

SECOND READING DRAFT 07-2017

DRAFT

ARLINGTON ZONING BYLAW REVISION

Table of Contents

SECTION 1. PURPOSE AND AUTHORITY..... 1-1

- 1.1 Title 1-1
- 1.2 Purposes..... 1-1
- 1.3 Authority 1-1
- 1.4 Applicability 1-1
- 1.5 Amendment..... 1-1
- 1.6 Severability 1-1

SECTION 2. DEFINITIONS 2-1

SECTION 3. ADMINISTRATION AND ENFORCEMENT 3-1

- 3.1 Building Inspector; Enforcement 3-1**
 - 3.1.2. Enforcement. 3-1
 - 3.1.3. Appeal 3-1
 - 3.1.4. Penalty. 3-1
- 3.2 Zoning Board of Appeals 3-2**
 - 3.2.1. Establishment. 3-2
 - 3.2.2. Powers. 3-2
 - 3.2.3. Rules and Regulations 3-2
 - 3.2.4. Fees..... 3-2
 - 3.2.5. Repetitive Petitions 3-3
- 3.3 Special Permits 3-3**
 - 3.3.1. Special Permit Granting Authority 3-3
 - 3.3.2. Procedures..... 3-3
 - 3.3.3. Decision Criteria 3-3
 - 3.3.4. Special Permit Conditions 3-4
 - 3.3.5. Recording; Lapse 3-4
- 3.4 Environmental Design Review 3-5**
 - 3.4.1. Purposes 3-5
 - 3.4.2. Applicability 3-5
 - 3.4.3. Procedures..... 3-6
 - 3.4.4. Environmental Design Review Standards 3-6

SECTION 4. ESTABLISHMENT OF DISTRICTS 4-1

- 4.1 Districts..... 4-1
- 4.2 Zoning Map..... 4-2

SECTION 5. DISTRICT REGULATIONS 5-1

- 5.1 General Provisions 5-1

| | | |
|------------|---|-------------|
| 5.2 | Use Regulations Applicable in All Districts | 5-1 |
| 5.2.1. | Permitted in All Districts | 5-1 |
| 5.2.2. | Prohibited Uses | 5-1 |
| 5.2.3. | Accessory Uses | 5-1 |
| 5.3 | Dimensional Regulations Applicable in All or Multiple Districts | 5-1 |
| 5.3.1. | Lot Area Per Dwelling Unit | 5-1 |
| 5.3.2. | Reduction of Lot Areas and Separation of Lots | 5-2 |
| 5.3.3. | Spacing of Residential and Other Buildings on One Lot | 5-2 |
| 5.3.4. | Spacing of Nonresidential Buildings on the Same Lot | 5-2 |
| 5.3.6. | Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions) | 5-3 |
| 5.3.7. | Screening and Buffers: Industrial and Business Districts and Parking Lots | 5-4 |
| 5.3.8. | Corner Lots and Through Lots | 5-5 |
| 5.3.9. | Projections into Minimum Yards | 5-5 |
| 5.3.10. | Average Setback Exception to Minimum Front Yard; All R Districts | 5-6 |
| 5.3.11. | Dimensional Requirements for Courts | 5-6 |
| 5.3.12. | Traffic Visibility | 5-6 |
| 5.3.13. | Accessory Underground Structures | 5-6 |
| 5.3.14. | End Yards for Townhouse Structures | 5-7 |
| 5.3.15. | Buildings of Uneven Height or Alignment | 5-7 |
| 5.3.16. | Yards or Setbacks for Lots Adjoining a Street or Public Open Space | 5-8 |
| 5.3.17. | Upper-Story Building Step Backs | 5-8 |
| 5.3.18. | Balconies and Roof as Portion of Usable Open Space | 5-8 |
| 5.3.19. | Reduced Height Buffer Area | 5-8 |
| 5.3.20. | Maximum Height Exceptions | 5-9 |
| 5.4 | Residential Districts | 5-9 |
| 5.4.1. | Districts and Purposes | 5-9 |
| 5.4.2. | Dimensional and Density Requirements | 5-11 |
| 5.4.3. | Use Regulations for Residential Districts | 5-19 |
| 5.5 | Business Districts | 5-23 |
| 5.5.1. | Districts and Purposes | 5-23 |
| 5.5.2. | Dimensional and Density Regulations | 5-24 |
| 5.5.3. | Use Regulations for Business Districts | 5-31 |
| 5.6 | Other Districts | 5-36 |
| 5.6.1. | Districts and Purposes | 5-36 |
| 5.6.2. | Dimensional and Density Regulations | 5-36 |
| 5.6.3. | Use Regulations for MU, PD, I, T, and OS Districts | 5-39 |
| 5.7 | Floodplain District | 5-43 |
| 5.7.1. | Purposes | 5-43 |
| 5.7.2. | Boundaries | 5-44 |
| 5.7.3. | Applicability | 5-44 |
| 5.7.4. | Setback from Open Stream | 5-44 |

SECOND READING DRAFT 07-2017

- 5.7.5. Use Regulations 5-44
- 5.7.6. Procedures..... 5-46
- 5.7.7. Areas, Open Space, and Yard Regulations 5-46
- 5.7.8. Exemptions 5-46
- 5.7.9. Notification of Alteration 5-47
- 5.8 Special Regulations for Permitted Uses..... 5-47**
- 5.8.1. Home Occupation 5-47
- SECTION 6. SITE DEVELOPMENT STANDARDS 6-1**
- 6.1 Off-Street Parking..... 6-1**
- 6.1.1. Purposes6-1
- 6.1.2. Applicability.....6-1
- 6.1.3. Administration6-1
- 6.1.4. Table of Off-Street Parking Requirements6-1
- 6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones6-3
- 6.1.6. Table of Off-Street Loading and Unloading Requirements.....6-4
- 6.1.7. Existing Spaces.....6-4
- 6.1.8. Computation of Spaces6-5
- 6.1.9. Combined Facilities6-5
- 6.1.10. Location of Parking Spaces.....6-5
- 6.1.11. Parking and Loading Space Standards.....6-6
- 6.1.12. Bicycle Parking.....6-8
- SECTION 7. SPECIAL PERMITS 7-1**
- 7.1 Removal of Sand, Gravel, Quarry or Other Earth Materials 7-1**
- SECTION 8. SPECIAL REGULATIONS 8-1**
- 8.1 Nonconforming Uses and Structures 8-1**
- 8.1.1. Applicability.....8-1
- 8.1.2. Nonconforming Uses8-1
- 8.1.3. Nonconforming Single-Family or Two-Family Dwellings8-1
- 8.1.4. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings.8-2
- 8.1.5. Special Permit Uses; Repair, Reconstruction, Extension, or Alteration Involving a Non-Conforming Structure or Lot.....8-2
- 8.1.6. Reduction or Increase.....8-3
- 8.1.7. Restoration, Abandonment, or Non-Use8-3
- 8.2 Affordable Housing Requirements 8-4**
- 8.2.1. Purposes8-4
- 8.2.2. Applicability.....8-4
- 8.2.3. Requirements8-4
- 8.2.4. Incentive.....8-5
- 8.2.5. Administration8-5
- Index.....vi**

SECOND READING DRAFT 07-2017

HOW TO NAVIGATE AND REVIEW THIS DRAFT

Introduction

This book is a *draft* revision of the Arlington Zoning Bylaw. The scope of the revision is primarily a recodification, or a reorganization and update of the code. The goals of this recodification effort are to (1) create a document that is easy for users to navigate, (2) simplify and update the language of the Bylaw wherever possible, and (3) provide a structure that is both predictable and flexible enough to accommodate amendments over time. In addition, it is important to make sure the Bylaw conforms to current legal requirements.

Every effort has been made to preserve Arlington’s basic land use policies during the revision process. In general, recodification is not the right process for making comprehensive land use policy changes. That is the task of a comprehensive zoning revision. However, when bylaws and ordinances contain ambiguous provisions, obsolete or archaic language, or text that is “dense” and difficult to decipher – or provisions that conflict or contradict other provisions – someone has to determine the original meaning. In addition, sometimes the desire to simplify language requires people to consider trade-offs: what will the consequences of simplification be, and are they acceptable? It is important for reviewers of this draft to know that while the authors have tried to avoid disturbing existing policy, the draft contains some changes that people may wish to debate. The review process is designed to support a public conversation about the draft Bylaw: does it achieve the goals of the recodification project and substantially preserve the policies Arlington residents value?

What has changed?

- **FORMAT**

The draft Bylaw has a different structure, format, and layout than the existing Bylaw. The draft divides the document into four parts and uses a color scheme to communicate the division of material:

| | |
|-----------------------------|---|
| BASIC REQUIREMENTS | Section 1. Purposes and Authority Section 2. Definitions |
| ADMINISTRATIVE | Section 3. Administration & Enforcement |
| DISTRICTS & USES | Section 4. Establishment of Districts Section 5. District Regulations |
| STANDARDS | Section 6. Site Development Standards Section 7. Special Permits Section 8. Special Regulations |

A color strip runs the full length of the right margin on each recto page to help readers understand where they are in the document. Tables in each section adopt the same color scheme.

■ INDEX

The draft has an alphabetical index. Since the draft is likely to change before it becomes a full “hearing draft,” or the version the ARB will take up at an eventual public hearing, the index is only a partial index at this time.

■ DISTRICT REGULATIONS

All of the use and dimensional regulations for Arlington’s zoning districts are in one part of the bylaw – the section in blue. The districts are broken into logical subgroups and for each grouping, the district purposes, dimensional regulations, and use regulations are presented as a unit. This can be seen in the Table of Contents, e.g., Sections 5.4 (Residential Districts), 5.5 (Business Districts), and 5.6 (Other Districts) all follow the same structure. This arrangement should make it a little easier for property owners to find out what they can do with their land and what kinds of changes could happen in their neighborhoods.

■ NOTES TO TABLE OF USES, TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

The notes have not disappeared, but we have tried to reorganize and condense them. In some cases, they have been relocated to the text of the Bylaw (most likely to be found in Section 5.3). In other cases, they are still table notes but now they appear in a footer to the table to which they apply.

■ WHAT HAPPENED TO SIGNS?

We recommended, and the staff and board members in charge of this project agree, that Sign regulations should be relocated to the Town’s General Bylaws. A member of the consulting team has worked on reorganizing the Sign bylaw for the Town to place in the General Bylaws, subject to Town Meeting approval. Arlington, like many communities, has an out-of-date sign bylaw that will need more work in the future. For now, we have tried to maintain our focus on recodification.

■ WHAT HAPPENED TO INLAND WETLANDS?

Arlington’s Inland Wetlands district pre-dates the passage of the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 and adoption of Arlington’s own local Wetlands Bylaw. This is a very common situation in Massachusetts. During interviews for the recodification, we learned that the Town is not really using the Inland Wetlands district anymore because the local Wetlands Bylaw administered by the Arlington Conservation Commission is a much better, more effective tool for protecting wetlands. For this reason – and to avoid duplication of effort or boards inadvertently working at cross-purposes – we recommended deleting the Inland Wetlands bylaw.

The Floodplain District has *not* been eliminated.

SECOND READING DRAFT 07-2017

■ DEFINITIONS

All of the definitions that appear in scattered places in the Zoning Bylaw have been moved to Section 2, Definitions. Section 2 contains the existing definitions – but rewritten and updated – and definitions for several new terms. Definitions that go together, such as the terms currently defined in the Affordable Housing bylaw, are grouped in Section 2 and visually identifiable because of color codes.

■ CHANGES OF PARTICULAR INTEREST - AND POTENTIALLY SUBSTANTIVE CHANGES

We encourage reviewers to pay close attention to changes in wording because some may have unintended consequences and others are intentional changes to make something work better. For example, the draft regulation for “Average Front Setback” is not the same as Arlington’s present policy. This is an intentional change. It responds to comments we heard from people who are very familiar with the existing Zoning Bylaw and problems Arlington has had with it. In this case, the proposed method replaces the concept of neighborhood “block” with computing the average setback on existing lots within *N* feet of a vacant lot or a lot on which a teardown will be rebuilt. Also, Arlington currently has a provision allowing the ARB to approve shared parking arrangements, but the Bylaw does not specifically require a legally enforceable agreement between the parties who agree to share parking spaces. This has been added in order to set a clear standard.

SECTION 1. Purpose and Authority

1.1 Title

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Arlington, Massachusetts," hereinafter referred to as "this Bylaw."

1.2 Purposes

This Bylaw is enacted in order to promote the general welfare of the Town of Arlington; to protect the health and safety of its inhabitants; to support the most appropriate use of land throughout the town, and to further the goals and policies of the Arlington Master Plan, and to preserve and increase the amenities of the town, all as authorized but not limited by the provisions of the Massachusetts Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

1.3 Authority

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts and in accordance with G.L. c 40A, as amended.

1.4 Applicability

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5 Amendment

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, Section 5.

1.6 Severability

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

SECTION 2. Definitions

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word “and” includes “or” unless the contrary is evident from the text. The word “includes” or “including” shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

Abandonment: The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or the removal of the characteristic equipment or furnishing used in the performance of the use, without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

† **Accessory Use:** A use that is incidental and subordinate to, and customarily associated with, that of the main building or use of land and that is located on the same lot and under the same ownership.¹

† **Adult Day Care:** A facility providing non-residential social, supportive, or health services, or dementia services, any combination thereof, to the elderly and people of any age with disabilities, licensed if applicable by the Massachusetts Department of Public Health.

Adult Uses: All uses as described and defined in Massachusetts General Laws Chapter 40A, Section 9A, as amended.

Definitions Associated with Affordable Housing

Affordable Units: Rental units priced such that the rent (including utilities) shall not exceed 30 percent of the income of a household at 60 percent of area median income; or, for homeownership units, priced such that the annual debt service on a mortgage plus taxes, insurance, and condominium fees (assuming a 5 percent down payment) shall not exceed 30 percent of the income of a household at 70 percent of area median income.

¹ Definitions added in response to first draft comments are identified with a dagger symbol: †

†Area Median Income: The median family income for the metropolitan statistical region that includes the Town of Arlington, as defined by the U.S. Department of Housing and Urban Development (HUD).²

Eligible Household: For ownership units, a household whose total income does not exceed 80 percent of Area Median Income, adjusted for household size. For rental units, a household whose total income does not exceed 70 percent of Area Median Income, adjusted for household size.

Fair Market Rent: An amount determined by the U.S. Department of Housing and Urban Development and used by the Arlington Housing Authority to determine the maximum rental payment to be paid to an owner under the Section 8 program, adjusted for unit size and with an allowance for utility costs.

Alteration: Any construction, reconstruction, or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Arlington Redevelopment Board: The Arlington Redevelopment Board which was vested with the rights and powers of a planning board by the Massachusetts General Court in Chapter 783 of the Acts of 1971.

Artisanal Fabrication: Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage. Typical uses have minimal negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications; or the invention, design, prototyping, or fabrication, assembly, and packaging of parts for further assembly or consumer goods for sale.

Assisted Living: A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third-party reimbursement from or on behalf of residents to pay for the provision of assistance.

†Athletic Facility, Indoor: A facility comprised of one or more buildings or structures, with or without seating for spectators, providing accommodations for a variety of individual, organized, or franchised sports, such as but not limited to basketball, ice hockey, wrestling, soccer, tennis, volleyball, racquetball, or handball. The facility may also

² “Median Income” in Arlington’s current ZBL. Since the names of HUD metro areas change from time to time, best to make a general reference to the metropolitan area that includes the Town of Arlington and leave it at that.

provide health and fitness club facilities, swimming pool, snack bar, retail sales of related sports, health or fitness items, and other support facilities. (See also, Health Club.)

- †Attic: An unfinished, non-habitable space immediately below the roof of a main building, typically used for storage or mechanical equipment.
- †Automobile Service Station: A building, structure, or area of land (which may also be called a Gasoline Station) used for the retail sale of automobile fuels, oils, and accessories, and where repair service, if any, is incidental and limited to a maximum of three bays for routine automobile maintenance such as lubricating services or tire servicing and repair, or ordinary auto care such as a car wash; excluding services such as auto detailing, reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles. As used in this Bylaw, “Automobile Service Station” shall not include “Auto Repair Shop” or “Auto Body Shop.”
- †Auto Body Shop: A facility providing major automobile repair services such as repair, rebuilding, and reconditioning of engines or automobiles, or collision services for automobiles, such as body, frame, or fender straightening and repair, or overall painting of automobiles.
- †Auto Repair Shop: A facility providing maintenance or repair services for automobiles, noncommercial trucks, motorcycles, or recreational vehicles or boats, including the sale, installation, and servicing of equipment and parts, such as muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, or auto detailing or reconditioning of motor vehicles, but not major automobile repair. “Auto Repair Shop” shall not include “Auto Body Shop.”
- Awning: A roof-like covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.
- Basement: A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four feet six inches or more above the average finished grade.
- Bed and Breakfast: A dwelling in which lodging units are rented and breakfast is served to the people occupying the lodging units, and which has a resident owner or manager.³
- Bed and Breakfast Home: A bed and breakfast occupied and operated by the owner and in which no more than three lodging units are available for rent.

³ Are both “bed and breakfast” and “bed and breakfast home” really needed?

Definitions Associated with “Building”

Building: A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, Accessory: A building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building or an adjacent lot in the same ownership.

†**Building Area:** The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

Building Coverage: The building area expressed as a percent of the total lot area.

Building, Attached: A building having any portion of one or more walls in common with adjoining buildings.

†**Building, Detached:** A building with no structural connection to another building.

Building, Front Building Line: A line drawn parallel to the front boundary of a lot along the front face of a building or through the point on a building closest to the front boundary.

†**Building Height:** The vertical distance of the highest point of the roof above the average grade of the curb line abutting the property, excluding penthouses, bulkheads, and other allowable superstructures above the roof line.

Building, Setback Line: The line beyond which a building shall not extend, except as specifically provided by this Bylaw.

Building Step Back: Upper story building setback provided along all building elevations with street frontage, excluding alleys.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building, Nonconforming: A building, lawfully existing at the time of adoption of this Bylaw, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located. (See also, Nonconformance.)

