

**ZONING BY-LAW AMENDMENTS BY SECTION**  
(Since the 1988 Comprehensive Update)

Including amendments through November 8, 2010  
As Approved December 16, 2010

<b><u>Section</u></b>	<b><u>Amendment</u></b>	<b><u>ATM</u></b>	<b><u>Article</u></b>
1.4	<b>Accessory Dwelling Unit</b> Insert a new definition.	2009	32
1.4	<b>Accessory Use</b> 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	<b>Antenna Surface</b> Delete the definition.	1996	24
1.4	<b>Base Flood</b> Delete the definition.	2004	26
1.4	<b>Basement</b> Delete "one half" and replace with "60%".	2005	18
1.4	<b>Catering Service</b> Insert a new definition.	2003(s)	9
1.4	<b>Cellar</b> Delete "having one-half or more than one-half" and replace with "having more than 60%".	2005	18
1.4	<b>Child Care, Large Family</b> Insert a new definition.	1999(s)	5
1.4	<b>Commercial Vehicle</b> Replace with a new definition.	2001	26
1.4	<b>DEP</b> Change DEQE to DEP and Department of Environmental Quality Engineering to Department of Environmental Protection.	1995	26
1.4	<b>Façade-Mounted Wireless Telecommunications Facility</b> Insert a new definition.	1998	25
1.4	<b>FEMA</b> Delete the definition.	2004	26
1.4	<b>FIRM</b> Delete the definition.	2004	26

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1.4	<b>Floodway</b> Delete the definition.	2004	26
1.4	<b>Freestanding Wireless Telecommunications Facility</b> Insert a new definition.	1998	25
1.4	<b>Grade</b> Amend the existing definition.	2005	18
1.4	<b>Habitable Floor</b> Delete definition.	2005	18
1.4	<b>Height, Building</b> Insert a height limit of 15 feet for garages and 10 feet for other accessory structures.	1991	31
1.4	<b>Height, Building</b> Amend existing definition.	2005	18
1.4	<b>Height, Building</b> Delete dimensional requirements from definition.	2006	28
1.4	<b>Interior Wireless Telecommunications Facility</b> Insert a new definition.	1998	25
1.4	<b>Other Retail Sales and Services</b> Insert a new definition.	2003(s)	9
1.4	<b>Outdoor Seasonal Seating</b> Insert a new definition.	2010	25
1.4	<b>Patio</b> Insert a new definition.	2000	19
1.4	<b>Restaurant</b> Replace with a new definition.	2003(s)	9
1.4	<b>Restaurant, Fast Food</b> Insert a new definition.	2003(s)	9
1.4	<b>Restaurant, Take Out</b> Insert a new definition.	2003(s)	9
1.4	<b>Roof-Mounted Wireless Telecommunications Facility</b> Insert a new definition.	1998	25
1.4	<b>Satellite Antenna</b> Insert a new definition.	1996	24
1.4	<b>Satellite Antenna</b> Insert "other than a Wireless Telecommunications Facility."	1998	26

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1.4	<b>School-Aged Child Care Home</b> Insert a new definition.	1994	39
1.4	<b>Setback</b> Delete provision for 2 foot overhang.	2006	28
1.4	<b>Special Permit Granting Authority</b> Insert new definition.	2006	28
1.4	<b>Sign, Window</b> Insert a new definition.	2008	24
1.4	<b>Story, Half</b> Delete the word "habitable".	1998	22
1.4	<b>Story, Half</b> Delete existing definition and insert a new one.	2005	18
1.4	<b>Street</b> Insert "c)" to include private ways in existence prior to September 21, 1988.	1995	27
1.4	<b>Utility or Recreational Vehicle</b> Delete the definition.	2001	26
1.4	<b>Window Display</b> Insert a new definition.	2008	24
1.4	<b>Wireless Telecommunications Facility</b> Insert a new definition.	1998	25
1.5	<b>Nonconforming Uses and Structures</b> Delete the "Nonconformance" Section and replace with new Section.	2004	27
1.5.2	<b>Delete as of 2004</b> <b>Alteration or Extension</b> Insert "structure or" between "nonconforming" and "use."	1995	28
1.5.7	<b>Delete as of 2004</b> <b>Single and Two-Family Residential Structures</b> Insert new Section to allow nonconforming properties to construct complying additions.	1994(s)	2
2.1	<b>Classes</b> Insert "McLean District".	1999 (s,r)	2
2.1	<b>Classes</b> Insert "Belmont Uplands District".	2002 (s)	5

