



**CITY OF WALTHAM
MASSACHUSETTS
IN THE CITY COUNCIL**

IN THE YEAR TWO THOUSAND TWENTY-FIVE

Ordinance No. _____

AN ORDINANCE AMENDING ARTICLE III, SECTION 3.5 - SPECIAL PERMITS, OF THE ZONING CODE OF THE CITY OF WATHAM, AS FOLLOWS:

Be it Ordained that ARTICLE III, Sections 3.552 and 3.51 of the Zoning Code of the City of Waltham, as most recently amended, are hereby further amended by deleting the language shown in **bold** and adding the new language shown in **bold**:

3.552 - Except as provided in Section 3.551, any change in any of the provisions of a special permit from the terms of the special permit as approved by the City Council, ~~**including but not limited to any change of use of any building or part thereof, any increase in the number of buildings or in the size of any individual building or, in the case of a residential development or a hotel, any increase in the number of units;**~~ shall require the issuance of a ~~**new**~~ special permit **modification in accordance with the procedures in Section 3.51.**

~~**provided, however, that nothing in this section shall be construed as preventing, as a matter of right and without requiring the obtaining of a new special permit, a reduction in the size of or a reduction of the number of units in any building included within the provisions of a special permit so long as the building remains within the same footprint, there is no change in use of the building and there is no reduction in the number of parking spaces required by the terms of the special permit;**~~

~~**However, upon application to the City Council, the Council may grant, by a 2/3 vote of the entire membership, a change in the provisions of the special permit without requiring a new special**~~

SPECIAL PERMIT MODIFICATIONS

FIRST READING DRAFT

REVISED 3/13/2025

~~permit if it can be shown that unforeseen circumstances have required the expansion of the gross floor area by not more than 2% (but not more than 5,000 square feet) or the moving of a structure by not more than five feet but remaining within the required setback requirements.~~ In no instance, however, shall a change in use be allowed without the issuance of a new special permit; provided further that the gross floor area shall not be expanded by more than 2% or 5,000 square feet, whichever is less, nor shall the required number of parking spaces be reduced by more than 2% or 2 spaces, whichever is more, without the issuance of a new special permit.

3.51 Procedures. Property owners desiring to obtain a special permit from the City Council authorized elsewhere within this chapter for either use or intensity of use purposes shall file application for the same with the City Clerk. Each application shall be accompanied by one original development prospectus, fully prepared, together with 20 copies of said development prospectus. The development prospectus form is incorporated as Appendix A of this chapter.^[1] The plot plan shall clearly set forth the locus, together with all existing and/or proposed buildings, parking spaces, driveway openings and driveways. It shall show all properties within 300 feet of the locus with names and addresses of owners and all abutting properties and properties adjoining land of abutters. The names of owners of such properties shall be included. In addition, it shall set forth existing and proposed topography, service areas, other open use areas, required open space and buffer areas, all facilities for sewerage, refuse and other waste disposal, surface drainage and all landscape features (such as fences, walls, planting and walks). The plot plan described above shall be prepared by a registered land surveyor or registered civil engineer.

Property owners desiring to modify an existing special permit consistent with Section 3.552 shall file an application with the City Clerk. Each application for a special permit modification shall be accompanied by a copy of the controlling special permit decision and approved plans for the locus, a written narrative explaining the proposed modification and basis for the request, supporting plans and documents identifying the modification, a draft order, and a certified abutters list identifying all properties within 300-feet of the locus with names and addresses of owners. A public hearing shall be required, with notice to the abutters. The cost of publishing and mailing notice shall be borne by the applicant. Submission of a full development prospectus shall not be required for a special permit modification application; provided however, that the City Council may solicit feedback from applicable city departments or request additional documentation in reviewing the proposed modification. The City Council may grant the requested modification of an existing special permit by a 2/3 vote of the entire membership, except where M.G.L. c.40A, §9 requires a simple majority vote.

First Reading:

Second Reading:

Third and Final Reading:

Approved: