

Changes to the City of Taunton Zoning Ordinance

Adopted May 21, 2024

Only Bold and underlined text being added,
Only bold text with a line through being deleted

Section 440, attachment 3 intensity of use table

Business district Change maximum height from 3 stories to 4 stories and maximum height from 40 to 50 feet

Industrial District change maximum height from 3 stories to 3.5 stories and maximum height from 50 to 55 feet

Central Business District change maximum height from 50 feet to 55 feet

440-201 Definitions

GROUP HOME

Includes halfway house, group residence, group dwelling unit, and limited group residence.

A. HALFWAY HOUSE An intermediate care center which provides temporary residential accommodation, guidance and supervision for three or more persons. (See § 440-1001.)

B. GROUP RESIDENCE A dwelling designed, intended, or used for occupancy by several adults not related by blood, marriage, or adoption who use in common some or all of the cooking, ~~storage~~, bathroom, and living facilities and require no special training, care, or treatment.

C. GROUP DWELLING UNIT A dwelling unit licensed by or operated by the Department of Developmental Services or the Department of Mental Health as a special residence for up to four persons who may or may not be capable of self-preservation from fire or other related hazards.^[5]

D. LIMITED GROUP RESIDENCE A building licensed by or operated by the Commonwealth Department of Mental Health or the Office for Children as a limited group residence. This is a residence for people not capable of self-preservation.

STRUCTURE

A. A combination of materials assembled to give support or shelter, such as buildings, towers, masts, sheds, roofed storage areas, retaining walls more than 4 feet and fences more than ~~six~~ seven feet in height.

B. Anything constructed or erected, the use of which requires more or less permanent location on, in or under the ground or attachment to something having location on the ground

Section 440-602 Bulk and Dimensional Requirements

Add **D. For all two and three family residential uses, each unit shall have a building egress that faces the street**

Section 440-702 Landscaping

A. 7. In required buffer zones, where dense mature foliage does not exist, two canopy trees, a minimum of 10 feet in height, and five understory trees/shrubs, a minimum of two feet in height, shall be placed so as not to screen or block the line of sight for vehicles entering and exiting the site and shall be planted for every 500 square feet of buffer zone. **Plant species shall be approved prior to planting. All trees must have a minimum of a three-inch caliper. All plans and species shall be approved by the Tree Warden or his designee. The following is a list of recommended deciduous species:**

- (a) Pin oak.
- (b) Green ash.
- (c) Red sunset maple.
- (d) Linden.
- (e) Red maple.
- (f) London plain tree.
- (g) Northern red oak.
- (h) Locust.
- (i) Sugar maple.

440-702 B. Parking lots. All parking lots consisting of 10 or more parking spaces shall provide 200 square feet of interior landscaping for every 10 spaces. These landscaping areas shall contain a minimum of two canopy trees, a minimum of 10 feet in height **and minimum three-inch caliper**, and two understory trees/shrubs, a minimum of two feet in height. To prevent cars from parking too close to trees or damaging shrubs, a curb or wheelstop shall be provided for interior parking lot landscaped islands.

§ 440-703 Corner lots.

In all districts, there shall be a front yard at each street line and a side yard at each lot line.

To assure safe view of vehicles and of pedestrians across the corner, no shrub two feet overall diameter or larger and no hedge or fence shall extend higher than two feet above the main finished pavement center-line grade throughout that part of the front yard required on such lot 50 feet along the street frontage of each such yard from their street corner, unless:

- A. The fence is a wire fence in which the openings are not less than four inches' minimum dimension;
- B. The fence is a wire fence that has openings that are not less than two inches' minimum diameter and is set back at least five feet from the corner property line; or
- C. Any fence is set back at least 10 feet from the corner property line.

§ 440-704 Off Street parking

Under A. (4) Residential uses

Add (e) **No more than 60% of front yard may be utilized for parking and egress**

§ 440-711 Accessory structures.

An accessory structure is a structure that is accessory to and clearly subordinate to the primary structure and use of the lot ~~and that does not need a Building Permit. An accessory structure shall not exceed 120 square feet in size.~~ The ratio of the length to the width of the structure shall not exceed three to one. The setbacks for an accessory structure ~~that does not exceed 120 Sf~~ shall be 1/2 the setback requirements for the zoning district within which the lot is located. The fee for an accessory structure application shall be \$25.

