



CITY of GARDNER
Office of the City Clerk
95 Pleasant Street, Room 121
Gardner, MA 01440
*Tel. 978-630-4058 *Fax: 978-630-2589

CITY OF GARDNER
NOTICE OF JOINT PUBLIC HEARING

Pursuant to G.L. 40A, § 5, notice is hereby given that the City Council and Planning Board will conduct a **Joint Public Hearing** on **Monday, November 3, 2025 at 6:30 P.M.** in the City Council Chamber, Room 219, City Hall, 95 Pleasant Street, Gardner, to consider amending Chapter 675, the Zoning Code of the City of Gardner. The proposed Amendment involves changing items:

11688 – An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof entitled “Zoning” to Allow for the Operation and Use of Cottage Kitchens in Residential Districts within the City of Gardner.”

11704 – An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof Entitled Zoning, to Promote Housing Growth and Production in the City

Information regarding these amendments are available for viewing in the City Clerk’s Office, the Department of Community Development and Planning (DCDP), or on the City’s webpage – www.gardner-ma.gov.

All persons interested in this matter and desire to offer testimony are invited to attend the hearing.

Titi Siriphan
City Clerk

CITY OF GARDNER**DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING***Manca Annex, 115 Pleasant Street, Room 201, Gardner, MA 01440**Telephone: (978) 630-4014 ♦ Fax: (978) 632-1905***PLANNING BOARD – PUBLIC HEARING RECOMMENDATION**

Dear Mrs. Siriphan,

On Tuesday, October 14, with a vote of 3-0, the Planning Board motioned to recommend that a joint public hearing of the City Council and the Planning Board be scheduled for Monday, November 3, 2025, at 6:30 PM in the City Council Chambers, 95 Pleasant Street, Gardner, MA 01440 to consider the following proposed zoning ordinances:

Item 11688 – An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof entitled “Zoning,” to allow for the operation and use of cottage kitchens in residential districts within the City of Gardner.

Item 11704 – An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof entitled “Zoning,” to promote housing growth and production in the City of Gardner.

Please initiate the necessary legal notice and publication procedures required under M.G.L. Chapter 40A, Section 5, to ensure proper public notification and advertisement of the hearing.

Thank you for your attention and coordination in scheduling this joint hearing. Please let me know if any further materials are needed for inclusion with the public notice.

Sincerely,

Jason Stevens
Director of Community Development & Planning
City of Gardner

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City of Gardner

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CITY CLERK'S OFFICE
GARDNER, MA

September 5, 2025

Hon. Judy A. Mack, Chair
And Welfare Committee Members
Gardner City Hall, Rm 121
95 Pleasant St.
Gardner, MA 01440

RE: An Ordinance to Amend Chapter 675 Of the Code of The City of Gardner, Thereof Entitled
"Zoning," To Allow for The Operation and Use of Cottage Kitchens in Residential Districts
Within the City of Gardner

Dear Madam Chair and Welfare Committee Members,

We hereby submit this Zoning Ordinance Proposal for your review and consideration.

Respectfully Submitted,

George Tyros
President, Gardner City Council
Councillor At-Large

Michael J. Nicholson
Mayor, City of Gardner

**AN ORDINANCE TO AMEND CHAPTER 675 OF THE CODE OF THE CITY OF
GARDNER, THEREOF ENTITLED “ZONING,” TO ALLOW FOR THE OPERATION
AND USE OF COTTAGE KITCHENS IN RESIDENTIAL DISTRICTS WITHIN THE
CITY OF GARDNER**

PREAMBLE:

WHEREAS, the City of Gardner, Massachusetts is a growing community committed to strengthening its role as a hub of commerce, culture, and opportunity in North Central Massachusetts; and

WHEREAS, the City recognizes the importance of fostering an environment that is business friendly and supportive of both new and existing enterprises; and

WHEREAS, the City seeks to promote responsible growth and development in ways that balance economic vitality, housing opportunity, and community character; and

WHEREAS, the City is actively working to adopt new and innovative policies, practices, and zoning reforms that reduce unnecessary barriers to investment while ensuring quality development standards; and

WHEREAS, the City acknowledges that modern approaches to zoning and land use are essential to attract new businesses, support workforce expansion, and enhance overall economic competitiveness; and

WHEREAS, the City of Gardner has committed to creating a forward-thinking regulatory framework that encourages innovation, entrepreneurship, and sustainable growth;

NOW THEREFORE, Be it ordained by the City Council of the City of Gardner, as follows:

SECTION 1: That §675-210 of the Code of the City of Gardner, entitled “*Definitions*”, is hereby amended by inserting the following definition in alphabetical order:

Cottage Kitchen

A small-scale, home-based food preparation use conducted within a residential dwelling, operated by the resident of the dwelling, and producing food items in compliance with applicable state and local health regulations for direct sale to consumers. A Cottage Kitchen shall not include restaurants, take-out food service, or large-scale food manufacturing, and shall be clearly incidental and secondary to the residential use of the property.

