

# TOWN OF WATERTOWN



# ZONING ORDINANCE

Amended as of February 11, 2014

ZONING ORDINANCE

Watertown Planning Board  
Watertown, Massachusetts

Amended February 11, 2014

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**ARTICLE I**

**PURPOSE AND INTERPRETATION**

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1.00 Purpose of Zoning Ordinance    1.01 Interpretation

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**SECTION 1.00    PURPOSE OF ZONING ORDINANCE**

The purpose of this Zoning Ordinance is declared to be the promotion of the public health, safety, convenience and welfare by

- (a) encouraging the most appropriate use of land;
- (b) preventing overcrowding of land;
- (c) conserving the value of land and buildings, including the conserving of natural resources and the preventing of blight and polluting of the environment;
- (d) lessening congestion of traffic including, but not limited to, providing adequate operating area for bicycles and secure bicycle parking;
- (e) preventing undue concentration of population;
- (f) providing for adequate light and air;
- (g) reducing hazards from fire and other dangers;
- (h) assisting in the economical provisions of transportation, water, sewerage, schools, parks and other public facilities;
- (i) encouraging housing for persons of all income levels;
- (j) preserving and increasing the amenities of the Town; and
- (k) giving effect to policies of the Watertown Master/Comprehensive Plan or other adopted land use plans that currently apply and may from time to time be amended, and to applicable policies of the Commonwealth of Massachusetts that currently apply and may from time to time be amended.

**SECTION 1.01    INTERPRETATION**

In their interpretation and application the provisions of this Zoning Ordinance shall be held to be the minimum requirements adopted for the promotion of its purposes.

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## **SECTION 2.00 DEFINITIONS**

For the purposes of this Zoning Ordinance, words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future. The word "shall" is mandatory and not merely directory. The word "building" includes "structure". The word "lot" includes the word "plot". The word "land" includes the words "marsh", "wetland" and "water". The following words and phrases (whether capitalized or not) shall have the meanings given in the following clauses, unless a contrary intention clearly appears.

### **SECTION 2.01 ACCESSORY**

- (a) Accessory building/structure: a building or structure devoted exclusively to a use accessory to the principal use of the lot.
- (b) Accessory use: a use incident to, and on the same lot as, a principal use, including telecommunication and communication facilities used exclusively for the private residence or business and not as an independent commercial enterprise.

### **SECTION 2.02 AGRICULTURE**

On more than five acres of land, agriculture includes all branches of farming as defined in M.G.L.c.128, Section 1A. On less than five acres of land, agriculture excludes the raising of livestock, including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, or fur-bearing animals.

### **SECTION 2.03 ADULT STORES**

An establishment that has a substantial or significant portion of its stock in trade, books, magazines and other matter or paraphernalia which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement, as defined in M.G.L.Ch.272, S.31.

### **SECTION 2.04 ADULT THEATER**

An enclosed building used for presenting material or live entertainment distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.Ch.272, S.31.

### **SECTION 2.05 ASSISTED LIVING**

A housing setting for individuals who need assistance with activities of daily living such as bathing, dressing, grooming, eating, and transferring, and may include instrumental activities of daily living such as housekeeping, shopping, transportation. Each resident may have their own room or rooms which may include bathroom, bedroom, living room and kitchen-dining areas. (or as updated, M.G.L. Chapter 19D, Assisted Living)

### **SECTION 2.06 BASEMENT**

A portion of a building partly underground but having more than one-half of its clear height below the average grade of the adjoining ground.

### **SECTION 2.07 BUFFER ZONE**

Areas of land maintained in a landscaped fashion or in a natural state that are open, unpaved and unbuilt upon; for the purposes of this Zoning Ordinance, crushed stone shall not be considered as an appropriate buffer zone treatment.

**SECTION 2.08 BUILD-TO-LINE**

The line with which the exterior of a building must coincide.

**SECTION 2.09 BUILDING**

A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context allows as though followed by the words "or part or parts thereof."

**SECTION 2.10 BUILDING AREA**

The total area, expressed in square feet, of all floors of a building or structure measured to the exterior walls thereof.

**SECTION 2.11 BUILDING COVERAGE**

The area of a lot that is covered by the footprint of the principal building and accessory structures, including covered stairways, porches, covered vestibules or porticos, but not including driveways, walkways, attached chimneys, bulkheads, in-ground and above-ground swimming pools or uncovered decks.

**SECTION 2.12 BUILDING FRONT YARD**

The area of the Front Yard located between the Front Lot Line and each side of the Principal Building on the Lot.

**SECTION 2.13 BUILDING, PRINCIPAL**

Any building in which the predominant use of the lot or parcel is contained.

