section 2-Definitions in this Ordinance, shall be not less than one (1) parking space per 1,000 square feet of gross floor area.



THENCE westerly approximately 136 feet along the centerline of Wellington Street (bearing S35-39-16E).

THENCE southerly approximately 150.19 feet to a point at the southwesterly corner of the property now or formerly of The Wellington Company (bearing S54-29-04W).

THENCE easterly approximately 125.73 feet (bearing S36-14-38E).

THENCE southerly approximately 279.02 feet to a point at the southeasterly corner of the property now or formerly of Jean C. Freed (bearing S54-46-33W).

THENCE westerly approximately 124.63 feet (bearing S35-58-08W).

THENCE southerly approximately 257.80 feet (bearing S54-32-48W).

THENCE southerly approximately 107.16 feet to a point at the southwesterly corner of the property now or formerly of the Young Men's Christian Association (bearing S67-02-24W).

THENCE easterly approximately 88.80 feet (bearing S24-43-05W).

THENCE southerly approximately 104.11 feet to a point at the southwesterly corner of property now or formerly of the City of Worcester School Department (bearing S55-34-01W).

THENCE southwesterly approximately 20 feet to a point of property now or formerly of the City of Worcester School Department (bearing S62-45-18W).

THENCE southerly approximately 181.90 feet to a point at the southwesterly corner of property now or formerly of Wordar-776,L.L.C. (bearing S30-21-21E).

THENCE easterly approximately 20 feet (bearing S30-21-21E).

THENCE easterly approximately 95.17 feet to the northwesterly corner of property now or formerly of Realty Leases Inc. (bearing S35-18-16E).

THENCE southerly approximately 77.68 feet to the southwesterly corner of property now or formerly of Realty Leases Inc. (bearing S62-12-32W).

THENCE southerly approximately 48.02 feet to the northwesterly corner of property now or formerly of Edward N. and Nancy Dupuis (bearing S68-38-22W).

THENCE southerly approximately 105.11 feet to the southwesterly corner of property of said Dupuis (bearing S55-32-38E).

THENCE westerly approximately 38.73 feet to the northwesterly corner of property now or formerly of Edward J. Edison (bearing N34-33-32W).

THENCE southerly approximately 109.20 to a point in the centerline of Castle St. (bearing S55-24-06W).

THENCE easterly approximately 68.30 feet along the centerline of Castle St. (bearing S34-15-11E).

THENCE southerly approximately 68.58 feet to the southwesterly corner of property now or formerly of GHS Realty Trust (bearing N56-48-46E).

THENCE westerly approximately 56.94 feet to the northwesterly corner of property now or formerly of GHS Realty Trust (bearing N34-38-20W).

THENCE southerly approximately 51.93 feet to the southwesterly corner of said GHS Realty Trust property (bearing S54-59-02W).

THENCE westerly approximately 49.62 feet to the southwesterly corner of property now or formerly of Gertrude J. and Gary Levitsky (bearing N433-01-14W).

THENCE southerly approximately 161.00 feet (bearing S55-37-17W) to a point in the centerline of Oread St.

THENCE easterly approximately 113.96 feet to a point in the centerline of Oread St (bearing S32-08-45E).

THENCE southerly approximately 78.54 feet to the southeasterly corner of property now or formerly of Gertrude J. Levitsky (bearing S58-35-03W).

THENCE easterly approximately 21.15 feet to the northwesterly corner of property now or formerly of United Realty Corp of Worcester (bearing S32-18-01E).

THENCE southerly approximately 301.27 feet to the southeasterly corner of property now or formerly of Manoog Realty Trust 2 (bearing S57-12-56W).



THENCE westerly approximately 123.74 feet to the southeasterly corner of property now or formerly of Mayrae Ortiz (bearing N32-04-08W).

THENCE southerly approximately 111.17 to the southeasterly corner of property now or formerly of Peter A. Stefan (bearing S57-46-53W).

THENCE easterly approximately 55.57 feet to the northwesterly corner of property now or formerly of Malcom and Doreen A. Papaz (bearing S31-45-34E).

THENCE southerly approximately 172.08 feet to a point in the centerline of May St. (bearing S59-11-13W).

THENCE easterly approximately 195.78 feet to a point in the centerline of Main St. (bearing N54-46-35E).

THENCE southerly approximately 120.80 feet to a point in the centerline of Main St. (bearing S54-29.22W).

THENCE easterly approximately 195.73 feet along Hammond St. (bearing S45-27-15E).

THENCE northerly approximately 116.10 feet to the southeasterly corner of property now or formerly of Mass Nursing Hms Ltd. Partnership (bearing N45-22-41E).

THENCE easterly approximately 18.21 feet to the southwesterly corner of property now or formerly of Rose Stolulonis (S53-00-52E).

THENCE northerly approximately 149.04 feet to a point in the centerline of Allen St. (bearing N53-12-03E).

THENCE southerly approximately 14.69 feet to a point in the centerline of Allen St. (bearing N33-41-24W).

