

## 9 USE PROVISIONS

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**DISCUSSION DRAFT**



**9.1 GENERAL**

**1. General**

- a. The use of real property is permitted according to Table 9.1. Use categories not expressly authorized are prohibited.
- b. Real property may have one or more principal and one or more accessory uses.

**2. Applicability**

- a. The continuation of any use that existed prior to the establishment of zoning in Somerville or that complied with the Somerville Zoning Ordinance when established, but is non-compliant to a subsequent amendment of the Somerville Zoning Ordinance is permitted, subject to Article 14 Nonconformance.

**3. Development Review**

- a. The establishment of any use, change in use of any structure or land, and any expansion in the use of land requires the submittal of a development review application to the Building Official.
- b. All uses must comply with any use-specific standards applicable for each use in §9.2 Use Definitions & Limitations.
- c. Uses permitted by Special Permit require additional development review in accordance with §15.2.1 Special Permits.

**4. Protected Uses**

- a. Nothing contained in this Ordinance shall be construed to restrict the use of land or structures for activities protected by M.G.L. Chapter 40A, Section 3. In cases where Table 9.1 indicates the use of real property for a protected use requires a special permit (SP) or is not permitted (N), that use is permitted (P) and is subject only to the provisions for the appropriate building type.

**5. Classification of Uses**

- a. Use Categories
  - i. This Ordinance classifies principal land uses into use categories based on similar functional, product, or physical characteristics, the type and amount of activity, the manner of tenancy, the conduct of customers, how goods or services are sold or delivered, and likely impact on surrounding properties.
- b. Specific Use Types
  - i. Some categories are further broken into a list of individual uses. For example, under the Consumer Goods category is Alcohol Sales, which is a more strictly regulated use than others in this same category.
- c. Organization of Text & Tables

- i. Use categories are listed on Table 9.1 and ordered in the text of 9.2 Use Definitions & Limitations using the same headings for organizational purposes.
  - d. Some use categories identify a list of individual uses that are regulated differently than other uses within the same category, despite their similarity. In this circumstance the specific uses are identified by text that reads ‘the following uses are regulated differently’ in 9.2 Use Definitions & Limitations and ‘except as follows’ on the use table.
  - e. Some use categories identify an exclusive list of individual uses that are permitted, where individual uses not identified are prohibited. This circumstance is identified by text that reads ‘the specific uses are’ in 9.2 Use Definitions & Limitations and ‘as noted below’ on the use table.

**6. Category Designation**

- a. The Building Official shall classify land uses based on the definitions of the use category and individual uses listed in 9.2 Use Definitions & Limitations.
- b. A use classified into one category cannot also be classified in a different use category.
- c. 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 Official may consider the proposed use part of that use category and issue a written interpretation to document such a determination for subsequent applications in accordance with §10.4.3 Written Interpretation.
- d. 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 Official, the use is prohibited.

**7. Building Type Restrictions**

- a. The uses permitted according to Table 9.1 may be limited or restricted from occupancy within certain building types permitted for each district.

**8. Pedestrian Street Restrictions**

- a. The uses permitted according to Table 9.1 may be further limited for real property abutting a Pedestrian Street.

**9. Large Floor Plate Uses**

- a. Unless otherwise specified, any single Auto-Oriented, Commercial Service, or Retail Sales use greater than ten-thousand (10,000) leasable floor area requires a Special Permit.
  - i. In its discretion to approve or deny a special permit authorizing an auto oriented, consumer service or retail sales use over ten thousand (10,000) square

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### General

feet in leasable floor area, the review board shall consider the following:

- a). The review considerations for all Special Permits as specified in §15.2.1.e Review Criteria;
- b). Compatibility with the intensity of activity associated with the surrounding land uses.
- c). Capacity of the local thoroughfare network providing access to the site and the impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.

### 10. Outdoor Storage & Display

- a. Outdoor storage of equipment, inventory, materials, merchandise, supplies, or other items is prohibited, except in the Fabrication district, Commercial Industry district, and Tufts University special district.
- b. Unless otherwise specified, outdoor display of products and merchandise is prohibited.

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**TABLE 9.1 Permitted Uses**

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
<b>Arts &amp; Creative Enterprise</b>													
Artisan Production	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.a
Arts Exhibition	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.2.b
Arts Sales & Services	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.c
Co-Working	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.2.d
Design Services	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.e
Shared Workspaces & Arts Education	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.f
Work/Live Creative Studio	N	N	N	N	N	N	N	SP	N	N	N	N	§9.2.2.g
<b>Auto-Oriented</b>													
Commercial Vehicle Repair & Maintenance	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.a
Dispatch Service (except as follows)	N	N	N	N	N	N	N	N	N	P	P	N	§9.2.3.b
Towing Service	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.b.i
Gasoline Station	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.3.c
Motor Vehicle Parking (as noted below)	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.3.d
Off-Site Accessory Parking	SP	SP	N	N	N	N	N	N	N	P	P	N	§9.2.3.d.i
Personal Vehicle Repair & Maintenance	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.e
Vehicle Sales	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.f
<b>Civic &amp; Institutional</b>													
Community Center	N	N	P	P	P	P	P	P	P	N	N	N	§9.2.4.a
Hospital	N	N	SP	SP	SP	SP	SP	N	SP	SP	N	N	§9.2.4.b
Library	N	N	P	P	P	P	P	P	P	N	N	N	§9.2.4.c
Minor Utility Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	§9.2.4.d
Major Utility Facility	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.4.e
Museum	N	N	P	P	P	P	P	P	P	N	N	N	§9.2.4.f
Private Non-Profit Club or Lodge	N	N	SP	SP	SP	SP	SP	N	SP	N	N	N	§9.2.4.g
Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3	P	P	P	P	P	P	P	P	P	P	P	P	§9.2.4.h

P - Permitted      SP - Special Permit Required      N - Not Permitted

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**TABLE 9.1 Permitted Uses**

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
<b>Commercial Services</b>													
<b>Animal Services (as noted below)</b>	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.5.a
Commercial Kennel	N	N	N	N	N	N	N	N	N	P	P	N	§9.2.5.a.i
Pet Grooming	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.a.ii
Pet Day Care & Training	N	N	N	N	N	N	N	N	N	P	P	N	§9.2.5.a.iii
Veterinarian	N	N	SP	SP	SP	SP	SP	N	SP	SP	P	N	§9.2.5.a.iv
<b>Assembly &amp; Entertainment</b>	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.5.b
<b>Banking &amp; Financial Services (except as follows)</b>	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.c
Personal Credit	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.5.c.i
<b>Broadcast and/or Recording Studio</b>	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.5.d
<b>Building &amp; Home Repair Services</b>	N	N	SP	SP	SP	SP	SP	N	SP	P	P	N	§9.2.5.e
<b>Business Support Services</b>	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.f
<b>Caterer/Wholesale Food Production</b>	N	N	SP	SP	SP	SP	SP	P	SP	P	P	N	§9.2.5.g
<b>Day Care Service (as noted below)</b>	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.5.h
Adult Day Care Center	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.h.i
Child Day Care Center	P	P	P	P	P	P	P	P	P	P	P	N	§9.2.5.h.ii
<b>Educational Institution</b>	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.5.i
<b>Maintenance &amp; Repair of Consumer Goods</b>	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.j
<b>Personal Services (except as follows)</b>	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.5.k
Body-Art Establishment	N	N	SP	SP	SP	SP	SP	P	SP	P	P	N	§9.2.5.k.i
Gym or Health Club	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.5.k.ii
Funeral Home	N	N	SP	SP	SP	SP	SP	N	SP	P	P	N	§9.2.5.k.iii
Health Care Provider	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.5.k.iv
<b>Recreation Facility</b>	N	N	SP	SP	SP	SP	SP	SP	SP	P	P	P	§9.2.5.l
<b>Vehicle Parking (except as follows)</b>	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.5.m
Bike Share Parking	N	P	P	P	P	P	P	P	P	P	P	N	§9.2.5.m.i

