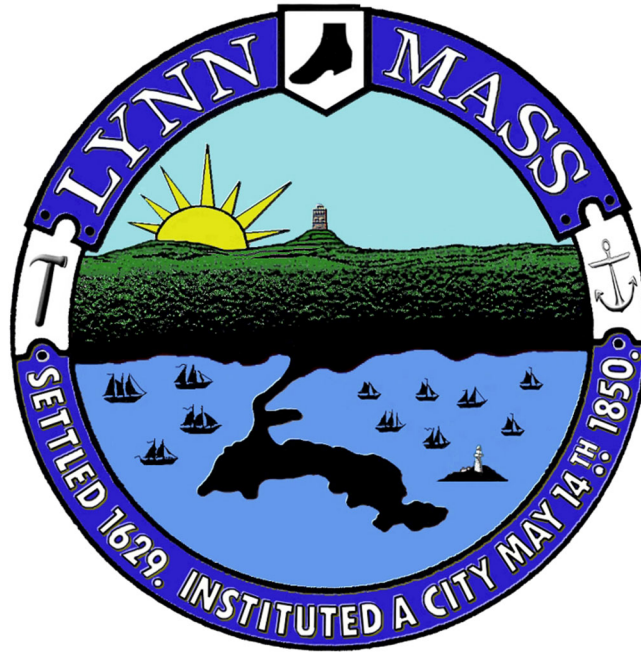


# CITY OF LYNN ZONE ORDINANCE



**EFFECTIVE JULY 7, 2025**  
**LYNN CITY COUNCIL**

John M. Walsh Jr.  
Council President

Jared C. Nicholson  
Mayor, City of Lynn



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# Zoning

## Section 1. Purpose and authority

### A. Purpose

The Lynn Zoning Ordinance ("this chapter" or "the Zoning Ordinance") has been enacted to promote the health, safety, morals, convenience and general welfare of its inhabitants, to lessen the danger from fire, congestion, and confusion, and to improve and beautify the City. To further these purposes, the use, construction, and alteration of buildings or structures and the use of premises in the City are hereby restricted and regulated as hereinafter provided.

### B. Authority

This chapter is enacted in accordance with the provisions of the M.G.L. c. 40A, and any and all amendments thereto, and Section 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

### C. Scope

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the City, shall be in conformity with the provisions of this chapter. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this chapter imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this chapter shall control.

### D. Applicability

1. This chapter is a further amendment of the Lynn Zoning Ordinance and zoning map, as amended, and shall be construed to be a continuation of the regulations contained therein, regardless of changes in wording or arrangement, except insofar as amendments constitute changes in meaning. In the event of a discrepancy in meaning as between the Ordinance as originally adopted, and later amendments, the meaning in the most recent amendment shall exclusively prevail.



2. Land and structures owned by the City, or used by or on behalf of the City, shall be exempt from the requirements of this Ordinance.

**E. Amendments**

The City Council may from time to time, after publishing notice and hearing, amend, supplement or change this chapter as provided by statute.

**F. Severability**

Should any section or provision of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, it is the intention that such decision shall not affect the validity of the chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.



## Section 2. Districts

### A. Establishment

For the purpose of this Zoning Ordinance, the City is divided into the zoning districts set forth below:

#### CIVIC DISTRICT

Civic CIV

#### RESIDENTIAL DISTRICTS

Single family residential R1

Two family residential R2

Medium density residential R3

High density residential R4

#### COMMERCIAL AND MIXED USE DISTRICTS

Neighborhood business B1

Urban business B2

Central business BC

Mixed use midrise M1

Mixed use highrise M2

Medical village MV

Research and development RD

Riverworks TOD RT

#### INDUSTRIAL DISTRICTS

Light industrial IL

Heavy industrial IH

### B. Overlay district

In addition, the following overlay district is also hereby established in the Special Districts Regulations section:

Floodplain Overlay District O-FP

### C. Zoning map

The location and boundaries of the zoning districts are as shown, defined, and bounded on the set of maps accompanying this chapter entitled, "Zoning Map, City of Lynn, Massachusetts." The zoning map, its amendments and all explanatory matter thereon are hereby made a part of this chapter.

### D. Boundaries of districts

Boundaries of the zoning districts where indicated on the zoning map as approximately following city limits; platted lot lines or the centerlines of streets, water courses, or railroad lines as they existed upon the effective date of adoption or amendment of this chapter; or extensions thereof shall be construed to follow respectively such city limits; platted lot lines or centerlines of streets, water courses or railroad lines; or extensions thereof unless otherwise delineated on the zoning map.

### E. Split lots



1. **By City boundary.** When a lot is situated in part in the City and in part in an adjacent municipality, the provisions of this chapter shall be applied to the portion of such a lot in the City in the same manner as if the entire lot were situated in the City.
2. **By zoning district boundary.** When a lot is transected by a zoning district boundary, the regulations of this chapter applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent of not more than 30 linear feet in depth beyond such zoning district boundary.



## Section 3. Use regulations

### A. Use classification and designation

1. **Use categories.** This ordinance classifies principal and accessory land uses into use categories based on similar functional characteristics, physical characteristics, amount of activity, and likely impact on surrounding properties due to noise, vibration, and other impacts.
2. **Definition of uses.** Individual uses are defined within categories in Section 12.C. Definition of uses.
3. **Category designation.** The Building Commissioner shall classify land uses based on the definition of uses. If a proposed use is not listed in a use category, but meets the definition of a use category or is similar to a listed individual use, the Building Commissioner may consider the proposed use as part of that use category. When a proposed use is not found to meet the definition of a use category or be similar to a listed individual use by the Building Commissioner, the use is prohibited.

### B. Permitted uses

1. **Mixed use.** Real property may have one or more principal and one or more accessory uses.
2. **Table of Use Regulations.** The use of real property is permitted as specified in the Table of Use Regulations. Use categories not identified in the Table of Use Regulations are prohibited.
3. **Key to the Table of Use Regulations.**
  - a. Permitted by right. A use listed in the Table of Use Regulations is permitted as of right in any district under which it is denoted by the letter "P" subject to such restrictions as may be specified elsewhere in this Ordinance.
  - b. Special Permit: A use designated in the Table of Use Regulations by the letters "SP" may be permitted as a Special Permit only if the City Council so determines and grants a special permit therefore as provided in this Ordinance subject to such restrictions as are set forth elsewhere in this Ordinance, and such restrictions as said Board may establish.
  - c. Not Allowed. A use listed in the Table of Use Regulations which is denoted by the letter "X" is not allowed without an amendment to the Zoning Ordinance enacted by the City Council.



Table of use regulations

| Residential                    | CIV | R1 | R2 | R3 | R4 | B1    | B2    | BC    | M1 | M2 | MV    | RD | RT | IL | IH |
|--------------------------------|-----|----|----|----|----|-------|-------|-------|----|----|-------|----|----|----|----|
| Single family                  | X   | P  | P  | P  | P  | X     | X     | X     | X  | X  | X     | X  | X  | X  | X  |
| Two-family                     | X   | X  | P  | P  | P  | P (a) | P (a) | P (a) | P  | P  | X     | X  | X  | X  | X  |
| Three-family                   | X   | X  | SP | P  | P  | P (a) | P (a) | P (a) | P  | P  | X     | X  | X  | X  | X  |
| Multifamily                    | X   | X  | X  | SP | P  | SP    | P (a) | P (a) | P  | P  | X     | SP | P  | X  | X  |
| Communal                       | X   | X  | X  | SP | P  | X     | P (a) | P (a) | P  | P  | X     | X  | X  | X  | X  |
| Senior Living Multi-Family     | X   | X  | X  | SP | P  | SP    | P (a) | P (a) | P  | P  | P     | X  | P  | X  | X  |
| Commercial                     | CIV | R1 | R2 | R3 | R4 | B1    | B2    | BC    | M1 | M2 | MV    | RD | RT | IL | IH |
| Assembly                       | X   | X  | X  | X  | X  | SP    | P     | P     | P  | P  | X     | SP | P  | P  | P  |
| Automotive                     | X   | X  | X  | X  | X  | SP    | SP    | X     | X  | X  | X     | X  | SP | SP | SP |
| Bars, pubs, or taverns         | X   | X  | X  | X  | X  | SP    | SP    | P     | SP | SP | X     | SP | P  | SP | SP |
| Bed and breakfast              | X   | X  | X  | SP | SP | P     | P     | SP    | P  | P  | X     | X  | X  | X  | X  |
| Cannabis business              | X   | X  | X  | X  | X  | SP    | SP    | SP    | X  | X  | X     | X  | SP | SP | SP |
| Eating place                   | X   | X  | X  | X  | SP | P     | P     | P     | P  | P  | P (b) | SP | P  | P  | P  |
| Gun shop                       | X   | X  | X  | X  | X  | X     | X     | X     | X  | X  | X     | X  | X  | X  | SP |
| Indoor telecommunications      | X   | X  | X  | X  | SP | SP    | SP    | SP    | SP | SP | X     | SP | SP | P  | P  |
| Hotel                          | X   | X  | X  | X  | SP | P     | P     | P     | P  | P  | X     | SP | P  | X  | X  |
| Clean manufacturing            | X   | X  | X  | X  | X  | SP    | P     | P     | P  | P  | X     | P  | P  | P  | P  |
| Office and creative enterprise | X   | X  | X  | X  | X  | P     | P     | P     | P  | P  | P     | P  | P  | P  | P  |
| Outdoor commercial storage     | X   | X  | X  | X  | X  | X     | X     | X     | X  | X  | X     | X  | X  | SP | P  |
| Outdoor recreation             | X   | X  | X  | X  | X  | P     | P     | P     | P  | P  | X     | SP | P  | P  | P  |



|  |            |           |           |           |           |           |           |           |           |           |           |           |           |           |           |
|--|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Production & retail of food & beverage | X          | X         | X         | X         | X         | P         | P         | P         | P         | P         | X         | SP        | X         | P         | P         |
| Retail and personal services           | X          | X         | X         | X         | SP        | P (b)     | P (b)     | P (b)     | P (b)     | P (b)     | P (b)     | SP        | P         | P (b)     | P (b)     |
| Large format retail (c)                | X          | X         | X         | X         | SP        | SP        | SP        | P         | SP        | P         | X         | SP        | P         | SP        | SP        |
| Sensitive retail and services          | X          | X         | X         | X         | X         | X         | SP        | SP        | SP        | SP        | X         | X         | X         | X         | SP        |
| Short-term rental                      | X          | X         | P         | P         | P         | P         | P         | P         | P         | P         | X         | X         | X         | X         | X         |
| Trade                                  | X          | X         | X         | X         | X         | SP        | SP        | SP        | SP        | SP        | X         | SP        | X         | SP        | P         |
| <b>Industrial</b>                      | <b>CIV</b> | <b>R1</b> | <b>R2</b> | <b>R3</b> | <b>R4</b> | <b>B1</b> | <b>B2</b> | <b>BC</b> | <b>M1</b> | <b>M2</b> | <b>MV</b> | <b>RD</b> | <b>RT</b> | <b>IL</b> | <b>IH</b> |
| Cannabis manufacturing                 | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        |
| Energy                                 | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        | SP        | SP        |
| Freight terminal and warehouse         | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        |
| Light industry                         | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        | P         | P         |
| Heavy industry                         | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        |
| Outdoor industrial storage             | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        |
| Self-storage                           | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        |
| Water-dependent industrial             | X          | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | X         | SP        | SP        |
| <b>Community</b>                       | <b>CIV</b> | <b>R1</b> | <b>R2</b> | <b>R3</b> | <b>R4</b> | <b>B1</b> | <b>B2</b> | <b>BC</b> | <b>M1</b> | <b>M2</b> | <b>MV</b> | <b>RD</b> | <b>RT</b> | <b>IL</b> | <b>IH</b> |
| Agriculture                            | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Childcare                              | X          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | SP        |
| Education and public                   | P          | SP        | SP        | SP        | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Institutional healthcare               | X          | SP        | SP        | SP        | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |
| Open space                             | P          | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         | P         |



|                                   |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
|-----------------------------------|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| Transit station                   | X   | SP | SP | SP | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  |
| Accessory                         | CIV | R1 | R2 | R3 | R4 | B1 | B2 | BC | M1 | M2 | MV | RD | RT | IL | IH |
| Drive through                     | X   | X  | X  | X  | X  | SP | X  | X  | X  | X  | SP | X  | X  | X  | SP |
| Accessory dwelling unit           | X   | P  | P  | P  | P  | X  | X  | X  | X  | X  | X  | X  | X  | X  | X  |
| Agriculture                       | P   | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  |
| Farm structures                   | P   | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | P  | P  |
| Farm stand                        | X   | SP | SP | SP | SP | P  | SP | P  | P  | P  | P  | P  | P  | P  | P  |
| Home occupation without employees | X   | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | X  | X  | X  | X  |
| Home occupation with employees    | X   | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | X  | X  | X  | X  |
| Outdoor display of goods          | X   | X  | X  | X  | X  | SP | SP | SP | SP | SP | SP | SP | SP | P  | P  |
| Production facility storefront    | X   | X  | X  | X  | X  | P  | P  | P  | P  | P  | SP | P  | P  | P  | SP |
| Truck parking                     | X   | X  | X  | X  | X  | SP | SP | SP | SP | SP | SP | SP | SP | P  | P  |
| Research and development          | X   | X  | X  | X  | SP | SP | SP | SP | SP | SP | SP | P  | P  | P  | P  |
| Signs and towers                  | X   | X  | X  | X  | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP |
| Short-term rental                 | X   | X  | P  | P  | P  | P  | P  | P  | P  | P  | X  | X  | X  | X  | X  |
| Solar energy, rooftop generation  | X   | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  | P  |
| Temporary structures and trailers | X   | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | SP | P  | P  |

**4. Notes to Table of use regulations**

- a. (a) Residential allowed on upper stories.
- b. (b) Uses over 5,000 gross square feet require Special Permit
- c. (c) Large Format Retail establishments shall contain not less than 30,000 square feet of gross floor area devoted to Large Format Retail uses, as defined in this Ordinance.



### C. Special permits

In addition to the "SP" uses designated in the Table of Use Regulations, the following uses shall be required to obtain a special permit from the City Council.

1. Garage (three or more cars)
2. Laundry
3. Stable
4. Stone mason
5. Establishments that serve alcoholic beverages of any kind within 50 feet of private or public school with grades eight through twelve.
6. Package Stores and businesses with an all alcohol or beer/wine license to be drunk off premises.
7. The following entertainment and recreation venues: enclosed ice- or roller-skating rink; carousel; circus; carnival; ferris wheel; shooting gallery and similar commercial amusement places; inclined railways; and electric or other type of boat rides within or without building or structure.

### D. Prohibited uses

The following uses are specifically prohibited in all zoning districts. This list is nonexclusive, and no use shall be deemed permitted because it is not listed herein.

1. **Animal slaughterhouse:** A facility designed for the slaughter and processing of mammals for meat and other animal products.
2. **Asphalt plant:** A facility for the production and processing of asphalt, including the mixing of raw materials such as aggregate, sand, and bitumen to create asphaltic concrete used in road construction, paving, and other related applications.
3. **Check-cashing:** A business that provides services to cash checks, money orders, or similar financial instruments for a fee without offering traditional banking services such as savings accounts or loans.
4. **Junkyards:** An outdoor location or facility where discarded or salvaged materials, including vehicles, machinery, appliances, and other goods, are collected, stored, and potentially dismantled or recycled for parts or materials.
5. **Parking of unregistered motor vehicles:** No person or business shall have, keep, or store more than one unregistered, uninsured, or inoperable motor vehicle, boat, trailer, camper, motorcycle, or recreational vehicle ungaraged on their premises for more than 72 hours, nor shall any such unregistered, uninsured, or inoperable motor vehicle, boat, trailer, camper, motorcycle, or recreational vehicle be stored in the front yard area. This provision shall not apply to the sale or lease of new or used motor vehicles pursuant to M.G.L. c. 140, § 58.

### E. Accessory use operations and area

1. **Operation.** The operation of an accessory use shall be customarily incidental and subordinate to a permitted principal use and shall not alter the scale or visual impact of the premises on which it is located or of the neighborhood. Any accessory activity that involves noise, glare, heat, smoke, or electromagnetic transmission shall be adequately shielded to achieve these ends.
2. **Home occupation accessory use requirements.**
  - a. Commercial vehicle parking for all home occupation accessory uses.
    - i. No more than one commercial vehicle may be parked overnight at the premises.



- ii. The maximum gross vehicle weight for any commercial vehicle parked overnight is 14,001 pounds.
- iii. Any commercial vehicle parked overnight shall not produce any audible backup warning alarms.
- b. Home occupation without employees. Where allowed as accessory uses, pursuant to the Table of Permitted Uses, home occupations without employees must:
  - i. Be conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence.
  - ii. Be clearly incidental and subordinate to the use of the premises for residential purposes.
  - iii. Not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution.
  - iv. Not utilize exterior storage of material or equipment (including the parking of commercial vehicles).
  - v. Not exhibit any exterior indication of its presence or any variation from residential appearance.
  - vi. Up to two customers or clients at the premises at a time.
  - vii. The following home occupations shall be specifically excluded under the section: massage parlors, autobody/autobody part sales and repairs, mobile automobile mechanical and autobody repair, and physician's office.
  - viii. Be registered with the Building Commissioner, such registration to be renewed every two years and subject to the Building Commissioner's determination that there have been no confirmed violations of this section during the preceding registration period.
- c. Home occupation with employees. Where allowed as accessory uses, pursuant to the Table of Permitted Uses, home occupations with employees must
  - i. Be clearly incidental and subordinate to the use of the premises for residential purposes;
  - ii. Not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
  - iii. Not involve sales of wares or goods on the premises;
  - iv. Not utilize exterior storage of material or equipment;
  - v. Be conducted within a dwelling and solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two nonresident employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
  - vi. Not exhibit any exterior indication of its presence, or any variation from residential appearance;
  - vii. Be authorized by a special permit granted by the City Council, which may impose conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips;
  - viii. The special permit shall be specific to the applicant and shall terminate upon transfer of ownership of the property or change of occupancy of the property.



- ix. The special permit shall be for a term of two years and may be renewed by the City Council without a public hearing unless it determines that a public hearing is necessary to address complaints of zoning violations or adverse impacts to the neighborhood.
- 3. **Keeping of animal requirements for agricultural purposes.** Hens and honey bees are the only allowed animals to keep in Lynn for agricultural purposes and are subject to the following criteria. Other livestock are prohibited.
  - a. No person shall keep hens or honeybees on their premises without obtaining a permit from the Building Commissioner.
  - b. Requirements for the keeping of hens:
    - i. A maximum of 6 hens may be kept on a lot. No roosters may be kept.
    - ii. Odor from hens cannot be noticeable at the property boundary.
    - iii. Hens must stay on the property.
    - iv. Henhouses shall not exceed eight feet in height and have a minimum of two square feet per hen.
    - v. Henhouses are subject to accessory structure setback requirements
    - vi. Henhouses are not permitted in front yards or in side yards that abut streets.
    - vii. Ownership, care and control of the hens shall be the responsibility of a resident of the dwelling on the lot.
  - c. Requirements for the keeping of honey bee hives:
    - i. Honey bee hive: A hive is a manufactured receptacle or container prepared for the use of honey bees that includes movable frames, combs, and substances deposited into the hives by honey bees.
    - ii. Hive limit: 2 per parcel
    - iii. Hive height limit: 5 feet
    - iv. Hive size limit: 20 cubic feet
    - v. Owner contact information: Each hive must have visibly posted to be used by a city or state inspector or by a member of the public with questions or concerns.
- 4. **Farm stand requirements.** Accessory farm stands shall not exceed 200 square feet in floor area and are only allowed at the same location as an urban farm. Farm stands must be placed so as not to encroach onto sidewalks, driveways or other rights of way.
- 5. **Drive-through facilities**
  - a. **Purpose.** The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the City by providing detailed review of the design and layout of drive-through facilities, which have a substantial impact upon the character of the City and upon traffic, utilities and services therein.
  - b. **Special Permit Required.** No drive-through facility may be constructed unless it is authorized by a special permit issued by the City Council.
  - c. **Drive-through facility standards.**
    - i. There must be a minimum of 200 feet between curb cuts, unless reduced by the City Council upon a finding that such reduction may be granted without detriment to the



public good and without substantially derogating from the intent and purpose of this section.

- ii. The width of any curb cut shall not exceed 20 feet for two-way traffic and 10 feet for one-way traffic, unless the traffic impact study identifies the need for a larger curb cut and the requirement is increased by the City Council.
  - iii. Curb cuts must be sufficiently setback from intersections and directional restrictions (i.e., right-in/right-out only and/or a restrictive median) must be provided as required by the City Council.
  - iv. A system of joint use driveways and cross access easements shall be established wherever feasible and the proposed development shall incorporate the following:
    - (a) A service drive or cross access corridor extending the width of the parcel;
    - (b) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
  - v. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: separate drive-through traffic from site circulation; not impede or impair access into or out of parking spaces; not impede or impair vehicle or pedestrian traffic movement; and minimize conflicts between pedestrian and vehicular traffic. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement within stacking lanes. If said separate stacking lane is curbed an emergency by-pass or exit shall be provided.
  - vi. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for drive-through fast food facilities shall be a minimum of 200 feet from the property line of a residential use. Any outdoor service facilities (including service lane, menu boards, speakers, etc.) for other drive-through facilities shall be a minimum of 50 feet from the property line of a residential use. For any drive-through facility, a landscaped buffer and solid wooden panel fence must be provided alongside and rear setbacks directly adjacent to residential uses to screen the abutting residential use. The landscaped buffer must be a minimum of 20 feet wide.
  - vii. Menu boards shall be a maximum of 30 square feet, with a maximum height of 6 feet, and shall be shielded from any public street and residential properties.
  - viii. Noise levels generated by all operations, including but not limited to noise emanating from speakers from the resultant establishment(s), shall not increase the broadband sound level by more than 10 dB(A) above the ambient levels measured at the property line.
- d. **Compliance.**
- i. An as-built plan, certified by a registered professional land surveyor or engineer shall be submitted to the City Council and Building Commissioner before the issuance of a permanent occupancy permit.
  - ii. No permanent occupancy permit shall be issued for any building/drive-through facility subject to this section unless such building and all its related facilities have been completed according to the approved site/drive-through plan.



