

ZONING BY-LAW AMENDMENTS BY SECTION

(Since the 1988 Comprehensive Update)

Including amendments through June 6, 2016

As Approved July 21, 2016

<u>Section</u>	<u>Amendment</u>	<u>ATM</u>	<u>Article</u>
1	<u>GENERAL</u>		
	Accessory Dwelling Unit		
1.4	Insert a new definition.	2009	32
	Accessory Use		
1.4	Amend definition to allow parking at religious and institutional uses to be used by others not conducting business within that use.	2009	30
	Antenna Surface		
1.4	Delete the definition.	1996	24
	Base Flood		
1.4	Delete the definition.	2004	26
	Basement		
1.4	Delete "one half" and replace with "60%".	2005	18
	Catering Service		
1.4	Insert a new definition.	2003(s)	9
	Cellar		
1.4	Delete "having one-half or more than one-half" and replace with "having more than 60%".	2005	18
	Child Care, Large Family		
1.4	Insert a new definition.	1999(s)	5
	Commercial Vehicle		
1.4	Replace with a new definition.	2001	26
	DEP		
1.4	Change DEQE to DEP and Department of Environmental Quality Engineering to Department of Environmental Protection.	1995	26
	Driveway, Shared		
1.4	Insert a new definition.	2014	11
	Dwelling, Single-Family		
1.4	Insert a new definition.	2014	14
	Dwelling, Two-Family		
1.4	Insert a new definition.	2014	14
	Façade-Mounted Wireless Telecommunications Facility		
1.4	Insert a new definition.	1998	25

1	<u>GENERAL</u> (Continued)		
	FEMA		
1.4	Delete the definition.	2004	26
	FIRM		
1.4	Delete the definition.	2004	26
	Floodway		
1.4	Delete the definition.	2004	26
	Freestanding Wireless Telecommunications Facility		
1.4	Insert a new definition.	1998	25
	Grade		
1.4	Amend the existing definition.	2016	6
	Grade		
1.4	Amend the existing definition.	2005	18
	Habitable Floor		
1.4	Delete definition.	2005	18
	Height, Building		
1.4	Insert a height limit of 15 feet for garages and 10 feet for other accessory structures.	1991	31
	Height, Building		
1.4	Delete dimensional requirements from definition.	2006	28
	Height, Building		
1.4	Amend existing definition.	2005	18
	Interior Wireless Telecommunications Facility		
1.4	Insert a new definition.	1998	25
	Kennel		
1.4	Insert a new definition.	2014	9
	Kennel, Commercial Boarding or Training		
1.4	Insert a new definition.	2014	9
	Kennel, Commercial Breeder		
1.4	Insert a new definition.	2014	9
	Kennel, Domestic Charitable Corporation		
1.4	Insert a new definition.	2014	9
	Kennel, Personal		
1.4	Insert a new definition.	2014	9

1	<u>GENERAL</u> (Continued)		
	Kennel, Veterinary		
1.4	Insert a new definition	2014	9
	Other Retail Sales and Services		
1.4	Insert a new definition.	2003(s)	9
	Outdoor Seasonal Seating		
1.4	Insert a new definition.	2010	25
	Patio		
1.4	Insert a new definition.	2000	19
	Registered Marijuana Dispensary		
1.4	Insert a new definition.	2014	12
	Restaurant		
1.4	Replace with a new definition.	2003(s)	9
	Restaurant, Fast Food		
1.4	Insert a new definition.	2003(s)	9
	Restaurant, Take Out		
1.4	Insert a new definition.	2003(s)	9
	Roof-Mounted Wireless Telecommunications Facility		
1.4	Insert a new definition.	1998	25
	Satellite Antenna		
1.4	Insert "other than a Wireless Telecommunications Facility."	1998	26
	Satellite Antenna		
1.4	Insert a new definition.	1996	24
	School-Aged Child Care Home		
1.4	Insert a new definition.	1994	39
	Setback		
1.4	Delete provision for 2 foot overhang.	2006	28
	Special Permit Granting Authority		
1.4	Insert new definition.	2006	28
	Sign, Window		
1.4	Insert a new definition.	2008	24
	Story, Half		
1.4	Delete existing definition and insert a new one.	2005	18
	Story, Half		
1.4	Delete the word "habitable".	1998	22

