

**City of Revere, MA  
Public Hearing Notice**

Notice is hereby given, in accordance with the provisions of Section 5 of Chapter 40A of the Massachusetts General Laws and Title 17, Chapter 17.56, Sections 17.56.010 – 17.56.080 of the Revised Ordinances of the City of Revere, that (a) the Revere City Council will conduct a public hearing on Monday, November 27, 2023 at 6:00PM in the City Councillor Joseph A. DelGrosso City Council Chamber of Revere City Hall, 281 Broadway, Revere, Massachusetts 02151, and (b) the Revere Planning Board will conduct a public hearing on Tuesday, November 28, 2023 at 5:30PM in the City Councillor Joseph A. DelGrosso City Council Chamber of Revere City Hall, 281 Broadway, Revere, Massachusetts 02151, relative to the following proposed amendment to the Revised Ordinances of the City of Revere:

**A ZONING ORDINANCE FURTHER AMENDING THE REVISED ORDINANCES OF THE CITY OF REVERE BY ESTABLISHING GREEN STREET AND SHIRLEY AVENUE SMART GROWTH OVERLAY DISTRICTS PURSUANT TO MASS. GEN. LAWS CHAPTER 40R**

**Section 1.** Title 17 of the Revised Ordinances of the City of Revere is hereby amended by inserting the following new chapter:

**CHAPTER 17.29 SMART GROWTH OVERLAY DISTRICTS (SGODs)**

- Section 17.29.010 – PURPOSE**
- Section 17.29.020 – DEFINITIONS**
- Section 17.29.030 - APPLICABILITY OF SGODs, SCOPE, AND AUTHORITY**
- Section 17.29.040 - PERMITTED USES, GENERAL**
- Section 17.29.050 - HOUSING AND HOUSING AFFORDABILITY**
- Section 17.29.060 - DIMENSIONAL AND DENSITY REQUIREMENTS, GENERAL**
- Section 17.29.070 - PARKING REQUIREMENTS, GENERAL**
- Section 17.29.080 - PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS**
- Section 17.29.090 - PLAN APPROVAL PROCEDURES**
- Section 17.29.100 - PLAN APPROVAL DECISIONS**
- Section 17.29.110 - CHANGE IN PLANS AFTER APPROVAL BY PAA**
- Section 17.29.120 - DESIGN STANDARDS – GENERAL**
- Section 17.29.130 – SEVERABILITY**
- Section 17.29.140 - ESTABLISHMENT AND DELINEATION OF THE SMART GROWTH OVERLAY DISTRICTS**

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**Section 17.29.010 – PURPOSE**

The purpose of Chapter 17.29 is to establish Green Street and Shirley Avenue Smart Growth Overlay Districts, to encourage smart growth in accordance with the purposes of G. L. Chapter 40R and to the extent the following other purposes are not in conflict with the Governing Laws;

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**Section 17.29.020 - DEFINITIONS**

For purposes of Chapter 17.29, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or 17.29.020, or as set forth in the PAA Regulations. With respect to their application to Chapter 17.29, to the extent that there is any conflict between the definitions or terms set forth in, or otherwise regulated by, the Governing Laws and those defined or used in Chapter 17.29, inclusive of any applicable Design Standards, PAA Regulations, or any other applicable associated local zoning requirement (e.g., zoning requirement contained in another section of the Zoning Ordinances that is nonetheless incorporated by reference), the terms of the Governing Laws shall govern.