**SECTION 2.14 BUSINESS ACCESSORY USE, USUAL**

- (a) Light manufacturing or preparation of products customarily sold on the premises by the producer to the consumer, limited to not more than twenty-five percent (25%) of the Gross Floor Area of the business and engaging not more than five (5) employees at one time.
- (b) Accessory outdoor storage of commodities or materials for processing or sale upon the premises, provided that any outdoor storage in a yard adjoining a lot in a residence district shall be screened as provided in Section 4.14 or as otherwise required by this Zoning Ordinance.
- (c) The sale of gasoline and oil accessory to and within a permitted parking garage for more than ten (10) cars or accessory to a parking lot limited to the employees of the owner, or the making of minor repairs completely within such parking garage or within a building on such parking lot.

**SECTION 2.15 CORNER LOT**

A lot at the junction of and fronting on two or more intersecting streets or ways. On a corner lot the Front Yard setback requirement shall be applied to only one side of the corner lot property. The Zoning Enforcement Officer shall determine which portion of the lot is the Front Yard for purposes of determining the required Setback.

## **SECTION 2.16      CONVERSION**

Any residential building containing one or more dwelling units that is altered by interior and/or exterior changes so as to increase the number of dwelling units in the building to some number greater than (i) the existing number of dwelling units or (ii) the number of dwelling units the building was originally designed for. Further, any commercial building for which a residential or industrial reuse is proposed, or any industrial building for which a residential or commercial reuse is proposed, shall be considered a conversion and shall be subject to the appropriate regulations of this Ordinance.

## **SECTION 2.17      DRIVEWAY**

An open space located on a lot, which may be paved, and built for access to a garage or off-street parking or loading space(s).

## **SECTION 2.18      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 "single-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory. Where the following terms appear in this ordinance they shall have the following meanings:

*DWELLING, SINGLE-FAMILY:* A detached residential building designed or intended or used as the home or residence of one family.

*DWELLING, TWO-FAMILY:* A detached residential building designed or intended or used exclusively as the home or residence of two families. For purposes of this ordinance, a two-family dwelling includes (1) a building containing two dwelling units joined side by side, sharing a common wall for at least fifty (50%) percent of its height and depth, excluding space used for accessory uses; i.e., in which no part of one dwelling unit is over any part of the other dwelling unit, or (2) a house containing two dwelling units, in which all or part of one dwelling unit is over all or part of the other dwelling unit.

*DWELLING, THREE-FAMILY:* A detached residential building designed or intended or used exclusively as the home or residence of three families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

*DWELLING, MULTI-FAMILY:* A 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, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided.

*DWELLING, ROWHOUSE OR TOWNHOUSE:* A row of at least three (3) but not more than eight (8) one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or townhouse, may be owned by a separate owner and shall have its own at grade access.

## **SECTION 2.19      DWELLING UNIT**

Living quarters for a single family with cooking, living, sanitary and sleeping facilities independent of any other unit.

## **SECTION 2.20      ERECT**

To construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

## **SECTION 2.21      EXEMPT RELIGIOUS OR EDUCATIONAL USE**

Those uses which are exempt from zoning regulations as specified in Chapter 40A, Section 3 of the General

Laws of Massachusetts, namely the use of land or structures for religious purposes or for educational purposes where educational purposes are pursued or provided by the state or any of its agencies, subdivisions or bodies politic, or by a nonprofit educational corporation, or as may be later amended.

#### **SECTION 2.22 EXISTING**

In existence or as existing at the date of adoption of this Zoning Ordinance in 1926 or any amendment hereto.

#### **SECTION 2.23 FAMILY**

An individual, or two or more persons occupying a dwelling unit and living together as a single, non-profit housekeeping unit; provided that a group of five or more persons who are not kindred to each other, as defined by civil law, shall not constitute a Family.

#### **SECTION 2.24 FAMILY DAY CARE**

Family day care home as defined in Section 9 of M.G.L.c.28A, for not more than ten children. Unless otherwise stated in this Bylaw, family day care licensed by the Massachusetts Office for Children shall be considered an accessory use incidental to a residential use.

#### **SECTION 2.25 FAST FOOD ESTABLISHMENT**

Any place or premises used for sale, dispensing, or serving of food, refreshments or beverages where the primary business of the establishment is the sale of said items which are packaged or presented in such a manner that they can be readily eaten outside the building where it is sold.

#### **SECTION 2.26 FENCE**

A man-made barrier intended to divide or mark a boundary between lots or parcels of land not to exceed six (6) feet in height in a residential district and eight (8) feet in height in non-residential districts, in each case measured from the existing finished grade of the lot, except for such lower heights as may be required by Section 4.12. For purposes of this Zoning Ordinance, fences required around swimming pools shall be treated separately and shall be governed by the provisions of Section 4.03(b).