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2.3.3	<b>Dividing Existing Lots</b> Delete the provision.	2006	29
2.4	<b>Floodplain District Delineation</b> Insert "Floodplain District".	2006	28
2.4	<b>Floodplain District Delineation</b> Delete the entire Section and replace with new text.	2010	24
3.1	<b>General Requirements</b> Insert text to allow Special Permits to be granted by the Special Permit Granting Authority.	2006	28
3.3	<b>Catering Service</b> Insert under "Business" and establish thresholds.	2003(s)	10
3.3	<b>Restaurant</b> Establish thresholds for use.	2003(s)	10
3.3	<b>Restaurant, Fast Food</b> Insert under "Business" and allow by Special Permit.	2003(s)	10
3.3	<b>Restaurant, Take Out</b> Insert under "Business" and allow by Special Permit in LBII, LBIII, and GB.	2003(s)	10
3.3	<b>Wireless Telecommunications Facility</b> Insert under "Business" and allow by Special Permit.	1998	27
3.3	<b>Day Care Center</b> Separate from family day care home and allow by-right except in PL districts.	2006	28
3.3	<b>Family Day Care Home</b> Separate from day care center and allow by Special Permit except in PL districts.	2006	28
3.3	<b>Child Care, Large Family</b> Insert under "Public and Semi-Public" and allow by Special Permit.	1999 (S)	6
3.3	<b>School-Aged Child Care Home</b> Insert under "Public and Semi-Public" and allow by Special Permit.	1994	39
3.3	<b>Conversion of Large Public Buildings</b> 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

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3.3	<b>Residential</b> Insert under "Accessory Uses" and allow housing units above commercial use by Special Permit.	2003	26
3.3	<b>Mixed Use</b> Require housing above commercial to comply with Section 6.10, Inclusionary Housing.	2007	17
3.3	<b>Noncommercial Greenhouse...</b> Delete references to dimensional regulations.	2006	28
3.3	<b>Sale of food or drink ready for consumption</b> Delete from "Accessory Uses".	2003(s)	11
3.3	<b>Doggy Day Care</b> Insert under "Accessory Uses" and allow by Special Permit in SR-A, B, C, and D.	1995	29
3.3	<b>Open Lot Storage</b> Under "Accessory Uses" delete from "Open lot storage or parking of a boat; ..." the words "recreational vehicle."	2001	27
3.3	<b>Shared Institutional Parking</b> Insert under "Accessory Uses" and allow by-right or Special Permit depending on type of vehicle and time of day.	2009	30
3.3	<b>Satellite Antenna</b> Insert under "Accessory Uses" and allow by-right if less than 1.8 square feet.	1996	26
3.3	<b>Satellite Antenna</b> Insert under "Accessory Uses" and allow by Special Permit if greater than 1.8 square feet.	1996	25
3.3	<b>Satellite Antenna</b> Insert under "Accessory Uses" and allow by by-right if less than one meter.	1999	18
3.3	<b>Satellite Antenna</b> 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	<b>Satellite Antenna</b> Insert under "Accessory Uses" and allow by Special Permit if more than two meters.	1999	18
3.3	<b>Interior Wireless Telecommunications Facility</b> Insert under "Accessory Uses" and allow by-right.	1998	28
3.3	<b>Other Wireless Telecommunications Facility</b> Insert under "Accessory Uses" and allow by Special Permit.	1998	28

