



**Town of Arlington**  
**REDEVELOPMENT BOARD**  
**Report to 2019 Annual Town Meeting**

Andrew Bunnell, Chair  
Kin Lau, Vice Chair  
Eugene Benson  
David Watson

Jennifer Raitt  
Secretary Ex-Officio  
Director of Planning and Community Development

voted as amended April 8, 2019

### **Introduction and Overview**

The Arlington Redevelopment Board (ARB) has statutory authority over M.G.L. c. 40A as the Town's planning board (Section 2 of Section 17 of the Town Manager Act) and M.G.L. c. 41 § 81 as the Redevelopment Authority. The ARB was created by a Town Meeting-adopted home rule petition, followed by a State Legislature act to form the ARB in 1971. The Department of Planning and Community Development was created in 1969. The authority and role of the ARB is included in Article 17 of the Town Manager Act. As a planning board, the ARB is charged with developing Arlington's Master Plan; proposing bylaws, regulations, and rules to implement the Master Plan; and applying those bylaws, regulations, and rules. Lastly, the ARB serves as a special permit granting authority. The ARB is also a duly constituted redevelopment authority formed under the authority of M.G.L. c. 121B. As a redevelopment authority, the ARB can buy, sell and hold property and it is because of these powers that the ARB acts as landlord, responsible for many properties that the Town Meeting has seen fit to put under the Board's jurisdiction. With Town Meeting approval, the Board may hold property to improve and rehabilitate to meet community development goals.

The members of the ARB are as follows:

Andrew Bunnell, Chair, (Term through 1/31/2020)

Kin Lau, Vice Chair (Term through 1/31/2022)

Eugene Benson (Term through 1/31/2020)

David Watson (Term through 9/22/2023, Gubernatorial designee)

Jennifer Raitt, Secretary Ex-Officio and Director of Planning and Community Development

The Town Manager is in the process of filling one vacancy on the Board after longstanding member, Andrew West, vacated his seat. West served the Board from 2008 through 2019. The Board is grateful for his service. The Board also thanks Erin Zwirko, AICP, LEED AP, Assistant Director of Planning and Community Development who provided excellent service to the Department and Board.

### **Zoning Articles Overview**

When any warrant article proposes to amend the "Town of Arlington Zoning Bylaw", the ARB is required to issue a report with recommendations to Town Meeting. Appearing below are a number of articles that propose to amend the Zoning Bylaw. This report includes a brief discussion of the intent of amendments followed by a recommended vote of the ARB. Please note that Articles 6, 7, 8, 9, 10, 11, 12, 13, and 16 are grouped as one discussion followed by separate votes as recommended by the ARB. The ARB's vote constitutes its recommendation to Town Meeting. The recommendations of the ARB, and not the original warrant articles, are the actual motions that will be considered by the Town Meeting. An ARB vote of "No Action" means that Town Meeting will be asked to vote that no action be taken on the proposed warrant article. Changes to the Zoning Bylaw text are shown beneath the recommended votes. Additions to the original Zoning Bylaw text appear as underlined text, while any deletions to the original Zoning Bylaw text appear as strike through text.

The ARB advertisement for Annual Town Meeting appeared in the *Arlington Advocate* as required on February 14, 2019, and February 21, 2019. In accordance with the provisions of the Arlington Zoning Bylaw and Massachusetts General Laws Chapter 40A, the ARB held public hearings and heard public comments on the proposed amendments on Monday, March 4, 2019, Monday, March 11, 2019, Monday, March 18, 2019, and Monday, March 25, 2019, in the Central School, 27 Maple Street, Main Room, Arlington, Massachusetts. The ARB voted on recommended bylaw language at their meetings on March 27, 2019, and April 1, 2019. The ARB approved this report as amended on April 8, 2019.

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### Articles 6, 7, 8, 11, and 16

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#### **Introduction:**

Arlington can be a model of inclusive growth, advancing a range of housing opportunities for all and increased economic opportunities for a more robust economic base. A primary issue raised during the Redevelopment Board public hearings and public comment period was the desire to increase affordable housing in town. The Board listened to public feedback and comments regarding the initial proposals which were not originally designed as bonuses. These amendments will now guide more inclusive growth while allowing for additional and more diverse residential and commercial space in town.

Warrant Article 16, with Articles 6, 7, 8, and 11, is a pathway for Arlington to achieve this vision. Article 16 proposes to increase the requirement for affordable housing while creating an option for greater density, also known as a density bonus. These types of bonuses are the most common form of incentive used by inclusionary housing programs throughout the United States. A density bonus provides an increase in allowable dwelling units per lot, Floor Area Ratio (FAR) or height, which generally means that more housing units can be built on a given site. Typically, programs allow increases over baseline permitted density in exchange for the provision of additional affordable housing.

Article 16 with Articles 6, 7, 8, and 11 would provide a tiered approach to meeting Affordability Requirements. Since the Affordable Housing requirements in Section 8.2 of the Zoning Bylaw were adopted in 2001, 54 units have been developed, with a mix of both rental and ownership units in five separate developments, including two large-scale developments (Brigham Square and Arlington 360). Arlington is not a unique case with regard to somewhat limited outcomes resulting from this requirement. The experience of many municipalities is that voluntary inclusionary zoning requirements do not always net a large volume of affordable housing units, particularly when there are not many larger-scale developments that exceed the required threshold. Most communities offer significant incentives to developers to offset the cost of providing affordable housing units. The most common incentive is the ability to build increased density. Other common incentives include parking or design waivers, zoning variances, tax abatements, fee waivers, and expedited permitting.

Density bonuses are the most common way that municipalities across the U.S. address the issue of encouraging affordable housing. In Massachusetts, this type of zoning is allowed under MGL 40A section 9. Arlington's current Zoning Bylaw has a low affordable housing requirement with limited incentives. The proposed zoning sets a higher requirement with offsetting incentives. This higher requirement would allow the program the opportunity to produce more affordable units. The bylaw as currently written explicitly discourages subdivision of lots and phasing of development to avoid affordable housing requirements. Therefore, the Board believes that Article 16 with Articles 6, 7, 8, and 11 will not only provide greater affordability, but will also assist with the tandem goals of increasing mixed-use and multi-family development.

Section 8.2 requires that any development of 6 or more units must contribute 15% of the total number of units as affordable units. Section 8.2, Affordable Housing Requirements, would be revised to require developments of 6 to 19 units to contribute 15% of the total number of units as affordable units and developments of 20 or more units to contribute 20% of the total number of units as affordable units. The outcome of this amendment would require a greater number of affordable units for larger developments. Under the existing bylaw, a 20-unit development must contribute 3 affordable units. Under the proposed amendment, the same 20-unit development must contribute 4 affordable units.

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The additional tier for developments of 20 units or more is common practice of some of the greater Boston communities. For example, Somerville requires 15% inclusionary units for a 6 to 7 unit project, 17.5% inclusionary units for an 8 to 17 unit project, and 20% inclusionary units for a 20+ unit project. In short, the larger the project, the greater the inclusionary requirement. At a certain level, inclusionary zoning requires developers to provide a "bulk discount" on housing, where market rate units subsidize the inclusionary ones. Too steep a requirement could undermine the financial viability of such projects, and the ARB determined that the twenty percent tier is intentionally conservative in order to gain additional public benefit (affordable housing) from larger projects.

Article 16 with Articles 6, 7, 8, and 11 furthers the desire to receive additional affordable housing by creating a new density bonus. Currently, Section 8.2, Affordable Housing Requirements, of the Zoning Bylaw provides two incentives relative to parking reductions for specific types of affordable housing, but no incentives related to density or dimensional flexibility. The proposed amendments create a new section, 8.2.4(C), in which multi-family developments in the R4 through R7 districts and multi-family and mixed-use developments in the Business districts would be allowed to access certain density and dimensional bonuses in exchange for a greater number of affordable units than otherwise required. Multi-family or mixed-use developments with 4 or 5 residential units would be allowed the density bonus. This bonus would reduce barriers to mixed-use and multi-family development along main transportation corridors. Smaller-scale development faces the same constraints as larger-scale development, including but not limited to dimensional constraints related to lot size, building height, and floor area ratio, which would be addressed through these proposed amendments.

The development review process would remain the same regardless of project scale. Whereby, all development proposals would remain subject to review by the Arlington Redevelopment Board through the Environmental Design Review (EDR) Special Permit process. EDR is a public process where abutters to a proposed development are provided notice to attend public meetings about a specific development proposal under consideration. EDR considers criteria including the following: preservation of the natural landscape; relationship of buildings to the environment; open space; traffic circulation; stormwater drainage; utility service; signs; special features that may require additional screening; safety; heritage; microclimate; and sustainable building and site design. In addition to responding to these criteria, development proposals must follow the Design Standards for the Town of Arlington. These standards comprise seven concept areas that shape the visual environment, including building setbacks and height and the relationship of the building to the street and sidewalk. Additionally, and where applicable, the Historic Districts Commission, Arlington Historical Commission, and Conservation Commission will review development applications that are within their respective jurisdictions.

Over the years, Arlington has not seen a significant amount of development of either market rate or affordable housing. The density bonus allows Arlington to give increased density, in exchange for public benefit in the form of increased affordable housing units. The density bonus would facilitate development in Arlington that is both true to the Master Plan and Housing Production Plan while acknowledging and furthering some of the long-standing development requirements in the Zoning Bylaw. Mixed-use zoning was adopted by Town Meeting in 2016 and applies to all Business districts only. Mixed-use is not allowed in any other zone, including higher-density residential districts along primary transportation corridors. Multi-family uses are allowed in all Business districts. Additional mixed-use development would allow for an upgrade of the available commercial space along the corridors, and encourage positive economic development, another goal of the Master Plan.

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Article 16 will be described in greater detail on the proceeding pages. Articles 6, 7, and 8 provide footnote references to the new density bonus section where applicable in the Zoning Bylaw. Article 11 proposes to clarify the discretion afforded to a special permit granting authority to make a finding to increase allowable building height as part of an existing special permit granting process.

### Article 16

#### Incentives for multi-family uses in higher-density residential districts: R4, R5, R6, R7

Article 16 creates incentive density requirements for multi-family developments in the R4 through R7 districts. The following table compares the requirements found in the Table of Density and Dimensional Requirements in Section 5.4.2 and what would be allowed for multi-family uses through the density bonus in Section 8.2.4(C):

District and Dwelling Type		Current Zoning (Section 5.4.2)	Proposed Density Bonus (Section 8.2.4(C))
R4	Townhouse structure	30,000 ft <sup>2</sup> minimum lot area, 2,500 ft <sup>2</sup> minimum lot area per unit, 100 ft lot frontage	5,000 ft <sup>2</sup> minimum lot area, 1,500 ft <sup>2</sup> minimum lot area per unit, 50 ft lot frontage
	Apartment conversions	12,500 ft <sup>2</sup> minimum lot area, 2,500 ft <sup>2</sup> minimum lot area per unit, 80 ft lot frontage	No minimum lot area, 1,000 ft <sup>2</sup> minimum lot area per unit, no minimum frontage
R5	Townhouse structures and apartment buildings	20,000 ft <sup>2</sup> minimum lot area, 1,450 sq ft <sup>2</sup> minimum lot area per unit, and 100 ft lot frontage	5,000 ft <sup>2</sup> minimum lot area, 1,000 ft <sup>2</sup> in minimum lot area per unit, 50 ft of frontage
R6	Townhouse structures, apartment buildings	20,000 ft <sup>2</sup> in minimum lot area, 700 ft <sup>2</sup> minimum lot area per unit, and 100 ft lot frontage	5,000 ft <sup>2</sup> minimum lot area, 700 ft <sup>2</sup> minimum lot area per unit, 50 ft lot frontage
R7	Any permitted structure	20,000 ft <sup>2</sup> in minimum lot area, 550 ft <sup>2</sup> minimum lot area per unit, and 100 ft lot frontage	5,000 ft <sup>2</sup> minimum lot area, 550 ft <sup>2</sup> minimum lot area per unit, 50 ft lot frontage

Per the parcel analysis prepared as part of the analysis leading to these zoning amendment recommendations, there are a substantial number of lots above 5,000 square feet on Arlington's primary transportation corridors; this size is appropriate for multi-family buildings. The parcel analysis found that the proposed adjustments to minimum lot area and minimum lot area per unit would make 95% of the existing parcels in the R4 through R7 districts compliant with the zoning requirements. By allowing for a reduction of the minimum lot area, minimum lot area per unit, and the minimum frontage, additional commercial space and housing units may be created in exchange for additional affordable housing units. Additionally, the allowance of no minimums for apartment conversions is due to the use being a conversion of an existing structure, often non-conforming already.

Article 16 creates incentive setback requirements for multi-family developments in the R4 through R7 districts. The following table compares the requirements found in the Table of Density and Dimensional Requirements in Section 5.4.2 and what would be allowed for multi-family uses through the density bonus in Section 8.2.4(C):

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<b>District and Dwelling Type</b>		<b>Current Zoning (Section 5.4.2)</b>	<b>Proposed Density Bonus (Section 8.2.4(C))</b>
R4	Townhouse structure	Front yard setback 25 ft, side yard setback 15 ft, rear yard setback 25 ft	Front yard setback 10 ft, side yard setback 10 ft, rear yard setback 20 ft
	Apartment conversions	Front yard setback 25 ft, side yard setback 10 ft, rear yard setback 20 ft	No minimum front, side, rear yard setback requirements
R5	Townhouse structures and apartment buildings	Front yard setback of 25 ft, rear yard setback 25 ft, side yard setback calculated based on length of the wall parallel to the side lot line	Front yard setback of 10 ft, rear yard setback 15 ft, side yard setback 20 ft
R6	Townhouse structures, apartment buildings	Front yard, side yards, rear yards calculated based on building height	Front yard setback 10 ft, side yard setback 10 ft, rear yard setback 20 ft
R7	Any permitted structure	Front yard, side yards, rear yards calculated based on building height and length, side yard and rear yards cannot be less than 20 ft	Front yard setback 10 ft, side yard setback 10 ft, rear yard setback 20 ft

Additionally, Section 8.2.4(C)(1) would be added to indicate that townhouse structures and apartment buildings in the R6 and R7 districts, no side yard is required at side lot lines that abut a Business district.

Decreased front and side yards are more consistent with traditional main street building patterns and create a stronger and more consistent streetscape, which enhances the pedestrian experience. The proposed incentive reductions in the required yards are appropriate for multi-family uses and still allow room for a bench, landscaping, or other pedestrian amenity. Although reduced, the front yard setback provides relief in the residential areas between commercial centers. The side yard setbacks allow for a consistent streetscape where the high-density residential district abuts a business district, but allows for relief where high-density residential districts abut lower density residential districts. Additionally, the allowance of no minimums for apartment conversions is due to the use being a conversion of an existing structure, often non-conforming already. These reductions are proposed as part of an incentive to encourage the appropriate infill development of multi-family uses when additional affordable housing units are provided.

Article 16 creates incentive building height and Floor Area Ratio (FAR) requirements for multi-family developments in the R4 through R7 districts. The following table compares the requirements found in the Table of Density and Dimensional Requirements in Section 5.4.2 and what would be allowed for multi-family uses through the density bonus in Section 8.2.4(C):

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<b>District and Dwelling Type</b>		<b>Current Zoning (Section 5.4.2)</b>	<b>Proposed Density Bonus (Section 8.2.4(C))</b>
R4	Townhouse structure	Maximum height 35 ft, maximum 3 stories, FAR 0.70	Maximum height 35 ft, maximum 3 stories, FAR 1.50
	Apartment conversions	Maximum height 40 ft, maximum 4 stories, no maximum FAR	No minimum height, stories, or FAR
R5	Townhouse structures and apartment buildings	Maximum height 35 ft, maximum 3 stories, FAR 0.80	For townhouse structures and apartment buildings: Maximum height 45 ft, maximum 3 stories, FAR 1.50 Other residential and other principal structures would remain unchanged.
R6	Townhouse structures, apartment buildings, office structures (on more than 20,000 ft <sup>2</sup> )	Maximum height 35 ft or 40 ft, maximum 3 or 4 stories, FAR 1.20 (depending upon reduced height buffer area- see Article 11)	Maximum height 45 ft or 55 ft, maximum 4 or 5 stories, FAR 1.80 (depending upon reduced height buffer area- see Article 11)
R7	Any permitted structure	Maximum height 40 ft or 60 ft, maximum 5 stories, FAR 1.50 (depending upon reduced height buffer area- see Article 11)	Maximum height 45 ft or 60 ft, maximum 5 stories, FAR 2.00 (depending upon reduced height buffer area- see Article 11)

Given that the higher-density residential districts are located almost exclusively along major corridors, greater heights could be accommodated in contextually appropriate ways. Indeed, a key finding of the Master Plan was that Massachusetts Avenue and other primary transportation corridors have the capacity for growth and recommends increased density and building heights along the corridor. Floor Area Ratio (FAR) is the ratio of gross floor area to the total area of the lot. In conjunction with increasing the building heights, increasing the allowable FAR will enable more flexibility in locating parking and open space on a site without constraining the size of a building. Additionally, the allowance of no minimums for apartment conversions is due to the use being a conversion of an existing structure, often non-conforming already. These increases are a cornerstone to the density bonus when additional affordable housing is provided. The maximum height and stories of a building are still tempered by the Reduced Height Buffer Area (Article 11) designed to protect adjacent residential or open space areas from shadows and glare.

**Article 16**

**Incentives for mixed-use and multi-family uses in Business districts: B1, B2, B2A, B3, B4, B5**

Article 16 creates incentive density requirements for mixed-use on lots greater than 20,000 square feet in the B2 District. The current minimum lot area per unit for mixed-use on lots greater than 20,000 square feet is 1,450 square feet. The minimum number of units could be 13 for a property that meets the minimum square footage required of greater than 20,000 square feet. The proposed density bonus would reduce the minimum lot area per unit in the B2 District to 1,000 square feet for mixed-use on lots greater than 20,000 square feet. The minimum number of units could be 20 for a property that meets the minimum square footage required of greater than 20,000 square feet. The proposed reduction in



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the minimum lot area per unit for mixed-use on lots greater than 20,000 square feet is consistent with existing development along Arlington’s major roadways. The parcel analysis found that 98% of the parcels where a reduction is proposed for the minimum lot area per unit would become compliant with the Zoning Bylaw. By reducing the minimum lot area per unit, additional commercial space and housing units can be created in exchange for additional affordable housing units.

Article 16 creates incentive yard requirements for mixed-use in the B1 District. A 20-foot front yard setback and a 10-foot side yard setback are currently required. The proposed density bonus would reduce the front yard setback to 10 feet and maintain the side yard setback at 10 feet for mixed-use in the B1 District. However, the side yard setback may be reduced to zero if the adjacent use is not residential or the building on the adjacent property is at the lot line. B1 Districts are often situated within lower-density residential districts. Therefore, maintaining the 10-foot side yard setback back for mixed-use is appropriate to provide relief for residential abutters. Where the B1 district may be situated within other Business Districts, this setback may be reduced when there is additional affordable housing provided.

Article 16 creates incentive building height requirements for certain mixed-use developments in the B1, B3, and B5 Districts. The following table compares the requirements found in the Table of Density and Dimensional Requirements in Section 5.5.2 and what would be allowed for mixed-use through the density bonus in Section 8.2.4(C):

District	Current Zoning (Section 5.5.2)	Proposed Density Bonus (Section 8.2.4(C))
B1	Maximum height 35 ft, maximum 3 stories	Maximum height 45 ft, maximum 4 stories
B3	Maximum height 40 ft or 50 ft and maximum 3 or 5 stories on a lot greater than 20,000 ft <sup>2</sup> (depending upon reduced height buffer area-see Article 11)	Maximum height 50 ft or 60 ft and maximum 4 or 5 stories on a lot greater than 20,000 ft <sup>2</sup> (depending upon reduced height buffer area-see Article 11)
B5	Maximum height 40 ft or 60 ft and maximum 3 or 5 stories on a lot greater than 20,000 ft <sup>2</sup> (depending upon reduced height buffer area-see Article 11)	Maximum height 50 ft or 60 ft and maximum 4 or 5 stories on a lot greater than 20,000 ft <sup>2</sup> (depending upon reduced height buffer area-see Article 11)

The proposed increases in the maximum height allowed and the maximum number of stories allowed is more consistent with existing development along major corridors. The changes to the B1 District are in line with what is allowed in the similarly situated B2 District. Adding consistency between the B3 and B5 Districts is important as these two districts are situated along major corridors often in the same areas of Arlington Heights, Arlington Center, and East Arlington where the streetscape would benefit from consistency in adjacent structures. These increases are a cornerstone to the density bonus when additional affordable housing is provided. The maximum height and stories of a building are still tempered by the Reduced Height Buffer Area (Article 11) designed to protect adjacent residential or open space areas from shadows and glare.