THENCE northerly approximately 126.91 feet to the northeasterly corner of property now or formerly of Nancy M. Mercedes (bearing N53-50-14E).

THENCE easterly approximately 45.53 feet to the southeasterly corner of property now or formerly of the City of Worcester (bearing S34-07-48E).

THENCE northerly approximately 88.23 feet to the southeasterly corner of property now or formerly of Worcester Community Housing (bearing N54-06-00E).

THENCE westerly approximately 44.17 feet (bearing N33-25-35W).

THENCE northeasterly approximately 26.81 feet (bearing (S70-46-09E).

THENCE northerly approximately 113.71 feet to a point in the centerline of Benefit St (bearing N57-48-44E).

THENCE westerly approximately 52.47 feet to a point in the centerline of Benefit St (bearing N36-51-44W).

THENCE northerly approximately 122.22 feet to the northeasterly corner of property now or formerly of the City of Worcester (bearing N55-49-02E).

THENCE easterly approximately 45.72 feet to the northeasterly corner of property now or formerly of Thurman A. Hargrove (bearing S37-14-15E).

THENCE northerly approximately 137.64 feet (bearing N55-49-02E).

THENCE easterly approximately 9.82 feet (bearing S38-07-18E).

THENCE northerly approximately 3.92 feet (bearing (N48-29-15E).

THENCE westerly approximately 23.08 feet (bearing N37-58-00W).

THENCE northerly approximately 97.51 feet to a point in the centerline of Oread St (bearing N50-42-34E).

THENCE easterly approximately 110.04 feet to a point in the centerline of Oread St (bearing S38-52-42E).

THENCE northerly approximately 136.08 feet to the northeasterly corner of property now or formerly of Edward J. Edison (bearing N51-23-21E).

THENCE westerly approximately 79.28 feet (bearing N37-51-44E).

THENCE northerly approximately 241.89 feet to point in the centerline of Lagrange St (bearing N52-48-42E).

THENCE easterly approximately 42.35 feet (bearing S37-43-07E).

THENCE northerly approximately 190.85 feet (bearing N54-59-18E).

THENCE westerly approximately 77.01 feet (bearing S34-53-47E).

THENCE northerly approximately 84.32 feet to a point in the centerline of Jackson St (bearing N55-05-36E).

THENCE westerly approximately 14.65 feet to a point in the centerline of Jackson St (bearing N44-33-24W).

THENCE northerly approximately 59.68 feet (bearing S56-13-17W).

THENCE westerly approximately 5 feet (bearing S20-51-10E).

THENCE northerly approximately 83.93 feet (N55-56-39E).

THENCE easterly approximately 12.69 feet (bearing N35-19-54W).

THENCE northerly approximately 68.15 feet (bearing N53-59-36W).

THENCE easterly approximately 90.15 feet (bearing S35-28-59E).

THENCE northerly approximately 99.03 feet (bearing N55-08-38E).

THENCE westerly approximately 33.84 feet (bearing N24-11-30W).

THENCE northerly approximately 229.91 feet to a point in the centerline of Hermon St (bearing N53-23-37E).

THENCE easterly approximately 29.79 feet to a point in the centerline of Hermon St.  
(bearing S41-04-20E).

THENCE northerly approximately 137.17 feet (bearing N53-49-44E).

THENCE westerly approximately 99.30 feet (bearing N39-01-36W).

THENCE northerly approximately 91.56 feet (bearing N54-25-25E).

THENCE northeasterly approximately 39.08 feet (bearing N73-50-08E).

THENCE northerly approximately 95.78 feet (bearing N53-58-32E).

THENCE easterly approximately 9.91 feet (bearing S36-12-10E).

THENCE northerly approximately 95.48 feet (bearing N53-53-25E).

THENCE northerly approximately 36.92 feet (bearing N40-24-23E).

THENCE northerly approximately 45.97 feet (bearing N52-52-51E).

THENCE northeasterly approximately 29.21 feet (bearing S78-42-59E).

THENCE easterly approximately 26.46 feet (bearing S37-23-57E).

THENCE northerly approximately 36.19 feet to northeasterly corner of property now or formerly of General Realty Corp (bearing N55-24-39E).

THENCE westerly approximately 22.28 feet (bearing S36-23-34E).

THENCE northerly approximately 135.83 feet to a point in the centerline of Ionic Ave (bearing N44-41-38E).

THENCE easterly approximately 268.42 feet to a point in the centerline of Ionic Ave (bearing S41-04-30E).

THENCE northerly approximately 301.85 feet to the point of beginning (bearing N30-51-02E).

**In City Council November 9, 1999**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO THE REGULATION OF INDOOR/OUTDOOR SHOOTING RANGES

Be it ordained by the City Council of the City of Worcester as follows:

1. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, Section 2, Table 4.1, “Permitted Uses By Zoning Districts – General Use” the following line 24 and the accompanying schedule:

“24. Shooting Ranges – Indoor/Outdoor (See note 14).

