

# Zoning By-Law

for the

## Town of Arlington

MASSACHUSETTS



as amended to

**SEPTEMBER, 1970**



## ARLINGTON ZONING BY-LAWS

Ammendments made by 1971 Annual Town Meeting that became effective September 9, 1971.

This pamphlet includes all Zoning changes since "Blue" September 1970 Zoning By-Law was printed and up to December 1971.

### Section 4. Paragraph 4 - Delete and insert following: (Page 4)

"No appeal or petition and no application for a special exception to the terms of this by-law which has been unfavorably acted upon shall be considered by the Zoning Board of Appeals within two years after the date of such unfavorable action except with the consent of all but one member of the Planning Board."

### Section 4. Paragraph 5. - Delete and insert following: (Page 4)

"Any person or persons desiring to obtain the permission of the Zoning Board of Appeals for any purpose for which such permission is required under the provisions of this by-law shall make application in writing therefor within thirty (30) days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof to the Zoning Board of Appeals which shall, within a reasonable time, hold a public hearing thereon. Notice of such hearing and of the subject matter, sufficient for identification, shall be given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing."

### Section 15-C. Add following new paragraph at end (Page 18)

"In the Residence C and C-1 districts, there will be a minimum lot size required of 20,000 square feet before an apartment house may be constructed. There will be a minimum frontage at the street line of 100 feet."

### Section 15-B. Delete second sentence of first paragraph and insert following: (Page 18)

"Such accessible and usable spaces, plus space for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one and thirty-five hundredths (1.35) parking spaces for each dwelling unit in each such structure."



**Section 15-1. Subparagraph (b) - Delete and insert following: (Page 19)**

"(b) Any purpose except one or more of the following:

1. Any use which is permitted in a Residence A district.
2. Apartment House.
3. Professional and business offices in an existing building subject to approval of the Zoning Board of Appeals and provided the building retains its characteristic design.
4. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto, including a private garage."

**Section 15-3. Delete second sentence of first paragraph and insert following: (Page 20)**

"Such accessible and usable spaces, plus space for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one and thirty-five hundredths (1.35) parking spaces for each dwelling unit in each such structure."

**Section 15-3. Add following new paragraph at end: (Page 20)**

"For professional or businesses offices, parking will be provided at a ratio of three spaces for each 1,000 square feet of gross floor area. Gross floor area for this purpose will exclude basements and attics unless they are used for offices."

**Section 15-4. Add following to Table: (Page 20)**

"Minimum lot size	20,000 square feet"
"Minimum frontage width	100 feet"

**Section 15-1.2 Delete second sentence of first paragraph and insert following: (Page 22)**

"Such accessible and usable spaces, plus space for entrances, exits and driveways, in said off-street parking area shall be provided at the ratio of at least one and thirty-five hundredths (1.35) parking spaces for each dwelling unit in each such structure."

**Section 15-1.3 Add the following new paragraph at end: (Page 23)**

"In the Residence E district, there will be a minimum lot size required of 20,000 square feet before an apartment house may be constructed under this section. There will be a minimum frontage at the street line of 100 feet."

**Section 15-2.2 Delete second sentence of first paragraph and insert following: (Page 24)**

"Such accessible and usable spaces, plus spaces for entrances, exits, and driveways, in said off-street parking area, shall be provided at a ratio of at least one and thirty-five hundredths (1.35) parking spaces for each dwelling unit, in each structure, except low income, multi-family housing for the elderly built under state or federal public housing programs by the Arlington Housing Authority."

**Section 17-2.1 Add following to Table in sub paragraph (a): (Page 32)**

"10. Parking structures.

11. Such accessory purposes as are customary or usual in connection with any of the foregoing purposes and are incidental thereto."

**Section 17-2.2 Add new paragraph at end: (Page 33)**

"The floor area in all buildings in a Planned Unit Development shall not exceed a floor area ratio of 4.0 excluding parking structures, malls and plazas."