†**Business or Professional Office:** A building or portion of a building used to provide direct services to customers or clientele, such as an insurance agency or a real estate office, or a service that involves some specialized skill or knowledge typically obtained through advanced education and training, such as an attorney or architect. The term “business or professional office” shall not include medical office for a physician, dentist, or other health care professionals. (See “Medical Office”.)

Carport: A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

- Catering Service:** Facility for the provision of prepared food for delivery and presentation to an off-premises location. Services may include provision of associated service staff and equipment.
- Cellar:** A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.
- Certificate of Occupancy:** A statement signed by the Inspector of Buildings, setting forth either that a building or structure complies with the Zoning Bylaw or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.
- †**Child Care Center:** A facility operated on a regular basis by an entity licensed by the Massachusetts Department of Early Education and Care, which may be known as a child nursery, nursery school, kindergarten, child play school, progressive school, child development center, pre-school, or known under any other similar name, which receives children not of common parentage under seven years of age, or under 16 years of age if they are children with special needs, for nonresidential custody and care during part or all of the day, separate from their parent(s).
- †**Club or Lodge:** A facility owned or operated by a corporation or an organization or association, serving exclusively its membership and guests, for social, intellectual, recreational, or athletic purposes, not primarily conducted for profit or engaged in providing a service that is customarily carried out as a business. (See also, Membership Club.)
- †**Commercial Vehicle:** Any motor vehicle, trailer, or semi-trailer designed or used to carry freight, passengers for a fee, or merchandise for any commercial enterprise, and having a gross weight of more than 10,000 pounds and bearing a commercial license plate. For purposes of this Bylaw, a pickup truck not used for commercial purposes and on which there is no writing or logo to designate a business or professional affiliation and which does not have tools visible on the outside shall not be considered a commercial vehicle.
- Common Land:** A parcel or parcels of open space in a Planned Unit Development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of the planned unit development, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned unit development including walks, patios, benches, playground facilities, and terraced areas.
- Conservation Land:** A tract or patch of land reserved for the protection, development and promotion of natural resources and for the protection of watershed resources, as well as for use as open space or for passive outdoor recreation.
- †**Consumer Service Establishment:** Business such as lawnmower or bicycle repair, upholsterer, small tool and equipment rental, small appliance repair,
- Court:** An open, uncovered unoccupied space partially or wholly surrounded by the walls of a structure.

Court, Inner: A court surrounded on all sides by the exterior walls of a structure.

Court, Outer: A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

†Deck: A roofless outdoor space built as an aboveground platform projecting from the wall of a building and connected by structural supports at grade or by the building structure.

District: A zoning district as established by Section 4 of this Bylaw.

Driveway: An area on a lot, not more than 20 feet wide, built for access to a garage or an off-street parking or loading space.

Definitions Associated with “Dwelling”

Dwelling: A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling, or single-room occupancy building, shall not include hotel, bed and breakfasts, bed and breakfast homes, hospital, membership club, or mobile home.

Dwelling Unit: One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

Apartment House: A multifamily building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Duplex House: A building containing two dwelling units joined side by side or front to back, sharing a common wall for all or substantially all of its height and depth; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex shall be considered as one principal building occupying one lot for the purpose of determining yard requirements.

†Single-Room Occupancy Building: A building with four or more rooms for occupancy by individuals not living as a single housekeeping unit, with shared cooking and living facilities and which may have individual or shared sanitation facilities. The term “single-room occupancy building” shall not include apartments, hotels or motels, or nursing homes, or dormitories of charitable, educational, or philanthropic institutions.⁴

Three-Family Dwelling: A house containing three dwelling units.

Townhouse Structure: A row of at least three one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls an, where each unit has its own at-grade access.

⁴ Per comments we received on the first draft, this term merges and replaces “lodging house” and “boarding house” in the existing ZBL. It may involve a policy change because the existing definitions for boarding house and lodging house have different number of room limitations. Needs review.

Two-Family Dwelling: A house containing two dwelling units, in which part of one dwelling unit is over part of the other dwelling unit.⁵

†**Enclosed Entrance (or Vestibule):** anteroom, mudroom, or small foyer or lobby leading into a dwelling unit or a larger space in a nonresidential building such as an entrance hall or interior common area.

Erected: The word erected shall include the words attached, built, constructed, reconstructed, altered, enlarged, and moved.

Essential Services: Services provided by a public utility or governmental agency through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, whether underground or overhead. Facilities necessary for providing essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories, but excluding buildings necessary for the furnishing of adequate service by the public utility or governmental agency for the public health, safety, or general welfare.

Family or Household: An individual or two or more persons related within the second degree of kinship, or by marriage or adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood or marriage, but living together as a single housekeeping unit, may constitute a family, up to a maximum of four unrelated individuals. Unrelated residents of a group home are exempt from the four-person limit.

Floodline: The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer, qualified in drainage.

†**Flood Map:** A map prepared by the Federal Emergency Management Administration (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance components of the National Flood Insurance Program.

Floor Area Ratio: The ratio of the gross floor area to the total area of the lot.

Frontage: The front part of a building or lot abutting on a public or private way approved by the Town. Frontage shall be measured in a continuous line along the front lot line between the points at the intersections of the side lot lines with the front lot line.

†**Funeral Home:** A building used for preparing the deceased for burial and arranging and managing funerals. A funeral home may include a funeral chapel.

⁵ Does the Town think it's necessary to separate duplex from two-family dwelling? For purposes of land use regulation, are the differences between these building types all that important?

Garage, Private: Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

Garage, Public: Any building used for the keeping of motor vehicles in which a business dealing with the storage of such vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

Gross Floor Area: The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall, and including basements and accessory buildings on the same lot, but excluding underground parking of motor vehicles.⁶

Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.

†Group Home: A dwelling, owned or leased by a state agency or a non-profit organization on behalf of a state agency, operated as a supervised residence for adults with severe disabilities, which may include educational, social, health care, and other supportive services.

Health Club: An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity. (See also, Athletic Facility, Indoor.)

Home Occupation: An accessory use which is carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use.

Hospital: An institution licensed by the Commonwealth of Massachusetts and certified by the American Hospital Association as an accredited hospital providing health services for in-patient and/or out-patient medical or surgical care of the sick or injured and including related facilities such as, but not limited to, laboratories, out-patient departments, central staff service facilities, and staff offices which are an integral part of the institution.

Hospital, Veterinary: A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel: A building or any part of a building containing rooming units without individual cooking facilities except for coffee makers, cook plates, and microwave ovens for transient occupancy and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a single-room occupancy building.

Inspector of Buildings: Inspector of Buildings, Arlington, Massachusetts.

⁶ Needs clarification: does the Town include the floor space of an accessory private garage in the calculation of Gross Floor Area?

Junk: Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

Junk Yard: The use of more than 200 square feet of the area of any lot, whether inside or outside a building, or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Loading Space: An off-street space used exclusively for loading and unloading of goods and materials from one vehicle.

Definitions Associated with “Lot”

Lot: An area or parcel of land or any part thereof, not including water area, in common ownership; designated on a plan filed with the Inspector of Buildings by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, Corner: A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle or intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135 degrees.

Lot, Interior: A lot, the side lines of which do not abut on a street.

Lot Line, Front: The property line dividing a lot from a street right-of-way. For purposes of this definition, neither the Minuteman Bikeway nor any railroad right-of-way shall be deemed to be a street right-of-way.

Lot Line, Rear: Any lot line which is parallel to or within 45 degrees of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from any street shall be considered a rear lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

Lot, Nonconforming: A lot lawfully existing at the effective date of this Bylaw, or any subsequent amendment thereto, which is not in accordance with all provisions of this Bylaw.

Lot, Through: A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

†Manufacturing, Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging products, and incidental storage, sales, and distribution of the same, but excluding basic industrial processing, custom manufacturing, or artisanal fabrication.

Marquee: A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

†Medical Office or Clinic: A building or portion of a building containing offices and facilities for providing medical, dental, psychiatric, and related health care services for outpatients only. “Medical office or clinic” shall not include a hospital.

Medical Marijuana Treatment Center: A not-for-profit establishment registered with the Commonwealth, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes”

Membership Club: A social, sports, or fraternal association or organization which is used exclusively by members and their guests.

Mixed Use: A combination of two or more distinct land uses, such as commercial, lodging, research, cultural, artistic/creative production, artisanal fabrication, residential in a single multi-story structure to maximize space usage and promote a vibrant, pedestrian-oriented live-work environment.

†Nonconformance: A condition that occurs when a lot, structure, building, sign, development, or land use that legally existed before the effective date of this Bylaw or any amendments to it does not conform to one or more of the regulations that currently applies to the district in which the lot, structure, building, sign, development, or use is located.

Office: A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts a professional business.

Open Space: A yard including sidewalks, swimming pools, terraced areas, patios, playcourts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: 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 located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes.

†Open Space, Usable: 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 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area 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: (1) at least 75 percent of the area has a grade of less than eight percent, and (2) 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.

Outdoor Storage Area: A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

Owner: The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking, Accessory: Parking developed to serve the residents, occupants, employees, patrons, or other users of a building or use, or developed to meet requirements specified in Section 6 of this Bylaw.

Penthouse: An enclosed structure above the roof of a building, other than a roof structure, extending not more than 12 feet above the roof and occupying not more than 33 1/3 percent of the roof area.

†**Personal Service Establishment:** Business such as a barber shop, hair salon, nail salon, drop-off/pick-up dry cleaning business or self-serve laundry, tailor, shoe repair shop.

†**Planned Unit Development:** A development under unified control designed and planned to be constructed in a single operation or by a series of scheduled construction phases according to a special permit and an approved site development plan to accommodate more than one land use.

†**Porch:** A covered area projecting from and structurally connected to a building.

Recreational Trailer or Vehicle: A vehicular, portable unit designed for travel, camping, or recreational use, including but not limited to the following:

- a. **Travel Trailer:** A vehicular, portable dwelling unit built on a chassis, being of 4,500 pounds, or being of any weight provided its overall length does not exceed 28 feet.
- b. **Pick-Up Camper:** A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- c. **Motorized Camper:** A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent Trailer:** A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
- e. **Boat Trailer:** A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

Repair: With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use, or location of a structure.

Research and Development: An establishment used primarily for research, development, or testing of innovative information, concepts, methods, processes, materials, or products.

This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Restaurant: An establishment where the principal activity is the service or sale of food or drink for on-premises consumption.

Restaurant, Drive-In Food Service: A fast-order food service establishment that provides convenient vehicular access and may provide service to customers while in their vehicles, and any fast-order food establishment which provides a greater number of parking spaces than is required by this Bylaw.

Restaurant, Fast-Order Food: An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

†**Right-of-Way:** The line determining the public limit or ownership on a street or highway.

Setback: The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded in Section 5.

Shared Vehicle: A passenger vehicle, not to exceed 5,000 pounds gross vehicle weight rating, owned by a membership based entity which makes the vehicles available for rent by the hour or day to its members. Shared vehicles are parked at locations remote from the owner entity. Shared vehicles shall not display advertising other than accessory signage which shall not exceed four square feet in total.

†**Sign:** Any permanent 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. Marquees, canopies, clocks, thermometers, and calendars shall be subject to the provisions of the Sign Bylaw (Title V, Article 1 of the Bylaws of the Town of Arlington) when used in conjunction with signs as defined above.

Special Permit: A use of a structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the Zoning Board of Appeals or Arlington Redevelopment Board, as applicable, and in accordance with provisions of Section 3 of this Bylaw.

Special Permit Granting Authority: The Zoning Board of Appeals, or in the case of a special permit which qualifies for Environmental Design Review under Section 3 of this Bylaw, the Arlington Redevelopment Board.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be

a story when its ceiling is four feet six inches or more above the finished grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

†Story, Half: A story which is under a gable, hipped, or gambrel roof, measured from the underside of the roof rafters to the finished floor below.

Street: A public or private way which is 27 or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and other similar designations.

†Structure: A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, wireless communications facility, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, or the like.

†Tract: A unit or contiguous units of land under single ownership or control.

Trailer: Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purposes of this Bylaw.

Use: The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, Accessory: A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure use.

Use, Nonconforming: A use lawfully existing at the time of adoption of this Bylaw or any subsequent amendment thereto which does not conform to one or more provisions of this Bylaw. (See also, Nonconformance.)

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.

Use, Substantially Different: A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Variance: A departure from the terms of this Bylaw as the Board of Appeals may authorize under this Bylaw and G.L. c. 40A, § 10.

Wireless Communications Facility: An assemblage of equipment intended to receive and/or transmit radio waves for the purpose of providing wireless communications consisting of, but not limited to, antennas and mounting brackets, antenna support structures, electrical equipment in cabinets or enclosed shelters or in other enclosed space, co-axial cables and back-up power equipment or generators.

Yard: An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the line of the building wall (or building part not specifically excluded under this Bylaw) and a lot line. Structures that are below the finished lot grade shall not be deemed to occupy required yards.

***Yard, Front:** A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

Yard, Rear: A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the nearest building wall and the rear lot line.

Yard, Side: A yard unoccupied, except by an accessory structure or use as herein permitted, between the line of the building wall and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Zoning Board of Appeals: The Zoning Board of Appeals of the Town of Arlington, Massachusetts (“Board of Appeals”).

SECTION 3. Administration and Enforcement

3.1 Building Inspector; Enforcement

- A. The Building Inspector appointed under the provisions of G.L. c. 143 is hereby designated and authorized as the officer charged with the interpretation and enforcement of this Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without applying for and receiving the required permit(s) from the Building Inspector.
- C. No premises, and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy issued by the Building Inspector. No certificate of occupancy shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

3.1.2. Enforcement.

- A. Any person may file a written request to the Building Inspector for enforcement of this Bylaw with reference to an alleged violation. If upon investigation and inspection the Building Inspector finds evidence of a violation, he shall give written notice to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. The notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors, and to the occupant at the address of the premises.
- B. If after notice and demand the violation has not been abated within the time set by the Building Inspector, he shall institute appropriate action or proceedings in the name of the Town of Arlington to prevent, correct, restrain, or abate such violation of this Bylaw.
- C. If the Building Inspector determines that there is no violation, he shall give written notice of his decision to the complaining person within 14 days after the receipt of such request.

3.1.3. Appeal

An appeal to the Board of Appeals may be taken by any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Inspector, as provided in G.L. c. 40A, § 8, as amended.

3.1.4. Penalty.

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, Section 21D, institute a non-criminal complaint(s). The penalty for violating any provision of this

Bylaw shall be \$300. Each day in which a violation exists shall be deemed a separate offense.

- B. The Inspector of Buildings may also, with the approval of the Board of Selectmen, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed \$300.00 for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

3.2 Zoning Board of Appeals

3.2.1. Establishment.

There shall be a Zoning Board of Appeals (“Board of Appeals”) consisting of five members and two associate members appointed by the Board of Selectmen. All members of the Board shall be residents of the Town of Arlington, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

3.2.2. Powers.

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
- B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority herein.
- 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 5.5.
- D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
- E. To hear and decide applications for comprehensive permits for construction of low or moderate income housing, as set forth in G.L. c. 40B, §§ 20-23.

3.2.3. Rules and Regulations

The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk. The Board’s regulations shall include rules for hiring outside consultants in accordance with G.L. c. 44, § 53G.

3.2.4. Fees

The Board of Appeals may adopt reasonable administrative fees and fees for employing outside consultants to assist the Board with its review of special permits, variances,

administrative appeals, and applications for comprehensive permits in accordance with its regulations.

3.2.5. Repetitive Petitions

No appeal, petition for a variance from the terms of this Bylaw, or special permit that has been denied by the Board of Appeals shall be considered again on its merits within two years after the date of the denial action except with the unanimous consent of the Arlington Redevelopment Board or, at minimum, the consent of all but one of its members.

3.3 Special Permits

3.3.1. Special Permit Granting Authority

In this Bylaw, the Board of Appeals and Arlington Redevelopment Board have the power to grant special permits. The appropriate special permit granting authority is specifically designated where applicable.

3.3.2. Procedures

- A. Application for a special permit shall be filed in accordance with the rules and regulations of the special permit granting authority and G.L. c. 40A.
- B. Public Hearing. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application, and shall issue a decision no later than 90 days from the date of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

3.3.3. Decision Criteria

Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include findings that all of the following criteria for granting a special permit are met:

- A. The use requested is listed as a special permit use in the use regulations for the applicable district or is so designated elsewhere in this Bylaw.
- B. The requested use is essential or desirable to the public convenience or welfare.
- C. The requested use will not create undue traffic congestion or unduly impair pedestrian safety.
- D. The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.
- E. Any special regulations for the use as may be provided in this Bylaw are fulfilled.

- F. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health or welfare.
- G. The requested use will not, by its addition to a neighborhood, cause an excess of the use that could be detrimental to the character of said neighborhood.

3.3.4. Special Permit Conditions

Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw. Such conditions may include but shall not be limited to the following:

- A. Dimensional standards more restrictive than those set forth in Section 7 of this Bylaw;
- B. Screening buffers or planting strips, fences, or walls;
- C. Modification of the exterior appearance of the structures;
- D. Limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities;
- E. Limitations on signage, noise, or hours of operation of construction equipment;
- F. Regulation of number and location of driveways, or other traffic features;
- G. Off-street parking or loading or other special features beyond the minimum required by this Bylaw;
- H. Deadline to commence construction;
- I. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, bond or other performance guarantee;
- J. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Building Inspector, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw;
- K. Limitation on the term or duration of a special permit, with or without automatic renewals, to the extent allowed by law;
- L. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.

3.3.5. Recording; Lapse

- A. Special permits shall not take effect until recorded with the Middlesex South Registry of Deeds or Registry District of the Land Court, as applicable, as provided in G.L. c. 40A, § 11. Proof of recording shall be presented to the Building Inspector.
- B. Special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17,

from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

3.4 Environmental Design Review

3.4.1. Purposes

The purpose of this section is to provide individual detailed review of certain uses and structures that have a substantial impact on the character of the Town and on traffic, utilities, and property values, thereby affecting the public health, safety and general welfare. The environmental design review process is intended to promote the purposes in Section 1 of this Bylaw.

3.4.2. Applicability

In any instance where a new structure, or a new outdoor use, or an exterior addition or a change in use (a) requires a building permit and a special permit in accordance with use regulations for the applicable district or (b) alters the façade in a manner that affects the architectural integrity of the structure, and c) is one of the uses listed below, a special permit shall be acted upon by the Arlington Redevelopment Board in accordance with the environmental design review procedures and standards of this Section 3.4.