Article 16 creates incentive Floor Area Ratio (FAR) requirements in all of the Business Districts. The following table compares the requirements found in the Table of Density and Dimensional

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Requirements in Section 5.5.2 and what would be allowed for mixed-use through the density bonus in Section 8.2.4(C):

District	Current Zoning (Section 5.5.2)	Proposed Density Bonus (Section 8.2.4(C))
B1	0.75 on any lot	1.50 on any lot
B2	1.50 on a lot equal to or less than 20,000 ft <sup>2</sup>	1.80 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.50 on a lot greater than 20,000 ft <sup>2</sup>
B2A	1.50 on a lot equal to or less than 20,000 ft <sup>2</sup>	1.50 on a lot equal to or less than 20,000 ft <sup>2</sup>
B3	1.50 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.40 on a lot greater than 20,000 ft <sup>2</sup>	1.80 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.50 on a lot greater than 20,000 ft <sup>2</sup>
B4	1.50 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.00 on a lot greater than 20,000 ft <sup>2</sup>	2.00 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.80 on a lot greater than 20,000 ft <sup>2</sup>
B5	1.80 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.40 on a lot greater than 20,000 ft <sup>2</sup>	2.20 on a lot equal to or less than 20,000 ft <sup>2</sup> 1.80 on a lot greater than 20,000 ft <sup>2</sup>

Floor Area Ratio (FAR) is the ratio of gross floor area to the total area of the lot. In conjunction with increase the building heights, increasing the allowable FAR will enable more flexibility in locating parking and open space on a site without constraining building size. FAR increases are another cornerstone to the density bonus when additional affordable housing is provided.

### Article 16

#### Incentives for multi-family uses in higher-density Residential districts: R4, R5, R6, R7 and mixed-uses in Business districts: B1, B2, B2A, B3, B4, B5

Article 16 creates incentive open space and maximum coverage requirements for multi-family uses in the R4 through R7 districts and mixed-use in the Business Districts. The existing bylaw defines these two types of open space as follows:

*Landscaped Open Space: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.*

*Usable Open Space: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 70% open to the sky, free of automotive traffic and parking, and readily accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 70% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet.*

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Per the Zoning Bylaw in Section 5.4.2 and Section 5.5.2, the requirements for the R4 through R7 residential districts are 10% landscaped open space and a range of 15% to 30% usable open space for certain uses such as multi-family buildings and townhouse structures. For mixed-use in the Business Districts, the requirements are 10% landscaped open space and a range of 15% to 20% usable open space. The incentive proposal includes three pieces: increasing the landscaped open space requirement; allowing 25% of the landscaped open space to be satisfied on balconies; and eliminating the usable open space requirement. The requirements for the R4 through R7 residential districts will be adjusted to require 20% landscaped open space and no usable open space for multi-family buildings and townhouse structures. For mixed-use in the Business Districts, the requirements will be adjusted to require 20% landscaped open space and no usable open space.

The incentive section would also allow for 25% of the landscaped open space to be satisfied on balconies at least 5 feet by 8 feet in size only accessible through a dwelling unit and developed for the use of the occupant of the dwelling unit. This incentive is designed to offer more flexibility on how open space is provided on a property when multi-family uses and mixed-uses are proposed with more than the required number of affordable housing units. Shifting the open space requirement to landscaped open space requirement offers more flexibility in how the space is distributed across the site (landscaped open space does not require the 25-foot by 25-foot minimum dimensions) and reduces the overall open space requirement (from 30% total to 20% total). Balcony space is currently allowed to count toward open space requirements, yet by limiting the amount that can be counted means the majority of the required landscaped open space is still provided on the ground. Landscaped open space provides the visual amenity and relief along the street and can contribute to addressing stormwater management without requiring the additional cost of lawn maintenance.

Article 16 adjusts where an upper-story building step back is applicable as an incentive. Section 5.3.17 requires that buildings that are more than 3 stories in height to have a 7.5-foot step back beginning at the third story level or 30 feet above grade, whichever is less. The density bonus would adjust this requirement to be applicable to buildings more than 4 stories in height and the step back would be required at the fourth story level or 30 feet above grade, whichever is less. Consistent with the increase in the maximum height allowed, the upper-story building step back would be increased by one story when additional affordable housing is provided.

Article 16 reduces the number of required parking spaces as an incentive. The following requirements would apply:

<b>Building Type/ Bedrooms per unit</b>		<b>Current Zoning (Section 6.1.4)</b>	<b>Proposed Density Bonus (Section 8.2.4(C))</b>
Any building with four or more units	Studio	1 space	1 space
	1-bedroom	1.15 spaces	1 space
	2-bedrooms	1.5 spaces	1.25 spaces
	3- or more bedrooms	2 spaces	1.5 spaces

The incentive allows a reduction in the minimum parking requirements without reducing the ratio so much that it creates undue burden on the surrounding neighborhoods. The requirement is only a

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minimum; and based on market decisions, a higher number of parking spaces may be required and provided.

### **How these amendments impact economic development efforts**

The Town has been recognized as being on the leading edge of municipal governments playing an active role in assisting with filling commercial vacancies. Most notably, the Registration and Maintenance of Commercial and Industrial Buildings bylaw (Title V, Article 17) has been recognized as an effective mechanism for maintaining a very low vacancy rate in town. The Town was awarded the Kenneth Pickard Municipal Innovation award in 2018 by the Massachusetts Municipal Association, and is frequently contacted by representatives from other municipalities across the nation (including New York City, Boston, Minneapolis, Cambridge, Somerville, and others) to speak to its efficacy. The Town has received recognition for this bylaw in the Boston Globe, commercial realty trade publications such as Bisnow, and have been asked to testify to the Boston City Council. The Town's commercial vacancy rate has been under 5% since the enactment of this bylaw in 2016 and is currently less than 2%.

In addition to the bylaw, the Town has collaborated with the Arlington Chamber of Commerce to produce "Arlington: We're Open for Business," a guide to help assist property owners and members of the real estate field in recruiting businesses to town. Finally, the Town maintains a listing of available properties on the Town's website, which is actively searched, and uses it to assist with referrals to commercial property owners. Ongoing networking and maintenance of these tools is a priority for the Department of Planning and Community Development.

Adaptive reuse of historic buildings is a best practice for economic and community development. Blocks of older, smaller, mixed-age buildings add character and charm to Arlington's commercial districts, but these areas are far more than quaint relics. Traditional downtowns with mixed-use buildings are economic development engines of their own, providing a foundation for strong local businesses, innovative startups, and mom-and-pop small businesses.

Adaptive reuse of older, one- and two-story commercial buildings is key to sustaining our small business community in Arlington. The connections between density and sustainable development are well understood. Too often, however, density is associated only with new development, or only building size and height, but on a national scale the densest neighborhoods overall are almost always characterized by blocks of older, smaller, low-rise buildings. Developed before the automobile claimed so much of our urban landscape, these areas are dense and provide easy access for residents to jobs, transit, shopping, dining, and arts and cultural activities. Not only are residential densities higher in areas with a mix of older, smaller buildings—so are jobs per square foot. As the technology-enabled sharing economy grows, older neighborhoods provide examples and inspiration for how to get the most from our buildings and blocks by providing stability for residents and local business owners and creating a density of human activity that is the true hallmark of sustainable, vibrant communities.

Yet, the low vacancy rate inhibits growth and job creation. Arlington's commercial vacancy rate is currently less than 2%. While low vacancy rates are generally the sign of a healthy local economy, extremely low vacancy rates can be seen by business owners as the sign of a community with too few options for expansion of existing businesses and insufficient options for the location of new businesses. Arlington-based businesses that are looking to grow may have to move elsewhere, because even if they can find room to start, there is very little opportunity to grow a business in town. This also limits Arlington's capacity for job growth and hinders our ability to absorb start-ups and innovative businesses that are currently being priced out of nearby cities.

## **Redevelopment Board Report to 2019 Annual Town Meeting**

Increasingly, businesses are choosing to locate in communities where they can attract workers with a preference for dense, socially diverse, architecturally rich, and transit connected neighborhoods. To foster a diverse business community and provide a solid foundation of Arlington-based jobs for future generations of Arlingtonians, new and varied options need to be available to the business community. The zoning amendments could allow for reinvestment in the community by existing property owners and new investment by others that adds new and needed spaces to support East Arlington, Arlington Center, Arlington Heights, and other locations along our more commercial corridors.

Encouraging additional mixed-use and multi-family development through Article 16 with Articles 6, 7, 8, and 11 will provide improved and more commercial space and to provide more inclusive growth (a range of housing units). Addressing both mixed-use and multi-family development requires a range of actions, including these proposed zoning amendments.

**Why now?** In 1975, the State Zoning Enabling Act passed and municipalities had to follow suit. Municipalities adopted zoning that fit the times: the 1970s. Arlington adopted a recodified Zoning Bylaw and updated the Zoning Map in 1975, which intended to advance the goals and policies outlined in its Comprehensive Plan adopted in 1972. The plan forecasted that the population would grow to be 56,000 people by 1980. The Redevelopment Board and Department of Planning and Community Development further studied land use patterns and issued reports that guided the town down a path of slower growth such that the population declined by nearly 10% in the decade after the new Zoning Bylaw was adopted in 1975. Specifically, the plans for the Mill Brook Valley and the Mass Ave and Broadway Corridors significantly hampered growth. Those goals had intended outcomes: suppress growth and curtail development broadly, while preserving neighborhoods and encouraging protection of open space and other natural resources. In many ways, Arlington became a model for smarter growth, but the model has not adapted to fit current times or to future needs and demands.

In 2015, the Arlington Master Plan was adopted with vision of growth and change. The plan acknowledges that commercial corridors can support increased growth while still preserving the residential character of lower-density neighborhoods and protecting open spaces. In 2016, Arlington adopted a Housing Production Plan with the intention of creating and preserving housing, including affordable housing. The Town is faced with a general need for growth; more housing and more commercial space can help with the overall tax base. These amendments can address the need for growth, while making it inclusive and maintaining Arlington's desirable neighborhoods.

### **The process to develop these amendments**

Similar to past zoning bylaw amendments and processes, the process to develop these amendments unfolded with a comparable timeline and equal levels of engagement. This process began in 2015 following the adoption of the Arlington Master Plan, the adoption of the Housing Production Plan in 2016, and the continued implementation of both plans beginning in 2016. Following the adoption of the Master Plan, the town undertook two major first steps with zoning amendments: to allow mixed-use in the Business Districts and to allow reduced parking with Transportation Demand Management in higher-density Residential districts and in Business districts. The next step was to recodify the Zoning Bylaw to make it easier to use and access information and to ensure it was consistent with State and local laws and case law. Recodification was an 18-month process that concluded in February 2018. The intention was to focus on recodification while holding off on more substantive zoning amendments. More substantive amendments included those amendments that would amend zoning to align with policy recommendations in the Master Plan.

## Redevelopment Board Report to 2019 Annual Town Meeting

In late 2017, the Town secured funding from the Massachusetts Executive Office of Energy and Environmental Affairs and contracted with the Metropolitan Area Planning Council to assist with parcel and zoning studies that explored limitations within the existing Zoning Bylaw that may be preventing the development of multi-family housing in higher-density residential districts (R4, R5, R6, and R7) and multi-family housing and mixed-use development in all Business districts. The project kicked off in 2018 and the department consulted with an advisory group consisting of individuals from existing subcommittees of the Redevelopment Board who could help review project deliverables and review proposed recommendations. The Redevelopment Board discussed project updates at two public meetings in fall 2018, which led to the effort to finalize and then propose a suite of zoning bylaw amendments. Two additional public meetings were held to share iterations of proposed amendments and gain additional input and feedback. Through the process, the public comment has been valuable. In the public hearings, in written form, and at the forum held in January, the feedback was mixed on both sides of the issue, but overwhelmingly the desire is for the town to achieve a public benefit (affordable housing primarily) and the density bonus is responsive to that feedback.

In closing, these proposed amendments aim to help the Town and its current and future residents and businesses three-fold by:

1. Creating and diversifying housing opportunities to address the local and regional demand for all types of housing, including the need for affordable housing and housing options for older adults and people with disabilities;
2. Spurring economic opportunities to fill existing vacancies and generate new opportunities for businesses to grow; and
3. Leveraging State discretionary operating and capital funds for infrastructure, streetscape, and environmental planning projects.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 16

### ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS

To see if the town will vote to amend the Zoning Bylaw by increasing the affordability requirements contained in Section 8.2 AFFORDABILITY REQUIREMENTS, (such that a greater number of units of affordable would be required for certain projects); or take any action related thereto.

(Steve Revilak and 10 Registered Voters)

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#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 16 as amended. That the Zoning Bylaw be and hereby is amended as follows:

#### **Amend Section 8.2.3(A) to increase the affordability requirements:**

- A. In any development subject to this Section 8.2, 15% of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. In any development subject to this Section 8.2, a percentage of the dwelling units shall be affordable units as defined in Section 2 of this Bylaw. In a development with 6 to 19 dwelling units, 15% of the dwelling units shall be affordable units. In a development with 20 dwelling units or more, 20% of the dwelling units shall be affordable units.

For purposes of this Section 8.2., each room for renter occupancy in a single-room occupancy building shall be deemed a dwelling unit. In determining the total number of affordable units required, calculation of a fractional unit of 0.5 or more shall be rounded up to the next whole number.

#### **Amend Section 8.2.4 to create additional incentives:**

- C. In the case of a multi-family development in the R4, R5, R6, and R7 districts or a multi-family or mixed-use development in any of the B districts, where more than the required number of affordable units of this Section are provided, the following density and dimensional requirements apply to the proposed development and supersede the tables in Section 5.4 and 5.5 where applicable:

## Redevelopment Board Report to 2019 Annual Town Meeting

### Incentive Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
<b>R4</b>			
Townhouse structure	5,000	1,500	50
Apartment conversion with no change to building footprint or envelope	-----	1,000	-----
<b>R5</b>			
Townhouse structure, apartment building	5,000	1,000	50
<b>R6</b>			
Townhouse structure, apartment building	5,000	700	50
<b>R7</b>			
Townhouse structure, apartment building	5,000	550	50
<b>B2</b>			
Mixed-use <=20,000 sq. ft.	-----	-----	50
Mixed-use >20,000 sq. ft.	>20,000	1,000	50

### Incentive Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
<b>R4</b>			
Townhouse structure	15	10	20
Apartment conversion with no change to building footprint or envelope	-----	-----	-----
<b>R5</b>			
Townhouse structure, apartment building	10	15	20
<b>R6</b>			
Townhouse structure, apartment building	10	10	20
<b>R7</b>			
Townhouse structure, apartment building	10	10	20
<b>B1</b>			
Mixed-use	10	10 <sup>A</sup>	20

<sup>A</sup> The side yard setback may be reduced to 0 feet if the adjacent use is not used for residential or the building on the adjacent property is at the lot line.



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Incentive Open Space and Lot Coverage Regulations

<u>District Use</u>	<u>Minimum / Maximum Requirements</u>		
	<u>Landscaped Open Space (Min.)</u>	<u>Usable Open Space (Min.)</u>	<u>Maximum Lot Coverage</u>
<u>R4</u>			
<u>Townhouse structure</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>Apartment conversion with no change to building footprint or envelope</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>R5</u>			
<u>Townhouse structure, apartment building</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>R6</u>			
<u>Townhouse structure, apartment building</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>R7</u>			
<u>Townhouse structure, apartment building</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B1</u>			
<u>Mixed-use</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B2</u>			
<u>Mixed-use</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B2A</u>			
<u>Mixed-use &lt;=20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B3</u>			
<u>Mixed-use &lt;=20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B4</u>			
<u>Mixed-use &lt;=20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>B5</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>
<u>Mixed-use &gt; 20,000 sq. ft.</u>	<u>20%</u>	<u>-----</u>	<u>-----</u>

Redevelopment Board Report to 2019 Annual Town Meeting

Incentive Building Height and Floor Area Ratio Regulations

<u>District Use</u>	<u>Maximum Allowed</u>		
	<u>Maximum Height (ft.)</u>	<u>Maximum height (stories)</u>	<u>Maximum Floor Area Ratio (FAR)</u>
<u>R4</u>			
<u>Townhouse structure</u>	<u>35</u>	<u>3</u>	<u>1.50</u>
<u>Apartment conversion with no change to building footprint or envelope</u>	<u>----</u>	<u>----</u>	<u>----</u>
<u>R5</u>			
<u>Townhouse structure, apartment building</u>	<u>45</u>	<u>4</u>	<u>1.50</u>
<u>R6</u>			
<u>Townhouse structure or apartment building on more than 20,000 sq. ft.</u>	<u>55</u>	<u>5</u>	<u>1.80</u>
	<u>45</u>	<u>4</u>	
<u>R7</u>			
<u>Townhouse structure, apartment building</u>	<u>45</u>	<u>5</u>	<u>2.00</u>
	<u>60</u>		
<u>B1</u>			
<u>Mixed-use</u>	<u>45</u>	<u>4</u>	<u>1.50</u>
<u>B2</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>50</u>	<u>4</u>	<u>1.80</u>
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>40</u>	<u>3</u>	<u>1.50</u>
<u>B2A</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>1.80</u>
	<u>50</u>	<u>4</u>	
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>50</u>	<u>4</u>	<u>1.50</u>
	<u>40</u>	<u>3</u>	
<u>B3</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>1.80</u>
	<u>50</u>	<u>4</u>	
<u>Mixed-use &gt;20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>1.50</u>
	<u>50</u>	<u>4</u>	
<u>B4</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>2.00</u>
	<u>50</u>	<u>4</u>	
<u>Mixed-use &gt; 20,000 sq. ft.</u>	<u>50</u>	<u>4</u>	<u>1.80</u>
	<u>40</u>	<u>3</u>	
<u>B5</u>			
<u>Mixed-use &lt;= 20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>2.20</u>
	<u>50</u>	<u>4</u>	
<u>Mixed-use &gt; 20,000 sq. ft.</u>	<u>60</u>	<u>5</u>	<u>1.80</u>
	<u>50</u>	<u>4</u>	

## Redevelopment Board Report to 2019 Annual Town Meeting

- (1) In addition to the density and dimensional allowances identified in C above, the following supersede the requirements of Section 5.3 where applicable:
- For townhouse structures and apartment buildings in the R6 and R7 district, no side yard is required at side lot lines that abut a Business or Industrial district where the principal use of the structure on the abutting lot is not primarily residential.
  - Up to 25% of the landscaped open space may include balconies at least 5 feet by 8 feet in size only accessible through a dwelling unit and developed for the use of the occupant of such dwelling unit.
  - For buildings four or more stories in height, a 7.5-foot step back shall be provided beginning at the fourth story level or 30 feet above grade, whichever is less. The upper-story step back shall be provided along all building elevations with street frontage, excluding alleys.
  - The off-street parking requirement for apartment buildings is 1 space per efficiency dwelling unit or 1-bedroom dwelling unit; 1.25 spaces per 2-bedroom dwelling unit; and 1.5 spaces per 3 or more bedroom dwelling unit.
  - The height buffer requirements of Section 5.3.19 still apply.
- (2) Multi-family or mixed-use structures with 4 or 5 residential units are allowed to supersede the requirements of Sections 5.3, 5.4, and 5.5 with the requirements in Section C above where applicable.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 6

### ZONING BYLAW AMENDMENT/DENSITY AND DIMENSIONAL REQUIREMENTS FOR MULTI-FAMILY USES

To see if the Town will vote to amend the Zoning Bylaw to change the density and dimensional requirements for multi-family uses in the R4, R5, R6, and R7 Districts by:

1. Amending SECTION 5.4.1. DISTRICTS AND PURPOSES to revise descriptions of the R5, R6, and R7 Districts;
2. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area, minimum lot area per unit, and minimum lot frontage for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District;
3. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to adjust the front yard, side yard, and rear yard for three-family dwellings, townhouse structures, and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District; and
4. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet, maximum stories, and maximum floor area ratio for townhouse structures and apartment conversions in the R4 District, for townhouse and apartment buildings in the R5 District, for townhouse structure and apartment building in the R6 District, and for any permitted structure in the R7 District.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 6 as amended. That the Zoning Bylaw be and hereby is amended as follows:

#### **Section 5.4.1 Districts and Purposes**

C. (1) R5: Apartment District/Low Density. The predominant use is two- to ~~three~~ four-story garden apartments located along or near principal arteries. The Town allows small-scale offices on principal arteries only. The Town discourages uses which would detract from the desired residential character, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

(2) R6: Apartment District/Medium Density. The predominant land uses in the Medium-Density Apartment District consist of a mix of apartments up to ~~four~~ five stories high and offices at a smaller scale. The Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.