1	<u>GENERAL</u> (Continued)		
	Street		
1.4	Insert "c)" to include private ways in existence prior to September 21, 1988.	1995	27
	Townhouse		
1.4	Insert a new definition.	2014	14
	Utility or Recreational Vehicle		
1.4	Delete the definition.	2001	26
	Window Display		
1.4	Insert a new definition.	2008	24
	Wireless Telecommunications Facility		
1.4	Insert a new definition.	1998	25
	Nonconforming Uses and Structures		
1.5	Delete the "Nonconformance" Section and replace with new Section.	2004	27
	Alteration or Extension - Deleted as of 2004		
1.5.2	Insert "structure or" between "nonconforming" and "use."	1995	28
	Nonconforming Single and Two-Family Residential Structures in the Single Residence C Zoning Districts		
1.5.4	Insert text to require alterations of nonconforming residential structures in the SR-C Districts to get a Special Permit from the Planning Board.	2016	6
	Nonconforming Single and Two-Family Residential Structures in the General Residence Zoning Districts		
1.5.4	Insert text to require alterations of nonconforming residential structures in the GR Districts to get a Special Permit from the Planning Board.	2014	14
	Single and Two-Family Residential Structures - Deleted as of 2004		
1.5.7	Insert new Section to allow nonconforming properties to construct complying additions.	1994(s)	2
2	<u>DISTRICTS</u>		
	Classes		
2.1	Insert "Belmont Uplands District".	2002 (s)	5
	Classes		
2.1	Insert "McLean District".	1999 (s,r)	2
	Dividing Existing Lots		
2.3.3	Delete the provision.	2006	29
	Floodplain District Delineation		
2.4	Delete the entire Section and replace with new text.	2010	24
	Floodplain District Delineation		
2.4	Insert "Floodplain District".	2006	28

3	<u>USE REGULATIONS</u>		
	General Requirements		
3.1	Allow Special Permits to be granted by the Special Permit Granting Authority.	2006	28
	Catering Service		
3.3	Establish thresholds.	2003(s)	10
	Restaurant		
3.3	Establish thresholds for use.	2003(s)	10
	Restaurant, Fast Food		
3.3	Allow by Special Permit.	2003(s)	10
	Restaurant, Take Out		
3.3	Allow by Special Permit in LBII, LBIII, and GB.	2003(s)	10
	Wireless Telecommunications Facility		
3.3	Allow by Special Permit.	1998	27
	Solar Energy System		
3.3	Allow by Special Permit in Business Districts.	2012(s)	9
	Kennels		
3.3	Clearly identify types of Kennels allowed and in what districts.	2014	9
	Registered Marijuana Dispensary		
3.3	Allow by Special Permit in the LBII and GB Zoning Districts.	2014	12
	Day Care Center		
3.3	Separate from family day care home and allow by-right except in PL districts.	2006	28
	Family Day Care Home		
3.3	Separate from day care center and allow by Special Permit except in PL districts.	2006	28
	Child Care, Large Family		
3.3	Allow by Special Permit.	1999 (S)	6
	School-Aged Child Care Home		
3.3	Allow by Special Permit.	1994	39
	Detached single-family dwelling		
3.3	Refer single-family dwellings in the GR Districts to §6D.	2014	14
	Two-family dwelling		
3.3	Require a Special Permit for two-family dwellings in the GR Districts and refer to §6D.	2014	14
	Conversion of Large Public Buildings		
3.3	In LBI, conversion of 10,000 sq. ft. or less allowed by-right; greater than 10,000 sq. ft. requires Special Permit.	2005(s)	5