- iii. Any changes in the approved site/drive-through plan, or in the activity to be conducted on the site shall be submitted to the City Council for review and approval pursuant to all requirements of this section.



## Section 4. Dimensional requirements

### A. General requirements

1. **Table of Dimensional Requirements.** No building or structure shall be constructed nor shall any existing building or structure be enlarged or altered except in conformance with the Table of Dimensional Requirements as to impervious lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures, except as may otherwise be provided elsewhere herein. No existing lot shall be changed in size or shape so as to result in a violation of the requirements set forth in said Table.

Diagram of dimensional requirements (official language for each requirement is in the following sections)



- A. Lot width (min, ft.):** Horizontal distance measured at the rear of the required front setback depth and on a line parallel to the street line.
- B. Front setbacks (min or max, ft.):** Measured from the front lot line to the nearest point of the principal structure.
- C. Side setback (min, ft.):** Measured from the side lot line to the nearest point of the principal structure.
- D. Sum of side setbacks (min, ft.):** In some districts, the sum of the side setbacks is higher than the minimum to increase the space between structures and allow for driveways.
- E. Rear setback (min, ft.):** Measured from the rear lot line to the nearest point of the principal structure.
- F. Building height (max, ft.):** Measured from the average elevation of the street frontage to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs..



**Green space (min, %):** Ground level or upper story outdoor landscaped area including, but not limited to, natural woodlands, yards, forecourts, courtyards, and green roofs.

**Impervious lot coverage (max, %):** The portion of a lot that is covered with impervious surfaces, including but not limited to buildings and impervious driveways.

*Table of dimensional requirements*

| Lot dimensions   | CIV | R1    | R2    | R3    | R4    | B1    | B2  | BC   | M1    | M2   | MV     | RD  | RT     | IL  | IH  |
|--|-----|-------|-------|-------|-------|-------|-----|------|-------|------|--------|-----|--------|-----|-----|
| Lot size (min, sq.ft.)                                     | NA  | 6,000 | 3,750 | 4,000 | 6,000 | 3,000 | NA  | NA   | 4,000 | NA   | 15,000 | NA  | 40,000 | NA  | NA  |
| Lot width (min, ft.)                                       | NA  | 50    | 45    | 40    | 50    | 40    | 50  | 50   | 40    | 50   | 50     | 50  | 50     | 50  | 50  |
| Lot development  | CIV | R1    | R2    | R3    | R4    | B1    | B2  | BC   | M1    | M2   | MV     | RD  | RT     | IL  | IH  |
| Impervious lot coverage (max, %)                           | NA  | 65%   | 65%   | 80%   | 80%   | 70%   | 85% | 100% | 80%   | 100% | 75%    | 85% | 70%    | 95% | 95% |
| Green space (min, %)                                       | NA  | NA    | NA    | 10%   | 10%   | NA    | 15% | 0%   | 10%   | 0%   | 25%    | 15% | 30%    | 15% | 15% |
| Lot area per dwelling unit (min, sq.ft.)                   | NA  | NA    | 2,375 | 1,500 | 350   | 500   | 500 | 150  | 500   | 350  | 1,500  | NA  | 350    | NA  | NA  |
| Lot area per dwelling unit by special permit (min, sq.ft.) | NA  | NA    | NA    | 1,000 | 350   | 400   | 400 | 100  | 400   | 350  | 1,500  | NA  | NA     | NA  | NA  |
| Building setbacks  | CIV | R1    | R2    | R3    | R4    | B1    | B2  | BC   | M1    | M2   | MV     | RD  | RT     | IL  | IH  |
| Front setbacks (min, ft.)                                  | NA  | 10    | 10    | 10    | 10    | 10    | 0   | 0    | 0     | 0    | 10     | 10  | 10     | 10  | 10  |
| Front setbacks (max, ft.)                                  | NA  | NA    | NA    | NA    | NA    | NA    | 12  | 12   | NA    | 12   | NA     | NA  | NA     | NA  | NA  |
| Side setback (min, ft.)                                    | NA  | 5     | 5     | 5     | 0     | 5     | 0   | 0    | 0     | 0    | 0      | 5   | 0      | 0   | 0   |
| Sum of side setbacks (min, ft.)                            | NA  | 15    | 15    | 15    | 0     | 15    | 0   | 0    | 0     | 0    | 0      | 15  | 0      | 0   | 0   |
| Rear setback (min, ft.)                                    | NA  | 15    | 15    | 15    | 15    | 15    | 0   | 0    | 0     | 0    | 15     | 5   | 0      | 15  | 15  |
| Side setback abutting R districts (min, ft.)               | NA  | NA    | NA    | NA    | NA    | 7.5   | 7.5 | 7.5  | 7.5   | 7.5  | 35     | 7.5 | 7.5    | 7.5 | 7.5 |
| Rear setback abutting R districts (min, ft.)               | NA  | NA    | NA    | NA    | NA    | 15    | 15  | 15   | 15    | 15   | 15     | 15  | 15     | 25  | 25  |
| Building   | CIV | R1    | R2    | R3    | R4    | B1    | B2  | BC   | M1    | M2   | MV     | RD  | RT     | IL  | IH  |
| Floor area ratio (max)                                     | NA  | 1.0   | 1.0   | 2.5   | 4.0   | 1.5   | 3.0 | 10.0 | 2.8   | 5.0  | 1.25   | 5.0 | 2.8    | 3.0 | 3.0 |
| Building height (max, ft.)                                 | NA  | 35    | 35    | 40    | 75    | 35    | 45  | 120  | 55    | 100  | 70     | 120 | 240    | 60  | 60  |
| Building height by special permit (max, ft.)               | NA  | 35    | 35    | 75    | 120   | 55    | 65  | NA   | 80    | 240  | NA     | 240 | NA     | 120 | 120 |
| Building height (min, number of stories)                   | NA  | NA    | NA    | NA    | 3     | NA    | 2   | 2    | NA    | 2    | NA     | 2   | 2      | NA  | NA  |



2. **Notes to Table of Dimensional Requirements.** In interpreting the Table of Dimensional Requirements, the following provisions shall apply:
  - a. In RD districts, the minimum ground floor clear floor-to-floor height is 21 feet.
  - b. The minimum primary front setback depth required shall be measured from the street line.
  - c. On a corner lot, the minimum front setback depth rather than the minimum side setback width, shall be applied to determine the setback of any building from lot lines abutting any public or private way.
  - d. The minimum side setback required shall be measured from the side lot line to the side building line, and the minimum rear setback depth required shall be measured from the rear lot line to the rear building line.
  - e. The minimum lot width required shall be measured at the rear of the required front setback depth and on a line parallel to the street line.
  - f. Frontage shall mean a lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along 2 intersecting streets if their angle of intersection is greater than 120 degrees.
  - g. The building height shall be measured from the average elevation of the street frontage to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.
  - h. Rooftop building elements may exceed the maximum height limit defined herein by up to 15 feet provided that they occupy in the aggregate less than 20 percent of the area of the roof on which they are located and are located and designed as to minimize visibility from the street to the extent practicable. Examples include elevator or stairway enclosures, spires, towers, chimneys, broadcasting and television antennae, ventilators, roof-mounted solar energy systems, and other appurtenances or ornamental features usually located above the roof, which features are in no way used or suitable for use for occupancy or storage purposes.
  - i. Ground mounted solar energy systems may be located no closer than 10 feet from the front, side, or rear lot line.
3. Lot development
  - a. Impervious lot coverage
    - i. The maximum area of a lot that is permitted to be covered by the combination of principal buildings, accessory buildings, accessory structures and impermeable surfaces.
    - ii. The impervious lot coverage of a structure is measured from the outside of the exterior walls at the ground story, including covered porches and other building components.
    - iii. The lot coverage (and permeable area) of porous asphalt, pervious concrete, paving stones, or grass pavers is calculated using the runoff coefficient provided by the manufacturer and certified by a design professional.
  - b. Green space: The minimum area of a lot that must be provided as green space. Green space is ground level or upper story outdoor landscaped area including, but not limited to, natural woodlands, yards, forecourts, courtyards, and green roofs.
4. Projections into required setbacks



- a. Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than 3.5 feet, and which are part of a building not more than 35 feet in height, may extend beyond the minimum required side and rear setback; provided however, that the setback areas over which these building elements project may not be included as open space in the maximum impervious lot coverage requirements.
  - b. Projecting eaves, bay windows, balconies, and like projections may extend beyond the minimum front setback requirements; provided however, that the total width of projecting features may not exceed the lesser of 30% of the total width of the lot or 50% of the width of the building, and the setback areas over which these building elements project are excluded in the calculation of open space in the maximum impervious lot coverage requirements.
5. Dimensional requirements for accessory structures.
- a. Area. The total area of uses accessory to the principal use is limited to 25 percent of the floor area or lot area of the Principal Use(s) to which it is accessory, and the total area of uses or buildings accessory to the principal use except that parking facilities and driveways may not occupy an area equal to or greater than 15 percent of the entire area of the lot.
  - b. Height of accessory structure. The height of accessory structures is limited as follows:
    - i. Structures accessory to one- and two-family dwellings shall not exceed 15 feet in height.
    - ii. Structures accessory to other uses shall not exceed the height restriction of the principal structure.
  - c. Location of accessory structure. The location of accessory structures shall be limited as follows:
    - i. In residential districts, no accessory structure shall be located within the required front or side setback but may be built in the rear setback.
    - ii. In commercial and industrial districts, no accessory structure shall be permitted within any required setbacks.
    - iii. Swimming pools may not be located in front of the principal structure and must be set back a minimum six feet from rear and side lot lines, measured from the water's edge to the lot lines. All pumping equipment must be suitably screened and be set back a minimum of twelve feet from any lot line.



## Section 5. Nonconforming uses and structures

### A. Applicability

1. **Applicability to nonconformities.** Except as hereinafter provided, this chapter shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this chapter or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.
2. **Commencement of construction or operation.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this chapter, unless the use or construction is commenced within a period of not more than 12 months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

### B. Nonconforming uses

The Zoning Board of Appeals may approve a special permit to change or extend a lawfully preexisting nonconforming use or a change from one nonconforming use to another nonconforming use in accordance with this section only if it determines that such change or extension is not substantially more detrimental to the neighborhood than the existing nonconforming use.

### C. Nonconforming structures

1. **Single-, two- and three-family residential structures.** Lawfully nonconforming single-, two- and three-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Department of Inspectional Services that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure, including without limitation the following:
  - a. Interior alteration to a structure, including conversion to a two-family or three-family use.
  - b. Alteration to a structure which encroaches upon one or more required setback areas, where the alteration will comply with all current setback and building coverage requirements and will not result in any increase in building height or footprint within the area of encroachment.
2. **Other nonconforming structures.** Other lawfully preexisting, nonconforming structures may be reconstructed, extended, altered or changed as of right, provided such reconstruction, extension, alteration or change:
  - a. Does not result in use of the structure for a substantially different purpose or in a substantially different manner or extent; and
  - b. Does not, in conjunction with any other reconstruction, extension, alteration or change of the structure, increase impervious lot coverage or gross floor area of the structure by more than 25% during any ten-year period; and
  - c. Does not increase the nonconforming nature of the structure; and
  - d. Does not result in any new nonconformity.



3. **Special Permit.** The Zoning Board of Appeals may approve a special permit for any other reconstruction, extension, alteration, or change of a lawfully preexisting, nonconforming structure if it determines that such reconstruction, extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure and will not result in any new nonconformity.
4. **Variance required.** The reconstruction, extension or structural change of a nonconforming structure in such a manner as to create a new nonconformity, shall require the issuance of a variance.

#### **D. Abandonment or non-use**

A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this chapter; provided, however, that by special permit the City Council may allow the reestablishment of a nonconforming use or structure otherwise abandoned or not used.

#### **E. Reconstruction after catastrophe or voluntary demolition**

Any nonconforming structure may be reconstructed after a catastrophe or after voluntary demolition in accordance with the following procedures:

1. Reconstruction of said premises shall commence within three years after such catastrophe or demolition.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in gross floor area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the gross floor area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit from the Zoning Board of Appeals shall be required.

#### **F. Substandard lots**

When a lawfully preexisting nonconforming structure is located on a lot which does not meet current dimensional requirements, the boundaries of such lot shall not be changed, so as to result in exacerbation of an existing nonconformity or a new nonconformity.

#### **G. Eminent domain**

When a lot is changed by eminent domain so as to create a deficiency in area, frontage, building setback, or impervious lot coverage, such lot and any structure located thereupon shall be considered lawfully preexisting nonconforming for purposes of this section.



## Section 6. Transportation

### A. Off-street parking requirements

1. **Applicability.** In all districts except the Central Business District, off-street parking spaces shall be provided and maintained by the owner of the property for each building or use which, after the effective date of this Ordinance, is erected, enlarged or altered, according to the regulations set out in this section. The intent is that except in the Central Business District, eventually all structures and uses be provided with sufficient off-street parking spaces to meet the needs of persons making use of such structures and land uses.
2. **Location.**
  - a. Without limitation, required parking may be provided in designated parking areas, on private ways, and in parking structures provided such facilities are considered to be part of the same development.
  - b. Except as otherwise provided herein, all parking spaces required by this Ordinance shall be on the same lot as the building or use which they are intended to serve, except that the Site Plan Review Committee may permit the parking spaces to be provided within 1,320 feet of such lot, if it determines that:
    - i. It is impractical to provide parking on the same lot with the building or use.
    - ii. The proposed off-site parking will adequately serve the proposed use.
    - iii. The applicant demonstrates full site control of the location of such off-site parking (long term lease agreement, easement or covenant).
    - iv. No automotive sales or service operations are performed in any such parking area.
    - v. The applicant provides improvements to the benefit of pedestrians to the corridor between the parking area and the premises to which it is. Said improvements may include but are not limited to sidewalks, benches, lighting, bicycle racks and street trees. The adequacy of said improvements shall be determined by the Planning Board based upon an evaluation of the benefit of the proposed improvements proportional to the amount of pedestrian activity projected to be generated between the accessory off-site parking and the use(s) proposed to be served by the parking.
  - c. In the WR4, RD, IL, and IH zoning districts, required parking facilities may be located on the same lot, on a contiguous lot, or on a separate lot within 1,000 feet, provided that all lots are under the same ownership or control.
3. **Pre-existing buildings.** Buildings and structures in existence on the effective date of this section are not subject to these parking requirements, but any future buildings and uses or enlargement of existing buildings or change of uses hereafter established shall provide parking facilities as required in this section.
4. **Central Business District off-street facility requirements.** No off-street parking lots shall be permitted in the Central Business District in the front yard. Off-street parking lots shall be permitted in the Central Business District in the side yard by Special Permit only.
5. **Table of Required Parking Spaces.** The minimum number of off-street parking spaces shall be as set forth in the Table of Required Parking Spaces.



- a. Where there is more than one use in a building or on a lot, parking shall be required in accordance with the provisions for each use, and the total number of required spaces shall be based on the sum of spaces required for all such uses.
- b. In the event of the enlargement of a building or structure existing on the effective date of this section, the regulation set forth in this section shall apply only to the area added and shall not apply to the existing portions of such buildings provided that the use of these portions remain unchanged.
- c. Where the computation of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as 1.
- d. Uses not listed. For uses not specifically listed in the Table of Required Parking Spaces, the number of required off-street parking spaces shall be determined by applying a ratio of 1 space per 250 square feet of gross floor area, unless otherwise determined by the Zoning Board of Appeals based on a study of similar uses or local parking demand.
- e. The required number of parking spaces shall not be reduced except upon approval of a special permit by the Zoning Board of Appeals.



*Table of off-street parking requirements*

| <b>Use</b>                               | <b>Minimum off-street parking requirements</b>                 |
|--|--|
| <b>Residential</b>                       |  |
| Single family                            | 2 per dwelling unit  |
| Two to 50 units residential              | 1.5 per dwelling unit  |
| More than 50 units residential           | 1 per dwelling unit  |
| Residential in Central Business District | 0 per dwelling unit  |
| <b>Communal</b>                          | 0.25 per bed   |
| Senior Living Multi-Family               | 0.25 per dwelling unit   |
| └ Extended Care facility                 | 1.8 per dwelling unit  |
| <b>Commercial</b>                        |  |
| Assembly                                 | 0.25 per person accommodated                                   |
| └ Bowling Alley/Billiard Rooms           | 3 per lane and 2 per billiard table                            |
| └ Club, Lodge                            | 2.5 per 350 sf gross floor area                                |
| └ Funeral Home, Mortuary                 | 1 per 250 sf gross floor area                                  |
| Automotive                               | 1 per 300 sf gross floor area                                  |
| Bars, pubs, or taverns                   | 0.25 per seat or 0.5 per person occupancy                      |
| Bed and breakfast                        | 1 per room or unit   |
| Cannabis business                        | 1 per 300 sf gross floor area                                  |
| Eating place                             | 0.25 per seat or 0.5 per person occupancy                      |
| └ Fast food                              | 1 per 100 sf gross floor area                                  |
| Indoor telecommunications                | 1 per 3,000 sf gross floor area                                |
| Hotel                                    | 1 per room or unit   |
| Clean manufacturing                      | 1 per 1,000 sf gross floor area                                |
| Office and creative enterprise           | 1 per 300 sf gross floor area                                  |
| └ Medical office                         | 4 per office and 1 for each 3 employees in lab, pharmacy, etc. |
| └ Printing/engraving                     | 1 per 250 sf gross floor area                                  |
| Outdoor commercial storage               | 1 per 750 sf gross floor area                                  |
| Outdoor recreation                       | 1 per 350 sf gross floor area                                  |
| └ Marina                                 | 0.25 per slip  |
| Production & retail of food & beverage   | 1 per 1,000 sf gross floor area                                |
| Retail and personal services             | 1 per 300 sf gross floor area                                  |
| └ Health club                            | 1 per 350 sf gross floor area                                  |
| └ Laundromat                             | 0.5 per washing machine  |
| Large format retail                      | 1 per 1,000 sf gross floor area                                |
| Sensitive retail and services            | 1 per 300 sf gross floor area                                  |



| Use                            | Minimum off-street parking requirements |
|--------------------------------|---|
| Trade                          | 1 per 3,000 sf gross floor area         |
| Industrial                     |   |
| Cannabis manufacturing         | 1 per 1,000 sf gross floor area         |
| Energy                         | 1 per 3,000 sf gross floor area         |
| Freight terminal and warehouse | 1 per 3,000 sf gross floor area         |
| Light industry                 | 1 per 1,000 sf gross floor area         |
| Heavy industry                 | 1 per 1,000 sf gross floor area         |
| Outdoor industrial storage     | 1 per 3,000 sf gross floor area         |
| Self-storage                   | 1 per 3,000 sf gross floor area         |
| Water-dependent industrial     | 1 per 1,000 sf gross floor area         |
| Community                      |   |
| Agriculture                    | No parking required                     |
| Childcare                      | 1 per teacher or staff person           |
| Education and public           | 1 per 350 sf gross floor area           |
| └ Elementary & Middle School   | 1.5 per employee                        |
| └ High School                  | 1.5 per employee plus 0.2 per student   |
| └ Library, Museum              | 1 per 350 sf gross floor area           |
| Institutional healthcare       | 0.5 per bed plus 0.5 per employee       |
| └ Nursing, Convalescent Home   | 0.5 per bed plus 0.5 per employee       |
| └ Hospital: Inpatient          | 1 per bed                               |
| └ Hospital: Outpatient         | 3 per treatment room                    |
| Open space                     | No parking required                     |
| Transit station                | No parking required                     |

**6. Combined facilities/mixed use and shared use parking.**

- a. Parking for two or more buildings or uses may be provided in combined facilities where it is evident that such facilities will continue to be available for the several buildings or uses
- b. In the case of mixed use, the parking spaces required shall be the same as the requirements for the various individual uses, computed separately in accordance with this section
- c. Parking space for one use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

**7. Design standards for off-street parking facilities**

- a. Parking stall dimensions
  - i. Standard parking stall: 9 feet wide, 18 feet length
  - ii. Exceptions: standard parking stall in projects with more than 300 dwelling units: 8 ½ feet wide; eighteen feet in length



- iii. Parallel parking stall: 8 feet wide, 22 feet length
  - iv. Handicapped parking stalls: shall be in conformance with the Massachusetts Architectural Access Board regulations, latest edition
- b. Parking aisle dimensions (drives associated with parking stalls only)

| Parking angle (°) | Aisle width | Direction    |
|-------------------|-------------|--------------|
| 0 to 15 degrees   | 12 ft       | One way only |
| 16 to 37 degrees  | 13 ft       | One way only |
| 38 to 57 degrees  | 15 ft       | One way only |
| 58 to 74 degrees  | 20 ft       | One way only |
| 75 to 90 degrees  | 24 ft       | Two way      |

- c. Driveway dimensions (drives for access and egress and interior circulation not associated with parking stalls)
- i. Minimum driveway width shall be as follows:
    - (a) For single and two-family residential structures, the minimum driveway width shall be 9 feet
    - (b) For residential structures with three or more units and commercial developments, the minimum driveway width shall be 12 feet
  - ii. Maximum driveway width: for residential and commercial developments, the maximum driveway width shall be as follows:
    - (a) Residential: maximum driveway width of 24 feet
    - (b) Commercial: maximum driveway width of 28 feet with intersections having a minimum radius of 10 feet
  - iii. Distance between driveways on a single lot:
    - (a) Corner lot: minimum of 50 for a corner lot
    - (b) Interior lot: minimum of 30 for an interior lot measured at the front lot line
  - iv. Distance between driveways and the curb line of an intersecting street: minimum of 25 feet measured at the front lot line
- d. Drive through services
- i. Escape lanes: all buildings and uses that provide drive through service shall provide at least one escape lane adjacent to the drive through service lane
    - (a) The escape lane shall be designed to allow vehicles to exit and bypass the drive through service lanes
    - (b) The length of the escape lane must be no less than the length of the adjacent drive through service lane
  - ii. Minimum width: drive through and escape lanes shall have a minimum width of ten (10) feet for their entire length
  - iii. Minimum length: drive through and escape lanes shall comply with the following minimum length requirements, stacking spaces are to be eighteen (18) feet in length



| Activity              | Stacking spaces | Notes                       |
|-----------------------|-----------------|-----------------------------|
| Bank teller           | 4               |                             |
| ATM                   | 2               |                             |
| Car wash              | 6               |                             |
| Gasoline pump         | 2               |                             |
| Pharmacy              | 2               |                             |
| Restaurant drive thru | 8               | Queue prior to order box    |
| Restaurant drive thru | 4               | Order box to pick up window |

- iv. Noninterference with vehicular traffic: 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
  - (a) Drive through and escape lanes must be fully contained within the site and may not extend into the public way

**8. Setbacks**

- a. Garage: no garage shall be provided nearer to the front street line than the prescribed minimum setback distance of the zoning district in which the lot is located
- b. Distance from street line: parking stalls shall be at least five feet from the street line.
- c. Distance from abutting dwellings: parking stalls shall be at least five feet from the portion of structure used as a dwelling located on an abutting property.
- d. Distance from buildings: no parking stall shall be located less than 25 feet from the front building wall or less than 5 feet from the sidewall of any apartment building.