SECTION 2: That Attachment 1 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Table of Uses” be amended by inserting the following row, in alphabetical order within the “Business Uses” column:

Business Uses	SF1	RR2	GR3	COM1	COM2	IND1	IND2
Cottage Kitchen	P	P	P	NP	NP	NP	NP

SECTION 3. This ordinance shall take effect upon passage and publication as required by law.

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Jason Stevens
Director of Community Development & Planning
City of Gardner

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 GARDNER, MA



City of Gardner

September 24, 2025

Hon. George C. Tyros, President
And City Councilors
Gardner City Hall, Rm 121
95 Pleasant St
Gardner, MA 01440

RE: An Ordinance to Amend Chapter 675 of the Code of the City of Gardner, thereof Entitled
Zoning, To Promote Housing Growth and Production in the City

Dear Mr. President and Councilors,

We hereby submit the attached zoning ordinance proposal for your review and consideration.

Respectfully submitted,

Karen G. Hardern

Karen G. Hardern
Ward 4 – City of Gardner

Michael J. Nicholson

Michael J. Nicholson
Mayor, City of Gardner

**AN ORDINANCE TO AMEND CHAPTER 675 OF THE CODE OF THE CITY OF
GARDNER, THEREOF ENTITLED “ZONING” TO PROMOTE HOUSING
GROWTH AND PRODUCTION IN THE CITY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARDNER AS FOLLOWS:

Preamble

WHEREAS, the Commonwealth of Massachusetts is experiencing a statewide housing crisis, marked by limited housing supply, rising costs, and barriers to affordability; and

WHEREAS, the City of Gardner is likewise facing these challenges, with growing demand for housing that has placed strain on residents, families, and local businesses; and

WHEREAS, insufficient housing availability threatens the economic stability and quality of life of the community by limiting opportunities for individuals and families to live and thrive in Gardner; and

WHEREAS, Mayor Michael Nicholson, in his State of the City Address on January 14, 2025, emphasized the urgent need for Gardner to take action to increase housing production and to make the development of housing easier and more efficient; and

WHEREAS, it is the policy of the City of Gardner to promote sustainable growth, remove unnecessary barriers to housing development, and expand housing opportunities for residents of all income levels; and

WHEREAS, zoning reform is an essential step in addressing supply and demand imbalances and ensuring that Gardner remains a welcoming and affordable community for all;

NOW, THEREFORE, the City Council of the City of Gardner hereby proposes the following amendments to the Code of the City of Gardner to advance these goals.

SECTION 1: Short Title

That the short title of this ordinance be known as the “H.O.M.E. Act” for the Housing Opportunity & Modernization for Everyone Act, in acknowledgment of the goal to cut back unnecessary red tape in the production of housing in Gardner, creating and expanding new opportunities for residential development, cost stabilization in apartment rents and costs, and increased opportunity for home ownership and equity growth.

SECTION 2: That a new Section 850 be added to Chapter 675 of the Code of the City of Gardner, to be entitled “Small Homes (Tiny Homes & Efficiency Homes)” to be written as follows:

SECTION 675-850: SMALL HOMES (Tiny Homes and Efficiency Homes)

Preamble:

The City of Gardner is facing an urgent housing shortage, with rising costs that place significant burdens on working families, seniors, and young residents. Current zoning rules make it difficult to build smaller, more affordable housing types, resulting in limited supply and rising rents.

This proposed amendment creates a new Small Homes (§675-850) provision to allow Tiny Homes and Efficiency Homes as flexible, affordable, and sustainable housing options. By permitting up to 10 units per acre by right in select residential and overlay districts, Gardner can create attractive new neighborhoods on underutilized land while reducing pressure on existing single-family districts. Projects exceeding 10 units per acre, or those in commercial districts, will require review by the Planning Board to ensure safety, livability, and community character.

Key benefits include:

- **Affordability and Home Equity Access:** Smaller, lower-cost homes make it easier for residents to enter the housing market, build savings, and gain access to home equity.
- **Smart Growth:** High-density development supports efficient land use and walkable, sustainable neighborhoods.
- **Revitalization:** Encourages redevelopment of vacant or underutilized commercial and industrial parcels.
- **Flexibility:** Cluster Site Plan provisions allow the Planning Board to balance density with open space, walkability, and good design.
- **Community Character:** Standards for design, setbacks, and shared open space ensure these developments fit within Gardner's neighborhoods.

Adoption of this ordinance will help Gardner lead in addressing the housing crisis by cutting regulatory barriers, encouraging innovation, and ensuring that all residents have access to safe, affordable housing and opportunities to build wealth through homeownership.

A) Purpose and Intent

The purpose of this section is to expand Gardner's housing options by permitting Small Homes (including Tiny Homes and Efficiency Homes) at higher densities than traditional

housing. These housing types provide affordable, sustainable, and flexible living arrangements that help address the City's housing shortage, promote smart growth, and encourage reinvestment in underutilized properties, while preserving public health and safety.

B) Definitions

1. **Small Home:** A permanent dwelling unit with a maximum gross floor area of 600 square feet, designed for full-time residence, and containing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. Units may be constructed on a foundation or on a licensed chassis, provided they meet the Massachusetts State Building Code and Appendix Q of the International Residential Code. Small Homes may also be used for short-term rentals, subject to local regulations.
2. **Small Home Community:** A planned development consisting of three (3) or more Small Homes located on a single parcel, with shared infrastructure, open space, and parking.

C) Applicability

(1) By Right

Small Homes and Small Home Communities of up to 10 units per acre shall be permitted by right in the following districts:

- Single Family Residential
- Rural Residential
- General Residential 3
- Mill Street Corridor Development Overlay District

Small Homes may also be established as an Accessory Dwelling Unit (ADU) on the same lot as a principal dwelling in all residential districts.

(2) By Special Permit from the Planning Board

- Small Home Communities of more than 10 units per acre in any district.
- Small Home Communities in the Commercial 1 District, regardless of density.
- Redevelopment of vacant, underutilized, or nonconforming commercial or industrial properties into Small Home developments.

D) Dimensional and Design Standards

(1) Density and Lot Area

- Minimum lot area per dwelling unit: 400 square feet.
- Maximum density by right: 10 units per acre.
- Projects exceeding 10 units per acre require a special permit from the Planning Board.

(2) Setbacks and Separation

- Individual units within Small Home Communities must maintain a minimum 6-foot separation between structures.
- Perimeter setbacks of 10 feet must be maintained from all property lines.

(3) Height

- No Small Home shall exceed 1.5 stories or 20 feet in height.

(4) Parking

- One (1) off-street parking space per three (3) dwelling units.
- Parking may be provided in shared lots or on-street as approved by the Planning Board.

(5) Utilities

- All units shall connect to municipal water and sewer where available.
- Shared utility connections and clustered infrastructure are permitted.

(6) Design

- Units shall be designed with residential materials such as wood, clapboard, shingles, siding, or masonry.
- Roof pitch, windows, and entrances shall be oriented toward streets or common areas to promote neighborhood character.
- Shared open space equivalent to 10% of the lot area shall be provided.

E) Cluster Site Plan Flexibility

To encourage innovative, high-quality design for Small Home Communities, the Planning Board may grant waivers or modifications to dimensional, frontage, road width, parking, or

other site plan requirements for both by-right and special permit projects, provided that all of the following conditions are met:

1. The development meets applicable density standards:
 - Up to 10 units per acre for by-right projects;
 - Over 10 units per acre for special permit projects.
2. Adequate pedestrian access, circulation, and emergency access is provided.
3. At least 10% of the site is preserved as common open space accessible to residents.
4. Shared infrastructure (parking areas, walkways, utilities, and community facilities) is provided and maintained by a homeowners' association, cooperative, or similar legal entity.
5. The project demonstrates consistency with the City's housing, sustainability, and smart growth goals.

Note: Waivers shall not reduce open space below 10%, nor compromise public health, safety, or accessibility standards.

F) Administration

1. All Small Homes and Small Home Communities shall comply with the Massachusetts State Building Code, including Appendix Q, and all applicable local and state health and safety regulations.
2. Small Homes may be used for long-term or short-term residential occupancy, provided compliance with local permitting and regulations.

G) Severability

If any provision of this Section is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

SECTION 3: That Section 820 of Chapter 675 of the Code of the City of Gardner, thereof entitled "In-Law Apartments," be deleted in its entirety and replaced with a new section 820 to be entitled "Accessory Dwelling," to be written as follows:

SECTION 675-820: ACCESSORY DWELLING UNITS (ADUs)

A. Purpose

The purpose of this ordinance is to comply with the Massachusetts Affordable Homes Act

and to facilitate the development of Accessory Dwelling Units (ADUs) to address housing affordability, support multigenerational living, and provide flexible housing options within the City of Gardner.

B. Definitions

For the purposes of this ordinance:

1. **Accessory Dwelling Unit (ADU):** A self-contained residential unit, inclusive of sleeping, cooking, and sanitary facilities, located on the same lot as a principal single-family dwelling. ADUs may be attached or detached from the primary dwelling.
2. **Attached ADU:** An ADU that shares a wall or is structurally connected to the principal dwelling.
3. **Detached ADU:** An ADU that is physically separate from the principal dwelling, such as a converted garage or a newly constructed standalone unit.

