

City of Framingham

The City Council of Framingham



ORDER NO. 2024-025-001
REQUEST OF THE MAYOR

UPON THE REQUEST OF THE MAYOR, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That the City Council, upon consideration of the matter, votes to accept by 2/3rds vote the non-substantive changes to the city's Zoning Ordinances as required by the Framingham Charter Article IX: General Provisions §6 Periodic Review and Recodification of Ordinances as recommended by the Recodification Committee, as attached.

ROLL CALL VOTE:

YEAS: Alexander, Bryant, Cannon, King, Leombruno, Long, Mallach, Ottaviani,
Steiner, Ward, White Harvey
NAYS: None
ABSTAIN: None
ABSENT: All members were present in person
PASSED IN COUNCIL: April 30, 2024

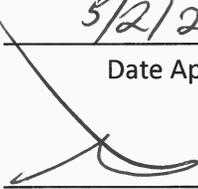
A True Record, Attest:

5/2/2024

Date Approved


Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk

5/2/24

Date Approved


Charlie Sisitsky, Mayor

Order No. 2024-025-001

Chapter 435, Zoning.

1. Section 435-1B is amended to read as follows: "This chapter shall be known and may be cited as the 'City of Framingham Zoning Ordinance.'"
2. Section 435-2A is amended as follows: "The In their interpretation and application, of the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, comfort, convenience, and overall general welfare."
3. Section 435-4F(3)(c) is amended to change "Building Inspector" to "Building Commissioner."
4. The definitions of "active farm," "agricultural preservation restriction" and "developable farm" in § 435-5 and §§ 435-33C(3)(e) and 435-36C(2)(a)[1][c] are amended to change "agricultural preservation restriction" to "agriculture preservation restriction."
5. The definition of "agriculture and/or farm" in § 435-5 is amended to read as follows: AGRICULTURE – See the definition of "farm and/or agriculture."
6. The definition of "brewpub" in § 435-5 is amended to change "Department of Alcohol, Tobacco and Firearms" to "Bureau of Alcohol, Tobacco, Firearms and Explosives."
7. The definition of "conservation restriction" in § 435-5 is amended to change "Department of Conservation Services" to "Division of Conservation Services."
8. The definition of "marijuana independent testing laboratory" in § 435-5 is amended to change "the Commission" to "the Cannabis Control Commission."
9. The definition of "marijuana retailer" in § 435-5 is amended as follows: "An entity licensed to purchase and transport cannabis or marijuana product from marijuana establishments and to sell or otherwise transfer this product to marijuana establishments ~~and to consumers.~~"
10. The definition of "master plan" in § 435-5 is amended to revise the last sentence to read as follows: "Such Master Plan shall be created, and may be added to or changed from time to time, by a majority vote of the Planning Board and shall be a public record."
11. The definition of "service establishment" in § 435-5 is amended to delete "news dealer."
12. The definition of "transfer of development rights yield plan" in § 435-5 and the following sections are amended to change "licensed" to "registered" with respect to surveyors and engineers: §§ 435-12B(8)(d), 435-18J, 435-20E, 435-38F (1), 435-39B(2)(a), 435-40B(2)(a), and 435-46B(3)(b) and (c).

