

**Minutes
Worcester Planning Board
Special Meeting
June 14, 2005**

**Executive Office of Neighborhood Services
Conference Room
418 Main Street, 4th Floor
Worcester, MA**

Proposed Omnibus Zoning Ordinance Amendment

Planning Board Members Present:

John Shea, Chair
Anne O'Connor
Scott Cashman

Staff Present:

Joel Fontane, Division of Planning
Edgar Luna, Division of Planning

Call to Order: 7:40 am.

1) **Minute Revisions:**

- a. Staff recommended to include cross references in the Board's minutes to its March 3, 2004, April 21, 2004, May 27, 2004 and July 22, 2004 special meetings regarding the Zoning Ordinance. *Board voted 3-0 to revise as proposed (motion by Anne O'Connor, Scott Cashman seconded).*
- b. Staff recommended that the July 22, 2004 Special Meeting minutes of the Board's recommendation regarding single-family, semi-detached dwellings in RS-10 zones be revised as follows: "the Board recommends 7,500SF minimum lot size and 50 feet of frontage per dwelling unit for duplexes in RS-10 zones with the issuance of a special permit." *Board voted 3-0 to revise as proposed (motion by Anne O'Connor, Scott Cashman seconded).*

2) **Additional Zoning Ordinance Amendment:**

Joel Fontane explained that the administration identified an internal inconsistency in the City of Worcester Zoning Ordinance that calls into question whether Lodging Houses are permitted in Residential Limited (RL) and Residential Single-Family (RS) Zone Districts.

Internal Inconsistency Identified. Although Article IV of the Zoning Ordinance limits Lodging House uses to Residential General (RG), Business Limited and Business General Zoning Districts¹, it also provides that “the renting of rooms by a resident family may be allowed in a residential district to not more than two (2) non-transients.”² Therefore, the owners of dwellings located in RL and RS Zone Districts could attempt to evade the City’s Lodging House use regulation based on the way the Zoning Ordinance defines “Family” and “Lodging House”. For example, since the definition of “Lodging House”³ pertains “[...] to four (4) or more unrelated⁴ persons to the person conducting it [...], and since a “Family”⁵ consists of not more than three (3) unrelated⁴ persons, a group of three unrelated people could rent rooms to two other unrelated people, and, by definition, could either be considered a “Family” or a “Lodging House”.

Joel Fontane indicated that the intention of the Zoning Ordinance is not to permit Lodging House uses in RL and RS zones; therefore, staff recommended that the Planning Board include as part of its omnibus zoning amendment, the following language for Article IV, Section 8(B)(7) Accessory Uses – Limitations in Residential Districts: specifically “The renting of rooms by a resident family may be allowed in a Residential District to not more than two (2) non-transients provided that no more than three (3) persons, who are not within the second degree of kinship⁶, are living in a dwelling unit”. *Board voted 3-0 to recommend as proposed (motion by Anne O’Connor, seconded by Scott Cashman).*

Meeting adjourned: 8:15 am

¹ **Article IV - Table 4.1** – Uses Permitted – allows Lodging House uses by Special Permit in RG and all business zoning districts.

² **Article IV Section 8(II)(H)** – Limitation in Residential Districts.

³ **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 residents, dormitories, or convalescent homes, nursing homes, rest homes, or group residents licensed or regulated by agencies of the Commonwealth.” – City of Worcester Zoning Ordinance.

⁴ Not within the second degree of kindred

⁵ **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.” – City of Worcester Zoning Ordinance.

⁶ An “uncle and nephew stand related in the second degree by the common law, as are two first cousins or two sons of two brothers. But by the civil law the uncle and nephew are in the third degree and the cousins are in the fourth” – *The Lectric Law Library’s Lexicon On Consanguinity* – www.lectlaw.com/def/c285.htm