

ZONING BY-LAW AMENDMENTS BY SECTION

(Since the 1988 Comprehensive Update)

Including amendments through April 27, 2009

As Approved October 1, 2009

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

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1.4	Floodway Delete the definition.	2004	26
1.4	Freestanding Wireless Telecommunications Facility Insert a new definition.	1998	25
1.4	Grade Amend the existing definition.	2005	18
1.4	Habitable Floor Delete definition.	2005	18
1.4	Height, Building Insert a height limit of 15 feet for garages and 10 feet for other accessory structures.	1991	31
1.4	Height, Building Amend existing definition.	2005	18
1.4	Height, Building Delete dimensional requirements from definition.	2006	28
1.4	Interior Wireless Telecommunications Facility Insert a new definition.	1998	25
1.4	Other Retail Sales and Services Insert a new definition.	2003(s)	9
1.4	Patio Insert a new definition.	2000	19
1.4	Restaurant Replace with a new definition.	2003(s)	9
1.4	Restaurant, Fast Food Insert a new definition.	2003(s)	9
1.4	Restaurant, Take Out Insert a new definition.	2003(s)	9
1.4	Roof-Mounted Wireless Telecommunications Facility Insert a new definition.	1998	25
1.4	Satellite Antenna Insert a new definition.	1996	24
1.4	Satellite Antenna Insert "other than a Wireless Telecommunications Facility."	1998	26
1.4	School-Aged Child Care Home Insert a new definition.	1994	39

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1.4	Setback Delete provision for 2 foot overhang.	2006	28
1.4	Special Permit Granting Authority Insert new definition.	2006	28
1.4	Sign, Window Insert a new definition.	2008	24
1.4	Story, Half Delete the word "habitable".	1998	22
1.4	Story, Half Delete existing definition and insert a new one.	2005	18
1.4	Street Insert "c)" to include private ways in existence prior to September 21, 1988.	1995	27
1.4	Utility or Recreational Vehicle Delete the definition.	2001	26
1.4	Window Display Insert a new definition.	2008	24
1.4	Wireless Telecommunications Facility Insert a new definition.	1998	25
1.5	Nonconforming Uses and Structures Delete the "Nonconformance" Section and replace with new Section.	2004	27
1.5.2	Delete as of 2004 Alteration or Extension Insert "structure or" between "nonconforming" and "use."	1995	28
1.5.7	Delete as of 2004 Single and Two-Family Residential Structures Insert new Section to allow nonconforming properties to construct complying additions.	1994(s)	2
2.1	Classes Insert "McLean District".	1999 (s,r)	2
2.1	Classes Insert "Belmont Uplands District".	2002 (s)	5
2.3.3	Dividing Existing Lots Delete the provision.	2006	29

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2.4	Floodplain District Delineation Insert "Floodplain District".	2006	28
3.1	General Requirements Insert text to allow Special Permits to be granted by the Special Permit Granting Authority.	2006	28
3.3	Catering Service Insert under "Business" and establish thresholds.	2003(s)	10
3.3	Restaurant Establish thresholds for use.	2003(s)	10
3.3	Restaurant, Fast Food Insert under "Business" and allow by Special Permit.	2003(s)	10
3.3	Restaurant, Take Out Insert under "Business" and allow by Special Permit in LBII, LBIII, and GB.	2003(s)	10
3.3	Wireless Telecommunications Facility Insert under "Business" and allow by Special Permit.	1998	27
3.3	Day Care Center Separate from family day care home and allow by-right except in PL districts.	2006	28
3.3	Family Day Care Home Separate from day care center and allow by Special Permit except in PL districts.	2006	28
3.3	Child Care, Large Family Insert under "Public and Semi-Public" and allow by Special Permit.	1999 (S)	6
3.3	School-Aged Child Care Home Insert under "Public and Semi-Public" and allow by Special Permit.	1994	39
3.3	Conversion of Large Public Buildings In LBI, conversion of 10,000 sq. ft. or less allowed by-right; greater than 10,000 sq. ft. requires Special Permit.	2005(s)	5
3.3	Residential Insert under "Accessory Uses" and allow housing units above commercial use by Special Permit.	2003	26
3.3	Mixed Use Require housing above commercial to comply with Section 6.10, Inclusionary Housing.	2007	17