- A. Construction or reconstruction on a site abutting any of the following: Massachusetts Avenue, Pleasant Street, Mystic and Medford Streets between Massachusetts Avenue and Chestnut Street, Broadway, or the Minuteman Bikeway.
- B. Six or more dwelling units on the premises, whether contained in one or more structures or on one or more contiguous lots, constructed within a two-year period.
- C. Gasoline service stations.
- D. Single-room occupancy building, bed and breakfast, or bed and breakfast home with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- E. Nonresidential uses and hotels or motels in a nonresidential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces.
- F. Nonresidential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- G. Outdoor uses.
- H. Temporary, seasonal signage in accordance with an overall signage plan at a fenced athletic field with one or more permanent structures to seat more than 300 persons, which signage may be in effect between March 15 and December 15 of any calendar year.
- I. Any use permitted as a right or by special permit in the Planned Unit Development District and the Multi-Use District.
- J. Parking in the Open Space District.

K. Medical Marijuana Treatment Center.

3.4.3. Procedures

- A. Application. Applicants shall submit an application for Environmental Design Review in accordance with the Arlington Redevelopment Board's rules and regulations.
- 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 refer the application to the Department of Planning and Community Development ("Department"), which shall prepare and submit written reports with recommendations to the Board before or at the public hearing. The Board shall not take final action on the special permit application until it has received the Department's report or until 35 days have elapsed after submittal of the proposal to the Department. Failure of the Department to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board.
- D. A favorable decision by the Board shall require the votes of at least four members.
- E. The Board shall not deny a special permit under this Section 3.4 unless it finds that the proposed use does not comply with the Environmental Design Review Standards listed below to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood or the town, and upon traffic, utilities, and public or private investments, thereby conflicting with the purposes of this Bylaw.

3.4.4. Environmental Design Review Standards

The following standards shall be used by the Board and the Department in reviewing site and building plans. The standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. They shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention, and innovation.

The specification of one or more particular architectural styles is not included in these standards. The Board may adopt design guidelines to supplement these standards for the purpose of administering this Section 3.4, and maintain those guidelines on file with the Department of Planning and Community Development and the Town Clerk. The standards of review outlined in subsections A through K below shall also apply to all accessory buildings, structures, free-standing signs and other site features, however related to the major buildings or structures.

- A. Preservation of landscape;
- B. Relation of buildings to environment;
- C. Open space;
- D. Circulation;

- E. Surface water drainage;
- F. Utilities and disposal services;
- G. Advertising features;
- H. Special features;
- I. Safety;
- J. Heritage;
- K. Microclimate; and
- L. Sustainability.

SECTION 4. Establishment of Districts

4.1 Districts

For purposes of this Bylaw, the Town of Arlington is divided into the following districts:

4.1.1. Use Districts

- A. Residential
 - (1) Residence 0 (R0)
 - (2) Residence 1 (R1)
 - (3) Residence 2 (R2)
 - (4) Residence 3 (R3)
 - (5) Residence 4 (R4)
 - (6) Residence 5 (R5)
 - (7) Residence 6 (R6)
 - (8) Residence 7 (R7)
- B. Business
 - (1) Business 1 (B1)
 - (2) Business 2 (B2)
 - (3) Business 2A (B2A)
 - (4) Business 3 (B3)
 - (5) Business 4 (B4)
 - (6) Business 5 (B5)
- C. Other Districts
 - (1) Industrial (I)
 - (2) Multi-Use (MU)
 - (3) Planned Unit Development (PUD)
 - (4) Transportation (T)
 - (5) Open Space (OS)

4.1.2. Overlay Districts (Reserved)

4.2 Zoning Map

Zoning districts are shown on a map entitled "Zoning Map of the Town of Arlington" (the Zoning Map) on file in the Office of the Town Clerk and the Planning Board. The district boundaries shown on the Zoning Map, including an overlay map entitled "Wetland and Floodplain Overlay" are part of this bylaw. Changes to the Zoning District boundaries are made the same way as amendments to the text of the Zoning Bylaw are made. The Zoning Map may include geographical features, streets, notations, and such other information to keep the map current and to facilitate orientation.

4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

- A. Where a boundary is indicated as a street, alley, railroad, rapid transit right-of-way, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.
- B. Where a boundary is indicated as following approximately or parallel to a street, railroad, rapid transit right-of-way, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
- C. Where a dimensioned boundary or the actual property boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
- D. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or, in the case of a curved centerline, to the tangent to the curve at the point of intersection.
- E. The abbreviation "PL" means property line as shown on the Town Assessor's Map as in effect at the effective date of this Bylaw. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Bylaw, shall mean a property line as shown on the Town Assessor's Map as in effect at the effective date of such amendment.
- F. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."
- G. Whenever any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Inspector of Buildings, provided, however, that any person aggrieved by his decision may appeal to the Zoning Board of Appeals.

SECTION 5. District Regulations

5.1 General Provisions

No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

5.2 Use Regulations Applicable in All Districts

5.2.1. Permitted in All Districts⁷

The following uses are permitted in all districts:

- A. Federal government use.
- B. State government uses to the extent that this Bylaw would prohibit the exercise of an essential government function.
- C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, Section 3 or other state law.

5.2.2. Prohibited Uses

- A. Any use not listed in the Tables of Uses for various districts in Section 6 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

5.2.3. Accessory Uses

An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

5.3 Dimensional Regulations Applicable in All or Multiple Districts

5.3.1. Lot Area Per Dwelling Unit

Minimum lot area per dwelling unit shall control the maximum number of dwelling units, of all types, that can be constructed on contiguous land under one ownership in one zoning district. In the business (B) districts, where a lot may contain both residential and nonresidential principal structures, the maximum number of dwelling units is computed by dividing the total land area by the minimum lot area per dwelling unit. Land in lower density

⁷ One commenter asked if municipal uses and facilities can be exempt as well. They can be, but it is a local policy decision that probably goes beyond the scope of a “phase 1” zoning revision.

districts used for buildings in higher density districts shall not be included in the calculation of minimum lot area per dwelling unit for dwellings in the higher density district.

5.3.2. Reduction of Lot Areas and Separation of Lots

- A. The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Bylaw, nor may these areas include any property of which the ownership has been transferred after the effective date of this Bylaw if the property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
- B. Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this Bylaw.

5.3.3. Spacing of Residential and Other Buildings on One Lot

- A. Where two or more main buildings to be used as dwellings are proposed for construction on property in one ownership or where one or more of the buildings are proposed on land where there are one or more existing residential buildings, the required front, side, and rear yards shall be provided between each building and assumed lot lines shown upon the building permit application. However, the Board of Appeals or, for projects requiring Environmental Design Review, the Arlington Redevelopment Board, may grant a special permit to modify the yard dimensions between buildings designed and intended to remain under common ownership and management where it is demonstrated that there will result light, air, and sunlight of a standard no lower than would result from compliance with the district's minimum requirements.
- B. When a permitted main building to be used as a dwelling is to be located on the same lot with and to the rear of a permitted nonresidential building (including a mixed use building with commercial uses on the ground floor and residential uses above), each building shall be independently provided with all required front, side, and rear yards, and required lot area; and the distance between such buildings shall not be less than twice the required rear yard depth.

5.3.4. Spacing of Nonresidential Buildings on the Same Lot

- A. Where two or more main buildings for nonresidential uses are proposed for construction on property in one ownership, the minimum required front, side, and rear yards shall be met only at lot lines abutting other property.
- B. For buildings in educational or religious use, the maximum floor area ratio requirements shall be less restrictive than as specified for the district in the following respects:
 - (1) Where several lots in one ownership and also in the same use district are separated from each other only by an adjacent street or intersecting adjacent streets, the area of all lots may be aggregated in calculating floor area ratio.

- (2) The maximum floor area ratio shall be increased by one percent for each 2,000 square feet of lot area exceeding the lot size minimum for the district under consideration, up to 50 percent.

The Board of Appeals or Arlington Redevelopment Board, as applicable, may approve further modifications in the district’s dimensional requirements to the extent necessary to allow reasonable development of such a use in general harmony with other uses permitted and as regulated in the vicinity.

5.3.5. Land Area Included in Calculation of Floor Area Ratio

Land area to be included in calculating the maximum floor area shall include all contiguous lots under one ownership located in zoning districts with the same or greater maximum floor area ratio. Lots in a district with a lower maximum floor area ratio than an abutting district shall not be included in the calculation of a maximum floor area for any lot in the district with the higher maximum floor area ratio.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:

- (1) The lot (or part of a lot) is located in a district with a floor area ratio of 1.2 or greater.
- (2) The lot (or part of a lot) is not less than 20,000 square feet when the principal use is residential. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.5 are satisfied.
- (3) Nonresidential properties listed as Contributing Structures in National Register Historic Districts shall be allowed an increase in floor area ratio up to a maximum of 2.6 by special permit.

B. To aid the special permit granting authority in making the required findings, the applicant shall submit the materials required by 3.4 in addition to the usual drawings at the time of application.

C. The additional gross floor area granted in accordance with this Section 5.3.5 shall not exceed the following percentages of the gross floor area permitted in the applicable district except for buildings in Subsection C above.

| | R7, B5 Districts | R6, B2A, B4 Districts |
|---------------------------|------------------|-----------------------|
| Maximum Allowable: | 33% | 35% |
| Each Condition: | | |
| Large lot | 25% | 20% |
| Low or moderate income | 25% | 20% |
| Extra open space | 15% | 10% |
| Public access | 15% | 10% |
| Preservation of landmarks | 15% | 10% |
| Large dwelling units | 10% | 5% |

- D. The special permit granting authority may approve additional gross floor area where any of the following conditions apply, subject to the limitations in Subsection C and in accordance with the goals of the Arlington Master Plan.⁸ The additional gross floor area shall be calculated separately for each condition based upon the gross floor area permitted in the applicable district.
- (1) For a lot that exceeds 20,000 square feet in area, additional gross floor area may be allowed calculated by increasing the floor area ratio for the district by one percent for each 1,500 square feet of lot area in excess of 20,000 square feet.
 - (2) Where dwelling units are affordable housing units, the gross floor area for each affordable unit may be allowed in excess of the gross floor area for the district.
 - (3) Where landscaped open space or usable open space is provided in excess of the minimum required in the district, additional gross floor area may be allowed at the rate of two square feet of gross floor area for each one square foot of either kind of open space in excess of the minimum requirements. The minimum requirements shall have been calculated based upon the aggregate of gross floor area allowable as a result of calculations from all applicable subparagraphs.
 - (4) For a dwelling with an average gross floor area per dwelling unit in excess of 1,100 square feet, excess gross floor area may be allowed above the maximum for the district. Any gross floor area to be used for offices or other nonresidential principal use shall not be included in calculating the average gross floor area per dwelling unit.
 - (5) When usable land is deeded or easement granted for public access and use, additional gross floor area may be allowed at the rate of 10 square feet of gross floor area to one square foot of such land. Land so deeded or controlled by easement shall not be counted toward minimum lot size, lot area per dwelling unit, or open space requirements, nor shall it be included with land in calculating total permissible gross floor area from the resulting floor area ratio.
 - (6) When architecturally or historically significant buildings, as documented by the Arlington Historical Commission, are preserved, additional gross floor area may be allowed at the rate of eight square feet of gross floor area to each one square foot of gross floor area of the preserved building. As applied in this section, preservation shall mean restoration of the building and maintaining it on the site, or relocation to an available site.

5.3.7. Screening and Buffers: Industrial and Business Districts and Parking Lots

- A. Screening and space buffers shall be required in any industrial (I) or business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

⁸ Note wording change.

| I or B District | Abutting R District | Minimum Buffer |
|-----------------|---------------------|----------------|
| I, B5 | R0 through R5 | 25 ft |
| B3, B2A, B4 | R0 through R5 | 25 ft |
| I | R6 through R7 | 10 ft |
| B1, B2 | R0 through R5 | 10 ft |

The strip shall contain a screen of plantings not less than three feet wide and six feet high at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than 20 feet on center and shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet high, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of the district. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the Building Inspector, another wall or fence height or fence type, including but not limited to coated chain link or “wrought iron” types may be substituted for the required wall or fence.

- B. For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking and Loading, shall apply.

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.
- B. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

5.3.9. Projections into Minimum Yards

- A. Projecting eaves, chimneys, bay windows, balconies, open fire escapes, and enclosed entrances not more than 25 square feet in floor area or more than one story high which do not project more than three and one-half feet beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Enclosed entrances larger than that allowed above may extend into the minimum yard regulations otherwise provided for the district by special permit.
- B. Unenclosed steps, an unroofed porch and the like, which do not project more than 10 feet in the front yard, or more than five feet in the side yard beyond the line of the foundation wall may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built. Unenclosed steps, unroofed porches and the like which do not project more than 10 feet into the required rear yard and are not closer to the lot line than half the size of the required yard, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

- C. Second story additions within the required front yard setback may extend no more than one foot beyond the existing building wall.

5.3.10. Average Setback Exception to Minimum Front Yard; All R Districts

Where the required lot frontage of developed residential lots within 300 feet of each other along the same side of the street and in the same R district amounts to more than 50 percent of the frontage required in the district, and where existing development on the lots has an average setback less than that required by this Bylaw, then the minimum front setback on (1) any vacant lot or (2) any lot proposed for reconstruction of an existing dwelling setback may be reduced to the average of the existing development.⁹

5.3.11. Dimensional Requirements for Courts

- A. Inner courts shall be permitted in any building. Where an outer court is enclosed by apartment wings, a distance equal to twice the required side yard in the district shall be provided between the wings, but not less than 25 feet.
- B. When two townhouse structures are placed face to face or back to back and are parallel or within 45 degrees of parallel, they shall be separated by a distance not less than the sum of the minimum front and rear yards specified for the district in which they are located.

5.3.12. Traffic Visibility

- A. Across Corners. Between the property lines of intersecting streets and a line joining points on the property lines 20 feet distant from their point of intersection or in the case of a rounded corner, the point of intersection of their tangents, no building or structure in any R district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades.
- B. Visibility for Driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

5.3.13. Accessory Underground Structures

- A. Any accessory structure or any part of a main structure or building which is located entirely beneath the surface of the ground at the natural grade level may extend into a required front, side, or rear yard except that in any situation where Landscaped Open Space is required, no underground structure or building shall be located beneath more than 50 percent of the required landscaped open space, nor nearer to any lot line for more than 75 percent of the length of the lot line.

⁹ Note changes in this section.

5.3.14. End Yards for Townhouse Structures

One town house structure shall be separated from the end of another town house structure by a distance not less than two times the minimum side yard of the district in which the site is located.

5.3.15. Buildings of Uneven Height or Alignment

- A. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is in one alignment along said length, required yards and setbacks shall be either $(H1 + L1)/6$ or $(H2 + L2)/6$ whichever is greater, where:

H1 = the height of the taller portion of the building;

H2 = the height of the lower portion of the building;

L1 = the length of the taller portion of the building; and

L2 = the entire length of the building.

Where the formula $10 + L/10$ applies, L shall be defined as L2 above.

- B. Where a building is of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, but where it is not in one alignment along said length, required yards and setbacks shall be $(H + L1)/6$ for the portion of the building nearer the lot line; and $(H + L2)/6$ for the portion of the building further from the lot line, where:

H = the height of the building;

L1 = the length of the portion of the building nearer the lot line; and

L2 = the entire length of the building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L1/10)$ for the portion of the building nearer the lot line; and $10 + (L2/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.

- C. Where a building is not of the same height throughout its length parallel (or within 45 degrees of parallel) to any lot line, and where it is not in one alignment along said length, required yards and setbacks shall be calculated as follows:

- (1) Where the taller part of the building is nearer to the lot line required yards and setbacks shall be $(H1 + L1)/6$ for the portion of the building nearer to the lot line; and $(H2 + L2)/6$ for the portion of the building further from the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height of the lower part of the building;

L1 = the length of the taller part of the building; and

L2 = the entire length of the building.

- (2) Where the formula $10 + (L/10)$ applies, required yards and setbacks shall be $10 + (L1/10)$ for the portion of the building nearer the lot line; and $10 + (L2/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.
- (3) Where the taller part of the building is further from the lot line, required yards and setbacks shall be $(H1 + L2)/6$ for the portion of the building further from the lot line; and $(H2 + L1)/6$ for the portion of the building nearer the lot line, where:

H1 = the height of the taller part of the building;

H2 = the height the lower part of the building;

L1 = the length of the lower part of the building; and

L2 = the length of the entire building.

Where the formula $10 + (L/10)$ applies, the required yards and setbacks shall be $10 + (L1/10)$ for the portion of the building nearer the lot line; and $10 + (L2/10)$ for the portion of the building further from the lot line, with L1 and L2 defined as above.

5.3.16. Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust the required setbacks set forth elsewhere in this Bylaw to account for specific conditions unique to the proposal.

5.3.17. Upper-Story Building Step Backs

For buildings in excess of three stories in height, an additional 7.5 foot step back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. The upper story stepback shall be provided along all building elevations with street frontage, excluding alleys.

5.3.18. Balconies and Roof as Portion of Usable Open Space

The Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit that private balconies with a least dimension of six feet and open space on a roof not more than 10 feet above the level of the lowest story used for dwelling purposes may be counted up to 50 percent of the usable open space requirement. The proponent's application shall include drawings which depict surface materials, planting areas, fences, railings, benches, access, and other similar items.

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 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. 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:

- (1) Two hundred feet if the direction of land in the R0, R1, R2 or OS district is northerly, between northwest and northeast.
- (2) One hundred and fifty feet if such direction is easterly, between northeast and southeast, or westerly between northwest and southwest.
- (3) One hundred feet if such direction is southerly, between southeast and southwest.

5.3.20. Maximum Height Exceptions

In any district, the maximum height limitations shall not apply to the following:

- A. Chimneys, ventilators, skylights, water tanks, bulkheads, penthouses, and other accessory additions that are required or are customarily carried above the roofs of buildings;
- B. Non-habitable towers, spires, domes, cupolas, and similar additions provided they do not occupy more than twenty (20) percent of the ground floor of the building;
- C. A cable television head end receiving antenna not more than 25 feet higher than the uppermost point on any existing structure within 150 feet; otherwise the height limit shall be established in accordance with a special permit.