RS-10	RS-7	RL-7	RG-5	BO-1.0	BO-2.0	BL-1.0	BG-2.0
N	N	N	N	N	N	N	N
BG-3.0	BG-4.0	BG-6.0					
N	N	N					
ML-0.5	ML-1.0	ML-2.0	MG-0.5	MG-1.0	MG-2.0	IP-0.33	IN-S
N	N	N	N	N	N	N	N
IN-S	IN-H	A-1”					
N	N	N					

2. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following paragraph as Note 14 in Article IV, Section 2, “Table 4.1 Permitted Uses by Zoning Districts, Notes to Table 4.1:”

“14. No shooting range or gallery, whether indoor or outdoor, licensed under the provisions of General Laws, Chapter 140, section 56A and/or section 131, shall be located within one thousand feet of any exterior property line of the real property comprising a public elementary, vocational or secondary school or within one hundred feet of a public park or playground.”

3. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting the following paragraph in Article IV, Section 6 “Signs,” Subsection VII, after paragraph B therein:

“C. Any shooting range or gallery, whether indoor or outdoor, licensed under General Laws, Chapter 140, section 56A and/or section 131, shall comply with the dimensional requirements for signs as established by this zoning ordinance for signs in Residential zones.”

**In City Council**

**July 11, 2000**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays**

**AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO ALLOWING  
RETAIL FOOD SALES IN BUSINESS AND MANUFACTURING ZONES**

Be it ordained by the City Council of the City of Worcester as follows:

4. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article I, Section 2, "Definitions," after the defined term "RESTAURANT" and before the defined term "RUBBISH" the following definition:

**RETAIL FOOD SALES** – A retail market selling food and household goods, including accessory uses such as a bank or pharmacy.

5. The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting in Article IV, Section 2, Table 4.1, "Permitted Uses By Zoning Districts – Business Uses" the following line 28 and accompanying schedule:

"28. Retail Food Sales.

RS-10	RS-7	RL-7	RG-5	BO-1.0	BO-2.0	BL-1.0	BG-2.0
N	N	N	N	N	N	Y	Y
BG-3.0	BG-4.0	BG-6.0					
Y	Y	Y					
ML-0.5	ML-1.0	ML-2.0	MG-0.5	MG-1.0	IP-0.33	IN-S	IN-H
Y	Y	Y	Y	Y	N	SP	SP
A-1"							
Y							

**In City Council**

**September 26, 2000**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING THE WORCESTER ZONING ORDINANCE  
ADOPTED APRIL 2, 1991 RELATIVE TO LANDSCAPING  
REQUIREMENTS FOR PARKING LOTS

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991 be and is hereby amended by deleting Note No. 6, as set forth in Article IV, Table 4.4 “Off-Street Accessory Parking Requirements” and inserting in lieu thereof the following:

6. Interior Landscaping – Parking lots with more than sixteen (16) parking spaces shall have landscaping in the interior of the parking lot in addition to landscaping along the edges of the lot. No interior landscaping is required, however, for parking lots where all spaces abut a landscaped setback area as described in Note 5, above, and the parking lot is in compliance with Article V, S 5(3) of this Ordinance. At least one (1) tree shall be planted within the parking lot (interior) for every ten (10) proposed and existing spaces. Such interior trees shall be in addition to trees required along the edges of the lot. Interior trees shall be planted in planting beds no smaller than five feet by five feet (5’ x 5’). Parking spaces abutting a landscaped setback area (as described in Note 5, above) and in compliance with Article V, S 5(3) of this Ordinance, however, shall not be counted in the calculation when determining the number of interior trees required. Trees shall be located in such a manner as to provide shade over the greatest number of parking spaces practicable. Notwithstanding any of the foregoing to the contrary, the Planning Board may waive or modify these interior landscaping requirements upon a specific finding, in writing, that a substantial hardship would result or would otherwise cause the parking area to be in noncompliance with this Ordinance.

**In City Council**

**June 19, 2001**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
City Clerk



**AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE RELATIVE TO OUTDOOR CAFÉ SEATING**

Be it ordained by the City Council of the City of Worcester as follows:

Table 4.4, Off-Street Parking Requirements, Notes to Table 4.4, is hereby amended by adding the following new note:

"7. Notwithstanding anything to the contrary contained in Article IV, Section 7, an establishment, licensed by the Worcester License Commission as a common victualler or a common victualler alcohol pouring establishment, may from March 1<sup>st</sup> through November 1<sup>st</sup>, of right, expand its seating capacity to provide additional outside seating for the purpose of outdoor dining/café use or alter its parking lot to provide additional outside seating for the purpose of outdoor dining/café use. Provided, however, that said expansion shall be approved by the Worcester License Commission and, where said expansion encroaches on an off-street parking area, said expansion shall not decrease parking by more than three spaces and shall not increase occupancy more than twelve persons; and, where the expansion does not affect an off-street parking area, said expansion shall not exceed an additional occupancy of twenty persons; and, provided further that the proposed outside dining/café use is contiguous to the main, existing use.