- A. ***Affordable Homeownership Unit*** means an Affordable Housing unit required to be sold to an Eligible Household.
- B. ***Affordable Housing*** means housing that is affordable to and occupied by Eligible Households and aligns with Title 17 of the Revised Ordinances of the City of Revere definitions.
- C. ***Apartment House*** means a dwelling for more than two families under one roof, or for one or more families above a first floor used for nonresidential purposes, including structures or buildings owned in condominium ownership under General Laws, Chapter 183A.
- D. ***Affordable Housing Restriction*** means a deed restriction of Affordable Housing meeting the statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Chapter 17.29 of the Revised Ordinances of the City of Revere.
- E. ***Affordable Rental Unit*** means an Affordable Housing unit required to be rented to an Eligible Household.
- F. ***Applicant*** means the individual or entity that submits a Project application for Plan Approval.
- G. ***As-of-right*** means a use allowed under 17.29.040 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief other than waivers issued hereunder 17.29.100(c). A Project that requires Plan Approval by the PAA pursuant to 17.29.08 through 17.29.12 shall be considered an as-of-right Project, subject to review and approval by EOHLIC of any Municipal 40R regulations, guidelines, application forms, or other requirements applicable to review of Projects by the Plan Approval Authority under the 40R Zoning and 760 CMR 59.00.
- H. ***Bank or Financial Institution*** means an establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type also includes record storage and data processing and shall also include free standing automated teller machines (ATM).
- I. ***EOHLC or Secretariat*** means the Massachusetts Executive Office of Housing and Livable Communities, or any successor agency.
- J. ***Design Standards*** means provisions of Section 17.29.120 made applicable to Projects within the SGOD that are subject to the Plan Approval process.
- K. ***Eligible Household*** means an individual or household whose annual income is less than or equal to 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

- L. **Governing Laws** means G.L. Chapter 40R and 760 CMR 59.00.
- M. **Health Club** means a commercial business establishment that provides facilities for individual physical health activities, including, but not limited to the use of exercise equipment, including free weights, exercise machines, treadmills, stationary bicycles, and other aerobic equipment, personal trainers, yoga classes, aerobic exercise classes, running and jogging, saunas, steam rooms, showers and lockers. Such establishments are considered commercial establishments operating as a business whether open to members and their guests on a membership basis only or open to the public at large paying a daily admission fee.
- N. **Mixed-Use Development Project** means a Project containing a mix of one or more residential uses and one or more non-residential uses, as allowed in Section 17.29.140(A)(1)(ii) or Section 17.29.140(B)(1)(ii), and subject to all applicable provisions of this Chapter 17.29.
- O. **Monitoring Agent or Administering Agent** means the local housing authority or other qualified housing entity designated by the municipality, chief executive, pursuant to Section 17.29.050(B), to review and implement the Affordability requirements affecting Projects under Section 17.29.050.
- P. **PAA Regulations** means the rules and regulations of the PAA adopted pursuant to Section 17.29.080.
- Q. **Plan Approval** means standards and procedures which certain categories of Projects in the SGOD must meet pursuant to Article 17 and the Governing Laws.
- R. **Plan Approval Authority (PAA)** means the local approval authority authorized under Section 17.29.080(B) to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.
- S. **Project** means a Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Chapter 17.29.
- T. **Recreation, Gainful Business** means commercial recreational activities such as amusement centers, game arcades or similar activities. For the purposes of this title, this definition does not pertain to such activities as health clubs, physical fitness, racetracks, arenas, and similar athletic facilities.
- U. **Residential Project** means a Project that consists solely of residential use and any parking and accessory uses as may be permitted/required and further defined in Section 17.29.040.
- V. **Restaurant** means an establishment where the primary business is the service, by a waiter or waitress of food and beverages to be consumed exclusively at tables or at a counter on the premises.
- W. **SGOD** means the Smart Growth Overlay District established in accordance with this Chapter 17.29.
- X. **Single-Family Dwelling** means a detached building used for, or occupied exclusively by, one dwelling unit.
- Y. **Two-Family Dwelling** means a building used for, or occupied by, two dwelling units.

Z. *Zoning Ordinances* means Title 17 of the Revised Ordinances of the City of Revere.

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### **Section 17.29.030 - APPLICABILITY OF SGODs, SCOPE, AND AUTHORITY**

- A. **Applicability of SGODs.** An Applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Governing Laws and this Chapter 17.29, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinances, such application shall not be subject to any other provisions of the Zoning Ordinances, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation, or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations. To the extent that there is any conflict between the Governing Laws and this Chapter 17.29, inclusive of the Design Standards, the PAA Regulations, and any applicable associated local zoning requirement (e.g., zoning requirement contained in another section of the Zoning Ordinances that is nonetheless incorporated by reference), the Governing Laws shall govern.
- B. **Underlying Zoning.** The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Chapter 17.29. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinances governing the underlying zoning district(s).
- C. **Administration, Enforcement, and Appeals.** The provisions of this Chapter 17.29 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Section 17.29.080 thru Section 17.29.120 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Chapter 17.29 shall be governed by the applicable provisions of G. L. Chapter 40A.
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### **Section 17.29.040 - PERMITTED USES - GENERAL**

The following uses are permitted As-of-right for Projects within SGODs unless otherwise specified under the corresponding section of the district-specific requirements.