**Section 17-2.3 Amend Section 17-2.3 of the Zoning By-Law by deleting the minimum required spaces and uses for numbers 1, 3, 5, and 6 and substituting therefor the following new 1, 3, 5, and 6: (Page 34)**

"1. Apartments	1.35 spaces/unit
3. Retail stores, financial institutions, consumer services, etc.	2.5 spaces for each 1,000 sq. ft. of floor space or fraction thereof.
5. Offices, wholesale showrooms	1.75 spaces for each 1,000 sq. ft. of floor space or fraction thereof.
6. For any use not specifically listed or any use permitted by the Zoning Board of Appeals.	1.5 spaces for each 1,000 sq. ft. of floor space or land utilized."

**Section 17-2.3 Further amend this Section by adding the following at end: (Page 34)**

"All parking proposed for each building or use shall be within 700 feet of the building or use it is intended to serve. In every Planned Unit Development district containing ten acres or more, the developer shall be entitled to a reduction in the minimum required parking of 10% (ten percent) when two or more types of uses as listed in Section 17-2.1 are provided in the development and where the different types of uses will require parking at differing times."

**Section 17-2.5 Delete first two paragraphs and insert following: (Page 35)**

**Section 17-2.5 Site Plan Approval**

Every developer in a Planned Unit Development district shall file with the Board of Selectmen an application for a site-plan review. The application shall include the material listed in "Contents of Plan" below and shall include any material required by the rules of the Board of Selectmen. The Board of Selectmen shall review the site plan and



may grant an exception by special permit subject to the following conditions and safeguards. The Board of Selectmen for stated reasons may deny approval of a site plan or may approve a site plan without a finding of hardship.

The site plan shall be subject to the following conditions and the Board of Selectmen shall make a determination that the project meets these conditions:

1. The site of the structures or uses is in an appropriate location.
2. The use or uses when developed will not adversely affect the neighborhood.
3. That ingress and egress for traffic flow is designed properly so that there will be no serious hazard to vehicles or pedestrians.
4. That adequate parking facilities are provided for each use and structure in the development.
5. If a partial site plan is proposed for one building that will eventually be part of a larger development, then the site plan must show the relationship to the other proposed uses or structures and to the total development. Subsequent site plans must be submitted for each additional structure or complex of buildings.

Before granting a special permit for a site plan approval, the Board of Selectmen shall hold a public hearing notice of which shall be given in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership, and to all property owners deemed by the Board of Selectmen to be affected thereby. The Board of Selectmen shall make its finding within sixty (60) days from the date of application. If the Board of Selectmen fails to issue its finding within sixty (60) days, the site plan shall be deemed approved and a special permit granted. The Board of Selectmen shall make a copy of the site plan, the application and any other supporting material submitted, immediately available to the Department of Planning and Community Development and to the Planning Board, and they shall have an opportunity to prepare written reports with recommendations to be submitted to the Board of Selectmen before or invalidate action by the Board of Selectmen. A favorable decision by at the public hearing. The failure of either the Planning Board or the Department of Planning and Community Development to submit written reports or to give an oral report at the public hearing shall not invalidate action by the Board of Selectmen. A favorable decision by the Board of Selectmen shall require the votes of at least four members of said Board.



2. Plants growing in the soil.
3. Automobile parking lots.
4. Exterior signs, if so arranged as not to shine upon secondary streets and away from adjacent residential districts.
5. Exterior lights, if so arranged as to reflect away from streets and from adjacent residence districts.

#### Section 17-1.5 Off-Street Parking

Off-street parking shall be provided at a ratio of one paved parking space for each 1,000 square feet of floor space in the building on land under the same ownership. The Zoning Board of Appeals may waive the parking requirements if in its judgment the proposed off-street parking is not accessible from a public street.

### PLANNED UNIT DEVELOPMENT DISTRICTS

#### Section 17-2.1 Use Regulations

In this district the following uses are permitted

- (a) One or more of the following uses:
  1. Apartment houses, hotels or motels.
  2. Stores, salesroom or showrooms for the conduct of retail business.
  3. Wholesale showrooms with storage limited to floor samples only.
  4. Restaurants or other places for the serving of food or beverages with dancing or entertainment permitted.
  5. Theaters, places of public assembly and indoor places of amusement.
  6. Business or professional office or agency.
  7. Public or semi-public building.
  8. Bank or other financial institution.
  9. Consumer service establishments.
- (b) Subject to approval by the Zoning Board of Appeals as to area suitability and traffic generating capacity, the following additional uses will be permitted:
  1. Public garage or filling station, provided that no business or activity shall be carried on between midnight and 6 A.M.
  2. Automobile agency or dealerships for new cars provided all parking and unloading shall be carried on off street, and further provided that the sale of used cars shall be incidental to the sale of new cars.
  3. Public Parking lots provided they are hard surfaced and striped for orderly parking.