C. Permitted Locations

ADUs are permitted **by-right** in all residential zoning districts within the City of Gardner, including:

- Single-Family Residential 1 (SFR-1)
- Rural Residential 2 (RR-2)
- General Residential 3 (GR-3)

D. Dimensional and Design Standards

1. **Maximum Size:** An ADU shall not exceed 1250 square feet of gross floor area.
2. **Lot Coverage:** The ADU shall comply with the lot coverage limits of the underlying zoning district.
3. **Setbacks:** Detached ADUs shall adhere to the minimum front, side, and rear yard setbacks of the underlying zoning district.
4. **Height:** Detached ADUs shall not exceed the height limitations of the underlying zoning district.
5. **Parking:**
 - a. No additional parking spaces are required for ADUs located within ½ mile of a public transit stop.

b. For ADUs located farther than ½ mile from a public transit stop, one additional off-street parking space shall be provided.

E. Occupancy and Use

1. Only **one ADU** is permitted per lot.
2. The owner of the principal dwelling must reside on the property as their primary residence.
3. ADUs may be rented or occupied by family members but may not be sold separately from the principal dwelling.

F. Building and Safety Requirements

All ADUs must comply with the Massachusetts State Building Code, the Massachusetts State Sanitary Code, and all other applicable health, fire, and safety regulations.

G. Administration

1. No special permit, variance, or additional approval from the Planning Board or Zoning Board of Appeals shall be required for the construction or conversion of an ADU that complies with this ordinance.

H. Severability

If any section or provision of this ordinance is found invalid by a court of competent jurisdiction, the remaining sections shall remain in full force and effect.

SECTION 4: That a new Section 675-860 to be entitled “Expedited Permitting of Housing Developments,” be added as follows:

§675-860 EXPEDITED PERMITTING OF HOUSING DEVELOPMENTS

A. Purpose

The purpose of this section is to streamline and expedite the permitting process for residential development within the City of Gardner in order to promote the creation of housing, increase housing affordability, and comply with state housing goals.

B. Applicability

This section applies to:

1. All applications for permits, approvals, or reviews related to the construction, expansion, or alteration of residential developments, including:
 - Single-family homes
 - Multi-family homes

- Accessory dwelling units (ADUs)
 - Small Homes, as defined by the City
2. All applications submitted to the City for new residential units or residential projects subject to local zoning, building, and other regulatory approvals.

C. Expedited Review Requirement

1. The City shall review, process, and render a final decision on all applications covered under this section within 90 calendar days of receipt of a complete application.
2. A “complete application” is one that meets all submission requirements specified by applicable City ordinances, bylaws, and regulations.
3. In cases where additional information is required from the applicant, the 90-day period shall be tolled from the date the City requests additional materials until such materials are submitted.

D. Veterans Preference Housing

1. Definition: “Veterans Preference Housing” means housing units designated for occupancy by U.S. military veterans in accordance with applicable state and federal law.
2. If a housing development includes Veterans Preference Housing for a minimum of 5% of the proposed units, the timelines for City review under this section shall be reduced by 10 calendar days.

E. Notice of Approval or Denial

1. The City shall provide written notice of approval, conditional approval, or denial to the applicant within the 90-day review period.
2. Any denial must include specific reasons based on applicable ordinances, regulations, or design standards, and the applicant’s right to appeal must be clearly stated.

F. Appeal

1. Applicants may appeal any denial or condition of approval in accordance with the City’s established appeal procedures under the Zoning Ordinance or applicable Massachusetts General Laws.

2. All appeals filed with the Zoning Board of Appeals under this section must be concluded within 90 calendar days of the appellant's filing with the Board.

G. Effect of Non-Action

If the City fails to issue a decision within the 90-day period (excluding any period tolled for additional applicant submissions), the application shall be deemed approved, unless an extension has been mutually agreed upon in writing.

H. Implementation

City departments, boards, and commissions with jurisdiction over residential permitting are directed to adopt procedures necessary to comply with the time frames established in this section, including coordination to prevent duplicative or unnecessary reviews.

I. Severability

If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the provisions or application of this section which can be given effect without the invalid provision or application, and to this end, the provisions of this section are declared to be severable.

SECTION 5: That a new Section 570 of Chapter 675 of the Code of the City of Gardner be added to be entitled "Starter Home Overlay District," to be written as follows:

§675-570 Starter Home Overlay District

A. Purpose

This ordinance establishes Starter Home Zoning Districts within the City of Gardner, in accordance with Chapter 40Y of the General Laws of Massachusetts. The purpose is to facilitate the development of affordable, sustainable, and family-friendly housing options to address the housing needs of moderate-income households.

B. Definitions

For the purposes of this ordinance, the following definitions shall apply:

1. **Starter Home:** A single-family dwelling unit not exceeding 1,850 square feet of heated living area.
2. **Starter Home Zoning District:** A zoning district established under this ordinance, either as a base or overlay district, that complies with the requirements of Chapter 40Y.
3. **Developable Land Area:** Land within the Starter Home Zoning District that is suitable for residential development, excluding areas such as wetlands, steep slopes, and existing open space.