3	<u>USE REGULATIONS</u> (Continued)		
	Residential		
3.3	Allow housing units above commercial use by Special Permit.	2003	26
	Mixed Use		
3.3	Require housing above commercial to comply with §6.10.	2007	17
	Noncommercial Greenhouse...		
3.3	Delete references to dimensional regulations.	2006	28
	Sale of food or drink ready for consumption		
3.3	Delete from "Accessory Uses".	2003(s)	11
	Dog Daycare		
3.3	Allow by Special Permit in SR-A, B, C, and D.	1995	29
	Personal Kennel		
3.3	Allow Personal Kennels by Special Permit in the SR Zoning Districts.	2014	9
	Open Lot Storage		
3.3	Delete from "Open lot storage or parking of a boat; ..." the words "recreational vehicle."	2001	27
	Shared Institutional Parking		
3.3	Allow by-right or Special Permit depending on type of vehicle and time of day.	2009	30
	Satellite Antenna		
3.3	Allow by Special Permit if greater than 1.8 square feet.	1996	25
	Satellite Antenna		
3.3	Allow by by-right if less than one meter.	1999	18
	Satellite Antenna		
3.3	Allow by Special Permit if less than two meters in SR-A, B, C, and D.	1999	18
	Satellite Antenna		
3.3	Allow by Special Permit if more than two meters.	1999	18
	Satellite Antenna		
3.3	Allow by-right if less than 1.8 square feet.	1996	26
	Interior Wireless Telecommunications Facility		
3.3	Allow by-right.	1998	28
	Other Wireless Telecommunications Facility		
3.3	Allow by Special Permit.	1998	28
	Solar Energy System		
3.3	Allow by-right.	2012(s)	9

3 **USE REGULATIONS** (Continued)

Shared Driveway

3.3	Allow shared driveways by Special Permit in residential zoning districts and refer to §5.1.3 k).	2014	11
Footnote 1 - Minimum Affordable Unit – Deleted as of 2007			
3.3	Residential above commercial requires at least one affordable unit.	2003	26
Home Occupations			
3.4.2	Allow home occupations in accessory structures per §6.11.	2009	31
Home Occupations			
3.4.2	Delete the entire Section and replace with new text.	1995	30
Home Occupations			
3.4.2	Change expiration to four years.	2014	10

4 **INTENSITY REGULATIONS**

General Requirements

4.1	Allow Inspector of Buildings to require 'As-Built' plan.	2014	13
Schedule of Dimensional Regulations			
4.2	Insert a new §4.2.1, and separate Linear Requirements between residential, §4.2.2, and commercial, §4.2.3.	2014	14
Linear Requirements Table			
4.2.2	Separate SR-B and SR-C requirements.	2016	6
Linear Requirements Table			
4.2.2	In the Districts column, delete footnote 9 in LBI, II, and III.	2004(s)	10
Building Height, Feet			
4.2.2	Reduce height in the GR District from 36' to 33'.	2005	18
Projections into Setbacks – Formerly 4.2.2 8)			
4.2.2 A.1	Allow up to two foot projections into setbacks.	2006	28
Placement of Ground Mounted Outdoor Mechanical and Fuel Storage Equipment			
4.2.2 A.2	Insert locational restrictions for outdoor mechanical equipment.	2016	6
Front Setback Requirements in SR-C			
4.2.2 A.4	Require front setbacks in SR-C district to be the same as the average of the abutting properties.	2016	6
Rear Yard Setback – Formerly 4.2.2 A.4 and 4.2.2 3)			
4.2.2 A.5	Allow lots less than 100 feet deep to reduce rear setbacks.	1994	30
Height to Ridge Limitation in SR-C			
4.2.2 B.2	Limit height to 34 feet to the ridge in the SR-C District.	2016	6