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**TABLE 9.1 Permitted Uses**

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
Car Share Parking (3 or less)	N	P	P	P	P	P	P	P	P	P	P	N	§9.2.5.m.ii
Car Share Parking (4 or more)	N	SP	P	P	P	P	P	P	P	P	P	N	§9.2.5.m.ii
Public Parking	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.5.m.iii
<b>Eating and Drinking</b>													
Bar or Tavern	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.6.a
Restaurant, Café, Bakery	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.6.b
Formula Eating & Drinking Establishment	N	N	SP	SP	SP	SP	SP	N	SP	SP	P	N	§9.2.6.c
<b>Industrial</b>													
Commercial Dry Cleaning & Laundry Services	N	N	N	N	N	N	N	N	N	SP	N	N	§9.2.7.a
Data Center	N	N	N	N	N	N	N	N	N	SP	N	N	§9.2.6.b
Manufacturing	N	N	N	N	N	N	N	P	N	P	N	N	§9.2.6.c
Moving and/or Self Storage (except as follows)	N	N	N	N	N	N	N	N	N	P	N	N	§9.2.6.d
Self Storage	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.6.d.i
Recycling Collection	N	N	N	N	N	N	N	N	N	SP	N	N	§9.2.6.e
Salvage Yard	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.6.f
Trucking and Transportation Depot	N	N	N	N	N	N	N	N	N	SP	N	N	§9.2.6.g
Wholesale Trade & Distribution	N	N	N	N	N	N	N	N	N	P	N	N	§9.2.6.h
<b>Lodging</b>													
Bed & Breakfast	SP	SP	SP	SP	SP	SP	SP	N	SP	N	N	N	§9.2.7.a
Hotel or Hostel	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.7.b
<b>Office</b>													
General Office	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.8.a
Research and Development and Laboratory	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.8.b
<b>Residential</b>													
Household Living	P	P	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.a
Group Living (except as follows)	SP	SP	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.b
Community or Group Residence	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.9.b.i

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**TABLE 9.1 Permitted Uses**

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
Dormitory, Fraternity or Sorority	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.b.ii
Homeless Shelter	N	N	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.b.iii
Nursing Home/Assisted Living Facility	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.b.iv
Rooming House	N	SP	SP	SP	SP	SP	SP	N	N	N	N	N	§9.2.9.b.v
<b>Retail Sales</b>													
Building/Home Supplies & Equipment	N	N	SP	SP	SP	SP	SP	N	SP	P	P	N	§9.2.10.a
Consumer Goods (except as follows)	P	P	P	P	P	P	P	N	P	P	P	N	§9.2.10.b
Alcohol Sales	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.10.b.i
Drug Paraphernalia Store	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.10.b.ii
Firearms Sales	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.10.b.iii
Medical Marijuana	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.10.b.iv
Pet Store	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.10.b.v
Formula Retail	N	N	SP	SP	SP	SP	SP	N	SP	SP	P	N	§9.2.10.c
Fresh Food Market or Grocery Store	P	P	P	P	P	P	P	N	P	SP	P	N	§9.2.10.d
Farm/Vendor Market	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.10.e
<b>Urban Agriculture</b>													
Farming (as noted below)	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.11.a
Commercial Farm	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.11.a.i
Community Farm	P	P	P	P	P	P	P	P	P	P	P	N	§9.2.11.a.ii
Community Gardening	P	P	P	P	P	P	P	P	P	P	P	N	§9.2.11.b
<b>Accessory Uses</b>													
Home Occupations (as noted below)	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.12.b
Creative Studio	P	P	N	N	N	N	N	N	N	N	N	N	§9.2.12.b.i
Hobby Kennel	SP	N	N	N	N	N	N	N	N	N	N	N	§9.2.12.b.ii
Home-Based Business	P	P	N	N	N	N	N	N	N	N	N	N	§9.2.12.b.iii
Home Day Care	SP	N	N	N	N	N	N	N	N	N	N	N	§9.2.12.b.iv
Home Office	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.12.b.v
Tourist Home	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.12.c
Urban Agriculture (as noted below)	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.12.d

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**TABLE 9.1 Permitted Uses**

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
Apiculture	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.12.d.i
Aviculture	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.12.d.ii
Commercial Farming	P	P	P	P	P	P	P	P	P	P	P	N	§9.2.12.d.iii
Residential Gardening	P	P	P	P	P	P	P	N	N	N	N	N	§9.2.12.d.iv
Vehicle Parking, Accessory (except as follows)	P	P	N	N	N	N	N	P	N	P	P	N	§9.2.12.e
Home Business Vehicle Parking	SP	SP	N	N	N	N	N	P	N	N	N	N	§9.2.12.f

P - Permitted      SP - Special Permit Required      N - Not Permitted

**9.2 USE DEFINITIONS & LIMITATIONS**

**1. General**

- a. This section provides definitions for use categories and individual uses and identifies standards applicable to either all uses within a category or specifically to an individual use.
- b. In some cases, a principal use may include ancillary activities that are subordinate, customary, and incidental to the day-to-day operations of the principal use. Such ancillary activities do not require separate approval, but must comply with any standards applicable to the principal use.

**2. Arts & Creative Enterprise Use Categories**

- a. **Artisan Production**  
Individuals and firms involved in the on-site production of hand-fabricated or hand-manufactured parts and/or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. The artisan production category includes apparel manufacturing, breweries, cabinetry, chocolatiers, confectionery, 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 following standards apply:
  - i. The production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effect is prohibited, except in the Fabrication and Commercial Industry districts.
  - ii. In its discretion to approve or deny a special permit authorizing an artisan production use, the review board shall consider the following:

- a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
- b). Appreciable methods to mitigate noise for abutting residential properties.
- c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
- d). The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.
- b. **Arts Exhibition**  
The production, rehearsal, or live performance of cultural entertainment or artistic expression such as singing, dancing, comedy, literary readings, performance art, musical theater, live plays, and concerts. The arts exhibition category includes venues such as assembly halls, auditoriums, cinemas, concert halls, dinner theaters, gallery space, performance halls, rehearsal & preproduction studios, live theaters, and their substantial equivalents along with the administrative offices, booking agencies, and ticket sales of performing arts organizations.
- c. **Arts Sales & Services**  
The display and retail sale, lease, or rental of finished artwork, art supplies, musical instruments, multi-media, or publications and activities that provide various arts related services to individuals, groups, or businesses including galleries, supply stores, printing shops, set design studios, and their substantial equivalents. The following standards apply:
  - i. Outdoor display of products and merchandise is permitted according to the following:
    - a). Outdoor display is permitted in any storefront frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity.