5.4 Residential Districts

5.4.1. Districts and Purposes

The Town of Arlington has established eight residential districts to accommodate a variety of single-family, two-family, three-family, and multi-family apartment dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development. The boundaries of the districts are as shown on the Zoning Map.

- A. R0, R1, and R2. The R0, R1, and R2 districts are traditional residential districts. Together, these districts comprise a substantial majority of the residentially zoned land in Arlington.
 - (1) R0: Large Lot Single-Family District. The Large Lot Single-Family District has the lowest residential density of all districts and is generally served by local streets only. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (2) R1: Single-Family District. The predominant uses in R1 are single-family dwellings and public land and buildings. The Town discourages intensive land uses, uses that would detract from the single-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.
 - (3) R2: Two-Family District. The predominant use in R2 is a two-family dwelling. This district is generally served by local streets only and its neighborhoods are largely walkable and well established. It includes areas that are generally within

walking distance of the stores and transportation facilities along Massachusetts Avenue and Broadway. The Town discourages uses that consume large amounts of land, uses that would detract from the single-family and two-family residential character of these neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

- B. R3 and R4. The R3 and R4 districts are established residential areas in or adjacent to the commercial centers along Broadway and Massachusetts Avenue.
- (1) R3: Three-Family District. The predominant use in the R3 district is a three-family dwelling. It is the Town's intent that no businesses will be located in the R3 district. The Town discourages uses that would detract from the small-scale multifamily residential character of these neighborhoods, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
 - (2) R4: Town House Districts. The Town House District is composed of all those areas so designated on the official zoning map. It is located along arterials or in the Center area. The predominant uses are one- and two-family dwellings in large, older houses. Conversions of these old homes to apartments or offices is allowed to encourage their preservation. Town house construction is permitted at the same density as the apartment conversions, and at a scale in keeping with the older houses. Uses which would detract from the desired residential character, or otherwise interfere with the intent of this bylaw, are discouraged.
- C. R5, R6, and R7. The R5, R6, and R7 districts are apartment districts in which a variety of uses and different densities of development are allowed for median-density (R6) and high-density (R7) residential development. Most of these districts are along Massachusetts Avenue and Pleasant Street, primarily within or adjacent to Arlington Center.
- (1) R5: Apartment District/Low Density. In the Low-Density Apartment District, the predominant use is two- to three-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 stories high and offices at a smaller scale. Town discourages uses which would detract from the desired residential and office character or otherwise interfere with the intent of this Bylaw.
 - (3) R7: Apartment District/High Density. The High-Density Apartment District accommodates apartments up to five stories high and offices are a similar scale. The Town discourages uses that would detract from the desired character of these areas, such as large-scale retail uses, or otherwise interfere with the intent of this Bylaw.

5.4.2. Dimensional and Density Requirements

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the tables to which they relate. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

| | |
|-----|----------------|
| N/A | Not applicable |
| sf | square feet |
| ft | feet |
| L | length |
| H | height |
| W | width |

A. R0, R1, and R2

Lot Regulations

| | R0 | R1 | R2 |
|--|---------------|---------------|---------------|
| Minimum Lot Area (sq. ft.) | | | |
| Permitted residential use | 9,000 | 6,000 | 6,000 |
| Any other permitted use | 9,000 | 6,000 | 6,000 |
| Minimum Lot Frontage (ft.) | | | |
| | 75 | 60 | 60 |
| Minimum Lot Width (ft.) | | | |
| | 50 | 50 | 50 |
| Maximum Lot Coverage (%) Including principal and accessory structures | | | |
| Permitted residential use | 35% | 35% | 35% |
| Any other permitted use | N/A | N/A | N/A |
| Minimum Yard Setbacks (ft.) | | | |
| <i>Principal Buildings & Structures</i> | | | |
| Front | 25 | 25 | 25 |
| Side | 10 | 10 | 10 |
| Rear (lot depth 200 ft. or more) | 20 | 20 | 20 |
| Rear (lot depth < 200 ft.) | 20% lot depth | 20% lot depth | 20% lot depth |
| <i>Accessory Buildings & Structures</i> | | | |
| <i>Detached Private Garages (ft)</i> | | | |
| Front | 25 | 25 | 25 |
| Side | 6 | 6 | 6 |
| Rear | 6 | 6 | 6 |
| Minimum Lot Open Space (%) | | | |
| <i>Lot Open Space: Landscaped</i> | | | |
| Permitted residential use | 10% | 10% | 30% |
| Any other permitted use | 10% | 30% | 10% |
| <i>Lot Open Space: Usable</i> | | | |
| Permitted residential use | 30% | 30% | 30% |

Building Regulations

| | R0 | R1 | R2 |
|---|------|------|-------|
| Maximum Floor Area Ratio (FAR) | | | |
| Permitted Residential use | N/A | N/A | N/A |
| Any other permitted use | 0.35 | 0.35 | 0.35 |
| Maximum Height | | | |
| <i>Principal Building or Structure</i> | | | |
| Feet | 35 | 35 | 35 |
| Stories | 2 ½ | 2 ½ | 2 1/2 |
| <i>Minor Accessory Building (80 sf. or less)</i> | | | |
| Feet | 7 | 7 | 7 |
| <i>Accessory Structures (Over 80 ft.) and Private Garages</i> | | | |
| Feet | 20 | 20 | 20 |

B. Exceptions to Minimum Lot Area, Frontage, Open Space, and Side Yard Requirements in the R0, R1, and R2 Districts.

- (1) The following shall apply to any lot shown on a subdivision plan approved by the Board of Survey or on a plan or deed recorded with the Registry of Deeds prior to May 15, 1924. If a building permit for construction was not issued prior to August ?, 1975,¹⁰ the minimum lot size, frontage, open space, and side yard requirements for a residential use shall not apply, and the lot may be built upon single or two-family residential use if permitted in the applicable district, provided that:

The lot contains at least 5,000 square feet of area and 50 feet of frontage, and
 The lot was not held in common ownership with any adjoining land, and
 The lot conformed to then-existing dimensional and density requirements at the time that it was shown on an approved plan or by recorded deed or plan, and
 The minimum open space requirements of this section are satisfied.

- (2) The following shall apply to lots on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street if shown on separate subdivision plans recorded with the Registry of Deeds prior to August [?], 1975. The minimum lot size, minimum frontage, and minimum side yard requirements for residential uses in the R2 district shall not apply, and a single-family dwelling attached to one other single-family dwelling on an adjoining lot as of August [?], 1975, shall be considered a building lot.
- (3) Minimum Lot Area Exception in R0 District. Any lot shown on the Zoning Map as proposed by the zoning bylaw change first advertised on February 21, 1991, as being in the R0 district, and which was recorded with the Registry of Deeds on or before February 21, 1991, and which did not contain a principal building, or for which a building permit was not issued, may be built upon with a single family residential use provided that the lot contains not less than 6,000 square feet of area and 60 feet of frontage.
- (4) Minimum Lot Width Exceptions. The minimum lot width of 50 feet shall not apply to (i) any lot excepted under the provisions of subsection C above, or (ii) restoration of any principal building that existed on a lot or for which a building permit was issued prior to February X, 1988.¹¹
- (5) Calculation of Building Height. On a lot with a slope in excess of 5 percent, building height is the vertical distance of the highest point of the roof above the average finished grade of the ground using grade plane as defined in the State Building Code.¹²

¹⁰ Date required.

¹¹ Need specific date. This paragraph refers to the date of the first hearing advertisement. See existing Section 6.20a.

¹² Details relocated from Definitions.

(6) Large Additions. No alteration or addition which increases the gross floor area of a building by 750 square feet or more, or by 50 percent or more of the building's gross floor area on the date of application for a permit or as a result of cumulative alterations or additions during the previous two years, shall be allowed unless:

- The addition is constructed entirely within the existing foundation, or
- The Board of Appeals finds that the alteration or addition is in harmony with other structures and uses in the vicinity.

In making its determination, the Board of Appeals shall consider, among other relevant facts, the proposed alteration or addition's dimensions and setbacks in relation to abutting structures and uses and its conformity to the purposes of this Bylaw as set forth in Section 1.

C. R3 District

| | Requirement | | |
|--|--|---|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; or other other permitted structure except townhouse | 6,000 | N/A | 45 |
| Townhouse structure | N/A | 2,500 | 45 |
| | Minimum Yard (ft) | | |
| Principal Buildings & Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling; and any other permitted structure except townhouse | 10 | One side: min. 10 Sum of two sides: min. 16 | 20 |
| Townhouse structure (see also, special regulations for townhouses in Sec. X.xx) ¹³ | 10 | 10 | 20 |
| Accessory Buildings & Structures | 10 | 6 | 6 |
| Detached Garages | | | |
| | Minimum Open Space Pct. Gross Floor Area (%) | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10 | 30 | N/A |
| Townhouse structure | 10 | 30 | N/A |
| Any other permitted use | 30 | N/A | N/A |
| | Maximum Height (ft) | Maximum height (stories) | Maximum Floor Area Ratio (FAR) |
| Principal building or structure | 3 | 35 | 0.75 |
| Detached accessory structure (>80 sq. ft) | 20 | 2 | |
| Detached accessory structure (<= 80 sq. ft.) | 7 | 1 | |

¹³ Refers to existing 6.21, 6.25, and Table of Dimensional and Density Regulations footnote: "A town house structure shall not exceed 150 feet or 6 town houses in length for a single-story structure nor 120 feet for that part of the structure more than one story in height."

D. R4 District

| | Requirement | | |
|---|--|-------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house | 6,000 | ----- | 60 |
| Three-family dwelling | 7,500 | ----- | 70 |
| Townhouse structure | 30,000 | 2,500 | 100 |
| Apartment conversion | 12,500 | 2,500 | 80 |
| Nursing home conversion | 20,000 | ----- | 100 |
| Any other permitted use | 6,000 | ----- | 60 |
| Minimum Yard (ft) | | | |
| Principal Buildings & Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house | 25 | 10 | 20 |
| Three-family dwelling | 25 | 10 | 20 |
| Townhouse structure | 25 | 15 | 25 |
| Apartment conversion | 25 | 10 | 20 |
| Nursing home conversion | 25 | 25 | 25 |
| Any other permitted use | 25 | 15 | 20 |
| Accessory Buildings & Structures Detached Garages | 25 | 6 | 6 |
| | Minimum Open Space Pct. Gross Floor Area (%) | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10 | 30 | 35% |
| Townhouse structure | 10 | 30 | N/A |
| Apartment conversion | 10 | 30 | 35% |
| Nursing home conversion | 30 | N/A | N/A |
| Any other permitted use | 30 | N/A | N/A |
| | Maximum Height (ft) | Maximum height (stories) | Maximum Floor Area Ratio (FAR) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 1/2 | 35 | N/A |
| Apartment conversion | 3 | 40 | N/A |
| Other permitted residential uses | 3 | 35 | 0.70 |
| Nursing home conversion | 3 | 35 | N/A |
| All other permitted uses | 2 1/2 | 35 | 70 |
| Detached accessory structure (>80 sq. ft.) | 20 | 2 | N/a |
| detached accessory structure (<= 80 sq. ft.) | 7 | 1 | N/A |

E. R5 District

| | Requirement | | |
|---|--|-------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | N/A | 60 |
| Townhouse, apartment building | 20,000 | N/A | 100 |
| Other permitted structure | 6,000 | N/A | 60 |
| Minimum Yard (ft) ^A | | | |
| Principal Buildings & Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Townhouse structure, apartment building | 15 | 10+(L/10) | 25 |
| Other permitted structure | 20 | 20 | 20 |
| Accessory Buildings & Structures Detached Garages | 20 | 6 | 6 |
| | Minimum Open Space Pct. Gross Floor Area (%) | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10% | 30% | N/A |
| Townhouse structure, apartment building | 10% | 30% | N/A |
| Other permitted structure | 30% | N/A | N/A |
| | Maximum Height (ft) | Maximum height (stories) | Maximum Floor Area Ratio (FAR) |
| Any residential or other principal structure | 3 | 35 | 0.80 |
| Detached accessory structure (>80 sq. ft) | 20 | 2 | N/A |
| Detached accessory structure (<= 80 sq. ft.) | 7 | 1 | N/A |

Notes

^A 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 X.xx for buildings of uneven alignment or height.

F. R6 District

| | Requirement | | |
|--|--|---|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single or two-family dwelling, duplex house, three-family dwelling | 5,000 | N/A | 45 |
| Townhouse structure, apartment house, or office structure | 20,000 | 2,500 | 100 |
| Other permitted use | 6,000 | N/A | 60 |
| Minimum Yard (ft) | | | |
| Principal Buildings & Structures | Front | Side | Rear |
| Single or two-family dwelling, duplex house, three-family dwelling | 10 | One side: min. 10 Sum of two sides: min. 16 | 20 |
| Townhouse structure, apartment house, or office structure (see also, special regulations for townhouses in Sec. X.xx ¹⁴) | 15+(H/10) | (H+L)/6 | (H+L)/6 |
| Other permitted use | 20 | 10 | 20 |
| Accessory Buildings & Structures Detached Garages | 20 | 10 | 10 |
| | Minimum Open Space Pct. Gross Floor Area (%) | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10 | 30 | N/A |
| Townhouse structure | 10 | 25 | N/A |
| Any other permitted use | 10 | N/A | N/A |
| | Maximum Height (ft) | Maximum height (stories) | Maximum Floor Area Ratio (FAR) |
| Principal building or structure | 3 | 35 | 0.75 |
| Detached accessory structure (>80 sq. ft) | 20 | 2 | |
| Detached accessory structure (<= 80 sq. ft.) | 7 | 1 | |

¹⁴ Refers to existing 6.21, 6.25, and Table of Dimensional and Density Regulations footnote: “A town house structure shall not exceed 150 feet or 6 town houses in length for a single story structure nor 120 feet for that part of the structure more than one story in height.”

G. R7 District

| | Requirement | | |
|---|--|-------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Any permitted structure | 20,000 | 550 | 100 |
| Minimum Yard (ft) | | | |
| Principal Buildings & Structures | Front | Side | Rear |
| Accessory Buildings & Structures Detached Garages | 15+(H/10) | (H+L)/6 Min. 20 ft. | (H+L)/6 Min. 20 ft. |
| | Minimum Open Space Pct. Gross Floor Area (%) | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10 | 30 | 35% |
| Townhouse structure | 10 | 30 | N/A |
| Apartment conversion | 10 | 30 | 35% |
| Nursing home conversion | 30 | N/A | N/A |
| Any other permitted use | 30 | N/A | N/A |
| | Maximum Height (ft) | Maximum height (stories) | Maximum Floor Area Ratio (FAR) |
| | | | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 ½ | 35 | N/A |
| Apartment conversion | 3 | 40 | N/A |
| Other permitted residential uses | 3 | 35 | 0.70 |
| Nursing home conversion | 3 | 35 | N/A |
| All other permitted uses | 2 ½ | 35 | 70 |
| Detached accessory structure (>80 sq. ft) | 20 | 2 | N/a |
| Detached accessory structure (<= 80 sq. ft.) | 7 | 1 | N/A |

5.4.3. Use Regulations for Residential Districts

| Class of Use | R0 | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|--|----|----|----|----|----|----|----|----|
| Residential | | | | | | | | |
| Single-family detached dwelling ^A | Y | Y | Y | Y | Y | Y | Y | Y |
| Two-family dwelling, duplex ^A | N | N | Y | Y | Y | Y | Y | Y |
| Three-family dwelling | | | | SP | SP | SP | SP | SP |
| Townhouse | | | | SP | SP | SP | SP | SP |
| Apartment building | | | | | | SP | SP | SP |
| Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building | | | | | SP | SP | | |
| Single-room occupancy building | | | | SP | SP | SP | SP | SP |
| Group home | Y | Y | Y | Y | Y | Y | Y | Y |
| Conversion of one or two-family dwelling to bed and breakfast | SP | SP | SP | SP | SP | SP | SP | SP |
| Assisted living residence | | | | | | | SP | |
| Institutional, Educational | | | | | | | | |
| Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution ^B | SP | SP | SP | SP | SP | SP | SP | SP |
| Nonprofit, members-only private club or lodge | | | | SP | | SP | SP | SP |
| Nursing home, rest home, convalescent home | SP | SP | SP | SP | SP | SP | SP | SP |
| Town or nonprofit cemetery, mausoleum, or crematorium | SP | SP | | | | | | |
| Library, museum, or art gallery open to the public and not conducted as a private gainful business. ^B | SP | SP | SP | SP | SP | SP | SP | SP |
| Agricultural | | | | | | | | |
| Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises. | Y | Y | Y | Y | Y | Y | Y | Y |
| Public, Recreational, Entertainment | | | | | | | | |
| Conservation land ¹⁵ | | | | | | | | |
| Municipal or non-profit park, playground, or similar outdoor recreation facility | Y | Y | Y | Y | Y | Y | Y | Y |
| Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility club, or other outdoor recreation facility ¹⁶ | SP | SP | SP | SP | SP | SP | SP | SP |

¹⁵ Should conservation land be allowed in all districts?

¹⁶ The two municipal/non-profit recreation facilities in this table need discussion. Both refer to “outdoor recreation facility,” one with Y and the other, SP. What is the intent? It is not clear.

| Class of Use | R0 | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|--|----|----|----|----|----|----|----|----|
| Municipal or non-profit recreation building ¹⁷ | | | | Y | Y | Y | Y | Y |
| Municipal or non-profit enclosed entertainment and recreation facilities | SP | SP | SP | SP | SP | SP | SP | SP |
| Fire station | | | | Y | Y | Y | Y | Y |
| Police station | | | | Y | Y | Y | Y | Y |
| Town office building | | | | Y | Y | Y | Y | Y |
| Municipal public works yard and associated maintenance, storage, and office facilities | | | | SP | SP | SP | SP | SP |
| Utility, Transportation, Communications | | | | | | | | |
| Essential services | SP | SP | SP | SP | SP | SP | SP | SP |
| Radio or television studio or receiving facility; no wireless transmitting facilities | | | | | | | Y | Y |
| Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction | | SP | | | | | | |
| Municipal or other public parking area or structure | SP | SP | SP | SP | SP | SP | SP | SP |
| Non-residential parking lot serving a business use located in and entered from an adjoining B3 or B5 district, provided that: <ul style="list-style-type: none"> No business, sales, service, or loading operations are performed on the lot, and The lot complies with the screening provisions of Section X.xx.¹⁸ | SP | SP | SP | SP | SP | SP | SP | SP |
| Residential surface parking lot serving residential uses in another district provided that: <ul style="list-style-type: none"> The lot used for parking abuts the residential property it serves for at least 50 ft.; and Both lots are under common ownership; and The parking lot complies with the screening provisions of Section X.xx. | SP | SP | SP | SP | SP | SP | SP | SP |
| Wireless Communications Facility | | | | | | | | |
| In a Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | SP | SP | SP | | | SP | SP | SP |

¹⁷ Similarly, references to recreation buildings and indoor facilities need discussion. The difference between “Recreation building not conducted as a private gainful business” and “Enclosed entertainment and recreation facilities not conducted as a private gainful business” is not clear.