**In City Council**

**August 20, 2002**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***

**City Clerk**

AN ORDINANCE AMENDING THE CITY OF WORCESTER ZONING  
ORDINANCE AND THE CITY OF WORCESTER ZONING MAP  
RELATIVE TO THE CREATION OF AN ADAPTIVE REUSE OVERLAY  
DISTRICT

Be it ordained by the City Council of the City of Worcester:

- I. The City of Worcester Zoning Ordinance is hereby amended by adding the following article thereto:

ARTICLE XVII  
ADAPTIVE REUSE OVERLAY DISTRICT

Section 1 - Purpose

The purposes of the Adaptive Reuse Overlay District (AROD) are:

1. Provide for the coordinated and mixed development of residential, business, industrial, manufacturing and institutional uses;
2. Encourage adaptive reuse of abandoned, vacant or underutilized business or manufacturing buildings or structures;
3. Create major new mixed used areas in planned locations at appropriate densities, heights and mixtures of use; and
4. Encourage flexibility in architectural design, restoration and building bulk.

Section 2 - Establishment of Adaptive Reuse Zones

The Adaptive Reuse Overlay District is hereby established as an overlay district. The boundaries of the Adaptive Reuse Overlay District are shown on the official Zoning Map.

Section 3 - Permitted Uses in the Adaptive Reuse Overlay District

The following uses are permitted in the Adaptive Reuse Overlay District:

a) All uses permitted in the underlying zones whether in Manufacturing (MG, ML), Residential, General - 5.0 (RG-5.0), Business (BO, BL, BG), or Institutional (IN) zones, as provided in Article IV (Table 4.1) are permitted uses in the Adaptive Reuse Overlay Zone;

b) Multi-family dwelling, high rise;

c) Multi-family dwelling, low rise;

d) Dormitories; and

e) Single family semi-detached dwelling.

Adaptive Reuse Developments which utilize the provisions of this Article relative to use, parking or dimensional controls shall require a special permit from the Planning Board.

#### Section 4 - Non-Conforming Structures

Within the Adaptive Reuse Overlay District, interior and structural alterations and repairs may be made to existing buildings or structures even though at the time of the application for the building permit for the alteration or repair, the lot, building or structure does not conform to one or more of the dimensional requirements in this Ordinance; provided, however, that the alteration does not amount to an extension or expansion of the exterior of the structure except for alterations to conform to the building code for health and safety purposes.

For all new structures or buildings, the dimensional requirements of the underlying zoning district shall apply and, if applicable, to the extent that the dimensional requirements vary dependent upon the use of the building, the predominant use based upon gross floor area utilized shall govern.

#### Section 5 - Parking Requirements

a. For all new buildings and structures, the parking requirements of Table 4.4 of this Ordinance shall apply;

b. For reuse or substantial restoration of existing buildings or structures within the Adaptive Reuse Overlay District, the parking requirement of Table 4.4 of this Ordinance shall apply with the following exceptions:

(i) All residential parking shall require 1.5 parking spaces for each dwelling unit; and

(ii) Office, professional/general shall require one (1) parking space for every 500 square feet of gross floor area.

In addition, notwithstanding anything to the contrary contained in Article IV, Section 7, the Planning Board shall be authorized to grant a special permit to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas; layout requirements and the number of required spaces in conjunction with the grant of a special permit pursuant to Section 3 of this Article. This provision shall only apply to uses in the Adaptive Reuse Overlay District which are located in buildings or structures in existence as of the date of the adoption of this provision of the Worcester Zoning Ordinance.

II. Section 2 of Article III of the Worcester Zoning Ordinance, adopted April 2, 1991, is hereby amended by designating the area within the boundaries hereinafter described as the Adaptive Reuse Overlay District:

Beginning at a point at the easterly side of Gardner Street and the southerly side of the land now or formerly owned by the Boston and Albany Railroad,

Thence, southwesterly by the land now or formerly of the Boston and Albany Railroad to a point at the intersection of said Boston and Albany Railroad property and the westerly side of Gates Street;

Thence, northwesterly by the westerly side of Gates Street to the southerly side of Illinois Street;

Thence, easterly by the southerly side of Illinois Street to a point;

Thence, northerly, perpendicular to Illinois Street and along the land now or formerly of Ninety Three Grand Street Realty Trust and perpendicular to Hollis Street to a point on the northerly side of Hollis Street;

Thence, northeasterly along the northerly side of Hollis Street to the easterly side of Gardner Street;

Thence, southerly along the easterly side of Gardner Street to the point of beginning.

**In City Council**

**October 22, 2002**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING ARTICLE VI  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO THE FLOODPLAIN OVERLAY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

SECTION 1.

Article VI, Section 3 of the Worcester Zoning Ordinance is hereby amended by deleting it in its entirety and inserting in lieu thereof the following new section 3:

“Section 3 –Definition and Establishment of the Floodplain Overlay District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated as Zones A, AH, AO and AE on the Worcester Flood Insurance Rate Map (FIRM), which indicates the 100-year regulatory floodplain, dated January 16 2003 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance Study booklet dated January 16, 2003. The FIRM and the Flood Insurance Study booklet are incorporated herein by reference and are on file with the City Clerk, Department of Code Enforcement, Planning Board and the Conservation Commission.”