4. **Affordable Housing:** Housing units affordable to households earning less than 110% of the area median income, as determined by the United States Department of Housing and Urban Development.

C. Establishment of Starter Home Zoning Districts

1. **Preliminary Determination:** Prior to adoption, the City shall request a preliminary determination from the Massachusetts Department of Housing and Community Development (DHCD) to confirm compliance with Chapter 40Y.
2. **Adoption Process:** The ordinance establishing the district shall be adopted in accordance with the provisions of Chapter 40A, with a simple majority vote of the City Council.
3. **Final Approval:** After adoption, the City shall seek final approval from DHCD to ensure compliance with Chapter 40Y.

D. Development Standards

1. **Density:** A minimum of 4 starter homes per acre of developable land area.
2. **Unit Size:** Each starter home shall not exceed 1,850 square feet of heated living area.
3. **Bedroom Count:** At least 50% of the starter homes shall contain no fewer than 3 bedrooms.
4. **Affordable Housing Requirement:** For developments of more than 12 starter homes, at least 10% shall be affordable to households earning less than 110% of the area median income.
5. **Accessory Dwelling Units:** Accessory dwelling units of no more than 600 square feet may be permitted, subject to compliance with applicable regulations.
6. **Open Space:** Developments shall incorporate sustainable development standards, including the preservation of open space and low-impact stormwater management practices.

E. Site Plan Review

1. **Timeframe:** The Planning Board shall render a decision within 90 days of receiving a complete application, unless an extension is mutually agreed upon.
2. **Consultant Fees:** Applicants may be required to pay for reasonable consulting fees for peer review of the application.

3. **Approval Criteria:** The Planning Board may approve the site plan subject to conditions necessary to ensure compliance with this ordinance and to mitigate any adverse impacts on surrounding properties.

F. Reporting and Compliance

1. **Development Status:** The number of starter homes constructed within the district.
2. **Amendments:** Any amendments to the ordinance or by-law affecting the district.
3. **Compliance:** Confirmation that developments comply with the affordability requirements.

G. Revocation of Approval

1. **Non-Compliance:** DHCD may revoke its approval of a Starter Home Zoning District if the City has not complied with the requirements of Chapter 40Y.
2. **Infeasibility:** DHCD may revoke approval if the zoning applicable to the district no longer complies with Chapter 40Y.

H. Severability

If any provision of this ordinance is found to be invalid or unenforceable, the remainder of the ordinance shall remain in full force and effect.

SECTION 6: That a new Section 580 be added to Chapter 675 of the Code of the City of Gardner to be entitled, “Housing Priority Overlay District,” to be written as follows:

§675-590 HOUSING PRIORITY OVERLAY DISTRICT

A. Purpose

The purpose of this ordinance is to encourage the development of housing in areas well-served by transit and municipal services, increase housing diversity, and promote compact, sustainable development patterns. This ordinance is intended to facilitate multifamily residential development in suitable locations while maintaining consistency with existing planning objectives and community character.

B. Definitions

1. **Multifamily Residential Use:** A residential development containing **two or more dwelling units** on a single parcel of land.
2. **Housing Priority Overlay District (HPOD):** A district established under this ordinance that overlays existing zoning districts and provides additional development standards and allowances for multifamily residential development.

3. **Transit-Accessible Area:** Land located within a reasonable walking distance of public transit stops or stations, as designated by the City.
4. **Development Site:** Any parcel of land within the HPOD suitable for multifamily residential development, excluding wetlands, floodplains, and steep slopes.

C. Establishment of the Housing Priority Overlay District

1. The City Council may establish one or more Housing Priority Overlay Districts in areas deemed appropriate for higher-density residential development.
2. The overlay district shall be mapped and officially recorded in the City's Zoning Map.
3. The HPOD shall **supersede underlying zoning restrictions only to the extent expressly allowed in this ordinance**, while all other zoning regulations remain applicable.

D. Permitted Uses

1. **Multifamily Residential Development** is permitted **by right** within the HPOD, subject to compliance with the development standards outlined in this ordinance.
2. **Accessory Uses:** Uses accessory to multifamily residential development, including parking, recreation areas, and community facilities, are permitted.
3. **Mixed-Use Development:** Ground-floor commercial uses may be permitted in mixed-use developments where allowed by the underlying zoning district.

E. Development Standards

1. **Density:** Minimum of **10 dwelling units per acre**, unless otherwise approved for environmental or infrastructure considerations.
2. **Building Height:** Maximum of **50 feet**, unless otherwise approved for specific site conditions.
3. **Setbacks:** Front, side, and rear setbacks shall be consistent with underlying zoning or as modified for multifamily developments to promote efficient land use.
4. **Parking:** Off-street parking shall be provided in accordance with City standards, with flexibility for shared or structured parking to encourage compact development.
5. **Open Space:** Developments must provide usable open space and landscaping to enhance livability.

