



Town of Randolph Zoning Ordinance Review

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Prepared for the Randolph Planning Department
by Barrett Planning Group LLC



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INTRODUCTION

The Town of Randolph asked Barrett Planning Group LLC to prepare an audit of the Randolph Zoning Ordinance (ZO) and related administrative rules and regulations. This report provides the results of the audit, a summary of the review process, and some initial recommendations that should be addressed as early “first step” measures to improve the Town’s regulatory framework. Note that a zoning audit (sometimes called a zoning diagnostic) is *not* a redline markup of the ordinance or bylaw or a section-by-section list of deficiencies. It also is not a compendium of all the comments we received about the ZO and how it has been administered to date. Instead, its purpose is to focus attention on key issues that should be addressed in a recodification and possibly, a comprehensive rewrite.

As a general comment, a well-written and well-organized Zoning Ordinance will guide Randolph’s future development in a manner consistent with the Town’s planning efforts. It will help the Town Council, Planning Board, and Zoning Board of Appeals to make confident findings. It will help the Building Inspector to make consistent determinations, the Planning Director to provide accurate information and clear guidance to the public, and citizens to figure out what is allowable on their properties. With these goals in mind, we conducted the diagnostic with a focus on the following considerations:

- Structure and format
- Navigability, finding aids (such as cross-references), and ease of use
- Clarity of words, phrases, and sections or subsections
- Consistency
- Use and placement of definitions
- Simplicity in approval processes
- Consistency with Zoning Act and judicial decisions
- Obsolete or missing provisions, e.g., technology updates

Our scope of work included the following tasks:

- An initial review of the existing ZO, focusing on the key considerations outlined above.
- Interviews with Town staff and local stakeholders referred to us by the Planning Department in order to understand strengths and weaknesses of the ZO from the perspective of those who administer, interpret, and enforce it. Following the interviews, we met with Planning Board in February 2023 and with members of the Town Council in June 2023.

- Review of Planning Board and Town Council administrative rules and regulations for content, consistency with ZLO, and opportunities to relocate information from the ZO to rules and regulations.

Knowing that Zoning Ordinances are often amended in a piecemeal fashion as specific needs arise over the years, we sought to develop recommendations to create an easy-to-use, readable document with logically ordered sections. This report focuses primarily on the Randolph ZO, but as appropriate, we refer to noteworthy findings in the administrative rules and regulations as well.

TECHNICAL REVIEW: ZONING ORDINANCE

A. Format, Structure, and Organization

1. The Randolph ZO consists of eleven major sections (Articles) and multiple subsections. The major section titles include:

Article

I	General Provisions
II	Districts
III	Use Regulations
IV	Off-Street Parking Regulations
V	Nonconforming Uses
VI	Area Regulations
VII	Administration
VIII	Special Permits
IX	Signs and Advertising Devices
X	Wireless Communications Districts
XI	Site Plan and Design Review

Table of Allowable Activity

Table of Dimensional Requirements

Table of Zoning Map Amendments

2. The organization of the Table of Contents (above) is unusual. Viewed in its entirety, Randolph's ZO contains all of the expected provisions, but information can be difficult to locate because it is not organized in a consistent or predictable way.
3. The current organization is a mix of sections that address specific districts and sections that address a group of similar districts. This means that in some cases, all of the relevant information is included in one place, and in others it is scattered around the ordinance. For example, to retrieve all of the relevant information for the Residential Medium Density District, you must consult Section 200-10 for use regulations, the Table of

Allowable Activities for Special Use permit uses, the Table of Dimensional Requirements, Sections 200-27 through 200-33 for land area regulations and to determine which density district it is included in, and the GIS extension to confirm if it is in the correct district. Meanwhile, this information is all contained in Section 200-14.3 for the Union Crossing Transit District.

4. These kinds of format inconsistencies can be confusing for the user, who cannot predict where to look for relevant information for a given district without reviewing the entire document. This could also lead to needlessly extended approval processes, as applicants have difficulty understanding what must be provided and what regulations they must comply with.