4 INTENSITY REGULATIONS (Continued)

	Residential Structures Conform to GR		
4.2.2 8)	Delete existing provision.	2006	28
	Side and Rear Setbacks in LBII & III, GB – Formerly 4.2.2 9)		
4.2.3 A.2	Require greater setbacks for structures that were residences and abut residential districts.	2003	24
	Side Setback in LBIII – Formerly 4.2.2 12)		
4.2.3 A.2	Require greater side setback for structures that were formerly residences.	2004 _(s)	10
	Side Yard Setback - Formerly 4.2.2		
4.2.3 A.3	Eliminate side yard setbacks in LBII and LBIII except abutting residential districts.	2003	24
	Side and Rear Setbacks in LBII & III, GB – Formerly 4.2.2 9)		
4.2.3 A.3	Require greater setbacks abutting residential districts.	2004 _(s)	10
	Exception for Recorded Lots		
4.3.4	Delete exception for lots in the General Residence Districts.	2014	14
	Accessory Buildings		
4.3.5	Re-structure and divide into four categories.	2006	28
	Rear Yard Restrictions		
4.3.5 c)	Requires a 5 foot setback for accessory structures.	2008	22
	Rear Yard Restrictions		
4.3.5 c)	Replace ‘garage’ with accessory building.	2007(s)	6
	Rear Yard Restrictions		
4.3.5 c)	Allow additions to extend beyond the front façade of existing unattached garages.	1998	23
	Satellite Antennae		
4.3.5 d) 1	Allow satellite antenna with a diameter of one meter or less to be built no closer than 5'-0" to any lot line.	1999	19
	Satellite Antennae		
4.3.5 d) 2	Allow satellite antenna with a diameter greater than 18 inches to be built no closer than 5'-0" to the side and rear lot lines.	1996	27
	Satellite Antennae		
4.3.5 d) 2	Allow satellite antenna with a diameter greater than one meter to be built no closer than 5'-0" to the side and rear lot lines.	1999	19
	Satellite Antennae		
4.3.5 d) 1	Allow satellite antenna with a diameter of 18 inches or less to be built no closer than 5'-0" to any lot line.	1996	28
	Corner Setbacks for Fences and Other Landscaping		
4.3.7	Limit the height of fences and landscaping as they intersect with sidewalks, streets, and other pavement.	2006	31

(s) Special Town Meeting
(r) Town-wide Referendum

4 **INTENSITY REGULATIONS** (Continued)

Solar Energy Systems

4.3.8	Insert new section to regulate Solar Energy Systems through dimensional and design standards and re-number remaining Sections.	2012(s)	9
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5 **GENERAL REGULATIONS**

Annual Access Fee for Parking

5.1.1 c)	Delete provision.	2003(s)	12
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Restaurant

5.1.2 d)	Exempt up to 20 Outdoor Seasonal Seats when calculating parking requirements.	2010	25
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Parking and Loading Area Locations and Design

5.1.3 a)	Delete existing subsection 'a' and replace with new subsection 'a. Non-residential'.	2005	18
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Parking and Loading Area Locations and Design

5.1.3 b)	Insert a new subsection 'b. Residential' and re-alphabetize existing Sections accordingly.	2005	18
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Shared Driveway

5.1.3 k)	Establish objectives for Shared Driveways.	2014	11
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Window Signs

5.2.3 c)	Limits size window signs and temporary signs.	2008	24
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Attached Signs

5.2.4 b) 1	Designate the Planning Board as the Permit Granting Authority.	2006	28
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Attached Signs

5.2.4 b) 1	Replace with new text.	1991	34
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Standing Signs

5.2.4 b) 3	Reduce the size of standing signs n LBI and LBIII districts.	2006 (s)	6
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Standing Signs

5.2.4 b) 3	Designate the Planning Board as the Permit Granting Authority.	2006	28
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Standing Signs

5.2.4 b) 3	Replace with new text.	1991	35
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Attached Signs

5.2.4 b) 3	Replace "or" with the words "nor shall it exceed" in the two bulleted subsections and delete the word "or" joining the two subsections.	2009	29
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Applicability

5.3.1	Insert "or Freestanding Wireless Telecommunications Facility".	1998	29
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Screening

5.3.4	Insert "or Free-Standing Wireless Telecommunications Facility".	1998	30
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5 **GENERAL REGULATIONS** (Continued)

Air Quality

5.4.4 a) Change DEQE to DEP. 1995 26

Hazardous Materials

5.4.5 d) Change DEQE to DEP. 1995 26

6 **SPECIAL REGULATIONS**

Swimming Pools

6.1 Delete entire Section and insert reference to the State Building Code. 2000 20

Public Building and School Conversion

6.3A Re-number the existing Section 6.3 to 6.3A. 2005 (s) 5

Objectives – Formerly 6.3.1 b)