**9. Lighting requirements**

- a. Requirement: off-street parking facilities other than single and two family dwellings which are used at night must be provided with adequate lighting
- b. Spillover: lighting shall be arranged and shielded so as to prevent glare from the light sources onto adjacent property. The maximum spillover illumination to adjacent properties use for residential purposes shall be 1.0-foot candle
- c. Height: freestanding light poles shall not exceed 25 feet in height. Light poles utilized for walkway lighting shall not exceed 12 feet in height.
- d. Decor: luminaries shall be the shoebox type of decorative in nature, flood and area lighting are not allowed
- e. Illumination: where wall pack type lighting is utilized for exterior illumination, the fixture shall be equipped with a prismatic lens to reduce glare. Means should be designed to a maximum cutoff of 70 degrees from vertical. The location of wall pack luminaries shall not exceed 20 feet in height.



- f. Foot-candle: minimum foot-candle required, measured at grade level is 1.0; maximum foot-candle requirement, measured at grade level is 8.0

**10. Off-street parking landscaping and screening requirements**

- a. Plan required: a plan showing the landscaping shall be submitted with all plans for off-street parking facilities.
- b. Perimeter planting and screening.
  - i. Surface parking with more than 20 spaces must be screened from view along any lot line abutting a public thoroughfare, excluding an alley, by a landscape buffer designed in accordance with the Landscape Buffers requirements (see General development regulations).
  - ii. All off-street parking areas with 10 or more spaces which are located within a residential district, or within a nonresidential district, but adjacent to a residential district whether on the side or rear shall be screened from all adjoining lots in the residential district by a wall of solid and uniform appearance, a compact evergreen hedge of a height of not less than 4 feet, or a naturalistic and biodiverse canopy tree plantings with undercanopy shrubs. This screening shall be erected and maintained in good condition at all times.
  - iii. All setback areas within an off-street parking area shall be appropriately landscaped to provide visual buffering and an aesthetic parking area
- c. Parking lot landscaping islands or solar PV canopy
  - i. Surface parking with more than 20 spaces must have either landscaping islands or a solar PV canopy must be provided at the end of every row of parking spaces.
  - ii. Landscaping islands requirements
    - (a) Planting area: an area of interior planting equivalent to at least 5 percent of the area of the parking facility shall be distributed within the parking facility and landscaped and continuously maintained. This requirement shall be in addition to requirement for setback area and screening along the perimeter of a parking area.
    - (b) Planting square feet: interior planting areas shall be at least 50 square feet in area. At least one tree shall be planted in each planting area.
    - (c) Trees/shrubs: trees shall be used as the primary landscaping material and shrubs and ground cover shall be used to complement trees and provide additional screening.
    - (d) Number of trees: at least one tree shall be planted in each planting area and there shall be at least one tree for every 10 parking stalls.
    - (e) Tree size at time of planting: trees shall be at least 2 inches in caliper at the time of planting and shall be species characterized by rapid growth and by suitability and hardiness for location in a parking lot.
    - (f) Landscape islands may be consolidated and intervals may be adjusted as necessary to preserve existing trees or facilitate storm water management.
    - (g) Landscape islands abutting a single row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include one large tree.



- (h) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two large trees.
- iii. Solar PV canopy requirements: Canopy structures shall cover the length of the parking spaces.
- d. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary. Use of paving stones, grass pavers, pervious concrete, or porous asphalt is strongly encouraged, wherever possible.

**11. General provisions for off-street parking facilities**

- a. Rear exiting: backing out onto a public street or sidewalk from a parking space shall be permitted only for single-, two-, and three-family residences.
- b. Required circulation: all parking facilities shall be designed and constructed with internal circulation so that each parking space can be accessed without using a public street
- c. Emergency vehicle access: parking facilities and structures shall be designed and constructed so as to provide for adequate access for emergency vehicles
- d. Storage prohibited: off-street parking facilities shall not be used for storage
- e. Auto repair/storage prohibited: off-street parking facilities shall not be used for the storage or repair of vehicles or equipment
- f. Fire lane access: off-street parking facilities shall maintain clear and unobstructed travel and fire lanes at all times
- g. Free of snow: all parking stalls in an off-street parking facility shall be kept free of snow
- h. Surface materials: off-street parking facilities shall be surfaced with asphalt, concrete or other durable material
- i. Space markings: off-street parking stalls must be marked with four inches painted or other permanent lines so as to clearly indicate the stall to be occupied by each vehicle
- j. Signage and directionals: aisles and driveway must be clearly marked with directional arrows, lines and signage to expedite traffic movement
- k. Drainage required: off-street parking facilities shall be provided with sufficient drainage to the satisfaction of the Lynn Water & Sewer Commission
- l. Maintenance required: off-street parking facilities shall be kept clean and free from rubbish, and debris. All planting and landscaped areas shall be maintained in a healthy condition and whenever necessary shall be replaced with new plant materials to insure continued compliance with any applicable screening requirements. All surfaces, lighting, signage, fences, barriers, and walls shall be maintained in good repair and whenever necessary shall be replaced.
- m. Prohibitions: Off-street non-accessory parking facilities are not permitted.

**B. Loading**

- 1. **General.** Adequate off-street loading spaces shall be provided and maintained by the owner of the property for each nonresidential building or use which, after the effective date of this Ordinance, is erected, enlarged or altered, according to the following requirements.
- 2. **Requirements.**



- a. Off-street loading shall not be visible from the front lot line of the lot.
- b. Loading spaces or loading areas shall not be encroached upon in any manner unless a change in use occurs that permits a change in the amount of adequate loading area.
- c. Adequacy of off-street loading areas shall be determined by the Site Plan Review Committee pursuant to Section 11.E (Site Plan Review). Adequacy of off-street loading areas for uses not requiring site plan review shall be determined by the Department of Inspectional Services.

#### C. Off-street EV readiness

1. **Requirements.** New or redeveloped parking lots containing 15 or more parking spaces shall provide infrastructure to make a minimum of 25 percent of the spaces compatible with level 2 or higher electric vehicle charging ("EV Ready Spaces") and a minimum of 10 percent shall be equipped with level 2 or higher electric vehicle charging stations ("EV Installed Spaces"). Level 2 is considered medium charging and operates on a 40 to 50 amp breaker on a single phase 208/240 volt AC circuit.
2. **Rounding.** Fractional numbers one-half and above shall be rounded up to the nearest whole number.
3. **Waivers.** The Zoning Board of Appeals may grant by Special Permit a reduction in whole or in part of the requirements in this section.
4. **Materials Required for Plan Reviews, Site Plan Review and/or Design Review, Special Permit and Building Permit Applications.** For EV Ready Spaces and EV Installed Spaces, plans stamped by a licensed and qualified electrician shall meet the Building Department's requirements for plan submissions and shall include an electrical service load calculation.

#### D. Bicycle Parking

1. For buildings with over 50,000 square feet of gross floor area, provide one internal bicycle parking space for every 10,000 square feet of gross floor area.



## Section 7. General development regulations

### A. Landscaping

#### 1. Purpose.

- a. To ensure vegetation is properly planted in a timely manner.
- b. To increase the compatibility of development in adjacent zoning districts, minimize the potential adverse impacts of adjacent land uses, increase privacy, and minimize the trespass of undue sound and light between adjacent properties.
- c. To protect existing trees and expand the City's urban forest to enhance quality of life and promote a healthy environment within Lynn.

#### 2. Applicability.

- a. The requirements of this section shall apply to any project that proposes:
  - i. Any development that requires site plan approval
  - ii. Any lot with non-residential use within or adjacent to residential zones
  - iii. Site improvements that alter more than 1,000 square feet of lot area
- b. The following shall not require compliance with this section:
  - i. A single residential structure on a lot containing three or fewer dwelling units,
  - ii. Maintenance, repairs and modifications to an existing principal building that do not expand its footprint or gross floor area,
  - iii. Changes in use that do not involve substantial exterior alterations to the principal building or site, and
  - iv. Construction of new accessory structures with a footprint of less than 500 square feet and are not designed for human occupancy.

#### 3. **Planting prior to occupancy.** Landscaping and tree planting required by this Ordinance must be completed prior to the issuance of a certificate of occupancy. If seasonal or abnormally inclement weather conditions preclude such completion, the Building Commissioner may grant a certificate of occupancy if the applicant provides a letter of commitment to complete installation by the next planting season.

#### 4. **Landscape Maintenance.** Vegetation that is deemed by the Building Commissioner to be hazardous or unsafe or that interferes with public utilities must be abated by the property owner as soon as practicable or within 30 days of notice by the Building Commissioner.

#### 5. **Landscape Buffers**

- a. Landscape buffers must be located along the outer perimeter of the lot, parallel to and extending along 100% of the length of the lot line. Landscape buffers must effectively shield the non-residential uses from view, utilizing tree and/or shrub plantings, berms, walls, or tightly constructed fences.
- b. Landscape buffers must be at least 6 feet wide, measured from the lot line toward the interior of the lot.
- c. Landscape buffers must, at a minimum, include a fence and one large tree per 30 feet of lot line or a continuous row of closely spaced evergreen shrubs that grow to at least two feet tall at maturity and one large canopy tree per 30 feet of lot line.



- d. Required trees and shrubs may be installed at varying distances to create a naturalistic landscape design, so long as the per linear foot requirement is applied as an average, and the landscape is arranged to provide sufficient screening, defined as at least 80% opacity at eye level within one year of planting.
- e. Required trees must be at least 10 feet in height or two inches in caliper when planted.
- f. Fences and walls must be positioned exterior to required landscaping.
- g. Preexisting, substantially equivalent vegetation that is preserved within the landscape buffer may substitute for any required landscape buffer plantings provided that the preexisting vegetation is healthy.
- h. Water, sanitary sewer, electrical, telephone, natural gas, cable, storm drainage, or other service lines are permitted within landscape buffers if the planting avoids below ground utility conflicts.
- i. Surface parking is prohibited within a required landscape buffer.

## **B. Fences and walls**

### **1. General**

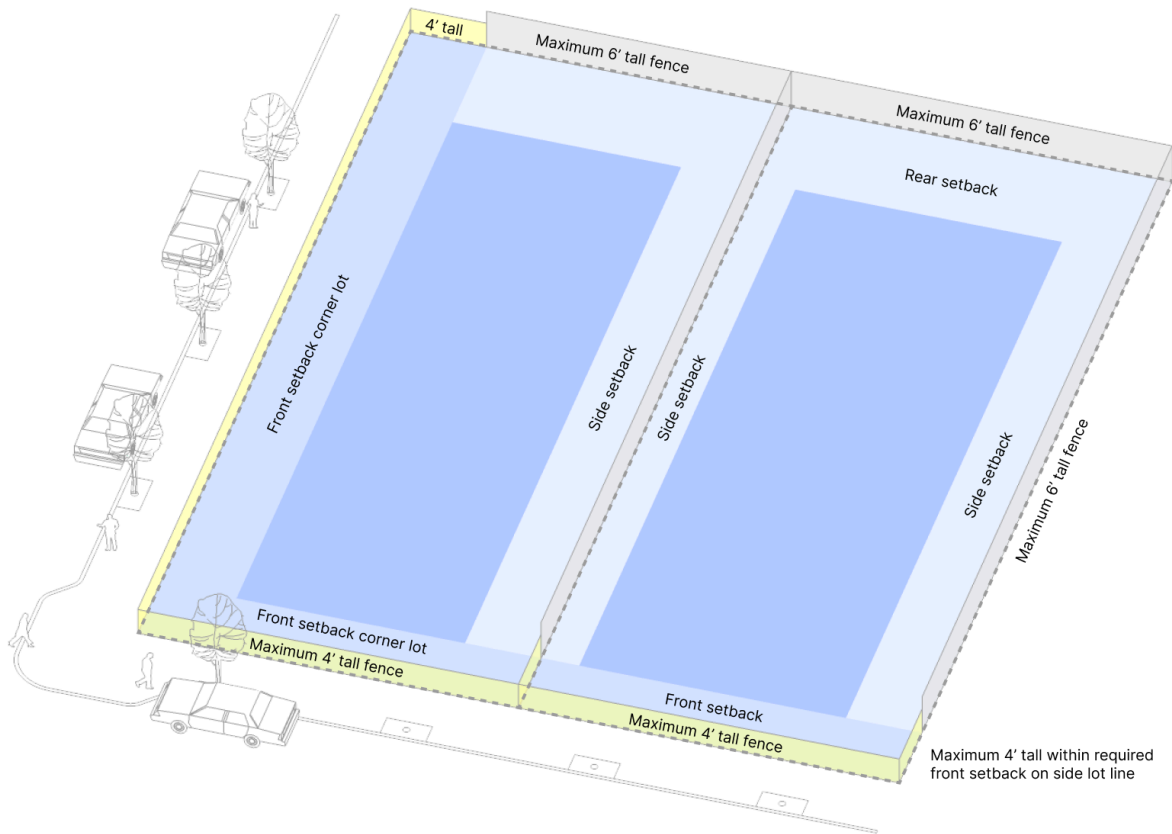
- a. Fences may be placed up to and along any lot line.
- b. Fences up to 7 feet high do not require a Building Permit and are erected at the property owner's risk.
- c. Fence posts or supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting property or thoroughfare.

### **2. Fence and wall height maximum**

- a. Fences and retaining walls located in the frontage area of a lot may be up to four feet in height. On corner lots, the frontage area includes both the primary and secondary frontage. Successive retaining walls must be built with a minimum horizontal separation distance of four feet.
- b. Fences and retaining walls located behind the frontage area, internal to the lot, may be up to six feet in height, unless required as screening.
- c. Retaining walls may be built to any height behind required front setbacks.



Diagram of fence and retaining wall height maximums in the frontage area (official language for each requirement is in the previous section)



**3. Restrictions**

- a. Fences are prohibited within any existing or required drainage or utility easement.
- b. Barbed wire and concertina wire are prohibited.

**C. Screening**

**1. Loading facilities**

- a. Outdoor loading facilities, including all docks and areas used for the storage and staging of materials must be screened from view by a wall or fully closed fence between six and 12 feet in height, as necessary to sufficiently screen delivery vehicles, and constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- b. Exterior entrances and access to loading facilities that are fully enclosed within a building must have an opaque, self-closing door constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- c. Loading facility doors must remain closed except during loading and unloading activities.

**2. Service areas**

- a. Trash collection, trash compaction, recycling collection and other similar service areas must be fully enclosed within a building or located to the side or rear of the buildings.



- b. Exterior entrances and access to service areas that are fully enclosed within a building must have an opaque, self-closing door constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
- c. Outdoor service areas that are visible from a public thoroughfare (excluding an alley), public open space, or abutting properties in a residential district must be fully screened by a wall or fully closed fence at least six feet in height with self-closing access doors and constructed of materials that are compatible with the principal building in terms of texture, quality, and color.

**3. Mechanical equipment**

- a. Rooftop or wall mounted. Mechanical equipment on any surface that is visible from a public thoroughfare (excluding an alley) or public open space must be enclosed within a rooftop penthouse or screened by an opaque screen constructed of materials that are compatible with the principal building in terms of texture, quality, and color. Rooftop solar energy generation and wind power generation are exempt.
- b. Ground-mounted.
  - i. Ground-mounted mechanical equipment is prohibited in front setbacks.
  - ii. Mechanical equipment that is visible from a public thoroughfare (excluding an alley) or public open space must be screened by landscaping, a fence, or a wall constructed of materials that are compatible with the principal building in terms of texture, quality, and color.
  - iii. Screening must be of a height equal to or greater than the height of the mechanical equipment being screened.

**D. Required thoroughfares**

- 1. Required thoroughfares are shown on the official zoning map.
- 2. The center line of any required thoroughfare may be moved up to 25 feet so long as:
  - a. All required thoroughfares intersect with other thoroughfares, forming a network.
  - b. All intersections are at least 100 feet from any other intersection, unless granted a waiver by the City Council.



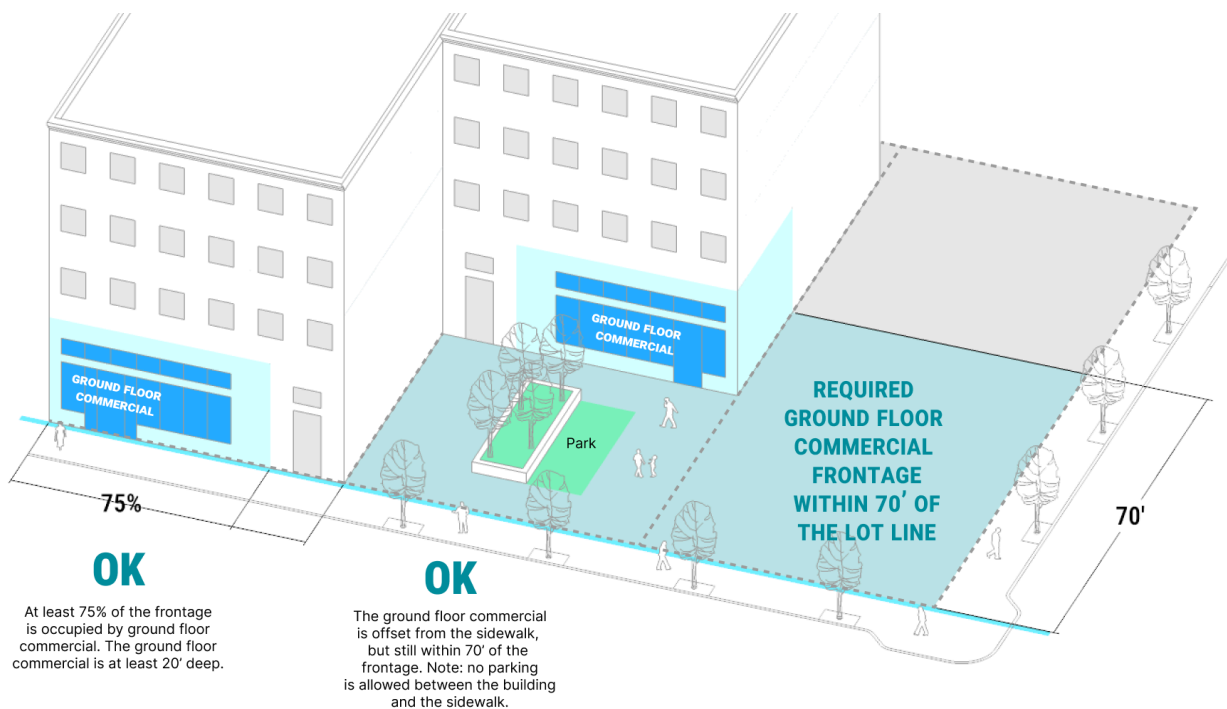
## Section 8. Special use provisions

### A. Required ground floor commercial

#### 1. Purposes.

- a. To encourage more diverse economic development.
- b. To encourage economic development, job creation, private investment and to strengthen the City's tax base.
- c. To encourage high-quality mixed-use development.
- d. To encourage a diverse range of land uses compatible with changing neighborhoods.
- e. To provide a greater range of residential development and housing options for the residents of Lynn with particular focus on the enhanced access to mass transit routes offered by this neighborhood.
- f. To encourage other commercial and retail uses to reflect the evolving market in the City.

*Diagram of required ground floor commercial demonstrating compliant parcels.*



2. **Applicability.** The requirements in this section apply to uses and structures along lot frontages indicated on the zoning map as “Required ground floor commercial” on the portion of the ground floor of a building (defined as the first floor of a building located either at mean grade or no more than four feet above the mean grade of the building). These requirements may be altered by special permit.

#### 3. Requirements.



- a. Commercial uses and required depth. Within 70 feet of the “Required ground floor commercial” lot frontage, 75% of linear footage of the building shall be occupied by commercial uses. Commercial uses shall be routinely occupiable by people engaged in activities related to retail, service businesses, classrooms, professional offices, manufacturing, research, and other commercial uses allowed in the district. Where a mix of activities are accommodated in a building, the more active uses are encouraged facing public streets, parks, and pathways. Rental or sales offices dedicated to marketing, leasing or selling units within the development and amenities, lobby, administrative offices, or other related uses that exclusively serve the residents of the building shall not count toward the required commercial component. The actively used area shall have a depth of at least 20 feet, or the depth of the building if less. At least one building entrance shall front on a street where the building abuts a street.
- b. Restriction on commercial uses. Within 70 feet of the “Required ground floor commercial” lot frontage, ground floor commercial may not be comprised of ATM kiosks, vending machine areas or other similar uses.
- c. Restriction on parking. Within 70 feet of the “Required ground floor commercial” lot frontage, on-grade surface parking or structured parking shall not be allowed, unless the parking is screened from view from the public street by commercial uses meeting the other criteria of this section.