SECTION 2

Article VI, Section 5(2)(C) of the Worcester Zoning Ordinance is hereby amended by deleting the words “Flood Boundary and Floodway Map” from the fourth line thereof, and inserting in lieu thereof the words “the FIRM.”

SECTION 3

Article VI, Section 5(3) of the Worcester Zoning Ordinance is hereby amended by inserting a new paragraph (C) as follows:

“C. All new construction and substantial improvements on slopes shall be constructed with adequate drainage paths around the structures to guide floodwaters around and away from the structures.”

**In City Council**

**May 6, 2003**

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE, ADOPTED APRIL 2, 1991, RELATIVE TO ALLOWING  
HIGH-RISE MULTIFAMILY DWELLINGS IN THE IN-H DISTRICT UPON  
ISSUANCE OF A SPECIAL PERMIT

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by substituting the letters "SP" (Special Permit) for the letter "N" (No) in line 8 of the column designated IN-H in Table 4.1, Permitted Uses by Zoning Districts, Residential.

In City Council

October 7, 2003

**Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
City Clerk



AN ORDINANCE AMENDING ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE  
RELATIVE TO OFF STREET PARKING REQUIREMENTS,  
SETBACKS, BUFFERS AND LANDSCAPING

**Article IV, Table 4.4, Off Street Parking Requirement, Notes to Table 4.4, shall be amended by deleting therefrom Note 5 and substituting therefor the following:**

Note 5. Setbacks, Buffers and Landscaping – Except for Single-Family Detached, Single-Family Semi-Detached, Three-Family Detached and Two-Family Detached uses, parking areas shall be set back a minimum of five (5) feet from boundary lines. Such setback areas shall be appropriately landscaped in accordance with the landscape design standards set out in Article V, § 5(3), so as to provide visual buffering and an aesthetic parking area design in harmony with the purpose and intent of this Ordinance. For all uses in residential zones, no off street parking shall be located within the required minimum front yard depth (or the minimum exterior side yard depth of a corner lot).

**In City Council**

**November 18, 2003**

**Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

**AN ORDINANCE AMENDING ARTICLE IV, SECTION 7(1)  
OF THE WORCESTER ZONING ORDINANCE  
RELATIVE TO DRIVE-THROUGH SERVICE**

**Article IV, Section 7(1) is hereby amended by adding the following section thereto:**

**G. Drive-through Service**

1. The term “drive-through service” shall mean: providing a product or service by means of a window or automated service point (i.e. ATM) where said window or automated service point is designed or intended to allow a customer to remain in a motor vehicle while obtaining the products or services offered.
2. The term “drive-through service lane” shall mean: the vehicular travel lane providing access to the drive-through service window or automated service point.
3. All buildings and uses that provide drive-through service shall provide at least one escape lane adjacent to the drive-through service lane(s). The escape lane shall be designed to allow vehicles to exit and bypass the drive-through service lane(s). The length of the escape lane must be no less than the length of the adjacent drive-through service lane. The length of a drive-through service lane shall be determined by measuring the linear distance from the point of the lane’s beginning to the point of service.
4. Drive-through and escape lanes shall have a minimum width of ten (10) feet for their entire length. Notwithstanding the foregoing, the Special Permit Granting Authority (if a Special Permit is required), or the Planning Board in reviewing a site plan or parking plan, as the case may be, may require drive-through and escape lanes to have a width of up to twelve (12) feet along curved sections.
5. Drive-through and escape lanes shall comply with the following minimum length requirements to assure sufficient vehicle stacking:

<i>USE</i>	<i>DRIVE-THROUGH SERVICE LANE AND ESCAPE LANE MINIMUM LENGTH</i>
Fast Food /Restaurant / Coffee Shop	Two Hundred Forty linear feet (240)
Bank /Credit Union / ATM	One Hundred Eighty linear feet (180)
Pharmacy / Convenience Store	One Hundred Twenty linear feet (120)
Dry Cleaner / Laundry	Eighty linear feet (80)

6. Drive-through and escape lanes must be laid out such that they do not interfere with the internal traffic circulation of parking lots and so as not to block access to, or egress from, parking spaces.

**In City Council**

**November 18, 2003**

**Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING ARTICLE V  
OF THE WORCESTER ZONING ORDINANCE  
RELATIVE TO USES REQUIRING SITE PLAN APPROVAL

I. Article V, Section 2, is hereby amended by adding the following subsection thereto:

- 6. Improvements related solely to interior work within the structure, facade renovations and the replacement of windows and doors shall be exempt from this Article.