6. **Design Standards:** Architectural design and site layout shall be compatible with surrounding neighborhoods and maintain visual harmony.

F. Site Plan Review

1. Multifamily developments within the HPOD **do not require special permits** for use, but shall undergo **site plan review** by the Planning Board to ensure compliance with this ordinance.
2. **Review Timeline:** The Planning Board shall issue a decision within **90 days** of receiving a complete application, unless an extension is mutually agreed upon.
3. **Approval Criteria:** The Planning Board shall approve the site plan if it complies with the development standards of the HPOD and applicable local regulations.

G. Reporting and Compliance

The City shall maintain records of all HPOD developments, including:

1. Number of multifamily units created.
2. Compliance with development standards.

H. Severability

If any provision of this ordinance is found to be invalid or unenforceable, the remainder shall remain in full force and effect.

SECTION 7: that Section 750(B) of Chapter 675 of the Code of the City of Gardner, thereof entitled “Schedule of Parking Uses,” be amended by removing the phrase “with 1 or fewer bedrooms; 2 per dwelling unit with 2 or more bedrooms,” from the section defining parking for “Dwelling,” in order to read as follows:

Principal Use	Parking Spaces Required
Dwelling	1 per dwelling unit

SECTION 8: That a new Subsection D be added to Section 770 of Chapter 675 of the Code of the City of Gardner, to be entitled “Cooperative Establishment and Operation of Parking Area,” to be written as follows:

D: Cooperative Establishment and Operation of Parking Areas - Required parking spaces for any number of Uses may be provided in a combined Lot or Lots (public or private), provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual Uses, with allowances made, upon formal

designation, for night use or for separate and distinct working shifts, and provided also that such Lot or Lots shall be within 1,100 feet of the Principal Buildings served.

SECTION 9: That subsection A of Section 720 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Change of use,” be amended by replacing the phrase “For all zoning districts, except COM1,” with “for all residential zoning districts (SFR1,RR2, GR3),” to read as follows:

- A. Change of use. For all residential zoning districts (SFR1,RR2, GR3), a change in use where the existing use (or in the case of a vacancy, the next previous use) did not provide for the number of on-site parking spaces required by this chapter, then the proposed use shall only have to provide an additional number of parking spaces equal to the increase, if any, between the number required under this chapter for the existing use and the number required for the proposed use.

SECTION 10: That subsection B of Section 720 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Commercial 1 Districts,” be amended by replacing the title to “Commercial and Industrial Properties,” and replacing “Com1 Districts,” to “Commercial and Industrial Districts (Com1, Com2, Ind1, Ind2),” in the first recital, to read as follows:

B. Commercial and Industrial Districts.

(1) For Commercial and Industrial Districts (Com1, Com2, Ind1, Ind2), no additional parking is required for the following:

SECTION 11: That a new subsection B be added to Section 760 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Standard Dimensional regulations for off-street parking facilities,” to add a section for compact vehicles, with the current language in Section 675-760 be enumerated as Subsection A, preceding this new subsection to be entitled “Standard Sized Parking,” to read as follows:

A: Standard Sized Parking

Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking	Width of Parking Stall (feet)	Parking Stall Length of Line (feet)	Width of Maneuvering Aisle (feet)
90° (2-way)	9.0	18	24

Angle of Parking	Width of Parking Stall (feet)	Parking Stall Length of Line (feet)	Width of Maneuvering Aisle (feet)
60° (1-way)	10.4	22	18
45° (1-way)	12.7	25	14
Parallel (1-way)	8.0	22	14
Parallel (2-way)	8.0	22	18

B: Compact Car Parking Spaces

- i. Compact car parking spaces may be permitted as part of the required off-street parking facilities for residential uses.
- ii. No more than **40% of the total required parking spaces** on a lot may be designated for compact cars.
- iii. Compact car spaces shall be clearly designated with pavement striping and/or signage.
- iv. Compact Car Spaces shall be laid out and striped in compliance with the following minimum provisions:

Angle of Parking	Width of Parking Stall (Feet)	Parking Stall Length of Line (Feet)	Width of Maneuvering Aisle (feet)
90° (2-way)	7.5	15	22
Parallel (1-way)	7.5	15	20
Parallel (2-way)	7.5	15	20

SECTION 12: That Subsection A(1) and Subdivision A(1)(a) of Section 770 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Design requirements for parking lots, facilities, and drive-throughs,” be deleted in their entirety and the remaining portions of Subsection A be renumerated accordingly.

SECTION 13: That Section 770(2) of Chapter 675 of the Code of the City of Gardner be amended by replacing the number “10” with the number “5” to read as follows:

2. Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. No parking

space or other paved surface, other than an access driveway(s) or walkway(s), shall be located within 5 feet of any lot line, and notwithstanding the foregoing, no parking space or other paved surface other than an access driveway(s) or walkway(s) shall be located within the limits of a landscaped buffer area.