## **B. Removal or deposit of earth products**

1. **Special Permit required.** The quarrying of stone or the removal, deposit or disposal of topsoil, sand, gravel or subsoil by any person, firm or corporation on any parcel of land in the City of Lynn shall be allowed only by special permit from the Zoning Board of Appeals after public notice and hearing, and no permit shall be issued for more than 2 years.
2. **Exception.** These regulations shall not apply where such removal or quarrying is necessarily incidental to: (a) construction of a single- or two-family residential structure; or (b) development of property pursuant to a special permit or site plan approval that authorizes such removal or deposit of earth products.
3. **Requirements.** Approval of a special permit shall be subject to the following findings and conditions:
  - a. The proposed activities will not be detrimental to the neighborhood. Such activities shall not be performed closer than 300 feet to a public road or to any existing dwelling, school or park.
  - b. At no time shall such activities result in the accumulation of groundwater or surface water.
  - c. Where there is any open excavation, there shall be a substantial fence with suitable gates completely enclosing the portion of the property in which the excavation is located, and such fence shall be located not closer than 50 feet from the edge of such excavation.
  - d. Upon cessation of such use, the earth shall be reshaped to reduce the disfigurement of the land, with a maximum allowable slope of 20 percent. The area shall be seeded and maintained until plant cover is well established. These measures shall be taken progressively as the use of each part for such activities is discontinued and shall not be postponed until final abandonment of the entire operation.



4. **Decision.** The City Council may impose additional requirements it deems necessary to accomplish the purposes herein stated, and such requirements, in addition to those stated above, shall be considered as conditions of the special permit.

#### C. Temporary structures and trailers

1. **Applicability:** This section applies to trailers, mobile homes, and similar structures meeting the definition in Section 12.C.5.n.
2. **General requirements:** In all districts, Temporary structures and trailers may only be parked in an enclosed garage or positioned at least 20 feet from any street line and at least eight feet from any building on an adjacent lot.
3. **Accessory use requirements:** In districts where Temporary structures and trailers as an accessory is allowed, trailers, mobile homes, or similar structures may be parked on the premises for no more than eight months within any twelve-month period.
4. **Temporary construction trailers:** These requirements do not apply to temporary construction trailers that the Building Commissioner has determined are reasonably related to active construction on the property.
5. **Consistency:** The provisions of this section do not override any other ordinance or regulation concerning the location, use, or construction of buildings or structures.

#### D. Wireless communication facilities

1. **Purpose.** The purpose of this amendment is to provide areas where wireless communications facilities (WCF) can be sited by special permit, while minimizing potential damage and adverse visual impacts on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.
2. **General.** Except as provided in the As of Right WCF Section, an applicant for a WCF may not be issued a building permit unless or until a WCF special permit has been issued by the City Council. The City Council may approve, or approve with conditions, if the petitioner can fulfill the requirements of this section.
3. **Requirements.**
  - a. A monopole shall be the only wireless communication structure (WCS) issued as a WCF special permit. Lattice towers and guyed towers are not allowed as a WCS.
  - b. A WCF special permit may also be granted for a wireless communication device (WCD) or WCS to be affixed to existing, multi-story, apartment buildings or structures so long as such WCD or WCS shall not exceed 15 feet in height above the highest building or structure within 300 feet of the proposed WCF.
  - c. To the extent feasible, all services provided shall co-locate all WCFs on a single facility. WCFs shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
  - d. WCSs or WCFs shall be removed by the owner at the owner's expense within six months of cessation of use for the particular purpose for which the applicable special permit or any other permit was originally issued for such WCF. At such a time as the carrier plans to abandon or discontinue operation of said WCF, the carrier shall notify the City by certified mail of the proposed date of cessation or abandonment. The City Council may require the



- applicant to post a bond at the time of construction to cover costs for the removal of the WCF.
- e. Any proposed extension in the height, addition of cells, antennas or panels, constitution of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the special permit.
4. **Submission requirements.** All applications for WCF special permit shall be made and filed with the City Council. For an application to be considered complete the following must be submitted, in addition to any requirements that the City Council may establish by regulation:
- a. Locus plan of the proposed area at a scale no greater than 1 inch = 200 feet which shows property lines, the exact location of the proposed structures, streets, residential dwellings and all buildings within 700 feet of the property
  - b. A color photograph or rendition of the proposed facility with its antennas or panels. A rendition shall also be prepared illustrating a view of the monopole, dish or antennas from the nearest street.
  - c. The following information must be submitted and prepared in written form by a knowledgeable registered professional engineer and/or radio frequency engineer or other person deemed qualified by the City Council:
    - i. A description of the facility;
    - ii. The technical, economic and other reasons why the proposed location, height and design fulfills the purposes of this Section;
    - iii. Confirmation that the facility complies with all applicable federal and state rules, regulations and standards;
    - iv. A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate for the purpose of these calculations;
    - v. Confirmation to the Building Commissioner that the proposed facility complies with or is exempt from applicable regulations administered by the FAA, FCC, Massachusetts Aeronautic Commission and the Massachusetts Department of Public Health. This confirmation will be provided to the Building Commissioner by the then current owner every 2 years after issuance of the original building permit;
    - vi. The applicable review and advertising fees as noted in the application guidelines.
5. **Design guidelines.** The following guidelines shall be used when preparing plans for the siting and construction of all WCFs.
- a. No monopole shall exceed 200 feet in height.
  - b. All facilities shall be painted or otherwise colored to blend in with the landscape or the structure on which they are located/attached.
  - c. WCFs shall be suitably screened from abutters and residential neighborhoods.
  - d. A security barrier shall be provided to control access to WCFs and shall be compatible with the scenic character of the area.
  - e. Existing on-site vegetation shall be preserved to the maximum extent possible.



- f. There shall be no signs, except for announcement signs, no trespassing signs, safety signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform to the City's Sign Ordinance and Entrance Corridor Overlay District.
  - g. A monopole shall not be erected nearer to any property line than a distance equal to a minimum of 125 percent of the height of the monopole measured from the lowest point on the base of the monopole.
  - h. A freestanding monopole shall be located a minimum of 500 feet from the nearest residential structure.
  - i. Night lighting of towers shall be prohibited unless required by the FAA. Lighting shall be limited to that needed for emergencies and/or required by the FAA.
6. **As of right WCF.** A WCF can be located and allowed as a matter of right provided it is located within or on a preexisting nonresidential building or municipal structure.
- a. In the event that a WCD or WCS is affixed to an existing nonresidential building or municipal structure such WCD or WCS shall not exceed 15 feet in height above the highest building or structure within 300 feet of the proposed WCF.
  - b. In the event that a WCD is to be concealed completely in a preexisting nonresidential structure (e.g. steeples) plans for the proposed concealed antenna shall be submitted to the Building Commissioner for a written determination that the antenna is not visible.
  - c. Antennas used for City and State emergency services and antennas used solely and exclusively for ham radio operation and home television reception are excluded from this section.
7. **Waiver.** The City Council shall be authorized to waive the requirements of this section if deemed necessary to comply with the Federal Telecommunications Act, regulations promulgated thereunder, or any other state or federal law or regulation.

## E. Registered medical cannabis dispensaries

### 1. General provisions.

- a. Purposes. The purposes of this section are as follows:
  - i. To provide for the limited establishment of registered cannabis dispensaries (facilities) in appropriate places and under strict conditions.
  - ii. To minimize the adverse impacts of registered cannabis dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said facilities.
  - iii. To regulate siting, design, placement, safety, monitoring, modification and removal of registered cannabis dispensaries.
  - iv. To limit the overall number of registered cannabis dispensaries in the city to what is essential to serve the public convenience and necessity.
- b. Applicability.
  - i. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of cannabis for medical use is prohibited unless



permitted as a registered cannabis dispensary in compliance with the provisions of this section.

- ii. No facility shall be established except in compliance with the provisions of this section.
- iii. If any provision of this section or in the application of any such provision to any person or circumstance shall be held invalid, the remainder of this section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this section are severable.

c. Cannabis establishments forbidden. The operation of any cannabis establishment, as defined in M.G.L. c. 94G, § 1, including, without limitation, a cannabis cultivator, cannabis testing facility, cannabis product manufacturer, cannabis retailer, cannabis delivery business or any other type of licensed cannabis-related business, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of cannabis for medical purposes as set forth herein.

**2. Special Permit.**

a. Registered cannabis dispensaries shall be permitted only upon the grant of a special permit approved by the City Council.

i. A special permit for a registered cannabis dispensary shall be limited to one or more of the following uses that shall be prescribed by the City Council:

- (a) Cultivation of cannabis for medical use (horticulture);
- (b) Processing and packaging of cannabis for medical use, including cannabis that is in the form of smoking materials, food products, oils, aerosols, ointments and other products;
- (c) Retail sale or distribution of cannabis for medical use to qualifying patients;
- (d) Wholesale sale of cannabis for medical use to other registered cannabis dispensary.

ii. A special permit granted under this section shall have a term limited to the duration of the applicant's ownership or lease of the premises and the applicant's use thereof as a registered cannabis dispensary, and shall expire upon the expiration or termination of the applicant's certificate or license from the Cannabis Control Commission or successor agency. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

iii. Any violation of this section or or the special permit shall be grounds for revocation of a special permit issued under this section.

**3. General requirements and conditions.** The City Council may impose, in addition to any other conditions specified in this section, such additional conditions as it finds reasonable and appropriate to minimize impacts on abutters, safeguard the neighborhood, or otherwise serve the purposes of this section. Conditions of a special permit shall include, but are not limited to the following:

- a. A registered cannabis dispensary shall be located in a permanent building and not within a mobile facility.
- b. No facility used as a dispensary only shall have gross floor area in excess of 2,500 square feet. A facility used as a dispensary only may be located in buildings that exceed 2,500



square feet of floor area, provided that the gross floor area of the facility shall not exceed 2,500 square feet.

- c. No facility used as a cultivation or processing facility shall have a gross floor area in excess of 25,000 square feet.
- d. The hours of operation of facilities shall be set by the City Council, but in no event shall said hours be open and/or operating between the hours of 9:00PM and 8:00AM.
- e. No special permit for a facility shall be issued to a person who has been convicted of a felony or a violation of a state or federal statute prohibiting the unlawful possession, sale or distribution of narcotic drugs or prescription drugs. Further, no special permit for a facility shall be issued to a non-profit corporation in which an owner, shareholder, member, officer, manager, or employee has been convicted of a violation of a felony or a state or federal statute prohibiting the unlawful possession, sale or distribution of narcotic drugs or prescription drugs.
- f. No special permit for a facility shall be issued to a person who has been convicted of a violation of Massachusetts General Laws Chapter 119, section 63 Inducing or Abetting Delinquency of Child or Massachusetts General Laws Chapter 272, section 28 Matter Harmful to Minors, dissemination; possession; defenses. Further, no special permit for a facility shall be issued to a non-profit corporation in which the owner, shareholder, member, officer, manager or employee has been convicted of a violation of Chapter 119, section 63 M or Massachusetts General Laws Chapter 272, section 28.
- g. No facility shall be located within 500 feet of a residential zoning district or playground, public athletic field, or park. The distance under this subsection shall be measured in a straight line from the nearest point of the property line of the uses and structures identified to the nearest point of the property line of a facility.
- h. No facility shall be located within 1,000 feet of any of the following uses or structures. The distance under this subsection shall be measured in a straight line from the nearest point of the property line of the uses and structures identified to the nearest point of the property line of a facility:
  - i. Any school attended by children under the age of 18; or
  - ii. Any other registered cannabis dispensary.
- i. The distances required under this section may be reduced by up to 25% upon determination by the City Council that the facility would otherwise be effectively prohibited within the City, or the applicant demonstrates that the facility will employ adequate security measures to prevent diversion of cannabis to minors or to persons who are not qualifying patients pursuant to 105 CMR 725.
- j. No smoking or burning cannabis-related products shall be permitted on the premises of a facility.
- k. No facility shall be located inside a building containing dwelling units, including transient housing such as hotels, motels, dormitories or inside a movable or mobile structure.
- l. Facilities shall not sell, distribute or dispense more than one ounce of dried cannabis per qualified patient or primary caregiver per visit to the facility. Facilities may not maintain or store more than 99 cannabis plants in up to 100 square feet of total garden canopy measured by the combined vegetative growth area. If a qualified patient or a primary caregiver has a



doctor's recommendation that this quantity does not meet the qualified patient's medical needs, the qualified patient or the primary caregiver may possess and the facility may dispense an amount of dried cannabis and maintain a number of cannabis plants consistent with those needs. Only the dried, mature processed flowers of female cannabis plant or the plant conversion shall be considered when determining allowable quantities of cannabis under the section.

- m. Any wall sign, or the identifying sign of the medical cannabis dispensary has no exterior wall sign, shall include the following language, "Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical cannabis dispensaries". The required text shall be a minimum of 2 inches in height.
  - n. All print and electronic advertisements for facilities, including but not limited to flyers, general advertising signs, and newspapers and magazine advertisements, shall include the following language: "Only individuals with a registration card issued by the state Department of Public Health may obtain cannabis from medical cannabis dispensaries". Oral advertisements for medical cannabis dispensaries, including but not limited to radio and television advertisements shall include the same language.
  - o. Facilities shall provide the City Council and all neighbors located within 500 feet of the establishment with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the establishment.
  - p. Facilities may sell or distribute cannabis only to individuals possessing a medical cannabis registration card issued by the state Cannabis Control Commission.
  - q. All employees of the facility shall be at least 18 years of age.
  - r. No person who is not at least 18 years of age shall be permitted on the premises of a facility during the hours of operation unless that person is a qualified patient or caregiver with a valid registration card issued by the state Department of Public Health.
  - s. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices.
  - t. The Police Department shall be given full access to security camera data and any other security plan in order to make recommendations or requirements for security of the premises.
4. **Required findings for approval.** Before granting a special permit, the City Council, with due regard to the nature and condition of all adjacent structures and uses, shall find all of the following conditions to be fulfilled:
- a. The proposal is in harmony with the general purpose and intent of this section and the purposes of the zoning district and it will not be detrimental to the health, safety or welfare of the neighborhood or the City.
  - b. The proposal is compatible with existing uses and development patterns in the neighborhood and will be harmonious with the visual character of the neighborhood in which it is proposed.
  - c. The proposal will not create a nuisance to the neighborhood due to impacts such as noise, dust, vibration, or lights.
  - d. The proposal will not create undue traffic congestion nor impair pedestrian safety and provides safe vehicular and pedestrian circulation within the site.



- e. The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.
  - f. The proposal will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the proposed use or any existing use will create significant hazards to health, safety, or the general welfare.
  - g. The proposal minimizes environmental impacts including erosion, siltation, detriment to ground and/or surface water levels, or detriment to ground or surface water quality.
  - h. The facility is fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all applicable state laws and regulations.
    - i. In the case of retail sale or distribution, the facility is serving a measurable demand for cannabis for medical use that is currently unmet within the City.
  - i. The applicant has not provided materially false documents of testimony.
  - j. The applicant has satisfied all of the conditions and requirements of subsections entitled General Requirements and Conditions for All Registered Cannabis Dispensaries and Special Permit Requirements.
5. **Annual reporting requirements.** Each facility permitted in accordance with this ordinance shall file an annual report to the City Council and the City Clerk no later than January 31, providing a copy of all current applicable state licenses for the facility and/or its owners and containing a statement under the pains and penalties of perjury that answers each of the following questions:
- a. The name and address of each owner, manager, member, partner and employee of the facility, and a statement indicating whether the application complies with sections entitled General Requirements and Conditions for All Registered Cannabis Dispensary and Special Permit Requirements.
  - b. The source of all cannabis that was sold or distributed at the facility.
  - c. The source of all cannabis that was cultivated, processed and/or packaged at the facility.
  - d. The quantity of cannabis that was cultivated, processed and/or packaged at the facility.
  - e. If the cannabis was cultivated, processed and/or packaged at the facility, the name of each purchaser of said cannabis.

**F. Assembly establishments**

- 1. **Purpose.** The purpose of assembly establishments is to allow for venues where people gather for live music, performance, and entertainment without impacting safety, public health, convenience and general welfare of the inhabitants of the City.
- 2. **Assembly use standards**
  - a. A person may not use sound equipment audible beyond the property line that produces sound in excess of 75 decibels.
  - b. A person may not use sound equipment that produces sound audible beyond the property line in a residential area between 10:00 p.m. and 10:00 a.m.

**G. Adult use establishments**

- 1. **Declaration of purpose.**



- a. The purpose of this Ordinance is to regulate adult entertainment uses within the City by Special Permit pursuant to Chapter 40A section 9 and 9A of the General Laws in order to promote the safety and welfare of the inhabitants of Lynn.
  - b. There is documented experience in cities across the United States showing that adult entertainment uses degrade the quality of life in the areas of a community where they are located, with impacts including increased levels of crime, blight, and depreciation of property values.
  - c. The City of Lynn desires to protect its residential lands from encroachment by commercial adult uses and to ensure and promote the City's image as a safe, pleasant and attractive place of residence. The City also desires to preserve and protect the safety of young people and children in the vicinity of schools and public parks.
  - d. The City further desires that young people and children not be subjected to confrontation with the existence of adult entertainment uses in the vicinity of schools and parks.
  - e. The commercial areas of the City reflect greatly on the City's image and it is the desire of the City to promote a positive business community image, and to retain and promote safe, attractive business areas free of crime and nuisances.
2. **Adult use restrictions.** All Adult Bookstores, Adult clubs, Adult theaters, Adult Video Stores, Adult Paraphernalia Stores shall have no advertisement, display, or other promotional material visible to the public from any public way including pedestrian walkways.

#### H. Ground mounted solar energy systems

1. **Purpose.** The purpose of this section is to accommodate solar energy facilities in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities.
2. **Applicability.** This section applies to all uses identified as requiring a site plan review or a special permit for ground mounted solar energy facilities.
3. **Siting preferences.** Where a solar facility is sited, as well as placement on the site once selected, is an important consideration. The City strongly discourages locations that result in significant loss of land, and encourages rooftop siting (by-right accessory use in most districts), as well as locations in industrial and commercial districts, or on vacant, disturbed land.
4. **Dimensional regulations.** Ground mounted solar energy systems shall conform to building dimensional requirements including impervious lot coverage and setbacks.
5. **Ground mounted solar energy system Site Plan Review special requirements.** In addition to the documentation required for all Site Plan Review, the following items shall be included:
  - a. Scaled drawings or designs of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
  - b. Documentation of the major system components to be used, including the panels, mounting system, and inverter(s);
  - c. Electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electric Code (527 CMR 12.00) compliant disconnects and overcurrent devices;
  - d. An operation and maintenance plan (see Solar Design Guideline Document);



- e. Proof of liability insurance; and
- f. Decommissioning plan.

**6. Ground mounted solar energy system maintenance, removal, and abandonment.**

a. Monitoring and maintenance.

- i. Solar energy system installation conditions - The ground-mounted solar energy system owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Commissioner. The owner or operator shall be responsible for the cost of maintaining the solar energy system and any access road(s), unless accepted as a public way.
- ii. Modifications - All material modifications to a ground-mounted solar energy system made after issuance of the required building permit shall require approval by the Site Plan Review Authority.

b. Abandonment or decommissioning

- i. Removal requirements - Any ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
  - (a) Physical removal of all solar energy systems, structures, equipment, security barriers and transmission lines from the site
  - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
  - (c) Stabilization and re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- ii. Abandonment - Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written approval of the City Council. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning.
- iii. Once decommissioning is complete, the owner shall request an inspection from the City within 10 days of removal.

**I. Land based wind energy conversion facilities**

- 1. **Purpose.** It is the express purpose of this Section to accommodate distributed generation, wind energy conversion facilities (not residentially-scaled facilities) in appropriate locations, while minimizing any adverse visual, safety, and environmental impacts of the facilities. The Section enables the review of wind energy conversion facilities by the Lynn City Council in keeping with the City's existing ordinances. This Section is intended to be used in conjunction with other regulations adopted by the City, 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 Lynn.

**2. Definitions pertaining to this section.**

- a. Clear Area: Area surrounding a wind turbine to be kept free of habitable structures.
- b. Distributed Generation: Energy generation that is located at or near the end-user.
- c. Height: The height of a turbine measured to the tip of the blade at its highest point.
- d. Nacelle: The frame and housing at the top of the tower that encloses the gearbox and generator and protects them from the weather.
- e. Rotor: The blades and hub of the wind turbine that rotate during turbine operation.
- f. Special Permit Granting Authority (SPGA): The Lynn City Council.
- g. Wind Energy Conversion Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.
- h. Wind Monitoring or Meteorological (“test” or “met”) Towers: Tower used for supporting anemometer, wind vane, and other equipment to assess the wind resource at a predetermined height above the ground.
- i. Wind Turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft. A wind turbine typically consists of a rotor, nacelle and supporting tower.

**3. Regulations.**

- a. Use Regulations: All wind energy conversion facilities or wind monitoring towers shall require a building permit and may be permitted as follows and irrespective of whether the use is a principal or accessory use.
- b. Wind Energy Conversion Facility: The construction of any wind energy conversion facility shall be permitted in the Heavy Industrial municipal zoning district, subject to issuance of a Special Permit and provided the proposed use complies with all Dimensional and Special Permit Regulations set forth in this Section (unless waived by the SPGA).
- c. Wind Monitoring or Meteorological Towers: Wind monitoring or meteorological towers shall be permitted in the Heavy Industrial municipal zoning district subject to issuance of a building permit for a temporary structure.
- d. Site Control: The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a Special Permit. Documentation should also include proof of control over the setback or clear areas. Control shall mean legal authority to prevent the use of any structure within the setback or clear area for human habitation or other use permitting human occupancy.

**4. Dimensional requirements.**

- a. All wind energy conversion facilities shall comply with the requirements set forth in this Section, unless waived by the SPGA as part of the Special Permit review process.





- a. FAA Required Lighting: Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
- b. Lighting to be Shielded: Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.
- c. Signage: Signs on the facility shall be limited to:
  - i. Property Owner Information: Those needed to identify the property and the owner and warn of any danger; and
  - ii. Educational Content: Educational signs providing information on the technology and renewable energy usage.
- d. City Sign Ordinance: All signs shall comply with the requirements of the City's Sign regulations.