6.3A.1.b) Insert an objective to include diversity in type and affordability of housing. 2003 26

Special Permit Criteria – Formerly 6.3.3 c)

6.3A.3.c) Reduce lot area per dwelling unit allowed if providing affordable housing. 2003 26

Public Buildings and School Conversion – 10,000 Square Feet or Less in LB I

6.3B Insert Section to convert public buildings to residential use by-right if the building is 10,000 sq. ft. or less. 2005 (s) 5

Public Buildings and School Conversion – 10,000 Square Feet or Less

6.3B Limit conversion of public buildings to 3 units in any zoning district. 2007 18

Objectives

6.5.1 d) Insert an objective for affordable housing. 2003 26

Number of Dwelling Units

6.5.3 b) Allow more units if providing affordable housing. 2003 26

Floodplain District

6.6 Delete the entire Section and replace with new text. 2004 26

Definitions

6.6.2 Refer to State Law and delete those definitions already defined by State Law. 2006 28

Flood Hazard Boundary Map (FHBM)

6.6.2 Replace 'Zone A or E' with 'Zone A or AE'. 2010 24

District Delineation

6.6.3 Delete provision and re-number the Sections accordingly. 2006 28

Requirements – Formerly 6.6.5

6.6.4 Replace Department of Environmental Quality Engineering with Department of Environmental Protection. 1995 26

6 **SPECIAL REGULATIONS** (Continued)

Requirements

6.6.4	Replace references to CMR in the first and third subsections with updated references.	2010	24
Floodway Data			
6.6.5 a)	Replace 'Zone A, A1, 30 and AE' with 'Zone A and Zone AE'.	2010	24
Waiver – Formerly 6.6.8			
6.6.7	Insert new text.	1995	31
Wireless Telecommunications Facilities			
6.8	Insert a new Section.	1998	31
Factors to Consider			
6.8.5 c) 11)	Require “consideration of interference from other devices.”	1998	31
Affordable Housing			
6.9	Identify Zone 6, General Residence District on the McLean District Zoning Map.	2006 (s)	2
Affordable Housing			
6.9	Insert a new Section.	1999 (s,r)	2
Inclusionary Housing			
6.1	Delete the entire Section and replace with new text.	2013 (s)	17
Inclusionary Housing			
6.1	Delete the entire Section and replace with new text.	2009 (s)	9
Inclusionary Housing			
6.1	Insert a new Section.	2003	25
Affordable Housing Unit Definition - Deleted as of 2009			
6.10.2.3) c.	Insert definition to include Local Initiative Program (LIP).	2004	28
Annual Shelter Cost - Deleted as of 2009			
6.10.2.4) a.	Reduce down payment to 5%.	2004	28
Requirements - Deleted as of 2009			
6.10.6 2)	Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
General Provisions - Deleted as of 2009			
6.10.7 3)	Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
Requirements - Deleted as of 2009			
6.10.7 4)	Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
Demolition Moratorium			
6.11	Expired May 31, 2005.	2004	29
Historic Accessory Building Preservation			
6.11	Insert a new Section to allow conversion of 'historic' barns for home occupations.	2009	31

6 **SPECIAL REGULATIONS** (Continued)

	Applicability		
6.11.3	Allow conversion of 'historic' barns into single-family dwellings.	2009	32
	Procedure		
6.11.4 d)	Clarify that listed criteria is for home occupation.	2009	32
	Procedure		
6.11.4 e)	Insert criteria for conversion of 'historic' barns to single-family dwelling.	2009	32
	Religious and Municipal Building Preservation		
6.12	Insert a new section allowing conversion to residential use.	2013	31

6A **McLEAN DISTRICT**

	McLean District		
6A	Insert a new Section.	1999 (s,r)	2
	Parking and Access Requirements		
6A.3.1 f)	Insert a provision for parking of commercial vehicles within subdistricts.	2001	28