Additional specific comments:

5. Land is organized in a series of overlapping districts, use districts, density districts, and potentially overlay districts. Randolph has an unusually large number of districts, special districts, and overlays. These are only fully identified in the tables attached to the ZO and in a list at the beginning of the ordinance. This makes it difficult for users to understand exactly what zoning governs their parcels.
6. Article III, Use Regulations, is a lengthy compendium of use regulations intermingled with district regulations. It presents use regulations for the Town's many base zoning districts (also known as use districts) and overlay districts, but the Table of Allowable Activity also presents use regulations by class of use and by district. It is hard to know whether to trust Article III or the Table of Allowable Activity. For example, provisions for group homes for people with disabilities can be found in Section 200-10, but the term group home does not appear at all in the Table of Allowable Activity. In addition, Article III occasionally includes dimensional regulations or caps as well, requiring the reader to make a judgment call whether the text or the tables control.
7. The mix of district regulations and use regulations in Article III is confusing. For example, 200-11.1, Exterior Metal Rolling Grates, falls between the Crawford Square Business District (CSBD) and the Industrial Districts.
8. The text components of the ZO include use and dimensional regulations (Article VI), but the reader is also referred to the Tables of Allowable Activity and Dimensional Requirements.
9. Most definitions appear to be in Section 200-3, but definitions are also peppered elsewhere in the ZBL, with some subsections containing their own set of definitions. This makes specific definitions harder to locate and consistency harder to maintain. If cluttering the definitions section with section-specific terminology (such as types of wireless communications tower) is a concern, specialized terms can be sorted by topic or separated into boxes to avoid confusion. Definitions are provided in the following sections that should be consolidated:

- §200-14.4B
 - §200-16B(6)(b)
 - §200-48
 - §200-59
10. Parking regulations are located in various sections of the ZO, not just in Article IV as would be expected. Off-street parking requirements appear in connection with uses throughout Article III, but also in Article IV.
 11. Minimum lot area requirements are listed in different places for different uses. Residential uses are listed under the Minimum Lot Area in Section 200-27, while for other districts, the minimum lot requirements appear in their respective sections.
 12. In a number of places, the ordinance simply says to see the associated chart instead of providing the applicable setbacks, height limits, and other bulk requirements. This makes it difficult for readers to flip back and forth between various documents.
 13. The formatting of terms being defined is inconsistent. Sometimes the terms are in bold, sometimes in italics, sometimes in neither.
 14. Currently, the online (eCode360) Randolph ZO has use and dimensional tables as separate PDF attachments. It would be more user friendly to group all relevant and related information together in the same place. If someone is looking for information on uses, the Table of Contents would logically lead them to Article III, Use Regulations. Once in Article III, they should not then be sent somewhere else in the ZO. The Dimensional Table has the same problems, with the added difficulty of the text and table repeatedly sending the reader back and forth between the two in order to have a complete picture of a district's requirements.

We have provided a suggested reorganization of the ZO in Appendix A.

B. Access and Ease of Use

To the extent possible, a Zoning Ordinance should be laid out in logical order, especially within sections, so that a reader can follow along with permitting and review processes in chronological order.

A Zoning Ordinance should also be as user-friendly and easy to navigate as possible in printed format but especially digital, as this will be the primary method by which many community members will access the document. Randolph currently uses the eCode360 platform to host the digital version of its ordinances. This offers advantages and disadvantages. On the positive side, eCode360 allows users to search a document for any given term, a feature that not all PDFs allow. The formatting is easy to read, and users can manipulate the layout of a page, collapsing and expanding sections as needed. Among

Massachusetts cities and towns, the use of eCode360 is relatively common, so users may already have experience with its standardized formatting when approaching Randolph's ZO.

On the other hand, the use of a third-party digital platform limits the ability to be creative with formatting and largely eliminates the possibility for the use of graphic design elements. Many recommendations that we normally make are impractical in eCode360 and even when possible, they may require additional costs to the Town. For example, the Town may not wish to commit additional resources color-coding, varying font styles, and so forth, but features that make a page easier to navigate can go a long way toward making an ordinance understandable to the public.

Incorporating visual elements such as graphics and color-coded tables can be challenging in eCode360, but it can be done. In the Randolph ZO, it is currently difficult to obtain a link to any of the tables found in the ZO's appendices, for example, and there are no options to imbed images within the text. However, we still make the following recommendations, to the extent that they are possible to implement within Randolph's budget for eCode360 services. The ZO would benefit from several navigation aids:

1. An alphabetized index at the end of the ZO to supplement the existing search feature on eCode360.
2. More liberal use of cross-references where appropriate, especially if hyperlinked. For example, whenever a Special Permit or Site Plan review is mentioned, reference the relevant section so readers can easily find more detailed information about the procedure. (This happens sometimes in Randolph's ZO, but not predictably.)
3. All relevant tables should be easy to find and included with any online version of the bylaw to reduce the amount of searching necessary. The eCode360 version of the ZO has a PDF attachment that includes the tables, but the references to these tables do not link to this PDF. For example, clicking on the heading for "Table of Dimensional Requirements" does nothing to point a reader towards the actual table.