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3.3	<b>Footnote 1 - Minimum Affordable Unit</b> Residential above commercial requires at least one affordable unit.	2003	26
3.4.2	<b>Home Occupations</b> Delete the entire Section and replace with new text.	1995	30
3.4.2	<b>Home Occupations</b> Allow home occupations in accessory structures per §6.11.	2009	31
4.2.2	<b>Side Yard Setback</b> Eliminate side yard setbacks in LBII and LBIII except abutting residential districts.	2003	24
4.2.2	<b>Linear Requirements Table</b> In the Districts column, delete footnote 9 in LBI, II, and III.	2004 <sub>(s)</sub>	10
4.2.2	<b>Building Height, Feet</b> Reduce height in the GR District from 36' to 33'.	2005	18
4.2.2 3)	<b>Rear Yard Setback</b> Insert new text to allow lots less than 100 feet deep to reduce rear setbacks.	1994	30
4.2.2 8)	<b>Residential Structures Conform to GR</b> Delete existing provision.	2006	28
4.2.2 8)	<b>Projections into Setbacks</b> Allow up to two foot projections into setbacks.	2006	28
4.2.2 9)	<b>Side and Rear Setbacks in LBII &amp; III, GB</b> Require greater setbacks for structures that were residences and abut residential districts.	2003	24
4.2.2 9)	<b>Side and Rear Setbacks in LBII &amp; III, GB</b> Require greater setbacks abutting residential districts.	2004 <sub>(s)</sub>	10
4.2.2 12)	<b>Side Setback in LBIII</b> Require greater side setback for structures that were formerly residences.	2004 <sub>(s)</sub>	10
4.3.5	<b>Accessory Buildings</b> Re-structure and divide into four categories.	2006	28
4.3.5 c)	<b>Rear Yard Restrictions</b> Insert text to allow additions to extend beyond the front façade of existing unattached garages.	1998	23
4.3.5 c)	<b>Rear Yard Restrictions</b> Replace 'garage' with accessory building.	2007(s)	6

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4.3.5 c)	<b>Rear Yard Restrictions</b> Requires a 5 foot setback for accessory structures.	2008	22
4.3.5 d) 1	<b>Satellite Antennae</b> 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
4.3.5 d) 1	<b>Satellite Antennae</b> 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	<b>Satellite Antennae</b> 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	<b>Satellite Antennae</b> 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	<b>Corner Setbacks for Fences and Other Landscaping</b> Insert text limiting the height of fences and landscaping as they intersect with sidewalks, streets, and other pavement.	2006	31
5.1.1 c)	<b>Annual Access Fee for Parking</b> Delete provision.	2003(s)	12
5.1.2 d)	<b>Restaurant</b> Insert sentence to exempt up to 20 Outdoor Seasonal Seats when calculating parking requirements.	2010	25
5.1.3 a)	<b>Parking and Loading Area Locations and Design</b> Delete existing subsection 'a' and replace with new subsection 'a. Non-residential'.	2005	18
5.1.3 b)	<b>Parking and Loading Area Locations and Design</b> Insert a new subsection 'b. Residential' and re-alphabetize existing Sections accordingly.	2005	18
5.2.3 c)	<b>Window Signs</b> Limits size window signs and temporary signs.	2008	24
5.2.4 b) 1	<b>Attached Signs</b> Replace with new text.	1991	34
5.2.4 b) 1	<b>Attached Signs</b> Designate the Planning Board as the Permit Granting Authority.	2006	28