**Redevelopment Board Report to 2019 Annual Town Meeting**

**Section 5.4.2 Dimensional and Density Requirements**

**A. Tables of Dimensional and Density Regulations**

**R District Lot Regulations (see 5.4.2(B) for exceptions).**

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R7 Any permitted principal structure	20,000	550	100

Note: See also Section 8.2.4(C).

**Section 5.4.2 Dimensional and Density Requirements**

**A. Tables of Dimensional and Density Regulations**

**R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).**

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Accessory buildings and garage structures	20	10	10

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

Note: See also Section 8.2.4(C).

**R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)**

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
Detached accessory structure (<=80 sq. ft.)	7	1	-----

Note: See also Section 8.2.4(C).

**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 7**

**ZONING BYLAW AMENDMENT/DENSITY AND DIMENSIONAL REQUIREMENTS FOR MIXED-USE**

To see if the Town will vote to amend the Zoning Bylaw to change the density and dimensional requirements for mixed-use in the B Districts by:

1. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the minimum lot area per unit for mixed-use on lots greater than 20,000 square feet in the B2 District;
2. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the front yard and side yard requirements for mixed-use in the B1 District;
3. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum height in feet and maximum stories for mixed-use in the B1, B3, and B5 Districts; and
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to increase the maximum floor area ratio for mixed-use in all of the Business Districts.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 7 as amended. That the Zoning Bylaw be and hereby is amended as follows:

**Section 5.5.2 Dimensional and Density Requirements**

**A. Tables of Dimensional and Density Regulations**

**B District Lot Regulations**

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
Any other permitted use	-----	600	50
On a lot >= 40,000 sq. ft.	>40,000	550	100
On a lot >= 80,000 sq. ft.	>80,000	550	150

<sup>A</sup>The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

Note: See also Section 8.2.4(C).

**B District Yard and Open Space Requirements**

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
Any other permitted use			(H+L)/6
On a lot >= 40,000 sq. ft.	-----	-----	(H+L)/6
On a lot >= 80,000 sq. ft.	-----	-----	(H+L)/6

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

Note: See also Section 8.2.4(C).

**Redevelopment Board Report to 2019 Annual Town Meeting**

**B District Building Height and Floor Area Ratio Regulations**

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
Any other permitted use	60	5	1.40
On a lot >= 40,000 sq. ft.	40	3	1.50
	75	-----	
On a lot >= 80,000 sq. ft.	40	-----	1.80
	75		
	40		

Note: See also Section 8.2.4(C).

**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 8**

**ZONING BYLAW AMENDMENT/OPEN SPACE REQUIREMENTS FOR MULTI-FAMILY USES AND MIXED-USE**

To see if the Town will vote to amend the Zoning Bylaw to adjust the open space requirements for multi-family uses and mixed-use to eliminate the requirement for usable open space and increase the requirement for landscaped open space by:

1. Amending SECTION 2 DEFINITIONS for landscaped open space;
2. Amending SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph D;
3. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for multi-family uses; and
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to eliminate the minimum usable open space requirement and increase the landscaped open space requirement for mixed-use.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 8 as amended. That the Zoning Bylaw be and hereby is amended as follows:

**Section 5.4.2 Dimensional and Density Requirements**

**A. Tables of Dimensional and Density Regulations**

**R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).**

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
Any permitted principal structure	10%	15%	-----

Note: See also Section 8.2.4(C).

**Section 5.5.2 Dimensional and Density Requirements**

**A. Tables of Dimensional and Density Regulations**

**B District Open Space and Lot Coverage**

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
Any other permitted use	10%	----- (20% for residential use)	-----
On a lot >= 40,000 sq. ft.	10%	Sec. 5.3.21	-----
On a lot >= 80,000 sq. ft.	10%	Sec. 5.3.21	-----

Note: See also Section 8.2.4(C).



**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 11**

**ZONING BYLAW AMENDMENT/REDUCED HEIGHT BUFFER AREA**

To see if the Town will vote to amend the Zoning Bylaw to reduce the height buffer area to 25 to 50 feet depending on orientation and to identify the specific requirements to allow application of the higher height limit by amending SECTION 5.3.19. REDUCED HEIGHT BUFFER AREA; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 11 as amended. That the Zoning Bylaw be and hereby is amended as follows:

**5.3.19 Reduced Height Buffer Area**

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless a finding of the Board of Appeals or the Arlington Redevelopment Board, as applicable, determines that the location, based on site-specific factors, or if the Applicant demonstrates to the satisfaction of the Board of Appeals or the Arlington Redevelopment Board, as applicable, that proximity to it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition will not be detrimental based upon criteria established in Section 3.3.3 and Section 3.3.4. The ARB or Board of Appeals, as applicable, shall find that any shadow or glare impact on abutters would be negligible to allow the higher height limit. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

<b>Land in R0, R1, R2, OS is located</b>	<b>Lower height shall apply</b>
Northerly, <del>between</del> <u>between</u> northwest and northeast	Within 200 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 9

### ZONING BYLAW AMENDMENT/ TOWNHOUSES

To see if the Town will vote to amend the Zoning Bylaw to clarify references to townhouse and to increase the size of a townhouse structure by:

1. Amending SECTION 5.3.14. TOWNHOUSE STRUCTURES paragraph A to increase the size of a townhouse structure to not exceed 200 feet or 8 townhouses in length;
2. Amending SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure;
3. Amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to remove references to townhouse and replace with townhouse structure;
4. Amending SECTION 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to remove references to townhouse and replace with townhouse structure;
5. Amending SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to remove references to townhouse and replace with townhouse structure; and
6. Amending SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, and OS DISTRICTS to remove references to townhouse and replace with townhouse structure.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **Discussion:**

Article 9 proposes to increase the number of townhouse units that could be located within one townhouse structure from the current zoning: 150 feet or 6 townhouses in length for a single-story structure or 120 feet for the part of a structure that is more than one-story tall to the proposed: 200 feet or 8 townhouses regardless of number of stories. The proposal does not change the ratio of townhouse units to the length of the entire structure. The proposed amendment would also correct references in Zoning Bylaw tables from townhouses to townhouse structures.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 9 as amended. That the Zoning Bylaw be and hereby is amended as follows to amend Section 5.3.14 and to remove table references to townhouse and replace with townhouse structure:

#### **Section 5.3.14 Townhouse Structures**

- A. A townhouse structure shall not exceed ~~150~~ 200 feet or ~~6~~ 8 townhouses in length ~~for a single-story structure nor 120 feet for that part of the structure more than one-story in height.~~

Redevelopment Board Report to 2019 Annual Town Meeting

Section 5.4.2 Dimensional and Density Requirements

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	5,000	-----	45
R5			
Townhouse structure, apartment building	20,000	1,450	100

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	10	One side: min. 10 Sum of two sides: min. 16	20
R5			
Townhouse structure, apartment building	15	10+(L/10)	25

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	10%	30%	-----
R5			
Townhouse structure, apartment building	10%	30%	-----

## Redevelopment Board Report to 2019 Annual Town Meeting

### R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R6			
Townhouse <u>structure</u> , apartment building, or office on more than 20,000 sq. ft.	40 35	4 3	1.2

### Section 5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Residential</b>								
Townhouse <u>structure</u>				SP	SP	SP	SP	SP

### Section 5.5.2 Dimensional and Density Regulations

#### A. Tables of Dimensional and Density Regulations

##### B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
B2			
Townhouse <u>structure</u> or apartment building	5,000	1,450	50
B3			
Townhouse <u>structure</u> or apartment building	20,000	600	100
B5 <sup>A</sup>			
Townhouse <u>structure</u> or apartment building	20,000	550	100

<sup>A</sup> The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

##### B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
B2			
Townhouse <u>structure</u> or apartment building	20	10	20
B3			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6	(H+L)/6
B5			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.)

Redevelopment Board Report to 2019 Annual Town Meeting

**B District Open Space and Lot Coverage**

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B2			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
B3			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
B5			
Townhouse <u>structure</u> or apartment building	10%	15%	-----

**B District Building Height and Floor Area Ratio Regulations**

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
B2			
Townhouse <u>structure</u> or apartment building	35	3	1.00
B3			
Townhouse <u>structure</u> or apartment building 20,000 sq. ft.	60 40	5 3	1.40
B5			
Townhouse <u>structure</u> or apartment building	75 40	-----	1.50

**5.5.3 Use Regulations for Business Districts**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Townhouse <u>structure</u>	SP	SP	SP	SP		SP

**5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts**

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Townhouse <u>structure</u>	SP	SP			

Redevelopment Board Report to 2019 Annual Town Meeting

Section 5.4.2 Dimensional and Density Requirements

A. Tables of Dimensional and Density Regulations

R District Lot Regulations (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	5,000	-----	45
R5			
Townhouse structure, apartment building	20,000	1,450	100

R District Yard and Open Space Requirements (see 5.4.2(B) for exceptions).

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	10	One side: min. 10 Sum of two sides: min. 16	20
R5			
Townhouse structure, apartment building	15	10+(L/10)	25

R District Open Space and Lot Coverage Regulations (see 5.4.2(B) and 5.3.13(B) for exceptions).

District Use	Minimum / Maximum Requirements		
	Landscaped Open Space (Min.)	Usable Open Space (Min.)	Maximum Lot Coverage
R3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling; or other permitted structure except townhouse structure	10%	30%	-----
R5			
Townhouse structure, apartment building	10%	30%	-----

## Redevelopment Board Report to 2019 Annual Town Meeting

### R District Building Height and Floor Area Ratio Regulations (see 5.4.2(B) for exceptions)

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
R6			
Townhouse <u>structure</u> , apartment building, or office on more than 20,000 sq. ft.	40 35	4 3	1.2

### Section 5.4.3 Use Regulations for Residential Districts

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Residential</b>								
Townhouse <u>structure</u>				SP	SP	SP	SP	SP

### Section 5.5.2 Dimensional and Density Regulations

#### A. Tables of Dimensional and Density Regulations

##### B District Lot Regulations

District Use	Minimum Requirement		
	Minimum Lot Area (sq. ft.)	Minimum Lot Area per Unit (sq. ft.)	Minimum Lot Frontage (ft.)
B2			
Townhouse <u>structure</u> or apartment building	5,000	1,450	50
B3			
Townhouse <u>structure</u> or apartment building	20,000	600	100
B5 <sup>A</sup>			
Townhouse <u>structure</u> or apartment building	20,000	550	100

<sup>A</sup> The maximum height in feet of any building or buildings may be modified by special permit of the Arlington Redevelopment Board under Section 3.4 of this Bylaw, provided that the total roof area exceeding either maximum height shall be equal to an equal roof area, within the part of the project to which the same height limit applies, that is less than the maximum height so that the total of the products of the horizontal roof area of all roofs times their respective heights shall not exceed the product of the horizontal area of the total roof times the applicable maximum height permitted in the district, and provided further that the height of any roof shall not exceed the applicable maximum height permitted in the district by more than 12 feet.

##### B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
B2			
Townhouse <u>structure</u> or apartment building	20	10	20
B3			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6	(H+L)/6
B5			
Townhouse <u>structure</u> or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.)

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**B District Open Space and Lot Coverage**

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B2			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
B3			
Townhouse <u>structure</u> or apartment building	10%	20%	-----
B5			
Townhouse <u>structure</u> or apartment building	10%	15%	-----

**B District Building Height and Floor Area Ratio Regulations**

District Use	Maximum Allowed		
	Maximum Height (ft.)	Maximum height (stories)	Maximum Floor Area Ratio (FAR)
B2			
Townhouse <u>structure</u> or apartment building	35	3	1.00
B3			
Townhouse <u>structure</u> or apartment building 20,000 sq. ft.	60 40	5 3	1.40
B5			
Townhouse <u>structure</u> or apartment building	75 40	-----	1.50

**5.5.3 Use Regulations for Business Districts**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Townhouse <u>structure</u>	SP	SP	SP	SP		SP

**5.6.4 Use Regulations for MU, PUD, I, T, and OS Districts**

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Townhouse <u>structure</u>	SP	SP			



**ARTICLE 10**

**ZONING BYLAW AMENDMENT/UPPER-STORY  
BUILDING STEP BACKS**

To see if the Town will vote to amend the Zoning Bylaw to adjust the upper-story building step back beginning at the fourth story level or 40 feet above grade by amending SECTION 5.3.17. UPPER-STORY BUILDING STEP BACKS and by amending SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph C to refer to four stories; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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**ARB vote:**

The Redevelopment Board voted (4-0) to recommend no action on Article 10.

**Amend SECTION 5.3.17. UPPER-STORY BUILDING STEP BACKS to adjust the upper-story building step back beginning at the fourth story level or 40 feet above grade:**

**5.3.17 Upper-Story Building Step Backs**

For buildings ~~three~~ four or more stories in height, a 7.5-foot step-back shall be provided at the ~~third~~ fourth story level or 30 feet above grade, whichever is less. The upper-story step back shall be provided along all building elevations with street frontage, excluding alleys.

**Amend SECTION 5.3.21. SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS paragraph C to refer to four stories:**

**5.3.21 Supplemental Requirements in the Business and Industrial Districts**

C. Upper-Story ~~Setbacks~~ Building Step Back. In any district where the maximum building height ~~three~~ is four or more stories, upper-story building ~~setbacks~~ step backs shall be required. See 5.3.17 for Upper-Story Building Step Back ~~requirements~~ requirement.

**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 12**

**ZONING BYLAW AMENDMENT/CORNER LOT  
REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to add a requirement for corner lots in the R4 through R7 Districts and all Business Districts which requires the minimum street yard to be equal to the front yard depth required by amending SECTION 5.3.8. CORNER LOTS AND THROUGH LOTS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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**ARB vote:**

The Redevelopment Board voted (4-0) to recommend no action on Article 12.

**Amend SECTION 5.3.8. CORNER LOTS AND THROUGH LOTS to add a requirement for corner lots in the R4 through R7 Districts and all Business Districts which requires the minimum street yard to be equal to the front yard depth required:**

**5.3.8 Corner Lots and Through Lots**

A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots. However, in the R4, R5, R6, and R7 districts and all of the business (B) districts, a corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the district in which the lot is located.

**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 13**

**ZONING BYLAW AMENDMENT/APARTMENT BUILDING  
PARKING REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to reduce the parking requirements for apartment buildings by amending SECTION 6.1.4. TABLE OF OFF-STREET PARKING REGULATIONS to reduce the minimum number of spaces to 1 space per dwelling unit; or take any action related thereto.  
(Inserted at the request of the Redevelopment Board)

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**ARB vote:**

The Redevelopment Board voted (4-0) to recommend no action on Article 13.

**Amend SECTION 6.1.4. TABLE OF OFF-STREET PARKING REGULATIONS to reduce the minimum number of spaces to 1 space per dwelling unit for apartment buildings:**

**6.1.4 Table of Off-Street Parking Regulations**

Use	Minimum Number of Spaces
<b>Residential Uses</b>	
Apartment building	<del>1 space per efficiency dwelling unit; 1.15 space per 1-bedroom dwelling unit, 1.5 spaces per 2-bedroom dwelling unit, and 2 spaces per 3 or more bedroom dwelling unit; 1 space per dwelling unit</del> and 1 space per 5 units of public housing for the elderly.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 14

### ZONING BYLAW AMENDMENT/PARKING REDUCTION APPLICABILITY

To see if the Town will vote to amend the Zoning Bylaw to include the R7 District in SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **Discussion:**

Article 14 adds to the parking reductions that 2016 Annual Town Meeting adopted. Those reductions were intended for Business Districts, Industrial Zones, and Multi-Family Residential Zones. The multi-family residential zones included R5 and R6, leaving out R7. The Board believes that the original intent of the parking reduction was meant to include this Zoning District.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 14 as amended. That the Zoning Bylaw be and hereby is amended to include the R7 District in SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES:

#### **6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. [...]

**ARTICLE 15**

**ZONING BYLAW AMENDMENT/ACCESSORY DWELLING UNITS**

To see if the Town will vote to amend the Zoning Bylaw to allow accessory dwelling units in the R0 and R1 Zoning Districts by amending SECTION 2 DEFINITIONS to define accessory dwelling units; amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses; and creating a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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**Discussion:**

The Housing Production Plan identified a need to develop a range of housing types. Allowing Accessory Dwelling Units (ADU) is one way to achieve this goal. ADUs provide flexible solutions for housing and diversify housing options without changing the physical character of neighborhoods. ADUs will help a range of households, including those wishing to age-in-place, providing a separate unit for an at-home caretaker or gaining additional income to offset the cost of housing.

Many Massachusetts cities and towns have allowed for accessory dwelling units, although typically there are restrictions, such as only with a minimum lot size, only in certain zoning districts, or only in certain structures. Most communities require a special permit to authorize the use, and many require the structure to be owner-occupied. Some communities go as far as requiring occupancy by relatives of the homeowner or a caretaker. Barnstable, in particular, required the accessory unit to be deed-restricted, but removed that requirement due to the burden on the owner. Many individuals during the public comment period requested that the Board consider making the ADU an affordable unit. The Board believed this would be difficult to administer and enforce, particularly if the homeowner chose to reside in the ADU and rent their principal dwelling unit.

The Board aimed to address many public comments heard during the public hearings, including the potential for teardowns, the need for an owner-occupancy requirement, and the conveyance of units. The lockdown date as proposed in this zoning amendment refers to the date that the building envelope existed; ADUs may only be created within a building envelope as it existed on that date (February 14, 2019). The administrative process will include an annual certification of compliance with this proposed bylaw section. Allowing this type of housing unit and requiring a special permit process enables the Town to properly approve and enforce these units and our Zoning Bylaw.

A recent study by the Pioneer Institute found that ADUs are permitted at low levels with only 2.5 permits annually per municipality where they are allowed.<sup>1</sup> The number of stipulations associated with this proposed amendment may make it cost prohibitive for many homeowners to take advantage of, as well as the added requirements and process. These facts coupled with the number of units generated from similar zoning bylaws in other municipalities demonstrate that there would be likely minimal impact on the R0 and R1 residential zoning districts.

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<sup>1</sup> Dain, Amy. *The State of Zoning for Accessory Dwelling Units*. Pioneer Institute. July 2018.

## Redevelopment Board Report to 2019 Annual Town Meeting

### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 15 as amended. That the Zoning Bylaw be and hereby is amended as follows:

### **Amend SECTION 2 DEFINITIONS to add a definition for accessory dwelling unit:**

Accessory Dwelling Unit: An accessory dwelling unit is a wholly-contained dwelling unit located within a single-family dwelling existing as of February 14, 2019 within the R0 or R1 zoning districts. The accessory dwelling unit is subordinate in size to the principal dwelling unit, and physically separated from it, with its own kitchen, bathroom, and two means of egress, and held under common ownership with the primary dwelling unit.

### **Amend SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to include the use in the table of uses:**

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
Accessory Uses								
Accessory dwelling unit	SP	SP						

### **Create a new section, SECTION 5.9.2. ACCESSORY DWELLING UNITS, containing standards for accessory dwelling units:**

#### **5.9.2 Accessory Dwelling Units**

A. The Zoning Board of Appeals may grant a special permit for an accessory dwelling unit in a single-family dwelling existing as of February 14, 2019, in the R0 or R1 districts, provided that all of the following conditions are met:

- (1) The gross floor area of the single-family dwelling has not been increased since February 14, 2019;
- (2) The lot area shall be at least the minimum required under Section 5 of the Zoning Bylaw;
- (3) The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling as defined in Section 2. In no case shall the gross floor area of the accessory dwelling unit exceed 750 square feet;
- (4) The accessory dwelling unit must be contained within the gross floor area of the existing principal dwelling, except for the addition of a second means of egress or other modification to meet the State Building Code. The principal dwelling unit shall not be otherwise expanded;
- (5) The owner(s) of the structure in which the accessory dwelling unit is located must claim one of the dwelling units as their principal residence;
- (6) No additional off-street parking spaces are required;
- (7) The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
- (8) The minimum occupancy or rental term shall be 1 year and the unit shall not be sublet by the tenant.