SECTION 14: That Section 770(5) of Chapter 675 of the Code of the City of Gardner be amended by deleting the sentence “landscaped areas may not be used for snow storage,” to read as follows:

5. Adequate provisions for snow removal and/or snow storage must be made and indicated on site plans.

SECTION 15: That a new Section 590 of Chapter 675 of the Code of the City of Gardner, to be entitled, “Inspection of Owner-Occupied Multifamily Units Exempted,” be added to read as follows:

§675-590: Inspection of Owner-Occupied Multifamily Units Exempted

Rental units located in dwellings containing three or fewer rental units, one with five or fewer units which is occupied by the owner, shall be exempt from the inspection requirements of this ordinance. The Building department will provide exempt unit owners with educational materials on all code requirements relative to their units on an annual basis.

SECTION 16: That the section entitled “Residential Uses” of Attachment 1 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Table of Uses,” be deleted in its entirety and replaced with the new table listed in Attachment 1 of this Ordinance Proposal, herein attached.

SECTION 17: that Attachment 2 of Chapter 675 of the Code of the City of Gardner, thereof entitled “Table of Lot, Area, Frontage, Yard and Height Requirements,” be deleted in its entirety and replaced with Attachment 2 of this Ordinance Proposal, herein attached.

SECTION 18: That a Housing Priority Overlay District be established in accordance with Section 6 of this Ordinance Proposal to the zoning classifications for the following parcels as designated on the Assessors Map of the City of Gardner, and further identified on the Map hereunto attached as “Attachment 3”:

M22-12-23; M27-22-34A; M22-17-2; M22-6-1; M22-6-2; M22-6-3; M22-2-33; M22-20-53; R22-21-17; M22-18-15; M22-23-25; R22-7-7; R22-7-8; M22-19-26; M22-19-9; M27-23-14; M27-23-17; M22-20-27; M22-20-32; M22-13-20; M22-4-1A; M22-4-2; M22-4-24; M22-4-49; M22-4-50; M22-4-51; M22-4-52; M22-20-44; M22-1-37; M22-5-39; M27-21-3; M27-21-39; M22-1-6; M22-1-9; M22-5-24A;

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SECTION 19: That this ordinance take effect upon passage and publication as required by the General Laws of the Commonwealth and the Charter of the City of Gardner for a all Zoning Ordinance procedures and timelines.

**Chapter 675 Attachment 1
City of Gardner Table of Uses**

KEY:

P: Permitted Use

SP: Use allowed under special permit

SPPB: Use allowed by special permit from Planning Board

NP: Not Permitted/Prohibited Use

Description of Use	SFR1	RR2	GR3	COM1	COM2	IND1	IND2
Residential Uses							
1. Single Family detached Dwelling	P	P	P	P	NP	NP	NP
2. Single Family detached dwelling for personnel required for safe operation of a permitted use	NP	NP	NP	NP	NP	P	P
3. Small Homes (Tiny/Efficiency Homes)	P	P	P	P	NP	NP	NP
4. Two-Family Dwellings	P	P	P	SP	NP	NP	NP
5. Three- or Four- Family Dwelling	NP	SP	P	SP	SP	NP	NP
6. Multifamily Dwelling	NP	P	P	P	SP	SP	NP
7. Hotel/Motel	NP	SP	SP	P	P	SP	SP
8. Rooming House	NP	SP	SP	SP	NP	NP	NP
9. Bed-and-Breakfast, Including AirBNB/Vacation Rental	P	P	P	P	SP	NP	NP
10. Senior Residential Development							
a. Detached single-family dwelling	P	P	P	SPPB	SPPB	NP	NP
b. Two-family dwellings	P	SP	SPPB	SPPB	NP	NP	NP
c. Townhouse Dwellings	P	P	SP	SPPB	NP	NP	NP
d. Independent Living Units	NP	NP	SPPB	SPPB	SPPB	NP	NP
e. Assisted Living Residence with or without memory care	NP	NP	SP	SPPB	SPPB	NP	SPPB
f. Continuing care senior living community	NP	NP	SPPB	SPPB	SPPB	NP	SPPB
11. Open Space Residential Development	SP	SPPB	NP	NP	NP	NP	NP