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5.2.4 b) 3	<b>Standing Signs</b> Replace with new text.	1991	35
5.2.4 b) 3	<b>Standing Signs</b> Designate the Planning Board as the Permit Granting Authority.	2006	28
5.2.4 b) 3	<b>Standing Signs</b> Reduce the size of standing signs n LBI and LBIII districts.	2006 (s)	6
5.2.4 b) 3	<b>Attached Signs</b> 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	<b>Applicability</b> Insert “or Freestanding Wireless Telecommunications Facility”.	1998	29
5.3.4	<b>Screening</b> Insert “or Free-Standing Wireless Telecommunications Facility”.	1998	30
5.4.4 a)	<b>Air Quality</b> Change DEQE to DEP.	1995	26
5.4.5 d)	<b>Hazardous Materials</b> Change DEQE to DEP.	1995	26
6.1	<b>Swimming Pools</b> Delete entire Section and insert reference to the State Building Code.	2000	20
6.3A	<b>Public Building and School Conversion</b> Re-number the existing Section 6.3 to 6.3A.	2005 (s)	5
6.3A.1.b) (6.3.1 b))	<b>Objectives</b> Insert an objective to include diversity in type and affordability of housing.	2003	26
6.3A.3.c) (6.3.3 c))	<b>Special Permit Criteria</b> Reduce lot area per dwelling unit allowed if providing affordable housing.	2003	26
6.3B	<b>Public Buildings and School Conversion – 10,000 Square Feet or Less in LB I</b> Insert Section to convert public buildings to residential use by-right if the building is 10,000 sq. ft. or less.	2005 (s)	5

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<b>6.3B</b>	<b>Public Buildings and School Conversion – 10,000 Square Feet or Less</b> Limit conversion of public buildings to 3 units in any zoning district.	2007	18
<b>6.5.1 d)</b>	<b>Objectives</b> Insert an objective for affordable housing.	2003	26
<b>6.5.3 b)</b>	<b>Number of Dwelling Units</b> Allow more units if providing affordable housing.	2003	26
<b>6.6</b>	<b>Floodplain District</b> Delete the entire Section and replace with new text.	2004	26
<b>6.6.2</b>	<b>Definitions</b> Insert reference to State Law and delete those definitions already defined by State Law.	2006	28
<b>6.6.2</b>	<b>Flood Hazard Boundary Map (FHBM)</b> Replace 'Zone A or E' with 'Zone A or AE'.	2010	24
<b>6.6.3</b>	<b>District Delineation</b> Delete provision and re-number the Sections accordingly.	2006	28
<b>6.6.4</b> <b>(6.6.5)</b>	<b>Requirements</b> Replace Department of Environmental Quality Engineering with Department of Environmental Protection.	1995	26
<b>6.6.4</b>	<b>Requirements</b> Replace references to CMR in the first and third subsections with updated references.	2010	24
<b>6.6.5 a)</b>	<b>Floodway Data</b> Replace 'Zone A, A1, 30 and AE' with 'Zone A and Zone AE'.	2010	24
<b>6.6.7</b> <b>(6.6.8)</b>	<b>Waiver</b> Insert new text.	1995	31
<b>6.8</b>	<b>Wireless Telecommunications Facilities</b> Insert a new Section.	1998	31
<b>6.8.5 c) 11)</b>	<b>Factors to Consider</b> Require "consideration of interference from other devices."	1998	31
<b>6.9</b>	<b>Affordable Housing</b> Insert a new Section.	1999 (s,r)	2
<b>6.9</b>	<b>Affordable Housing</b> Identify Zone 6, General Residence District on the McLean District Zoning Map.	2006 (s)	2