¹⁸ Refers to existing Parking and Loading Standards, Section 8.12.

| Class of Use | R0 | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|---|----|----|----|----|----|----|----|----|
| In building other than Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | | | | | | SP | SP | SP |
| In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building | SP | SP | | | SP | | | |
| Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet | Y | Y | Y | Y | Y | Y | Y | Y |
| Personal, Consumer and Business Services | | | | | | | | |
| Funeral Home | | | | | | SP | SP | SP |
| Retail | | | | | | | | |
| Retail, general | | | | | | | | SP |
| Retail, local | | | | | | | | SP |
| Office Uses | | | | | | | | |
| Professional, business, or medical or dental offices | | | | | | | | |
| • Less than 3,000 sq. ft. gross floor area per building | | | | | SP | SP | Y | Y |
| • 3,000 sq. ft. or more gross floor area per building | | | | | | | SP | SP |
| • In an existing building originally designed for single or two-family residential use, if the building retains its residential appearance. ¹⁹ | | | | | SP | SP | | |
| Commercial Entertainment, Amusement, Assembly Uses | | | | | | | | |
| Enclosed entertainment and recreation facilities not conducted as a private for-profit business | SP | SP | SP | SP | SP | SP | | |
| Research, Laboratory, Related Uses | | | | | | | | |
| Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25 percent of the floor area. | | | | | | SP | SP | SP |
| Light Industry | | | | | | | | |
| Research & development | | | | | | | | SP |
| Accessory Uses | | | | | | | | |
| Renting of up to three rooms | SP | SP | SP | SP | SP | SP | SP | SP |

¹⁹ Existing language – residential character – is unclear.

| Class of Use | R0 | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|---|----|----|----|----|----|----|----|----|
| Accessory private garage for noncommercial motor vehicles | Y | Y | Y | Y | Y | Y | Y | Y |
| Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard | Y | Y | Y | Y | Y | Y | | |
| Accessory structure not used as part of business | Y | Y | Y | Y | Y | Y | Y | Y |
| Home occupation ^C | Y | Y | Y | Y | Y | Y | Y | Y |
| Family child care | SP | SP | SP | SP | SP | SP | | |
| Accessory retail or office use in apartment building ^D | | | | | | | SP | Y |
| Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building | | | | | | | SP | SP |
| Accessory off-street parking and loading spaces conforming to the provisions of Section X.xx ²⁰ | Y | Y | Y | Y | Y | Y | Y | Y |
| The storage or keeping of not more than one commercial vehicle: | | | | | | | | |
| • In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling | Y | Y | Y | Y | Y | Y | Y | Y |
| • Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling | SP | SP | SP | SP | SP | SP | SP | SP |
| • Parking of not more than 4 commercially-owned shared vehicles | | | | | SP | SP | Y | Y |
| • Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town | SP | SP | SP | SP | SP | SP | Y | Y |
| Temporary food or beverage concession for profit at an event | Y | Y | Y | Y | Y | Y | Y | Y |
| Other accessory use | SP | SP | SP | SP | SP | SP | SP | SP |
| Up to three dwelling units in a building containing a business or service use | | | | | SP | SP | Y | Y |
| Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use | SP | SP | SP | SP | SP | Y | Y | Y |
| Cable television studio and/or head end site including antenna and satellite reception facility | SP | SP | SP | SP | SP | SP | | |
| Catering | | | | | | | | Y |
| Keeping of up to six hen chickens if they are: | Y | Y | Y | | | | | |
| • Used only for noncommercial purposes, and | | | | | | | | |

²⁰ Refers to off-street parking

| Class of Use | R0 | R1 | R2 | R3 | R4 | R5 | R6 | R7 |
|---|----|----|----|----|----|----|----|----|
| <ul style="list-style-type: none"> Permitted by Arlington Board of Health, and Kept in an enclosure in the rear yard at least six feet from all property lines and at least 25 feet from residences on abutting lots | | | | | | | | |
| Notes | | | | | | | | |
| ^A Six or more units on one or more contiguous lots requires a special permit. ^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. ^C Requires a special permit if home occupation serves customers or pupils on the premises. See Special Regulations ^D See Special Regulations | | | | | | | | |

5.5 Business Districts

5.5.1. Districts and Purposes

The Town of Arlington has established six business districts to provide for goods and services and employment opportunities in a variety of settings. The boundaries of the districts are as shown on the Zoning Map.

- A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include one- and two-family dwellings, houses with offices on the ground floor, or office buildings which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.
- B. B2: Neighborhood Business District. The Neighborhood Business District is intended for small retail and service establishments serving the needs of adjacent neighborhoods and oriented to pedestrian traffic, and mixed-use buildings. Locations are almost all along Massachusetts Avenue or Broadway. The Town discourages uses that would detract from the district's small-scale business character or otherwise interfere with the intent of this Bylaw.
- C. B2A: Major Business District. The B2A district is located along Massachusetts Avenue, Mill Street, Summer Street, and Broadway. These areas generally contain retail and service uses that serve the needs of a large neighborhood area. Customers generally arrive by car, so the Town wants to ensure that ample parking is available to serve the retailer. Mixed-use buildings are allowed in this district, as is medium-density housing due to the district's proximity to residential uses. Specifically prohibited uses include (but are not limited to) automotive uses, some office uses, and wholesale business and storage uses.
- D. B3: Village Business District. The Village Business District's predominant uses include retail, service and office establishments catering to both convenience and

comparison-goods shoppers and oriented to pedestrian traffic. Mixed-use structures are allowed and encouraged in this district. The three locations include portions of the principal business areas of Arlington: Lake Street, Arlington Center, and Arlington Heights. Businesses which consume large amounts of land and activities which interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this bylaw are discouraged.

- E. **B4: Vehicular Oriented Business District.** The Vehicular Oriented Business District provides for establishments that are primarily oriented to automotive traffic, which means they require large amounts of land in proportion to building coverage. This district also consists of establishments devoted to the sale or servicing of motor vehicles, the sale of vehicular parts and accessories, and service stations. In the past, Arlington had an abundance of automotive and automotive accessory sales and service establishments. As these businesses gradually close, the Town has encouraged conversion of the property to other retail, service, office, or residential use, particularly as part of mixed-use development.
- F. **B5: Central Business District.** The Central Business District is a small district in Arlington Center. It includes retail, service, and office uses, and it provides for large-scale development. The scale is intended to reinforce the Center's role as the focus of activity in Arlington. Mixed-use development is encouraged, such as the combining of residential and business uses. Activities shall be oriented to pedestrian traffic and to centralized parking. The Town discourages businesses that consume large amounts of land and interrupt pedestrian circulation and shopping patterns or otherwise interfere with the intent of this Bylaw.

5.5.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the tables to which they relate. Additional regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

| | |
|-----|----------------|
| N/A | Not applicable |
| sf | square feet |
| ft | feet |
| L | length |
| H | height |
| W | width |

A. B1 District

| | Requirement | | |
|---|---|---------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Mixed use | ----- | 2,500 | 50 |
| Any other permitted use | 5,000 | 2,500 | 50 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Mixed use | 20 | 10 | 20 |
| Any other permitted use | 20 | 10 | 20 |
| | Minimum Open Space Pct. Gross Floor Area (%) ^A | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10% | 30% | N/A |
| Mixed use | 10% | ^B | N/A |
| Any other permitted use | 20% | ^B | N/A |
| | Maximum Height (ft) ^A | Maximum height (stories) ^A | Maximum Floor Area Ratio (FAR) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 ½ | 35 | 0.75 |
| Mixed use | 2 ½ | 35 | 0.75 |
| Any other permitted use | 2 ½ | 35 | 0.75 |
| Notes | | | |
| ^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements. | | | |
| ^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 20% usable. | | | |

B. B2 District

| | Requirement | | |
|---|---|---------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Townhouse or apartment | 5,000 | 1,450 | 50 |
| Mixed use | ----- | 1,450 | 50 |
| | 20,000 | 1,450 | 0 |
| Any other permitted use | 5,000 | 1,450 | 50 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Townhouse or apartment | 20 | 10 | 20 |
| Mixed use | ----- | ----- | 10+(L/10) |
| | 0 | 0 | 10+(L/10) |
| Any other permitted use | ----- | ----- | 10+(L/10) |
| | Minimum Open Space Pct. Gross Floor Area (%) ^A | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10% | 20% | N/A |
| Townhouse or apartment | 10% | 20% | N/A |
| Mixed use | 10% | ^B | N/A |
| Any other permitted use | 10% | ^B | N/A |
| | Maximum Height (ft) ^A | Maximum height (stories) ^A | Maximum Floor Area Ratio (FAR) |
| | | | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 1/2 | 35 | 0.75 |
| Townhouse or apartment | 3 | 35 | 1.00 |
| Mixed use | 50 | 4 ^C | 1.50 |
| | 40 | 3 ^D | 1.00 |
| Any other permitted use | 2 1/2 | 35 | 1.00 |
| Notes | | | |
| ^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements. | | | |
| ^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 20% usable. | | | |
| ^C Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17. ²¹ | | | |
| ^D If located in a Reduced Height Buffer area, the lower height shall apply. See Section 5.3.19. ²² | | | |

²¹ Refers to existing Section 6.28.²² Refers to existing Section 6.12.

C. B2A District

| | Requirement | | |
|---|---|---------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Apartments on street w/ ROW =<50 ft. | 20,000 | 1,450 | 100 |
| Apartments on street w/ ROW >50 ft. | 20,000 | 700 | 100 |
| Mixed use | ----- >20,000 | 700 | 50 |
| Any other permitted use | ----- | ----- | 50 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Apartments on street w/ ROW =<50 ft. | 15 | 10+(L/10) | 30 |
| Apartments on street w/ ROW >50 ft. | 15+(H/10) | (H+L)/6 | (H+L)/6 (at least 30 ft.) |
| Mixed use | 0 | 0 | 10+(L/10) |
| Any other permitted use | ----- | ----- | 10+(L/10) |
| | Minimum Open Space Pct. Gross Floor Area (%) ^A | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10% | 30% | N/A |
| Apartments on street w/ ROW =<50 ft. | 10% | 20% | N/A |
| Apartments on street w/ ROW >50 ft. | 10% | 20% | N/A |
| Mixed use | ----- 10% | B | N/A |
| Any other permitted use | 10% | B | N/A |
| | Maximum Height (ft) ^A | Maximum height (stories) ^A | Maximum Floor Area Ratio (FAR) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 ½ | 35 | 0.75 |
| Apartments on street w/ ROW =<50 ft. | 3 | 35 | 0.80 |
| Apartments on street w/ ROW >50 ft. | 4 | 40 | 1.20 |
| Mixed use | 50 40 | 4 ^C 3 | 1.50 1.00 |
| Any other permitted use | 3 | 35 | 1.00 |

Notes

^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements.

^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 20% usable.

^C Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17.²³

²³ Refers to existing Section 6.28.

D. B3 District

| | Requirement | | |
|---|----------------------------|---|---------------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Townhouse or apartment | 20,000 | 600 | 100 |
| Mixed use | ----- >20,000 | 600 600 | 50 50 |
| Any other permitted use | ----- 20,000 | 600 600 | 50 100 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Townhouse or apartment | 15+(H/10) | (H+L)/6 | (H+L)/6 |
| Mixed use | 0 0 | 0 0 | (H+L)/6 (H+L)/6 |
| Any other permitted use | ----- ----- | ----- ----- | (H+L)/6 (H+L)/6 |
| | | Minimum Open Space Pct. Gross Floor Area (%) ^A | Maximum Lot Coverage (%) |
| | | Landscaped | Usable |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | | 10% | 30% |
| Townhouse or apartment | | 10% | 20% |
| Mixed use | | ----- 10% | B N/A |
| Any other permitted use | | 20% | B N/A |
| | | Maximum Height (ft) ^A | Maximum height (stories) ^A |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | | 35 | 2 ½ |
| Townhouse or apartment | | 60 40 | 5 3 |
| Mixed use | | 60 40 | 5 ^C 3 |
| Any other permitted use | | 5 3 | 60 40 |
| Notes | | | |
| ^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements. | | | |
| ^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 20% usable. | | | |
| ^C Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17. ²⁴ | | | |

²⁴ Refers to existing Section 6.28.

E. B4 District

| | Requirement | | |
|---|---|---------------------------------------|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Apartments on street w/ ROW = <50 ft. | 20,000 | 1,450 | 100 |
| Apartments on street w/ ROW >50 ft. | 20,000 | 700 | 100 |
| Mixed use | ----- >20,000 | 700 N/A | 50 50 |
| Any other permitted use | ----- | ----- | 50 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Apartments on street w/ ROW = <50 ft. | 15 | 10+(L/10) | 30 |
| Apartments on street w/ ROW >50 ft. | 15+(H/10) | (H+L)/6 | (H+L)/6 (at least 30 ft.) |
| Mixed use | 0 | 0 | 10+(L/10) |
| Any other permitted use | ----- | ----- | 10+(L/10) |
| | Minimum Open Space Pct. Gross Floor Area (%) ^A | | Maximum Lot Coverage (%) |
| | Landscaped | Usable | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 10% | 30% | N/A |
| Apartments on street w/ ROW = <50 ft. | 10% | 30% | N/A |
| Apartments on street w/ ROW >50 ft. | 10% | 20% | N/A |
| Mixed use | ----- 10% | B | N/A |
| Any other permitted use | 10% | B | N/A |
| | Maximum Height (ft) ^A | Maximum height (stories) ^A | Maximum Floor Area Ratio (FAR) |
| | | | |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 2 ½ | 35 | 0.75 |
| Apartments on street w/ ROW = <50 ft. | 3 | 35 | 0.80 |
| Apartments on street w/ ROW >50 ft. | 4 | 40 | 1.20 |
| Mixed use | 50 40 | 4 ^C 3 | 1.50 1.00 |
| Any other permitted use | 3 | 35 | 1.00 |

Notes

^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements.

^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 20% usable.

^C Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17.²⁵

²⁵ Refers to existing Section 6.28.

F. B5 District

| | Requirement | | |
|---|----------------------------------|---|--------------------------------|
| | Minimum Lot Area (sq. ft.) | Minimum Lot Area per Unit (sq. ft.) | Minimum Lot Frontage (ft) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 6,000 | 2,500 | 60 |
| Townhouse or apartment | 20,000 | 550 | 100 |
| Mixed use | ----- | 700 | 50 |
| | >20,000 | 700 | 50 |
| Any other permitted use | ----- | 600 | 50 |
| | >40,000 | 550 | 100 |
| | >80,000 | 550 | 150 |
| Minimum Yard (ft) ^A | | | |
| Principal & Accessory Buildings and Structures | Front | Side | Rear |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 20 | 10 | 20 |
| Townhouse or apartment | 15+(H/10) | (H+L)/6 (at least 20 ft.) | (H+L)/6 (at least 20 ft.) |
| Mixed use | 0 | 0 | (H+L)/6 |
| | 0 | 0 | (H+L)/6 |
| Any other permitted use | ----- | ----- | (H+L)/6 |
| | ----- | ----- | (H+L)/6 |
| | ----- | ----- | (H+L)/6 |
| | | Minimum Open Space Pct. Gross Floor Area (%) ^A | Maximum Lot Coverage (%) |
| | | Landscaped | Usable |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | | 10% | 20% |
| Townhouse or apartment | | 10% | 15% |
| Mixed use | | ----- | B |
| | | 10% | N/A |
| Any other permitted use | | 20% | B |
| | | 20% | N/A |
| | Maximum Height (ft) ^A | Maximum height (stories) ^A | Maximum Floor Area Ratio (FAR) |
| Single-family detached dwelling, two-family dwelling, duplex house, three-family dwelling | 35 | 2 ½ | 0.75 |
| Townhouse or apartment | 75 ^D | N/A | 1.40 |
| | 40 | | |
| Mixed use | 60 / 50 | 5 ^C / 4 ^C | 1.80 |
| | 60 / 40 | 5 ^C / 3 | 1.40 |
| Any other permitted use | 60 / 40 | 5 ^C / 3 | 1.40 |
| | 75 ^D | N/A | 1.50 |
| | 75 ^D / 40 | N/A | 1.80 |

Notes

^A Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements.

^B Open space requirements for residential uses (computed from their floor area only) shall be 10% landscaped and 15% usable.

^C Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17.²⁶

^D See Section X.xx (reference is existing footnote N).

²⁶ Refers to existing Section 6.28.

5.5.3. Use Regulations for Business Districts

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|--|----|----|-----|----|----|----|
| Residential | | | | | | |
| Single-family detached dwelling ^A | Y | Y | Y | Y | Y | Y |
| Two-family dwelling, duplex ^A | Y | Y | Y | Y | Y | Y |
| Three-family dwelling | SP | SP | SP | SP | SP | SP |
| Townhouse | SP | SP | DP | SP | | SP |
| Apartment building | | SP | SP | SP | SP | SP |
| Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building | | | | | SP | SP |
| Single-room occupancy building | SP | | | | | SP |
| Group home | Y | Y | Y | Y | Y | Y |
| Conversion of one or two-family dwelling to bed and breakfast | SP | SP | SP | SP | DP | DP |
| Assisted living residence | | | | SP | | |
| Institutional, Educational | | | | | | |
| Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution ^B | SP | SP | SP | | SP | |
| Nonprofit, members-only private club or lodge | SP | SP | SP | SP | Y | SP |
| Non-exempt educational use, e.g., trade, driving, music, dancing school | | Y | Y | Y | Y | Y |
| Library, museum, or art gallery open to the public and not conducted as a private gainful business. ^B | SP | SP | SP | SP | SP | SP |
| Agricultural | | | | | | |
| Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse | | Y | Y | Y | Y | Y |
| Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises | Y | Y | Y | Y | Y | Y |
| Public Recreational, Entertainment | | | | | | |
| Conservation land ²⁷ | | | | | | |
| Municipal or non-profit park, playground, or similar outdoor recreation facility | Y | Y | Y | Y | Y | Y |
| Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility club, or other outdoor recreation facility ²⁸ | | | | | | SP |
| Municipal or non-profit recreation building ²⁹ | Y | Y | Y | Y | Y | Y |

²⁷ Should conservation land be allowed in all districts?