- A. **Residential Projects.** A Residential Project within the SGOD may include:
- i. Single-family, two- and three-family, and/or Multi-family Residential Use(s).
  - ii. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
  - iii. Accessory uses customarily incidental to any of the above permitted uses.
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**Section 17.29.050 - HOUSING AND HOUSING AFFORDABILITY**

- A. **Number of Affordable Housing Units.** For all Projects containing at least 8 residential units, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For the purpose of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability threshold set forth above – this provision is only necessary if certain Projects (those with 8 or fewer units as may be specified in the SGZ) are exempt from the Affordability requirement. Furthermore, the total number of affordable units within the entire SGZD equals not less than 20%.
- B. **Monitoring Agent.** A Monitoring Agent which may be the local housing authority or other qualified housing entity shall be designated by the chief executive (the “designating official”). In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by EOHLC such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:
- i. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
  - ii. income eligibility of households applying for Affordable Housing is properly and reliably determined;
  - iii. the housing marketing and resident selection plan conform to all requirements, have been approved by EOHLC specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and are properly administered;
  - iv. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan (a.k.a., Affirmative Fair Housing Marketing Plan (AFHMP)) with appropriate unit size for each household being properly determined and proper preference being given; and
  - v. an Affordable Housing Restriction (AHR) meeting the requirements of this Chapter 17.29 is approved by EOHLC specifically regarding conformance with M.G.L. c. 40R and 760 CMR. 59.00, recorded with the proper registry of deeds.
- C. **Submission Requirements.** As part of any application for Plan Approval for a Project within the SGOD submitted under Section 17.29.080 thru Section 17.29.120 (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:
- i. evidence that the Project complies with the cost and eligibility requirements of Section 17.29.050(D)
  - ii. Project plans that demonstrate compliance with the requirements of Section 17.29.050(E); and
  - iii. a form of Affordable Housing Restriction that satisfies the requirements of Section 17.29.050(F)

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the individuals with disabilities and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

D. **Cost and Eligibility Requirements.** Affordable Housing shall comply with the following requirements:

- i. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- ii. For an Affordable Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits, as approved by EOHLIC, applies.
- iii. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, and insurance, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating mortgage payments, as approved by EOHLIC, applies.

Prior to the granting of any building permit for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for Affordability applicable to Revere.

E. **Design and Construction.** Units of Affordable Housing shall be finished housing units. With respect to the minimum number of units in a given Project that are required to be Affordable Housing under Chapter 17.29 and the Governing Laws, such units shall be equitably integrated and proportionately dispersed throughout the residential portion of the Project of which they are part, across all residential buildings, floors, distinct unit types, and with respect to the gross floor area devoted to residential units, in accordance with the Affordable Housing Restriction and the Affirmative Fair Housing Marketing and Resident Selection Plan, as approved by EOHLIC. The Affordable Housing units shall be comparable in initial construction quality, size, amenities, and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

F. **Affordable Housing Restriction.** Each Project shall be subject to an Affordable Housing Restriction which is recorded with the applicable registry of deeds or district registry of the Land Court, and which contains the following:

- i. specification of the term of the Affordable Housing Restriction which shall be stipulated in the Plan Approval decision but in no case be less than a thirty-year period.
- ii. the name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.

- iii. a description of the Affordable Homeownership Unit(s), if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by EOHLC in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and EOHLC's AFHMP guidelines.
- iv. reference to an Affirmative Fair Housing Marketing and Resident Selection Plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall be consistent with EOHLC guidance and approved by EOHLC. Consistent with EOHLC guidance, such plan shall include a preference based on need for the number of bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable and may only provide for additional preferences in resident selection to the extent such preferences are also consistent with applicable law and approved by EOHLC.
- v. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- vi. reference to the formula pursuant to which the maximum rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
- vii. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
- viii. provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- ix. provision that the AHR on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- x. provision that the AHR on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- xi. provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual compliance report with the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure Affordability; and
- xii. a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure Affordability.