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6.10	<b>Inclusionary Housing</b> Insert a new Section.	2003	25
6.10	<b>Inclusionary Housing</b> Delete the entire Section and replace with new text.	2009 (s)	9
6.10.2.3) c.	<b>Delete as of 2009</b> <b>Affordable Housing Unit Definition</b> Insert definition to include Local Initiative Program (LIP).	2004	28
6.10.2.4) a.	<b>Delete as of 2009</b> <b>Annual Shelter Cost</b> Reduce down payment to 5%.	2004	28
6.10.6 2)	<b>Delete as of 2009</b> <b>Requirements</b> Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
6.10.7 3)	<b>Delete as of 2009</b> <b>General Provisions</b> Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
6.10.7 4)	<b>Delete as of 2009</b> <b>Requirements</b> Replace 'Zoning Board of Appeals' with 'Special Permit Granting Authority'.	2009	29
6.11	<b>Demolition Moratorium</b> Insert a new Section – expired May 31, 2005.	2004	29
6.11	<b>Historic Accessory Building Preservation</b> Insert a new Section to allow conversion of 'historic' barns for home occupations.	2009	31
6.11.3	<b>Applicability</b> Allow conversion of 'historic' barns into single-family dwellings.	2009	32
6.11.4 d)	<b>Procedure</b> Clarify that listed criteria is for home occupation.	2009	32
6.11.4 e)	<b>Procedure</b> Insert criteria for conversion of 'historic' barns to single-family dwelling.	2009	32
6A	<b>McLean District</b> Insert a new Section.	1999 (s,r)	2

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<b>6A.3.1 f)</b>	<b>Parking and Access Requirements</b> Insert a provision for parking of commercial vehicles within subdistricts.	2001	28
<b>6B</b>	<b>Belmont Uplands District</b> Insert a new Section.	2002	5
<b>6C</b>	<b>The Oakley Neighborhood Smart Growth Overlay District</b> Insert a new Section to encourage the re-use of the Our Lady of Mercy Catholic Church.	2007 (s)	9
<b>6D</b>	<b>Central/Palfrey Squares Interim Planning Overlay District</b> Insert a new Section to encourage the re-development of Central and Palfrey Squares - expires after the 2012 Annual Town Meeting.	2009 (s)	8
<b>7.1.2</b>	<b>Penalty</b> Increase \$100 to \$300 for each offense.	1992	29
<b>7.1.3</b>	<b>Non-Criminal Disposition</b> Insert a new Section.	1992	28
<b>7.3</b>	<b>Design and Site Plan Review</b> Delete the entire Section and replace with new text.	2005	16
<b>7.3.2 c)</b>	<b>Delete as of 2005 Applicability</b> Insert "c)" for changes in General Business Districts.	1995	32
<b>7.3.2 d)</b>	<b>Delete as of 2005 Applicability</b> Insert "d)" for Wireless Telecommunications Facilities.	1998	32
<b>7.3.2 e)</b>	<b>Delete as of 2005 Applicability</b> 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
<b>7.3.3 c</b>	<b>Application Procedures</b> Allows an Associate Planning Board member to sit during a Design and Site Plan Review application.	2010 (s)	6
<b>7.4</b>	<b>Special Permits</b> Delete the entire Section and replace with new text.	2005	17
<b>7.4.1</b>	<b>Special Permit Granting Authority</b> Allows an Associate Planning Board member to sit during a Special Permit application.	2010 (s)	6

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<b>7.4.3 b) 1) (7.4.2 b))</b>	<b>Activity Type and Mix</b> Insert criteria to provide affordable housing.	2003	26
<b>7.4.3 a)</b>	<b>Delete as of 2005 Procedure</b> Require 15 copies for Site Plan Review.	1995	33
<b>7.5</b>	<b>Development Impact Report</b> Insert a new Section and re-number remaining Sections.	2003(s)	12
<b>7.6.2 (7.5.2)</b>	<b>Powers</b> Insert text to allow the Board of Appeals to require an applicant to pay for a consultant.	1998	33
<b>7.6.2 (7.5.2)</b>	<b>Powers</b> Board of Appeals can modify Use Variances granted before January 1, 1976.	1991	36
<b>7.6.3 b) (7.5.3 b))</b>	<b>Procedure, Filing</b> Increase number of copies required for submission.	1995	34
<b>8</b>	<b>Alewife GR District Moratorium</b> Insert a new Section prohibiting construction – expired November 30, 2001.	2000	21
<b>8</b>	<b>Cushing Square Overlay District</b> Insert a new Section to encourage mixed-use development in Cushing Square.	2006 (s)	3