

City of Methuen, Massachusetts Comprehensive Zoning Ordinance



Effective: July 28, 2008
Revised through: September 5, 2017

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\$30.00

SECTION V USE REGULATIONS

Section V-A - Purpose & Intent

It is the purpose and intent of this section of the ordinance to list those uses, which are specifically allowed or specifically prohibited in the various zoning districts listed in Section V-D of this ordinance. Any use not listed herein shall be prohibited.

Section V-B - Applicability of Use Regulations

Except as provided in this ordinance, no building, structure, or land shall be used except for the purposes permitted in the district, by right or by special permit, as described in this ordinance. There shall be no use variances allowed.

Section V-C - Uses Subject to Other Regulations

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this ordinance.

In case of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used. Combinations of permitted uses within a single building are permitted provided that health and safety regulations are followed. Mixed-use buildings are subject to a Special Permit from the Community Development Board.

Section V-D - Table of Use Regulations

See Table of Use Regulations that is declared to be a part of this ordinance.

In the following Table of Use Regulations the uses permitted by right in the district shall be designated by the letter "Y". Those uses that may be permitted as Special Permit in the district in accordance with Section XI shall be designated by the letters "SP". Any special permit under the authority of the Community Development Board shall be indicated by using the letters "CD" with SP and those special permits under the authority of the Zoning Board shall be indicated by using the letters "ZBA". These uses and other similar type uses that are not permitted in the district shall be designated by the word "No".

TABLE OF USE REGULATIONS, CONT'D.

	CN	RR	RA	RB	RC	RD	RG	MA	MB	BN	BH	CBD	BL	IL	H
Retail, Services And Office Uses con't															
Restaurant, drive up or drive through	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	SP CD	SP CD	SP CD	SP CD	NO
Retail, Large	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	NO	SP CD	SP CD	NO
Retail, Medium	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	Y	SP CD	SP CD	SP CD	NO
Retail, Small	NO	NO	NO	NO	NO	NO	NO	SP CD	SP CD	Y	Y	SP CD	Y	Y	SP CD
Shopping Center	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	SP CD	NO	NO	NO
Stand Alone Kiosk, Drive through or Walk up	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	SP CD	SP CD	SP CD	SP CD	SP CD
Retail Service and Office Accessory Uses															
Drive-up retail, business, or service establishment	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP CD	SP CD	SP CD	SP CD	SP CD	NO
General Business															
Automobile and/or small truck rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP ZBA	SP ZBA	SP ZBA	SP ZBA	SP ZBA	NO
Automobile Wash	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP ZBA	SP ZBA	NO	SP ZBA	NO	NO
Electric Vehicle Charging Station – Level 1 and 2	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Electric Vehicle Charging Station – Level 3	Y	NO	NO	NO	NO	NO	NO	NO	NO	Y	Y	Y	Y	Y	Y

(c) the retail portion of the establishment is closed to the public during periods of change of shift.

3. *Accessory Employee Services*

Provision may be made on the premises of an industrial or office establishment or within an industrial park for the primary use of persons employed or having business there to serve food, sell small convenience articles, to provide areas for recreation and meeting and for the provisions of a day nursery, kindergarten or day care center.

Section V-Q - Hospital District Accessory Uses

Uses accessory to permitted primary uses listed in the Table of Use Regulations for the Hospital District shall be permitted under the same conditions as the primary use.

Section V-R - Hours of Retail Food Stores

1. No person shall sell any food at retail or via a drive through between the hours of 12 Midnight and 6:00 A.M.
2. No store or place of business engaged in retail sale of food shall be open for transaction of retail business between the hours of 12 Midnight and 6:00 A.M.
3. The term food used in this Ordinance shall include any article or commodity, however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide.
4. This section shall not apply to the sale of food or alcoholic beverages when such sale is by a common victualler or inn holder license under Chapter 140 of the General Laws, primarily engaged in the sale of food to be consumed on the premises where sold.
5. In cases where, in their opinion, the public good requires it, the Board of Appeals may issue a Special Permit allowing a store to remain open for the transaction of such business to an hour, specified in the Permit, later than 12 Midnight or to remain open 24 hours a day. Such Special Permits shall remain in effect for period of one (1) year. There shall be an annual inspection to confirm continued conformance with said Special Permit.