**Chapter 675 Attachment 2
City of Gardner**

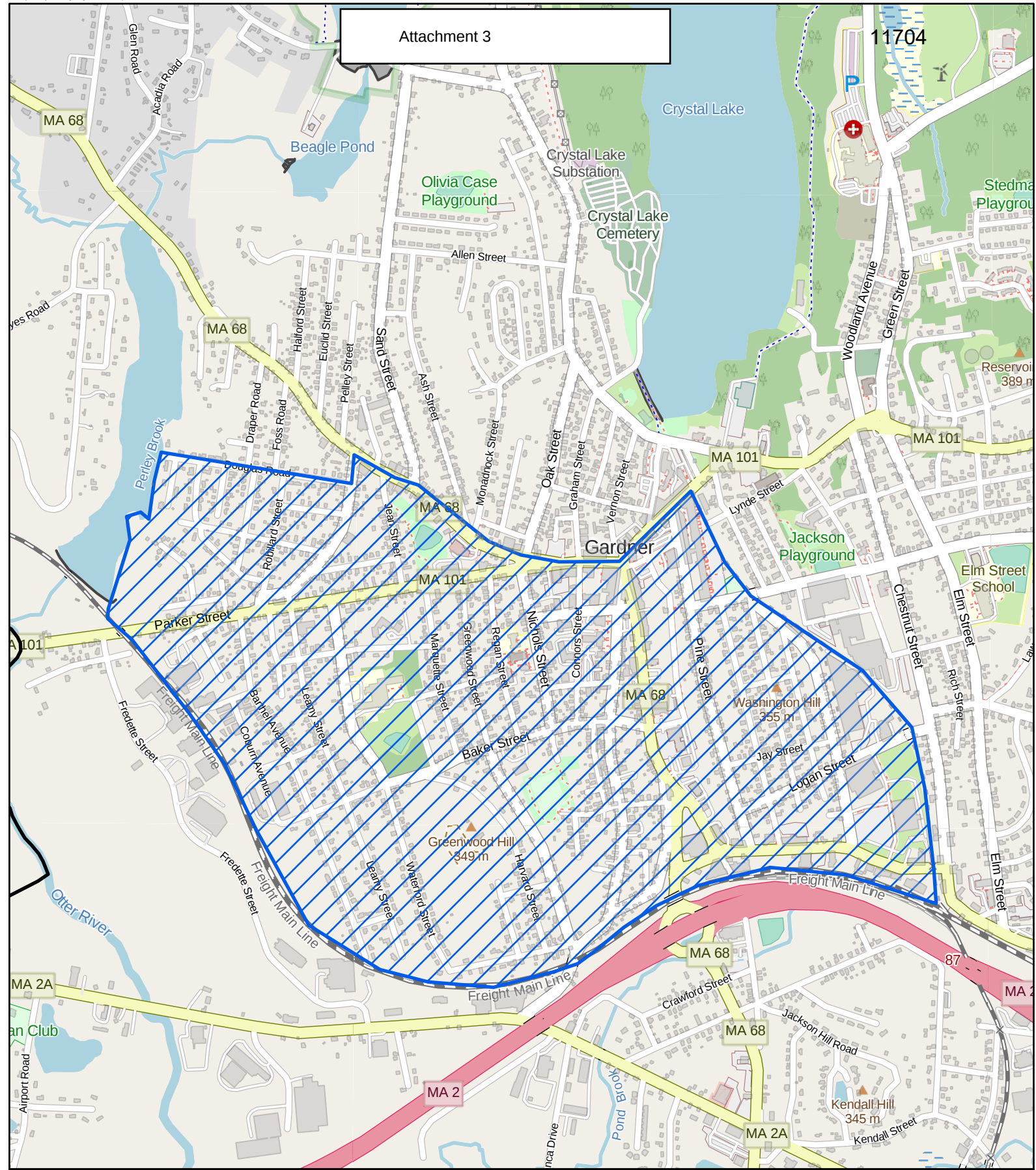
Table of Lot, Area, Frontage, Yard and Height Requirements¹

District	Minimum Lot Dimensions		Minimum Yard Dimensions in Feet			Maximum Height of Building		Maximum Lot Coverage with Impervious Surface	Open Space Required
	Area (Square Feet)	Frontage (Feet)	Front	Side	Rear	Stories	Feet		
Single Family Residential 1	8,000	75	20	15	20	4	48	75%	25%
Rural Residential 2	20,000	125	30	20	40	3	36	50%	50%
General Residential 3	5,000	50	15	10	20	5	60	90%	10%
Multifamily Use	2,500/unit	50	8	15	15	5	60	70%	30%
Commercial 1 ¹	10,000	80	10	10	20	8	96	85%	15%
Multifamily Use	1,500/unit	50	8	15	15	8	96	85%	15%
Commercial 2	30,000	100	30	20	30	5	60	85%	15%
Industrial 1	10,000	80	101	10	20 5 ²	15	180	85%	15%
Multifamily Use	1,500/unit	50	8	15	15	8	96	85%	15%
Industrial 2	30,000	150	40	20	30 5 ²	15	180	85%	15%

¹ See infill developments (§675-630), Overlay Districts and Planned Unit Developments (Article V), Special Residential Regulations (Article VIII) and Supplemental Regulations (Article X) for applicable dimensional requirements pursuant to special conditions.

² Where the rear lot line in such zones abuts a rail track, the rear setback shall be reduced to five feet.

Attachment 3



CITY OF GARDNER HOUSING PRIORITY ZONE



0 600 1,200 Feet