Article XV Site Plan Review

§ 440-1501 Purpose and authority.

A. Purpose. The purpose of this article is to ensure that the design and layout of new multifamily residential, commercial and industrial development will not be detrimental to the City of Taunton's neighborhoods and environment and protect the health, safety, convenience and general welfare of its inhabitants. The intent of site plan review is to regulate rather than prohibit use through reasonable conditions which may be imposed by the Site Plan Review Committee concerning the siting of buildings, open space and landscaping, parking areas, access and egress from proposed developments, drainage, sewerage, water supply, and police and fire safety.

B. Authority. In administering these provisions, there shall be the following:

(1) The Taunton Planning Board, ~~where applicable, shall be vested with the powers of a full site plan review, and~~ for the purposes of this article the Taunton Planning Board shall be the Site Plan Review Committee (SPRC).

~~(2) There shall be a Development Impact Review Board (DIRB) to advise the SPRC on projects requiring a site plan review. The composition shall be as established by ordinance of the Taunton Municipal Council.^[1]~~

[1] *Editor's Note: See Ch. 10, Boards, Commissions and Committees, Art. X, Development Impact Review Board.*

§ 440-1502 Site plan review thresholds.

A. A site plan review shall be a public meeting of the Site Plan Review Committee (SPRC) and shall apply to the following:

(1) Additions to existing commercial and industrial projects where the addition results in one or more of the following:

- (a) An increase in impervious area.
- (b) An increase in the minimum required number of parking spaces.
- (c) A change in traffic flow on site.

(2) Change of use in Business, Highway Business, Office and Industrial Districts, where the new use is allowed by right in that district and results in an increase in dimensional requirements, impervious area, landscaping and/or parking requirements.

(3) A change in the number of parking spaces on the site and/or an increase in impervious area.

- (4) Multifamily (four units plus) residential projects.
- (5) New "nonresidential" commercial and industrial projects on vacant or unimproved site.
- (6) An increase in traffic generation of 50 or more cars per day as established by the Institute of Transportation Engineers.
- (7) Additions to existing multifamily residential projects, where the addition constitutes the creation of new units.

B. Any application that requires review under the site plan review process of this section will follow the requirements of this article.

C. Official notification of abutters. The petitioner shall submit, in addition to a completed application, along with the certified list of abutters, pre-stamped envelopes for each abutter. An official City of Taunton notification form will be sent to each abutter on the certified list. This form enables abutters to respond in writing regarding the proposed project or attend the Site Plan Review Committee public meeting.

§ 440-1503 **Basic requirements.**

A. Notwithstanding anything contained in this chapter to the contrary, no building permit shall be issued for, and no person shall undertake, any use or improvement subject to this article unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this article and unless such application has been approved by the Site Plan Review Committee.

B. No certificate of occupancy shall be granted by the Building Inspector until the Site Plan Review Committee has given its approval that the development and any associated off-site improvements conform to the approved application for site plan review and approval, including any conditions imposed by the Site Plan Review Committee.^[1]

[1]Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

C. Notwithstanding the above, a temporary certificate of occupancy may be granted with the approval of the Site Plan Review Committee subject to conditions for completion of work (which shall include a requirement for surety, in an amount and form to be determined by the Site Plan Review Committee) imposed by the Site Plan Review Committee.^[2]

[2]Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

§ 440-1504 **Application and review procedure.**

A. Prior to the filing of an application subject to this article, the applicant shall submit plans to the **Planning and Conservation Director City Planner**, who shall advise the applicant as to the pertinent sections of this chapter. The applicant shall then submit **20 22** copies of the application, conforming to this article, to the **Planning and Conservation Director City Planner**. The applicant shall also provide a pdf file of the plan with the application.

B. Upon receiving a completed application as set forth above, the Planning and Conservation Director City Planner shall forthwith transmit one copy each to the following departments:

- (1) Municipal Council (two copies). (one for City Clerk)
- ~~(2) Development Impact Review Board (two copies).~~ Commission on Individuals with Disabilities
- (3) Planning Board (two copies).
- (4) ~~City Clerk.~~ Planning and Conservation Director
- (5) Board of Health.
- (6) ~~City~~ Engineering Division
- (7) Water Department.
- (8) Sewer Department.
- (9) Conservation Commission.
- (10) Taunton Municipal Lighting Plant.
- (11) Fire Department.
- ~~(12) Street Department.~~ License Commission
- (13) Department of Public Works.
- (14) Mayors Office
- (15) Building Department. (two copies)
- ~~(16) Where applicable:~~
- ~~(16) (a)~~ Economic Development ~~Director.~~ Office
- ~~(17) (b)~~ Historic District Commission.
- (18) Designated Community Representative selected by the Mayor and approved by the Municipal Council
- (19) Agricultural Commission