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### B. The following procedures apply to accessory dwelling unit:

- (1) No accessory dwelling unit shall be constructed or altered without issuance of a special permit from the Zoning Board of Appeals;
- (2) No accessory dwelling unit shall be occupied prior to issuance of a Certificate of Occupancy by the Building Inspector;
- (3) Prior to the issuance of a Certificate of Occupancy, the owner shall submit to the Building Inspector a notarized affidavit on a form provided by the Town signed under pains and penalties of perjury stating that the owner currently occupies one of the dwelling units on the premises as the owner's principal residence;
- (4) The owner shall submit annually a notarized affidavit on a form provided by the Town signed under the pains and penalties of perjury to the Building Inspector that confirms the owner's continued compliance with the requirements of Section 5.9.2; and
- (5) When a dwelling containing an accessory dwelling unit previously permitted under this Section is sold or otherwise conveyed, the special permit for that accessory dwelling unit shall remain in force only if all requirements of this Section continue to be met and the new property owner submits to the Building Inspector a notarized affidavit on a form provided by the Town, signed under the pains and penalties of perjury, stating that the new owner intends to occupy one of the units in the structure as their principal residence. The dwelling unit and accessory unit shall not be sold or otherwise conveyed separately.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 17

### ZONING BYLAW AMENDMENT/ SIGN REGULATIONS

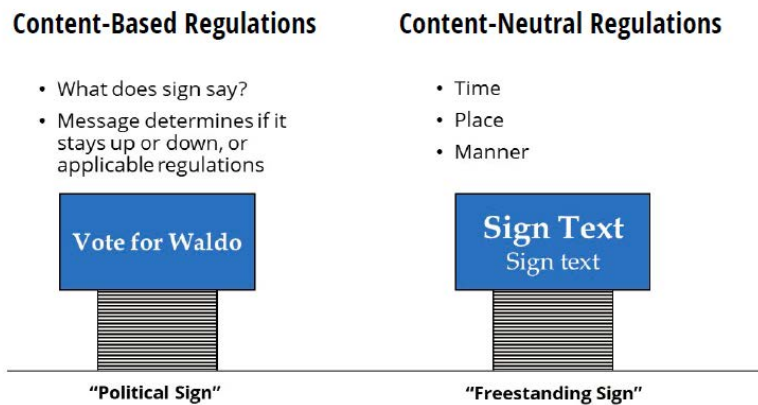
To see if the Town will vote to amend the Zoning Bylaw to update the sign regulations in its entirety by; amending SECTION 2 DEFINITIONS to remove and replace the definitions associated with signs, and amending SECTION 6.2 SIGNS to remove and replace the sign regulations in its entirety, or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Discussion:

Dating back to the Zoning Audit prepared for the Master Plan in 2015 and a second Audit prepared as part of the recodification process in 2017, concerns with the town's sign requirements regarding usability and clarity as well as inconsistencies with the Supreme Court case, *Reed v. Town of Gilbert*, were identified. As such, the Town contracted with Lisa Wise Consulting (LWC) to draft new sign regulations that are well-organized, straightforward to understand and administer, consistent with state and federal law, and representative of best practices. In 2018, LWC and staff interviewed stakeholders, held a public forum, provided a draft analysis, discussed the analysis with Redevelopment Board members, provided an Analysis and Recommendations Report, and drafted amendments. The Town received input and assistance from the Zoning Bylaw Working Group (ZBWG) and Town Counsel. The ZBWG met with LWC twice in productive working sessions to amend this section of the bylaw.

The import of the *Reed v. Town of Gilbert* case is to ensure that all regulations for permanent and temporary signs are legally-defensible and consistent with applicable federal and State requirements. The Supreme Court case determined that in order to be content-neutral, the sign regulations must be based on "time, place, and manner" restrictions, rather than by making distinctions based on the message the sign conveys. These restrictions, as the name suggests, limit the length of time, the manner, and place or location of a sign as shown below:



The proposed amendment of the sign section of the Zoning Bylaw will create content-neutral regulations that will not run afoul of First Amendment rights. The revisions make the Bylaw more modern, clear, and easy to use by all. The revisions create consistency across zoning districts to facilitate review by DPCD and Inspectional Services. Finally, the new standards and illustrations for different property types and sign districts within the Town are included in the new Bylaw section.

Article 17 is the complete revision of Section 6.2 of the Zoning Bylaw. Starting with stakeholder engagement and a detailed review of the existing Sign Bylaw, LWC prepared a Sign Regulations Analysis and Recommendations Report, which laid the groundwork for the revised bylaw. Although the section has been entirely reorganized, many of the existing standards are carried forward into easy to use tables and illustrations. The revised sign section is outlined as follows:



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- Section 6.2.1: General Provisions, including the purpose, authority, and exemptions, among other items;
- Section 6.2.2: Procedures that lay out the process for obtaining a sign permit, a temporary sign permit, and a sign special permit;
- Section 6.2.3: General Restrictions for All Signs, including prohibited signs and location and display restrictions;
- Section 6.2.4: General Requirements for All Signs, including measurement, illumination, installation, and maintenance;
- Section 6.2.5: Standards for Permanent Signs, including standards for each type of building-mounted and freestanding permanent sign and where these types of signs are allowed;
- Section 6.2.6: Standards for Temporary and Portable Signs, including standards for each type of temporary and portable sign and where these types of signs are allowed; and
- Section 6.2.7: Nonconforming Signs, including how signs that do not meet the requirements of the bylaw are handled.

Definitions in Section 2 of the Zoning Bylaw have been updated and a number of new definitions have been included for clarity. Additionally, Warrant Article 26 (a Town Bylaw, not Zoning Bylaw amendment) is a companion article that moves standards for signs out of the Town Bylaw and consolidates those standards into the Zoning Bylaw.

The review process remains the same as prior, but there clear instructions in the proposed amendments. A Sign Permit application for a permanent sign must be submitted to Inspectional Services for zoning review and is then referred to DPCD for review. If all standards are met, the Sign Permit is issued. The proposed amendments also clarify the process for a temporary Sign Permit. These proposed amendments help all to understand what is expected for new signage based on the standards developed by type of sign.

It is important for property and/or business owners to understand that zoning districts are grouped into Sign Districts as follows:

Sign District	Zoning Districts
Residential Sign District	Large Lot Single-Family District (R0), Single-Family District (R1), Two-Family District (R2), Three-Family District (R3)
Residential/Business Sign District	Townhouse District (R4), Apartment District/Low Density (R5), Apartment District/Medium Density (R6), Apartment District/High Density (R7), Neighborhood Office District (B1), Neighborhood Business District (B2)
Business Sign District	Major Business District (B2A), Village Business District (B3), Vehicular Oriented Business District (B4), Central Business District (B5)
Industrial Sign District	Industrial District (I), Transportation District (T)
Multi-Use Sign District	Multi-Use District (MU), Planned Unit Development (PUD)
Open Space Sign District	Open Space District (OS)

Based on a property's sign district, certain types of building-mounted and freestanding permanent signs as well as temporary and portable signs are allowed as described. Clear standards and illustrations provide the specific details of each type of sign that a property and/or business owner may want to install. Additionally, if Town Meeting adopts these revisions, the Department of Planning and Community Development will create a guidebook that provides clear instruction on the process, what is

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allowed, and other aesthetic standards that will be helpful for property and/or business owners to understand from the outset of a new sign project.

### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 17 as amended. That the Zoning Bylaw be and is hereby amended to update the sign regulations in its entirety by; amending Section 2 Definitions to remove and replace the definitions associated with signs, and amending Section 6.2 Signs to remove and replace the sign regulations in its entirety.

**The proposed amended Section 6.2 Signs is appended at the end of this report.**

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 18

### ZONING BYLAW AMENDMENT/FLOODPLAIN DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to update the Floodplain District regulations by amending SECTION 5.7 FLOODPLAIN DISTRICT by making minor corrections to the bylaw in order to be consistent with the Conservation Commission's Town of Arlington Bylaw for Wetland Protection and other associated regulations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **Discussion:**

This article seeks to make minor corrections to the Floodplain District (Section 5.7) to make this section of the Zoning Bylaw consistent with the more stringent Arlington Conservation Commission requirements. The Board worked with the Environmental Planner/ Conservation Agent, Chair of the Conservation Commission, and other Conservation Commission members in the process of drafting these amendments. Further, the Conservation Commission issued a letter noting their support of the amendments, which will not weaken any environmental protection process, requirements, standards, or laws. The purpose of the minor corrections is to refer to the correct title of the Conservation Commission's Town of Arlington Bylaw for Wetlands Protection, to make the section internally consistent with the Zoning Bylaw, and correct incorrect section references.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 18 as amended. That the Zoning Bylaw is and hereby amended as follows:

#### **Amend SECTION 5.7 FLOODPLAIN DISTRICT to make minor corrections:**

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### **5.7 FLOODPLAIN DISTRICT**

#### **5.7.1 Purpose**

The purpose of Section 5.7 is to:

- A. Protect the health and safety of the occupants of lands subject to seasonal or periodic flooding in the Mill Brook, Alewife Brook, Mystic River, and Mystic Lakes floodplain, as shown on the zoning overlay map of the Town of Arlington.
- B. Prevent the reduction of the water-carrying capacity of streams, brooks, rivers, and drainage courses by prohibiting the destruction or alteration of their natural character, and by preventing encroachment by future development, both public and private, in the floodway. A floodway includes the normal channel of a river or stream and those portions of the floodplains adjoining the normal channel which are reasonably required to carry off the flood flow.
- C. Preserve the natural flood control characteristics and the water storage capacity of the floodplain.
- D. Protect the public from hazard and loss through the regulation of future development of lands adjoining such watercourses.
- E. Protect the safety and purity of water; control and containment of sewage; safety of gas, electric, fuel, telecommunications, and other utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

#### **5.7.2 Boundaries**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Arlington designated a Zone A, AE and X on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the

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administration of the National Flood Insurance Program (NDIP). The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Arlington include the following panel numbers: 25017C0412E, 25017C0416E, 25017C0419E, dated June 4, 2010 (Scale 1"=500'). The exact boundaries of the District may be defined by the 1% annual (100 year flood) base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. Said boundary, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Planning and Community Development and Conservation Commission.

### 5.7.3 Applicability

- A. Any proposed use, structure, development, filling, grading, or excavation within the Floodplain District shall be governed by all regulations of this Section 5.7, G.L. c. 131, § 40, ~~Wetlands Protection Regulations of the Town Bylaws~~ Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8) and the Town's Wetland Protection Regulations (Regulations) promulgated thereunder, Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the State Building Code that addresses floodplain areas, and shall require a building permit. The extent of the Floodplain District shall be determined by the Conservation Commission.
- B. The phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable", shall mean "subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.4, Environmental Design Review".

### 5.7.4 Setback from Open Stream

A building or structure, except for a retaining wall, fence, or bridge, may be set back less than 15 feet by special permit from the Board of Appeals, following consultation with the Arlington Conservation Commission.

### 5.7.5 Use Regulations

- A. Prohibited Uses. No construction, development, or filling shall be permitted in the regulatory floodway as defined in the Middlesex County FIRMS.
- B. Permitted Uses. The following uses are permitted in the Floodplain District:
- (1) The following outdoor uses shall be permitted as of right provided no buildings or structures are erected:
    - Sales place for flowers as a principal use, garden supplies, agricultural produce, conducted partly or wholly outdoors, commercial greenhouse or garden
    - Farm (except the raising of livestock or poultry, if the farm is on less than five acres of land) or market garden but, unless otherwise exempt under state law, in no case, shall goods or produce be sold that are not the natural products of the premises in question
    - Park, playground, or other outdoor recreational facility not conducted as a private business
    - Country, fishing, tennis, swimming, skating, golf club or other outdoor recreation facility not conducted as a private business
    - Wildlife management areas
    - Foot, bicycle, or horse paths

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- (2) For single-family detached dwellings, two-family dwellings, or duplex dwellings existing on the effective date of this Section is advertised (August 28, 1975), the expansion of these (or their accessory) uses to a maximum of 15% of the lot coverage existing when this section is enacted, provided that such expansions conform to this Section 5 and do not constitute substantial improvement of a structure. Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which exceeds 50% of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Structures erected or expanded under this Section 5.7 shall use construction materials and utility equipment that are resistant to flood damage, and construction methods and practices that will minimize flood damage.
- C. Special Permit. ~~The following shall require a special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable. No earth or other material may be dumped, filled, excavated, or transferred, unless all of the following conditions are found as part of special permit from the Board of Appeals or Arlington Redevelopment Board, as applicable.~~
- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface in the 1% base flood elevation.
- (2) The proposed use shall comply with the most stringent of the following regulations as amended in Massachusetts Wetlands Protection Regulations, Department of Environmental Protection (DEP), 310 CMR 10.00 and Inland Wetlands Restriction (DEP) 310 CMR 13.00 and in the ~~Conservation Commission's Wetlands Regulations promulgated under the Arlington Wetlands Bylaw~~ Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8) and the Wetland Protection Regulations (Regulations) promulgated thereunder.
- (3) Base Flood Elevation Data is required for proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within ~~unnumbered A Zones~~ A Zones where the base flood elevation has not been established.
- The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing prior to August 28, 1975 after a fire or other casualty. However, major repairs shall use construction materials and utility equipment that are resistant to flood damage and construction methods and practices that will minimize flood damage.
- (4) In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

### 5.7.6 Procedures

- A. ~~Application. Applicants for a special permit shall be made to the Board of Appeals or the Arlington Redevelopment Board, as applicable, in accordance with its rules and regulations. The application for a special permit shall be filed in accordance with Section 3.~~
- B. The Board shall hold a public hearing in accordance with Section 3.3 of this Bylaw and G.L. c. 40A, §§ 9 and 11.
- C. ~~The Board shall not take final action on an application for a special permit until it has received a report from the Building Inspector, the Board of Health, the Conservation Commission, Town Engineer, and the Arlington Redevelopment Board (if applicable) or until 35 days have elapsed after receipt of such application and plans without submission of a report.~~

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- ~~D. The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise, of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.~~
- ~~E. No occupancy permit shall be issued for special permit uses under this Section until the Building Inspector and the Board of Health, the Conservation Commission, Board of Appeals, and Arlington Redevelopment Board have received a certified plan showing the foundation and flood elevations, elevations of the completed construction, and until all requirements of all permits are satisfied.~~

### 5.7.7 Areas, Open Space, and Yard Regulations

The portion of any lot within the Floodplain District may be used to meet the lot area, open space and yard requirements for the district in which the remainder of the lot is situated.

### 5.7.8 Exemptions

- A. Where a proposed use is determined to fall within the limits of the Floodplain District and the applicant determines that the location is not included in the definition of the Floodplain District, said use may be exempt by the Board of Appeals or Arlington Redevelopment Board, as applicable, from the provisions of this section if the applicant provides sufficient evidence for the applicable Board to determine that the land in question should not be subject to the provisions of this Section.
- B. If it is determined that an area of significant size should no longer be included within the Floodplain District due to a natural or man-made event which has altered the boundary, the floodline determining the boundaries of the Floodplain District may be changed with approval from Town Meeting provided the new floodline to be adopted has been established in accordance with accepted engineering practice and certified by a registered professional engineer.

### ~~5.7.9 Notification of Alteration~~

~~In a riverine situation, the Director of Planning and Community Development shall notify the following of any alteration or relocation of a watercourse:~~

- ~~● Chief Executive Officers in Adjacent Communities~~
  
- ~~● NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104~~
  
- ~~● NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110~~

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 19

### ZONING BYLAW AMENDMENT/INLAND WETLAND DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to streamline and update the Inland Wetland District regulations by amending SECTION 5.8 INLAND WETLAND DISTRICT by making minor corrections to the bylaw in order to be consistent with the Conservation Commission's Town of Arlington Bylaw for Wetland Protection and other associated regulations; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **Discussion:**

This article seeks to make minor corrections to the Inland Wetland District of the Zoning Bylaw (Section 5.8). The purpose of the minor corrections is to refer to the correct title of the Conservation Commission's Town of Arlington Bylaw for Wetlands Protection, to make the section internally consistent with the Zoning Bylaw, and correct incorrect section references. The review process will not change. The minor corrections described in this Article are to make this section of the Zoning Bylaw consistent with the more stringent Arlington Conservation Commission requirements. Additionally, the proposed amendments to Section 5.7.6 refer to Section 3 of the Zoning Bylaw to be consistent with the revisions made during the recodification process and to ensure internal consistency. The detailed procedures related to special permits are outlined in the Zoning Board of Appeals and the Redevelopment Board rules and regulations. Both boards will then need to subsequently update their respective rules and regulations. The Board worked with the Environmental Planner/ Conservation Agent, Chair of the Conservation Commission, and other Conservation Commission members in the process of drafting these amendments. Further, the Conservation Commission issued a letter noting their support of the amendments, which will not weaken any environmental protection process, requirements, standards, or laws.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 19 as amended. That the Zoning Bylaw is and hereby be amended as follows:

#### **Amend SECTION 5.8 INLAND WETLAND DISTRICT to make minor corrections:**

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#### **5.8 INLAND WETLAND DISTRICT**

##### **5.8.1 Purpose**

The purpose of Section 5.8 is to:

- A. Preserve and protect the streams, water bodies, and other watercourses, including wetlands, in the Town of Arlington.
- B. Protect the health and safety of persons and property against the hazards of flooding and contamination.
- C. Preserve and maintain the groundwater table for potential water supply purposes.
- D. Protect the community against the detrimental use and development of lands adjoining such watercourses.
- E. Conserve the watershed areas in Arlington for the health, safety, and welfare of the public.

##### **5.8.2 Definition**

The Inland Wetland District is superimposed over any other district established by this Bylaw and includes the following areas:

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- A. All lands within the elevations shown on the Wetland and Floodplain Overlay Map of the Zoning Map and designated as wetlands as defined by the Massachusetts Wetlands Protection Act, MGL c.131 § 40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder. These include lakes, ponds and swamps.
- B. All land area along all perennial rivers, brooks, and streams as defined by the Massachusetts Wetlands Protection Act, MGL c.131 § 40, and the implementing regulations, 310 CMR 10.00, as well as the Town of Arlington Bylaw for Wetlands Protection (Title V, Article 8), and the Wetland Protection Regulations (Regulations) promulgated thereunder for a horizontal distance of ~~25~~200 feet from the center line thereof are included in the Inland Wetland District.
- C. All lands designated on the zoning map as having a shallow depth to water table. These lands are the poorly and very poorly drained mineral soils, and very poorly drained soils formed in organic deposits. Poorly drained mineral soils have a water table at or near the surface for at least 7 to 9 months during the year. The water table remains at or close to the surface of very poorly drained mineral and organic soils throughout most of the year.

### 5.8.3 Applicability

Any proposed use to be located within the limits of the Inland Wetland District as determined by the ~~Inspector of Buildings~~Building Inspector under Section ~~3.053.1~~3.053.1 of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

### 5.8.4 Permitted Uses

Municipal use, such as waterworks, pumping stations, and parks, is permitted under this section. Land in the Inland Wetland District may be used for any purpose otherwise permitted in the underlying district except that:

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section ~~9.068.1.8~~9.068.1.8 of this Bylaw.
- B. Dumping, filling, excavating, or transferring of any earth material within the district is prohibited unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued. However, this paragraph does not prohibit ordinary gardening activities in lawn or garden areas which are used for such purposes at the time this Bylaw became effective.
- C. No ponds or pools shall be created or other changes in watercourses, for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses unless a Special Permit from the ~~ZBA~~Board of Appeals or, in cases subject to Environmental Design Review, a Special Permit from the ~~ARB~~Arlington Redevelopment Board, is issued.

### 5.8.5 Procedures

~~Any person(s) desiring such a permit shall submit an application to the ZBA or, in cases subject to Environmental Design Review, to the ARB, which shall comply with the conditions and submittal requirement as listed in the following subsections.~~ Application for a special permit shall be filed in



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accordance with the rules and regulations of the Special Permit Granting Authority and G.L. c. 40A, as outlined in Section 3. ~~{Such conditions shall include, where applicable, approval by the Board of Appeals, Arlington Redevelopment Board, Conservation Commission, the Massachusetts Department of Environmental Protection, and/or the Massachusetts Department of Public Works-Transportation under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.} The application procedure shall be the same as for special permits. Copies of the application for special permit with accompanying plans shall also be sent to the Inspector of Buildings, Board of Health, the Conservation Commission, Town Engineer, and, if applicable, the ARB for their recommendations as to their approval, disapproval or appropriate recommendations.~~

### 5.8.6 Development Conditions

- A. For the development of land within the Inland Wetland District, the following conditions shall apply:
- (1) A minimum of six test borings to a minimum depth of eight (8) feet shall be taken; three of which shall be within the area of the proposed structure and three within 25 feet of the outside walls of the structure, but not closer than 10 feet. A report by a soil scientist or qualified engineer shall accompany the test data.
  - (2) The floor level of areas to be occupied by human beings as living or work space shall be four (4) feet above the seasonal high water table and not subject to periodic flooding.
  - (3) If the basement floor level is below the seasonal high water table and affords the possibility of human occupancy at some future date, although not originally intended, adequate perimeter drainage and foundation shall be installed to withstand the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of leaching.
  - (4) Safe and adequate means of vehicular and pedestrian passage shall be provided in the event of flooding of the lot(s) or adjacent lot(s) caused by either the overspill from water bodies or high runoff.
- B. The developer shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short-circuiting, grounding, igniting or electrocuting; shall not obstruct or divert flood flow; substantially reduce natural floodwater storage capacity; destroy valuable habitat for wildlife; adversely affect groundwater resources or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.