**10. Environmental standards.**

- a. Wetlands: Wind energy conversion facilities shall be located in a manner consistent with all applicable location and State wetlands regulations. Wetland buffer areas may be used for the purposes of providing a Clear Area.
- b. Land Clearing/Open Space/Rare Species: Wind energy conversion facilities shall be designed to minimize land clearing and fragmentation of open space areas and shall avoid permanently protected open space when feasible. Wind turbines should be sited to make use of previously developed areas wherever possible. Wind energy conversion facilities shall also be located in a manner that does not have significant negative impacts on rare species in the vicinity (particularly avian species, bats, etc.).
- c. Storm Water: Storm water run-off and erosion control shall be managed in a manner consistent with all applicable State and local regulations.
- d. Noise: The wind energy conversion facility and associated equipment shall conform to Massachusetts Noise Regulations (310 CMR 7.10). An analysis, prepared by a qualified engineer, shall be presented to demonstrate compliance with these noise standards and be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.
- e. Shadowing/Flickering: Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

**11. Safety standards.** No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste. An enclosed containment area designed to contain at least 110 percent of the volume of the hazardous materials or waste stored or used on the site may be required to meet this requirement. The wind energy conversion towers shall also be designed to prevent unauthorized access (for example, by construction of a fenced enclosure or locked access).

**12. Use by telecommunications carriers.**

- a. Wind energy conversion facilities may be used to locate telecommunications antennas, in compliance with the City of Lynn Zone Ordinance, and subject to the following requirements:



- b. Screening: All ground-mounted telecommunications equipment shall be located in either a shelter, within the wind turbine tower or otherwise screened from view year-round (either through effective landscaping or existing natural vegetated buffers);
  - c. Flush-Mounted: Antennas shall be flush-mounted to be in keeping with the design of the wind turbine tower; and
  - d. Enclosure: All cabling associated with the personal wireless facility shall be contained within the tower structure or enclosed within a conduit painted to match the turbine mount.
13. **Modifications.** All modifications to a wind energy conversion facility made after issuance of the Special Permit shall require approval by the SPGA in accordance with the City's existing process for modifications to Special Permit approvals.
14. **Monitoring and maintenance.**
- a. Annual Reports: After the wind energy conversion facility is operational, the applicant shall submit to the City, at annual intervals from the date of issuance of the Special Permit, a report detailing operating data for the facility (including, but not limited to, days of operation, energy production, etc.).
  - b. Maintenance: The applicant shall maintain the wind energy conversion facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and support structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present.
  - c. Change of Ownership: Notice shall be provided to the City of any change in the owner of the facility.
15. **Abandonment or discontinuation of use.**
- a. Notification of Abandonment: At such time that a wind energy conversion facility is scheduled to be abandoned or discontinued, the Applicant will notify the City by certified US Mail delivered to the Building Commissioner, of the proposed date of abandonment or discontinuation of operation. In the event that an Applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for 180 days. In the case of a multi-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.
  - b. Removal/Time: Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the operator and at the discretion of the SPGA.
  - c. "Physically remove" shall include, but not be limited to:
    - i. Equipment Removal: Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property.
    - ii. Proper Disposal: Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and State solid waste disposal regulations.
    - iii. Restoration of Site to Prior Conditions: Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-condition.



- d. Failure to Remove: If an Applicant fails to remove a wind energy conversion facility in accordance with this Section of this Section, the City shall have the authority to enter the subject property and physically remove the facility. The SPGA may require the Applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's jurisdiction at the time of construction to cover costs of the removal in the event the City must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of compliance with this Section.
  - e. The applicant shall submit a fully-inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism of a Cost of Living Adjustment after 10 and 15 years.
16. **Term of special permits.** A Special Permit issued for any wind energy conversion facility shall be valid for twenty-five (25) years, unless extended or renewed. The time period may be extended or the Special Permit may be renewed upon satisfactory operation of the facility. If the Special Permit is not renewed or extended the facility must be taken down. The Special Permit can be revoked for violations of City, State or Federal laws or regulations, at which time the facility must be taken down.
17. **Application procedures.**
- a. Special Permit Granting Authority (SPGA): The SPGA for wind energy conversion facilities shall be the City Council
  - b. Pre-Application Conference: Prior to the submission of an application for a Special Permit under this regulation, the applicant must meet with the SPGA at a public meeting to discuss the proposed wind energy conversion facility in general terms and to clarify the filing requirements. The SPGA shall meet with an applicant under this regulation within 21 days following a written request submitted to the SPGA and the City Clerk. If the SPGA fails to meet with an applicant who has requested such a meeting within 21 days of said request and said meeting has not been postponed due to mutual agreement, the applicant may proceed with a Special Permit application under this regulation without need for a pre-application conference.
  - c. Pre-Application Filing Requirements: The purpose of the conference is to inform the SPGA as to the preliminary nature of the proposed wind energy conversion facility. As such, no formal filings are required for the pre-application conference. However, the Applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the SPGA of the location of the proposed facility, as well as its scale and overall design.
  - d. Application and Filing Requirements: The application fee to the SPGA shall established by the Chief of the department of Inspectional Services The application fee shall include costs required to advertise the application as required by State and municipal law. In addition to the application fees, the City may engage in the services of a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be at the expense of the applicant.
  - e. Additional Requirements: 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 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. In addition, notice shall be provided



to the City, abutters and abutting Historic Commissions, and an identical courtesy notice shall be sent to the City Clerk of all adjacent cities.

**18. Application filing requirements.**

- a. General Filing Requirements: The following shall be included with an application for a Special Permit for each wind energy conversion facility.
- b. Identifying Information: Name, address, telephone number and original signature (photo-reproductions of signatures will not be accepted) of applicant and any co-applicants. Co-applicants may include the landowner of the subject property or the operator of the wind energy conversion facility. If telecommunications antennas are proposed, a telecommunications carrier should be a co-applicant.
- c. Agent: If the applicant or co-applicant will be represented by an agent, the name, address and telephone number shall be provided as well as original signature authorizing the agent to represent the applicant and/or co-applicant shall be provided. Photo-reproductions of signatures will not be accepted.
- d. Legal Authority Over Land: Documentation of the legal right to install and use the proposed facility and proof of control over the clear area, per this Section.

**19. Location filing requirements.**

- a. Property Address: Identify the subject property by including the City, as well as the name of the locality, name of the nearest road or roads, and street address, if any;
- b. Assessor's Information: Assessor's map and parcel number of subject property;
- c. Zoning District: Zoning district designation for the subject parcel (submit copy of City zoning map with parcel identified).
- d. Map: A line map to scale showing the lot lines of the subject property and all properties within 300 feet of the property lines, as well as the location of all buildings, including accessory structures, on all properties shown.

**20. Sighting and design filing requirements.**

- a. Vicinity/Site Map: A one-inch-equals 40 feet vicinity plan, signed and sealed by a Registered Professional Engineer or Licensed Surveyor showing the following:
- b. Property Lines: Property lines for the subject property and all properties adjacent to the subject property within 300 feet.
- c. Existing Structures: Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) of subject property and all adjacent properties within 300 feet. Distances, at grade, from the proposed wind energy conversion facility to each building on the vicinity plan shall be shown.
- d. Facility Location: Proposed location of the wind energy conversion facility, including all turbines, fencing, associated ground equipment, transmission infrastructure and access roads, including:
- e. Roadway Locations: Location of all roads, public and private, on the subject property and on all adjacent properties within 300 feet including driveways proposed to serve the wind energy conversion facility.
- f. Proposed Changes to Property: All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.



- g. Plans Depicting Proposed Structures: Representations, dimensioned and to scale, of the proposed facility, including cable locations, parking areas and any other construction or development attendant to the wind energy conversion facility.
- h. Tree Coverings: Tree cover and average height of trees on the subject property and adjacent properties within 300 feet.
- i. Topography: Contours at each two feet Above Main Sea Level (AMSL) for the subject property and adjacent properties within 300 feet.
- j. Site Line Diagrams: Representation of location of view point for the sight-line diagram referenced below.

**21. Sight lines and photographs.**

- a. Sight-Line Representation: A sight-line representation shall be drawn from representative locations that show the lowest point of the turbine tower visible from each location. Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show all intervening trees and buildings. There shall be at least two sight line representations illustrating the visibility of the facility from surrounding areas such as the closest habitable structures or nearby public roads or areas.
- b. Existing (before condition) Photographs: A color photograph of the current view shall be submitted from at least two locations to show the existing situation.
- c. Proposed (after condition) Depictions: Each of the existing-condition photographs shall have the proposed wind energy conversion facility superimposed on it to accurately simulate the wind energy conversion facility when built and illustrate its total height, width, and breadth.

**22. Elevations.**

- a. Height Depictions: Sighting elevations, or views at-grade from the north, south, east and west for a 50-foot radius around the proposed wind energy conversion facility.
- b. Scale: Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one-foot (1/8" = 1') scale and show the following:
- c. Wind Energy Facility/Security Barriers: Wind energy conversion facility and, if applicable, the security barrier and associated equipment, with total elevation dimensions of all parts of the facility.
- d. Security Barrier: If the security barrier will block views of the wind energy conversion facility, the barrier drawing shall be cut away to show the view behind the barrier.
- e. On-Site Structures: Any and all structures on the subject property.
- f. Landscaping: Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- g. Land Grade: Grade changes, or cuts and fills, to be shown as original grade and grade line, with two-foot contours above mean sea level.

**23. Materials.**

- a. Specifications: Specifications for the proposed wind energy conversion facility shall be provided for all equipment and attendant facilities.



- b. **Materials Identified:** Materials of the proposed wind energy conversion facility specified by type and specific treatment. These shall be provided for the wind turbine tower and all other proposed equipment/facilities.
  - c. Colors of the proposed wind energy conversion facility represented by a color board showing actual colors proposed.
24. **Landscape plan.** A Landscape Plan including existing trees and shrubs and those proposed to be added or removed, identified by size of specimen at installation and species.
25. **Lighting plan.** If lighting of the site or turbine is proposed (other than FAA lights), the Applicant shall submit a manufacturer's computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and 25 feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.
26. **Environmental requirements.**
- a. **Noise Filing Requirements:** The Applicant shall provide a statement listing the existing noise levels and the maximum future projected noise levels from the proposed wind energy conversion facility. Such statement shall be certified and signed by a qualified engineer, stating that noise projections are accurate and meet the noise standards of this Section, the City of Lynn Noise Ordinance and applicable State requirements.
  - b. **Other:** The Applicant shall submit information illustrating how the project is consistent with the environmental standards of this Section.
27. **Enforcing authority.** The Department of Inspectional Services shall be the Enforcing Authority of this Section.
28. **Violation fees.** Violation of the Section shall result in a fine as established by this Ordinance with each day being a continuing violation.



## Section 9. Special residential regulations

### A. Affordable housing

1. **Purpose.** The purpose of this section is to provide for the creation of housing that is affordable to residents of a range of incomes and integrated with the housing stock of the City, and to further the goals of the Lynn Housing Production Plan, as may be amended from time to time.
2. **Applicability.** Any development project that results in construction or redevelopment of existing property that creates new dwelling units. In the case of a renovation of and/or an addition to an existing building, any pre-existing dwelling unit retaining substantially the same perimeter configuration and remaining within the pre-existing building shall not be counted as a new dwelling unit. The construction or creation of a single-family unit is exempt from the requirements of this section.
3. **Number of affordable units.** 10% of all dwelling units constructed in a development project shall be maintained as Affordable Units as outlined in the requirements below.
4. **Segmenting.** Development projects shall not be segmented or phased in a manner to avoid compliance with the provisions of this section. Segmentation shall mean breaking a development, whether new construction, adaptive reuse, or by subdivision of land, into multiple phases with lower the numbers of units in each phase.
5. **Fractional units.** When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number, unless the development project chooses to utilize the fractional fee-in-lieu option below
6. **Requirements.** Affordable units shall comply with the following requirements:
  - a. Each unit shall be occupied by occupants whose household income is 60% or less of area median income, as determined annually by the U.S. Department of Housing and Urban Development (HUD) or its successor.
  - b. The maximum monthly rent charged to a household occupying an affordable unit shall be one-twelfth of thirty percent (30%) of sixty percent (60%) of the Bedroom Adjusted AMI, minus, if applicable, an allowance established by the holders for any utilities and services (excluding telephone) to be paid by the occupying household.
  - c. For an affordable homeownership unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one.
7. **Design and construction.**
  - a. Design. Affordable units must be dispersed throughout a development project and be comparable in initial construction quality and exterior design to the unrestricted units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law. The affordable units must have access to all on-site amenities. Affordable units shall be finished housing units; and
  - b. Timing. All affordable units must be constructed and occupied not later than concurrently with construction and occupancy of unrestricted units and, for development projects that are



constructed in phases, affordable units must be constructed and occupied in proportion to the number of units in each phase of the development project.

8. **Unit mix.** The total number of bedrooms in the affordable units shall, insofar as practicable, be in the same proportion to the total number of bedrooms in the unrestricted units.
  
9. **Affordable housing restriction.** Each affordable unit shall be subject to an affordable housing restriction which is recorded with the Southern Essex District Registry of Deeds or the Southern Essex Registry District of the Land Court. The affordable housing restriction shall provide for the implementation of the requirements of this section. All affordable housing restrictions must be reviewed and approved by the administering agency, as described below, consistent with the requirements of this section and shall include, at minimum, the following:
  - a. Description of the development project, including whether the affordable unit will be rented or owner-occupied;
  - b. A description of the affordable homeownership unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of affordable rental units in a project or portion of a project which are rental. Such restriction shall apply individually to the specifically identified affordable homeownership unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project without specific unit identification.
  - c. The term of the affordable housing restriction shall be the longest period customarily allowed by law but shall be no less than thirty (30) years.
  - d. The name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;
  - e. Reference to a housing marketing and resident selection plan, to which the affordable unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preferences in resident selection to the maximum extent permitted under applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size;
  - f. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the housing marketing and selection plan;
  - g. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
  - h. A requirement that only an eligible household may reside in an affordable unit and that notice of any lease or sublease of any affordable unit to another eligible household shall be given to the administering agency;
  - i. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency;
  - j. Provision that the restriction on an affordable homeownership unit shall run in favor of the administering agency and the City of Lynn, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an eligible household;



- k. Provision that the restriction on affordable rental units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the administering agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an eligible household;
- l. Provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report to the administering agency, in a form specified by that agency, certifying compliance with the provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability;
- m. A requirement that residents in affordable units provide such information as the administering agency may reasonably request in order to ensure affordability; and
- n. Designation of the priority of the affordable housing restriction over other mortgages and restrictions.

**10. Fee-in-Lieu Option.**

- a. As an alternative to the requirements of this section, a developer may seek a special permit from the City Council to contribute a cash payment to the Affordable Housing Trust Fund in lieu of providing on-site affordable units. These payments shall be used only for the purpose of providing affordable housing for low- and moderate-income households as defined by and pursuant to the Lynn Affordable Housing Trust Fund ordinance.
- b. The amount of this in-lieu fee shall be calculated utilizing the Value Gap approach based on HUD affordable limitations as reported annually by HUD for the City of Lynn, adjusted for household size for required affordable *units*, and the average market rent for Unrestricted Units as determined by each Affordable Housing District for which the subject property is located. For development projects featuring rental dwelling units the total rental gap over a 12-month period will be divided by the average market capitalization rate for the Affordable Housing District the subject property is located. For development projects featuring ownership dwelling units the fee is calculated by subtracting the average market value by the maximum limit as reported by HUD annually for the City of Lynn. In the Downtown/Riverworks TOD Districts only, that amount shall then be multiplied by 1.2 to determine the applicable in-lieu fee. For the purpose of this section, the Downtown/Riverworks TOD Districts are CB, M1, M2, RT. The administering agency shall annually publish the in-lieu fee for developments that may occur in the upcoming year.
- c. A developer shall have the option of making fee-in-lieu payments for fractional units calculated under Section 9.A.5. Fractional Units. That payment will be equal to the fee-in-lieu amount for a full unit multiplied by the fraction of a unit required. Such a fractional payment does not require a special permit and will replace the additional unit otherwise required.

**11. Parking.** Units in a development subject to these requirements shall provide a minimum of 0.75 parking spaces per unit if located in the M1, M2, RT districts, or a minimum of 1.0 parking spaces per unit if located elsewhere.

**12. Timing.**

- a. All affordable units must be constructed and receive certificates of occupancy not later than other units in a development. If a development occurs in phases, the affordable units may be completed in phases as well, provided that at no time shall there be fewer affordable units completed than would be required in the completed phases of the project.



- b. Fee-in-lieu payments shall similarly be paid and deposited prior to the occupancy of units in a development and may also be phased provided that at no time shall there be a smaller fee-in-lieu payment paid and deposited than would be required in the completed phases of the project.
- c. Fractional fee-in-lieu payments shall be made prior to the occupation of the units that create the need for the fractional payment.

**13. Administration.**

- a. Administering Agency. An administering agency for affordable units, which may be the Lynn Planning Department or other qualified housing entity designated by the City Council, shall ensure the following:
  - i. Prices of affordable homeownership units are properly computed; rental amounts of affordable rental units are properly computed;
  - ii. Income eligibility of households applying for affordable units is properly and reliably determined;
  - iii. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
  - iv. Sales and rentals are made to eligible households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
  - v. Affordable housing restrictions meeting the requirements of this section are recorded with the Southern Essex District Registry of Deeds or the Southern Essex Registry District of the Land Court.
- b. Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the project applicant of reasonable costs to the administering agency to develop, advertise, and maintain the list of eligible households and to monitor and enforce compliance with affordability requirements.
- c. Failure of the Administering Agency. In the case where the administering agency cannot adequately carry out its administrative duties, upon certification of this fact by the City Council, the administrative duties shall devolve to and thereafter be undertaken by a qualified housing entity designated by the City Council or, in the absence of such designation, by an entity designated by the administering agency,
- d. The administering agency may adopt reasonable regulations to implement these requirements, including standard methodologies for setting unit rent and sales prices, the amount of the standard fee-in-lieu, and standard language for use in affordable housing restrictions.

**B. Accessory dwelling unit (ADU)**

- 1. **Purpose.** In accordance with the provisions of G.L. c.40A, §3, the intent of this section is to permit small additional dwelling units that are accessory to a principal dwelling. For zoning purposes, ADUs are considered subordinate to the primary use of the property. However, ADUs must comply with all applicable provisions of the Building Code, Sanitary Code, and other state health and safety regulations.
- 2. **Applicability.**



- a. By right. Subject to the requirements of this Ordinance, one accessory dwelling unit is allowed as of right on property located in a single-family residential zoning district, either within a principal dwelling or in a structure accessory thereto.
- b. By Special Permit. The City Council may grant a Special Permit to allow more than one ADU on a single lot.

**3. Conditions for ADUs.**

- a. Exclusion of mobile structures. ADUs may not be located in temporary structures, mobile structures, campers, recreational vehicles (RVs), and other structures on wheels.
- b. Prohibition on short-term rental of accessory dwelling units. Neither the accessory dwelling unit nor any unit within the principal structure may be rented for a term of fewer than 28 days.
- c. Submittal Requirements. Any building permit or Special Permit application for construction of an ADU must be accompanied by:
  - i. Existing and proposed zoning compliance tables.
  - ii. Floor plans of all existing and proposed structures.
  - iii. A plot plan showing the location of all existing and proposed structures, utilities, access, parking and landscaping.
- d. Dimensional Requirements.
  - i. An accessory ADU structure of up to fifteen feet in height shall be subject to the dimensional requirements applicable to accessory structures. An accessory ADU structure greater than fifteen feet in height shall be subject to the dimensional requirements applicable to the principal structure.
  - ii. No ADU may exceed the lesser of 900 square feet in gross floor area or 50% of the gross floor area of the principal dwelling.
- e. Parking. One additional parking space shall be required for an accessory dwelling unit, unless the subject property is located within one half mile from a commuter rail station, subway station, ferry terminal, or bus station. The City Council may waive this requirement by Special Permit.

**C. Conversion of existing buildings**

- 1. **Purpose.** The purpose of this provision shall be to promote the preservation of significant historic buildings and neighborhood landmarks, thereby enhancing the community's appearance and extending our common architectural legacy for future generations. The intent of this provision shall be to enable such buildings to be adapted to new use requirements, while exerting strict control over the preservation of all exterior features. This provision is designed to encourage the adaptive reuse of such buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.
- 2. **Applicability.**
  - a. In all Residential or Commercial and Mixed Use districts, any existing structure 5,000 sq ft or greater, constructed more than 60 years ago and that was either:
    - i. historically part of a mill complex, or,



- ii. used for religious or educational purposes (including churches, convents, schools, rectories, and parish halls or centers), or,
  - iii. used as a fire station, may, together with the original attached accessory structures, be altered so as to contain 2 or more dwelling units by special permit granted by the City Council provided the following requirements are met.
- b. In all Residential or Commercial and Mixed Use districts, any large existing residential structure, having been constructed more than sixty years ago, may, together with the original attached accessory structures, be altered to contain 2 or more dwelling units by Special Permit granted by the City Council provided the following requirements are met.

**3. Requirements.**

- a. The exterior design of the structure is not substantially altered.
- b. The original building area is not increased more than 10 percent of its gross floor area. Additions and alterations made to comply with the requirements of the Americans with Disabilities Act are not subject to this limit.
- c. Lot development dimensional requirements are met.
- d. Existing buildings being converted under the terms of this section are not subject to the minimum setbacks, or maximum building height requirements. Additions or alterations to the existing structures are subject to the height and setback requirements of the underlying zone.
- e. Existing buildings on existing lots that are deficient in frontage may be converted under the terms of this section without a variance, but existing lots which meet or exceed the minimum required frontage may not be subdivided in such a manner as to leave the existing building on a lot that lacks the minimum required frontage.
- f. The City Council may grant a special permit to waive the minimum lot area per dwelling unit and/or usable open space requirements if the proposed project complies with all other requirements of this section, does not require any variances, and the Board finds that adequate public recreational opportunities exist in the neighborhood to serve the residents of the project and the proposed project will not detract from the health, safety, and welfare of the occupants and owners of surrounding properties.

4. **Variance Required.** In the event that conversion is proposed and the conditions set forth above cannot be met, a variance is required from the Zoning Board of Appeals. Such variance shall be in addition to and must be advertised separately from any special permits otherwise required.

5. **Downtown conversions.** Conversion of structures in the Central Business (CB) district that would otherwise be allowed by the regulations of the Zoning Ordinance need not receive the special permit through this section.

**D. Multifamily requirements.**

- 1. In a M1 or M2 District, multifamily buildings are permitted and may have, but are not required to have, retail and retail trade service uses on the ground floor.
- 2. In a M1, M2, or RD District, the maximum amount of square feet of retail and retail trade service uses shall not exceed, in the aggregate, an amount equal to the total area of the ground floor of the multifamily (the "Ground Floor Square Footage") located on the lot. To the extent the Ground Floor Square Footage is not fully utilized for retail and retail trade service uses in any multifamily building located, the available Ground Floor Square Footage may be reallocated to retail and retail trade service uses located in one or more free-standing buildings located on the same lot.