²⁸ The two municipal/non-profit recreation facilities in this table need discussion. Both refer to “outdoor recreation facility,” one with Y and the other, SP. What is the intent? It is not clear.

²⁹ Similarly, references to recreation buildings and indoor facilities need discussion. The difference between “Recreation building not conducted as a private gainful business” and “Enclosed entertainment and recreation facilities not conducted as a private gainful business” is not clear.

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|---|----|----|-----|----|----|----|
| Municipal or non-profit enclosed entertainment and recreation facilities | SP | SP | SP | SP | SP | SP |
| Fire station | | | | Y | Y | Y |
| Police station | | | | Y | Y | Y |
| Town office building | | | | Y | Y | Y |
| Municipal public works yard and associated maintenance, storage, and office facilities | | | | SP | SP | SP |
| Adult uses | | | | | | SP |
| Utility, Transportation, Communications | | | | | | |
| Bus, rapid transit, railroad station | | SP | SP | SP | SP | SP |
| Motor freight terminal | | | | | SP | |
| Essential services | SP | SP | SP | SP | SP | SP |
| Radio or television studio or receiving facility; no wireless transmitting facilities | | | | | | |
| Municipal radio or television studio or receiving facility licensed by the Town and under Town jurisdiction | | SP | | | | |
| Municipal or other public parking area or structure | SP | SP | SP | SP | SP | SP |
| Commercial parking facility | | SP | SP | SP | SP | SP |
| Residential surface parking lot serving residential uses in another district provided that: | | | | | | |
| <ul style="list-style-type: none"> • The lot used for parking abuts the residential property it serves for at least 50 ft. ; and • Both lots are under common ownership; and • The parking lot complies with the screening provisions of Section X.xx. | SP | SP | SP | SP | SP | SP |
| Wireless Communication Facility | | | | | | |
| In a Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | | SP | SP | SP | | SP |
| In building other than Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | | SP | SP | SP | SP | SP |
| In building other than Town building, use of which is exempt under G.L. c. 40A, § 3; wireless facility shall not extend above the highest point of the building | SP | | | | | |
| Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet | Y | Y | Y | Y | Y | Y |
| Commercial & Storage Uses | | | | | | |
| Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure | | | | | SP | |
| Outdoor sales and storage of undamaged, operable automobiles | | | | | SP | |

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|--|----|----|-----|----|----|----|
| Auto repair garage | | | | | SP | |
| Car wash facility | | | | | SP | |
| Automobile service station | | | | | SP | |
| Personal, Consumer and Business Services | | | | | | |
| Copy center or print shop for sheet-fed printing | | Y | Y | Y | Y | Y |
| Bank, other financial service; <2,000 sq. ft. | | Y | Y | Y | Y | Y |
| 2,000 sq. ft. or more, or any drive-up banking service | | | SP | SP | SP | SP |
| Personal service establishment | | Y | Y | Y | Y | Y |
| Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time | | SP | Y | Y | Y | Y |
| Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time) | SP | Y | Y | Y | Y | Y |
| Funeral Home | Y | Y | SP | Y | | Y |
| Veterinary and animal care; accessory overnight boarding only for veterinary/medical care | | Y | Y | Y | Y | Y |
| Eating & Drinking Establishments | | | | | | |
| Restaurant | | | | | | |
| < 2,000 sq. ft. | SP | Y | Y | Y | | Y |
| => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more | | SP | SP | SP | SP | SP |
| Restaurant, Fast-Order Food | | | | | | |
| < 1,500 sq. ft. | | Y | Y | Y | | Y |
| => 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more | | SP | SP | SP | | SP |
| Restaurant, Drive-In | | | | | SP | |
| Catering service | | | SP | SP | Y | |
| Retail | | | | | | |
| Retail, general | | SP | SP | SP | SP | SP |
| Retail, local; <3,000 sq. ft. | | Y | Y | Y | Y | Y |
| Manufacture, assembly, packaging of goods sold at retail primarily on the premises | | | | | | |
| <1,000 sq. ft. | | Y | Y | Y | Y | Y |
| =>1,000 sq. ft. | | SP | SP | SP | SP | SP |
| Office Uses | | | | | | |
| Professional, business, or medical or dental offices | | | | | | |
| • Less than 3,000 sq. ft. gross floor area per building | SP | Y | Y | Y | Y | Y |
| • 3,000 sq. ft. or more gross floor area per building | | SP | SP | SP | SP | SP |
| • In an existing building originally designed for single or two- family residential use, if the building retains its residential | SP | | | | | |

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|---|----|----|-----|----|----|----|
| appearance and is on street with ROW at least 50 ft. ³⁰ | | | | | | |
| • With ROW less than 50 ft. | SP | SP | | SP | SP | SP |
| Wholesale Business & Storage | | | | | | |
| Wholesale business in enclosed facility | | | SP | | SP | |
| Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business ³¹ at retail on the premises | | | | | SP | |
| Open or enclosed storage of vehicles | | | | | SP | |
| Commercial Entertainment, Amusement, Assembly Uses | | | | | | |
| Enclosed entertainment and recreation facilities not conducted as a private for-profit business | SP | SP | SP | SP | SP | SP |
| Research, Laboratory, Related Uses | | | | | | |
| Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25 percent of the floor area. | SP | SP | SP | SP | SP | SP |
| Research and development | | SP | SP | SP | SP | SP |
| Light Industry | | | | | | |
| Laundry or dry cleaning plant | | | | | SP | |
| Printing, binding, engraving plant | | | | SP | SP | |
| Contractor's yard | | | | | SP | |
| Stone cutting, shaping, finishing in enclosed facility | | | | | SP | |
| Truck service and repair | | | | | SP | |
| Light manufacturing | | | | | SP | |
| Other Principal Uses | | | | | | |
| Medical marijuana treatment center | | | | SP | | SP |
| Artisanal fabrication | SP | SP | SP | SP | SP | SP |
| Artistic/creative production | Y | SP | SP | SP | SP | SP |
| Mixed use | SP | SP | SP | SP | SP | SP |
| Accessory Uses | | | | | | |
| Renting of up to three rooms | Y | Y | Y | Y | Y | Y |
| Accessory private garage for noncommercial motor vehicles | Y | Y | Y | Y | Y | Y |
| Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard | | | | | Y | |
| Accessory structure not used as part of business | Y | Y | Y | Y | Y | Y |
| Home occupation ^c | Y | Y | Y | Y | Y | Y |
| Family child care | SP | SP | SP | SP | SP | SP |

³⁰ Existing language – residential character – is unclear.

³¹ How is “half” determined? What does it mean?

| Class of Use | B1 | B2 | B2A | B3 | B4 | B5 |
|---|----|----|-----|----|----|----|
| Accessory retail or office use in apartment building ^D | | Y | Y | Y | Y | Y |
| Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building | | | Y | | Y | Y |
| Accessory off-street parking and loading spaces conforming to the provisions of Section X.xx ³² | Y | Y | Y | Y | Y | Y |
| The storage or keeping of not more than one commercial vehicle: | | | | | | |
| • In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling | Y | Y | Y | Y | Y | Y |
| • Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling | Y | Y | Y | Y | Y | Y |
| • Parking of not more than 4 commercially-owned shared vehicles | SP | Y | Y | Y | Y | Y |
| • Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town | SP | Y | Y | Y | Y | Y |
| Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building (see also, Section X.xx) | SP | SP | SP | SP | SP | SP |
| Temporary food or beverage concession for profit at an event | Y | Y | Y | Y | Y | Y |
| Other accessory use | SP | SP | SP | SP | SP | SP |
| Activities accessory to a permitted use that are necessary in connection with scientific research | SP | SP | SP | SP | SP | SP |
| Up to three dwelling units in a building containing a business or service use | SP | SP | SP | SP | SP | SP |
| Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use | SP | Y | Y | Y | Y | Y |
| Cable television studio and/or head end site including antenna and satellite reception facility | SP | SP | SP | SP | SP | SP |
| Catering service | Y | Y | Y | Y | Y | Y |

Notes

^A Six or more units on one or more contiguous lots requires a special permit.

^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3.

^C Requires a special permit if home occupation serves customers or pupils on the premises. See Special Regulations

^D See Special Regulations

³² Refers to off-street parking

5.6 Other Districts

5.6.1. Districts and Purposes

- A. MU: Multi-Use. The Multi-Use District allows larger scale development only when controlled by the Arlington Redevelopment Board through urban renewal plans and Environmental Design Review. Designation as a Multi-Use District requires a minimum of one acre of land.
- B. I: Industrial District. The Industrial District includes areas in the Mill Brook Valley. It allows uses requiring the manufacture, assembly, processing, or handling of materials which because of their traffic, noise, appearance, odor, or hazards would be disruptive to residential and other business uses. In this district, the Town discourages residential uses, retail business uses, or uses which would otherwise interfere with the intent of this Bylaw. Mixed-use development is allowed without residential space.
- C. T: Transportation District. In the Transportation District, the principal uses are bus terminals, open space uses, and the Minuteman Bikeway. Uses in conflict with these allowed uses or which otherwise interfere with the intent of this Bylaw are prohibited.
- D. PUD: Planned Unit Development District. The Planned Unit Development District provides for large scale, multi-use development upon approval of a development plan and the assembly of a large amount of land.
- E. OS: Open Space District. The Open Space District is composed of parcels under the jurisdiction of Park and Recreation Commission, the Conservation Commission, the Arlington Redevelopment Board, the Massachusetts Department of Conservation and Recreation (previously the Metropolitan District Commission), or the MBTA. Structures where present are clearly accessory to the principle open space and recreation functions of the property.

5.6.2. Dimensional and Density Regulations

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PD, and OS districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the table. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

MU, I, T, PD, and OS

| | MU | I | T | PD | OS ^G |
|--|----------------------|------------------|-------|------------------|-----------------|
| Minimum Lot Area (sq. ft.) | | | | | |
| All permitted uses | 40,000 | ----- | 6,000 | 200,000 | ----- |
| Mixed use | ----- | ----- | ----- | 200,000 | ----- |
| Minimum Lot Frontage (ft.) | | | | | |
| | ----- | ----- | 60 | ----- | ----- |
| Maximum Lot Coverage (%) Including principal and accessory structures | | | | | |
| All permitted uses | 40% | ----- | ----- | ----- | ----- |
| Mixed use | ----- | ----- | ----- | ----- | ----- |
| Minimum Yard Setbacks (ft.) | | | | | |
| <i>Principal Buildings & Structures</i> | | | | | |
| Front | (H+L)/6 ^A | 10 | 25 | ^B | ----- |
| Side | (H+L)/6 ^A | 10 | 10 | ^B | ----- |
| Rear | (H+L)/6 ^A | 10 | 20 | ^B | ----- |
| Minimum Lot Open Space (%) | | | | | |
| <i>Lot Open Space: Landscaped</i> | | | | See Par. A below | |
| All permitted uses | ----- | ----- | ----- | 30% | ----- |
| Mixed use | ----- | ----- | ----- | ----- | ----- |
| <i>Lot Open Space: Usable</i> | | | | ----- | |
| Maximum Floor Area Ratio (FAR) | | | | | |
| All permitted uses | 1.00 | 1.50 | 0.35 | 0.80 | ----- |
| Mixed use | ----- | 1.50 | ----- | 0.80 | ----- |
| Maximum Height | | | | | |
| Feet | 70 ^{C,D} | 52/39 | 35 | 85 | ----- |
| Stories | N/A | 3/4 ^E | 2 ½ | N/A ^F | ----- |
| Notes | | | | | |

^A Not less than 30 feet.

^B Buildings may be built to any street line provided the street exceeds 60 feet in width or the zoning on the opposite side of the street is not R2. In all other areas, buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but at least 25 feet from all front, side, and rear lot lines.

^C The maximum heights 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.

^D See Section 5.3.17.

^E Upper-story building setbacks required on structures with more than three stories. See also, Section 5.3.17

^F In a mixed-use building, residential uses shall be limited to five stories.

^G Accessory buildings in the OS district shall be located on the property so as to not detract from the primary goal of the open space use.

A. Special Open Space Regulations for Planned Unit Developments

The minimum open space regulations for planned unit developments are as follows:

- (1) Apartments - 10 percent landscaped, 10 percent usable.
- (2) Hotels and motels - 10 percent landscaped.
- (3) Retail stores - None required around the building if an enclosed wall or arcade is provided facing each retail store. Without an enclosed wall or arcade, a minimum landscaped area of 10 percent shall be required.
- (4) Office and professional buildings - 10 percent landscaped.

B. Sale or Lease of Lots in a Planned Unit Development

Upon completion of Environmental Design Review under Section 3.4, individual tracts of land in the Planned Unit Development of at least 30,000 square feet may be leased or sold for development in accordance with the approved Planned Unit Development site plan without the provision of new setbacks for front, side, or rear yards. Each tract or lot so leased or sold must make provision for a principal building, off-street parking, and open space or plaza area to serve it as required in the PD district.

5.6.3. Use Regulations for MU, PD, I, T, and OS Districts

| Class of Use | MU | PD | I | T | OS |
|--|----|----|----|---|----|
| Residential | | | | | |
| Single-family detached dwelling ^A | SP | Y | | | |
| Two-family dwelling, duplex ^A | SP | Y | | | |
| Three-family dwelling | SP | SP | | | |
| Townhouse | SP | SP | | | |
| Apartment building | SP | SP | | | |
| Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building | | SP | | | |
| Single-room occupancy building | | SP | | | |
| Group home | Y | Y | | | |
| Conversion of one or two-family dwelling to bed and breakfast | | | | | |
| Assisted living residence | SP | | | | |
| Institutional, Educational | | | | | |
| Community center, youth club, adult education center, or similar facility operated by an educational, religious, or non-profit institution ^B | SP | SP | | | |
| Nonprofit, members-only private club or lodge | SP | SP | SP | | |
| Hospital | SP | | | | |
| Licensed nursing home | SP | SP | | | |
| Non-exempt educational use, e.g., trade, driving, music, dancing school | | Y | | | |
| Library, museum, or art gallery open to the public and not conducted as a private gainful business. ^B | | SP | | | |
| Agricultural | | | | | |
| Sales place for flowers as a principal not accessory use, garden supplies, agricultural produce, conducted outdoors or commercial greenhouse | Y | Y | | | |
| Farm, non-exempt, or market garden provided that all goods or produce sold are grown on the premises | Y | Y | Y | Y | |
| Public Recreational, Entertainment | | | | | |
| Conservation land ³³ | | | | | Y |
| Municipal or non-profit park, playground, or similar outdoor recreation facility | Y | Y | Y | Y | Y |
| Municipal or non-profit fishing, tennis, swimming, skating, golf club, or other outdoor recreation facility club, or other outdoor recreation facility ³⁴ | SP | SP | | | |
| Municipal or non-profit recreation building ³⁵ | Y | Y | Y | | |
| Municipal or non-profit enclosed entertainment and recreation facilities | SP | SP | SP | | |

³³ Should conservation land be allowed in all districts?

³⁴ The two municipal/non-profit recreation facilities in this table need discussion. Both refer to “outdoor recreation facility,” one with Y and the other, SP. What is the intent? It is not clear.

³⁵ Similarly, references to recreation buildings and indoor facilities need discussion. The difference between “Recreation building not conducted as a private gainful business” and “Enclosed entertainment and recreation facilities not conducted as a private gainful business” is not clear.

| Class of Use | MU | PD | I | T | OS |
|--|----|----|----|----|----|
| Fire station | Y | Y | Y | | |
| Police station | Y | Y | Y | | |
| Town office building | Y | Y | Y | | |
| U.S. Post Office | | Y | | | |
| Municipal public works yard and associated maintenance, storage, and office facilities | | SP | SP | | |
| Utility, Transportation, Communications | | | | | |
| Bus, rapid transit, railroad station | | SP | | SP | |
| Motor freight terminal | | | SP | | |
| Essential services | SP | SP | SP | SP | SP |
| Radio or television studio or receiving facility; no wireless transmitting facilities | SP | Y | Y | | |
| Municipal or other public parking area or structure | SP | SP | SP | SP | |
| Commercial parking facility | | SP | | SP | |
| Residential surface parking lot serving residential uses in another district provided that: <ul style="list-style-type: none"> The lot used for parking abuts the residential property it serves for at least 50 ft.; and Both lots are under common ownership; and The parking lot complies with the screening provisions of Section X.xx. | | SP | SP | | |
| Bikeway | | | | Y | |
| Wireless Communication Facility | | | | | |
| In a Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | | | SP | | |
| In building other than Town building; wireless facility shall not extend more than 15 feet or 25 percent of building height, whichever is less, above the highest point of the building | SP | SP | SP | | |
| Located on a public utility pole; no part of wireless facility shall extend more than 40 feet above ground or have a total volume over 2 cubic feet | Y | Y | Y | Y | |
| Ground Mounded Solar Photovoltaic Installation | | | Y | | |
| Commercial & Storage Uses | | | | | |
| Motor vehicle sales and rental, sale of auto parts, accessory storage in enclosed structure | | SP | SP | | |
| Outdoor sales and storage of undamaged, operable automobiles | | SP | SP | | |
| Auto repair garage | | SP | SP | | |
| Car wash facility | | SP | SP | | |
| Automobile service station | | SP | | | |
| Personal, Consumer and Business Services | | | | | |
| Copy center or print shop for sheet-fed printing | | Y | Y | | |
| Bank, other financial service; <2,000 sq. ft. | | SP | | | |
| 2,000 sq. ft. or more, or any drive-up banking service | | Y | | | |
| Personal service establishment | | Y | | | |

| Class of Use | MU | PD | I | T | OS |
|--|----|----|----|---|----|
| Hand laundry, dry cleaning, or tailor with more than 5 employees on site at the same time | | Y | | | |
| Consumer service establishment (But SP in all districts for establishments with more than 5 employees on site at the same time) | | Y | Y | | |
| Funeral Home | | | Y | | |
| Veterinary and animal care; accessory overnight boarding only for veterinary/medical care | | | Y | | |
| Eating & Drinking Establishments | | | | | |
| Restaurant | | | | | |
| < 2,000 sq. ft. | SP | Y | SP | | |
| => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more | SP | | | | |
| Restaurant, Fast-Order Food | | | | | |
| < 1,500 sq. ft. | | Y | | | |
| => 1,500 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more | | SP | | | |
| Catering service | | SP | Y | | |
| Retail | | | | | |
| Retail, general | | SP | | | |
| Retail, local; <3,000 sq. ft. | | Y | | | |
| Manufacture, assembly, packaging of goods sold at retail primarily on the premises | | | | | |
| <1,000 sq. ft. | | SP | SP | | |
| =>1,000 sq. ft. | | Y | Y | | |
| Office Uses | | | | | |
| Professional, business, or medical or dental offices | | | | | |
| • Less than 3,000 sq. ft. gross floor area per building | SP | Y | Y | | |
| • 3,000 sq. ft. or more gross floor area per building | SP | SP | SP | | |
| • In an existing building originally designed for single or two- family residential use, if the building retains its residential appearance and is on street with ROW less than 50 ft. ³⁶ | SP | SP | SP | | |
| Wholesale Business & Storage | | | | | |
| Wholesale business in enclosed facility | | | Y | | |
| Wholesale storage and sale of flammable liquid, or wholesale business conducting at least half of the business ³⁷ at retail on the premises | | | SP | | |
| Open or enclosed storage of vehicles | | | SP | | |
| Storage of fluid (other than water) | | | SP | | |
| Open storage of raw materials, finished goods, or equipment (subject to Section X.xx) | | | SP | | |
| Commercial Entertainment, Amusement, Assembly Uses | | | | | |

³⁶ Existing language – residential character – is unclear.