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### ARTICLE 20

### ZONING BYLAW AMENDMENT/REVIEW OF RELIGIOUS AND EDUCATIONAL USES

To see if the Town will vote to amend the Zoning Bylaw to clarify the process by which the Town reviews religious and educational uses by:

1. Amending SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to remove paragraph J referring to religious and educational uses;
2. Adding a new SECTION 3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW that codifies an administrative review process that is consistent with M.G.L. Chapter 40A, Section 3;
3. Amending SECTION 5.4.3. USE REGULATIONS FOR RESIDENTIAL DISTRICTS to clarify notes which refer to educational and religious uses;
4. Amending SECTION 5.5.3. USE REGULATIONS FOR BUSINESS DISTRICTS to clarify notes which refer to educational and religious uses; and
5. Amending SECTION 5.6.3. USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS to clarify notes which refer to educational and religious uses.

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Discussion:

The “Dover Amendment” refers to certain protections that religious, non-profit educational, and childcare facilities receive under the Massachusetts Zoning Act, General Law, chapter 40A, section 3 which are not clearly prescribed for the Zoning Bylaw. For example, the tables that identify what uses are allowed in what zoning districts appear to indicate that these types of uses require a special permit or are prohibited in the Town of Arlington. The state law limits review of religious, non-profit educational, and childcare facilities to the reasonable regulation of bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements. This limitation is described in Section 3.4 of the Zoning Bylaw, but being associated with the Arlington Redevelopment Board’s (ARB) Environmental Design Review seems to indicate that a special permit is required.

The proposed amendments make clear that religious, non-profit educational, and childcare facilities do not need to seek an Environmental Design Review special permit from the ARB. The proposed amendments: remove the requirement for an Environmental Design Review special permit from the ARB; create a new section; Section 3.5, that clarifies that the Board will add this review to its existing Board Rules and Regulations; and clarify notes within the use tables to refer readers to Section 3.5 where an applicant can reference Board Rules and Regulations.

#### ARB vote:

The Redevelopment Board voted (4-0) to recommend Article 20 as amended. That the Zoning Bylaw is and hereby be amended as follows:

#### **Amend SECTION 3.4 ENVIRONMENTAL DESIGN REVIEW to remove paragraph J referring to religious and educational uses:**

~~J. Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation; or the use of land or structures for a child care facility; provided, however, as provided and limited by the provisions of G.L. c. 40A, § 3, that the Board’s authority shall be limited to reasonable regulation of the bulk and height of structures~~

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and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements.

**Add a new SECTION 3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW that codifies an administrative review process that is consistent with M.G.L. Chapter 40A, Section 3:**

**3.5 RELIGIOUS AND EDUCATIONAL USE REVIEW**

The Arlington Redevelopment Board shall adopt rules and regulations to implement the requirements of G.L. c. 40A, §3.

**Amend SECTION 5.4.3 USE REGULATIONS FOR RESIDENTIAL DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	R0	R1	R2	R3	R4	R5	R6	R7
<b>Residential</b>								
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes)			SP	SP	SP	SP	SP	SP
<b>Institutional, Educational</b>								
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP	SP	SP
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP	SP	SP	SP	SP	SP	SP

**Amend SECTION 5.5.3 USE REGULATIONS FOR BUSINESS DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	B1	B2	B2A	B3	B4	B5
<b>Residential</b>						
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	Y	Y	Y	Y	Y	Y
<b>Institutional, Educational</b>						
Community center, youth club, adult education center, or similar facility operated by a non-profit institution (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP		SP		SP
Library, museum, or art gallery open to the public and not conducted as a private gainful business. (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes.)	SP	SP	SP	SP		SP

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**Amend SECTION 5.6.3 USE REGULATIONS FOR MU, PUD, I, T, AND OS DISTRICTS to clarify notes which refer to educational and religious uses:**

Class of Use	MU	PUD	I	T	OS
<b>Residential</b>					
Dormitory (Note: <del>permitted</del> See Section 3.5 if use is for educational or religious purposes)	SP	SP			
<b>Notes</b>					
<sup>B</sup> But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. <u>See Section 3.5.</u>					

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### ARTICLE 21

### ZONING BYLAW AMENDMENT/BICYCLE PARKING

To see if the Town will vote to amend the Zoning Bylaw to update the bicycle parking standards by amending SECTION 6.1.12. BICYCLE PARKING to remove and replace the section in its entirety; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

#### Discussion:

The current bicycle parking requirements are tied to motor vehicle parking requirements, referred to as off-street parking space requirements in the existing Zoning Bylaw. When the standards are tied to the off-street parking space requirements, the net effect is a limited amount of bicycle parking created. Through reviews conducted by the Arlington Redevelopment Board (ARB), the requirements have been conditions of approval on an ad-hoc basis without consistent application. The Board receives many comments, particularly from the bicycling community, regarding challenging bicycle parking conditions in town as a result of poor bicycle parking standards and requirements. By creating specific thresholds and criteria for bicycle parking based upon land use (e.g., retail, residential, etc.), the ARB and the Zoning Board of Appeals (ZBA), as applicable, can apply a consistent process with clear results.

This Article proposes to amend Section 6.1.12 of the Zoning Bylaw to update the bicycle parking requirements in its entirety. The proposed amendments establish standards for long-term and short-term bicycle parking. Long-term bicycle parking shall be intended primarily to serve residents, employees, or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use. The amendments establish general requirements for bicycle parking and location standards, as well as identifying what would be considered unacceptable bicycle parking. The amendments allow the ARB or the ZBA, as applicable, to modify the requirements of the section based on specific conditions that are unique to the proposal. Finally, should Town Meeting move to adopt Article 16, these amendments are critical to improving future bicycle parking conditions and requirements.

#### ARB vote:

The Redevelopment Board voted (4-0) to recommend Article 21 as amended. That the Zoning Bylaw is and hereby be amended as follows:

#### **Amend the Zoning Bylaw to update the bicycle parking standards by amending SECTION 6.1.12. BICYCLE PARKING to remove and replace the section in its entirety:**

##### **6.1.12 Bicycle Parking**

- A. ~~Bicycle parking spaces shall be provided for any development subject to Section 3.4, Environmental Design Review and any use requiring eight or more vehicle parking spaces under Section 6.1.4. The bicycle parking requirement will be determined based on the number of motor vehicle parking spaces which have been permitted by the Board of Appeals or Arlington Redevelopment Board, as applicable. The requirements of this section may be modified by the applicable Board if it finds that for the use and location, a modification is appropriate and in the best interest of the town.~~
- B. ~~When bicycle parking is required, there will be one bicycle parking space per 15 motor vehicle spaces under Section 6.1.4. The computed number of bicycle parking spaces will be rounded up~~

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- ~~to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.~~
- ~~C. When bicycle parking is required, there will be a minimum of two spaces provided, and not more than 20 bicycle spaces will be required at a single site.~~
- ~~D. A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle six feet in length and two feet wide. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic.~~
- ~~E. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage.~~
- ~~F. The following uses are exempt from bicycle parking requirements: places of worship, cemetery, funeral home, automotive repair shop, car wash, or gas station.~~
- A. Bicycle parking shall be provided for any development or change of use. Bicycle parking is also required for building expansions or conversions, except where the difference of bicycle parking required for the new building and the bicycle parking for that would be required for the existing building under this Section equals fewer than 2 bicycle parking spaces. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may modify the requirements of this Section based on specific conditions unique to the proposal.
- B. Bicycle parking as required by this Section refers to the accessory storage of bicycles (which may include trailers or other customary accessories) in a secure manner that allows for quick and convenient access, storage, and removal of the bicycles by users who are making trips to or from the associated principal use. Bicycle parking shall be maintained exclusively for the parking of bicycles and not for the storage of other objects unrelated to bicycle use or for other purposes, as long as the use exists which the facilities were designed to serve. Bicycle parking facilities designed in accordance with this Section shall be available for use at all times when the associated principal use is in operation, except when access may be restricted for necessary maintenance from time to time.
- C. When bicycle parking is required long-term and short-term bicycle parking spaces shall be provided:
- (1) Long-term bicycle parking shall be intended primarily to serve residents, employees, and other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days; however, it may serve other bicycle users as needed. Long-term bicycle parking is typically located within an enclosed, limited-access area designed so as to protect bicycles from precipitation and from theft.
  - (2) Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use; however, it may serve other bicycle users as needed. Short-term bicycle parking is typically located in a publicly accessible area near pedestrian entrances to the use they are intended to serve.
- D. The minimum number of bicycle parking spaces shall be as set forth in the following table. The computed number of bicycle parking spaces will be rounded up to the nearest whole number. Bicycle parking spaces shall be provided in addition to the off-street parking space requirements of Section 6.1.4.

## Redevelopment Board Report to 2019 Annual Town Meeting

<u>Use</u>	<u>Minimum Number of Long-Term Bicycle Parking Spaces</u>	<u>Minimum Number of Short-Term Bicycle Parking Spaces</u>
<b><u>Residential Uses</u></b>		
<u>Single-, two-, or three-family dwelling and townhouse structures</u>	<u>No minimum</u>	<u>No minimum</u>
<u>Apartment building</u>	<u>1.5 spaces per dwelling unit</u>	<u>0.10 spaces per dwelling unit</u>
<u>Assisted living residence</u>	<u>0.5 spaces per dwelling unit</u>	<u>0.05 spaces per dwelling unit</u>
<u>Single-room occupancy building</u>	<u>1 space per dwelling unit</u>	<u>0.10 spaces per dwelling unit</u>
<u>Group home</u>	<u>0.5 spaces per bed</u>	<u>0.05 spaces per bed</u>
<b><u>Business or Industrial Use</u></b>		
<u>Hotel/motel</u>	<u>0.02 spaces per sleeping room</u>	<u>0.05 spaces per sleeping room</u>
<u>Other retail or service use</u>	<u>0.10 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.60 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Office, business or professional</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Wholesale business and storage</u>	<u>0.80 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Manufacturing, Light</u>	<u>0.80 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Office, medical or clinic</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>
<b><u>Institutional, Educational Use</u></b>		
<u>Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to consumer traffic</u>	<u>0.08 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Hospital</u>	<u>0.20 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.10 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Nursing home</u>	<u>0.5 spaces per bed</u>	<u>0.05 spaces per bed</u>
<u>Non-exempt educational use</u>	<u>0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater</u>	<u>1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater</u>
<u>Other school</u>	<u>0.30 spaces per classroom or 0.015 spaces per auditorium seat, whichever is greater</u>	<u>1.70 spaces per classroom or 0.085 spaces per auditorium seat, whichever is greater</u>
<b><u>Public, Recreational or Entertainment</u></b>		
<u>Municipal facility</u>	<u>0.30 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.50 spaces per 1,000 sq. ft. of gross floor area</u>
<u>Indoor Motion Picture Theater, restaurant, gymnasium, auditorium or similar place of public assembly with seating facilities</u>	<u>0.20 spaces per 1,000 sq. ft. of gross floor area</u>	<u>1 space per 1,000 sq. ft. of gross floor area</u>
<u>Health club or indoor athletic facility</u>	<u>0.10 spaces per 1,000 sq. ft. of gross floor area</u>	<u>1 space per 1,000 sq. ft. of gross floor area</u>
<b><u>Utility, Transportation, Communications</u></b>		
<u>Public utility</u>	<u>0.08 spaces per 1,000 sq. ft. of gross floor area</u>	<u>0.06 spaces per 1,000 sq. ft. of gross floor area</u>

## Redevelopment Board Report to 2019 Annual Town Meeting

<u>Use</u>	<u>Minimum Number of Long-Term Bicycle Parking Spaces</u>	<u>Minimum Number of Short-Term Bicycle Parking Spaces</u>
Transportation terminal	0.08 spaces per 1,000 sq. ft. of gross floor area	0.06 spaces per 1,000 sq. ft. of gross floor area
<u>Other Uses</u>		
Mixed-use	Sum of uses computed separately	
Any other use permitted in this Bylaw	Closest similar use as shall be interpreted to be covered by this table, as determined by the Building Inspector	

E. The general requirements for bicycle parking shall be:

- (1) A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle at least six feet in length and two feet wide;
- (2) Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface;
- (3) Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic;
- (4) To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage; and
- (5) Bike racks or posts shall be capable of securing a standard bicycle frame and one wheel using a common U-type security lock without the need to remove either wheel. Bicycle racks designed to hold a bicycle by its front wheel alone shall not be considered to meet the bicycle parking requirements of this Section.

F. Bicycle parking designed in the following manner shall not be permitted, unless otherwise allowed by the Special Permit Granting Authority upon a finding of unusual circumstances unique to the property:

- (1) Storage that requires bicycles to be lying down or requiring a kickstand to remain upright;
- (2) Bicycles that must be hung with one or both wheels suspended in the air; or
- (3) Bicycles that must be lifted off of the ground or floor without any physical assistance.

G. The location of bicycle parking spaces shall comply with the following requirements:

- (1) Short-term bicycle parking shall be located within 50 feet of the main entrance of a building or no further away than the nearest off-street parking space, whichever is closer, with appropriate signage leading to the bicycle parking if not visible from the main entrance;
- (2) Long-term bicycle parking shall be provided within the building containing the use that it is intended to serve, or within a structure that is no more than 200 feet from the main entrance of a building. Bicycle parking serving multiple uses or buildings may be pooled into a single secure area, enclosure, or facility;
- (3) Bicycle parking must not require lifting bicycles off the floor or carrying bicycles up or down any steps or stairs; and
- (4) While requirements in this Section shall not be satisfied within individual residential dwelling units, residents may bring bicycles into their individual dwelling unit for storage.



## Redevelopment Board Report to 2019 Annual Town Meeting

- H. The requirements of this Section may be reduced as follows after a finding of the Special Permit Granting Authority that the characteristics of the use, structure, or facility makes the use of bicycles unlikely or would substantially reduce the use of bicycles:
- (1) For non-residential uses, up to twenty percent of the required long-term bicycle parking spaces or four spaces, whichever is greater, may be converted to short-term bicycle parking spaces; and
  - (2) For residential uses requiring six long-term bicycle parking spaces or fewer, the long-term bicycle parking spaces may be designed to meet the requirements for short-term bicycle parking spaces, so long as the bicycle parking spaces are covered to be protected from precipitation, are in a secure area, and are located on the same lot as the residential uses they serve.

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### ARTICLE 22

### ZONING BYLAW AMENDMENT/CORRECTING CITATION ERRORS

To see if the Town will vote to amend the Zoning Bylaw to correct section references and other typographical errors in;

1. Correcting reference to Section 5.5 in SECTION 3.2.2. POWERS;
2. Correcting reference to Section 5 in SECTION 3.3.4. SPECIAL PERMIT CONDITIONS;
3. Correcting references to Section 8.13 and Section 10.11 in SECTION 3.4.4. ENVIRONMENTAL DESIGN REVIEW STANDARDS;
4. Correcting reference to Section 3.05 in SECTION 5.8.3. APPLICABILITY; and
5. Correcting reference to Section 9.06 in SECTION 5.8.4. PERMITTED USES;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

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#### **Discussion:**

This article seeks to correct six instances where references to Zoning Bylaw sections refer to the pre-recodified Zoning Bylaw.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 22 as amended. That the Zoning Bylaw is and hereby be amended as follows:

#### **Amend SECTION 3.2.2. POWERS to correct a citation:**

- C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section ~~5.58.1~~.

#### **Amend SECTION 3.3.4.SPECIAL PERMIT CONDITIONS to correct a citation:**

- A. Dimensional standards more restrictive than those set forth in Section ~~75~~ of this Bylaw;

#### **Amend SECTION 3.4.4.ENVIRONMENTAL DESIGN REVIEW STANDARDS to correct two citations:**

- D. Circulation. With respect to vehicular, pedestrian and bicycle circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of vehicle parking and bicycle parking areas, including bicycle parking spaces required by Section ~~8.136.1.12~~ that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- E. Surface Water Drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Available Best Management Practices for the site should be employed, and include site planning to minimize impervious surface and reduce clearing and re-grading. Best Management Practices may include erosion control and stormwater treatment by means of swales, filters, plantings, roof gardens, native vegetation, and leaching catch basins. Stormwater

## Redevelopment Board Report to 2019 Annual Town Meeting

should be treated at least minimally on the development site; that which cannot be handled on site shall be removed from all roofs, canopies, paved and pooling areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.

In accordance with Section ~~10.11, b3.3.4~~, the Board may require from any applicant, after consultation with the Director of Public Works, security satisfactory to the Board to insure the maintenance of all stormwater facilities such as catch basins, leaching catch basins, detention basins, swales, etc. within the site. The Board may use funds provided by such security to conduct maintenance that the applicant fails to do.

The Board may adjust in its sole discretion the amount and type of financial security such that it is satisfied that the amount is sufficient to provide for the future maintenance needs.

### **Amend SECTION 5.8.3. APPLICABILITY to correct a citation:**

#### **5.8.3 Applicability**

Any proposed use to be located within the limits of the Inland Wetland District as determined by the Inspector of Buildings under Section ~~3-053.1~~ of this Bylaw shall be governed by all regulations of this Section as well as all other applicable provisions of this Bylaw.

### **Amend SECTION 5.8.4. PERMITTED USES to correct a citation:**

- A. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, and the like) intended for permanent use shall be erected, constructed, altered, enlarged, or otherwise created or moved for any purpose unless a Special Permit from the ZBA or, in cases subject to Environmental Design Review, a Special Permit from the ARB, is issued. However, a structure existing at the time this Bylaw becomes effective may be reconstructed or repaired after a fire or other casualty, as provided in Section ~~9-06-8.1.8~~ of this Bylaw.

**Redevelopment Board Report to 2019 Annual Town Meeting**

**ARTICLE 23**

**ZONING BYLAW AMENDMENT/PUBLICATION  
OF SUPPORTING DOCUMENTATION – ZONING BOARD OF APPEALS**

To see if the Town will vote to require the Zoning Board of Appeals to publish, on the town website, supporting documentation pertaining to items on its agenda; or take any action related thereto.

(Paul Schlichtman and 10 Registered Voters)

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**Discussion:**

The Zoning Board of Appeals intends to begin using the NovusAgenda system to post meeting materials. Novus Agenda is the same system that the Select Board, School Committee, and ARB use to post agendas, minutes, and supporting documents in advance of all meetings. This information was not available at the time of warrant filing. As such, the petitioner later stated that there is not a need to take action on this Article.

**ARB vote:**

The Redevelopment Board voted (4-0) to recommend no action on Article 23.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 24

### ZONING BYLAW AMENDMENT/ DEFINITION OF STORY, HALF

To see if the Town will vote to amend the Zoning Bylaw to amend the definition of Story, Half by amending SECTION 2 DEFINITIONS to reduce the defined height of a half story from 7 feet 3 inches to 7 feet so that the definition reads “Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet or more.”

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

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#### **Discussion:**

This proposed amendment which was brought forth by the Residential Study Group and filed by 10 registered voters due to a filing deadline, aims to bring Arlington’s Zoning Bylaw definition of half-story in conformance with State Building Code. A side effect of this change may result in a decrease in building height when building additions are proposed or new construction is proposed for single-family and two-family dwelling units. Additional suggestions made during the public hearing process to strengthen the amendment were deemed to be outside of the scope of the Warrant Article and will be revisited at a future Town Meeting.

#### **ARB vote:**

The Redevelopment Board voted (4-0) to recommend Article 24. That the Zoning Bylaw is and hereby be amended as follows:

#### **Amend Section 2 for definition of Story, Half as follows:**

Story, Half: A story which is under a gable, hipped, or gambrel roof, where less than one half the floor area measured from the underside of the roof framing to the finished floor below has a clear height of 7 feet ~~3 inches~~ or more.

## Redevelopment Board Report to 2019 Annual Town Meeting

### ARTICLE 25

### ZONING BYLAW AMENDMENT/ DRIVEWAY SLOPE

To see if the Town will vote to amend the Zoning Bylaw to amend the maximum allowable driveway slope by amending SECTION 6.1.10.A. LOCATION OF PARKING SPACES to require that the maximum allowable driveway slope cannot exceed 15% for the entire length of said driveway so that the provision reads "Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit."

(Inserted at the request of Elizabeth Pyle and 10 registered voters)

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#### Discussion:

The ARB required additional clarification to further understand the intent and outcome of this Article. However, the limited scope of the Warrant Article did not allow for that further clarification to be addressed in a proposed amendment or the vote. The Board is committed to addressing the intent and outcome of this Article at a future Town Meeting.

#### ARB vote:

The Redevelopment Board voted (4-0) to recommend no action on Article 25.