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## Use Definitions & Limitations

- b). Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
- c). Display areas extending more than eight feet from the facade are prohibited.
- d). A minimum four (4) foot wide clear path of access must be maintained to the principal entrance.
- e). Display areas are permitted to occupy no more than 30% of the frontage area.
- f). Display areas must comply with the sidewalk standards of Article 8: Public Realm.
- ii. In its discretion to approve or deny a special permit authorizing an arts sales & service use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Appreciable methods to mitigate noise for abutting residential properties.
  - c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
  - d). The limitation of visitors and ancillary retail sales to between the hours of 7:00am to 9:00pm.
- d. Co-Working  
A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.
- e. Design Services  
Individuals and firms that provide design services to individuals, groups, or businesses including architectural design, fashion design, graphic design, interior design, industrial design, landscape architecture, product development, software development, urban design, and their substantial equivalents. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a design services use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Appreciable methods to mitigate noise for abutting residential properties.
    - c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
    - d). The limitation of visitors to between the hours of 7:00am to 9:00pm.
- f. Shared Workspaces & Arts Education  
The transfer of knowledge or skills related to the creative enterprises through teaching, training, or research; organizations providing collaborative workplace facilities and business planning, finance, mentoring, and other business or administrative support services to creative enterprises; and multi-purpose facilities dedicated to providing space for multiple creative enterprises. The shared workspace & arts education category includes arts centers, creative incubators, culinary incubators, design & fabrication centers, fabrication laboratories, and their substantial equivalents. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a shared workspace & arts education use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Appreciable methods to mitigate noise for abutting residential properties.
    - c). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
    - d). The limitation of visitors to between the hours of 7:00am to 9:00pm.
- g. Work/Live Creative Studio  
Creative studio space consisting of not more than one (1) room, including an area for accessory living, where the work needs of creative industry activities within the same building take precedence over any "quiet expectations" of the residents and neighbors residing in work/live creative studios within the same building. The following standards apply:
  - i. Kitchen, dining, and bathroom facilities, excluding work sinks, must be shared between the tenants of each floor.
  - ii. Floor area for accessory living space is limited to 200 sq. ft. or 30% of the total floor space of a Work/Live Studio, whichever is less.
  - iii. The occupant(s) of the Work/Live Creative Studio must be a certified Artist with the Somerville Arts Council.
  - iv. In its discretion to approve or deny a special permit authorizing a work/live creative studio use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Width of doorways and hallways to accommodate the moving of large objects.
    - c). Weight capacity of elevators to accommodate heavy equipment.

- d). Access to natural light within each studio with a preference towards northern exposure.
- e). Sound transmission co-efficients to prevent the transmission of sounds from equipment or repetitive tasks.
- f). Ventilation and air handling techniques to ensure the safety and health of residents, visitors, and neighbors.
- g). Ceiling heights that allow for the creation of large works and equipment, including machinery and lighting.
- h). Weight-bearing capacity of the floor.
- i). Ability to install flooring for specific users such as dancers or performers.

**3. Auto-Oriented Use Categories**

- a. Commercial Vehicle Repair & Maintenance  
Repair, installation, or maintenance of the mechanical components or the bodies of large trucks, mass transit vehicles, large construction equipment, or commercial boats. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a commercial vehicle repair & maintenance use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
    - c). Visual impact and quality of screening of vehicles.
- b. Dispatch Service  
The storage and dispatch of ambulances, taxis, limousines, armored cars, tow trucks, buses, and similar vehicles for specialized transportation, including where ambulance crews not located at a hospital or fire department stand by for emergency calls, ancillary professional offices, and/or minor vehicle service and maintenance repair. The following specific dispatch service uses are regulated differently than other uses classified within the dispatch service category:
  - i. Towing Service  
Storage of towed vehicles and/or the parking and dispatch of tow vehicles. The following standards apply:
    - a). In its discretion to approve or deny a special permit authorizing a towing service use, the review board shall consider the following:
      - i). the review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria;
      - ii). Compatibility of the towing service with

- other surrounding properties.
- iii). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
- iv). Visual impact and quality of screening of vehicles.
- v). Sight lines needed by the driver of any vehicle entering or exiting the site.
- vi). Procedures for controlling emission of noxious or hazardous materials or substance.
- c. Gasoline Station  
Uses engaged in the retail sales of personal or commercial vehicle fuels.
- d. Motor Vehicle Parking  
The storage, for a limited period of time, of operable motor vehicles. The specific use types within the motor vehicle parking use category are:
  - i. Off-Site Accessory Parking: Motor vehicle parking that supports a principal use on a different lot. The following standards apply:
    - a). In its discretion to approve or deny a special permit authorizing an off-site accessory parking use, the review board shall consider the following:
      - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - ii). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
      - iii). Visual impact and quality of screening of vehicles.
- e. Personal Vehicle Repair & Maintenance  
Repair, installation, or maintenance of the mechanical components or the bodies of automobiles, small trucks or vans, motorcycles, motor homes, or recreational vehicles or that wash, clean, or otherwise protect the exterior or interior surfaces of these types of vehicles. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a commercial vehicle repair & maintenance use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
    - c). Visual impact and quality of screening of vehicles.
- f. Vehicle Sales  
Sale or rental of new or used automobiles, small trucks

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or vans, motorcycles, motor homes, or recreational vehicles. Examples of personal vehicle sales & rental establishments include new and used automobile dealers, and car rental agencies. The following standards apply:

- i. On-site vehicle maintenance and repair is considered an additional principal use.
- ii. Vehicles for display, sale, or lease must be located entirely within a building.
- iii. In its discretion to approve or deny a special permit authorizing a commercial vehicle repair & maintenance use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - c). Visual impact and quality of screening of vehicles.

### 4. Civic & Institutional Use Categories

- a. Community Center  
A place for recreational, social, educational or cultural activities operated by a non-profit or public group or agency.
- b. Hospital  
An institution providing health services to patients and offering inpatient (overnight) medical or surgical care. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a hospital use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Compatibility with the level of activity associated with surrounding properties.
    - c). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
    - d). Location, visibility, and design of the principal entrance, emergency room, patient drop-off areas, and outdoor amenity space for employees or patients.
    - e). Location and adequacy of existing public utilities and proposed changes to the sanitary sewer system, storm drainage system, and public water.
- c. Library  
A facility providing physical or digital access to information resources for reference or borrowing by

the general public and often providing areas for study, research, and collaboration.