**G. Costs of Affirmative Fair Housing Marketing and Resident Selection Plan.** The Affirmative Fair Housing Marketing and Resident Selection Plan and/or any associated Monitoring Services Agreement may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to monitor and enforce compliance with Affordability requirements consistent

with the Affordable Housing Restriction and otherwise fulfill the responsibilities contained in Section 17.29.050(B)

- H. **Age Restrictions.** Nothing in this Chapter 17.29 shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, in its review of a submission under Section 17.29.050(C) for a given SGOD, the PAA may allow a specific Project, designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing units.
- I. **Phasing.** For any Project that is approved and developed in phases in accordance with Section 17.29.080(D), the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 17.29.050(A) or Section 17.29.050(H), as applicable. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 17.29.050(E) shall be applied proportionately to the Affordable Housing provided for in each respective phase.
- J. **No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 17.29.050 shall not be waived unless expressly approved in writing by EOHLC under the 40R Smart Growth Zoning Program pursuant to the Governing Laws, in order to eliminate conflict with an associated state or federal housing financing program and/or at the request of the Plan Approval Authority.

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**Section 17.29.060 - DIMENSIONAL AND DENSITY REQUIREMENTS, GENERAL**

- A. **Table of Requirements.** Notwithstanding anything to the contrary in the Zoning Ordinances, the dimensional requirements applicable in any SGOD are as follows:

<b>Dimensional Requirement</b>	
Maximum Building Height	60 feet
Max. Stories	6
Lot Area Frontage (ft)	100 feet
Side Yard Setbacks (ft)	15 feet
Rear Yard Setbacks (ft)	20 feet

- B. **Dimensional Waivers in Substantially Developed Sub-district.** The PAA may, in order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, grant a waiver to the dimensional standards of Section 17.29.060(A), in accordance with Section 17.29.100(C).

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**Section 17.29.070 - PARKING REQUIREMENTS, GENERAL**

The parking requirements applicable for Projects within SGODs are as follows.

- A. **Number of parking spaces.** Unless otherwise approved by the PAA and subject to any conditions EOHLC's determination of eligibility and approval of the corresponding SGOD, the following



minimum numbers of off-street parking spaces shall be provided either in surface parking, within garages or other structures:

USE	Number of Parking Spaces	Minimum Loading Bay	Minimum Loading Space
Residential Units:			
Single Family	2	0	0
Two Family	4	0	0

- B. **Visitor Parking Spaces.** The PAA may allow for additional visitor parking spaces, no greater than .25 spaces maximum spaces per unit. if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in any required parking as provided in Sections C and D below.
- C. **Shared Parking.** Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Any minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
- D. **Reduction in parking requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
- i. the availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
  - ii. the availability of public or commercial parking facilities in the vicinity of the use being served;
  - iii. shared use of off-street parking spaces serving other uses having peak user demands at different times;
  - iv. To the extent consistent with 760 CMR 59.04(1)(g) and 760 CMR 59.04(1)(i)1., age or other occupancy restrictions which are likely to result in a lower level of auto usage;
  - v. impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
  - vi. Any applicable transportation demand management strategies that will be integrated into the Project or such other factors as may be considered by the PAA.
- E. **Location of Parking.** Any surface parking lot shall, to the maximum extent feasible, be located at the rear or, where not feasible or otherwise preferred by the PAA, side of a building, relative to any principal street, public open space, or pedestrian way.

## Section 17.29.080 - PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

- A. Plan Approval.** An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Chapter 17.17 of Revere Revised Ordinance. Such Plan Approval process shall be construed as an As-of-right review and approval process as required by and in accordance with the Governing Laws. The following categories of Projects shall be subject to the Plan Approval process:
- i. Any Residential Project containing at least 8 residential units;
  - ii. Any Mixed-use Development Project;
  - iii. Any Project seeking a waiver.
- B. Plan Approval Authority (PAA).** The Revere Site Plan Review Committee, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within any SGOD as may be established in Section 17.29.100.
- C. PAA Regulations.** The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by the Executive Office of Housing and Livable Communities.
- D. Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section 17.29.050(I).
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## Section 17.29.090 - PLAN APPROVAL PROCEDURES

- A. Preapplication.** Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. If submitted, such Concept Plan should reflect the following:
- i. Overall building envelope areas;
  - ii. Open space and natural resource areas; and
  - iii. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the corresponding SGOD.