#### **Amend Section 6.1.10(A) as follows:**

- A. Parking in Residential Districts. For single-family, two-family, duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front setback except on a driveway not exceeding 20 feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than 6,000 square feet in the longer of the two front yards, up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. ~~Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit.~~ Any driveway leading to off-street parking on a lot shall not exceed a 15% downward slope for the entire length of said driveway, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

## 6.2 SIGNS

### 6.2.1. General Provisions

- A. Purpose. The purpose of this Section is to promote the public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and non-discriminatory sign standards and requirements, including the following specific purposes:
- (1) Ensure that all signs are compatible with the unique character and environment of the Town of Arlington, and that they support the desired ambience and development patterns of the various districts, overlay districts, and historic areas within the Town;
  - (2) Balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;
  - (3) Improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;
  - (4) Prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;
  - (5) Protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and
  - (6) Provide consistent sign design standards that enable the fair and consistent enforcement of these sign regulations.
- B. Authority. This Section is the primary tool for implementing the sign policies of the Town of Arlington and other state and local requirements. Whenever any provision of this Section refers to or cites a section of state law, and that section is later amended or superseded, the Section shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.
- C. Applicability. This Section applies to all signs within the Town of Arlington regardless of their nature or location, unless specifically exempted in Section 6.2.1(E).
- (1) Standards for Permanent Signs are found in Section 6.2.5.
  - (2) Standards for Portable Signs and Temporary Signs are found in Section 6.2.6.
  - (3) Standards for signs located in any historic district are regulated pursuant to the Bylaws of the Town of Arlington Title VII, Historic Districts, Article 4, and the Arlington Historic Districts Commission Design Guidelines for Local Historic Districts.

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- (4) Standards for signs for home occupations are regulated pursuant to Section 5.9.1.
  - (5) Nothing in this Section shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on trails, or violate any other reasonable time, place, and manner restrictions adopted by the Town of Arlington.
- D. Substitutions and Interpretations. This Section is not intended to, and does not, restrict speech on the basis of its content, viewpoint, or message. No part of this Section shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial or non-commercial message displayed on a sign without the need for any approval or sign permit, provided that the sign is otherwise permissible under this Section. If a commercial message is substituted for any other commercial message, a sign permit is required pursuant to Section 6.2.2(A)(1). To the extent any provision of this Section is ambiguous, the term will be interpreted not to regulate on the basis of the content of the message.
- E. Exemptions. The following signs are not regulated under this Section:
- (1) Any sign, posting, notice or similar signs placed, installed, or required by law by a town, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including the following:
    - Emergency and warning signs necessary to warn of dangerous and hazardous conditions and that serve to aid public safety or civil defense;
    - Traffic signs erected and maintained by an authorized public agency;
    - Signs required to be displayed by law, regulation, or ordinance;
    - Signs directing the public to points of interest;
    - Signs showing the location of public facilities; and
    - Numerals and letters identifying an address from the street to facilitate emergency response and compliant with Town requirements.
  - (2) Non-illuminated non-commercial signs on single-family, two-family, and three-family residences and duplexes in residential zoning districts;
  - (3) Non-illuminated signs which provide incidental information including, but not limited to credit card acceptance, business hours, open/closed, no soliciting, directions to services and facilities, or menus, provided these signs do not exceed an aggregate of six square feet in sign area;



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- (4) Building identification signs not exceeding two square feet in area for residential buildings and four square feet in area for nonresidential and mixed-use buildings;

### Building Identification Sign

*(See Section 6.2.1(E)(2))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (5) Signs not exceeding 11 x 17 inches posted on a community bulletin board;
- (6) Landmark signs;
- (7) Historical plaques and commemorative signs erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area;
- (8) Signs not readable from the public right-of-way, including:
- Signs or displays located entirely inside of a building and not visible from the building's exterior, such as those for home occupations described in Section 5.9.1;
  - Signs intended to be readable from within a parking area or Town park but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way; and
  - Signs located within Town of Arlington recreation facilities; and
- (9) Any notice as defined in Title V, Article 1 of the Town Bylaws.
- F. Severability. If any section, sentence, clause, phrase, word, portion, or provision of this Section is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect

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without the invalid provision. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this Section to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

### 6.2.2. Procedures

#### A. Permanent Sign Permits.

- (1) **Sign Permit Required.** A sign permit is required to erect, install, construct, move, alter, replace, suspend, display, or maintain (i.e., removal of the sign so that structural elements supporting the sign may be maintained) any permanent sign, unless otherwise specified in this Section. Each sign and change of copy (i.e., changing of the face or letters on a sign) requires a separate Sign Permit except as allowed in Section 6.2.1(D).
  - All permanent signs must comply with all applicable requirements and standards established in this Section.
  - Any sign not authorized pursuant to this Section is not allowed.
- (2) **Review and Approval.**
  - **Application Required.** An application for a sign permit shall be filed with the Department of Inspectional Services, together with required fees and supporting documentation.
  - **Review.** The Building Inspector shall review all sign permit applications and supporting documentation for compliance with the standards of this Section. The Building Inspector will refer the sign permit application to the Department of Planning and Community Development for review before issuing the sign permit. The Department of Planning and Community Development shall complete a design review and, based on the Arlington Redevelopment Board's Rules and Regulations, determine whether the application should be referred to the Arlington Redevelopment Board.
  - **Determination.** Following review by the Department of Planning and Community Development and the Arlington Redevelopment Board, as applicable, the Building Inspector shall determine whether the sign permit may be issued or if additional information is required from the applicant to complete the permit application. If the sign permit application is denied, the reason shall be stated in writing.
  - **Building Permit Required.** If the Building Inspector determines that that a separate electrical or structural permit is required, the applicant shall be notified. The sign permit shall not be issued until all other required permits have been obtained.

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### B. Temporary Sign Permits.

- (1) **Sign Permit Required.** A temporary sign permit is required to display a temporary wall banner sign, an A-frame sign, or an upright sign placed in the public right-of-way. All temporary wall banner signs, A-frame signs, and upright signs must comply with all applicable requirements and standards established in this Section.
- (2) **Duration of Temporary Sign Permit.** A temporary sign permit for a wall banner is valid for 60 days beginning with the date of issuance. There are no time limitations for A-frame or upright signs installed in public right-of-way for which a temporary sign permit is required pursuant to Section 6.2.6(C).
- (3) **Review and Approval.**
  - **Application Required.** An application for a temporary sign permit and any supporting documentation shall be filed with the Department of Inspectional Services by a business owner or a property owner on behalf of the business.
  - Each tenant in a multi-tenant building is entitled to a temporary wall banner sign in accordance with this Section.
  - **Review.** The Building Inspector shall review the temporary sign permit application for compliance with the standards in Section 6.2.6. The Building Inspector may refer the temporary sign permit application to the Department of Planning and Community Development for review before issuing the sign permit.
  - **Determination.** The Building Inspector shall determine whether the temporary sign permit may be issued or if additional information is required from the applicant to complete the permit application. If the temporary sign permit application is denied, the reason shall be stated in writing.

### C. Sign Special Permits.

- (1) A sign special permit may be granted by the Board of Appeals or Arlington Redevelopment Board, as applicable, to allow more than the number of signs allowed under this Section 6.2, or signs of a greater size or in a location other than that specified in this Section 6.2 provided the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be allowed in the public interest. In no case shall any sign allowed exceed a maximum sign area of four feet times the length of the building frontage.
- (2) An application for a sign special permit shall comply with the submission requirements and procedures in Section 3.3 and Section 3.4 and the rules and

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regulations of the Board of Appeals or Arlington Redevelopment Board, as applicable.

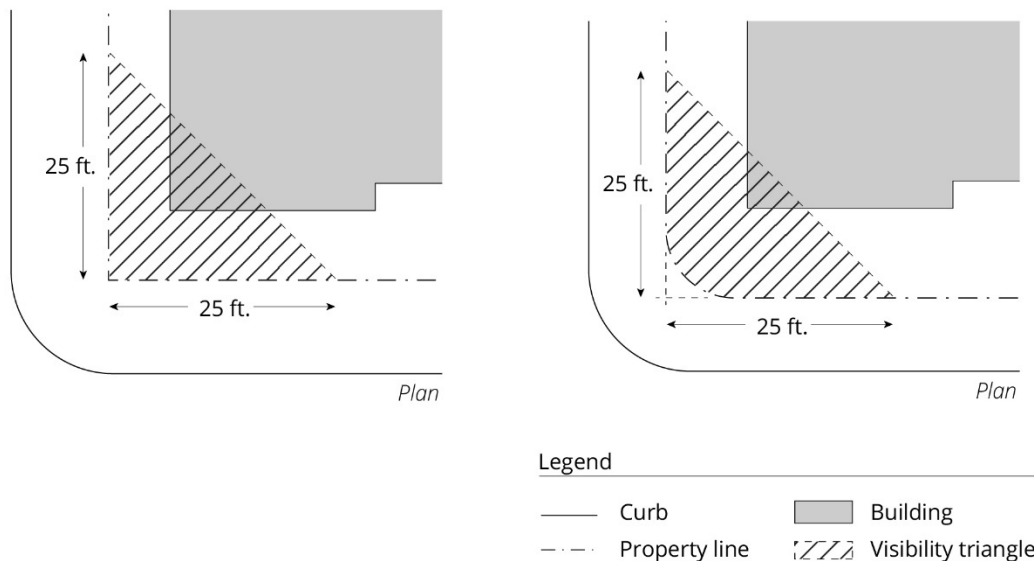
- D. Appeals. A decision of the Building Inspector may be appealed by any aggrieved person pursuant to Section 3.1.3.

### 6.2.3. General Restrictions for All Signs

- A. Location Restriction. Except where specifically authorized in this Section, signs may not be placed in the following locations:
- (1) Within, on, or projecting over public property, Town rights-of-way, and the Minuteman Bikeway, or waterways, except signs specifically authorized by this Section 6.2;
  - (2) Any location that obstructs the view of any authorized traffic sign, signal, or other traffic control device;
  - (3) On property at any corner formed by intersecting streets, within the triangular area formed between the property lines and a diagonal line joining points on the property lines 25 feet from the point of their intersection, or in the case of rounded property line corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on the tangents 25 feet from the point of their intersection;

#### Traffic Visibility at Intersections

(See Section 6.2.3(A)(3))



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (4) Areas allowing for ingress to or egress from any door, window, vent, exit way or fire lane required by the Building Code or Fire Department regulations currently in effect;

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- (5) Off the premises of the business to which the commercial advertising sign refers, except as provided in Section 6.2.6;
  - (6) On fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;
  - (7) Where they cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or another architectural feature;
  - (8) Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are visible from a public way except for notices as defined in Title V, Article 1, of the Town Bylaws; and
  - (9) On the roof of a building or structure.
- B. Prohibited Signs. Except as otherwise provided in this Section, the following signs are prohibited and considered illegal:
- (1) Signs that could be confused with any authorized traffic signal or device or that interfere with, obstruct, confuse or mislead traffic;
  - (2) Bandit Signs;
  - (3) Cabinet Signs;
  - (4) Electronic Message Centers or electronic displays;
  - (5) Inflatable balloons, spinners, strings of flags and pennants, feather banners, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures, except as allowed in Section 6.2.6;
  - (6) Signs affixed to trucks, automobiles, trailers, or any other vehicle that advertise, identify or provide direction to a use or activity not related to its lawful use for making deliveries, the sale of merchandise, or rendering services from such vehicles;
  - (7) The parking of delivery, sales, or service vehicles in an off-site location, or on-site within a parking lot adjacent to a public street, for the purpose of advertising;
  - (8) Any sign which advertises a business no longer in existence or a product or service no longer being sold, except landmark signs;
  - (9) Any portable or temporary sign, other than those signs allowed pursuant to Section 6.2.6; and
  - (10) Any other signs not specifically allowed by the provisions of this Section.

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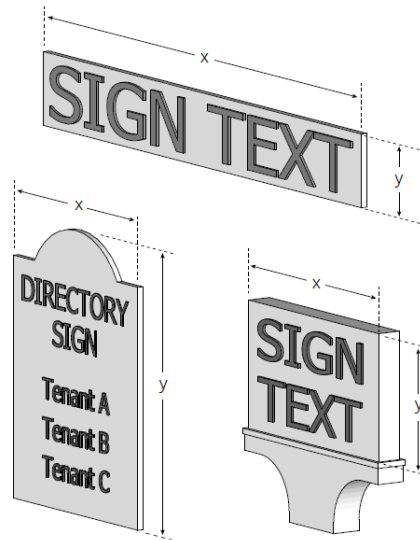
- C. Display Restrictions. The purpose of this Section is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the Town of Arlington. Signs with the following display features are prohibited:
- (1) Animated features which rotate, move, or give the appearance of moving by mechanical, wind, or other means. Barber poles no more than three feet in height and 10 inches in diameter, flags, and clocks are excepted from this restriction;
  - (2) Sound, odor, or any particulate matter including, bubbles, smoke, fog, confetti, or ashes;
  - (3) Lighting devices with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights;
  - (4) Internally illuminated signs with a directly exposed light source, except for neon incorporated into the design of a permanent window sign. See Section 6.2.4(C);
  - (5) Surfaces that reflect light by means of a glossy, polished, or mirrored surface; and
  - (6) Strings of lights used in connection with commercial premises, except when used for temporary lighting for decoration, and lights arranged in the shape of a product, arrow, or any commercial message.

### 6.2.4. General Requirements for All Signs

- A. Sign Message. Any sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Section.
- B. Sign Measurement.
- (1) Sign Area Measurement. Sign area for all sign types is measured as follows:
    - Signs on Background Panel. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.

Sign Area for Signs on Background Panel

(See Section 6.2.4(B)(1))

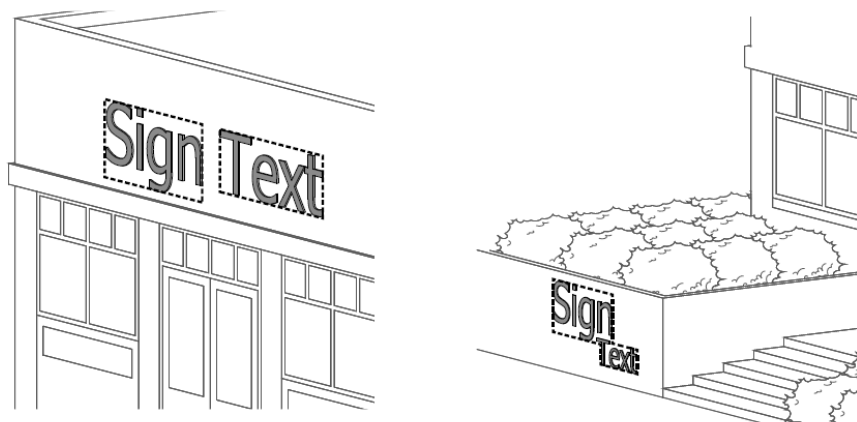


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Signs with Individual Letters. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

Sign Area for Signs with Individual Letters

(See Section 6.2.4(B)(1))



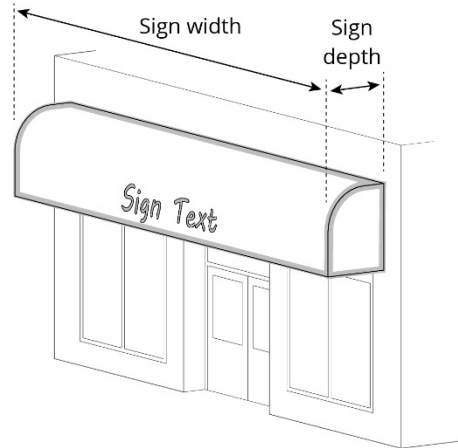
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

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- Signs on Illuminated Surfaces. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy. Such elements may include lit canopy fascia signs, and/or interior lit awnings.

**Sign Area for Signs on Illuminated Surfaces**

*(See Section 6.2.4(B)(1))*



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Irregular Shaped Signs. Sign area for irregular shaped signs is determined by dividing the sign into squares, rectangles, triangles, circles, arcs, or other shapes the area of which is easily calculated.

**Sign Area for Irregular Shaped Signs**

*(See Section 6.2.4(B)(1))*



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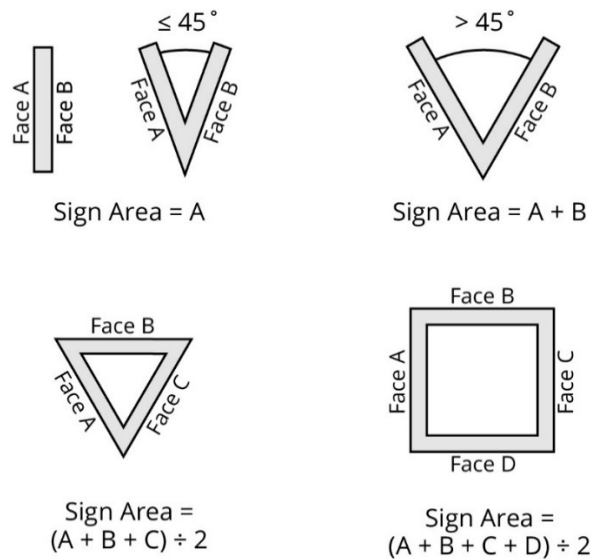


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- **Multi-Face Signs.** Multi-face signs are measured as follows:
  - Two face signs: If the interior angle between the two sign faces is 45 degrees or less and the sign faces are less than 42 inches apart, the sign area is determined by the measurement of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.
  - Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces.

**Sign Area for Multi-Face Signs**

*(See Section 6.2.4(B)(1))*

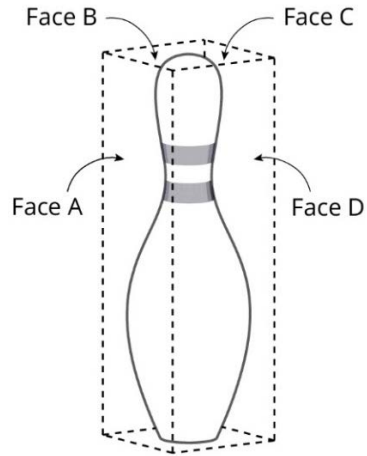


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Spherical, free-form, or sculptural sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four polyhedron faces are prohibited.

Sign Area for Spherical and Free-form Signs

(See Section 6.2.4(B)(1))



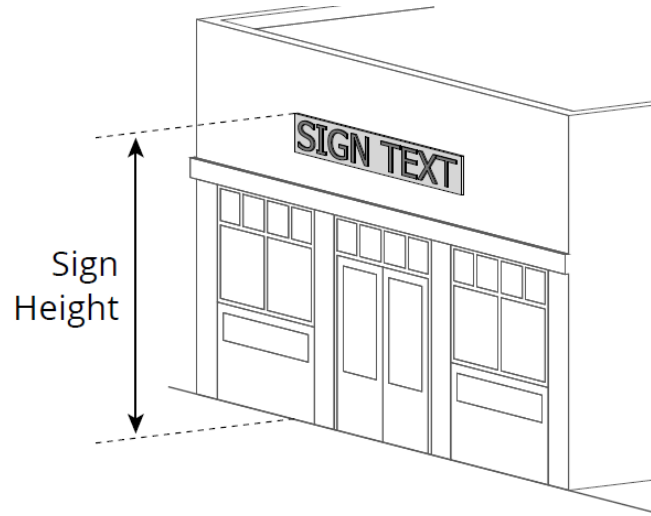
$$\text{Sign Area} = \frac{(A + B + C + D)}{2}$$

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- Numerals and letters up to 2 square feet in area used to identify an address are not included in the determination of sign area.
- (2) Sign Height Measurement. Sign height is measured as follows:
- Building Mounted Sign Height. The height of signs mounted on the wall, fascia, mansard, or parapet is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

### Building Mounted Sign Height

(See Section 6.2.4(B)(2))

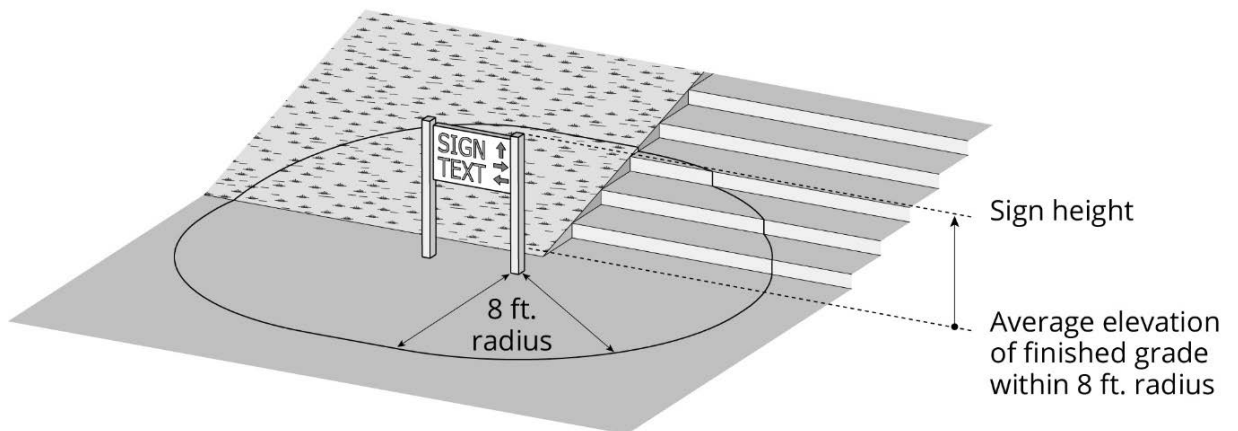


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- **Freestanding Sign Height.** Sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at the base of a sign to the top of the sign, exclusive of any filling, berming, mounding or landscaping solely for the purpose of locating the sign, including decorative embellishments.