- d. Minor Utility Facility  
Public and quasi-public facilities and services that need to be located in the area where the service is to be provided, such as water and sewer pump stations; electrical transforming substations; wind energy conversion systems; solar collector systems; water conveyance systems; gas regulating stations; storm water facilities and conveyance systems; telephone switching equipment; emergency communication warning/broadcast facilities; and central heating facilities. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a minor utility use shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Need for a facility at the proposed site taking into consideration the proximity of the area of service of the utility.
    - c). Visual impact and quality of screening from abutting thoroughfares and surrounding properties.
    - d). Impact and mitigation of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare or other objectionable effects.
    - e). Location of access for servicing the facility.
- e. Major Utility Facility  
Infrastructure services that have substantial land use impacts on surrounding areas. Typical uses include but are not limited to water and wastewater treatment facilities, major water storage facilities and electric generation plants.
- f. Museum  
A repository for a collection or collections of historical, natural, scientific, or literary objects of interest. The following standards apply:
  - i. Ancillary sales and the holding of meetings and social events are permitted.
- g. Private, Non-Profit Club or Lodge  
A facility operated for an organization, which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and/or entertainment activities. The following standards apply:
  - i. A non-profit club or lodge must be managed by an association with elected officers and directors, pursuant to a charter or bylaws, that generally excludes the general public from its premises, and which holds property for the common benefit of its members.
  - ii. A non-profit club or lodge shall not offer

- membership for a period of less than two months.
  - iii. A non-profit club or lodge may serve meals and/or alcohol on the premises for members and their guests.
  - iv. A non-profit club or lodge must be open to members only but may be open to occasional guests of members.
  - v. A non-profit club or lodge may use one central gathering area for rental for events and/or community activities, including the service of meals and/or alcohol, but such rentals and activities may not exceed 80 events per year and may not continue past 1:00 AM Friday, Saturday, and Sunday nights and 12:00 AM Monday through Thursday nights.
  - vi. In its discretion to approve or deny a special permit authorizing a private, non-profit club or lodge use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Compatibility with the level of activity associated with the surrounding properties.
    - c). Location of access to the site and building.
    - d). Impact and mitigation of the production of offensive noise and light.
    - e). Location of trash and recycling storage and the procedure for pickup.
  - h. Religious & Educational Uses Protected by M.G.L. 40A. Sec. 3  
Activities related to providing general or specialized education, instruction, or training in subject areas, skills, or vocations and the practice of religions, including all accessory and ancillary activities customarily included in the operations of educational institutions and religious organizations. The following standards apply:
    - i. Real property must be owned or leased by the Commonwealth of Massachusetts, a religious sect or denomination, or by a non-profit educational corporation.
- 5. Commercial Services Use Categories**
- a. Animal Services  
Any of the following: (1) grooming of dogs, cats, and similar small animals, including dog bathing and clipping salons and pet grooming shops; (2) animal shelters, care services, and kennel services for dogs, cats and small animals, including boarding kennels, pet resorts/hotels, dog training centers, and animal rescue shelters excluding those operated by the City of Somerville; (3) animal hospitals or veterinary services; (4) household pet crematory services; or (5) taxidermy services.
  - i. Commercial Kennel: animal rescue shelters, boarding facilities, pet resorts/hotels, or training services for dogs, cats, and other household pets.
  - ii. Pet Grooming: The grooming of dogs, cats, and similar household pets.
  - iii. Pet Day Care & Training: kennel and/or training centers for animals operated on a daytime-only basis.
  - iv. Veterinarian: the diagnosis and treatment of animal patients' illnesses, injuries, and physical malfunctions performed in an office setting. The following standards shall apply:
    - a). Overnight boarding of animals is limited to patients recovering from medical procedures
    - b). In its discretion to approve or deny a special permit authorizing a veterinarian use, the review board shall consider the following:
      - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - ii). Methods or techniques for noise mitigation to limit noise for other users of the building and abutting properties
      - iii). Operational procedures for cleaning the interior and exterior of the site and trash storage and removal.
      - iv). Amount of on-site landscaping.
  - b. Assembly & Entertainment  
Uses that provide gathering places for participant or spectator recreation, entertainment, or other assembly activities including, but not limited to, a theater, cinema, and/or venue of a professional or semi-professional sports team. The following standards apply:
    - i. Assembly and entertainment uses may provide incidental food or beverage service for on-site consumption.
    - ii. In its discretion to approve or deny a special permit authorizing an assembly & entertainment use, the review board shall consider the following:
      - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - b). Compatibility with the level of activity associated with the surrounding properties.
      - c). Location of designated outdoor smoking areas.
  - c. Banking & Financial Services  
Uses related to the exchange, lending, borrowing, and safe-keeping of money. The following banking & financial service specific use types are regulated differently than other uses classified within the banking & financial services category:
    - i. Personal Credit: Banking uses providing short-term loans and check cashing services without providing

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traditional banking accounts.

- a). In its discretion to approve or deny a special permit authorizing a personal credit use, the review board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). The demonstrated need for this service by unbanked or underbanked members of the community.
  - iii). Cost savings, transparency of services, and customer service offered compared to traditional banking & financial service uses.
- d. Broadcast/Recording Studio  
Uses that provide studios for audio or video production, recording, filming, or broadcasting of radio or television programs over-the-air, cable, or satellite. Telecommunications transmission towers are regulated according to the provisions of §6.C. Wireless Communication Structures
- e. Building & Home Repair Services  
Uses that provide maintenance and repair services for all structural and mechanical elements of structures, as well as the exterior spaces of a premise. Typical uses include janitorial, landscape maintenance, exterminator, plumbing, electrical, HVAC, window cleaning, and similar services.
  - i. In its discretion to approve or deny a special permit authorizing a building & home repair services use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Visual impact and quality of screening of parked business vehicles.
- f. Business Support Services  
Uses that provide personnel services, printing, copying, photographic services, or communication services to businesses or consumers. Typical uses include employment agencies, copy and print shops, telephone answering services, and photo developing labs.
- g. Caterer/Wholesale Food Production  
The preparation of food in significant quantities to be delivered and served or sold off-site. The following standards apply:
  - i. In its discretion to approve or deny a special permit authorizing a caterer/wholesale food production use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - b). Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
- c). Visual impact and quality of screening of parked business vehicles.
- d). Location of loading, trash and recycling storage and the procedure for pickup and drop-off.
- e). Ventilation and air handling techniques to reduce the emission of odor or exhaust onto neighboring properties.
- h. Day Care Service  
Uses that provide licensed care, protection, and supervision in a protective setting for children or adults, with or without compensation, on a regular basis away from their primary residence and for less than sixteen (16) hours per day. The specific use types within the day care service use category are:
  - i. Adult Day Care Center: A day care service use providing custodial care of adults over eighteen (18) years old, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention. The following standards apply:
    - a). All persons must be eighteen (18) years of age or older.
  - ii. Child Day Care Center: A day care service as defined in MGL 15D Section 1A.
- i. Educational Institution  
A for-profit facility for the general or specialized education, instruction, or training in subject areas, skills, or vocations including all accessory and ancillary activities customarily included in the operations of educational institutions in directly serving the needs of employees and students.
- j. Maintenance & Repair of Consumer Goods  
Uses that provide maintenance, cleaning, and repair services for consumer goods. Typical uses include dry cleaning shops, tailors, shoe repair, vacuum repair shops, electronics repair shops, and similar establishments.
- k. Personal Services  
Uses that provide a variety of services associated with personal grooming, personal instruction, and the maintenance of fitness, health, and well-being. The following personal services specific use types are regulated differently than other uses classified within the personal services use category:
  - i. Body Art: use of a space for the practice of physical body adornment by permitted establishments and practitioners using, but not limited to the following techniques: piercing, tattooing, cosmetic tattooing, branding and scarification. The following performance standards apply:
    - a). Procedures considered 'medical procedures' by the Board of Registration in medicine, such as implants under the skin, are prohibited in