6B **BELMONT UPLANDS DISTRICT**

	Belmont Uplands District		
6B	Insert a new Section.	2002	5

6C **THE OAKLEY NEIGHBORHOOD SMART GROWTH OVERLAY DISTRICT**

	The Oakley Neighborhood Smart Growth Overlay District		
6C	Insert a new Section to encourage the re-use of the Our Lady of Mercy Catholic Church.	2007 (s)	9

6D **SINGLE AND TWO-FAMILY DWELLINGS IN THE GENERAL RESIDENCE ZONING DISTRICTS**

	Single and Two-family Dwellings in the General Residence Zoning Districts		
6D	Insert a new section regulating Single and Two-family dwellings in the GR zoning districts.	2014	14
	Single-Family Dwellings as an Alternative to a Two-Family Dwelling		
6D.7	Allow Special Permits for 2 Single-Family Dwellings instead of a Two-Family Dwelling if it meets certain thresholds and criteria.	2015	7

6D **CENTRAL/PALFREY SQUARES INTERIM PLANNING OVERLAY DISTRICT**

6D	Expired June 30, 2012.	2009 (s)	8
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(s) Special Town Meeting
(r) Town-wide Referendum

6E **MEDICAL MARIJUANA OVERLAY DISTRICT**

6E	Medical Marijuana Overlay District		
	Insert new section regulating Registered Marijuana Dispensaries.	2014	12

7 **ADMINISTRATION**

7.1.2	Penalty		
	Increase \$100 to \$300 for each offense.	1992	29
7.1.3	Non-Criminal Disposition		
	Insert a new Section.	1992	28
7.3	Design and Site Plan Review		
	Delete the entire Section and replace with new text.	2005	16
7.3.2 c)	Applicability - Deleted as of 2005		
	Insert "c)" for changes in General Business Districts.	1995	32
7.3.2 d)	Applicability - Deleted as of 2005		
	Insert "d)" for Wireless Telecommunications Facilities.	1998	32
7.3.2 e)	Applicability - Deleted as of 2005		
	Insert "e)" for Conversion of public buildings with 10,000 sq. ft. or less to Multi-Family use in the LB I Zoning Districts.	2005 (s)	5
7.3.3 c	Application Procedures		
	Allow an Associate Planning Board member to sit during a Design and Site Plan Review application.	2010 (s)	6
7.4	Special Permits		
	Delete the entire Section and replace with new text.	2005	17
7.4.1	Special Permit Granting Authority		
	Allow an Associate Planning Board member to sit during a Special Permit application.	2010 (s)	6
7.4.3 b) 1)	Activity Type and Mix – Formerly 7.4.2 b)		
	Insert criteria to provide affordable housing.	2003	26
7.4.3 a)	Procedure - Deleted as of 2005		
	Require 15 copies for Site Plan Review.	1995	33
7.5	Development Impact Report		
	Insert a new Section and re-number remaining Sections.	2003(s)	12
7.6.2	Powers – Formerly 7.5.2		
	Allow the Board of Appeals to require an applicant to pay for a consultant.	1998	33
7.6.2	Powers – Formerly 7.5.2		
	Board of Appeals can modify Use Variances.	1991	36
7.6.3 b)	Procedure, Filing – Formerly 7.5.3 b)		
	Increase number of copies required for submission.	1995	34

8	<u>CUSHING SQUARE OVERLAY DISTRICT</u>		
	Cushing Square Overlay District		
8	Insert a new Section to encourage mixed-use development in Cushing Square.	2006 (s)	3
8	<u>ALEWIFE GR DISTRICT MORATORIUM</u>		
8	Expired November 30, 2001.	2000	21
9	<u>INTERIM CONTROLS FOR MEDICAL MARIJUANA USES</u>		
9	Expired May 12, 2014.	2013	30
10	<u>INTERIM CONTROLS – SHAW GARDENS AND HITTINGER FARM OVERLAY DISTRICT</u>		
10	Expired June 30, 2016.	2015	6
10	<u>DEMOLITION MORATORIUM</u>		
10	Expired June 30, 2014.	2013 (s)	18