

Zoning Recodification

Town of Billerica

Spring 2025

BACKGROUND

Why are we
doing this?

PROCESS

How did we do
this?

DRAFT OVERVIEW

What is it?

NEXT STEPS

Where and
when?

Overview

4 sections, listed to the left.

Throughout this presentation,
documents will be mentioned.

They are all available at this link:

www.town.Billerica.ma.us/ZoningRecod

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Background from 2021-2023

- 1) Select Board identifies goal to update zoning bylaw
- 2) Zoning Audit reviews current bylaw
- 3) Diagnostic Report suggests two-phased fix:
 - Phase 1: Recodification
 - Phase 2: Policy Updates

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Diagnostic Report Findings

PHASE 1 TECHNICAL ISSUES (RECODIFICATION)

- Findings include unbalanced sections, sporadic content, conflicting information, formatting errors.
- Recommends new recodification for improved clarity, internal consistency and organization

PHASE 2 POLICY ISSUES (next steps after Recod is done)

Findings include issues/suggestions for later consideration to

- Align with town goals and plans
- Be practicable for existing conditions
- Be competitive in regional economy

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Example: Last Page

Sections 17, 18, and 19 are on
one page.

What page is it?

17.1?

or 3?

SECTION 17. ZONING AMENDMENTS

A. PURPOSE OF REGULATIONS

The purpose of these regulations is to describe the procedure for making zoning amendments.

B. PROPOSALS

1. A change in this Zoning By-law through amendment, addition, or repeal may be initiated by the Board of Selectmen, Board of Appeals, Planning Board, Regional Planning Agency, individual to be affected by the change, 10 registered voters at an annual town meeting, 10 registered voters at a special town meeting, and such other methods as provided by the Town Charter.
2. Any such proposal to rezone land shall explicitly state the nature, extent and location of the zone change proposed, and shall include a perimeter plan on a mylar or cloth stamped by a registered professional land surveyor in Massachusetts showing all metes and bounds and the total area of the rezoning along with a complete legal description. A sketch showing the general location of such land in the Town shall also be submitted.

C. PLANNING BOARD PUBLIC HEARING AND REPORT

1. The Planning Board shall hold a public hearing on any written proposal to change either the Zoning By-law or the Zoning Map, and shall report its recommendations thereon, if any, to the Town Meeting within 21 days of the close of the hearing, as set forth in M.G.L., Ch. 40A, § 5, as amended.
2. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the Town 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 Town Hall for a period of not less than 14 days before the day of said hearing. Notice of said hearing shall also be sent to the Department of Housing and Community Development, the regional planning agency, and the planning boards of all abutting cities and towns.
3. Any applicant shall cover the costs of newspaper advertising, posting, and mailing the public hearing notice for the applicant's zoning change proposal.

SECTION 18- SEVERABILITY

The invalidity of any section or provision of this Zoning By-law shall not affect the validity of any other section or provision thereof.

SECTION 19. EFFECTIVE DATE

This Zoning By-Law and any amendments thereto as have been approved by the Attorney General shall take effect upon their approval by the Attorney General and publication.

17.1

3

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Example: Solar Energy Requirements

Want solar panels installed on big buildings?

Current bylaw's Table of Uses (page 5-76... just before page 5-1) says they need a Special Permit for solar panels in business/commercial/industrial zones

Current bylaw's text, (Section 5.H.D rather than 5.H.4) says they are allowed by right.

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Let's Fix It

Make it Reader-Friendly

Lay the groundwork to start looking at policy issues afterwards,
as needed

Consultant hired. Committee created.

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Committee Created

Committee

SB

PB

ZBA

ZBRC

Staff

Building

Planning

Consultants

Judi Barrett

Bob Mitchell

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Committee Meetings

December 2023:

Kickoff meeting

Spring 2024:

Created and reviewed a “Crosswalk Document” to map out the new structure.

Summer 2024:

Drafting in progress.