II. Article V, Table 5.1 is hereby amended by deleting the first line therefrom and substituting the following therefor:

Residential greater	5 or more Dwelling Units	or	15% slope or greater
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**In City Council**

**November 18, 2003**

**Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING ARTICLE IV, TABLE 4.2  
OF THE WORCESTER ZONING ORDINANCE  
RELATIVE TO PERMITTED DIMENSIONS BY DISTRICT

Article IV, Table 4.2 is hereby amended by deleting the lines for BL-1.0, BG-2.0, BG-3.0, BG-4.0 and BG-6.0 and substituting therefore the following:

<b>BL-1.0</b>	<b>ALL</b>	<b>5,000 for residential</b>	<b>40 per du</b>	<b>10</b>	<b>NA</b>	<b>20</b>	<b>2+</b>	<b>40</b>	<b>1 to 1</b>
<b>BG-2.0</b>	<b>ALL</b>	<b>5,000 for residential</b>	<b>40 per du</b>	<b>NA</b>	<b>NA</b>	<b>15</b>	<b>NA</b>	<b>50</b>	<b>2 to 1</b>
<b>BG-3.0</b>	<b>ALL</b>	<b>5,000 for residential</b>	<b>40 per du**</b>	<b>NA</b>	<b>NA</b>	<b>10</b>	<b>NA</b>	<b>100</b>	<b>3 to 1</b>
<b>BG-4.0</b>	<b>ALL</b>	<b>5,000 for residential</b>	<b>40 per du**</b>	<b>NA</b>	<b>NA</b>	<b>10</b>	<b>NA</b>	<b>150</b>	<b>4 to 1</b>
<b>BG-6.0</b>	<b>ALL</b>	<b>5,000 for residential</b>	<b>40 per du**</b>	<b>NA</b>	<b>NA</b>	<b>10</b>	<b>NA</b>	<b>NA</b>	<b>6 to 1</b>

**\*\* But not more than two hundred (200) feet.**

**In City Council**

**November 18, 2003**

**Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING THE WORCESTER ZONING  
ORDINANCE ADOPTED APRIL 2, 1991 RELATIVE TO ALLOWING  
THE PLANNING BOARD TO WAIVE DIMENSIONAL  
CONTROLS WITHIN THE ADAPTIVE REUSE  
OVERLAY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991 be and is hereby amended by adding the following provision to Section 5 of Article XVII:

“c. In addition, the Planning Board, by Special Permit, shall have the authority to waive or modify dimensional controls set forth in Table 4.2 of this Ordinance.”

**In City Council**

**January 6, 2004**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING SECTION 2 OF ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED  
APRIL 2, 1991 RELATIVE TO THE TABLE OF  
PERMITTED USES

Be it ordained by the City Council of the city of Worcester as follows:

Article IV, Section 2, Table 4.1 of the Worcester Zoning Ordinance is hereby amended under the category General Uses, in Line 12 – Nursing or convalescent home/institution/facility, by deleting, under the column for zoning district RS-7, the letter “N” and inserting in lieu thereof the letters “SP”.

**In City Council**

**January 6, 2004**

**Passed to be ordained by a yeas and nays vote of Ten Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING SECTION 3 OF ARTICLE XVII  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO ADAPTIVE REUSE OVERLAY DISTRICTS

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991 be and is hereby amended by adding the following provision after Section 3(e) of Article XVII:

“and by Special Permit a). Business Use #7 food service excluding consumption/sale of alcohol beverage; b.) Business Use #10 indoor recreation, health club – profit; c). Business Use #24 retail sales, including retail with incidental fabrication assembly.”

**In City Council**

**April 6, 2004**

**Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.**

**A Copy. Attest:**

***David J. Rushford***  
**City Clerk**

AN ORDINANCE AMENDING ARTICLE XI  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO AN INTERIM BUILDING MORATORIUM WITHIN THE  
AIRPORT ENVIRONS OVERLAY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by inserting after section 2 in Article XI, the following new section:

“Section 3 – Interim Building Moratorium

A. The purposes of this section are declared to be:

1. To protect the public health and safety from potentially incompatible development within the Airport Environs Overlay District;
2. To protect those areas within the Airport Environs Overlay District pending completion of a comprehensive planning process and possible adoption of a rezoning proposal;
3. To protect those areas within the Airport Environs Overlay District from development that would frustrate the goals of a comprehensive planning process and any contemplated rezoning.

B. Duration of the Moratorium

1. The interim building moratorium established hereunder shall expire two months from the date of its adoption or until the completion of the comprehensive planning process and the adoption of any zoning amendments derived from the comprehensive planning process, whichever occurs first.
2. Anything in Section 3(B)(1) to the contrary notwithstanding, the effective time period of the moratorium may be extended by a 2/3's vote of the City Council but,



under no circumstances may the moratorium remain in effect more than thirty-six months from the date of its adoption.

### C. Prohibited Uses

1. During the effective time period of the moratorium no building permit, special permit or variance shall be issued within the Airport Environs Overlay District for the following uses:

a) Uses listed in Article IV, Section 2, Table 4.1 – Residential Use;

b) Nursing or convalescent home/institution/facility (Article IV, Section 2, Table 4.1 – General Uses, Line 12);and

c) Schools (vocational, professional, others) --- profit (Article IV, Section 2, Table 4.1 – General Uses, Line 18).