Section V-S - Shopping Centers

Any shopping center having previously received a special permit or one which was in business and continued in business subject to the special permit provisions of the City of Methuen, shall be allowed, without the necessity of a further application for a special permit, to conduct the following businesses: restaurant, eating places, fast order food establishments, education and accessory use (for profit), and laundry so long as same is operated and/or conducted within the same footprint of the structure or structures which were a part of the original special permit.

Section V-T Electric Vehicle Charging Stations and Electric Vehicle Battery Exchange Stations

Reference should be made to the most recent addition of the Massachusetts Electrical Code

1) Definitions

- a) **Battery charging station** means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth.
- b) **Battery electric vehicle (BEV)** means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

- c) **Battery exchange station** means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meet or exceed any standards, codes, and regulations set forth.
 - d) **Charging levels** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2, and 3 are the most common EV charging levels, and include the following specifications:
 - i) Level 1 is considered slow charging.
 - ii) Level 2 is considered medium charging.
 - iii) Level 3 is considered fast charging.
 - e) **Electric vehicle** means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.
 - f) **Electric vehicle charging station** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.
 - g) **Electric vehicle infrastructure** means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.
 - h) **Electric vehicle parking space** means any marked parking space that identifies the use to be exclusively for an electric vehicle.
 - i) **Non-electric vehicle** means any vehicle that does not meet the definition of "electric vehicle."
 - j) **Rapid charging station** means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth
- 2) **Applicability:**
- a) **Electric vehicle charging station(s) with a level 1 or 2 charging level** shall be permitted in a single-family or multi-family zone designed to serve the occupants of the home and in all other zones.
 - b) **Electric vehicle charging station(s) with a Level 3 or greater charging level** must be installed in a parking lot at a commercial or municipal destination, or located in a vehicle service station. These stations are expected to have intensive use and will be permitted to have multiple "rapid charging stations" to serve expected demand.
 - c) **Battery exchange stations** are permitted in the BN, BH, BL and IL zoning districts with a special permit from the ZBA. This use is specifically prohibited in all residential zones.
- 3) **Process for review:**
- a) **Electric vehicle charging station:**
 - i) **New residential construction:** If associated with new residential construction, installation of a Level 1 or 2 battery charging station shall be processed in association with the underlying permit(s).
 - ii) **Retrofitting single family or multi-family residential:** If retrofitting a single-family home for a battery charging station, an electric permit shall be required.
 - iii) **New commercial, industrial construction:** If associated with new construction, installation of a battery charging station shall be processed in association with the underlying permit(s).
 - iv) **Retrofitting a commercial site:** If retrofitting an existing commercial site for a battery charging station(s), an electric permit and review of a site plan by the Building Inspector to confirm the proposed locations will be required. Additional permits may be required based upon the location of the proposed station(s).

- b) **Battery Exchange Station (s):** A special permit from the ZBA is required in all zones. Additional permits may be required based upon the location and size of the proposed station(s).
- 4) **Design Criteria:** The following criteria shall be applied to the location and design of all electric vehicle charging facilities.
 - a) Parking spaces for electric vehicles must not be located in the most convenient spots because this will encourage use by non-electric vehicles.
 - b) Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - c) Where provided, spaces should be standard size parking stalls but designed in a way that will discourage non-electric car vehicles from using them.
 - d) **Number:** No minimum number of electric vehicle charging spaces is required however, No more than 10% of the total number of parking spaces may be designated as electric vehicle charging stations.
 - e) **Minimum Parking Requirements:** An electric vehicle charging space may count for ½ of a space in the calculation for minimum parking spaces that are required pursuant to other provisions of the Zoning Ordinance.
 - f) **Signage:** Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced by the owner. Information identifying voltage and amperage levels or safety information must be posted.
 - g) **Accessibility:** Where Charging Station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment must be located so as to not interfere with accessibility requirements. Site plan of existing parking lot layout and proposed charging stations must be reviewed and approved by the Building Inspector.
 - h) **Maintenance:** Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

Section V-U Large-Scale Ground-Mounted Solar Photovoltaic Installations

1) Purpose:

- a) The purpose of this ordinance is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.
- b) The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

2) Applicability:

- a) This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.