- (c) All business in the District shall be carried on within a building or within 20 feet of the building unless a definitely planned area is shown on the building permit plans for the seasonal sale of goods, such as but not limited to, nursery stock, lawn furniture, garden supplies and Christmas trees.

#### Section 17-2.2 Height and Area Regulations

The minimum lot area for a Planned Unit Development in a Planned Unit Development district shall be 200,000 square feet in one lot or a series of contiguous lots in individual ownership that equal 200,000 square feet. Lots in separate ownership of less than 200,000 square feet shall be developed in accordance with the requirements of the Business "A" District. Upon approval of a site plan, as required in Section 17-2.5, 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 landscaping or plaza area to serve it as required by this Section 17.

The buildings upon the land 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 Residence "A" or "B". In all other areas, the buildings shall be set back one-quarter of the height of the average of principal buildings along the lot line but not less than 25 feet from all front, side, and rear lot lines. Underground parking may be built to the lot line in required setback areas provided it does not extend above the grade of the curb line. Parking structures inside required setback lines may utilize roof parking provided the structure contains at least two stories of parking above the average curb elevation of the nearest street to the structure.

The height of the buildings shall not exceed 200 feet above the average elevation of the curbs or the streets abutting the property. The buildings, parking structures, plazas, and arcades may cover all of the land not required for setbacks.

#### Section 17-2.3 Parking Requirements

In the Planned Unit Development Districts, adequate off-street parking shall be provided for all vehicles normally visiting the property at any one time. The parking may be ground level, underground, or in a garage structure.

Parking shall be provided at the following rates for the differing types of use within the Planned Unit Development District on land in the same ownership or on land within 200 feet to the nearest space of a principal entrance to the building that it will serve, and further,

that a recorded agreement for the use of the land for parking for the reasonable life of the building will be provided.

Use	Minimum Required Spaces
1. Apartments	1 space/unit + 10% for visitors.
2. Hotels and Motels	1 space/room + 1 space for 3 seats in restaurants and meeting rooms.
3. Retail stores, financial institutions, consumer services, etc.	1 space for each 1,000 square feet of floor space or fraction thereof.
4. Restaurants, theaters, or places of public assembly	1 space for every three seats.
5. Offices, wholesale showrooms	1 space for each 2,000 square feet of floor space or fraction thereof.
6. For any use not specifically listed or permitted by the Zoning Board of Appeals.	1 space for each 1,000 square feet of floor space or fraction thereof.
7. Each of the above uses will require a minimum space of —	8.5 feet × 20 feet plus aisle or maneuvering area.

#### Section 17-2.4 Landscaping and Recreation Area

Every principal building shall have a landscaped area around it adequate to provide an attractive setting for the building in accordance with the following schedule:

Use	Landscaping & Recreation Area
1. Apartments	Provide a land area or plaza area equal to 40% of the ground areas of the building. Balcony areas shall count as provided in Section 15-D.
2. Hotels and Motels	An area equal to 30% of the ground area of the building with plazas, arcades, swimming pools to be counted.
3. Retail stores	None required around the building if an enclosed mall or arcade is provided facing each retail store.
4. Office and Professional Buildings	An area equal to 30% of the ground area of the building with mall, arcade or plaza area to count as equal.

In all setback areas, all front, side, or rear yards shall be landscaped with grass, plantings, walkways, benches, etc. The details of the required landscaping and recreation areas shall be approved by the Planning Board in a site plan review prior to seeking of a building permit or action by the Board of Appeals. Where a Planned Unit Development complex abuts residential property, the developer shall provide appropriate plants or shrubs and fences or a combination of both.