### Freestanding Sign Height

(See Section 6.2.4(B)(2))



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

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- C. Sign Illumination. All allowed permanent signs may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or illuminated by external indirect illumination, unless otherwise specified. All permanent signs for single-family, two-family, and three-family residences or duplexes and all temporary signs must be non-illuminated.
- (1) No sign shall be illuminated between 12:00 AM and 6:00 AM, except signs identifying emergency services such as police and ambulance stations or hospitals and signs on premises open for business during that time.
  - (2) Internally Illuminated Signs.
    - Internally illuminated signs include signs constructed with pan channel letters, preferably without raceways, or internal/indirect halo illuminated channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall.
    - Single-color LED signs are considered internally illuminated signs.
  - (3) Externally Illuminated Signs. Externally illuminated signs must be illuminated only with steady, stationary, fully-shielded light sources directed solely onto the sign without causing glare. The light source for externally illuminated signs must be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties.
  - (4) Direct illumination is limited to marquee signs; see Section 6.2.5(C)(6) and is limited to the illumination of letters, numbers, symbols and accents on the marquee sign. Exposed lamps may only be animated to create an effect of patterned illusionary movement provided the alternate or sequential activation of the illuminated elements occurs on a cycle that exceeds two seconds.
- D. Neon and Single-Color LED Signs. Neon or single-color LED signs placed in a window count toward the aggregate area for all window signs and must not exceed 25 percent of the area of the window. Any individual neon or single-color LED sign must not exceed four square feet in area. Other uses of neon are prohibited; see Section 6.2.3(C)(4).
- E. Structure and Installation. The construction of signs shall be enforced and administered by the Building Inspector. All signs and advertising structures must be designed to comply with the provisions of this Section 6.2 and applicable provisions of the Building and Electrical Codes and constructed to withstand wind loads, dead loads, and lateral forces.
- (1) Any angle iron, bracing, guy wires, or similar features used to support a sign must not be visible to the extent technically feasible.
  - (2) Where electrical service is provided to freestanding signs or building mounted signs, the service must be placed underground and concealed. Electrical service to building mounted signs, including conduit, housings, and wire, must be concealed or, when necessary, painted to match the surface of the structure

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upon which they are mounted. A building permit shall be issued prior to installation of any new signs requiring electrical service.

- (3) Raceway cabinets shall only be used in building mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area allowed for the site or business. A raceway cabinet is not a cabinet sign.

### Raceway Cabinets

*(See Section 6.2.4(E)(3))*



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- (4) All permanent signs allowed by this Section must be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of a built-up environment and must be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame, or structure.
- F. Sign Maintenance. Unless otherwise specified in this Section, all signs must be maintained by any property owner, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land. Signs must be maintained in a condition or state of equivalent quality to that which was approved or required by the Town of Arlington.
- (1) All signs together with their supports and appurtenances must be maintained in good structural condition, in compliance with applicable Building and Electrical Codes, and in conformance with this Section. Maintenance of a sign includes periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Section.

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- (2) Required landscaped areas contained by a fixed border, curbed area, wall, or other perimeter structure must receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within three months.
- (3) The Building Inspector has the authority to order the repair, maintenance, or removal of any sign or sign structure that has not been maintained and is dangerous or in disrepair, or which is erected or maintained contrary to the requirements of this Section.
- (4) Failure to maintain a sign constitutes a violation of this Section and shall be subject to enforcement action, in which case the Building Inspector may order the removal of any sign that is determined to be in disrepair or dangerous pursuant to the provisions of Section 3.1.

### **6.2.5. Standards for Permanent Signs**

- A. Purpose and Applicability. This Section establishes the standards for permanent building mounted and freestanding signs that are applicable in all districts. Standards for each allowed sign type are provided in tables in Sections 6.2.5(D) and 6.2.5(E). These tables are organized as permanent building mounted and freestanding signs for each sign type. All permanent signs must comply with the standards for sign area, height, number, type, and other requirements provided in these tables.
- B. Sign Districts. The table below summarizes how the Town of Arlington's districts established in Section 4.1 have been combined into sign districts based on similarity of use, building form, and character.

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Sign Districts		
Sign District Name	Districts	Description
Residential Sign District	Large Lot Single-Family District (R0) Single-Family District (R1) Two-Family District (R2) Three-Family District (R3)	These districts comprise the vast majority of residential land in Arlington. Signage is limited in these districts, as a variety of allowed signage types could detract from the desired residential character.
Residential/Business Sign District	Townhouse District (R4) Apartment District/Low Density (R5) Apartment District/Medium Density (R6) Apartment District/High Density (R7) Neighborhood Office District (B1) Neighborhood Business District (B2)	These districts generally are located along Massachusetts Avenue, and require a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Business Sign District	Major Business District (B2A) Village Business District (B3) Vehicular Oriented Business District (B4) Central Business District (B5)	These districts comprise the major commercial centers in Arlington and require a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Industrial Sign District	Industrial District (I) Transportation District (T)	These districts allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.
Multi-Use Sign District	Multi-Use District (MU) Planned Unit Development (PUD)	These districts allow a variety of signage types for larger-scale, multi-use or planned unit developments.
Open Space Sign District	Open Space District (OS)	This district prohibits most sign types, allowing only those necessary to provide information for the primary open space and recreation uses.

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C. Allowed Sign Types by Sign District. The table below establishes which sign types are allowed in each Sign District.

Allowed Sign Types by Sign District						
Sign Type	Residential <sup>1</sup> (R0, R1, R2, R3)	Residential/ Business <sup>1</sup> (R4, R5, R6, R7, B1, B2)	Business <sup>1</sup> (B2A, B3, B4, B5)	Industrial <sup>1</sup> (I, T)	Multi- Use <sup>1</sup> (MU, PUD)	Open Space <sup>1</sup> (OS)
<b>Building Mounted Signs<sup>2</sup></b>						
Awning Sign		Y	Y	Y	Y	
Bracket Sign		Y	Y		Y	
Canopy Sign			Y		Y	
Directional Sign		Y	Y	Y	Y	
Directory Sign		Y	Y	Y	Y	
Marquee Sign			Y			
Porch Sign	Y	Y				
Projecting Sign			Y	Y	Y	
Service Island Canopy Sign			Y	Y		
Wall Sign	Y	Y	Y	Y	Y	
Window Sign	Y	Y	Y	Y	Y	
<b>Freestanding Signs</b>						
Directory Sign	Y			Y	Y	
Directional Sign		Y	Y	Y	Y	
Freestanding Projecting Sign				Y	Y	Y
Monument Sign			Y	Y		
Post Sign		Y	Y	Y	Y	Y
<b>End Note:</b>						
<sup>1</sup> For Religious and Educational Uses in all Districts, all permanent sign types are allowed except for the following:						
<ul style="list-style-type: none"> <li>• Awning Sign</li> <li>• Marquee Sign</li> <li>• Projecting Sign</li> <li>• Service Island Canopy Sign</li> </ul>						
<sup>2</sup> In all districts, a building may have no more than two of either an awning sign, wall sign, or a window sign.						




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D. Standards for All Permanent Building-Mounted Sign Types. The following sign types are allowed, subject to the criteria listed under each sign type.

(1) Awning Sign. Awning signs must comply with the standards provided in the table below.

Awning Sign Standards	
Standard	Requirements
Sign Area <sup>1</sup>	1 sq. ft. of sign area per linear foot of awning width.
Mounting Height	Min. of 8 ft. from the bottom of the awning to the sidewalk.
Sign Placement	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the awning face or valance on which it is displayed.
Setback from back of curb	Min. 2 ft.
Illumination	Non-illuminated or illumination under the awning.
Permitting	Sign permit required. See Section 6.2.2(A).




This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

**End Notes:**  
<sup>1</sup> If an awning is placed on multiple store fronts, each business is allowed signage no greater than 60% of the width of the store front.

(2) Bracket Sign. Bracket signs must comply with the standards provided in the table below.

Bracket Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 12 sq. ft.
Mounting Height	Min. of 8 ft. from the bottom of the sign to the sidewalk. Must be mounted perpendicular to the building face or corner of the building.
Sign Placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located.
Sign Projection	Max. 5 feet from the building façade.
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).




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- (3) Canopy Sign. Canopy signs must comply with the standards provided in the table below.

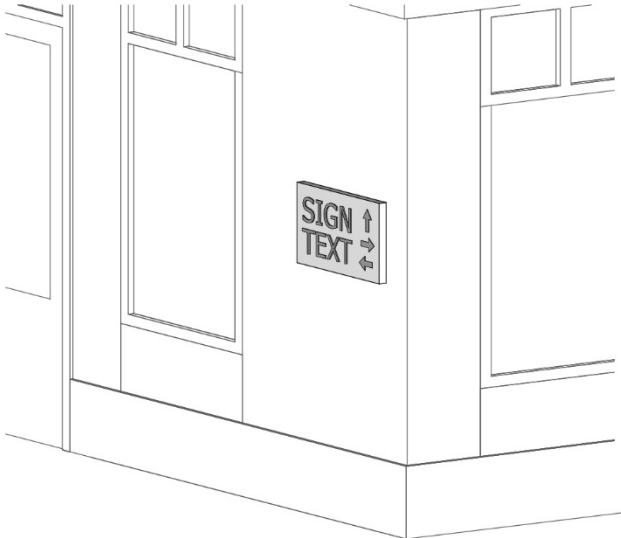
Canopy Sign Standards	
Standard	Requirements
Number of Signs	Max 1 per business.
Sign Area	1 sq. ft. of sign area per linear foot of canopy width.
Mounting Height	Max. 20 ft. on ground floor canopies. Min. of 8 ft. from the bottom of the sign to the sidewalk.
Illumination	Non-illuminated or internal illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



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- (4) Directional/Driveway Sign. Directional signs must comply with the standards provided in the table below.

Directional/Driveway Sign Standards	
Standard	Requirements
Number of Signs	Max. 3 per lot. Max. 1 at each driveway or drive-through lane.
Sign Area	Max. 3 sq. ft. per sign face.
Mounting Height	Max. 6 ft. from nearest grade; except, max. 3 ft. at each driveway or drive-through lane.
Illumination	Non-illuminated or internal illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

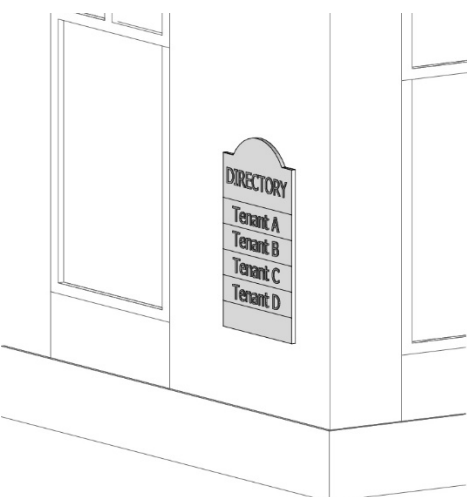


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- (5) Directory Sign. Directory signs must comply with the standards provided in the table below.

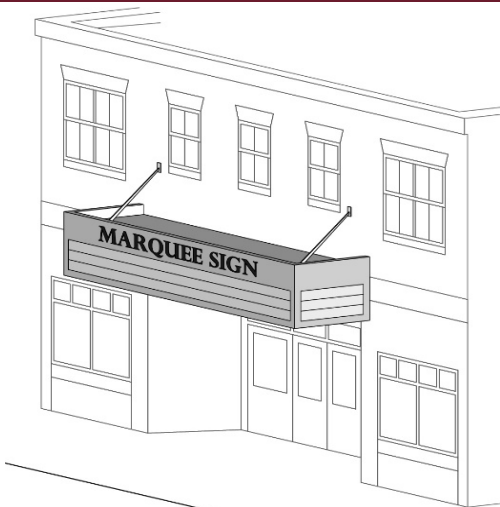
Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	1 sq. ft. per occupant or tenant space. Max. 16 sq. ft.
Mounting Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (6) Marquee Sign. Marquee signs must comply with the standards provided in the table below.

Marquee Sign Standards	
Standard	Requirements
Number of Signs	1 sq. ft. of sign area per linear foot of marquee width.
Sign Area	Min. of 8 ft. from the bottom of the marquee to the sidewalk.
Mounting Height	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the face of the marquee.
Sign Placement	Min. 2 ft. from back of curb
Illumination	Non-illuminated, internally illuminated, or direct illumination only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).
<b>Special Provisions</b>	<b>Requirements</b>
Changeable Copy Signs	Equivalent to the total allowable wall sign area. Allowed only as an integral part of a marquee sign. Non-illuminated or internally illuminated. See Section 6.2.4(C). Sign permit required. See Section 6.2.2(A).




This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

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- (7) Porch Sign. Porch signs must comply with the standards provided in the table below.


Porch Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area and Dimensions	Max. 6 sq. ft.; Max. dimension of any side 3 ft.
Mounting Height	Min. 6 ft. 8 inches from the porch floor.
Sign Placement	Mounted on a beam or other structure parallel to the face of the building.
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (8) Projecting Sign. Projecting signs must comply with the standards provided in the table below.

Projecting Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 16 sq. ft.
Sign Width	Max. 2 ft.
Mounting Height	Min. of 8 ft. from the bottom of the sign to the sidewalk.
Sign Placement	Only on the wall of a building and must not project above the plate line.
Projection	Max. 12 inches from the wall.
Illumination	Non-illuminated, internally illuminated, or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

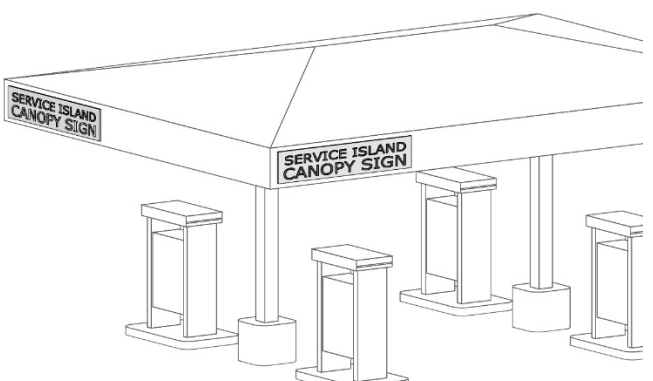


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

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- (9) Service Island Canopy Sign. Service island canopy signs must comply with the standards provided in the table below.

Service Island Canopy Sign Standards	
Standard	Requirements
Number of Signs	Max. 2; 1 per canopy façade.
Sign Area	Max. 20 sq. ft.
Illumination	Non-illuminated or internally illuminated. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (10) Wall Sign. Wall signs must comply with the standards provided in the table below.

Wall Sign Standards		
Standard	Requirements	
	Sign Area and Number of Signs <sup>1</sup>	Sign Height
Residential Sign District:	Max. 1; Max. 4 sq. ft. per residence	Max. 6 ft. to the nearest grade
Residential/Business Sign District:	Max. 1 per residence; Max. 4 sq. ft. Max. 1 per frontage for businesses; Max. 20 sq. ft.	Max. 6 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 40 sq. ft. per business	Max. 25 ft.
Multi-Use Sign District:	Max. 1 per frontage; Max. 40 sq. ft. per business	Max. 25 ft.
Industrial Sign District:	Max. 1 per frontage; Max. 40 sq. ft per business	Max. 25 ft.
Open Space Sign District:	Max. 1; Max. 12 sq. ft.	Max. 10 ft. to the nearest grade
Institutional Use in All Districts:	2 signs per frontage; 1 sign max. 20 sq. ft. and 1 sign max 10 sq. ft. (1 sign may be a freestanding sign max. 10 sq. ft.).	Max. 10 ft. to the nearest grade

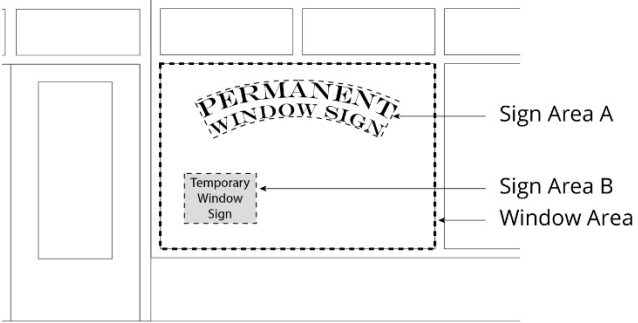
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Wall Sign Standards	
Sign Placement	<p>The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, subject to the following standards:</p> <ol style="list-style-type: none"> <li>(1) At least 1 sign must be placed above or associated with the building entry;</li> <li>(2) The width of the sign shall be no greater than 60% of the width of the building element on which it is displayed;</li> <li>(3) Signs shall be placed at least 12 inches or 20% of the width of the building element on which they are mounted, whichever is less, from the sides of the building element;</li> <li>(4) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element; and</li> <li>(5) Signs shall be placed no higher than the lowest of the following: <ul style="list-style-type: none"> <li>• 25 ft. above grade;</li> <li>• The bottom of the sill of the first level of windows above the first story; or</li> <li>• The cornice line of the building at the building line.</li> </ul> </li> </ol>
Illumination	Non-illuminated, internally illuminated, or externally illuminated. See Section 6.2.4(C).
Permitting	Sign permit is required, except for single-family, two-family, and three-family residences and duplexes. See Section 6.2.2(A).
<p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>	
Special Provisions	Requirements
Painted Wall Signs	<p>Painted wall signs are allowed on any exterior building wall of an individual tenant space or building.</p> <p>Painted wall signs are included in the total allowable area for wall signs.</p> <p>The allowable area for a painted wall sign shall be increased by 10%.</p> <p>Must be professionally painted.</p> <p>Non-illuminated or externally illuminated. See Section 6.2.4(C).</p>
<p><b>End Note:</b></p> <p><sup>1</sup> In any B, I or PUD district, one wall sign is permitted for each street or parking lot frontage for each establishment.</p>	

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- (11) Window Sign. Window signs must comply with the standards provided in the table below.

Window Sign Standards	
Standard	Requirements
Sign Area	Combined area of permanent and temporary window signs must not exceed 25% of the area of the window where they are displayed.
Sign Placement	No higher than 2 <sup>nd</sup> story windows. Inside mounting required.
Illumination	Non-illuminated or externally illuminated only. Neon and single-color LED in some applications. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).



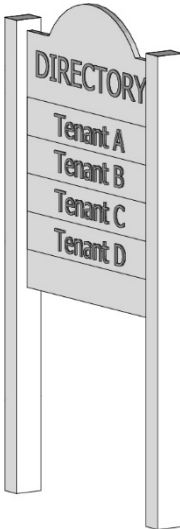
Sign Area A + Sign Area B ≤ 25% Window Area

This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- E. Standards for All Permanent Freestanding Sign Types. The following sign types are allowed, subject to the criteria listed under each sign type.

- (1) Directory Sign. Directory signs must comply with the standards provided in the table below.

Directory Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per building.
Sign Area	1 sq. ft. per occupant or tenant space. Max 12 sq. ft.
Height	Max. 6 ft. from nearest grade.
Illumination	Non-illuminated, internally illuminated, or externally illuminated only. See Section 6.2.4(C).
Permitting	Sign permit required. See Section 6.2.2(A).

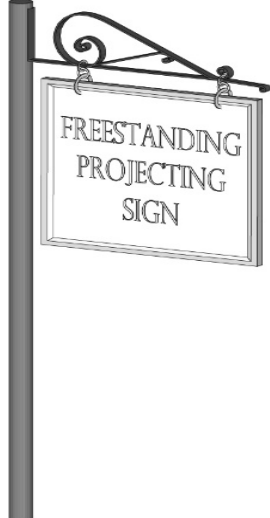


This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

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- (2) **Freestanding Projecting Sign.** Freestanding projecting signs must comply with the standards provided in the table below.

Freestanding Projecting Sign Standards	
Standard	Requirements
Number of Signs	1 per lot.
Sign Area	Max. 4 sq. ft.; Max. dimension of the longest side 2 ft.
Height	Max. 6 ft.
Sign Placement	Min. 5 ft. setback from property line. See also Section 6.2.3(A)(3).
Illumination	Non-illuminated or externally illuminated with down directed, fully shielded fixtures only. See Section 6.2.4(C).
Permitting	Sign permit is required. See Section 6.2.2(A).