Likewise, graphical upgrades and visual aids could be enormously helpful in the following areas:

4. Redesign of the Table of Allowable Uses and Table of Dimensional Regulations to make them easier to read and interpret. For example, applying a color code to the Table of Allowable Uses would make it easier to tell at a glance which body acts as the special permit granting authority for a given use.
5. Graphics to illustrate key dimensional requirements. There are a few images and figures in the current ZO, whereas illustrations would aid readers in understanding dimensional standards such as measuring frontage (especially on corner lots), yard requirements, building coverage and impervious coverage, and building height for different types of roof forms.

6. Permitting flowcharts showing the sequence of steps and timelines involved with various approval processes could be very helpful. This is especially true for application types requiring multiple approvals; i.e. for a Site Plan Review requiring Design Review and a Building Permit, what happens when, and what order should applications be submitted?
7. The Zoning Ordinance should be kept up to date, incorporating changes approved by Town Council on as possible after they occur. The ZO made available to the public should provide them an accurate description of current zoning regulations without needing to seek out Town Council agendas s to check for amendments. eCode360 has a “New Laws” feature for this purpose.
8. Attention should be paid to the spacing and page formatting of the printed /PDF Bylaw.

Other comments pertaining to ease of use:

9. The zoning districts listed in Section 200-4 are not presented in the same order in the Use Regulations (Article III). For example, in the list of Districts at both Section 200-4 and Section 200-6, Crawford Central Business District is the first District listed. Residential Districts then come before Crawford in Section 200-10, and within Section 200-11, where the relevant zoning information is written, Crawford is the third district discussed, listed behind the Business and Business Professional Districts. This makes the District information difficult to use, and someone attempting to find the regulations that relates to them cannot rely on the order presented in the beginning of the document to help them navigate the rest of the document.

C. Clarity of Words, Phrases, and Sections

This section presents examples of unclear language and undefined or poorly defined terms that serve to illustrate persistent issues throughout the Randolph ZO.

1. The ZO contains many examples of undefined technical or legal jargon that would likely be understandable by professionals in engineering or planning fields but not by the average citizen. This specific language can remain if properly defined in the definitions section or be rephrased to be more straightforward with the option of referencing a source (such as MGL, DEP, etc.) that uses the technical language.
2. Beyond unfamiliar terms, there is “jargon-y” phrasing. For examples, the word “such” is found 311 times in the ZO and “said” is used 68 times. “Herein” appears 48 times. “Hereinbefore” appears three times. Not all (or even most) uses of these words are necessary.
3. Comma use is inconsistent. The confusion caused by missing commas, extraneous commas, and misplaced commas has led to more land use litigation than one might imagine. Serial commas are customary in zoning. In many places, the Randolph ZO exhibits correct comma use; in some places, it does not, and at times, commas are used in

sentences where a semi-colon or a period would be more appropriate. These kinds of errors happen when a zoning ordinance or bylaw is updated by different authors over a period of years.

4. Here are some selected examples of confusing text:

200-10G: The phrasing in this section implies that no matter where the trailer is stored on the lot, the front setback measurement applies. If this is the purpose, it should be more directly stated; if it is not, it should be clarified.

200-34C: Green area/open space refers the reader to the definitions section. However, there is no definition.

200-14.1D(3): The text currently reads as follows:

Building height requirements. Any buildings in a Multifamily Affordability Overlay District may contain a maximum of four (4) stories and shall not exceed fifty-five (55) feet in height, provided that the respective building or buildings are not within sixty-five (65) feet of a residential district within the Town of Randolph or a lot located within the Town of Randolph used primarily for residential purposes. All height measurements shall conform to the requirements of the State Building Code, 780 CMR 502.

As written, this section does not provide an alternative if the building is within 65 feet of a residential district or another residential property. Does it revert to the underlying height, or another height? Additionally, does the 65-ft requirement apply to other buildings built within the overlay district or only to residential districts outside of the district?