#### Section 17-2.5 Site Plan Approval

Every development in a Planned Unit Development District proposed for construction shall file an application for a site plan review and approval by the Department of Planning and Community Development. This application shall include the material listed under "Contents of Plan" below. The application with plans shall be filed in triplicate and the Department of Planning and Community Development shall have thirty days in which to review the plans for compliance with zoning. The Department of Planning and Community Development shall forward the plans to the Planning Board for its review and recommendations.

If the site plans for development in this district comply with the requirements of the zoning regulations, the developer may proceed with the requirements leading to the issuance of a building permit.

**Contents of Plan.** The site plan application and other data required to be submitted in triplicate shall contain the following data:

1. It shall be drawn at a scale of one-inch equals 20 feet unless another scale is requested and found suitable by the Department of Planning and Community Development.
2. The Plan shall be prepared by a land surveyor, professional engineer or architect.
3. The scale, date, and north arrow shall be shown.
4. The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the building(s), setbacks, and all other required dimensions, elevations, and measurements and further that the plan be signed under the penalties of perjury.



5. The corner points of the lot\* and the change of direction of lines to be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker, and shall be so marked.
6. Lot\* number, dimensions of lot\* in feet, size of lot in square feet, and width of abutting streets and ways.
7. Easements within the lot\* and abutting thereon.
8. The location of existing and proposed building(s) on the lot.
9. The dimensions of the existing and proposed building(s) in feet.
10. The distance in feet of existing and proposed building(s) from the lot lines.
11. The distance between buildings on the same lot.
12. The percent of the lot\* area covered by the building(s).
13. The average finished grade of each building.
14. The elevation above average finished grade of the floor and ceiling of the lowest floor of each building.
15. Topographical lines at two-foot intervals.
16. The use designation of each building or part thereof, and of each section of open ground, plaza, or usable roof space.
17. Numbering of parking spaces.
18. Height of all buildings above average finished grade of each.
19. Number of apartments, hotel rooms, meeting rooms, and restaurant and theater seats.
20. Total square feet of floor space for each use.
21. Dimensions and size in square feet of all landscape and recreation areas, and depiction of materials to be used (grass, 5-foot shrubs, etc.).

\*Refers also to series of contiguous lots under single ownership.

## INDUSTRIAL DISTRICTS

### Section 18. Use Regulations

In the Industrial districts, buildings or land may be used and buildings may be altered or erected for any legal use except the following:

- (1) Abattoir and commercial slaughtering

- (2) Manufacturing of corrosive, poisonous or malodorous acids and chemicals
- (3) Cement, lime, gypsum and plaster of Paris manufacture
- (4) Fertilizer manufacture. Fat rendering in manufacture of tallow, grease and oils
- (5) Glue, size and gelatin manufacture
- (6) Petroleum and kerosene refining or distillation and derivation of by-products
- (7) Manufacture of explosives and the stores of explosives in bulk
- (8) Smelting and reduction of copper, tin, zinc, and iron ores
- (9) Similar uses which are dangerous by reason of fire or explosion, or injurious, noxious or detrimental to the neighborhood by reason of the emission of dust, odor, fumes, smoke wastes, refuse matter, noise, vibrations or because of any other objectionable feature
- (10) A residence use for more than one family in building used for an industrial purpose
- (11) A yard for the storage or sale of used building or junk material.

### Section 18-A. Building Coverage and Court Regulations

In the Industrial districts, all buildings used for residential purposes shall conform to the building coverage and court regulations set forth in Section 17-A for Business B districts.

### Section 18-B. Height and Area Regulations

The Height and Area regulations in the Industrial Districts are hereby established as set forth in the "Schedule of Area Regulations" attached hereto. All buildings in the Industrial Districts used for residential purposes shall conform to the height and yard regulations as set forth for Residence B districts, except that all buildings containing three or more dwelling units shall conform to the height and area regulations as set forth in Section 15-1.3 of the Zoning By-Law for Residence E Districts.

### Section 18-C Parking Requirements

In the Industrial Districts automobile parking spaces and drive-ways for buildings containing three or more dwelling units shall be