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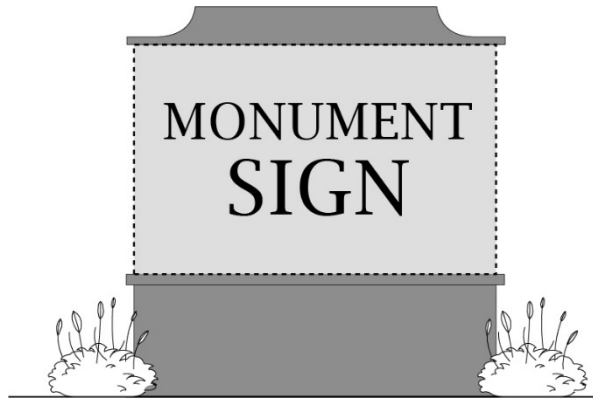
- (3) **Monument Sign.** Monument signs must comply with the standards provided in the table below.

Monument Signs Standards		
Standard	Requirements	
	Sign Area and Number of Signs	Sign Height
Residential/Business Sign District:	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 4 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Multi-Use Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 12 ft. to the nearest grade
Open Space Sign District:	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Industrial Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Institutional Use in All Districts:	Max. 1 per frontage; Max. 10 sq. ft.	Max. 6 ft. to the nearest grade
Sign Placement	Business, Industrial, Multi-Use and Open Space Sign District: Min. 5 ft. setback from property line. Residential and Residential/Business Sign District: Min. 10 ft. from property line. See also Section 6.2.3(A)(3).	
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).	
Permitting	Sign permit is required. See Section 6.2.2(A).	



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### Monument Signs Standards



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

Special Provisions	Requirements
Name of Property	The name of a property is included in the area and height limits for freestanding signs.
Landscaping	A landscaped area consisting of shrubs, and/or perennial ground cover plants with a max. spacing of 3 ft. on center is required around the base of the signs. The landscape area must be a min. of 2 sq. ft. for each 1 sq. ft. of sign area.

- (4) **Post Sign.** Post signs must comply with the standards provided in the table below.

Post Signs Standards		
Standard	Requirements	
	Sign Area and Number of Signs	Sign Height
Residential/Business Sign District:	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 4 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Multi-Use Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Open Space Sign District:	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Industrial Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Institutional Use in All Districts:	Max. 1 per frontage; Max. 10 sq. ft.	Max. 6 ft. to the nearest grade
Sign Placement	Business, Industrial, Multi-Use and Open Space Sign District: Min. 5 ft. setback from property line. Residential and Residential/Business Sign District: Min. 10 ft. from property line. See also Section 6.2.3(A)(3).	
Illumination	Non-illuminated or externally illuminated. See Section 6.2.4(C).	
Permitting	Sign Permit is required. See Section 6.2.2(A).	

Post Signs Standards



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

F. Billboards.

- (1) No person, firm, association, or corporation shall erect, display or maintain a billboard, except those exempted by G.L. c. 93, § 30 and 32.
- (2) No billboard shall be erected, displayed, or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontages on both sides of the street in such block is first obtained and is filed with the Select Board or the Massachusetts Department of Transportation (MassDOT) Office of Outdoor Advertising, together with the application for a Permit for the billboard.
- (3) Requirements for Billboards. Billboards are subject to the permit requirements established by the MassDOT Office of Outdoor Advertising. In addition, the following standards apply.
  - A maximum of one billboard is allowed per lot.
  - A billboard may not be located within 50 feet of any public right-of-way.
  - A billboard may not be located within 50 feet of another billboard, unless they are placed back-to-back billboards on the same structure.
  - A billboard may not be located in any Residential District or Planned Unit Development District unless specifically exempt by the applicable regulations of the MassDOT Office of Outdoor Advertising.
  - A billboard may not be located in any B or I District when:

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- On any block in which one-half or more of the buildings on both sides of the street are used partially or wholly for residential purposes;
  - On the premises of or within 300 feet of a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;
  - On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
  - Within 200 feet of the 100-year flood line of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the Zoning Map of the Town of Arlington;
  - Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect;
  - Exceeding a height of 30 feet measured from the ground surface;
  - Upon the roof of any building;
  - Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
  - Containing a sign face with a vertical dimension more than 12 feet;
  - Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard shall exceed a length of eight feet or a height of four feet;
  - Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard shall exceed a length of 25 feet of a height of 12 feet; or
  - In any event if such billboard shall exceed a length of 50 feet or a height of 12 feet; except that the Select Board may permit the erection of billboards which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.
- (4) No billboard shall be erected, displayed or maintained without a license from the Select Board pursuant to the following provisions:

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- Upon receipt of an application for a permit to erect, display or maintain a billboard within the limits of the Town of Arlington has been received by it, the Select Board shall hold a public hearing on the said application in the Town, notice of which shall be given by posting the same in three or more public places in the Town at least one week before the date of the such hearing.
  - A written statement as to the decision of the Board results shall be forwarded to the applicant within 30 days from the date of notice of the Town that an application for a permit had been made. In the event of a disapproval of the such application, the Board shall provide reasons for the disapproval within 30 days from the date of notice of the Town that an application for such a permit had been made
- (5) This Subsection shall not apply to billboards erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

### **6.2.6. Standards for Portable Signs and Temporary Signs**

- A. General to All. Portable and temporary signs are allowed only in compliance with the provisions of this Section.
- (1) A temporary sign permit is required for the display of temporary wall banner signs. All portable signs may be installed without a temporary sign permit, except that A-frame and upright signs placed in the public right-of-way require a temporary sign permit.
  - (2) There is no limitation on the length of time that a portable sign may be displayed except as provided in Section 6.2.6(C).
  - (3) Portable signs must be placed in a manner allowing traffic visibility for street corners and driveways, in accordance with Section 6.2.3(A).
  - (4) Portable and temporary signs are not counted toward the total allowable sign area or number of permanent signs.

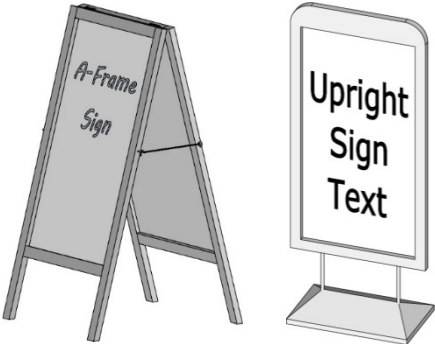
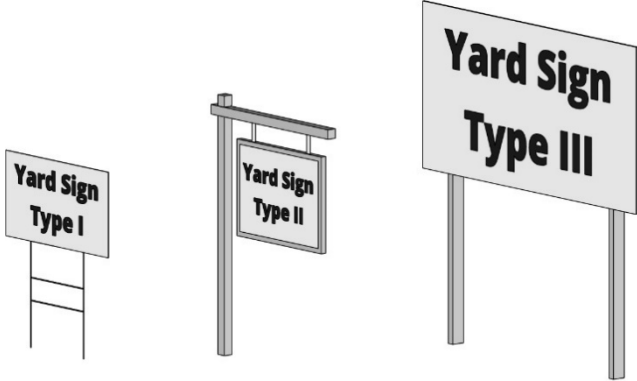
**Redevelopment Board Report to 2019 Annual Town Meeting**

- B. Standards for All Portable Signs and Temporary Signs. Portable and temporary signs are allowed in all zoning districts in compliance with the time, place, and manner restrictions provided in this Section.


<b>Standards for All Portable Signs and Temporary Signs</b>	
<b>Applicable to All Districts</b>	
Placement	Sign placement must not create a hazard for pedestrian or vehicular traffic and must allow for a 4-foot wide sidewalk to comply with the Americans with Disabilities Act.
Prohibited Elements	Illumination, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments, including balloons, ribbons, loudspeakers, etc.
Design and Construction	Signs must be of sufficient weight and durability to withstand wind gusts, storms, etc., for the safety of pedestrians, bicyclists, and vehicles.
Permitting	See Section 6.2.2(B).
<b>All Residential Sign Districts</b>	
Allowed Sign Types	Yard Sign Types I and II; and Window Signs.
Total Sign Area	Max. 16 sq. ft. per lot; excludes the area of temporary window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 16 sq. ft.
<b>All Non-Residential Sign Districts</b>	
Allowed Sign Types	A-Frame or Upright Signs; Yard Sign Type I, II, and III; Wall Banners; and Window Signs.
Total Sign Area	Max. 24 sq. ft. per business; excludes the area of temporary wall banner signs and window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 24 sq. ft. per business.

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- C. Standards for Specific Portable and Temporary Sign Types. All portable and temporary sign types must comply with the standards provided in this Section. Portable and temporary sign types not included in this table are not allowed.

Standards for Specific Portable and Temporary Signs				
Sign Type	Standard			Other Requirements
	Max. Height	Max. Width	Max. Area	
<b>Portable Signs <sup>1</sup></b>				
A-Frame or Upright Sign	4 ft.	3 ft.	12 sq. ft.	
 <p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>				
Yard Sign Type I	4 ft.	2 ft.	3 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type II	6 ft.	2 ft.	4 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type III	6 ft.	8 ft.	32 sq. ft.	Sign must be installed securely in the ground.
 <p style="text-align: right;"><i>Not to scale</i></p> <p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>				

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Standards for Specific Portable and Temporary Signs				
Temporary Signs				
Wall Banner	-	-	32 sq. ft.	Signs must be mounted on a building wall or on T-posts or stakes installed 6 inches or less from the wall. Signs may only be displayed for a maximum of 60 calendar days per calendar year.
 <p>This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.</p>				
Window Sign	-	-	Max. 25% <sup>2</sup>	Signs may not be placed higher than 2 <sup>nd</sup> story windows. Inside mounting required.
<p>End Notes:</p> <p><sup>1</sup> Other portable sign types may be allowed (e.g. fuel pump topper signs wraps around waste receptacles) provided the max. area limitation for all portable signs is not exceeded.</p> <p><sup>2</sup> The total area of temporary and permanent window signs must not exceed 25% of the area of the window on which they are displayed.</p>				

**6.2.7. Nonconforming Signs**

- A. If at the effective date of February 14, 2019 any sign which is being used in a manner or for a purpose which is otherwise lawful but does not comply with the provisions of this Section 6.2, shall be deemed legal but nonconforming.
- B. Nonconforming signs are required to be maintained in good condition in compliance with Section 6.2.4. Nothing in this Section affects an existing sign or the right to its continued use for the purpose used at the time this Section takes effect, nor to make any reasonable repairs or alterations.
- C. A legal nonconforming sign that has been damaged or has deteriorated to such an extent that the cost of restoration would exceed 35percent of the replacement cost of the sign at the time of restoration, must be removed or repaired, rebuilt or replaced only in compliance with the provisions of this Section 6.2.
- D. Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, is required when the use of the sign and/or the property on which

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the sign is located has been abandoned, ceased operations, become vacant, or been unoccupied for a period of 180 consecutive days or more as long as the period of non-use is attributable at least in part to the property owner, tenant, or other person or entity in control of the use. For purposes of this Section, rental payments or lease payments and taxes shall not be considered as a continued use. In the event this should occur, these conditions will be considered as evidence of abandonment, requiring removal of the nonconforming sign by the owner of the property, his/her agent, or person having the beneficial use of the property, building or structure upon which the nonconforming sign or sign structure is erected within 30 days after written notification from the Building Inspector. If, within the 30-day period, the nonconforming sign is not removed, enforcement action consistent with Section 3.1 shall be pursued.

- E. In no event will the degree of nonconformity of any sign or type of signage be increased.
- F. Illegal signs shall not be considered to be nonconforming signs.



## SECTION 2. DEFINITIONS

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

### Definitions Associated with Signs

Balloon: A brightly colored bag made of flexible material, inflated with air or other gas and sealed, often to make it rise in the air.

Billboard: A permanent sign structure defined by G.L. c. 93, § 30 and 32 and intended for the display of off-premises advertising.

Channel Letters: Three dimensional, individually manufactured letters or figures with an open back which may contain a light source to provide light onto the sign background against which the channel letters are silhouetted.

Commercial Message: A message conveyed by any sign that is solely intended to interest, entice, or solicit any person to participate in commercial transactions with a business, including offers of goods, cash, discounts on products or services, or other items, including the offering of free goods or services made in exchange for or with the intent to induce the recipient's willingness to receive information relating to a possible commercial transaction.

Direct Illumination: Illumination on a sign characterized by the use of exposed lamps, such as incandescent bulbs or neon, that have no shielding and are visible to the eye.

Electronic Message Center: A sign or portion of a sign that is capable of changing by electronic or automatic means the characters, letters, numbers, illustrations, display, color, and/or light intensity.

Flag: A fabric sheet of square, rectangular, or triangular shape that is typically mounted on a pole.

Halo Illumination: A form of sign illumination in which neon tubing, LED, or similar lights are mounted within the letter to illuminate the mounting surface, causing a ring of light around the letter.

LED (Light Emitting Diode): A semiconductor diode that emits light when a voltage is applied to it.

Logo: A stylized group of letters, words, numbers, symbols, or graphics used to represent and distinguish a business, product, or organization.

Neon: An illumination source created when a glass tube filled with neon or other similar gas emits light when energized.

Notice: Temporary signs erected by a person, a town committee, student organization or non-profit organization for the purpose of advertising an individual yard sale, non-commercial public event, or lost pet.

Pan Channel Letter: A specific type of sign letter consisting of a metal pan enclosure fabricated in the shape of a letter. The metal pan enclosure is used to house the

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lighting and electrical components of the letter and can be mounted directly to a building wall. The sign face is usually made out of colored plastic and is attached to the metal pan to seal it off from pests and harsh weather.

Pennant: A tapering flag made of flexible materials and often triangular in shape. Frequently displayed with other pennants on a string.

Plate line: The uppermost horizontal line of a building wall upon which the roof rests.

Raceway Cabinet: An enclosed conduit for electrical wiring.

Sign: Any structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, religious, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination. Any structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, including illuminated signs within a window. Awnings, marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of 6.2.

Sign, Accessory: Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises, and directional or parking instructions, or the sale or letting of the premises or any part thereof.

Sign Area, Area of a Sign, Signage: The entire face of a sign including the advertising surface, message, or announcement, and any framing, trim, or molding, but not including the supporting structure. The entire area within a single continuous perimeter, and a single plane, composed of a square, circle or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a standing or pole sign is the entire area of one side of such sign such that two faces which are back to back are counted only once for the purposes of standing or pole sign area.

Sign Animated: A sign, or any portion of a sign, made or equipped to move or give the appearance of moving, either by the movement of any light used in conjunction with a sign, such as blinking traveling, flashing or changing degree of intensity, or by mechanical means or movement of the air.

Sign, Awning: A permanent sign that is printed, painted, or affixed to an awning. A sign applied directly to or incorporated as part of an awning.

Sign, A-Frame: A portable sign and self-supporting sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top. May also be known as an Upright Sign or Sandwich Board Sign.

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Sign, Bandit: Any sign that is placed on public property or on private property without the consent of the property owner or as authorized in Section 6.2.

Sign, Bracket: A permanent sign mounted either to the wall of building by means of a bracket or attached to the underside of a lintel, arch or other overhead structure above a porch of walkway and which is typically hung perpendicular to the wall of the building. A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign, Building Identification: A permanent sign consisting of letters applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted: A permanent sign attached to, connected to, or erected against the wall, parapet, or fascia of a building or structure. The exposed face of the sign is in a plane parallel to the vertical face of the building or structure.

Sign, Cabinet: A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures which illuminate the sign face from behind.

Sign, Canopy: A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries. Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign Copy: Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign, Directional: A permanent sign intended to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, Directory: A permanent sign which provides information in a list, roster, or directory format.

Sign, Externally Illuminated: A sign, the face of which reflects light from an external light source intentionally directed upon it.

Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Feather Banner: A portable sign typically constructed of cloth, plastic or similar non-rigid material, and attached to a vertically mounted pole that is securely fastened to the ground.

Sign, Freestanding: A sign erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building. A sign not a part of or attached to any building but generally located elsewhere on a lot.

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Sign, Freestanding Projecting: A permanent sign featuring a single- or double-sided sign face, projecting outward at a perpendicular angle from a support structure.

Sign, Fuel Pump Topper: A temporary sign with a commercial message affixed to the top of an operable fuel dispensing pump.

~~Sign, Ground: A free-standing sign located on or close to the ground, the top of which shall not be higher than 4 feet above the ground.~~

Sign, Individual Letter: A cut-out or etched letter or logo which is individually mounted on a building wall, or freestanding sign.

Sign, Internally Illuminated: Any sign in which the source of light is entirely enclosed within the sign and is not directly visible.

Sign, Landmark: A sign of historic merit, uniqueness, or significance to the community.

Sign, Marquee: A permanent sign structure placed over the entrance to a building and typically used for a theater or other entertainment use.

Sign, Monument: A permanent sign with a solid base that is equal to or larger than the width of the sign face.

Sign, Nonconforming: Any sign legally installed or established prior to the effective date of the Zoning Bylaw or subsequent amendment to it, which does not conform to the provisions of Section 6.2.

Sign, Off-premise: Any sign that directs attention to a business, commodity, service, entertainment, product, structure, use or property different from a structure or use existing on the property where the sign is located, and/or any sign on which space is rented, donated or sold by the owner of said sign or property for the purpose of conveying a message.

Sign, Painted Wall: A sign painted directly onto the exterior wall of a building and having no sign structure.

Sign, Permanent: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises meeting the standards of Section 6.2.5. ~~Any sign as defined above, intended to be erected and maintained for more than 60 days.~~

Sign, Porch: A sign that is mounted on a porch of a building and legible from the sidewalk.

Sign, Portable: A sign that is capable of being moved and which is not designed to be permanently attached to a building or permanently secured to the ground. Excludes signs affixed to or painted on a vehicle or trailer. ~~A free-standing sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.~~

Sign, Post: A permanent sign mounted on either a single post or two or more posts.

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Sign, Projecting: ~~A permanent sign that is attached to and extends perpendicular from a building from the wall. Any sign which is attached to a building or other structure and any part of which projects more than 12 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned.~~

Sign, Raised Letter. ~~A sign containing copy, logo, and/or decorative embellishments in relief on the face.~~

Sign, Roof: ~~Any sign erected, constructed and maintained upon or over the roof of any building.~~

Sign, Standing or Pole: ~~A free standing sign not exceeding 15 feet in height with 8 feet of clearance under the sign area and erected upon supporting devices or stands.~~

Sign, Service Island Canopy: ~~A permanent sign mounted on or under a service island canopy, including on a fascia.~~

Sign, Single-Color LED: ~~A sign composed of single-color LEDs, including signs with fixed and changeable copy.~~

Sign, Temporary: ~~A sign constructed of paper, cloth, or similar expendable material, which is intended for a definite and limited period of display and which is not permanently affixed to a structure, sign area, or window meeting the standards of Section 6.2.6. Any sign, including its supporting structure intended to be maintained for a continuous period not to exceed 60 days~~

Sign, Upright: ~~A portable sign constructed to be taller than it is wide which may be mounted on a weighted base or similar support.~~

Sign, Vehicle: ~~Any sign on or affixed to a truck, van, automobile, trailer, or other vehicle.~~

Sign, Wall: ~~A permanent sign affixed or applied to, or erected against, the wall or fascia of a building or structure, with the exposed face of the sign parallel to the plane of the wall or fascia. A sign not exceeding 4 feet in height securely affixed to a wall projecting no more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: (a) 25 feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.~~

Sign, Primary Wall: ~~A sign on the building face fronting on a street or parking lot frontage.~~

Sign, Secondary Wall: ~~A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.~~

Sign, Wall Banner: ~~A temporary sign constructed of cloth, bunting, plastic, paper, or similar material and securely attached to a wall or support structure. Flags are not considered temporary wall banners.~~

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Sign, Window: A permanent or temporary sign posted, painted, placed, or affixed in or on a window, or otherwise exposed to public view through a window. Signs intended to be viewed from the exterior that are painted or posted on an interior transparent or translucent surface including windows and doors, or interior to and within 12 inches of such a surface. The area of a window sign shall not exceed 25% of the area visible from the exterior of the building.

Sign, Yard (Type I): A small portable sign typically constructed of corrugated plastic and supported on an H-shaped wire frame.

Sign, Yard (Type II): A portable sign mounted on a single post installed securely in the ground with a small sign hanging from a cross-bar mounted parallel to the ground.

Sign, Yard (Type III): A large portable sign typically constructed of wood and mounted on two posts installed securely in the ground.

Sign Structure: The supports, uprights, bracing, and/or framework of a sign.

Spinner: A lightweight, durable, and colorful device designed to be affected by the movement of air so that it spins or rotates in a manner to capture attention.