³⁷ How is “half” determined? What does it mean?

| Class of Use | MU | PD | I | T | OS |
|---|----|----|----|----|----|
| Enclosed entertainment and recreation facilities not conducted as a private for-profit business | | | | | |
| Research, Laboratory, Related Uses | | | | | |
| Offices with data processing facilities or laboratories and testing facilities, which may include minor assembly or fabrication activities limited to 25 percent of the floor area. | | SP | SP | | |
| Research and development | | | Y | | |
| Light Industry | | | | | |
| Laundry or dry cleaning plant | | | Y | | |
| Printing, binding, engraving plant | | | Y | | |
| Contractor's yard | | | Y | | |
| Stone cutting, shaping, finishing in enclosed facility | | | Y | | |
| Auto body shop; all work carried out inside the building | | | SP | | |
| Truck service and repair | | | SP | | |
| Light manufacturing | | | SP | | |
| Other Principal Uses | | | | | |
| Artisanal fabrication | SP | SP | Y | | |
| Artistic/creative production | SP | SP | Y | | |
| Mixed use | SP | SP | SP | | |
| Accessory Uses | | | | | |
| Renting of up to three rooms | | | Y | | |
| Accessory private garage for noncommercial motor vehicles | Y | Y | Y | | |
| Accessory storage of a recreational trailer or vehicle, registered automobile or boat, or utility trailer, not in the front yard | | Y | Y | | |
| Accessory structure not used as part of business | Y | Y | Y | SP | |
| Home occupation ^C | | Y | Y | | |
| Family child care | SP | Y | | | |
| Accessory retail or office use in apartment building ^D | Y | Y | SP | | |
| Accessory personal services for occupants or employees of hotel, office, or industrial use; access limited to within the building | Y | Y | Y | | |
| Accessory off-street parking and loading spaces conforming to the provisions of Section X.xx ³⁸ | Y | Y | Y | SP | |
| The storage or keeping of not more than one commercial vehicle: | | | | | |
| • In a private garage accessory to a dwelling if owned or used by a person residing in such dwelling | Y | Y | Y | | |
| • Open air parking or storage accessory to a dwelling if owned or used by a person residing in such dwelling | | Y | Y | | |
| • Parking of not more than 4 commercially-owned shared vehicles | Y | Y | Y | | |

³⁸ Refers to off-street parking

| Class of Use | MU | PD | I | T | OS |
|--|----|----|----|----|----|
| • Parking of not more than 4 commercially-owned shared vehicles, located on land under the jurisdiction of the Town | | Y | Y | | |
| Accessory outdoor storage; storage area not exceeding 25% of the lot coverage of the principal building (see also, Section X.xx) | | | | | |
| Temporary food or beverage concession for profit at an event | | Y | Y | SP | |
| Other accessory use | SP | SP | SP | SP | |
| Activities accessory to a permitted use that are necessary in connection with scientific research | | SP | SP | | |
| Up to three dwelling units in a building containing a business or service use | | SP | | | |
| Fraternal, civic, entertainment, professional, or health or similar clubs or organizations as an accessory use | SP | Y | | | |
| Catering service | | Y | Y | | |
| Notes | | | | | |
| ^A Six or more units on one or more contiguous lots requires a special permit. | | | | | |
| ^B But permitted by right if accessory to a use exempt under G.L. c. 40A, § 3. | | | | | |
| ^C Requires a special permit if home occupation serves customers or pupils on the premises. See Special Regulations | | | | | |
| ^D See Special Regulations | | | | | |

5.7 Floodplain District

5.7.1. Purposes

The objectives of this District are 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, and other utilities from breaking, leaking, shortcircuiting, grounding, igniting, electrocuting or any other dangers due to flooding.

5.7.2. Boundaries

The Floodplain District is superimposed over any other district established by this Bylaw. The 100-year floodplain is defined as the relatively flat lowland which adjoins a watercourse or other body of water and which is subject to seasonal or periodic flooding by the watercourse or water body at a storm frequency of 100 years. Specifically, the Floodplain District includes those areas along the Mill Brook, Alewife Brook, Mystic River, Spy Pond, Arlington Reservoir, and Mystic Lakes which are in the 100-year floodplain as established on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District may be defined by the 100-year floodplain shown on the Middlesex County FIRMs (panel numbers 25017C0412E, 25017C0416E, 25017C0417E, 25017C0418E, and 25017C0419E), dated June 4, 2010, and further defined by the Middlesex County Flood Insurance Report (FIS), dated June 4, 2010. The FIRMs and FIS Report are incorporated herein by reference and are on file with the Town Clerk, Arlington Redevelopment Board, Director of Inspections, 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 5.8, G.L. c. 131, § 40, Wetlands Protection Regulations of the Town Bylaws (Title V, Article 8), Department of Environmental Protection (DEP) 310 CMR 10.00, Inland Wetlands Restriction (DEP) 310 CMR 13.00, and the section of the Massachusetts State Building Code that addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, 'Flood Resistant Construction and Construction in Coastal Dunes', and shall require a building permit. The extent of the Floodplain District shall be determined by the Building Inspector.
- B. Where the phrase, "Board of Appeals or Arlington Redevelopment Board, as applicable," appears in this Section 5.8, it 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, wharf, 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.** Mobile homes shall not be permitted at any location in the Floodplain District, and 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 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
- (2) For single family detached dwellings, two-family dwellings, or duplex houses existing on the effective date of this Section is advertised (August 1975)³⁹, the expansion of these (or their accessory) uses to a maximum of 15 percent 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 percent 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.

- (1) The proposed use, including filling or excavating, when combined with all existing uses, will not increase the water surface elevation of the 100-year flood;
- (2) The proposed use shall comply with the 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 (Title V, Article 8).
- (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.

The provisions of this subsection shall not apply to the reconstruction or repair of a structure unless it constitutes substantial improvements existing at the time of

³⁹ Need specific date.

advertisement of this section (August 1975)⁴⁰ 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.
- 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.
- 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

⁴⁰ Again, the ZBL should identify the specific date. We do not have this information.

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

5.8 Special Regulations for Permitted Uses⁴¹

5.8.1. Home Occupation

- A. In any Residential district, a home occupation is permitted if all of the following conditions are met:
- (1) No nonresident shall be employed therein.
 - (2) Not more than 25 percent of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to such use. In connection with such use, there is to be kept no stock in trade, commodities or products which occupy space beyond these limits.
 - (3) There shall be no display of goods or wares visible from the street.
 - (4) All advertising devices visible from off the lot are specifically prohibited.
 - (5) The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more

⁴¹ The purpose of Section 5.8 is to identify all of the criteria a use must meet in order to satisfy the use requirements of the ZBL.

than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure.

(6) Any such building shall include no feature of design not customary in buildings for residential use.

B. Where permitted or allowed by special permit in the use regulations, a physician may operate an office from her residence with up to one nonresident employee.

SECTION 6. Site Development Standards

6.1 Off-Street Parking

6.1.1. Purposes

The purposes of this Section 6.1 are to:

- A. Provide for safe and convenient vehicular parking areas and delivery areas;
- B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners;
- C. Promote off-street parking in the Residence Districts in a manner that preserves, to the extent possible, landscaped front yards by allowing the use of a front yard for off-street parking only under exceptional circumstances.⁴²

6.1.2. Applicability

No building or structure shall be used or changed to a category of greater parking demand, determined in accordance with the Table of Off-Street Parking Regulations below, except in accordance with this Section 6.1.

6.1.3. Administration

- A. This Section 6.1 shall be administered by the Building Inspector for a use or activity that requires neither a special permit from the Board of Appeals nor Environmental Design Review by the Arlington Redevelopment Board. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section 6.1, it 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.”
- B. After the effective date of this Bylaw, off-street parking space shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use, or any change in an existing use in accordance with the Table of Off-Street Parking Regulations, and the other requirements contained in this Section 6.1.

6.1.4. Table of Off-Street Parking Requirements

The minimum number of off-street parking and loading spaces shall be as set forth in the following table. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Inspector based on a listed use of similar characteristics of parking demand generation.

⁴² One commenter said front yard parking is not considered “exceptional,” but this is the wording in your existing ZBL. We need direction about whether to change it.

| Use ⁴³ | Minimum Number of Spaces |
|---|--|
| Residential Uses | |
| One-, two-, or three-family dwelling | 2 spaces per unit |
| Apartment building | 1 space per efficiency; 1.15 space per 1-bedroom unit, 1.5 spaces per 2-bedroom unit, and 1 space per 5 units of public elderly housing |
| Assisted living residence | 0.4 spaces per unit |
| Single-room occupancy building | 1 per unit Any bedroom or group of 2 beds in a single room constitutes a unit for purposes of this Section |
| Group home | 2 spaces per four residential rooms |
| Business or Industrial Use | |
| Theatre, restaurant, gym, auditorium or similar place of public assembly with seating facilities | 1 space per 4 seats of total seating capacity <i>Note:</i> seasonal outdoor seating for restaurants shall not count toward total seating capacity. |
| Health club or indoor athletic facility | 1 space per 300 sq. ft. floor area ⁴⁴ |
| Auto sales, similar retail and service establishments with extensive display areas that are unusually extensive in relation to customer traffic | 1 space per 1,000 sq. ft. of gross floor area For outdoor display areas, 1 space per 1,000 sq. ft. of lot area used for these purposes |
| Hotel, motel | 1 space per sleeping room, plus 1 space per 400 sq ft. of public meeting area or restaurant space |
| Other retail or service use | 1 space per 300 sq. ft. of floor area |
| Offices, including professional, business | 1 space per 500 sq. t. of floor space |
| Wholesale or storage establishment, warehouse | 1 space per 1,000 sq. ft. of gross floor space |
| Manufacturing or industrial establishment | 1 space per 600 sq. ft. of gross floor space or 0.75 spaces per employee of the combined employment of the two largest successive shifts, whichever is greater ⁴⁵ |
| Medical, dental office or clinic, or office of other health care providers ⁴⁶ | 4 spaces per physician, dentist, practitioner |
| Institutional, Educational Use | |
| Hospital | 2.25 spaces per bed of design capacity |

⁴³ One commenter said Arlington’s parking requirements are too specific, which leads to problems of interpretation when an applicant proposes a use that is not specifically listed here. We are inclined to agree, but an overhaul of the parking table – however tempting – is probably beyond a “phase 1” clean-up process. We would need direction from the Town to take this task to the next level. Nevertheless, the ZBL does provide for interpretation by the Building Inspector for uses not listed here.

⁴⁴ In some places, Arlington uses “floor area” as the metric for parking spaces; in other places, it is “gross floor space” or “gross floor area”. The term needs to be consistent. Consulting team needs direction.

⁴⁵ In general, it’s best to avoid using estimated number of employees as the basis for setting minimum parking requirements. We have not changed any of these standards except as noted below because doing so will most likely be viewed as a policy decision.

⁴⁶ There should be one parking standard for medical office uses. We have taken the liberty of consolidating “office use ... medical or dental” and “medical/dental clinic”.

| Use ⁴³ | Minimum Number of Spaces |
|---|---|
| Nursing home | 1 per 4 beds of design capacity |
| Educational | |
| Business, trade, or industrial school or college, or country club | 1 space per 200 sq. ft. of gross floor area in classrooms and other teaching stations, plus spaces for gymnasium or auditorium, whichever has the larger capacity |
| Other school | 2 spaces per classroom in elementary and middle school or junior high school facility; 4 spaces per classroom for a high school, plus spaces for gymnasium or auditorium, whichever has the larger capacity |
| Public, Recreational or Entertainment | |
| Community facility or municipal facility | 1 space per 3 employees on the largest shift |
| Utility, Transportation, Communications | |
| Public utility | 1 space per 400 sq. ft. of gross floor area 1 space per 800 sq. ft. per other use |
| Transportation terminal | 1 space per 600 sq. ft. of gross floor area |
| Other Uses | |
| 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 Inspector of Buildings. |

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, and 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. Methods to reduce parking on site may include but are not limited to:

- A. **Shared Parking:** To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. **Off-site Parking.** An applicant may use off-site parking to satisfy their parking requirements if alternative and available parking is within 600 feet of the proposed site, as provided in Section 6.10. Off-site parking may be provided in public lots located within 1,000 feet of the building, as provided in Section 6.1.10(D). The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.

C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:

- (1) Charge for parking on-site;
- (2) Pay a stipend to workers or residents without cars;
- (3) Provide preferential parking for carpooling vehicles;
- (4) Provide a guaranteed emergency ride home;
- (5) Provide transit pass subsidies;
- (6) Provide covered bicycle parking and storage;
- (7) Provide bicycle or car sharing on site;
- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable special permit granting authority

6.1.6. Table of Off-Street Loading and Unloading Requirements

The off-street loading and unloading requirements in the Table of Off-Street Loading Regulations shall apply to any nonresidential use. The Board of Appeals or Arlington Redevelopment Board, as applicable, may reduce the loading requirements, including the size of the loading space, if it finds that so doing will not be detrimental to the structure or surrounding uses.

| Use | Minimum Number of Loading Spaces per 1,000 Sq. Ft. Gross Floor Are |
|---|--|
| Retail, Personal, Consumer, and Business Services, Eating and Drinking Establishments | 5,000 - 20,000 = 1 |
| | 20,001 - 50,000 = 2 |
| | 50,001 - 100,000 = 3 |
| | plus one for each 100,000 (or fraction) over 100,000 |
| Light industry, Utility, Transportation, Communications, Commercial and Storage, Wholesale Business, Storage Facility | 5,000 - 20,000 = 1 |
| | 20,001 - 40,000 = 2 |
| | 40,001 - 120,000 = 3 |
| | 20,001 - 200,000 = 4 |
| | plus one for each 100,000 (or fraction) over 200,000 |
| Institutional & Educational, Public, Recreational, and Entertainment, Office Uses | 5,000 - 50,000 = 1 |
| | 50,001 - 100,000 = 2 |
| | 100,001 - 150,000 = 3 |
| | plus one for each 150,000 (or fraction) over 150,000 |

6.1.7. Existing Spaces

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as the use remains, unless a number of parking or loading spaces is constructed elsewhere on property under the same ownership. However,

this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables in this Section 6.1.

6.1.8. Computation of Spaces

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

6.1.9. Combined Facilities

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Board of Appeals or Arlington Redevelopment Board, as applicable, as part of the special permit process and recorded with the Middlesex South Registry of Deeds.⁴⁷

6.1.10. Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment on the same lot, they shall be established no further than 600 feet from the premises they serve, subject to approval by the Board of Appeals or Arlington Redevelopment Board, as applicable. Such spaces may be located outside or within a structure designed as a public or private garage. Projects subject to Section 3.4, Environmental Design Review, may provide parking off site within 600 feet where it can be shown that a long-term, legally enforceable agreement has been made to secure off-site parking.

- A. Parking in Residential Districts. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the front building line⁴⁸ except on a driveway not exceeding twenty (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. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space.

For single-, two-family or duplex, and three family dwellings in R0, R1, R2, R3 and R4 districts, not more than one driveway shall be permitted unless there is a finding by the Board of Appeals (or Arlington Redevelopment Board, if it is the special permit granting authority for the development) that a second driveway or a driveway that makes more than one intersection with the street may be added in a manner that avoids an undue concentration of population, allows adequate provision of transportation, and conserves the value of land and buildings in the vicinity. In no case may a second driveway for a single-, two-family or duplex, or three family

⁴⁷ Note addition of legally enforceable agreement in this paragraph.

⁴⁸ Note change to “front building line.” Retaining the reference to “minimum front setback” does not preclude parking in front of the building.

dwelling violate any other dimensional or density regulations for the district in which it is located.