C. Reports.

(1) Such agencies Departments shall, within ~~15~~ 11 Business days of receiving said copy, report to the ~~Development Impact Review Board~~ Planning and Conservation Director on the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and the effects of the projected impacts of the proposed development. Said departments agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such department agency to report within the allotted time shall constitute approval by that department agency of the adequacy of the submittal and also that, in the opinion of that department agency, the proposed project will cause no adverse impact.

(2) The ~~Development Impact Review Board~~ Planning and Conservation Director shall, within 20 Business days of receiving a copy of the application, shall meet with responding agencies and the applicant to discuss the department responses and to

compile a coordinated report to the Site Plan Review Committee on the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and the effects of the projected impacts of the proposed development. The **Development Impact Review Board report** shall make findings and recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Said report shall refer to and include full copies of the **department agency** reports.

D. The Site Plan Review Committee shall not render a decision on said application until it has received and considered all reports requested from City departments and boards, or until the twenty **business** day period has expired, whichever is earlier. The Site Plan Review Committee may continue the public **meeting hearing** to allow for the submission of the report of the **Planning and Conservation Director Development Impact Review Board and City departments agencies**, but final decision shall be made within 90 days of application unless said time period is extended with the concurrence of the applicant.

E. The Site Plan Review Committee shall open a public **meeting hearing** on any properly completed application within 45 days after filing, shall properly serve notice of such **meeting hearing**, and shall render its decision within 60 days of said **meeting hearing**. The **meeting hearing** and notice requirements set forth herein shall comply with the requirements of **the open meeting law and shall include mailed notice to abutters in conformance with** MGL c.40A, § 11. All costs of the notice requirements shall be at the expense of the applicant.

F. In reviewing the impacts of a proposed development, the Site Plan Review Committee shall consider the information presented in the application for site plan approval, including all items specified in §§ **440-1505, 440-1508 and 440-1509**, all reports of City departments submitted to the **Planning and Conservation Director Development Impact Review Board** or the Site Plan Review Committee, **the Planning and Conservation Director report** and any additional information available to the Site Plan Review Committee, submitted to the Site Plan Review Committee by any person, official or agency, or acquired by the Site Plan Review Committee on its own initiative or research.

§ 440-1505 **Specific findings required.**

Prior to granting approval or disapproval, the Site Plan Review Committee shall make written findings with supporting documentation as specified below.

A. Approval.

(1) The Site Plan Review Committee may approve an application, based on its review of the projected development impacts and the proposed methods of mitigating such impacts, if said Committee finds that the proposed development is in conformance with this chapter, and that:

- (a) The traffic-carrying capacity of the intersections and streets likely to be affected by the proposed development will meet the standards set forth in § **440-1509A**.

- (b) The proposed development will comply with the environmental impact standards set forth in § 440-1509B.
 - (c) The planned capacities of public facilities such as water supply, sewage and drainage systems are adequate in the vicinity of the site to serve the proposed development.
 - (d) The proposed development will comply with the community impact standards set forth in § 440-1509D.
- (2) In addition, the following specific items shall be addressed:
- (a) Convenience and safety of vehicular and pedestrian movement within the site and location of driveway openings in relation to traffic or to adjacent streets.
 - (b) Adequacy of the arrangement of parking and loading spaces.
 - (c) Adequacy of methods of disposal of refuse and other wastes.
 - (d) Relationship of structures and open space to the natural landscape and existing buildings.
 - (e) Protection of wetlands, watersheds, aquifers, and well areas.
 - (f) Conformance to City health and fire codes.
 - (g) Adequacy of projects to address sewer and water impacts.
 - (h) Compliance with all provisions of this chapter.
 - (i) Compliance with the requirements of any other City board, agency, commission, or department rules and regulations.
 - (j) Compliance with the general requirements under § 440-1508.
- (3) Such findings shall pertain to the entire proposed development, including any site plan or design modifications imposed by the Planning Board as a condition of its approval, and off-site improvements proposed by the applicant or required by the Site Plan Review Committee as a condition of its approval.