3. In a RD District, the maximum amount of square feet of residential uses shall not exceed, in the aggregate, the amount of square feet of nonresidential.
4. In a M1, M2, or RD, clubhouses, pools, fitness centers, private clubs, private parks, food services, sales/leasing realty offices, storage facilities or grocery/commissaries, primarily to serve the residents of the multifamily housing component on the use, are also permitted as accessory uses.

**E. Short-term rental.**

No dwelling unit shall be offered as a short-term rental except in compliance with the provisions of this subsection and any other applicable ordinance or regulation.

1. **Ineligible dwelling units.** The following dwelling units are not eligible to be offered as short-term rentals:
  - a. Dwelling units designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
  - b. Dwelling units subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a short-term rental;
  - c. Dwelling units that are located within properties designated as "Problem Properties" by the City's Problem Properties Task Force, or properties owned by property owners who own any property that is currently designated as a "Problem Property;"
  - d. Dwelling units that are the subject of 3 or more findings of violations of this Ordinance within a six-month period, or 3 or more violations of any municipal ordinance or state law or code relating to excessive noise, improper disposal of trash, disorderly conduct, or other similar conduct within a six-month period.



## Section 10. Special district regulations

### A. Floodplain Overlay District (adopted July 7, 2025)

1. **Purpose.** The purpose of the Floodplain Overlay District is to:
  - a. Ensure public safety through reducing the threats to life and personal injury.
  - b. Eliminate new hazards to emergency response officials
  - c. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
  - d. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
  - e. Eliminate costs associated with the response and cleanup of flooding conditions
  - f. Reduce damage to public and private property resulting from flooding waters
2. **Definitions.**
  - a. **DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
  - b. **FLOOD BOUNDARY AND FLOODWAY MAP** means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway.
  - c. **FLOOD HAZARD BOUNDARY MAP (FHBM).** An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.
  - d. **FLOODWAY.** The channel of the river, creek 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 a designated height.
  - e. **FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
  - f. **HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
  - g. **HISTORIC STRUCTURE** means any structure that is:
    - i. Listed individually in the National Register of Historic Places a listing maintained by the Department of Interior. or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    - ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    - iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or



- iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior or
  - (b) Directly by the Secretary of the Interior in states without approved programs.
- h. **NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.
- i. **RECREATIONAL VEHICLE** means a vehicle which is:
  - i. Built on a single chassis;
  - ii. 400 square feet or less when measured at the largest horizontal projection;
  - iii. Designed to be self-propelled or permanently towable by a light duty truck; and
  - iv. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- j. **REGULATORY FLOODWAY** - see FLOODWAY.
- k. **SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.
- l. **START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home. on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading or filling., the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- m. **STRUCTURE** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- n. **SUBSTANTIAL REPAIR OF A FOUNDATION.** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.





8. **UNNUMBERED A ZONES.** In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
9. **AO AND AH ZONES DRAINAGE REQUIREMENTS.** Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
10. **SUBDIVISION PROPOSALS.** All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:
  - a. Such proposals minimize flood damage.
  - b. Public utilities and facilities are located & constructed so as to minimize flood damage.
  - c. Adequate drainage is provided.
11. **BASE FLOOD ELEVATION DATA FOR SUBDIVISION PROPOSALS.** When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less., the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
12. **RECREATIONAL VEHICLES.** In A, A1-30, AH, AO, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
13. **PROTECTION OF DUNES.** Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.
14. **WATERCOURSE ALTERATIONS OR RELOCATIONS IN RIVERINE AREAS.** In a riverine situation, the Chief of Inspectional Services shall notify the following of any alteration or relocation of a watercourse:
  - a. Adjacent Communities, especially upstream and downstream
  - b. Bordering States, if affected
  - c. NFIP State Coordinator
  - d. Massachusetts Department of Conservation and Recreation
  - e. NFIP Program Specialist
  - f. Federal Emergency Management Agency, Region I.
15. **REQUIREMENT TO SUBMIT NEW TECHNICAL DATA.** If the City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
  - a. NFIP State Coordinator
  - b. Massachusetts Department of Conservation and Recreation
  - c. NFIP Program Specialist
  - d. Federal Emergency Management Agency, Region I



16. **VARIANCES TO BUILDING CODE FLOODPLAIN STANDARDS.** The City will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The City shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i.) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii.) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.
17. **VARIANCES TO LOCAL ZONING ORDINANCE PROVISION RELATED TO COMMUNITY COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP).** A variance from these floodplain ordinance provisions must meet the requirements set out by State law, and may only be granted if:
  - a. Good and sufficient cause and exceptional non-financial hardship exist;
  - b. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
  - c. the variance is the minimum action necessary to afford relief.
18. **ABROGATION AND GREATER RESTRICTION SECTION.** The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
19. **DISCLAIMER OF LIABILITY.** The degree of flood protection required by this Ordinance is considered reasonable but does not imply total flood protection.
20. **SEVERABILITY SECTION.** If any section, provision or portion of this Ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.
21. **INCONSISTENT ORDINANCES.** All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**B. Medical Village District**

1. **Purpose.** The purpose of this section is to establish the Medical Village (MV) District. This Section is created to carry out the recommendations of the Union Hospital Re-Use Planning Study, and specifically meet the following objectives:
  - a. Foster development that is sensitive to the surrounding neighborhood of single-family residential neighborhoods and conservation area of the Lynn Woods,
  - b. Create new economic opportunities for the re-use of the Union Hospital property encouraging investment and revitalization of the neighborhood, and
  - c. Create new housing opportunities while limiting impacts on City schools, and ensuring new housing is made available to a range of income levels.
2. **Requirements.**
  - a. Site Plan Approval is required for all projects seeking approval for new construction, and rehabilitation of existing structures located in the Medical Village (MV) District, and seeking approval subject requirements established in the Lynn Zoning Ordinance.



- b. The maximum Floor Area Ratio may be increased by special permit from the City Council pursuant to Section 12 of the City of Lynn Zoning Ordinance.
- c. The combined area of food service establishment and retail store uses exceeding a total of 5,000 square feet within one or more buildings located on the subject parcel or adjacent parcels in common ownership shall require a special permit from the City Council when proposed in the Medical Village District.
- d. Senior Living Multi-Family uses are allowed by-right in the MV where the dwelling unit density is equal to or less than 28 units per acre. Senior Living Multi-Family land uses in the MV district with greater than 28 units per acre must obtain special permit approval from the City Council.
- e. Conformance to Frontage and Area Requirements. All lots with frontage on existing city or public ways shall conform to the frontage and area requirements of the zoning district in which the development lies.
- f. Density. There shall be a maximum density of one (1) dwelling unit per fifteen thousand five hundred (15,500) square feet except for Senior Living Multi-Family uses.
- g. Open Space. All land not designated for roads, lots for dwellings or other development within the site shall be held for common open space. Common open space shall be preserved for recreation or conservation.
- h. Buffer Area. A buffer area of 20 feet must be provided along the perimeter of the plot of land where it abuts properties used for residential purposes. Access drives and driveways necessary for access and egress to and from the plot of land may cross such buffer areas. No vegetation in this buffer area will be disturbed destroyed or removed, except for landscapes approved as part of the project.
- i. Performance Guarantee. The Planning Board shall require a performance guarantee as set out in its Subdivision Rules and Regulations to secure the proper completion of all infrastructure as well as the fulfillment of any conditions of approval.
- j. Conveyance. Such Open Space shall either be conveyed to the City of Lynn and accepted by it for park or open space use, conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned to be owned by the owners of lots or dwelling units within the plan. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or dwelling units. In any case where such land is not conveyed to the City, a restriction enforceable by the City of Lynn shall be recorded providing that such land shall be kept in an open or natural state and not be built upon or developed for accessory uses such as parking or roadway. All such open space shall be restricted by deed from all future buildings.

### C. Riverworks TOD District

1. **Purpose.** The purpose of the Riverworks TOD District is to achieve the goals of the South Harbor Implementation Plan, including integration of a sustainable waterfront buffer and access on the south end of the district, integration with a future commuter rail station, and the development of a high quality mixed use environment.
2. **Off-street parking and loading.**
  - a. In the RT District, required parking facilities may be provided on the same lot, or on a contiguous lot under the same ownership or control as the building or buildings they serve. In



the RT District, required parking facilities may be provided on the same lot, or on a contiguous lot or on a lot within 1,000 feet under the same ownership or control as the building or buildings they serve.

b. Off-street loading requirements shall not apply to mixed use buildings in the RT District.

**3. Multifamily requirements.**

a. In a RT, multifamily buildings are permitted and may have, but are not required to have, retail and retail trade service uses on the ground floor.

b. In a RT District, the maximum amount of square feet of retail and retail trade service uses shall not exceed, in the aggregate, an amount equal to the total area of the ground floor of the multifamily (the "Ground Floor Square Footage") located on the lot. To the extent the Ground Floor Square Footage is not fully utilized for retail and retail trade service uses in any multifamily building located, the available Ground Floor Square Footage may be reallocated to retail and retail trade service uses located in one or more free-standing buildings located on the same lot.

c. In a RT District, clubhouses, pools, fitness centers, private clubs, private parks, food services, sales/leasing realty offices, storage facilities or grocery/commissaries, primarily to serve the residents of the multifamily housing component on the use, are also permitted as accessory uses.

4. **Utilities.** Public Service Corporations who transmit electricity and are regulated by M.G.L. c. 164 and 166 shall be exempt from the dimensional requirements for the RT district.

5. **Accessory structures.** Buildings supporting accessory uses shall not be subject to minimum height requirements set forth for RT.

6. **Building height.** In the RT District, rooftop equipment, including but not limited to HVAC equipment, communications antennae or related apparatus, mechanical penthouses, roof decks, canopies and observation areas, shall not be included in such building's maximum height or maximum number of stories calculations.

7. **Multiple structures on a single lot.** In the RT District, multiple buildings shall be permitted to be located on one lot.



## Section 11. Administration and procedures

### A. Enforcement

1. **General.** This Ordinance shall be administered and enforced by the Building Commissioner. For the purpose of such administration and enforcement, the following procedures shall apply:
2. **Permit required.** No building or other structure shall be erected, moved, added to or structurally altered until a permit therefor has been issued by the Building Commissioner. All applications for such permits shall be in accordance with the requirements of the Building Code. No building permit shall be issued unless all the provisions of this Ordinance have been complied with, except after written order from the Zoning Board of Appeals.
3. **Certificate of occupancy required.** No land shall be occupied or used and no building or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure shall be used, occupied or changed in use until a certificate of occupancy shall have been issued therefor by the Building Commissioner, stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.
4. **Records.** The Building Commissioner shall maintain a record of all certificates of occupancy, and copies shall be furnished to any person having a proprietary or tenancy interest in the building affected.

### B. Violations

1. **Complaint.** Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and bases thereof, shall be filed with the Building Commissioner. The Building Commissioner shall record promptly any such complaint, immediately investigate and take action thereon. The Building Commissioner shall also notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefor, within 14 days of receipt of such request.
2. **Notice.** If the Building Commissioner shall find that any of the provisions of this Ordinance are being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Building Commissioner shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
3. **Penalty.** Violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance shall, upon conviction thereof, be fined \$300.00 per violation and, in addition, shall pay all costs and expenses, including legal fees, involved in the case. Each day such violation continues shall be considered a separate offense. The Building Commissioner may instead choose to enforce these fines noncriminally, in accordance with the provisions of G.L. c.40, Section 21D. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

### C. Zoning Board of Appeals

1. **Establishment.** A Zoning Board of Appeals is hereby established, which shall consist of five members to be appointed by the Mayor, subject to the confirmation of the City Council, each for a term of five years and with the term of one appointee expiring each year.



- a. The Board shall elect annually a chair from its membership, shall appoint a secretary and shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of the General Laws, Chapter 40A.
- b. The Mayor, subject to the confirmation of the City Council, may appoint associate members to the Zoning Board of Appeals. In accordance with Chapter 40A, no more than 2 associate members may be on the Zoning Board of Appeals at any time, and their duties shall be as determined by Chapter 40A.

2. **Powers.** The Zoning Board of Appeals shall have the following powers and duties:

- a. To hear and decide appeals taken as provided in Chapter 40A of the General Laws.
- b. To hear and decide applications for special permits where it is specifically designated as the special permit granting authority.
- c. To authorize upon appeal, or upon petition, a variance from the terms of the Zoning Ordinance, where, owing to conditions relating to the soil conditions, shape or topography especially affecting such parcel, or conditions affecting such building, 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 appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such Ordinance. In exercising the powers under this subsection, the Board may impose limitations both of time and of use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter. Rights authorized by a variance that are not exercised within 1 year of the date of the grant of such variance shall lapse.
- d. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, Sections 20-23.

3. **Regulations.** The Zoning Board of Appeals may adopt rules and regulations for the administration of its powers.

4. **Fees.** The Zoning Board of Appeals may adopt reasonable administrative fees and consultant fees.

**D. Special permit**

- 1. **Special Permit Granting Authority.** Unless specifically designated otherwise, the City Council shall act as the special permit granting authority.
- 2. **Criteria.** Special permits shall be granted, unless otherwise specified herein, only upon a written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the City or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Ordinance, the determination shall include consideration of each of the following:
  - a. Community needs that are served by the proposal, and consistency with the development goals and objectives of the City of Lynn Comprehensive Plan and relevant neighborhood plans;
  - b. Traffic flow and safety, including access, parking and loading;
  - c. Adequacy of utilities and other public services;



- d. Neighborhood character and compatibility with surrounding properties;
  - e. Impacts on the natural environment including greenhouse gas emissions and visual impacts; and
  - f. Potential economic and fiscal impact, including impact on City services, tax base, and employment.
3. **Application Requirements.** An application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority.
  4. **Permitting procedures.** Applications for special permit approval shall be submitted and reviewed in accordance with the notice and public hearing procedures for special permits as set forth in G.L. c.40A, §§ 9 and 11. The applicant shall also post notice of the public hearing at the subject property in a weather-proof enclosure and at a location clearly visible from the nearest public way at least fourteen days prior to the public hearing.
  5. **Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Ordinance.
  6. **Rules and Regulations.** The special permit granting authority may adopt and periodically amend or add rules and regulations relating to the standards, criteria, procedures and administration of this section, including but not limited to submittal requirements, design regulations, construction management, roadway and infrastructure mitigation, and post-approval plan modifications. The Approval Authority shall file a copy of said rules and regulations, and any modifications thereto, with the City Clerk.
  7. **Fees.** The special permit granting authority may adopt reasonable administrative fees and consultant fees for applications for special permits.
  8. **Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within three years following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the City Clerk.

#### **E. Site plan review**

1. **Purpose.** This provision is intended to protect and promote the health, safety, convenience and general welfare of the inhabitants of the City, promote acceptable site planning practices and standards within the City and ensure compliance with the City of Lynn Comprehensive Plan and good zoning practices.
2. **Applicability.** Site plan review shall be required for:
  - a. The construction, reconstruction, expansion or extension of one or more buildings on a lot where the combined gross floor area of all structures on the lot equals or exceeds 5,000 square feet.
  - b. Any renovation or change of use which requires the addition of ten or more parking spaces irrespective of existing parking spaces or the relocation of existing parking spaces, the relocation of the building entrance and/or the relocation of the site entrance to accommodate the renovation or change of use.
  - c. Any addition or construction of a new building or replacement building with a drive thru.



- d. Construction or expansion of residential structures resulting in a total of 3 or more residential dwelling units on one lot.
  - e. Ground mounted solar energy systems.
3. **Approval Authority.** Site plan review shall be conducted by a seven-member Site Plan Review Committee (Approval Authority), comprised of the department heads (or their designees) of each of the following departments: Community Development Department, EDIC, Housing Authority & Neighborhood Development, Inspectional Services Department, Planning Department, Public Works Department, and Water & Sewer Commission.
4. **Permitting procedures.** Applications for site plan approval shall be submitted and reviewed in accordance with the notice and public hearing procedures for special permits as set forth in G.L. c.40A, §§ 9 and 11. The applicant shall also post notice of the public hearing at the subject property in a weather-proof enclosure and at a location clearly visible from the nearest public way at least fourteen days prior to the public hearing.
5. **Review Criteria.** In conducting its review, the Approval Authority shall consider the adequacy of the proposal with respect to the following factors:
  - a. Compliance with the requirements of this Ordinance.
  - b. Compliance with the requirements of the Approval Authority's rules and regulations, including without limitation design guidelines or requirements.
  - c. Protection and enhancement of existing natural and historic site features.
  - d. Impacts to adjoining properties, including construction impacts.
  - e. Adequacy of stormwater management systems.
  - f. Provision of safe and adequate pedestrian, bicycle and vehicular access.
  - g. Provide adequate access to each structure for fire and service equipment and adequate utilities
  - h. Adequacy of parking and loading facilities.
  - i. Adequacy of waste removal and disposal.
6. **Rules and Regulations.** The Approval Authority may adopt and periodically amend or add rules and regulations relating to the standards, criteria, procedures and administration of this section, including but not limited to submittal requirements, design regulations, construction management, roadway and infrastructure mitigation, and post-approval plan modifications. The Approval Authority shall file a copy of said rules and regulations, and any modifications thereto, with the City Clerk.
7. **Decision.**
  - a. The Approval Authority shall by majority vote of members present and voting approve, approve with conditions, or deny site plan approval of a proposed development project and shall file its decision with the City Clerk.
  - b. The Approval Authority's findings, including the basis of such findings, shall be stated in a written decision. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision.



- c. The Approval Authority may impose reasonable conditions to ensure that the purposes and requirements of this Ordinance have been satisfied, including without limitation, provision of an operations and maintenance plan for project infrastructure, such as stormwater management systems, interior ways and walkways, sidewalks within public rights-of-way adjacent to the site, and other common open space and facilities.
- d. Criteria for denial. The Approval Authority may deny an application for site plan approval only if it finds one or more of the following:
  - i. The development project does not meet the conditions and requirements set forth in this Ordinance; or
  - ii. The applicant failed to submit information and fees required by this Ordinance and necessary for an adequate and timely review of the development project; or
  - iii. It is not possible to adequately mitigate significant adverse impacts on nearby properties or the general public by means of suitable conditions.

**8. Modified Site Plan Review for Protected Uses.**

- a. Applicability. Uses, which are partially protected from local zoning regulation by G.L. c. 40A, §3, shall be subject to a modified site plan review process.
- b. Demonstration of qualification. In order to qualify for these modified site plan review standards, an applicant must demonstrate that the use qualifies for protection under G.L. c. 40A, §3.
- c. General review procedure. Site plan review for these uses shall be conducted by the Approval Authority subject to the review criteria specified hereafter.
- d. The Approval Authority may impose reasonable conditions to ensure that the following conditions have been satisfied. In reviewing the site plan submittal, the Approval Authority shall consider the following:
  - i. Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area, including without limitation the reasonable imposition of otherwise applicable building coverage, setback, lot area, height and setback requirements;
  - ii. Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly; and
  - iii. Adequacy of the arrangement of parking and loading spaces and safety of proposed access and egress in relation to the proposed uses of the premises.

9. **Waivers.** The Approval Authority shall have the authority to waive the requirements of this Ordinance if it determines such waiver to be required to comply with G.L. c.40A, §3.

10. **Appeals.** The decision of the Approval Authority hereunder may be appealed to the Zoning Board of Appeals in accordance with the provisions of G.L. c. 40A, §§ 8 and 14.

11. **Lapse.** Site Plan Approval shall lapse after three years from the grant thereof if a substantial use thereof has not sooner commenced. Such approval may, for good cause, be extended in writing by the Approval Authority upon the written request of the applicant.



## Section 12. Definitions

### A. Applicable terms

In this Ordinance, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Ordinance. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention is clearly evident in this Ordinance.

### B. Defined terms

*Accessory building/structure:* A building or structure devoted exclusively to a use accessory to the principal use of the lot.

*Accessory:* A use customarily incidental and subordinate to, and on the same lot or contiguous and commonly owned group of lots as a conforming principal use, and as referred to in this chapter also means a use which does not alter or impair the character of the premises on which it is located or of the neighborhood.

*Accessory Dwelling Unit (ADU):* A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a Principal Dwelling.

*Affordable housing:* Housing units set aside exclusively for low or moderate income renters or buyers, that remain affordable through long term restrictions.

*Alterations, structural:* Any change or rearrangement in the supporting members of a building, such as bearing walls, columns, beams or girders.

*Basement:* A portion of a building partly underground but having more than one-half of its clear height below the average grade of the adjoining ground.

*Booking Agent:* Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator/Owner.

*Buffer zone:* Areas of land maintained in a landscaped fashion or in a natural state that are open, unpaved and unbuilt upon; for the purposes of this Zoning Ordinance, crushed stone shall not be considered as an appropriate buffer zone treatment.

*Build-to-line:* The line with which the exterior of a building must coincide.

*Building area:* The total area, expressed in square feet, of all floors of a building or structure measured to the exterior walls thereof.

*Building height:* Building height shall be measured from the average elevation of the proposed finished grade at the front line of the building to the highest point of the roof for flat roofs, to the deck line for



mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Fences and walls shall be measured from the Finished grade vertically to the highest point.

*Building line:* The line of a building face, which face shall include cornices projecting more than 12 inches, balconies, sun parlors, covered porches and entrances, whether enclosed or unenclosed, but shall not include steps.

*Building, attached:* A principal building separated from another principal building on one or both sides either by a vertical party wall or walls or by a solid contiguous wall or walls without any side setbacks.

*Building, detached:* A principal building which is substantially separated by setbacks or courts from any other principal structure.

*Building, principal:* Any building devoted to a principal use or, for determining the dimensional requirements of this chapter in the case of an open principal use.

*Building:* A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof."

*Conversion:* Any residential building containing one or more dwelling units that is altered by interior and/or exterior changes so as to increase the number of dwelling units in the building to some number greater than (i) the existing number of dwelling units or (ii) the number of dwelling units the building was originally designed for. Further, any commercial building for which a residential or industrial reuse is proposed, or any industrial building for which a residential or commercial reuse is proposed, shall be considered a conversion and shall be subject to the appropriate regulations of this Ordinance.