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- body-art establishments.
- b). No Body Art establishment shall be located within 500 feet of another Body Art Establishment.
- c). No Body Art establishment may be located within 500 feet of an establishment selling items primarily involving 'sexual content' as defined by MGL 232 Section 31.
- d). In its discretion to approve or deny a special permit authorizing a body art use, the review board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). Design of storefront windows and operations plan for ensuring the privacy of patrons.
- ii. Gym or Health Club: Use of space for physical exercise or training on an individual or group basis, using exercise equipment or open floor space, with or without an option for having instruction with a personal trainer.
- iii. Funeral Home: A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels, crematoriums, and showrooms for the display and sale of caskets, vaults, urns, and other items related to burial services. The following standards apply:
  - a). In its discretion to approve or deny a special permit authorizing a funeral home use, the review board shall consider the following:
  - b). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - c). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - d). Location, visibility, and design of the principal entrance.
- iv. Health Care Provider: An office providing outpatient health services involving the diagnosis and treatment of physical or mental ailments and disorders, including doctors, dentists, mental health practitioners, physical therapists, and their substantial equivalents. The following standards apply:
  - a). In its discretion to approve or deny a special permit authorizing a health care provider use, the review board shall consider the following:
    - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - ii). Compatibility with the level of activity associated with surrounding properties
    - iii). Location, visibility, and design of the principal entrance, patient drop-off areas, and outdoor amenity space for employees or patients.
- I. Recreation Facility  
A facility providing for the communal or solitary, active or passive, indoor or outdoor pursuit of leisure activities. The following standards apply:
  - i. All outdoor lighting must be turned off when outdoor facilities are not in use, or by 10:00 p.m. on Sundays through Thursdays, and by 11 p.m. on Fridays and Saturdays, whichever is earlier.
  - ii. In its discretion to approve or deny a special permit authorizing a recreation facility use, the review board shall consider the following:
    - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - i). Compatibility with the level of activity associated with the surrounding properties.
      - ii). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
      - iii). Location and visibility of the principal entrance and pedestrian circulation from all exit points.
- m. Vehicle Parking  
The rent or lease of parking spaces for motor vehicles, the use of a reserved parking space for a fleet vehicle of a car sharing service, and the use of land for the docking station of a bicycle-sharing service. The specific use types within the vehicle parking use category are:
  - i. Bike-Share  
Parking for bicycles that are made available for an hourly rental fee as part of a business operating ten (10) or more docking stations within the City of Somerville or surrounding municipalities. The following standards apply:
    - a). Docking stations must not interfere with the reasonable visibility needs of drivers, the flow of pedestrians traffic, or needs of businesses on the same site.
  - ii. Car-Share  
Parking for motor vehicles that are made available for hourly or daily rental fee to members of a car sharing service.
    - a). In its discretion to approve or deny a special permit authorizing a car-share parking use, the

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review board shall consider the following:

- i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
- ii). Compliance with any minimum parking requirement of this Ordinance.
- iii). Privacy of on-site or abutting residential uses from the route of pedestrian access to the car-share parking space.

### iii. Public Parking

Parking spaces for motor vehicles that are made available for rent or lease, **for any period of time**, to the residents, employees, and the public, twenty-four (24) hours per day, seven (7) days per week, three-hundred and sixty-five (365) days per year.

## 6. Eating & Drinking Use Categories

### a. Bar or Tavern

An establishment, with or without live entertainment, selling alcoholic beverages for on-site consumption including, but not limited to, lounges, nightclubs, dance halls, pubs, saloons and their substantial equivalents. The following standards apply:

- i. A license from the Board of Aldermen is required.
- ii. Outdoor seating is permitted on the lot or on a public sidewalk subject to all City Ordinances as an ancillary activity. See §10.5 Outdoor Cafe Seating for more information.

### b. Restaurant/Cafe/Bakery

An establishment preparing and selling ready-to-consume food and/or drinks. The following standards apply:

- i. Outdoor seating is permitted on the lot or on a public sidewalk subject to all City Ordinances as an ancillary activity. See §10.5 Outdoor Cafe Seating for more information.

### c. Formula Eating and/or Drinking Establishment

Any use classified under the eating & drinking establishment use category which, along with nine (9) or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other arrangement to maintain two (2) or more of the following features: a standardized menu, a standardized facade, a standardized decor and/or color scheme, a standardized uniform, a standardized sign or signage, a trademark or a service mark. The following standards apply:

- i. Outdoor seating is permitted on the lot or on a public sidewalk subject to all City Ordinances as an ancillary activity. See §10.5 Outdoor Cafe Seating for more information.
- ii. In its discretion to approve or deny a special permit authorizing a formula eating and/or drinking establishment, the review board shall consider the

following:

- a). The existing concentrations of formula eating & drinking establishment uses within the neighborhood;
- b). the availability of other similar eating & drinking establishment uses and the maintenance of a diverse blend of eating & drinking establishment uses within the neighborhood;
- c). the compatibility of the proposed design for the formula eating & drinking establishment with the existing architectural and aesthetic character of the neighborhood;
- d). the proposed uses contribution to the nationwide trend of standardized eating & drinking establishment offerings that detracts from the uniqueness of Somerville's neighborhoods; and
- e). the existing non-residential vacancy rates within the neighborhood.

## 7. Industrial Use Categories

### a. Commercial Dry Cleaning & Laundry Services

Uses that provide centralized dry cleaning and/or laundry services for other industrial, commercial, and/or business establishments. The following standards apply:

- i. In its discretion to approve or deny a special permit authorizing a commercial dry cleaning & laundry services use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.

### b. Data Center

Uses providing information storage and processing services to other businesses or end users through a collection of computer servers and related information technology infrastructure. The following standards apply:

- i. In its discretion to approve or deny a special permit authorizing a data center use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Mitigation of any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
  - c). Ability for the use to adequately contribute towards increasing employment opportunities



- in the city.
- c. **Manufacturing**  
Uses that process, fabricate, assemble, treat, or package finished parts or products without the production or use in large quantities of hazardous or explosive materials. Due to the nature of operations and products, little or no noise, offensive odors, undue vibration or glare, and/or environmental pollution is produced, and, therefore, there is minimal impact on surrounding properties. Operations may include the storage of materials and the loading and unloading of new materials and finished products. Activities common to this category include, but are not limited to, food and beverage production, electronics and other electrical equipment assembly, furniture and other woodworking, printing and publishing operations, and computer hardware manufacturing, and the fabrication of metal products except machinery and transportation equipment.
  - d. **Moving & Self Storage**  
Uses engaged in the moving of household or office furniture, appliances, and equipment from one location to another, including the temporary storage of those same items. Typical uses include moving companies and self-service and mini-storage warehouses. The following moving & self storage specific use types are regulated differently than other uses classified within the moving & self storage category:
    - i. **Self Storage:** The temporary storage of personal possessions in containers or individual rentable or leaseable spaces. The following standards apply:
      - a). A self storage use is only permitted in a building with more than one principal use.
      - b). In its discretion to approve or deny a special permit authorizing a self storage use, the review board shall consider the following:
        - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
        - ii). Mitigation of any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.
        - iii). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.
        - iv). Ability for the use to adequately contribute towards SomerVision's objectives for increasing employment opportunities in the city.
        - v). Abnormal site conditions that make the less than desirable for other uses.
  - e. **Recycling Collection**  
Uses that collect and temporarily store recyclable household materials including glass, cardboard, paper, aluminum, tin, and plastics that are regularly moved off-site to be processed elsewhere. The following standards apply:
    - i. In its discretion to approve or deny a special permit authorizing a recycling collection use, the review board shall consider the following:
      - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - b). Compatibility with the level of activity associated with the surrounding properties.
      - c). Capacity of the local thoroughfare network providing access to the site.
      - d). Location and screening of loading, the procedure for drop-off and pickup, and the impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
      - e). Visual impact and quality of screening of parked business vehicles.
    - f. **Salvage Yard**  
An area or building where junk, waste, or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled for reclamation, disposal, or other like purposes, including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A salvage yard includes an auto wrecking yard or building.
    - g. **Trucking & Transportation Depot**  
Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the premises is also included. The following standards apply:
      - i. In its discretion to approve or deny a special permit authorizing a trucking & transportation depot use, the review board shall consider the following:
        - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
        - b). Compatibility with the level of activity associated with the surrounding properties.
        - c). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
        - d). Location of driveway entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
        - e). Sight lines needed by the driver of any vehicle entering or exiting the site.
        - f). Visual impact and quality of screening of parked business vehicles.
        - g). Ventilation and air handling techniques to

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reduce the emission of odor or exhaust onto neighboring properties.