- B. Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by EOHLC, [along with application fee(s)] which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 17.29.050, the application shall be accompanied by all materials required under 17.29.050(C). All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect

registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one-inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

- C. **Filing.** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the City Clerk and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the PAA.
- D. **Circulation to Other Boards.** Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Planning Board, City Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, Commissioner of Handicapped Affairs, the Monitoring Agent (if already identified, for any Project subject to the Affordability requirements of Section 17.29.050), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 30 days of its receipt of a copy of the plan and application for approval.
- E. **Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.
- F. **Peer Review.** The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

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## SECTION 17.29.100 PLAN APPROVAL DECISIONS

- A. **Plan Approval.** Plan Approval shall be granted by simple majority vote where the PAA finds that:
  - i. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
  - ii. the Project as described in the application meets the requirements and standards set forth in this Chapter 17.29 and the PAA Regulations, or a waiver has been granted therefrom; and
  - iii. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.
  - iv. For a Project subject to the Affordability requirements of Section 17.29.050, compliance with condition ii above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. Any Plan Approval decision for a Project subject to the affordability restrictions of Section 17.29.050 shall specify the term of such affordability, which shall be no less than a thirty-year period. The PAA may attach conditions to the Plan Approval

decision that are necessary to ensure substantial compliance with this Chapter 17.29, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

**B. Plan Disapproval.** A Plan Approval application may be disapproved only by simple majority vote where the PAA finds that:

- i. the Applicant has not submitted the required fees and information as set forth in the Regulations; or
- ii. the Project as described in the application does not meet the requirements and standards set forth in this Chapter 17.29 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- iii. it is not possible to adequately mitigate extraordinary adverse Project impacts on nearby properties by means of suitable conditions.

**C. Waivers.** Upon the request of the Applicant and subject to compliance with M.G.L. c. 40R, 760 CMR 59.00 and Section 17.29.050(J), the Plan Approval Authority may waive dimensional and other requirements of Chapter 17.29, including the Design Standards, in the interests of design flexibility and overall Project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Smart Growth Zoning and corresponding SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Chapter 17.29.

**D. Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by EOHLC in relation to the specific Project, the proportion of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 17.29.050(A) and 17.29.050(H), as applicable.

**E. Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Revere City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Revere City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

**F. Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

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**Section 17.29.110 - CHANGE IN PLANS AFTER APPROVAL BY PAA**

- A. **Minor Change.** After Plan Approval, an Applicant may apply to make minor changes to a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision and provide a copy to the Applicant for filing with the City Clerk.
- B. **Major Change.** Those changes deemed by the PAA to constitute a major change to a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Chapter 17.17.

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**Section 17.29.120 - DESIGN STANDARDS - GENERAL**

- A. **Adoption of Design Standards.** Any Project undergoing the Plan Approval process shall be subject to Design Standards as set forth below in this Section (“Design Standards”).
- B. **Purpose.** The Design Standards are adopted to ensure that the physical character of Projects within SGODs:
- i. will be complementary to nearby buildings and structures;
  - ii. will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the City the specific version of which has been expressly approved by EOHLC as consistent with the Smart Growth Zoning and Governing Laws; and
  - iii. will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the City or in the region of the City
- C. **Design Standards.** The Plan Approval Authority may adopt, by simple majority vote, Design Standards which shall be applicable to Development Projects subject to Plan Approval by the Plan Approval Authority. Such Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. At its discretion, EOHLC may require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.
- D. **EOHLC Approval.** After adopting Design Standards, the PAA shall submit Design Standards to EOHLC for approval. Design Standards shall not take effect until approved by EOHLC and filed

with the City Clerk. In submitting proposed Design Standard for EOHLC approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable costs to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other qualified party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a Development Project shall not necessarily constitute sufficient documentation. At its discretion, EOHLC may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

- E. Plan Approval.** An application for Plan Approval that has been submitted to the Revere City Clerk pursuant to this Chapter 17.29 shall not be subject to Design Standards that have not been approved by EOHLC and filed with the Revere City Clerk.