*Development:* A specific project or phase of a project, requiring the approval and permitting of the City and potentially other public agencies of the Commonwealth of Massachusetts.

*Driveway:* An open space located on a lot, which may be paved, built for access to a garage or off-street parking or loading space(s).

*Dwelling Unit:* A building or portion thereof providing complete housekeeping and cooking facilities for one family, as defined by the Commonwealth of Massachusetts State Building Code Regulations & Standards 780 CMR, but excluding: a congregate living complex, elderly housing, group residence, homeless shelter, hotel, motel, orphanage, temporary dwelling structure, and transitional housing.

*Family:* An individual, or two or more persons occupying a dwelling unit and living together as a single, non-profit housekeeping unit; provided that a group of five or more persons who are not within two degrees of kindred to each other, as defined by civil law, shall not constitute a Family.

*Fence:* A man-made barrier intended to divide or mark a boundary between lots or parcels of land.

*Fixed Public Transportation Stop:* A stop on a fixed-location public transit route operated by the MBTA provided that for the purposes of this Ordinance such stop shall be located within 30 feet of weather protected seating and provisions for bicycle parking.

*Floor area ratio (FAR):* Gross floor area of all buildings on the lot measured in square feet, divided by the total square footage of the Lot.



*Green Roof:* Area atop a roof surface on a building that is covered by a layer of living vegetation planted in a minimum of 4 inches of growth medium over a waterproofing system (also known as a vegetated roof).

*Gross floor area:* The sum of areas of the several floors of buildings including areas potentially used for human occupancy in attics and penthouses, as measured from the exterior faces of the walls, not including basements, unenclosed porches, or any floor space in accessory buildings or in the principal building intended and designed for the parking or loading of motor vehicles.

*Home Share Unit:* A dwelling unit offered as a Short-Term Rental that is the Operator's Primary Residence. Occupancy shall be limited to five bedrooms or ten guests in a Home Share Unit, whichever is less.

*Household:* All the people who occupy a single dwelling unit, regardless of their relationship to one another.

*Ineligible Units List:* A list maintained by the Department of Inspectional Services deemed ineligible for use as short-term rental units subject to the provisions of this Ordinance.

*Limited Share Unit:* A dwelling unit that is the Operator's Primary Residence, a portion of which is offered as a short-term rental while the Operator is present. Occupancy shall be limited to three bedrooms or six guests in a Limited Share Unit, whichever is less. One bedroom must be reserved for the Operator.

*Lot coverage:* The portion of a lot that is covered with impervious surfaces, including but not limited to buildings, impervious driveways and parking areas, access roads, sidewalks, tennis courts, above-ground and in-ground swimming pools, concrete air conditioner pads, decks that do not allow rain water to be directly absorbed by the ground, patios, or any other material placed on or above the earth which substantially reduces or prevents the natural percolation of water.

*Junk:* Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage disposal or conversion. Any article or material which, unaltered or unchanged and without further reconditioning cannot be used for its original purpose as readily as when new shall be considered junk.

*Landscaped:* Land fully developed and maintained to present a pleasant appearance, screen adjacent land uses, provide for stormwater retention and groundwater recharging, and to stabilize the soil, using primarily non-invasive vegetation and natural features of the site.

*Lodger:* A person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent (whether in money or services) which may include an allowance for meals; and who is not a member of the housekeeping unit.

*Lot area:* The horizontal area of the lot exclusive of any area in a public or private way.

*Lot depth:* The unbroken horizontal distance on a lot measured from the street line on which the lot has frontage.

*Lot line, front:* A lot line along which the lot has frontage. Only one lot line may be designated as a front lot line. If the lot has frontage on two or more sides, then among those, the lot line most nearly parallel and closest to the front of the structure shall be the front lot line.

*Lot line, rear:* The boundary of a lot which is opposite or farthest from a front lot line.



*Lot line, side:* Any boundary of a lot which is not a front lot line or a rear lot line.

*Lot line:* Any boundary of a lot.

*Lot width:* The unbroken horizontal distance on a lot measured perpendicular to and at all points on the required depth.

*Lot, corner:* A lot situated at the junction of two or more streets that meet in such a way that the angle between their centerlines in the sector occupied by the lot is less than 135 degrees.

*Lot frontage:* The distance measured as a straight line along the street between the intersection of the street boundary and the lot lines or along the curve of the street and the intersection of the street boundary and the lot lines. Or, the distance measured parallel to the intersection of the street boundary and the lot lines at a distance of 25 feet measured on a line perpendicular to the line between the intersection of the street boundaries and the lot lines. The end of streets without a turning circle shall not be considered frontage.

*Lot:* A parcel of land laid out by plan or deed duly recorded, used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership with definite boundaries and not divided by a street, nor including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot.

*Mixed use development:* A development that combines residential with retail or service uses within the same building or on the same site.

*Nonconforming structure:* A structure that does not conform to the dimensional, accessory building, sign, parking, or loading regulations of this chapter, or that is located on a lot that does not conform to any such regulations, but which was in existence at the time the regulation became effective and was permitted at the time the structure was built or which otherwise constitutes a nonconforming structure pursuant to M.G.L.A. c. 40A, §7.

*Nonconforming use:* A use of a building or lot that does not conform to a use regulation prescribed by this chapter for the district in which it is located, but which was in existence at the time the use regulation became effective and was permitted at the time the use was established.

*Occupied:* Shall include the words "designed, arranged, or intended to be occupied".

*Green space:* A ground level or upper story outdoor landscaped area including, but not limited to, natural woodlands, yards, forecourts, courtyards, and green roofs.

*Civic Space:* An area of land such as a square, green, neighborhood park, pocket park, linear park, plaza, or mid-block connection that is located and designed for public access by pedestrians and/or bicyclists, is visible and accessible from public streets, and is open to the general public 24 hours a day, 7 days a week.

*Operator:* A natural person who is the owner, or lessee of the owner, of a dwelling unit that seeks to offer said dwelling unit as a short term rental.

*Owner's Adjacent Unit:* A dwelling unit offered as a short-term rental that is not the Owner's Primary Residence but is located within the same dwelling as the Primary Residence of, and is owned by, said Owner; provided that Owner's-Adjacent Units used as short-term rentals shall only be allowed in two-family or three-family dwellings where all units are owned by the same unique owner-occupant



who serves as the Operator; provided further that, for the purposes of owner-occupied three-family residential dwellings, in addition to the unit in which they reside and use as a Home Share or Limited Share Unit, an Operator of an Owner-Adjacent Unit may only register and use one Owner-Adjacent Unit as a short-term rental.

*Parking garage or parking area:* A building, structure, lot or part of a lot designed or used for shelter or storage, but not dismantling or repair, of noncommercial motor vehicles and commercial motor vehicles enclosed by panels and not in excess of three-quarter ton capacity, used by the occupants or users of a lot devoted to a use.

*Permeable area:* The landscaped area of a lot plus any area covered by porous asphalt, pervious concrete, paving stones, or grass pavers.

*Primary residence:* A dwelling unit in which an operator resides for at least nine months out of a 12-month period. Primary residence shall be demonstrated by showing that as of the date of usage as a short term rental, the operator has resided in said dwelling unit for at least nine of the past 12 months or that the operator intends to reside in the dwelling unit for nine of the next 12 months, in accordance with the proof of primary residence requirements set forth below.

*Principal Dwelling:* A structure, regardless of whether it conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is located on the same lot as an ADU.

*Principal use:* The primary use of the Building or Lot, as the context may require.

*Repairs:* Work of a reconstruction or renewal nature on any existing part of a building or structure but excluding a structural alteration.

*Retaining wall:* A structure in the form of a wall for holding in place a mass of earth or the like at the edge of a terrace, excavation or property line provided that any retaining wall located along a property line and extending more than six feet above the average finished grade of the adjacent lot(s) shall be considered an accessory building and must conform to the setback and height restrictions for accessory buildings.

*Screening:* A natural occurrence or a man-made device which shields from view various land use activities.

*Security barrier:* A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

*Setback:* The minimum horizontal distance from the lot line or street line to the nearest part of the structure.

*Short-term rental(s):* The use of a dwelling unit for residential occupancy by a person or persons for a period of fewer than twenty-eight consecutive calendar days for a fee. A short-term rental may or may not be facilitated through a booking agent. The following uses shall not be considered short-term rentals: (a) use of a dwelling unit or portion thereof for which a contract exists between the owner of the dwelling unit and a health-care facility or government entity or non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the Internal Revenue Service as a public charity or private foundation that provides for the temporary housing in such unit of individuals who are being treated for trauma, injury, or disease, or their family members, shall not be considered a short-term rental; or (b) use of a Residential Unit for which a contract or an agreement



exists between the building owner, a corporate housing operator and an institution or business for the temporary housing- of employees or individuals affiliated with such institutions or business, where the minimum stay is at least ten days, shall not be considered a short-term rental.

*Short-Term Rental Registry:* The database maintained by ISD, in conjunction with ITD, that includes information on Operators who are permitted to offer their dwelling units as short-term rentals. The Short-Term Rental Registry may be a stand-alone registry or may be incorporated into the electronic database maintained by ISD.

*Sign:* Any device designed to inform or attract the attention of persons not on the premises on which such device is located, whether such device is a separate structure or object or attached to or painted on another structure or object.

*Solar energy system:* A system designed for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating, as further defined in M.G.L.A. c. 40A, § 1A.

*Special permit use:* A use which would not be appropriate generally or without restriction throughout the district but which, if controlled in a neighborhood, would promote the public health, safety, convenience, morals and welfare of the City's inhabitants.

*Special permit:* Permission to make use of land or to erect and maintain buildings or other structures thereon in specified instances after application for a special permit for an exception and the granting thereof by the City Council or Zoning Board of Appeals in accordance with the provisions of this chapter and M.G.L.A. c. 40A.

*Story, half:* A story used or designed to be used for human occupancy that has a floor area measured seven feet vertically from the floor of not than one-half the area of the floor next below.

*Story:* That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

*Street line:* The boundary separating a lot from the street on which it abuts.

*Street:* A public way or a private way which is open to the public or dedicated to public use and has, in the opinion of the Planning Board, adequate width, suitable grades and sufficient construction for the intended use.

*Structure:* A combination of materials assembled or maintained at a location on a lot above or below ground to give support or shelter, including without limiting the generality of the foregoing, a bin, bridge, building, fence, flagpole, framework, platform, retaining wall, reviewing stand, sign, stadium, swimming pool, tank, tent, tower, trailer without wheels, trestle, or tunnel. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

*Temporary structure:* A structure without any foundation or footings to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall require a permit from the Building Commissioner.

*Use, principal:* The main use on a lot.

*Use:* Any activity, occupation, business or operation carried on, or intended to be carried on, in a structure or on a tract of land.



*Utility:* A system of wires or conductors and supporting structures that functions in the transmission of electrical energy or communication services (both audio and video) between generating stations, sub-stations, and transmission lines or other utility services.

*Variance:* A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

*Way:* A street or alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

*Yard:* An open space unoccupied and unobstructed by any structure or portion of a structure from the ground upward, provided, however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

*Yard, front:* The yard lying between the front lot line and the principal structure and bounded by the side lot lines. The minimum front yard is measured horizontally between the nearest point of the principal structure and the front lot line.

*Yard, rear:* The yard lying between the rear of the principal structure and the rear lot line and bounded by the side lot lines. The minimum rear yard is measured horizontally between the nearest point of the principal structure and the rear lot line.

*Yard, side:* The yard lying between the side of the principal structure and the side lot line, and bounded by the front and rear yards. The minimum side yard is measured horizontally between the nearest point of the principal structure and the nearest adjacent side lot line.

### **C. Definition of uses**

In this Ordinance, uses are defined in the following manner.

#### **1. Residential**

- a. Communal: Residential structures designed for shared living arrangements, including:
  - i. Group housing: A building used by individuals, related or unrelated, to live as a single housekeeping unit, including shared common spaces like kitchens and living rooms with private bedrooms for each resident, compliant with 780 CMR, 310.1.
  - ii. Lodging house: A building in which living space, without individual kitchens and with or without kitchen privileges, is designed, occupied, or intended for occupancy by, or let for compensation to persons not within second degree of kindred to the person conducting it, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or convalescent or nursing homes or rest homes so licensed, or group residences licensed or regulated by agencies of the commonwealth, as defined in G.L. c.140, s.22.
  - iii. Senior housing facility: A building designed to house older adults, such as assisted living facilities, continuing care facilities, independent living facilities, or long-term care facilities, including as regulated by G.L. c. 93, s.76.
- b. Multifamily: Residential buildings designed to house four or more separate households, including:



- i. Apartment building: A building containing four or more apartments or housing units, each serving as a separate household residence.
- ii. Multifamily residential developments: Multiple buildings on a single lot, each containing two or more apartments or housing units, that are collocated and managed together.
- iii. Attached dwelling development: A combination of multiple housing units on a shared parcel or parcels that are attached to one another but each with its own access and egress and serving as a separate residence, such as townhouses or row houses.
- c. Single-family: A residential building designed to house one household or family unit, and which may also include an accessory dwelling unit, including:
  - i. Detached: A standalone residential building specifically intended and designed to house one dwelling unit. This building does not share walls with adjacent structures, and typically includes its own cooking, living, and sanitation facilities. It is situated on a separate parcel or lot.
  - ii. Attached: A residential building sharing one or more walls with adjacent units. Each unit, while physically connected to others, rests on its own parcel of land.
- d. Two-family: A residential building designed to house two separate households or family units within a single structure, including:
  - i. Side-by-Side Two-Family: A building with two housing units attached in a side-by-side configuration and sharing one or more walls, such as townhouses or row houses.
  - ii. Stacked Two-Family: A building with two housing units stacked one above, such as a double-decker.
  - iii. Other Two-Family: A building with two housing units configured in some other way on a single parcel.
- e. Three-family: A residential building designed to house three separate households or family units within a single structure, including:
  - i. Side-by-Side Three-Family: A building with three housing units attached in a side-by-side configuration and sharing one or more walls, such as townhouses or row houses.
  - ii. Stacked Three-Family: A building with three housing units stacked one above the other, such as a triple-decker.
  - iii. Other Three-Family: A building with three housing units configured in some other way on a single parcel.
- f. Senior Living Multi-Family: A multi-family residential building designed for and restricted to residency by older adults, also known as Age-restricted building.

## 2. Commercial

- a. Assembly: Facilities designed for social, cultural, and recreational activities that involve gatherings of people, including:
  - i. Private club or lodge: A facility used by non-profit social, sports, or civic organizations, catering exclusively to members and their guests for social, civic, recreational, or athletic purposes. Commercial activities are limited to concessions for members and organizational fundraising.



- ii. Place of assembly: A commercial facility such as an auditorium, museum, theater, cinema, or similar facilities used for public gatherings, cultural, or educational purposes.
- iii. Entertainment, arts, and recreation venue: A commercial facility such as a dance club, night club, concert venue, concert hall, movie theater, gazebo, creative arts and performance, or recreational facility such as a bowling alley, arcade, billiard/pool hall, or roller rink.
- iv. Meeting and conference space: A facility designed to host meetings, conferences, and other organized gatherings, which can be part of larger establishments like hotels.
- b. Automotive: Facilities used for business activities associated with motor vehicles, including:
  - i. Gasoline Station: A facility designed to sell and dispense gasoline, oil, and related products, sometimes offering limited auto repair services such as tire service and repair (excluding recapping or re-grooving), and minor part replacements or adjustments without involving major engine components.
  - ii. Motor Vehicle Sales or Leasing: A premises (car dealership) used for the sale or lease of new or used motor vehicles pursuant with M.G.L. c. 140, § 58, such as showrooms and associated service facilities, supplying fuel, oil, lubrication, washing, or minor repairs, but excluding body work or painting.
  - iii. Motor Vehicle Repair and Service: A facility designed for storage, servicing, repair, maintenance, or cleaning of motor vehicles, such as auto body repair, mechanics, tire shops, oil change centers, auto repair shops.
  - iv. Motor Vehicle Rental Station: A facility offering motor vehicles for rent on a short-term basis.
  - v. Automotive Parts and Accessories: An establishment involved in the distribution, sales, or service of automobile parts and accessories, but not including major repair or service operations.
  - vi. Car Wash and Light Service Station: A facility primarily engaged in washing motor vehicles or providing light services like fuel dispensing, with other minor sales and repair activities being secondary.
  - vii. Specialized Automotive Services: An establishment such as taxicab businesses, limousine services, and other driving services, where the primary function is the provision of transportation rather than vehicle sales or maintenance.
- c. Bars, pubs, or taverns: An establishment primarily offering alcoholic beverages for consumption on the premises, sometimes along with food as a secondary offering.
- d. Bed and breakfast: Establishments that provide temporary accommodations to transient guests in not more than six bedrooms, and not to serve as a long-term or primary residence, in residential settings, including a lodging establishment within a converted house or small former apartment building. Bed and breakfast establishments shall not have cooking facilities in guest rooms.
- e. Cannabis business: Establishments related to cannabis, including:
  - i. Medical Cannabis Dispensary: A registered facility authorized to sell medical cannabis products.



- ii. Cannabis retail store: An establishment authorized to sell or otherwise transfer cannabis or marijuana products to consumers for use off the premises, but not to cultivate, manufacture, process, or package cannabis or marijuana products, in accordance with applicable state laws and regulations. A Cannabis Retail Store may be licensed to operate as a Cannabis or Marijuana Retailer or registered as a Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (hereafter "RMD"), or both, in accordance with applicable state laws and regulations.
- iii. Cannabis delivery operator establishment: An establishment licensed as a Marijuana Delivery Operator by the Massachusetts Cannabis Control Commission and authorized to purchase at wholesale and warehouse on the site cannabis or marijuana products acquired from a Cannabis Cultivator, Cannabis Product Manufacturer, Cannabis Microbusiness or Craft Marijuana Cooperative, and to sell and deliver cannabis or marijuana products, accessories and branded goods directly to consumers in accordance with applicable state laws and regulations, but not authorized to repackage cannabis or marijuana products or to sell cannabis or marijuana products to consumers on-site.
- iv. Cannabis microbusiness: A co-located Cannabis or Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or a Product Manufacturer or both, pursuant to 935 CMR 500.00, in compliance with the operating procedures for each license and, if in receipt of a Delivery Endorsement issued by the Cannabis Control Commission, may deliver Cannabis or Cannabis Products produced at the licensed location directly to Consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. A Microbusiness that is a Cannabis Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Cannabis or Marijuana Establishments, pursuant to 935 CMR 500.000.
- v. Cannabis craft cooperative: A craft marijuana cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.000.
- vi. Cannabis independent testing laboratory: A laboratory pursuant to 935 CMR 500.000... that is licensed by the Cannabis Commission and is accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.
- f. Clean manufacturing: A facility engaged in the production or assembly of goods using processes that minimize environmental impact and prioritize sustainability. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard or require extensive truck traffic. Clean manufacturing facilities include electronics, medical devices, additive manufacturing, precision tools, and advanced materials production.
- g. Eating place: Establishments where food and beverages are sold and consumed, including:
  - i. Restaurant: An establishment offering food and beverages for consumption on the premises, such as traditional restaurants, speciality eateries, and fine dining.



- ii. Fast Order Food: An establishment offering food and beverages intended for immediate consumption on the premises or off-site. Such establishments often sell premade or fast-order food and typically do not offer table service.
- iii. Hospitality-Related Eating Place: A facility offering food and beverage service that is accessory to lodging uses, including restaurants, bars, and similar establishments.
- iv. Lunchroom or Cafeteria: An establishment offering a food and beverage service in a casual, quick-service dining experience, such as buffet restaurants and ice cream shops.
- h. Gun shop: An establishment primarily selling firearms and firearm ammunition.
- i. Hotel: Establishments that provide temporary accommodations to transient guests, and not to serve as a long-term or primary residence, including a lodging facility with rooms that may include ancillary offerings such as food and beverage service, fitness, and meeting rooms.
- j. Indoor telecommunications: Facilities primarily used for indoor telecommunication purposes, including:
  - i. Data Center: A facility used for information storage and processing services and housing computer systems and associated components, such as telecommunications and storage systems.
  - ii. Telecommunications Buildings: A facility used to house equipment and technologies used for telecommunications services, such as exchanges, switching equipment, and other related hardware.
  - iii. Server Farm: A facility used to house networked computer servers for purposes such as remote or cloud data storage, processing, or distribution.
  - iv. Telephone Central Buildings: A building used for the central operation of telephone networks, excluding facilities that have associated garages or setbacks used for service vehicles or additional storage.
- k. Office and creative enterprise: Facilities where professional, medical, creative, and general business activities are conducted, from conventional business transactions to specialized professional services, including:
  - i. Professional: An office used for the transaction of business or the provision of services, excluding the receipt, sale, storage, or processing of merchandise, such as offices for attorneys, accountants, realtors, bankers, financial advisors, counselors, and similar professions, as well as shared office and coworking spaces.
  - ii. Medical or dental: An office used for the medical or dental examination or treatment of patients as outpatients, including clinics offering ambulatory, outpatient medical, surgical, physical, mental health, or dental services, and associated laboratories, but not including emergency medical facilities as hereinafter defined.
  - iii. Creative enterprises: A space used by artists for the creation of artwork and by design professions, including: architects and industrial designers; media production such as video production and editing; performance art rehearsal spaces; arts exhibition; art sales or services; co-working; design services; and arts education.
  - iv. Artisanal production: A space used for on-site production of hand-fabricated or hand manufactured parts and custom or craft consumer goods based on the skill and knowledge of the artisan and the use of hand tools or small-scale, light mechanical equipment. The artisanal production category includes apparel manufacturing, cabinetry,



furniture making, glass working, jewelry making, metal working, pottery, sculpture, wood working, and their substantial equivalents. Showrooms and the ancillary sales of goods produced on-site are permitted. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, and glare is prohibited.