### h. Wholesale Trade & Distribution

Uses engaged in the wholesale collection, sorting, processing, and distribution of bulk mail, packages or commercial goods, storage, processing, and distribution of bulk goods including, but not limited to, furniture & home furnishings; professional and commercial equipment; electrical goods; hardware, plumbing, and heating equipment; paper and paper products; sundries; apparel; food and beverages; healthcare equipment and supplies; and their substantial equivalents to retailers, commercial services, and/or industrial businesses. The following standards apply:

- i. Ancillary retail sales and wholesale showrooms are permitted.
- ii. Activities may include physically assembling, sorting, and grading goods into large lots and breaking bulk for redistribution in smaller lots in such a way that has minimal impact on surrounding properties.
- iii. The wholesale and/or storage or warehousing of toxic and/or hazardous materials is prohibited.

## 8. Lodging Use Categories

### a. Bed & Breakfast

A single unit residential structure providing rooms for temporary, overnight lodging, with or without meals, for paying guests. The following standards apply:

- i. A bed & breakfast lodging use is only permitted in an owner-occupied or manager-occupied historic structure located within a designated Local Historic District.
- ii. A bed & breakfast lodging use may be located within a principal building or an accessory structure.
- iii. A common gathering space, such as a parlor, dining room, or living room must be maintained for guest use.
- iv. Cooking facilities are not permitted in guest rooms.
- v. In its discretion to approve or deny a special permit authorizing a bed & breakfast use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Mobility management options provided to guests and the on-site management of parking.
  - c). Compliance with the Somerville Historic Preservation Commission's requirements and guidelines for any alterations to the structure or site.
  - d). Operational procedures for limiting noise

impacts on neighboring properties.

### b. Hotel or Hostel

A building providing temporary lodging in guest rooms or apartments to persons who have residences elsewhere for a fee. The following standards apply:

- i. Hotel or Hostel employees must be on-site at all times.
- ii. A hostel must be associated with a national or international hostel organization.
- iii. In its discretion to approve or deny a special permit authorizing a hotel or hostel use, the review board shall consider the following:
  - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - b). Compatibility with the level of activity associated with the surrounding properties.
  - c). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
  - d). Location and visibility of the principal entrance, guest drop-off area, taxi queuing station, outdoor amenity space for guests or employees, and pedestrian circulation from all exit points.

## 9. Office Use Categories

### a. General Office

The regular processing, manipulation, or application of business information or professional expertise predominantly for administrative, professional, and clerical operations in accounting, advertising, business to business brokerage and other business support services, employment, finance, healthcare administration, information technology and/or services, insurance, internet content development and publishing, law, real estate, urban development and their substantial equivalents. Office activities may or may not provide direct services to the public. The following standards apply:

- i. Office uses do not include activities materially involved in fabricating, assembling, or warehousing physical products for the retail or wholesale market.
- b. Research & Development and/or Laboratory  
The analysis, testing, and development of products, or services predominantly for scientific research operations in biotechnology, pharmaceuticals, medical equipment, communication & information technology, electronics, computer hardware, and their substantial equivalents. The following standard apply:
  - i. Research & Development and/or Laboratory does not include activities involved in fabricating,

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assembling, warehousing, or sale of products for the retail or wholesale market.

- ii. Ancillary development of mock-up and prototype products is permitted so long as the total floor area devoted to their fabrication or assembly is limited to twenty-five percent (25%) to the gross floor area occupied by the use.

#### 10. Residential Use Categories

##### a. Household Living

Residential occupancy of a building or residential portion of a building in dwelling units by individuals; two (2) or more persons related by blood, marriage, adoption, or foster care agreement; or no more than four (4) unrelated persons living as a single housekeeping unit for at least thirty (30) days or more.

##### b. Group Living

Residential occupancy of a building or residential portion of a building in rooming units by individuals or up to two (2) persons related by blood, marriage, adoption, or foster care agreement; in dwelling units by more than four (4) unrelated persons; and in dwelling units owned by or affiliated with an educational institution for at least thirty (30) days or more. The group living use category includes any residential occupancy that is not categorized as household living and any residential accommodations that provide a shared or communal kitchen, dining room, living room, or bathroom. The following group living specific use types are regulated differently than other uses classified within the group living category:

- i. Community or Group Residence: Residential occupancy of a dwelling unit by more than four (4) unrelated individuals living as a single housekeeping unit, if said occupants are 'handicapped' as defined in 42 U.S.C. §3602 or have a 'disability' as defined in 42 U.S.C. §12102. Both terms are defined as a physical or mental impairment that substantially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment not including current, illegal use of or addiction to a controlled substance.

##### ii. Dormitory or Chapter House

Residential occupancy in dwelling units or rooming units by full- or part-time students or staff of an educational institution and any group living facilities owned by or affiliated with an educational institution. The following standards apply:

- a). In its discretion to approve or deny a special permit authorizing a dormitory or chapter house use, the review board shall consider the following:
  - i). The review considerations for all Special

Permits as specified in §15.2.1.e. Review Criteria.

- ii). Proximity of the primary educational institution to the site.
  - iii). Concentration of dormitories, fraternities, or sororities in the neighborhood.
- iii. Homeless Shelter  
A facility that has a primary function of providing overnight sleeping accommodations in rooming units or bunk rooms to homeless people. The following standards apply:
    - a). In its discretion to approve or deny a special permit authorizing a homeless shelter, the review board shall consider the following:
      - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - ii). The current supply of overnight sleeping accommodations available within the city.
      - iii). The need for additional resources to properly address changes in demand.
  - iv. Nursing Home/Assisted Living  
Residential occupancy in rooming units where room and board, personal services, and skilled nursing care is provided to tenants. Nursing homes include hospice care, but specifically exclude hospitals. The following standards apply:
    - a). In its discretion to approve or deny a special permit authorizing a nursing home/assisted living use, the review board shall consider the following:
      - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - ii). Characteristics of the local thoroughfare network in providing a walkable environment and access for emergency vehicles.
      - iii). Location, visibility, and design of the principal entrance, resident drop-off area, and outdoor amenity spaces.
      - iv). Provision of communal indoor seating areas with a direct line of site to the outdoors.
  - v. Rooming House  
Residential occupancy of four (4) or more rooming units by individuals or up to two (2) persons related by blood, marriage, adoption, or foster care agreement. Rooming houses include boarding houses, lodging houses, and single room occupancy (SRO) buildings. The following standards apply:
    - a). A license from the Board of Aldermen is required.