### D. Exemptions

1. The following uses and activities shall be exempted from the application of the moratorium:

a) Renovation to existing structures not resulting in a new or additional dwelling unit, institutional room or classroom; and

b) Accessory buildings or structures, such as garages, sheds, fences, signs and swimming pools; and

c) Repairs to existing structures; and

d) Reconstruction, without expansion, of any structure damaged or destroyed by casualty.

e) The following Residential uses: Single-family detached, Single-family semi-detached and Two Family detached dwelling units.

Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.

*David J.*

***Rushford***

A Copy. Attest:

David J.

Rushford

City

Clerk

AN ORDINANCE AMENDING SECTION 2 OF ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO THE TABLE OF PERMITTED DIMENSIONS BY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

Article IV, Section 2, Table 4.2 of the Worcester Zoning Ordinance is hereby amended by adding the following provision at the bottom of the page, after the line beginning with “NOTE:”,

“NOTE 2: The designation 2+ indicates a maximum of 2 habitable stories with a non-habitable attic and garage underneath, if provided. The story containing the garage is not considered habitable if the garage area occupies 50% or more of the entire story.”

In City Council

October 19, 2004

Passed to be ordained by a yea and nay vote of Nine Yeas and No Nays.

***David J. Rushford***

A Copy. Attest:

David J. Rushford  
City Clerk

AN ORDINANCE AMENDING SECTION 4 OF ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO THE TABLE OF PERMITTED USES BY ZONING  
DISTRICTS

Be it ordained by the City Council of the City of Worcester as follows:

SECTION 1 Article IV, Section 4, Table 4.2, Permitted Dimensions By District, is hereby amended by deleting the lines for BO-1.0, BO-2.0, BL-1.0, BG-2.0, BG-3.0, BG-4.0 and BG-6.0, and inserting the following in lieu thereof:

BO-1.0 1	ALL	5,000	40 per du**	15	10	10	3	40	1 to
		for residential							
BO-2.0 1	ALL	5,000	40 per du**	15	10	10	3	40	2 to
		for residential							
BL-1.0 1	ALL	5,000	40 per du**	10	10	20	2+	40	1 to
		for residential							
BG-2.0 1	ALL	5,000	40 per du**	NA	NA	15	NA	50	2 to
		for residential							
BG-3.0 1	ALL	5,000	40 per du**	NA	NA	10	NA	100	3 to
		for residential							
BG-4.0 1	ALL	5,000	40 per du**	NA	NA	10	NA	150	4 to
		for residential							
BG-6.0 1	ALL	5,000	40 per du**	NA	NA	10	NA	NA	6 to
		for residential							

SECTION 2 Article IV, Section 4, Table 4.2, Permitted Dimensions By District, Table 4.2, is hereby amended by adding the following note at the bottom of the table:

\*\* But not more than two hundred (200) feet.

In City Council

August 16, 2005

Passed to be ordained by a yea and nay vote of Eight Yeas and No Nays.

*David J. Rushford*

A Copy. Attest:

David J. Rushford  
City Clerk

AN ORDINANCE AMENDING SECTION 4 OF ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO THE TABLE OF PERMITTED USES BY ZONING  
DISTRICTS

Be it ordained by the City Council of the City of Worcester as follows:

Article IV, Section 4, Table 4.2, Permitted Dimensions By District, Notes to Table 4.2, is hereby amended by adding the following new note 5:

- “5. Substantial irregularity – No lot shall be created that is substantially irregular in shape. For the purposes of this section, a lot is “substantially irregular” if it has a regularity factor that is less than 0.4 as determined by the following formula:

$$R=16A/p^2$$

Where: R = regularity factor; A = area of the lot (in square feet);  
and p = perimeter of the lot (in feet).

The provisions of this section shall not apply to lots shown on plans recorded at the Worcester District Registry of Deeds before January 12, 2005. Lots shown on such plans shall not be considered to be nonconforming for the Article IV, Section 4, Table 4.2, Permitted Dimensions By District, Table 4.2, is hereby amended by purposes of this Ordinance.”

In City Council

August 16, 2005

Passed to be ordained by a yea and nay vote of Eight Yeas and No Nays.

*David J. Rushford*

A Copy. Attest:

David J. Rushford  
City Clerk

AN ORDINANCE AMENDING SECTION 2 OF ARTICLE IV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991  
RELATIVE TO THE TABLE OF PERMITTED USES

Be it ordained by the City Council of the City of Worcester as follows:

Article IV, Section 2, Table 4.1 of the Worcester Zoning Ordinance is hereby amended under the category *Residential Uses*, in Line 12 – Single-family semi-detached dwelling, by deleting, under the columns for zoning districts RS-10 and RS-7, the designations “SP” and inserting in lieu thereof the designation “N”.

In City Council

January 10, 2006

Passed to be ordained by a yea and nay vote of Ten Yeas and No Nays.