Fall 2024:

Drafts shared, discussed, and reviewed.

“Third Draft” made public.

Winter 2024/2025:

Public Review

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Tracking Changes: Crosswalk

Compares the new and old table of contents.

Example Below: Section 1 (purpose and authority) now includes information from previous code's Sections 1, 17, 18, and 19, plus a new section on Applicability.

NEW	EXISTING
Section 1 Purpose and Authority	Section 1 Enactment, Purpose, and Objectives Section 17 Zoning Amendments Section 18 Severability Section 19 Effective Date
1.1. Authority	Section 1, A. Enactment
1.2. Purpose	Section 1, B. Purpose
1.3. Objectives	Section 1, C. Objectives
1.4. Applicability	(New)
1.5. Zoning Amendments	Section 17, Zoning Amendments
1.6. Severability	Section 18, Severability
1.7. Effective Date	Section 19 Effective Date

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Tracking Changes: Footnotes

Some text changes were needed or suggested.

-Identified with “footnote” comments from consultant to Committee

Some footnotes explain a change made.

“The current ZBL contains no reference to the sources of authority for it”

Others suggest a change to be considered.

“The existing ZBL wording for this section is confusing, but I believe the revised wording here captures the original intent. Please confirm”

Others flag future consideration.

“We raised concerns about this in the Zoning Audit (April 2023). We recommend that you consider overhauling the site plan review process as part of a Phase 2 zoning revision”

Interested in doing a detailed review?

See Recodification Footnotes Review for line-by-line categorization of what each was and how it was resolved by the Committee, if needed.

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Zoning Bylaw, New Table of Contents

01. Purposes and Authority
02. Definitions
03. Administration and Enforcement
04. Land Use Boards and Permits
05. Districts
06. Use Regulations (and Appendix A)
07. Required Findings for Special Permit Uses
08. Dimensional Regulations
09. Nonconforming Uses and Structures
10. General Regulations
11. Overlay Districts
12. Special Districts

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ADMIN/
LEGAL

THE
RULES

SPECIAL

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Practice Example: Opening a Business

Old Code:

TABLE OF CONTENTS

Section 5 – Regulations of Uses, Buildings, and Structures.

5.C. Uses, Buildings, and structures permitted in the Main Zoning Districts

Scroll to 5.C.6. General Business District.

Find Listed Use: (subheadings differentiate business vs commercial uses)

Answer:

“All uses permitted in the Neighborhood Business District are permitted in the General Business”.

Doesn't list all. Only lists new. Must go to 5.C.5 and search again. Go up to Industrial to see if it's permitted later.

Alternatively: Use Table of Uses at end of Section 5. (Hope the 2 answers match). If answer is special permit, you still have to search through text to find the required findings.

New Code:

TABLE OF CONTENTS

Section 6. Use Regulations

6.3 Table of Uses

One line of text: See Appendix A Table of Uses

Find Listed Use: (subheadings differentiate practical characteristics like Food or Retail or Auto services)

Answer:

Permission level listed.

Specific reference to Required Findings (Section 7) also provided within the Table.

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Other Practice Examples:

OLD CODE	NEW CODE
HOME ADDITION Section 7. Dimensional Regulations See Table of Dimensional Regulations	HOME ADDITION Section 8. Dimensional Regulations See Table of Dimensional Regulations
NONCONFORMITIES Section 10	NONCONFORMITIES Section 9
SITE PLANS Requirement in Section 5.B.5 Process in Section 6. Site Plans	SITE PLANS Requirement in 6.2.E Process in Section 4. Land Use Boards and Permits
Want to do a deeper test? Pick any scenario, then check the answer from both codes. New searching should be same or easier. Answer should be the same.	

