

# Zoning Recodification Project

## *What does codification mean?*

Codes have a structure of some kind. Having a clear, easy-to-follow structure makes it possible to classify and organize content in a predictable way. This can make it much easier for everyone to understand where to find information in the code. The process for creating that structure and organizing and arranging content within it is codification.

**The Town of Andover plans to bring a recodified Zoning Bylaw to Town Meeting in 2022!**

## *What is recodification?*

Recodify means to reformat and reorganize content that has fallen out of place, appears in odd locations, is hard to find, or may be divided up oddly due to changes made to the code over time. Recodifying a Zoning Bylaw usually involves taking a close look at the existing organization of the code, figuring out what is out of place or confusing, or relies on words that are used inconsistently from chapter to chapter. Through this kind of close reading process, other issues typically come up, such as missing definitions, or confusing words or syntax problems that make it hard to know what a sentence means. Sometimes requirements that were legal years ago may no longer be legal today due to recent judicial decisions or changes in the state Zoning Act.



*The recodification process is like a "spring cleaning" for ordinances and bylaws.* It introduces formatting and organizational changes, clarifies existing definitions, adds definitions for terms that are currently undefined, eliminates unnecessary or obsolete provisions, and generally aims to create a more navigable, readable ordinance or bylaw. Among other benefits, recodification helps to bring an existing bylaw into compliance with today's laws. Sometimes, content that does not need to be in the Zoning Bylaw may be removed and transferred to a board's administrative rules and regulations. This can help to simplify a Zoning Bylaw and make it more accessible to users.

## *Recodification does not:*

- Change the boundaries of existing districts
- Change the fundamental purposes of existing districts
- Introduce major policy changes in the community's use or dimensional regulations
- Turn special permit uses into as-of-right uses, or as-of-right uses into special permit uses – or outright prohibit something that is allowed today

## ANDOVER ZONING RECODIFICATION PROJECT

### *Potential changes you should know about*

Though not the intent of recodification, the process sometimes requires a community to make changes that may have the effect of setting new policy. For example:

- If an existing provision is so unclear that no one agrees about its meaning, rewriting the bylaw to make it understandable may require the Town to make a policy decision. Otherwise, the recodification consultants will not be able to write clear, alternative text.
- If an existing provision is illegal by today's standards, recodification will require the Town to decide what the substitute provision should be. Example: many towns still have rules that impose a special permit requirement on private non-profit schools in some areas or some districts. Keeping that rule would violate state law and put the rest of the recodified bylaw at risk of being disapproved by the Attorney General.
- Cleaning up an old, partially obsolete section on nonconforming uses, structures, and lots is a common part of recodification and a potentially thorny one, too.

### *What you can expect*

**The overarching intent of recodification is not about changing policy. It is about creating a usable, clean, well-organized, and clearly written document.** The updates, changes, and additions made during recodification are designed to create a streamlined, attractive code that reduces (or ideally eliminates) disputes about the meaning and intent of the Zoning Bylaw.

Common features of a recodified Zoning Bylaw include:

- ✓ A revised or entirely new structure and format
- ✓ Finding aids (such as cross-references) to make the document easier to use
- ✓ Clarity of words, phrases, and sections or subsections
- ✓ Consistency of words and provisions
- ✓ Use and placement of definitions
- ✓ Simplicity in approval processes
- ✓ Consistency with Zoning Act (G.L. c. 40A) and judicial decisions
- ✓ Obsolete or missing provisions, e.g., technology updates

### *How can you get more information?*

You can learn more about the Zoning Recodification Project at these upcoming information and update sessions:

**Monday, October 25, 2021**

**Monday, November 29, 2021**

**January 2022 TBD**

All three sessions will run from 7 to 8:30 and be offered remotely. Zoom registration links will be posted publicly before each meeting. And, be sure to check the Town of Andover website!

<https://andoverma.gov/173/Planning-Economic-Development>

**For more information, contact Jacki Byerley, Andover Planning Department,  
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