§200-34D: The text currently reads as follows:

Maximum lot coverage. The total lot non-green area/open space may not exceed the maximum coverage specified in the Table of Dimensional Requirements.[4] In order to fulfill the intent of maximum lot coverage, an applicant may shift a percentage of the building lot coverage requirement and the impervious lot coverage requirement . . .

What does it mean to “shift a percentage of the building coverage requirement and the impervious lot coverage requirement”? This is a non-standard provision and should be rewritten for clarity. Perhaps a graphic or an illustration would help to convey the meaning of this section.

5. The definition of “Abandonment” should not include “replacement of a nonconforming use or building by a conforming use or building.”
6. In Section 200-8, the ZO provides for “agriculture, horticulture, floriculture or viticulture ...” on five or more acres of land. There is no definition of agriculture in the ZO, however. This term should be added to the definitions section of the ZO, and it should conform to the definition found in G.L. c. 128, § 1A.

7. Alcoholics Anonymous (AA) and Narcotics Anonymous (NA are defined in Section 200-3, but the terms do not appear anywhere in the ZO. Since AA and NA are not a land use, they should be removed from the ZO.
8. An assisted living facility is not a boarding house and should not be defined as such. (See definition of Assisted Living in Section 200-3.)
9. A nursing home is not a lodging use and should not be regulated as such. (See Table of Allowable Activity.)
10. Throughout the Zoning Ordinance, there are sections in which something is being mandated or prohibited, but the text uses the word “may”. For anything that is specifically mandated or prohibited, the correct word to use is “shall.”
11. Different terms are sometimes used for the same concept. For consistency, each idea or entity should only ever be called by a single name. For example, the term “Building Inspector” is used nine times in the ZO while the term “Building Commissioner” is used 52 times.
12. Massachusetts General Laws are referenced inconsistently, sometimes as “Chapter 40A of the General Laws”, sometimes “M.G.L. c. 40A,” etc.
13. The ZO still refers to itself as “Bylaw” in several places:
 - §200-41A
 - §200-41C
 - §200-46B(6)(b)
 - §200-46B(11)(l)
 - §200-46B(14)(a)[7]
 - §200-80
 - §200-10D(3)
 - §200-16B(2)(b)
 - §200-16B(3)(e)
 - §200-16B(6)
 - §200-16.2B(3)
14. The Ordinance refers to (and separately defines) Day Care, Child-Care Facility, and Day-Care Center. These terms should be consolidated as “Child Care Center” as that term is defined in G.L. c. 15D, Section 1A. In addition, the Town may want to provide for and define the following related terms:
 - Early education and care program
 - Family child care home
 - Group care facility

These uses are subject to different rules under the Zoning Act, so it is best to define them as separate terms and regulate them accordingly.

15. The Ordinance defines “Duplex Dwelling” as a building with two side-by-side units joined by a common wall, and “Two-Family Dwelling” as simply a building with two units. For simplicity, these terms should be consolidated as Two-Family Dwelling.
16. The definitions of “Office for Executive or Administrative Purposes” and “Office or Professional Use” are almost identical. It is unclear how treating these terms as separate uses benefits the Town given how they are defined in the Ordinance.
17. Similarly, the terms Convention Center and Convention Center/Exhibit Hall have the same definition. They should be consolidated.
18. The purpose of Section 200-16, Expedited Permitting, is unclear. Section 200-16 appears to have stemmed from the amendments to G.L. c. 43D approximately 20 years ago, encouraging cities and towns to identify ways to streamline their permitting procedures for economic development. Section 200-16 has noble intentions, but it is not really a zoning provision. It would be more appropriate to relocate the Expedited Permitting regulations to a separate, non-zoning section of the Town Code.

D. Administration; Procedures

1. Administrative procedures appear in some places throughout the Zoning Ordinance, but mainly in Articles VII, XIII, and XI. Provisions such as application submittal requirements and Boards’ procedural rules are best suited to Administrative Rules and Regulations. For the most part, Randolph follows this approach.
2. The Special Permit and Site Plan Review provisions in Randolph are unusually complicated, with multiple tiers or classes of permit types and different entities with authority to grant them. It appears that Randolph has made a conscious choice to leave small or relatively low-impact projects to the Planning Board and leave larger projects with the Town Council, and this is true both for special permits and site plan and design review.
3. Section 200-97 directs appeals of the Planning Board’s “Tier 2” site plan decisions to the Board of Appeals. This practice is generally frowned upon, as it does not promote good relationships between town boards if one can effectively veto the decision of another. As a rule, appeals of site plan decisions should be made under G.L. c. 40A, Section 17, i.e., an appeal filed with the Land Court or Superior Court (as is the case with Tier 3 appeals).
4. Section 200-94 outlines the Town’s site plan review standards or criteria – that is, the elements of a plan that Randolph prefers and, in many cases, requires. At times, the standards are broad and seemingly discretionary; in other cases, the standards are written as requirements, using words such as “shall” or “must” as opposed to “should.”

5. Similarly, the Special Permits section (Article XIII) is complicated, with multiple permitting authorities. It would benefit from some streamlining. In addition to the procedural requirements for special permits (which one would expect to find in Article XIII), this section also lists specific requirements for several special permit uses. Usually, conditions or criteria associated with special permit uses would be found in the Use Regulations. Again, this is an example of how difficult it can be in Randolph to find all of the information one needs to apply for and satisfy the requirements for a particular land use.

E. Incomplete or Outdated Provisions

1. Parking requirements in general appear outdated and unhelpful in many respects. For example, requiring parking on a linear basis (one space per N square feet of area, for example) as Randolph currently does often leads to oversized parking area. As commercial spaces get larger, the demand for parking is lessened on a square foot basis, but Randolph's parking requirements do not currently reflect this fact.
2. The Zoning Ordinance has a number of outdated terms. Randolph could certainly consider omitting them. Some examples include Call Center or Day Laborer. On a related note, the Town's definitions distinguish terms such as "Machine Shop, Large" and "Machine Shop, Small," but the use is not really different. Instead, the difference is the size of the use and that is a regulatory matter, not a definitional matter. The definitions section, 200-3, has other instances where uses have the same definition except for a size threshold, e.g., N square feet. These kinds of anomalies should be cleaned up in a zoning recodification process.
3. Many Massachusetts towns find their existing zoning inadequate for addressing the proliferation of short-term home/room rental services such as Airbnb. Traditional terms such as "bed and breakfast" or "lodging house" do not work well for Airbnb activity. Randolph may want to consider some form of short-term rental regulation, but only in consultation with Town Counsel. We find that town attorneys and city solicitors do not always agree about the best way to approach these uses.
4. There are many references throughout the Ordinance to MGL and CMR regulations. All of these references need to be checked to determine if they remain accurate.
5. Article V, Nonconforming Uses and Structures, requires more review to assure conformance with state statutes and most up-to-date court decisions on nonconformities.
6. Section 200-14.1 allows up to 20 percent of the required parking in the Multifamily Affordability Zone to be compact spaces. However, very few compact cars are sold today. Over 60 percent of vehicle sales in the U.S. are pick-up trucks and SUVs. The Town may want to reconsider this provision.

F. Legal Questions or Inconsistencies

1. Section 200-25, Effect on building or special permits, is out-of-date. It currently reads: "Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of not less than six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable." However, G.L. c. 40A, § 6, provides for a 12-month period rather than the six months stated in the ZO.
2. In some cases, the Zoning Ordinance contains provisions that may violate the uniformity clause of G.L. c. 40A, Section 4. A good example is in Section 200-14.3, Union Crossing Transit District. Under Section C, Applicability, the ZO provides the following:

(1) This chapter shall apply to parcels that meet the criteria outlined in Subsection B, above.

(2) This chapter shall *only apply to a parcel once an applicant/parcel-owner has submitted a Special Permit request to the Special Permit Granting Authority (SPGA) and that Special Permit has been granted or granted with conditions.*

The intent of the italicized text may be that an applicant cannot take advantage of the benefits of the Union Crossing Transit District without applying to the Town Council to develop under the rules of the district. However, as written, Section C indicates that the district itself does not apply until someone submits a special permit application for transit district development. It is, at least, confusing.