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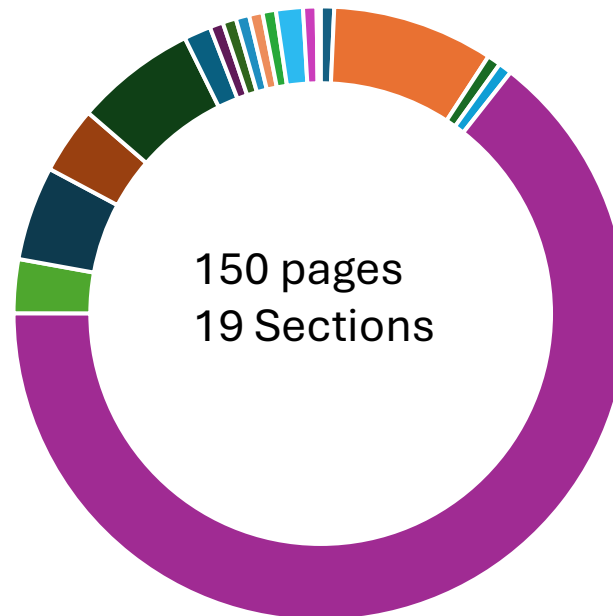
What is it?

NEXT STEPS

Where and when?

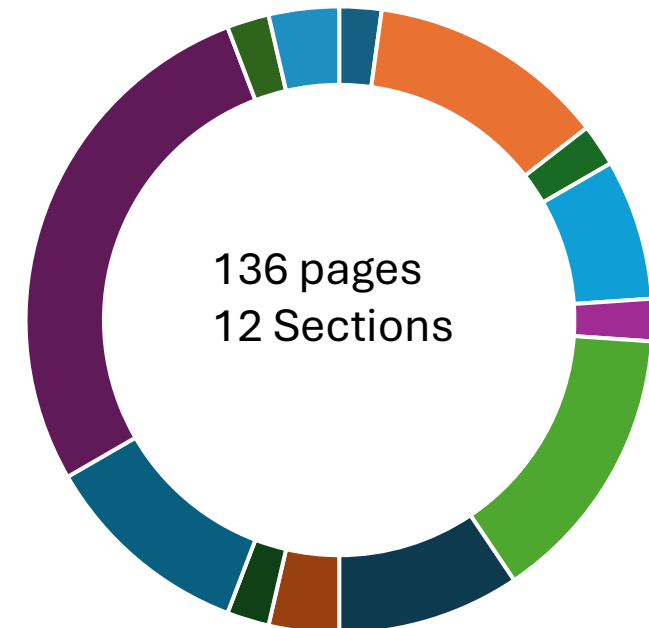
Section Balance

Current (Old) Bylaw



Sect. 1 Sect. 2 Sect. 3 Sect. 4 Sect. 5
Sect. 6 Sect. 7 Sect. 8 Sect. 9 Sect. 10
Sect. 11 Sect. 12 Sect. 13 Sect. 14 Sect. 15
Sect. 16 Sect. 17 Sect. 18 Sect. 19

New (Draft) Bylaw



Sect. 1 Sect. 2 Sect. 3 Sect. 4 Sect. 5
Sect. 6 Sect. 7 Sect. 8 Sect. 9 Sect. 10
Sect. 11 Sect. 12 Appendix A

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What's Next?

1) Now: Vote to submit current draft as preliminary warrant

2) Complete the Review

- comments due April 1st!

- comments from anyone (Board or public) are welcome. Email planning@town.Billerica.ma.us

3) Public Hearing April 14th

- review/adopt any proposed amendments for Final Warrant Draft.

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Submitting Final Warrant

Final Warrant will be “clean copy” ready for adoption.

The General Bylaws (II.38) requires changes to include:

- original text
- proposed wording
- explanation for the changes

If interested in tracked changes,

use the Crosswalk document for organization
use the Footnotes Review for text.

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Summary

Background –

We need it for clarity and consistency.

Doesn't change policy.

Process –

Careful cut and paste of each section into better organization using crosswalk.

Careful text updating where needed using footnotes.

Document –

Rules remain the same.