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- b). The unit must be provided with the following:
  - i). House rules establishing quiet hours, the maximum number of guests, and clean-up requirements for guest pets, if allowed.
  - ii). A functioning fire extinguisher.
  - iii). Child-proofed electrical outlets.
  - iv). A map identifying fire escape routes.
  - v). Directions for operating the temperature control system.
  - vi). Emergency contact information.
- c). In its discretion to approve or deny a special permit authorizing a rooming house, the review board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). Path of access to the unit and the privacy of residents and neighboring properties.
  - iii). Location of designated outdoor smoking areas.
  - iv). Operations plan for maintaining the unit, including the inspection schedule for smoke and carbon monoxide detectors and the hours of operation for cleaning services.
- a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
- b). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
- c). Capacity of the local thoroughfare network providing access to the site and impact on pedestrian, bicycle, and vehicular traffic and circulation patterns in the neighborhood.
- d). Location of loading, trash and recycling storage, and the procedure for drop-off and pickup.

- b. Consumer Goods  
Uses that sell or otherwise provide consumer goods, functional or decorative, for use in entertainment, comfort, or aesthetics which are of a size that a customer can typically carry by hand. Consumer goods stores include, but are not limited to, stores selling apparel and accessories, sundries, pharmaceuticals, hardware and hand tools, housekeeping supplies, plants and other gardening products, and convenience food and beverage for off-site consumption. The manufacturing, assembly, and/or packaging of merchandise is prohibited unless ancillary to the sale of products from the same location. The following standards apply:

- i. Outdoor display of products and merchandise is permitted according to the following:
  - a). Outdoor display is permitted in any storefront frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity.
  - b). Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
  - c). Display areas extending more than eight feet from the facade are prohibited.
  - d). A minimum four (4) foot wide clear path of access must be maintained to the principal entrance.
  - e). Display areas are permitted to occupy no more than 30% of the frontage area.
  - f). Display areas must comply with the sidewalk standards of Article 8 Public Realm Standards.

The following consumer goods specific use types are regulated differently than other uses classified within the consumer goods category:

- ii. Alcohol Sales: Any alcoholic beverage sales establishment primarily involving the sale of alcohol where beer, wine or distilled spirits are sold for off-sale consumption and where more than five (5) percent of the floor area of the establishment is devoted to the sale, display or storage of beer, wine or distilled spirits.

### 11. Retail Use Categories

- a. Building/Home Supplies & Equipment  
Uses that sell or otherwise provide furniture, appliances, equipment, and/or home improvement goods needed to repair, maintain, or visually enhance a structure or premises that are, typically, too large to be carried by hand. The following standards apply:
  - i. Outdoor display of products and merchandise is permitted according to the following:
    - a). Outdoor display is permitted in the private frontage or on a public sidewalk subject to all City Ordinances as an ancillary activity.
    - b). Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day.
    - c). Display areas extending more than eight feet from the facade are prohibited.
    - d). A minimum four (4) foot wide clear path of access must be maintained to the principal entrance.
    - e). Display areas are permitted to occupy no more than 30% of the frontage area.
    - f). Display areas must comply with the sidewalk standards of Article 8 Public Realm Standards.
  - ii. In its discretion to approve or deny a special permit authorizing a building/home supplies & equipment retail use, the review board shall consider the following:

- a). In its discretion to approve or deny a special permit authorizing a packaged liquor use, the review board shall consider the following:
    - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - ii). Concentration of packaged liquor uses in the neighborhood.
  - iii. Drug Paraphernalia Store: A store selling equipment, products, and materials of any kind which are used, intended for use, or designed for use in the production, cultivation, harvesting, processing, packaging, testing, or introducing into the human body a controlled substance.
  - iv. Firearms Sales: A store selling, transferring, or leasing; or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm and/or ammunition.
  - v. Pet Store: Uses that sell or otherwise provide household pets. The following standards apply:
    - a). The ancillary sale of pet supplies is permitted.
    - b). In its discretion to approve or deny a special permit authorizing a pet store use, the review board shall consider the following:
    - c). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
    - d). Building methods or techniques for noise mitigation to limit noise for other users of the building and abutters.
  - c. Formula Retail  
Any use classified under the retail sales use category which, along with nine (9) or more other businesses regardless of ownership or location worldwide, does or is required as a franchise, by contractual agreement, or by other arrangement to maintain two (2) or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and/or color scheme, a standardized uniform, a standardized sign or signage, a trademark, or a service mark.
    - i. In its discretion to approve or deny a special permit authorizing a formula retail use, the review board shall consider the following:
      - a). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
      - b). The existing concentrations of formula retail uses within the neighborhood;
      - c). The availability of other similar retail uses and the maintenance of a diverse blend of retail uses within the neighborhood;
      - d). The compatibility of the proposed formula retail use with the existing architectural and aesthetic character of the neighborhood;
    - e). The proposed uses contribution to the nationwide trend of standardized retail offerings that detracts from the uniqueness of Somerville’s neighborhoods; and
    - f). The existing non-residential vacancy rates within the neighborhood.
  - d. Fresh Food Market or Grocery Store  
The self-service sales of food and household products including, but not limited to, fresh and prepared meat, dairy, baked goods, fresh fruits and vegetables, canned and/or frozen foods, and other regularly consumed household products. The following standards apply:
    - i. Floor area devoted to the sale of non-food items must not exceed twenty-five percent (25%) of the sales floor.
    - ii. Ancillary prepared food and beverage service is permitted.
  - e. Farmer/Vendor Market  
The direct sales of goods and/or products by farmers or vendors to consumers from individual booths, tables, or stands, whether indoors or outdoors.
- 12. Urban Agriculture Use Categories**
- a. Farming  
The cultivation of soil and the production, planting, caring for, treating, growing, and harvesting of any aquacultural, horticultural, hydrocultural commodities. The specific use types within the farming use category are:
    - i. Commercial Farming  
Farming for the purpose of selling produce for a profit.
      - a). Sales are subject to compliance with local, state, and federal regulations.
      - b). Commercial farming may be conducted outdoors, in a greenhouse, or on the roof of a principal or accessory structure.
    - ii. Community Farming  
Farming by a non-profit agency with the intent of selling produce.
      - a). Sales are subject to compliance with local, state, and federal regulations.
  - b. Community Gardening  
The practice of growing and cultivating plants; including vegetables, flowers, and fruits; for display, enjoyment, or private/personal consumption. The following standards apply:
    - i. Sales, processing, and storage of plants or plant products are prohibited on site.
- 13. Accessory Use Categories**
- a. The following standards apply to all accessory uses
    - i. Accessory uses may not be established prior to the

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establishment of a another use.