3. It is unclear when Article X, Wireless Communications Facilities, was last updated. It appears to be out-of-date with all of the FFC rules and regulations adopted in the last twelve years. Interviewees we spoke with for this report suggested that this section needed updating.
4. Article VIII, Special Permits, is out of date. "Lapse" states that "Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval." However, this timeframe was increased from two years to three years by § 30 of Chapter 219 of the Acts of 2016.
5. The Town should exercise caution in applying § 200-46 Requirements for particular uses/activities to special permit reviews and decision-making. Among the requirements listed in this section is "fiscal impacts, including impacts on Town services, the tax base and employment." In recent reviews of Town bylaws submitted for review, the Attorney General has advised against the inclusion of "fiscal impact" as a consideration in permit decisions, particularly for housing. Below is an excerpt from these decisions.

“The Town should be aware of recent Land Court decisions analyzing the question whether a potential impact on essential public services, including education of children, is a lawful consideration in the context of multi-family housing. In two recent decisions, the Land Court determined that consideration of potential increased costs for educating school-aged children is not a lawful consideration when reviewing a special permit application for multi-family housing. In Bevilacqua Co. v. Lundberg, No. 19 MISC 000516 (HPS), 2020 WL 6439581, at *8–9 (Mass. Land Ct. Nov. 2, 2020), judgment entered, No. 19 MISC 000516 (HPS), 2020 WL 6441322 (Mass. Land Ct. Nov. 2, 2020) the court ruled that the Gloucester City Council’s denial of a special permit to construct an eight-unit multi-family building based on the potential fiscal impact of the proposed development on the Gloucester public schools was “legally untenable.” Id. at *9. Because the right to a public education is mandated and guaranteed by the Massachusetts Constitution, (see McDuffy v. Secretary of the Executive Office of Educ., 415 Mass. 545, 621 (1993) and Hancock v. Comm’r of Education, 443 Mass. 428, 430 (2005)) “[a denial of] a special permit to build housing because the occupants of that housing might include children who will attend public schools is [a denial of the children’s] constitutional right under the Massachusetts Constitution to a public education.” Id. at *8 (citing McDuffy and Hancock). “Therefore, notwithstanding the fiscal impact to a municipality from the construction of housing that may result from the obligation to educate children in the public schools, fiscal impact, as a reason for denying permits to construct housing, must give way when it runs afoul of the constitutional obligation of Massachusetts municipalities to provide a public education to all children.” Id. at *9. . . .

Similarly, in 160 Moulton Drive LLC v. Shaffer, No. 18 MISC 000688 (RBF), 2020 WL 7319366, at *13-15 (Mass. Land Ct. Dec. 11, 2020), judgment entered, No. 18 MISC 000688 (RBF), 2020 WL 7324778 (Mass. Land Ct. Dec. 11, 2020) the court rejected the town’s argument that the financial impact of educating the number of school-aged children projected to live in the apartments would be greater than the increased tax revenue, thus making the apartment use “substantially more detrimental” (in the language of the applicable by-law) than the existing restaurant use. “The Town cannot deny a permit on the grounds that its own property tax scheme is insufficient to provide for the needs of its inhabitants. Whether the Town has enough funds to provide public education for its school-aged children is simply not a matter for the Board to consider in reviewing special permit applications.” Id. at *14 (citing Bevilacqua at *8-9).

6. On a similar note, the Crawford Square Business District (CSBD) limits multifamily dwellings to two bedrooms. This could constrain housing options for families with children. “Familial status” is one of the groups protected under the federal Fair Housing Act.
7. It is not necessary to have separate severability statements throughout the Bylaw when there is a broad severability statement in Section 200-2. The extra sections should be removed.