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**Section 17.29.130 - SEVERABILITY.**

If any provision of this Chapter 17.29 is found to be invalid by a court of competent jurisdiction, the remainder of Chapter 17.29 shall not be affected but shall remain in full force. The invalidity of any provision of this Chapter 17.29 shall not affect the validity of the remainder Title 17 of the Revised Ordinances of the City of Revere.

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**Section 17.29.140 - ESTABLISHMENT AND DELINEATION OF THE SMART GROWTH OVERLAY DISTRICTS**

**A. GREEN STREET SMART GROWTH OVERLAY DISTRICT.**

The Green Street Smart Growth Overlay District hereinafter referred to as the “GSSGOD,” is an overlay district having a land area of approximately 6.37 acres in size that is superimposed over the underlying zoning districts and is shown on the Zoning Map as set forth on the map entitled “Green Street Smart Growth Overlay District Exhibit A” dated \_\_\_\_\_, prepared by City of Revere.” This map is hereby made a part of Title 17 of the Revised Ordinances of the City of Revere and is on file in the Office of the City Clerk.

**1. PERMITTED USES – (DISTRICT-SPECIFIC)**

The following uses are permitted As-of-right for Projects within the Green Street Smart Growth Overlay District (GSSGOD):

- i. Residential Projects.** A Residential Project within the Green Street Smart Growth Overlay District may include:
  - a. Single-family, 2 and 3 family, and/or Multi-family Residential Use(s);
  - b. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
  - c. Accessory uses customarily incidental to any of the above permitted uses.
  
- ii. Mixed-use Development Projects.** A Mixed-use Development Project within the Green Street Smart Growth Overlay District must include at least one residential use and one non-residential use from these respective use categories as permitted below and may further include parking and other accessory uses as additionally provided for:

- a. Single-family, Two-family, and Three-family, and/or Multi-family Residential Use(s), provided that the minimum allowable As-of-right density allowances for residential use specified in 17.29.140(A)(1)(ii) shall apply to the residential portion of any Mixed-use Development Project;
- b. Any of the following Non-residential uses:
- c. Office or Laboratory Uses: General office Use or Building
- d. Business Uses and Consumer Services: Restaurant; General Retail Sales and Services; Neighborhood Retail and Sales and Service; Health Club
- e. Industrial Uses: Brew pub; Brewery/Distillery or Winery
- f. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- g. Accessory uses customarily incidental to any of the above permitted uses.

The total gross floor area devoted to residential uses within a Mixed-use Development Project shall be at least =>51% of the total gross floor area of the Project.

**2. DIMENSIONAL AND DENSITY REQUIREMENTS – (DISTRICT-SPECIFIC)**

**i. Table of Requirements.** Notwithstanding anything to the contrary in this Chapter 17.29, the dimensional requirements applicable in the SGOD are as follows:

<b>Dimensional Requirement</b>	
Minimum Front Setback*	20 feet
Interior Setback (between Buildings on same Lot)	15 feet
Minimum Lot Area Square Feet	10,000 Square Feet
Floor Area Ratio (FAR)	1.5

**ii. Dimensional Waivers in Substantially Developed Sub-district.** In order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, the PAA may grant a waiver to the dimensional standards of Section 17.29.060 and herein, in accordance with Section 17.29.100(C).

**3. PARKING REQUIREMENTS – (DISTRICT-SPECIFIC)**

The parking requirements applicable for Projects within the GSSGOD are as follows.

<b>USE</b>	<b>Number of Parking Spaces</b>	<b>Minimum Loading Bay</b>	<b>Minimum Loading Space</b>
General Retail sales and service	1/200 GSF	0	0
Office and Institutional	1/400 GSF for professional office uses greater than 20,000 GSF. 1/500 for professional office uses 20,000 GSF and less	0	1
Residential Units:			
Single Family	2	0	0
Two Family	4	0	0

Apartments (1 Bedroom, 2 Bedrooms, 3 Bedrooms or more)	1.5, 1.75, 2	0	0
Office and Storage	1/250 GSF	(b)	1
Medical or Dental Office	1/200 GSF	0	1
Restaurant (non-fast-food)	1 Per 4 Seats	0	1
Health Club	1/150 GSF	NA	NA