- B. Parking in Commercial Districts. For properties located in the Business districts, no parking shall be permitted in the front yard nor shall any driveways directly in front of a structure be permitted without a finding by the Board of Appeals or Arlington Redevelopment Board, as applicable, that the parking or driveway is necessary and convenient to the public interest.
- C. For Mixed-Use development, the first 3,000 square feet of non-residential space is exempt from the parking requirements of this Section 6.1.⁴⁹
- D. Public Parking Lots. The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the substitution of space within public parking lots in lieu of parking requirements of this Section 6.1 provided they are located within 1,000 feet of the building to be served.
- E. Location of Loading Spaces. The loading spaces required for the uses listed in the Table of Off-Street Loading Regulations shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

6.1.11. Parking and Loading Space Standards

- A. A parking space may be inside or outside a structure and shall be for the exclusive use of one motor vehicle. Spaces entered from the front or rear, and stacked spaces, shall have minimum dimensions of 8.5 feet by 18 feet. Compact car parking spaces permitted in accordance with Paragraph M below shall be at least 8 feet by 16 feet. For parallel parking, a space shall have minimum dimensions of 8 feet by 22 feet, except that such spaces which are open and unobstructed at one end may be only 18 feet in length. In residential side yards, the width of a parking space may be the width of the side yard, but in no case less than 7.5 feet.
- B. Parking areas with five spaces or less shall be surfaced with a permanent pervious or impervious material or binder.
- C. All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be paved and subject to the following:
 - (1) The parking and loading areas and access driveways shall be surfaced with pervious or impervious material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices and shall be subject to approval by the Town Engineer. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
- D. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways

⁴⁹ Note that existing section 8.08 has been deleted. It is redundant.

in order to protect abutting structures, properties and sidewalks and screening materials.

- E. Each required off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only:

| Angle of parking | Minimum aisle width |
|------------------|---------------------|
| Parallel | 12 ft |
| 30 deg | 11 ft |
| 45 deg | 13 ft |
| 60 deg | 18 ft |
| 90 deg | 24 ft |

- F. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
- G. No business operation for vehicle repair, gasoline or oil service facilities, or any repair to any motor vehicles shall be conducted except on a lot occupied by a permitted automotive use. Any accessory gasoline or oil facilities shall be at least 25 feet from any lot line.
- H. Except for duly authorized yard sales, the storage of materials or equipment or display of merchandise within the required parking area is prohibited.
- I. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
- J. Any two driveways leading to or from a street, or to or from a single lot, shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet from the intersection of the lot line with the street right-of-way for a corner lot.
- K. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to forty (40) feet.
- L. In R0, R1, R2, R3, and R4 zones, the Board of Appeals or Arlington Redevelopment Board, as applicable, may grant a special permit to allow the reduction of the parking space requirements to 80 percent of that required in the Table of Off-Street Parking Regulations where conditions unique to the use reasonably justify such a reduction.
- M. The Board of Appeals or Arlington Redevelopment Board, as applicable may grant a special permit allowing up to 20 percent of the spaces in a parking lot or garage to be sized for compact cars.
- N. All parking and loading areas containing over five spaces which are not inside a structure shall also be subject to the following.
- (1) The surfaced area shall be set back at least 10 feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and

rear lot lines the setback need only be five feet if the setback includes a solid wall or solid wooden fence, five to six feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required in the Density and Dimensional Regulations of the district. Where deemed appropriate by property owner, acceptable to immediate abutters,⁵⁰ and approved by the Building Inspector, another wall or fence height or fence type may be substituted for the required wall or fence.

- (2) The area shall be effectively screened with suitable planting or fencing on each side that faces abutting lots used for residential purposes. The screening shall be within the lot boundaries and at least five feet and not more than six feet high. Parking areas and access driveways accessory to any multi-family dwelling shall be separated from the building by a buffer strip of green open space not less than five feet wide and suitably planted.
- (3) The area within the setback from the front lot line shall be landscaped and shall contain a compact hedge, fence, or berm at least three feet high, placed parallel to the street except within 10 feet of driveways.
- (4) Parking shall not be located within the required front yard area in any district.⁵¹
- (5) Parking and loading spaces other than those required for single- and two-family dwellings shall be so arranged to avoid backing of vehicles onto any street.
- (6) Parking areas providing more than 25 spaces shall include landscaped areas in at least 8 percent of the total paved portion of the parking area. Minimum required landscaped setbacks and buffers at the perimeter of the parking area shall not be counted toward the landscaping requirement of this paragraph. Individual strips of landscaping shall be at least four feet wide.

O. The landscaping standards of Section 6.1 may be modified to increase capacity for parking lots if both of the following conditions are satisfied as findings of a special permit:

- (1) Reasonable alternative measures have been taken to meet the intent of these standards: to minimize traffic congestion entering and within parking lots, separate parking from pedestrian spaces, provide adequate drainage, screen parking lots from adjacent, residential uses and from street frontages (preferably with landscaped spaces), and facilitate snow removal and storage; and
- (2) All landscaped space required by this section is provided at some location in the parking lot, including required landscaping which may be lost in setbacks reduced in size by the provisions of this subsection.

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

⁵⁰ How is this determined?

⁵¹ Do you mean “front yard” or “in front of the principal building”?

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 6.14. The computed number of bicycle parking spaces will be rounded up 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.

SECTION 7. Special Permits⁵²

7.1 Removal of Sand, Gravel, Quarry or Other Earth Materials

No sod, loam, sand, gravel or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws), except by permission of Board of Appeals.⁵³

⁵² The purpose of this section is to identify the criteria that have to be met for each use that requires a special permit. Currently Arlington does not have specific criteria or standards for each special permit use, relying instead on fairly generic special permit granting criteria for most SP uses in every district. Without use-specific criteria or standards, it would be difficult for an applicant to know what the Town wants or if “yes” is even a real possibility. Moreover, it increases the possibility that as board members come and go, the decision to grant or deny a special permit will become more subjective – that is, based on individual preferences rather than the reliable guidance that comes with written standards. The consultants recommend creating this section and adding to it over time, perhaps beginning with the next phase of the zoning revision process.

⁵³ Should “permission of” be “a special permit from”?

SECTION 8. Special Regulations

8.1 Nonconforming Uses and Structures

8.1.1. Applicability

- A. Except as provided in this Section, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw or any subsequent amendments to it. However, this Bylaw shall apply to any change or substantial extension of such use, or to a building permit or special permit issued after the first notice of said public hearing, or to any reconstruction, extension, or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a one-family or two-family residential structure does not increase the nonconforming nature of said structure. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures whenever possible.
- B. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

8.1.2. Nonconforming Uses

- A. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. Any nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.
- C. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40 percent of the floor area of the existing structure.
- D. Any nonconforming use which has been once changed to a permitted use shall not again be changed to another nonconforming use.

8.1.3. Nonconforming Single-Family or Two-Family Dwellings

- A. A single or two-family nonconforming residential structure may be altered and the conforming use extended throughout the altered portion provided that the resulting alteration does not increase the nonconforming nature of the structure. An alteration

that is completely within the existing foundation walls shall be deemed not to increase the nonconforming nature of the structure.

- B. The extension of an exterior wall of a single or two-family residential structure along a line at the same nonconforming distance within a required setback may be allowed providing the extension does not create any new nonconformities or increase any open space nonconformities, and that no such extension shall be permitted unless there is a finding by the Board of Appeals that the extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. In making such a finding, the Board shall assess the dimensions and proposed setback of the alteration in relationship to abutting structures and uses.

8.1.4. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings.

Except as provided in Section 8.1.5 below, the following shall apply to nonconforming structures other than single-family or two-family dwellings.

- A. Any nonconforming structure may be altered and the conforming use extended throughout the altered portion, provided that any resulting alteration shall not cause the structure to further violate the dimensional and density regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.
- C. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
- D. Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot shall be conforming.
- E. Except as covered under Section 8.1.5 or Section 8.1.6, any structure determined to be unsafe may be restored to a safe condition, provided the work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and the restoration work shall not place the structure in greater nonconformity. A structure may be exempted from this provision by a special permit from the Board of Appeals or, in cases subject to Environmental Design Review in Section 3.4, the Arlington Redevelopment Board.

8.1.5. Special Permit Uses; Repair, Reconstruction, Extension, or Alteration Involving a Non-Conforming Structure or Lot

- A. Whenever a nonconforming structure or lot is occupied by a use that would require a special permit under Section 5, District Regulations or Section 3.4, Environmental Design Review if the activity commenced as a new use, then any reconstruction, alteration, addition, or extension of the use or of an existing or destroyed structure shall be undertaken only pursuant to special permit(s) issued by the Board of Appeals or Arlington Redevelopment Board, as applicable:

- (1) A damaged or unsafe structure occupied by a use that exists under previously granted special permit(s) may be repaired or reconstructed for that use in accordance with the same terms and conditions, if any, of the special permit(s).
- (2) A damaged or unsafe structure occupied by a use that is not under previously granted special permit(s) may be repaired or reconstructed for that use only, provided that the cost of such repair or construction does not exceed 50 percent of the physical replacement value of the previously existing structure(s).
- (3) Interior renovations shall not increase the gross floor area of the existing structure(s).
- (4) A structure occupied by a use that exists under previously granted special permit(s) may be reconstructed, altered, or expanded provided that any addition does not exceed the lesser of 500 square feet or 25 percent of the gross floor area of the existing structure and that no reconstruction, alteration, or addition violates any condition(s) attached to the special permit for the use.
- (5) None of the above-listed exceptions shall exempt any construction under this section from compliance with all dimensional, density, parking, landscaping, or other provisions of this Bylaw.

8.1.6. Reduction or Increase

- A. Any lot, or open space on a lot, including yards and setbacks shall not be reduced or changed in area or shape so that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under Section 8.1.4 or Section 8.1.5. However, this section shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

8.1.7. Restoration, Abandonment, or Non-Use

- A. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use. If such restoration is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.
- B. Any nonconforming use or structure which has been abandoned, demolished without reconstruction, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Bylaw; however, the Board of Appeals may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood.
- C. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the

nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

8.2 Affordable Housing Requirements

8.2.1. Purposes

The purpose of this Section 8.2 is to promote the public health, safety and welfare by encouraging the expansion and improvement of the Town's housing stock, especially its affordable housing; to provide for a full range of housing choices for households of all incomes, ages, and sizes; to minimize the displacement of lower-income Arlington residents; and to increase the production of affordable housing to meet employment needs.

8.2.2. Applicability

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a two-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

8.2.3. Requirements

- A. Fifteen percent of the residential units in a development subject to this Section 8.2 shall be affordable units as defined in Section 2 of this Bylaw. In determining the total number of affordable units required, calculation of a fractional unit of .5 or more shall be rounded up to the next whole number.
- B. The sale price or monthly rent of each affordable unit shall be calculated such that household size matches the number of bedrooms plus one.
- C. Affordable units shall conform to all requirements for inclusion in the Chapter 40B Subsidized Housing Inventory.
- D. Affordable units shall be included in the locus of the development. In exceptional circumstances, the Arlington Redevelopment Board may allow the developer to make a financial contribution to the Affordable Housing Trust Fund in lieu of providing affordable units, if it finds that:

- (1) it is in the best interest of the Town to do so, or
- (2) the provision of affordable units would result in a hardship that renders the development financially infeasible.

The financial contribution to the Affordable Housing Trust Fund for each affordable unit shall be equal to the difference between the full and fair cash market value of a market-rate unit and the maximum affordable price of an affordable unit, and shall be payable in full prior to issuance of a final occupancy permit.

- E. Affordable units shall be dispersed throughout the project and shall be comparable to market-rate units in terms of location, quality and character, room size, number of rooms, number of bedrooms and external appearance.

8.2.4. Incentive

Notwithstanding the special permit requirement under Section 6.1.11 in the Off-Street Parking and Loading Regulations:

- A. The applicant shall have the option to reduce the number of spaces required in the Table of Off-Street Parking Regulations by up to 10 percent.
- B. In the case of a single-room occupancy building, where more than 50 percent of the units are affordable to households earning no more than 60 percent of Area Median Income, the number of parking spaces for the affordable units may be reduced to 50 percent of the requirements, by special permit, where it can be shown that the parking provided will be sufficient for both residents and employees.

8.2.5. Administration

- A. The Arlington Redevelopment Board shall administer this Section 8.2 and may adopt administrative rules and regulations to implement its provisions.
- B. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire project provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.
- C. Sales prices, resale prices, initial rents and rent increases for affordable units shall be restricted to ensure long-term affordability to eligible households, to the extent legally possible.
- D. The affordable units shall be subject to a marketing plan approved by the Director of Housing, consistent with federal and state fair housing laws and the Town of Arlington's approved Fair Housing policy.⁵⁴
- E. Condominium documentation shall provide the owners of the affordable units with voting rights sufficient to ensure an effective role in condominium decision-making.

All legal documentation shall subject to review and approval by Town Counsel.

⁵⁴ Approved by whom, and where can one obtain a copy?

Index

- Abandonment, 2-1, 8-3
- Accessory, 5-1
- Accessory Use, 2-1
- Alewife Brook, 5-44
- Alteration, 2-2
- apartment, 5-16
- Apartment House:, 2-6
- Appeal, 3-1
- Arlington Master Plan, 1-1
- Arlington Redevelopment Board, 2-2
- Arlington Wetlands Bylaw, 5-46
- Artisanal Fabrication, 2-2
- Artistic/Creative Production, 2-2
- Assisted Living, 2-2
- Assisted living residence, 5-19
- Athletic Facility, Indoor, 2-2
- Attic, 2-3
- Auto Body Shop, 2-3
- Auto Repair Shop, 2-3
- Automobile Service Station, 2-3
- Average Setback Exception, 5-6
- Awning, 2-3
- B1, 5-23
- B2, 5-23
- B2A, 5-23
- B3, 5-24
- B4, 5-24
- B5, 5-24
- Basement, 2-3
- Bed and Breakfast, 2-3
- Bed and Breakfast Home, 2-3
- Bicycle parking, 6-8
- Bikeway, 5-40
- Board of Appeals, 2-15
- Building, 2-4
- Building Area, 2-4
- Building Coverage, 2-4
- Building Height, 2-4
- Building Inspector, 3-1
- Building Step Back, 2-4
- Building, Accessory, 2-4, *See* Accessory Building
- Building, Attached, 2-4
- Building, Detached, 2-4
- Building, Nonconforming, 2-4
- Building, Principal, 2-4
- Business or Professional Office, 2-4
- Carport, 2-5
- Catering Service, 2-5
- Cellar, 2-5
- Certificate of Occupancy, 2-5
- Child Care Cente, 2-5
- Club or Lodge, 2-5
- Commercial Vehicle, 2-5
- Common Land, 2-5
- Conservation Commission, 5-45
- Conservation Land, 2-6
- Consumer Service Establishment, 2-6
- Corner Lots, 5-5
- Court, 2-6
- Deck, 2-6
- Department of Planning and Community Development, 3-6
- District, 2-6
- Driveway, 2-6
- duplex, 5-14
- Duplex House, 2-6
- Dwelling, 2-6
- Dwelling Unit, 2-6
- Enclosed Entrance, 2-7
- Environmental Design Review, 3-5
- Environmental Design Review Standards, 3-6
- Erected, 2-7
- Essential Services, 2-7
- Family, 2-7, 5-9, 5-10, 5-22, 5-35, 5-43, 6-3, 8-1, 8-2
- Flood Insurance Rate Maps, 5-44
- Flood Map, 2-8
- Floodline, 2-7
- Floodplain District, 5-43
- Floor Area Ratio, 2-8, 5-3
- Front Building Line, 2-4
- Frontage, 2-8
- Funeral Home, 2-8
- Garage, Private, 2-8
- Garage, Public, 2-8
- Gasoline service stations. *See* Automobile Service Station
- Gross Floor Area, 2-8
- Ground-Mounted Solar Photovoltaic Installation, 2-8
- Group Home, 2-8
- Health Club, 2-9
- Home Occupation, 2-9

- Hospital, 2-9
Hospital, Veterinary, 2-9
Hotel, 2-9
Inspector of Buildings, 2-9
Junk Yard, 2-9
Loading Space, 2-9
Lot Area Per Dwelling Unit, 5-1
Lot Line, Front:, 2-10
Lot Line, Rear, 2-10
Lot Line, Side, 2-10
Lot, Corner, 2-9
Lot, Interior, 2-9
Lot, Through, 2-10
Lot:, 2-9
Manufacturing, Light, 2-10
Marquee, 2-10
Medical Marijuana Treatment Center, 2-10
Medical Office, 2-10
Membership Club, 2-10
Mill Brook, 5-44
Mixed use, 5-25
Mixed Use, 2-10
Multi-Use District, 3-6
Mystic Lakes, 5-44
Mystic River, 5-44
Nonconformance:, 2-11
non-conforming uses and structures, 3-2
Nursing home, 5-15
Office, 2-11
Off-Street Parking, 6-1
Open Space, 2-11
Open Space District, 3-6
Open Space, Landscaped, 2-11
Open Space, Usable, 2-11
Outdoor Storage Area, 2-11
Penthouse, 2-11
Personal Service, 2-12
Planned Unit Development, 2-12, 5-38
Planned Unit Development District, 3-6
Porch, 2-12
Prohibited, 5-1
R0, 5-9
R1, 5-9
R2, 5-10
R3, 5-10
R4, 5-10
R5, 5-10
R6, 5-10
R7, 5-10
Recreational Trailer or Vehicle:, 2-12
Reduced Height Buffer Area, 5-8
Removal of Sand, Gravel, Quarry or Other Earth Materials, 7-1
Repetitive Petitions, 3-3
Research and Development, 2-12
Residential Districts, 5-9
Restaurant, 2-12
Restaurant, Drive-In Food Service, 2-12
Restaurant, Fast-Order Food, 2-13
Right-of-Way, 2-13
Setback, 2-4, 2-13
Single-room occupancy building, 3-5
Single-Room Occupancy Building, 2-6
Special Permit, 2-13
Special Permit Conditions, 3-4
special permit granting authority, 3-2
Story, 2-13
Story, Half, 2-13
Street, 2-13
Structure, 2-14
Three-Family Dwelling, 2-7
Through Lots, 5-5
Townhouse, 5-7
Trailer, 2-14
two-family dwelling, 5-14
Uneven Height, 5-7
Use, 2-14
Use, Accessory, 2-14
Use, Nonconforming, 2-14
Use, Principal, 2-14
Use, Substantially Different, 2-14
Variance, 2-14
variances, 3-2
Wireless Communications Facility, 2-14
Yard, 2-14
Zoning Map, 4-2