- I. Outdoor commercial storage: Premises used for outdoor storage and light maintenance and repair of equipment associated with commercial establishments and activities, including:
  - i. Trade Yard: An outdoor space used by contractors for storing equipment, vehicles, materials, and supplies related to their trade, such as construction companies, landscaping businesses, electricians, plumbers, HVAC, and other service contractors.
  - ii. Storage and sale of building materials or machinery: A facility used for storing and selling construction materials or machinery, such as lumber yards, hardware stores with large outdoor storage areas, and machinery dealerships.
  - iii. Waterfront Boat Yard: An open area with direct access to a navigable waterway for storing and repairing boats, including structures for repair shops, storage, and sale of painting materials, but excluding the storage or sale of fuel or oil.
- m. Outdoor recreation: Facilities designed for outdoor leisure, amusement, and sports that may include the consumption of food and drink, including:
  - i. Outdoor Commercial Recreation: Commercial establishments operated wholly or partially outdoors, such as driving ranges, miniature golf courses, bathing beaches, tennis courts, sports clubs, outdoor performance space, drive-in theater, and horseback riding stables.
  - ii. Marina: A facility with docks, slips, supplies, and repair amenities for small boats which may include selling fuel and oil from dockside facilities for use on boats only.
  - iii. Swimming Pool: An uncovered artificial pool used for recreational swimming.
  - iv. Waterfront Yacht Clubhouse: Facility on the waterfront used by non-profit clubs to support recreational yachting and related activities.
  - v. Leisure activity: Outdoor facility designed for play, diversion, amusement, or physical fitness, such as parks, playgrounds, beaches, skating rinks, and health clubs.
- n. Production and retail of food and beverage: Facilities used for the production and distribution of food and beverages along with public tasting rooms, event functions, and direct sales to consumers, including:
  - i. Brewery, Distillery, or Winery: A facility used for the production and distribution of malt, spirituous, or vinous beverages, often including a tasting room where visitors can sample and purchase products, and subject to M.G.L. c. 138 and related regulations.
  - ii. Food Production Facility: A facility used for the processing, packaging, and distribution of various food items and often including consumer tasting and direct sale functions, such as bakeries, cheese-makers, confectioneries, and meat processors.
- o. Research and development or laboratory: A facility used for indoor research, development, and testing activities that does not involve the mass manufacturing, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard or require extensive truck traffic. Facilities may include:
  - i. Life Science: Research, development and/or prototype manufacturing utilizing microorganisms, chemical or biological substances, vivariums, or biomechanical



equipment in the fields of Life Science, biotechnology, medical, pharmaceutical, environmental science, microbiology, comparative medicine, apparatus, machines and devices for research, development, pharmaceuticals, biomedical technologies, life systems technologies, environmental and biomedical devices manufacturing and advanced and practical application in any such field or areas. Life Science may include accessory office.

- ii. **Research and Development:** An establishment engaged in innovative research and development activities. Research and Development shall include, but is not limited to the fields of biology, life science, chemistry, electronics, computer science, engineering, geology, medicine and physics and vivariums.
- iii. **Laboratory:** A designated area within a building equipped to conduct scientific experiments, tests, investigations, research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of biology, life science, chemistry, electronics, computer science, engineering, geology, medicine and physics, including vivariums. Laboratory shall include Biosafety Level 1 and 2 facilities.
- iv. **Advanced prototyping:** Facilities used for research, development, general office, and limited manufacturing activities entirely within the structure that do not create significant noise, emissions, vibration, safety risk, or related nuisance in the surrounding area. Advanced manufacturing shall employ electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and be free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration, including manufacturing of pharmaceuticals, medical devices, computer components, robotics, additive manufacturing, and advanced materials.
- v. **Renewable or alternative energy research and prototyping:** A facility used for researching, developing, prototyping, limited manufacturing, and testing renewable or alternative energy concepts, methods, processes, materials, or products and components.
- vi. **Research and testing:** A facility used for the research, development, and testing of innovative information, methods, processes, materials, or products, including the development and fabrication of prototypes or specialized machinery integral to research or testing. This may include a small chemical laboratory and chemical storage.
- p. **Retail and personal services:** Establishments engaged in the on-site sale of goods and the provision of services to the general public, including:
  - i. **Retail Sales:** An establishment selling goods to customers, including groceries, clothing, dry goods, hardware, household goods, and general merchandise.
  - ii. **Convenience Store:** A small retail establishment that sells a limited range of everyday items such as groceries, snacks, beverages, household products, and other convenience items that may have extended opening hours to provide quick and easy access to essential goods for customers.
  - iii. **Neighborhood market:** A small retail sales establishment specializing in goods and merchandise meeting daily household needs.
  - iv. **Supermarket:** A large retail sales establishment primarily selling groceries such as produce, meat and fish, baked goods, and other convenience items.



- v. Personal Service: An establishment providing personal services, such as hair salons, barber shops, tanning beds, dry cleaning, print shops, photography studios, and similar services.
- vi. Bank or Financial Service: An establishment providing financial services, such as banks and credit unions.
- vii. Sports/Fitness Facility, Health Clubs, or Spa: An establishment providing health and fitness services to individuals such as through a membership model.
- viii. Body Art Studios: An establishment providing body adornment services, such as tattooing, body piercing (excluding ear lobes), cosmetic tattooing, branding, and scarification.
- ix. Fortune teller: An establishment offering spiritually oriented services such as fortune telling and palm reading.
- q. Large format retail: Large retail establishments with at least 30,000 square feet offering goods occupying significant floor space and designed to serve a wide customer base. This use category is limited to the following uses:
  - i. Clothing store: Retail establishments specializing in apparel, footwear, and accessories.
  - ii. Furniture and decor store: Retailers focusing on furniture, home decor, and related accessories, providing products like sofas, beds, lighting, and decorative items for residential or commercial interiors.
  - iii. Home improvement store: Retailers specializing in the sale of tools, building materials, hardware, appliances, and landscaping supplies for home renovation and construction projects.
  - iv. Grocery store: Large-scale food retailers providing a wide variety of fresh produce, dry goods, frozen foods, and household essentials for everyday living.
  - v. Pharmacy: Retail outlets that offer prescription medications, over-the-counter drugs, personal care products, and limited health services, such as immunizations or health screenings.
  - vi. Electronics stores: Retailers focused on consumer electronics, including computers, smartphones, televisions, home entertainment systems, and accessories.
  - vii. Sporting goods stores: Providing sports equipment, outdoor gear, and fitness products.
  - viii. Office supply stores: Offering a wide range of products, including office furniture, stationery, and electronics essential for businesses and home offices.
- r. Sensitive retail and services: Establishments offering specialized goods and services that may be specially regulated or otherwise require specific consideration due to their nature, including:
  - i. E-cigarette shop: A retail sales establishment specializing in e-cigarettes (electronic nicotine delivery systems) and related components as described in M.G.L. c.270, §29A.
  - ii. Smoke shop, hookah bar, or cigar bar: A retail sales establishment specializing in the sale of tobacco products and related paraphernalia and which may include space for on-site consumption.



- iii. Adult use: Facilities used to offer products of a mature nature (i.e., distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement), as described in M.G.L. c.40A, §9A.
- s. Trade: Facilities used by service-oriented establishments that provide specialized skills, goods, and services on-site or off-site, including:
  - i. Trade shop: A facility used for tool storage, equipment, supplies, and light fabrication by a trade-based establishment, such as carpenter, plumber, electrician, HVAC, or roofer.
  - ii. General services: An establishment providing general services, such as upholstery, appliance repair, and furniture refinishing.
  - iii. Vendor services: An establishment that supplies or otherwise services other businesses, such as vending machine providers, linen suppliers, garbage handlers, maintenance companies, limousine service companies, food purveyors, or suppliers of alcoholic beverages.
  - iv. Veterinary and pet services: Establishments providing care and treatment to animals along with short-term boarding incidental to their primary services, such as veterinary hospitals or clinics, pet grooming, and pet daycare facilities.
  - v. Mortuary, undertaking, or funeral services: Facilities used for human funeral services, such as embalming, autopsies, memorial services and gatherings, storage of funeral supplies, funeral vehicles, cremation facilities, and living quarters for individuals employed in the funeral industry.

### 3. Industrial

- a. Cannabis manufacturing: Facilities including:
  - i. Cannabis cultivator: An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Cultivator to cultivate, process and package cannabis or marijuana, and to transfer cannabis or marijuana to other cannabis or marijuana establishments, but not to consumers. A craft marijuana cooperative is a type of Marijuana Cultivator, pursuant to 935 CMR 500.000.
  - ii. Cannabis product manufacturer: An entity licensed by the Massachusetts Cannabis Control Commission as a Marijuana Product Manufacturer to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other cannabis or marijuana establishments, but not to consumers.
- b. Energy: Facilities involved in the generation, storage, and distribution of energy, including:
  - i. Conventional energy generation plants: A facility designed to generate or distribute power or steam, typically involving the use of fossil fuels, including electric generation plants and substations and central heating or cooling plants.
  - ii. Renewable or alternative energy facilities: A facility designed to generate or distribute energy derived from renewable or alternative sources such as solar (photovoltaic thermal), wind, biomass, water (kinetic, thermal, wave, or tidal), geothermal, landfill gas, fuel cell, biofuel, and hydrogen.
  - iii. Energy storage: A facility designed to collect, store and distribute stored energy, including large-scale batteries.



- c. Freight terminal and warehousing: Facilities used for the handling, storage, and distribution of freight as part of transportation and logistics networks, including:
  - i. Freight or Trucking Terminal: A facility designated for the receipt, temporary storage, and dispatch of goods and materials via trucks.
  - ii. Trucking Distribution Center: A facility designed to function as a central point in a trucking network, such as a distribution center where freight is stored and managed before being shipped to retail locations or other commercial destinations.
  - iii. Transportation Terminal: A facility designed to load, unload, transfer, and temporarily store freight via one or more modes of transport, with or without associated maintenance facilities, including trucking, rail, air, and maritime freight.
  - iv. Warehouse or Storage: A facility used for storing goods, products, and materials in containers or other packaging in association with a commercial or industrial establishment or activity.
  - v. Distribution Warehouse: A warehouse serving as a node in a distribution network involving one or more transportation modes.
  - vi. Wholesale: A facility involved in the sale of goods in large quantities for the purpose of resale to commercial or industrial establishments.
- d. Light industry: A facility contained within one or more structures designed for the indoor manufacturing from previously prepared materials, producing finished products or parts, such as processing, fabrication, assembly, treatment, packaging, the incidental storage, sales, and distribution of these products, and incidental office and meeting spaces, that typically have higher volumes of truck traffic for materials and products, higher environmental impacts, and more storage requirements than research and development or office uses, including:
  - i. Assembly or packaging of articles.
  - ii. Manufacturing, processing, assembly and packaging the following: pharmaceutical production line; clothing, but not the manufacture of the cloth or other material of which the clothing is made; food and beverage products, including bakery, confectionery and dairy products; drugs; electrical, electronic and communication instruments; engineering, laboratory and scientific instruments, temperature controls; jewelry, insignia, emblems and badge, lapidary, scale models, dolls, costume jewelry and costume novelties; medical and dental instruments and supplies, optical instruments and lenses; paper and paperboard products provided that such products are made from purchased paper or purchased paperboard and that there is no manufacture or process of pulp, waste paper or waste paper products; pens and mechanical pencils; plaster of Paris or papier mache products; office machines, including cash registers, computing machines and typewriters, scales and balances; umbrellas, parasols and canes; and watches, clocks, watchcases, clockwork mechanisms.
  - iii. Bottling of beverages.
  - iv. Laundry, dry cleaning plant.
  - v. Printing, binding, publishing and related arts and trades.
  - vi. Food commissary.
  - vii. A life science or biotechnology laboratory engaged in the manufacturing of life science technologies and medicines for commercial production to the market.



- e. Heavy industry: Facilities used for industrial manufacturing activities, including:
  - i. Vehicle Dismantling and Storage: Dismantling or wrecking of used motor vehicles and storage or sale of dismantled, inoperative or wrecked vehicles or their parts provided that the area so used is surrounded by a six foot high wall or tight fence.
  - ii. Stone and Masonry Processing: Stone cutting, shaping, and finishing, in completely enclosed buildings.
  - iii. Textile mill: Facilities dedicated to the production, processing, and finishing of textiles, such as fabric weaving, dyeing, and finishing.
  - iv. General Manufacturing and Processing: Manufacturing, processing, assembly, packaging or other industrial operation without limit as to category or product, but the following are expressly prohibited: acid manufacture; cement, lime or gypsum manufacture; explosives or fireworks manufacture; glue manufacture; incineration or reduction of garbage, offal or dead animals; petroleum refining; smelting of zinc, copper, tin or iron ores; and stockyard or abattoir.
  - v. Fabrication, Assembly, Processing, Finishing, and Packaging: A facility contained within one or more structures designed to convert raw materials into finished products, assembling parts, processing materials, conducting finishing operations such as painting or coating, and packaging products for distribution.
  - vi. Hazardous: Facilities and activities that involve materials or processes which pose potential risks to health, safety, or the environment, bulk storage or processing plants involving flammable or combustible materials: Facilities designed to store or process flammable liquids, gasses, or solids.
  - vii. Heavy Manufacturing: A facility designed for more intensive manufacturing operations, such as machining, welding, shearing, forging, or stamping.
  - viii. Indoor Recycling and Material Recovery: Indoor facilities for the storage, dismantling, and processing of scrap materials, junk, or discarded products. These establishments may include operations like scrap yards or industrial recycling centers, where materials are reclaimed or repurposed in a controlled environment.
- f. Outdoor industrial storage: Premises used for outdoor storage of materials and equipment associated with industrial establishments and activities, including:
  - i. Recycling, outdoors: An outdoor space used to store, dismantle, and process junk, scrap, or discarded materials, products, and assemblies, such as a scrap yard or industrial recycling establishment.
  - ii. Outside manufacturing or processing: An outdoor space used for manufacturing or processing activities, such as the handling of raw materials, production processes, and storage of finished products outside of a building.
  - iii. Automobile graveyard: An outdoor space used for storing, sorting, processing or sale of junk or for the abandonment of unusable vehicles and machinery.
  - iv. Moving of land: An outdoor space used for the excavation, receipt, storage, or removal of natural materials such as sod, loam, sand, gravel, or rock, primarily as a standalone activity and not accessory to on-site construction.
  - v. Open storage: An outdoor space used for uncovered storage of various materials associated with commercial or industrial establishments and activities, including building



supplies (such as lumber, cement, electrical, heating, and plumbing materials), tools, equipment, and vehicles or trailers not in regular use.

- vi. Storage of bulk materials: A facility designed for storage of bulk materials such as gas, coal, coke, sand, metal junk, scrap, or paper.
- g. Self-storage: Facilities consisting of individual storage units leased or owned for storing personal or business items such as household goods, business inventory, or contractor supplies.

#### 4. **Community**

- a. Agriculture: Premises used for agriculture, horticulture, or floriculture, including:
  - i. Agriculture: A premise used for farming, such as the cultivation of soil for the growing of crops and the rearing of animals to provide food, wool, and other products.
  - ii. Horticulture: A premises used for the cultivation of gardens or orchards, such as for growing fruits or vegetables.
  - iii. Floriculture: A premises used for the cultivation of flowering and ornamental plants for gardens and the floral industry.
  - iv. Agricultural structures: A facility designed to support agricultural, horticultural, or floricultural operations, such as barns, greenhouses, storage facilities, and processing buildings.
- b. Childcare: A facility used for child care and education services, such as day care centers, school-age child care programs, and home day care as regulated by M.G.L. c. 28A, § 9, and M.G.L. c. 15D, § 1A.
- c. Education and public: Facilities used for education, community activities, and cultural or religious functions, including:
  - i. Education: A facility designed to provide educational services, such as schools and public libraries.
  - ii. Culture: A facility designed to support cultural or commemorative activities, such as art museums and memorials.
  - iii. Religious Activities: A facility used for religious purposes, such as churches, synagogues, mosques, parish houses, and Sunday school buildings.
  - iv. Community Organization and Adult Education: A facility used for meetings, classes, and community programming, such as community centers, senior centers, teen centers, maker spaces, and art studios.
  - v. Municipal Uses: A facility used for municipal functions, such as government administration offices, fire stations, and police stations.
  - vi. Train or Streetcar Passenger Station: A facility designed for passengers to board and alight from trains, trams, buses or streetcars, including platforms, ticketing areas, waiting rooms, and other passenger amenities such as kiosks, restrooms, information centers, and small concessions services.
- d. Institutional healthcare: Facilities designed to provide healthcare services and in-patient care, including:



- i. Hospital: A facility operated by a medical institution to provide comprehensive healthcare services, such as emergency care, surgical procedures, diagnostic services, and in-patient treatment for various ailments and conditions.
      - ii. Long-Term Care: A facility designed to provide extended medical and personal care to individuals who require long-term health support, such as services for chronic conditions, rehabilitation, or elderly care.
      - iii. Emergency Medical Services: A facility designed to provide urgent medical care for emergencies, acute medical issues and injuries.
    - e. Open space: Premises used for recreational and leisure activities, including:
      - i. Parks: An outdoor space used for nature, leisure, and recreational activities.
      - ii. Playgrounds: An outdoor space equipped for children's play with structures such as slides, swings, and climbing frames.
      - iii. Dog Parks: An outdoor space designed for dogs to exercise and play off-leash and under the supervision of their owners.
      - iv. Plazas and Squares: An outdoor civic space used for community gatherings, events, and public interaction.
      - v. Cemeteries: An outdoor space used for the burial of the dead which may include crematory facilities.
    - f. Transit station: A commuter rail station, subway station, ferry terminal, or bus station.
- 5. **Accessory**
  - a. Drive through: Facilities that provide services directly to customers in their vehicles without the need for them to exit their vehicle, including:
    - i. Fast Food: A facility designed so customers can order, pay for, and receive food and drink items without leaving their vehicles (but not to consume on-site as at a drive-in) at establishments offering fast food products such as burgers, sandwiches, and coffee.
    - ii. Other services: A facility designed so customers can access services without leaving their vehicles at establishments such as banks and pharmacies.
  - b. Home occupation without employees: Small-scale business activities within a residential dwelling by the residents and subject to the requirements in Section 3, including:
    - i. Family day care homes: as defined in M.G.L. c.15D, § 1A.
    - ii. Home office: Conducting business or professional activity, such as remote office work, online businesses, or professional services.
    - iii. Artisanal crafts: Operating a small-scale craft-making business where sales are conducted at a different location and/or online, such as producing clothing, accessories, art, gifts, decor, toys, and personal products.
  - c. Home occupation with employees: Small-scale business activities within a residential dwelling by the residents as described above that has not more than two nonresident employees and is subject to the requirements in Section 3.
  - d. Agriculture: Activities for urban farming on ground or roof level (urban agriculture) and keeping of animals, including:



- i. Ground-level farms: This use includes row crops planted in the ground or raised beds, farm structures such as greenhouses, hydroponics, aquaponics and aquaculture, and/or other farm practices.
- ii. Roof-level farms: Open air roof-level farms are allowed as a use, but must also comply with building code and fire code.
- iii. Keeping of animals: The keeping of honey bees and chickens, subject to the requirements in Section 3.
- e. Farm structures: Farm structures such as greenhouses, hydroponics, aquaponics, aquaculture, and freight containers
  - i. Freight container farming: Freight containers are a medium for hydroponics and aquaponics.
  - ii. Greenhouse at ground level or rooftop: A permanent structure made of glass, plastic, or fiberglass in which plants are grown year-round under controlled temperature and humidity settings. Both ground-level and rooftop farms use greenhouses.
- f. Farm stand: Farm stands include tables, stalls, sheds, or tents operated by a farmer for the sale of agricultural or horticultural products.
- g. Food service: A small food preparation and serving area located within a primary establishment, intended primarily to serve patrons or employees of the principal use, such as in offices, retail stores, or recreational facilities.
- h. Outdoor display of goods: Area for the purpose of outdoor storage or display of materials or goods.
- i. Production facility storefront: Accessory retail for the purpose of direct sale of goods and materials produced, assembled, or packaged onsite to customers.
- j. Truck parking: Outside area (not in an enclosed garage) for overnight parking of any commercial vehicle with a gross vehicle weight of more than 14,001 pounds.
- k. Research and development: Activities and facilities related to scientific research and development, including:
  - i. Research and Development Support: A facility or activity that supports a scientific, industrial, education, or commercial establishment, including small-scale laboratories, testing facilities, pilot production plants, data analysis centers, prototype workshops, or storage areas for research materials and equipment.
  - ii. Production: A facility designed for the production or assembly of products or technologies developed through on-site research.
- l. Signs and towers: Vertical signage and communications structures visible from outside the parcels on which they are located, including:
  - i. Billboard: A large outdoor advertising structure designed to attract the attention of passing motorists and pedestrians as defined by G.L. c.93, s.29-32.
  - ii. Radio or Television Tower: A structure used for the electronic transmission of entertainment and information to the public by commercial and public radio and television stations, including attached elements such as telecommunication transmitters, receivers, monitoring systems, guy cables, and control systems.



- iii. **Wireless Telecommunications Facility:** A facility that provides personal wireless services. Such facilities may, by way of example, include, but are not limited to, transmitting and receiving equipment; towers; poles; antennas; antenna structures and supports; and other equipment, equipment shelter, structures and installations accessory to such facilities.
- m. **Solar energy, rooftop generation:** Facilities and equipment designed to collect and process solar energy. Defined as a solar photovoltaic or solar hot water system installed on the roof of a residential, commercial, industrial, or institutional building, including panels, electrical equipment, piping, and conduit.
- n. **Temporary structures and trailers:** A structure installed or erected to serve a temporary need and designed for subsequent removal, including:
  - i. **Greenhouse:** A shelter used for agricultural or horticultural purposes, such as growing vegetables, fruits, or flowers.
  - ii. **Temporary Mobile Home:** A mobile home placed temporarily on the site of a residence that has been destroyed by fire or other disaster.
  - iii. **Trailer and mobile home parking:** The outdoor parking or storage of trailers and mobile homes or similar transportable structures on a property. Registered motor vehicles are not considered temporary structures or trailers.
  - iv. **Open-air Market:** A structure used for the sale of goods in an open-air setting, such as farmers' markets, flea markets, or seasonal vendor stalls.
  - v. **Outdoor dining:** A temporary structure set up to provide sheltered outdoor seating and dining areas for patrons of a restaurant or café. These structures may include tents, canopies, pergolas, or similar enclosures.