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3.3	Noncommercial Greenhouse... Delete references to dimensional regulations.	2006	28
3.3	Sale of food or drink ready for consumption Delete from "Accessory Uses".	2003(s)	11
3.3	Doggy Day Care Insert under "Accessory Uses" and allow by Special Permit in SR-A, B, C, and D.	1995	29
3.3	Open Lot Storage Under "Accessory Uses" delete from "Open lot storage or parking of a boat; ..." the words "recreational vehicle."	2001	27
3.3	Shared Institutional Parking Insert under "Accessory Uses" and allow by-right or Special Permit depending on type of vehicle and time of day.	2009	30
3.3	Satellite Antenna Insert under "Accessory Uses" and allow by-right if less than 1.8 square feet.	1996	26
3.3	Satellite Antenna Insert under "Accessory Uses" and allow by Special Permit if greater than 1.8 square feet.	1996	25
3.3	Satellite Antenna Insert under "Accessory Uses" and allow by by-right if less than one meter.	1999	18
3.3	Satellite Antenna Insert under "Accessory Uses" and allow by Special Permit if less than two meters in SR-A, B, C, and D.	1999	18
3.3	Satellite Antenna Insert under "Accessory Uses" and allow by Special Permit if more than two meters.	1999	18
3.3	Interior Wireless Telecommunications Facility Insert under "Accessory Uses" and allow by-right.	1998	28
3.3	Other Wireless Telecommunications Facility Insert under "Accessory Uses" and allow by Special Permit.	1998	28
3.3	Footnote 1 - Minimum Affordable Unit Residential above commercial requires at least one affordable unit.	2003	26
3.4.2	Home Occupations Delete the entire section and replace with new text.	1995	30

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3.4.2	Home Occupations Allow home occupations in accessory structures per §6.11.	2009	31
4.2.2	Side Yard Setback Eliminate side yard setbacks in LBII and LBIII except abutting residential districts.	2003	24
4.2.2	Linear Requirements Table In the Districts column, delete footnote 9 in LBI, II, and III.	2004 _(s)	10
4.2.2	Building Height, Feet Reduce height in the GR District from 36' to 33'.	2005	18
4.2.2 3)	Rear Yard Setback Insert new text to allow lots less than 100 feet deep to reduce rear setbacks.	1994	30
4.2.2 8)	Residential Structures Conform to GR Delete existing provision.	2006	28
4.2.2 8)	Projections into Setbacks Allow up to two foot projections into setbacks.	2006	28
4.2.2 9)	Side and Rear Setbacks in LBII & III, GB Require greater setbacks for structures that were residences and abut residential districts.	2003	24
4.2.2 9)	Side and Rear Setbacks in LBII & III, GB Require greater setbacks abutting residential districts.	2004 _(s)	10
4.2.2 12)	Side Setback in LBIII Require greater side setback for structures that were formerly residences.	2004 _(s)	10
4.3.5	Accessory Buildings Re-structure and divide into four categories.	2006	28
4.3.5 c)	Rear Yard Restrictions Insert text to allow additions to extend beyond the front façade of existing unattached garages.	1998	23
4.3.5 c)	Rear Yard Restrictions Replace 'garage' with accessory building.	2007(s)	6
4.3.5 c)	Rear Yard Restrictions Requires a 5 foot setback for accessory structures.	2008	22
4.3.5 d) 1	Satellite Antennae Insert text to allow satellite antenna with a diameter of 18 inches or less to be built no closer than 5'-0" to any lot line.	1996	28

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4.3.5 d) 1	Satellite Antennae Insert text to allow satellite antenna with a diameter of one meter or less to be built no closer than 5'-0" to any lot line.	1999	19
4.3.5 d) 2	Satellite Antennae Insert text to allow satellite antenna with a diameter greater than 18 inches to be built no closer than 5'-0" to the side and rear lot lines.	1996	27
4.3.5 d) 2	Satellite Antennae Insert text to allow satellite antenna with a diameter greater than one meter to be built no closer than 5'-0" to the side and rear lot lines.	1999	19
4.3.7	Corner Setbacks for Fences and Other Landscaping Insert text limiting the height of fences and landscaping as they intersect with sidewalks, streets, and other pavement.	2006	31
5.1.1 c)	Annual Access Fee for Parking Delete provision.	2003(s)	12
5.1.3 a)	Parking and Loading Area Locations and Design Delete existing subsection 'a' and replace with new subsection 'a. Non-residential'.	2005	18
5.1.3 b)	Parking and Loading Area Locations and Design Insert a new subsection 'b. Residential' and re-alphabetize existing sections accordingly.	2005	18
5.2.3 c)	Window Signs Limits size window signs and temporary signs.	2008	24
5.2.4 b) 1	Attached Signs Replace with new text.	1991	34
5.2.4 b) 1	Attached Signs Designate the Planning Board as the Permit Granting Authority.	2006	28
5.2.4 b) 3	Standing Signs Replace with new text.	1991	35
5.2.4 b) 3	Standing Signs Designate the Planning Board as the Permit Granting Authority.	2006	28
5.2.4 b) 3	Standing Signs Reduce the size of standing signs n LBI and LBIII districts.	2006 (s)	6