G. Topics for Further Consideration

1. A vitally important recommendation for the Town to consider is a reassessment of the existing districts. Randolph has *many* districts – so many that one must question whether all are needed to accomplish the Town’s planning objectives. An effort to consolidate or simply eliminate some districts should be considered,
2. The statute gives communities great flexibility to regulate or not regulate nonconformities. A comprehensive zoning update would be a good opportunity for Randolph officials to review the existing language, understand options, and decide how to proceed on this topic.
3. The Town should consider areas where Special Permit requirements can be eliminated in order to streamline application procedures, improve consistency in the interpretation and application of zoning requirements, and streamline procedures. Randolph has many, *many* uses that require a special permit. While special permit authority lies primarily with the Town Council, the Planning Board also has jurisdiction over a few special permits, and the Zoning Board of Appeals can exercise special permit authority in cases of nonconforming uses and structures. More broadly, the Town should consider a more traditional approach to special permits in which the legislative body (the Town Council) sets land use policy by enacting zoning ordinances, and the Planning Board carries out those policies as the Town’s primary permitting agency. These decisions are often political, and the purpose of this report is not to advocate for any particular political resolution. However, we would be remiss if we did not comment on the multitude of special permits in Randolph and the unusually complex scheme of special permit granting authority found in Article VIII of the Zoning Ordinance.
4. Any and all zoning maps should be made available online alongside the Zoning Ordinance for easy reference. At last check, Randolph’s Zoning Map was not available online, which makes it very difficult for residents to find out the district that controls their property. Having the map available only in the Town Clerk’s office is a problem.
5. There are several uses that the Town should consider adding to the Table of Allowable Activity (regardless of whether such uses will be allowable or not), including: pet grooming establishments, animal or pet day care, charging stations, portable storage units, and other new uses emerging from new technologies or market trends.
6. Randolph should consider whether large-scale nonconformities are an issue that needs addressing. In many towns and cities, historic or older neighborhoods were rezoned in the 1960s, 70s and 80s with suburban-style zoning, resulting in entire areas of a town being made nonconforming. A few municipalities have either reverted to older zoning requirements to reflect the development character, or created new town center, village center, or village neighborhood style zoning to reduce or eliminate the conformities.

TECHNICAL REVIEW: ADMINISTRATIVE RULES AND REGULATIONS

The Planning Board's Rules and Regulations Governing the Issuance of Site Plan and Design Review and Special Permits cover fairly standard territory for administrative regulations. The same appears to be true for the Town Council's Rules and Regulations as well. We have only a few comments:

1. In the Planning Board's rules, it is difficult to determine which requirements or standards apply to Site Plan and Design Review applications vs. Special Permits. A cleaner separation in the rules and regulations would help to clarify how the Board applies them. For example, it is not clear whether the Development Impact Statement (DIS) applies only to projects requiring a Special Permit or if the Board prefers a DIS for site plan submissions as well.
2. The lapse provision in Section 8.8 and Rule VI, Part I, is out of date, but the Zoning Ordinance would need to be updated before the administrative rules and regulations could be changed.
3. The filing fee schedule should be appended to the Planning Board's rules and regulations, as it is with the Town Council's rules.
4. It is generally advisable to include a board's permit application package as part of the administrative rules and regulations, usually as an appendix or attachment.

APPENDIX A. SUGGESTED REORGANIZATION OF ZONING ORDINANCE

New Section

Article 1. Purposes and Authority

Include Existing Content

Sections 200-1 and 200-2

Add Applicability

Section 200-41, Amendments

Article 2. Definitions

Section 200-3

Section 200-14.4(B)

Section 200-48

Section 200-59

Section 216(B)(6)

Article 3. Establishment of Districts

Existing Article II

Divide Section 200-4 by separately listing or categorizing use districts, special districts, and overlay districts

Include district purpose statements that currently appear in Article IV.

Add a new section, Zoning Map Interpretation

Article 4. Use Regulations

Add General Provisions

Add a list of Uses Allowed in All Districts (e.g., exempt uses or municipal uses)

Add a list of Prohibited Uses in all districts

Remove text-level use regulations except when necessary to outline special requirements for selected uses; otherwise, leave all use regulations to the Table of Allowable Activity

Relocate all overlay district regulations to new Article 9.

Article 5. Dimensional Regulations

Add General Provisions

Include instructions for measuring dimensional requirements, e.g., building height, yards, etc.

New Section	Include Existing Content
	<u>Remove</u> text-level area and other lot regulations and leave them to the Table of Allowable Activity
Article 6. Nonconforming Uses, Structures, and Lots	Article V <u>Update</u> provisions that are out of sync with Chapter 40A Add regulations concerning nonconforming lots <u>Create</u> a clear separation between nonconforming <i>uses</i> and nonconforming <i>structures</i>
Article 7. General Regulations	Article IV Article IV
Article 8. Special Regulations	Section 200-14.4. Planned Residential Development Section 200-16.1 Expedited Permitting (or remove this entirely from the ZO)
Article 9. Overlay Districts	Multifamily Overlay Districts Union Crossing Transit District Watershed and Wetland Protection Overlay Districts Great Pond Commerce Center Overlay District MBTA Communities District
Article 10. Other Special Districts	Sanitary Facilities District
Article 11. Administration and Enforcement	Article VII Article VIII Article XI Relocate 200-41 to new Article 1