B. Disapproval.

- (1) The Site Plan Review Committee must disapprove an application if it is unable to meet the requirements for approval.
- (2) Notwithstanding the above, the Site Plan Review Committee may approve an application if the adverse impacts of the proposed development are not significantly greater than the impacts of uses which are or can be made of the site under existing laws and regulations without a requirement for site plan review.

§ 440-1506 Conditions, limitations and safeguards.

A. In granting approval of an application, the Site Plan Review Committee may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

- (1) Controls on the location and type of access to the site.

- (2) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods).
- (3) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development.
- (4) Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widening or improvements.
- (5) Requirements for securing the performance of all proposed work, including proposed off-street improvements, by either or both of the following methods:
 - (a) A performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Site Plan Review Committee to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval.
 - (b) A covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
- (6) Conditions to minimize off-site impacts on traffic and environmental quality during construction.

B. Changes to site plan. Any and all changes to any approved **departmental** site plan review must be first submitted for review **as to whether the change is a major or minor change** through the same procedure as the original site plan for review and approval prior to incorporation. **Any change that alters a specific condition of a site plan review decision or falls under one or more of the thresholds in section 440-1502 shall be considered a major change. All other changes shall be at the discretion of the Site Plan Review Committee as to whether they are minor or major in nature**

C. Validity. The actions allowed by **departmental** site plan review are authorized for a two-year period from the date of granting of final approval. Thereafter such approval shall be deemed to have elapsed and a new application will be required.

D. Appeal. An appeal of a site plan review decision shall follow the requirements of MGL c. 40A, § 8.

§ 440-1705 Density and dimensional requirements.

A. Within the Transit-Oriented Development District the following density and dimensional requirements shall apply:

- (1) Minimum lot area: 15,000 square feet.
- (2) Minimum frontage: 100 feet.
- (3) Minimum front setback: 10 feet.
- (4) Minimum side setback: 10 feet.
- (5) Minimum rear setback: 10 feet.
- (6) Maximum height: 65 feet
- (7) Maximum number of stories: Five stories
- (8) Maximum lot coverage: 85%.

B. . lots within the Transit-Oriented Development District (TOD) may contain more than one principal building.

C A base density of up to a maximum of 20 residential units per acre is allowed in the TOD District.

440-1707 Other design requirements.

O. When an applicant is creating five or more dwelling units, the applicant shall provide a detailed affordable housing report to the SPGA on the current status of the number and percent of affordable units listed under MGL c. 40B, §§ 20 to 23, and the commonwealth's local initiative program. If the Board of Appeals determines the number of affordable units is below the percentage required under MGL c. 40B, the applicant shall provide a minimum of 10% of the total number of units as affordable. An affordable dwelling unit is a dwelling unit available at a cost of no more than 30% of the gross household income of households at or below 80% of the Bristol County median income as reported by the U.S. Department of Housing and Urban Development, including units listed under MGL c. 40B, §§ 20 to 23, and the commonwealth's local initiative program. It is intended that the affordable housing units that result from this subsection be considered as local initiative program (LIP) dwelling units in compliance with requirements for the same as specified by the Department of Housing and Community Development and that said units count towards the City's requirements under MGL c. 40B, §§ 20 to 23. A deed restriction on the future resale or maximum leasing or renting charged shall be required by the SPGA. In lieu of providing affordable units on site, the applicant may make a cash payment to the City of Taunton to be administered by the Affordable Housing Trust to be used to create housing units for low and moderate income households in the City. For each affordable unit that is not provided on site, the applicant shall deposit a sum equal to the estimated construction cost of such unit. The amount to be deposited under the preceding sentence may be reduced by vote

of the Planning Board as part of Site Plan Review, but only upon a positive recommendation from the Office of Economic and Community Development, with any such reduction being based on a written evaluation showing that the project will clearly advance the purposes of the TOD District as set forth in section 440-1701 of the Zoning Ordinance, and that providing such reduction is required for the project's economic viability.

IN MUNICIPAL COUNCIL, MAY 21, 2024,
ADOPTED,

Jennifer R. Regan, City Clerk

PRESENTED TO THE AMYOR AND APPROVED,
MAY 24, 2024.

Shaunna O'Connell, Mayor
Shaunna L. O'Connell

--END--