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5.2.4 b) 3	Attached Signs Replace “or” with the words “nor shall it exceed” in the two bulleted subsections and delete the word “or” joining the two subsections.	2009	29
5.3.1	Applicability Insert “or Freestanding Wireless Telecommunications Facility”.	1998	29
5.3.4	Screening Insert “or Free-Standing Wireless Telecommunications Facility”.	1998	30
5.4.4 a)	Air Quality Change DEQE to DEP.	1995	26
5.4.5 d)	Hazardous Materials Change DEQE to DEP.	1995	26
6.1	Swimming Pools Delete entire Section and insert reference to the State Building Code.	2000	20
6.3A	Public Building and School Conversion Re-number the existing Section 6.3 to 6.3A.	2005 (s)	5
6.3A.1.b) (6.3.1 b))	Objectives Insert an objective to include diversity in type and affordability of housing.	2003	26
6.3A.3.c) (6.3.3 c))	Special Permit Criteria Reduce lot area per dwelling unit allowed if providing affordable housing.	2003	26
6.3B	Public Buildings and School Conversion – 10,000 Square Feet or Less in LB I Insert section to convert public buildings to residential use by-right if the building is 10,000 sq. ft. or less.	2005 (s)	5
6.3B	Public Buildings and School Conversion – 10,000 Square Feet or Less Limit conversion of public buildings to 3 units in any zoning district.	2007	18
6.5.1 d)	Objectives Insert an objective for affordable housing.	2003	26
6.5.3 b)	Number of Dwelling Units Allow more units if providing affordable housing.	2003	26

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6.6	Floodplain District Delete the section and replace with new text.	2004	26
6.6.2	Definitions Insert reference to State Law and delete those definitions already defined by State Law.	2006	28
6.6.3	District Delineation Delete provision and re-number the section accordingly.	2006	28
6.6.4 (6.6.5)	Requirements Replace Department of Environmental Quality Engineering with Department of Environmental Protection.	1995	26
6.6.7 (6.6.8)	Waiver Insert new text.	1995	31
6.8	Wireless Telecommunications Facilities Insert a new Section.	1998	31
6.8.5 c) 11)	Factors to Consider Require "consideration of interference from other devices."	1998	31
6.9	Affordable Housing Insert a new Section.	1999 (s,r)	2
6.9	Affordable Housing Identify Zone 6, General Residence District on the McLean District Zoning Map.	2006 (s)	2
6.10	Inclusionary Housing Insert a new Section.	2003	25
6.10.2.3) c.	Affordable Housing Unit Definition Insert definition to include Local Initiative Program (LIP).	2004	28
6.10.2.4) a.	Annual Shelter Cost Reduce down payment to 5%.	2004	28
6.10.6 2)	Requirements Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
6.10.7 3)	General Provisions Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
6.10.7 4)	Requirements Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29

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6.11	Demolition Moratorium Insert a new Section – expired May 31, 2005.	2004	29
6.11	Historic Accessory Building Preservation Insert a new section to allow conversion of ‘historic’ barns for home occupations.	2009	31
6.11.3	Applicability Allow conversion of ‘historic’ barns into single-family dwellings.	2009	32
6.11.4 d)	Procedure Clarify that listed criteria is for home occupation.	2009	32
6.11.4 e)	Procedure Insert criteria for conversion of ‘historic’ barns to single-family dwelling.	2009	32
6A	McLean District Insert a new Section.	1999 (s,r)	2
6A.3.1 f)	Parking and Access Requirements Insert a provision for parking of commercial vehicles within subdistricts.	2001	28
6B	Belmont Uplands District Insert a new Section.	2002	5
6C	The Oakley Neighborhood Smart Growth Overlay District Insert a new Section to encourage the re-use of the Our Lady of Mercy Catholic Church.	207(s)	9
7.1.2	Penalty Increase \$100 to \$300 for each offense.	1992	29
7.1.3	Non-Criminal Disposition Insert a new Section.	1992	28
7.3	Design and Site Plan Review Insert a new Section.	2005	16
7.3.2 c)	Delete as of 2005 Applicability Insert “c)” for changes in General Business Districts.	1995	32
7.3.2 d)	Delete as of 2005 Applicability Insert “d)” for Wireless Telecommunications Facilities.	1998	32

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7.3.2 e)	Delete as of 2005 Applicability Insert "e)" for Conversion of public buildings with 10,000 sq. ft. or less to Multi-Family use in the LB I Zoning Districts.	2005 (s)	5
7.4	Special Permits Insert a new Section.	2005	17
7.4.3 b) 1) (7.4.2 b))	Activity Type and Mix Insert criteria to provide affordable housing.	2003	26
7.4.3 a)	Delete as of 2005 Procedure Require 15 copies for Site Plan Review.	1995	33
7.5	Development Impact Report Insert a new Section and re-number remaining Sections.	2003(s)	12
7.6.2 (7.5.2)	Powers Insert text to allow the Board of Appeals to require an applicant to pay for a consultant.	1998	33
7.6.2 (7.5.2)	Powers Board of Appeals can modify Use Variances granted before January 1, 1976.	1991	36
7.6.3 b) (7.5.3 b))	Procedure, Filing Increase number of copies required for submission.	1995	34
8	Alewife GR District Moratorium Insert a new Section prohibiting construction – expired November 30, 2001.	2000	21
8	Cushing Square Overlay District Insert a new Section to encourage mixed-use development in Cushing Square.	2006 (s)	3