A Copy. Attest:

***David J. Rushford***

David J. Rushford  
City Clerk

AN ORDINANCE AMENDING ARTICLE XV  
OF THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991,  
RELATIVE TO THE FLEXIBLE PARKING OVERLAY DISTRICT

Be it ordained by the City Council of the City of Worcester as follows:

The Worcester Zoning Ordinance, adopted April 2, 1991, be and is hereby amended by deleting Article XV in its entirety and inserting a new Article XV as follows:

ARTICLE XV  
FLEXIBLE PARKING OVERLAY DISTRICT

Section 1 – Purpose

The purposes of the Flexible Parking Overlay District (FPOD) are:

1. To promote the health, safety and general welfare of the community.
2. To promote the concentration of restaurants as a compatible land use by establishing a flexible off-street parking approval procedure.
3. To reduce the amount of land devoted to restaurant parking areas in a manner that is compatible with abutting uses.
4. To enhance the pedestrian environment and improve site layouts of restaurant properties.

Section 2 – Application and Jurisdiction

- A. The provisions of this article apply to all restaurant uses within the FPOD.
- B. The planning board, by special permit, shall have the authority to modify the number, dimensions, layout, and landscaping requirements for off-street parking, off-street loading requirements, and/or authorize shared parking arrangements with non-residential uses subject to the provisions of Section 3.
  1. The number of required off-street parking spaces may be reduced up to a maximum of seventy-five percent of the requirements otherwise required by Article IV, Table 4.4.

2. An application for a special permit to reduce the number of required parking spaces shall be accompanied by a parking analysis that demonstrates, to the satisfaction of the planning board, that a sufficient number of on-street parking spaces are available to support the applicant's requested reduction.
3. All restaurants utilizing a significant number of on-street or remote off-site parking spaces may be required to provide valet parking during peak hours of operation.

### Section 3 – Shared Off-Street Parking

A. Notwithstanding anything to the contrary in Article IV, Section 7(1)(E)(1), the planning board, by special permit, either in conjunction with a request for a reduction in the number of required off-street parking spaces hereunder or independent thereof, shall have the authority to allow a restaurant use within the FPOD to share the off-street parking facilities of a non-residential use within the FPOD subject to the following restrictions.

#### 1. On-site Shared Parking

Where multiple uses occupy the same lot, a restaurant use may utilize the off-street parking spaces otherwise required for the non-restaurant use(s) upon a finding by the Planning Board that the peak parking demand of the uses sharing parking spaces are sufficiently staggered to provide adequate off-street parking for each use.

#### 2. Off-site Shared Parking

A restaurant use may utilize the off-street parking spaces of a non-residential use located within one thousand feet of the restaurant use upon the following findings by the Planning Board:

- a) The restaurant use provides a minimum of twenty-five percent of its required off-street parking dedicated solely to the restaurant use (i.e., non-shared parking).
- b) The hours of operation of the uses sharing the parking facility are staggered such that the shared parking arrangements provide adequate off-street parking for each use.
- c) The restaurant use either owns or has, at a minimum, a five year lease agreement to use the lot for shared



parking. Proof of ownership or lease shall be presented to the Planning Board.

- d) Existing legally permitted restaurants, as of right, may utilize shared parking arrangements provided that they yield a net increase in the number of parking spaces, and that they are in accordance with Section 3(A)(2)(a) and (b) of this Article. Documentation of these arrangements must be filed with the Division of Planning & Regulatory Services.

#### Section 4 – Special Permit Duration

- A. Where shared parking is provided on a separate lot owned by the restaurant use, the special permit shall be conditioned on the restaurant use’s continued ownership of such lot.
  - 1. A restaurant use may seek to amend the special permit to continue the shared parking arrangement pursuant to a lease as set forth above.
- B. Where shared parking is provided on a separate lot pursuant to a lease agreement, the special permit shall be conditioned subject to a time limit that is co-terminus with the lease term.

#### Section 5 – Establishment of Flexible Parking Overlay District Zones

A Flexible Parking Overlay District (FPOD) is hereby established. The boundaries of the FPOD are shown on the Official Zoning Map.

#### Section 6 – Review Standards

- A. In addition to the special permit review criteria under Article II of this Ordinance, the Planning Board shall also review the special permit application for conformance with the following planning and design objectives.
  - 1. Whether the proposed modifications furthers the objectives of the FPOD.
  - 2. The relationship of the modifications to other planning considerations for the area and the city of Worcester as a whole, including the plans, programs and policies of the various departments and agencies of the city.

3. The impact of the required modifications on neighborhood properties.
  4. Whether the restaurant use, with the requested modifications, will have adequate parking through a combination of on-street and off-street parking.
  5. Whether any shared off-street parking arrangements will effectively provide sufficient parking for the uses proposed.
- B. An application for a special permit shall be accompanied by such plans and information as are otherwise required in connection with the parking plan approval process set forth in Article IV, Section 7. Any project that receives a special permit under this article shall be deemed to have also received, where applicable, its parking plan approval for purposes of Article IV, Section 7.

In City Council

October 24, 2006

Passed to be ordained by a yea and nay vote of Eleven Yeas and No Nays.

A Copy. Attest:

***David J. Rushford***  
David J. Rushford  
City Clerk