**B. THE SHIRLEY AVENUE SMART GROWTH OVERLAY DISTRICT**

The Shirley Avenue Smart Growth Overlay District hereinafter referred to as the “SASGOD,” is an overlay district having a land area of approximately 66.78 acres in size that is superimposed over the underlying zoning districts and is shown on the Zoning Map as set forth on the map entitled Shirley Avenue Smart Growth Overlay District “Exhibit B” dated \_\_\_\_, prepared by \_\_\_\_.” This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

**1. PERMITTED USES – (DISTRICT-SPECIFIC)**

The following uses are permitted As-of-right for Projects within the Shirley Avenue Smart Growth Overlay District (SASGOD)

**i. Residential Projects.** A Residential Project within the Shirley Avenue Smart Growth Overlay District may include:

- a. Single-family, 2 and 3 family, and/or Multi-family Residential Use(s);
- b. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- c. Accessory uses customarily incidental to any of the above permitted uses.

**ii. Mixed-use Development Projects.** A Mixed-use Development Project within the Shirley Avenue Smart Growth Overlay District must include at least one residential use and one non-residential use from these respective use categories as permitted below and may further include parking and other accessory uses as additionally provided for:

- a. Single-family, Two- and Three-family, and/or Multi-family Residential Use(s), provided that the minimum allowable As-of-right density allowances for residential use specified in 17.29.140(B)(2) shall apply to the residential portion of any Mixed-use Development Project;
- b. Any of the following Non-residential uses:

**Office or Laboratory Uses (C):**

- General office Use or Building

**Business Uses and Consumer Services (D):**

- Bank and Financial Institution
- Retail Greenhouse
- Medical and Dental Office
- Professional Office
- Restaurant
- General Retail Sales and Service
- Neighborhood Retail and Sales and Service
- Theatre Meeting Hall



- Health Club
- Recreation, gainful business
- Urban Ground Level Yard Farm (Small, Medium, and Large)
- Urban Roof Level Yard Farm (Small medium and Large)
- Home/Yard Garden

**Industrial Uses (E):**

- Brew pub
- Brewery/Distillery or Winery

- c. Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- d. Accessory uses customarily incidental to any of the above permitted uses.

The total gross floor area devoted to residential uses within a Mixed-use Development Project shall be at least =>51% of the total gross floor area of the Project.

**2. DIMENSIONAL AND DENSITY REQUIREMENTS – (DISTRICT-SPECIFIC)**

**i. Table of Requirements.** Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the SGOD are as follows:

<b>Dimensional Requirement</b>	
Minimum Front Setback	0 feet
Interior Setback (between Buildings on same Lot)	15 feet
Minimum Lot Area Square Feet	5,000 Square Feet
Floor Area Ratio (FAR)	2

**ii. Dimensional Waivers in Substantially Developed Sub-district.** In order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, the PAA may grant a waiver to the dimensional standards of Section 17.29.140 and herein, in accordance with Section 17.29.100 (C).

**4. PARKING REQUIREMENTS – (DISTRICT-SPECIFIC)**

The parking requirements applicable for Projects within the SASGOD are as follows.

USE	Number of Parking Spaces	Minimum Loading Bay	Minimum Loading Space
Residential Units:			
Single Family	2	0	0
Two Family	4	0	0
Apartments (1 Bedroom, 2 Bedrooms, 3 Bedrooms or more)	1, 1.5, 2	0	0

Pursuant to Mass. Gen. Laws Chapter 43, Section 23, in as much as the full text of the proposed zoning ordinance exceeds eight pages in length, a copy of the aforementioned proposed zoning ordinance is available for public inspection in the office of the City Clerk, Revere City Hall, Revere, Massachusetts, Monday/Wednesday from 8:00AM-7:00PM, and Tuesday/Thursday from 8:00AM-5:00PM, and online at [www.revere.org/departments/city-clerk](http://www.revere.org/departments/city-clerk).

Attest:  
Ashley E. Melnik  
City Clerk

Attest:  
Megan Simmons-Herling  
Planning Board, Chair

Revere Advocate  
Send Invoice to: [amelnik@revere.org](mailto:amelnik@revere.org)  
November 10, 2023  
November 17, 2023