### b. Home Occupations

- i. The home occupations accessory use category includes limited business activities carried out incidental to a household living principal use. Home occupations include, but are not limited to, the office of an architect, attorney, engineer, instructor, realtor, sales representative, software developer, teacher and their substantial equivalents that do not involve persons regularly visiting the property for business purposes, but instead primarily involves the operator visiting clients off-site. The following uses are not considered a home occupation: auto or appliance repair, contractor's shop or storage, barber shop, beauty parlors, commercial stables or kennels, medical or dental office, body art, massage, or acupuncture.
- ii. The following standards apply to all specific use types in the home occupation category:
  - a). Home occupations must be operated within a completely enclosed principal or accessory building type owned or occupied by the resident of the property where the home occupation is located.
  - b). No storage of materials, supplies, or equipment is permitted outdoors.
  - c). The production of offensive noise, vibration, glare, odors, parking/loading demands, traffic, or other negative impacts that unreasonably interfere with any person's "quiet expectations" in enjoyment of their residence is prohibited.
  - d). No display of products may be visible from the right-of-way of any public thoroughfare.
  - e). Shipping and delivery is restricted to parcel and small freight carriers.
  - f). No more than one off-street parking space is permitted for the home occupation.
  - g). Home occupations conducted in an accessory structure are limited in size by the provisions governing the accessory building type (see Garage or Workshop).
  - h). Products produced on-site must be grown, fabricated, or assembled by hand.
  - i). Home occupations use must be operated by the occupant of dwelling unit on the lot.

The specific use types within the home occupation accessory use category are:

### iii. Creative Studio

A home occupation that generates and exploits intellectual property through individual creativity, skill, and talent; creates, produces, distributes, rehearses, performs, sells, and/or teaches the visual arts, performing arts, applied arts, literature,

heritage, media, or music; or creates, produces, invents, designs, develops or prototypes content, goods, or products.

### iv. Hobby Kennel

A home occupation involving the raising and care of four (4) or more dogs, excluding puppies younger than three (3) months, for breeding, sale, training, show, hunting, and other related purposes except boarding. The following standards apply:

- a). No more than six (6) dogs, excluding puppies younger than three (3) months, are permitted.
- b). All dogs must be licensed and vaccinated as required under the City's laws.
- c). The site will be subject to inspection at reasonable times by the Animal Control Officer to ensure that the standards and conditions of approval of a special permit are met.
- d). Boarding of animals or other commercial uses of the site are not permitted.
- e). Dog waste must be disposed of daily, either sealed and disposed of with trash or in a maintained enzymatic dog waste system.
- f). In its discretion to approve or deny a special permit authorizing a hobby kennel home occupation use, the review board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). Design of confinement of dogs to the property.
  - iii). Design and size of the site to accommodate the safety and comfort of dogs.
  - iv). Amount of on-site landscaping.
  - v). Operational procedures for controlling barking, particularly between the hours of 9:00pm and 7:00am, including hours that the dogs are outside, proper training and frequency of walks.

### v. Home-Based Business

A home occupation carried on by the resident of a dwelling unit, where the occupation is secondary to the use of the dwelling unit for residential purposes and where the "quiet expectations" of neighbors take precedence over work needs of the occupation in question. The following standards apply:

- a). No more than one non-resident employee may be present at any one time during the hours of operation.
- b). Retail sales to walk-in customers are prohibited.
- c). Client visits must be by appointment only and

business activities may not have more than one (1) visitor car at a time.

vi. Home Day Care

A home occupation providing custodial care of children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs. Home day care does not include the informal cooperative arrangement for child care among neighbors or relatives, or the occasional care of children with or without compensation. The following standards apply:

- a). Care may be provided for no more than six (6) children at a time, including any children living with the residence providing home day care services.

vii. Home Office

A home occupation conducted solely by the residents of the dwelling unit without the employment of other persons. The following standards apply:

- a). All sales, services, or work that requires the presence of a partner, employee, or customer must take place off-site.

c. Tourist Home

The rental up to two (2) sleeping rooms of an owner occupied dwelling unit on an overnight or short-term basis of typically less than seven (7) days.

d. Urban Agriculture

The urban agriculture accessory use category includes a range of food growing practices including farming and the keeping of chickens and/or bees, but not other types of live stock. The specific use types within the urban agriculture use category are:

i. Apiculture:

The maintenance of honey bee colonies, commonly in hives. The following performance standards apply:

- a). Apiculture is subject to all applicable rules and regulations established by the Health Department of the City of Somerville.
- b). Permitted bee species are restricted to the common domestic honeybee (*Apis mellifera*).
- c). Ownership, care, and control is the responsibility of a resident of a dwelling unit on the lot.
- d). A maximum of two colonies may be kept on a lot. Health regulations may further limit the number and/or manner that bees are kept.
- e). Honeybees and beekeeping materials are not permitted within 20 feet of a front lot line.
- f). The on site sale of honey produced on site is permitted between the hours of 7:00am to 9:00pm, May 1st through October 31st and limited to no more than 3 days per week for a

total of twenty-five (25) days per year.

ii. Aviculture:

The raising and care of birds. The following performance standards apply:

- a). Aviculture is subject to all applicable rules and regulations established by the Health Department of the City of Somerville.
- b). Permitted bird species are restricted to the common domestic chicken (*Gallus gallus domesticus*), specifically hens.
- c). Roosters are prohibited.
- d). Ownership, care, and control is the responsibility of a resident of a dwelling unit on the lot.
- e). A maximum of six (6) hens may be kept on a lot. Health regulations may further limit the number and/or manner that hens are kept.
- f). Hens are not permitted within 20 feet of a front lot line.
- g). The on site sale of eggs produced on site is permitted between the hours of 7:00am to 9:00pm, May 1st through October 31st and limited to no more than 3 days per week for a total of twenty-five (25) days per year.

iii. Commercial Farming:

The cultivation of soil and the production, planting, caring for, treating, growing, and harvesting of any aquacultural, horticultural, and/or hydrocultural commodities. The following performance standards apply:

- a). Farming is subject to all applicable rules and regulations established by the Health Department of the City of Somerville.
- b). Sales are subject to compliance with local, state, and federal regulations.
- c). Commercial farming may be conducted outdoors, in a greenhouse, or on the roof of a principal or accessory structure.
- d). Ownership, care, and control of an outdoor, greenhouse, or roof farm is the responsibility of a resident of a dwelling unit on the lot.
- e). The on site sale of agricultural commodities produced on site is permitted between the hours of 7:00am to 9:00pm, May 1st through October 31st and limited to no more than 3 days per week for a total of twenty-five (25) days per year.
- f). Proof of annual soil testing is required to be posted during all sales.

iv. Residential Gardening:

The practice of growing and cultivating plants; including vegetables, flowers, and fruits; for display, enjoyment, or private/personal consumption. The following performance standards

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apply:

- a). Sales are prohibited.
- b). Gardening may be conducted outdoors, in a greenhouse, or on the roof of a principal or accessory structure.
- c). Ownership, care, and control is the responsibility of a resident of a dwelling unit on the lot.

e. Vehicular Parking

The vehicular parking accessory use category includes any storage, for a limited period of time, of operable motor vehicles. The following specific vehicular parking uses are regulated differently than other uses classified within the vehicular parking accessory use category:

i. Home Business Vehicle Parking

Parking for motor vehicles owned and operated in connection with a business in an off-street parking area that is accessory to a residential use. The following standards apply:

- a). Only one business-related vehicle is permitted and must not exceed a one-ton carrying capacity.
- b). Tow-trucks are prohibited.
- c). In its discretion to approve or deny a special permit authorizing a home business vehicle parking use, the review board shall consider the following:
  - i). The review considerations for all Special Permits as specified in §15.2.1.e. Review Criteria.
  - ii). Location of driveways entrances and access points in relation to the safety of pedestrians, bicyclists, and motor vehicles.
  - iii). Visual impact and quality of screening of vehicles.