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13. Throughout Chapter 435, references to "Single Residence" Districts are amended to "Single-Family Residential" Districts.
14. Section 435-12B(1)(d)[1] is amended to change "Licensing Commission" to "Board of License Commissioners."
15. Section 435-12B (3) is amended to change "Department of Public Services (DPS)" to "Department of Public Works."
16. Section 435-12B (5) is amended to change "Licensing Board" to "Board of License Commissioners."
17. Section 435-12B(8)(e) is amended as follows: "The applicant shall submit any other supporting documentation as may be specified by the SPGA rules and regulations."
18. Section 435-15D(6)(b) and 435-47E(4)(c) are amended as follows: "~~The placement of~~ Electric, telephone and other utility lines and equipment, such as water, sewer or gas, shall be coordinated together and placed underground and located to eliminate all adverse impacts on the groundwater levels."
19. Sections 435-15E(2)(c), 435-22C (1) and 435-47B(2)(d) are amended to change "commercial ground-mounted solar installations" to "commercial ground-mounted solar photovoltaic renewable energy installations."
20. Section 435-16B(2)(a) is amended to delete "within" before "incorporated into the development."
21. Original Sec. II.K.13, Village Zoning Review, is repealed. This subsection provided: "The Planning Board shall perform a review of the B-4 District Zoning Ordinances and the Framingham Zoning Map commencing no later than July 1, 2022 and to be concluded by December 31, 2022."
22. The definition of "affordable housing unit" in § 435-18C (1) is amended to change "Executive Office of Communities and Development of the Commonwealth of Massachusetts (EOCD)" to "Executive Office of Housing and Economic Development of the Commonwealth of Massachusetts (EOHED)."
23. Section 435-18E (2) is amended as follows: "As a general rule, ~~no~~ such establishment shall not occupy more than 2,500 square feet and shall be subject to reasonable restrictions and conditions relating to size and hours of operation imposed by the Planning Board."
24. The definition of "open dump" in § 435-20C is amended to correct the reference to the Resource Conservation and Recovery Act from 42 U.S.C. § 4004(a) and (b) to 42 U.S.C. § 6901 et seq.
25. Section 435-20J (6) is amended to change "parties of interest" to "parties in interest."

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26. The definition of "excess pervious landscaping" in § 435-21B is amended to change "wetlands, as defined herein" to "wetlands, as defined in MGL c. 131, § 40."
27. Section 435-21E(5)(a) is amended to change "State Office for Children" to "Massachusetts Department of Early Education and Care."
28. Section 435-21H (7) is amended to change "Commonwealth of Massachusetts Department of Public Works Highway Design Manual" to "Massot Standard Specifications for Highways and Bridges."
29. The definition of "designated locations" in § 435-22B is amended to change "commercial ground-mounted solar photovoltaic installations" to "commercial ground-mounted solar photovoltaic renewable energy installation."
30. Section 435-22D(7)(f) is amended to change "commercial solar photovoltaic renewable energy installation" to "commercial ground-mounted solar photovoltaic renewable energy installation."
31. Section 435-24B (3) is amended to change "Architectural Access Review Board" to "Architectural Access Board" and to change "a minimum of nine feet wide" to "a minimum of eight feet wide."
32. Section 435-24D(3)(c) is amended to change "Architectural Access Review Board" to "Architectural Access Board."
33. Section 435-24D(4)(a) is amended as follows: "~~The use of~~ Low-impact development (LID), best management practices (BMP), and energy-efficient features shall be utilized throughout the site."
34. Section 435-24E(2)(e)[2] is amended to change "off-street tree" to "shade tree."
35. Section 435-24G(3)(g)[4] is amended as follows: "A minimum thirty-inch aisle between the central upright post of the bicycle rack ~~to a from~~ and a perpendicular wall."
36. Section 435-29D is amended as follows: "No structure shall be erected, enlarged, or modified, nor shall land ~~shall~~ be divided, subdivided, or modified, prior to the granting ~~or denial~~ of said special permit or prior to the submittal of an application to the Historical Commission or the Historic District Commission for a determination of historic significance."
37. Section 435-29F is amended to delete "from the use of this Ordinance" from the end of the subsection.
38. Section 435-32C(1)(a) is amended to read as follows: "A wireless communications facility [which shall include monopoles, satellite dish(es) over one meter in diameter or antennas] shall not be erected or installed except in compliance with the provisions of this section and shall require a special permit with review and approval as set forth herein."
39. Section 435-32E(4)(c) is amended to update the reference to the Massachusetts Aeronautics Commission to the Aeronautics Division of the Massachusetts Department of Transportation.

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40. Section 435-33A (1) is amended to change "the revised 2021 revisions" to "this section."
41. Section 435-33A(4)(f) is amended to change "Engineering Department of Public Works" to "Engineering Department in the Department of Public Works."
42. Section 435-33C(2)(d) is amended to add "takes place" after "topographical alteration."
43. Section 435-33C(3)(b) is amended to revise the second sentence to read as follows: "The total number of replacement trees shall be as follows: one tree per inch of caliper for a deciduous tree and one tree per foot of height for an evergreen tree."
44. Section 435-33E(3)(b) is amended as follows: "~~Maintenance of BMPs~~ Best management practices (BMPs) for erosion control, land disturbance, and/or stormwater management during construction shall be maintained in good order and in compliance with the NPDES Construction General Permit (if applicable)."
45. Section 435-33G (3) is amended as to read follows: "Any person who violates any provision of this section or a permit issued thereunder may be punished by a fine as provided in § 435-42B. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of this section or the regulations or permits violated shall constitute a separate offense."
46. Section 435-33G (4) is amended to read as follows:

As an alternative to criminal prosecution or civil action, the City may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, § 21D, in which case the Department of Inspectional Services, the Planning Board, and the Engineering Department in the Department of Public Works shall be the enforcing person and the fine shall be as provided in § 435-42B. Each day or part thereof that such violation occurs or continues shall constitute a separate offense, and each provision of this section or the regulations or permits violated shall constitute a separate offense.
47. Section 435-35C is amended to revise the first sentence as follows: "The provisions of this section shall apply to any proposed development or redevelopment of 10 or more dwelling units on one or more contiguous parcels, whether or not such units are proposed under a special permit process pursuant to MGL c. 40A, § 9."
48. Section 435-35D (1) is amended to add the word "not" as follows: "provided that such rehabilitation or repair shall not increase the number of dwelling units on the lot as existed prior to the damage or destruction thereof."
49. Section 435-35I (10) is amended to read as follows: "Where the Planning Board endorses a subdivision of land that contains tracts of land not divided into building lots, but which land could later trigger the provisions of § 435-35, the covenant for such subdivision shall note the potential for the provisions of § 435-35, Inclusionary housing, to apply to a later development."

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50. Section 435-36B is amended to revise the first sentence to read as follows: "Definitions associated with this § 435-36 can be found in § 435-5, Definitions, and § 435-35, Inclusionary housing, of this chapter."
51. Section 435-38B (1) is amended to revise the first sentence as follows: "This section shall apply to any parcel or parcels of land [,] that are in one ownership throughout or any combination of parcels of land consolidated under a purchase and sale agreement where all such owners jointly apply for an NCD special permit."
52. Section 435-39E (1) is amended to revise the second sentence to read as follows: "Materials shall be submitted prior to the meeting with the Planning Board and shall include a preliminary plan and proposed site plan as required in § 435-39B(2)(a) and (d)."
53. Section 435-43A is amended to change "Board of Public Works" to "Department of Public Works" and to change "licensed in the commonwealth" to "registered in the commonwealth."
54. Section 435-43B (2) is amended to change "licensed with the commonwealth" to "registered with the commonwealth" and to delete the following wording (which already appears in § 435-43A): "The property shall be graded as to prevent flooding, erosion, and low spots that will not drain and create a public nuisance. Where low spots cannot be avoided, they shall be drained by means of drain pipes no smaller than 12 inches in diameter, and catch basins or other approved inlet structure, to the nearest street drains, or other approved drainage facility."
55. Section 435-43B (3) is amended to change "Building and Zoning Ordinances" to "State Building Code and this chapter."
56. Section 435-44 is amended to replace the second and third sentences with the following:

Such notice shall be given through publication in a newspaper of general circulation at the expense of the applicant once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing, and by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. The advertisement shall comply with the appropriate section of the Massachusetts General Laws for the type of application.
57. Section 435-45A regarding the appointment of members of the Zoning Board of Appeals is amended to change "City Council" to "Mayor."
58. Section 435-46B (10) is amended to change "shall require a vote by a two-thirds vote" to "shall require a two-thirds vote."
59. Section 435-47C (4) is amended as follows: "The Planning Board shall not render a decision on said application until it has received and considered all reports requested from municipal boards, departments and commissions ~~or boards~~, or until the thirty-five-day period has expired, whichever is earlier."
60. Section 435-47F(2)(e) is amended as follows:

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Reviews all intersections and roadways projected to receive at least 5% of the expected traffic generated by the project, either based upon the total anticipated peak-hour traffic generated by the proposed project[,] or based upon the total anticipated average daily traffic counts generated by the proposed project, to ensure that said intersections and roadways shall operate at a Level of Service of "B" or better for rural, scenic and residential streets and for all new streets and intersections to be created in connection with the project[;] and Level of Service (LOS) "D" or better for all other streets and intersections.

61. Section 435-49 is amended to change "or in part thereof" to "or any part thereof."