

**Amendment 9150**

**AN ORDINANCE AMENDING  
THE WORCESTER ZONING ORDINANCE ADOPTED APRIL 2, 1991**

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

The Zoning Ordinance ordained April 2, 1991, as amended, be and is hereby further amended by making the following deletions and insertions.

SECTION 1 Delete Article II, Section-6(A)(2), second paragraph in its entirety and insert the following in lieu thereof:

“*Criteria.* Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the city or the neighborhood. In addition to any specific factors that may be set forth in this Ordinance, the determination by the SPGA shall be made within the context of the characteristics of the site and its vicinity, and shall include consideration of each of the following:

- (a) Social, economic, or community needs that are served by the proposal;
- (b) Traffic flow and safety, including access, parking and loading areas;
- (c) Adequacy of utilities and other public services;
- (d) Neighborhood character and social structure;
- (e) Impacts on the natural environment; and
- (f) Potential fiscal impact, including city services needed, tax base, and employment.”

SECTION 2 Insert the following new sentence at the end of the first paragraph in Article II, Section-7(A)(1):

“The Planning Board shall be the Special Permit Granting Authority (SPGA) for all special permits issued in any Priority Development Site designated by the City Council pursuant to M.G.L. c. 43D.”

SECTION 3 Delete the period and insert the following new clause and sentence at the end of Article V, Section-2(F):

“, nor shall site plan review be required for any project or land use which requires a special permit in any Priority Development Site, as designated by the City Council pursuant to M.G.L. c. 43D; provided however, that the applicant for such special permit shall submit all of the information required in Article V, Section-4(B), to the Special Permit Granting Authority as part of the required special permit application.”

SECTION 4 Insert the following new Article XVIII relative to expedited permitting for Priority Development Sites:

## **“ARTICLE XVIII**

### **PRIORITY SITE DEVELOPMENT**

#### **Section 1 – Purpose**

The purpose of this Article is to further expedite permitting in any Priority Development Site designated by the City Council pursuant to M.G.L. c. 43D, and to provide mechanisms for the change of facilities after the issuance of site plan approval or a special permit by the Planning Board.

#### **Section 2 – Changes to Special Permits or Approved Site Plans**

- A. After the issuance of a Special Permit or Site Plan Approval for any Priority Development Site (PDS), the Planning Board, at its discretion, shall determine whether any proposed modifications to the previously approved plans for the project are substantial or insubstantial. In all cases, the determination shall be made using the framework described below.
- B. Insubstantial Changes.

The following shall constitute insubstantial modifications that may be approved by a majority vote of the Planning Board at a public meeting without the advertising and notice requirements of the initial consideration.

- 1. All underground changes;
- 2. Any change less than or equal to two feet (2') in the location of buildings, parking, retaining walls or drainage facilities, caused by unexpected field conditions, as long as the new location does not penetrate the applicable setback required for the underlying zoning district or a non-zoning related setback specifically designated in the Planning Board's Site Plan Approval or Special Permit Approval;

3. Changes in the location of less than, or equal to, 10% of the total area devoted to parking;
4. Changes in the number of compact parking spaces, provided that the number of compact spaces is less than or equal to 25% of the total number of spaces provided;
5. Changes in the location and types of lighting provided that they meet the intent of the zoning ordinance;
6. Changes in the dimensions of landscape buffers, location of plantings, and materials used, provided that they meet the intent of the zoning ordinance;
7. Changes in the location of signs provided that it meets the new location requirements of the Zoning Ordinance;
8. Any reduction in area of impervious surfaces;
9. The addition of nonhabitable accessory structures that meet the by-right requirements of the zoning ordinance;
10. Changes in grade that do not change the height of buildings by more than 5% provided that the resulting height of all structures meet the maximum height requirements of the zoning ordinance and that it does not create or disturb a slope greater than or equal to 15%; and
11. Any other changes the Planning Board, at its discretion, considers insubstantial, excluding those classified as substantial by this Ordinance.

C. Substantial Changes.

The following shall constitute substantial modifications that are subject to authorization by the Planning Board of an amendment to the original application using the same standards and procedures applicable to the original application.

1. Any change in the location of buildings, parking, retaining walls or drainage facilities greater than two feet (2') from the location approved.
2. Changes to building envelope that result in a larger footprint, an increase in height, an increase in volume, an increase in floor area, or any combination of such changes;
3. An increase in the land area devoted to parking, loading, or traffic circulation;
4. Changes to the architectural character including the color and style of materials used for the exterior façade of buildings;

5. Changes that result in a reduction of open space by more than 10%; and
6. Other changes the Planning Board, at its discretion, considers substantial in the context of the approved project.

**Section 3 - Change of Use.**

After the issuance of any Special Permit or Site Plan Approval for any Priority Development Site, a use available as of right in the underlying zoning district governing the Priority Development Site may be changed to another use available as of right in such underlying district without modification of the approved Site Plan or Special Permit, provided that none of the thresholds set forth in Section-2(B) and Section-2(C) of this Article are triggered.”

**In City Council April 29, 2008**

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

**A Copy. Attest:**

**David J. Rushford, Clerk**  
***David J. Rushford***  
**City Clerk**