#### **SECTION 2.27 FLOOD, BASE**

The flood having a one percent chance of being equaled or exceeded in any one year.

#### **SECTION 2.28 FLOODWAY/100-YEAR FLOODPLAIN**

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. The 100-year floodplain is the area adjoining a river or stream which has been, or may hereinafter be, covered by flood waters from a 100-year flood.

#### **SECTION 2.29 FLOOR AREA RATIO (FAR)**

Gross floor area of all buildings on the Lot measured in square feet, divided by the total square footage of the Lot.

#### **SECTION 2.30 FRONT BUILDING LINE**

The wall of the Principal Building on a Lot which is parallel or most nearly parallel to the Street Line.

#### **SECTION 2.31 FRONTAGE**

That part of a lot or lot line abutting on a street or way, to which the front façade of all buildings shall be

oriented and if in question, as determined by the Zoning Enforcement Officer. (See also, SECTION 2.48, LOT FRONTAGE).

**SECTION 2.32 GASOLINE SERVICE STATION**

Area of land, including the structures thereon, that is used for the sale of gasoline or motor vehicle fuel, oil and other lubricating substances, and including the sale of motor vehicle accessories, and which may or may not include facilities for lubrication, washing, or making minor repairs to motor vehicles, but not including the painting thereof by any means nor the making of any body repairs nor major repairs to the mechanical system or motor vehicles, nor doing any work requiring the use of any torch, forge, fire, or flame.

**SECTION 2.33 GROSS FLOOR AREA**

The total area, expressed in square feet, of all floors of a building excluding all parking and loading areas, all parking structures, traditional roof appurtenances such as mechanical penthouses, all other mechanical rooms, atriums, flagpoles, chimneys and similar structures but including basements and mezzanines to the exterior walls thereof, and including partitions, stairwells, corridors and porches with permanent roofs.

**SECTION 2.34 HEIGHT OF BUILDING**

The vertical distance of the highest point of the structure above the average existing grade along the Front Building Line; notwithstanding the foregoing, in instances where the Lot slopes away from the Front Lot Line, the height of the Building shall be the vertical distance above the average existing elevation of the Lot or parcel of land; the average existing elevation being the average of the aggregate averages of all sides or boundaries. To determine the average elevation of each side or boundary there shall be a measurement of elevation at each side or boundary angle and at least once every thirty (30) feet between angles.

**SECTION 2.35 HOME OCCUPATION**

A business, profession, occupation or sale of articles produced on the premises where sold, conducted within a residential building or accessory structure for gain or support by one or more residents of the dwelling which:

- (a) is incidental and secondary to the residential use of the building;
- (b) does not change the essential residential character of the use and requires no exterior alterations or accessory buildings which are not customary with residential use;
- (c) is carried on solely by the residents of the dwelling except that no more than 2 non-residential employees may be allowed;
- (d) is confined to no more than twenty-five percent (25%) of the total floor area of the dwelling;
- (e) is not visible from any other residential structure, does not store outside of the dwelling any equipment or materials used in the home occupation;
- (f) does not produce any offensive noise, odor, smoke, dust, heat, glare, excessive traffic or other objectionable effects;
- (g) does not increase the average daily automobile trips generated by the residence in which the home occupation is located;
- (h) the conducting of a clinic, convalescent home, nursing home, restaurant, guest house, animal hospital, commercial kennel, dancing or musical instruction in groups, barbershop, beauty salon, licensed day care centers, massage or muscular therapist shall not be deemed to be home occupations.

**SECTION 2.36 HOME OFFICE**

A business, profession or occupation conducted within a residential building or accessory structure for gain or support by residents of the dwelling that conforms to the definition and requirements of a Home Occupation, except having no employees, no deliveries, and no customers that visit the site.

**SECTION 2.37 HOTEL, MOTEL**

- (a) A hotel is a building designed or used for ten (10) or more guests, primarily the temporary abode of persons who have their residence elsewhere.
- (b) A motel is a hotel with direct access from each guest room to a parking space.

**SECTION 2.38 IMPERVIOUS COVERAGE**

The maximum percentage of a lot that may be covered with impervious surfaces, including but not limited to buildings, impervious driveways and parking areas, access roads, sidewalks, tennis courts, above-ground and in-ground swimming pools, concrete air conditioner pads, decks that do not allow rain water to be directly absorbed by the ground, patios, or any other material placed on or above the earth which substantially reduces or prevents the natural percolation of water.

**SECTION 2.39 INDUSTRY, HEAVY**

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in manufacturing processes using flammable or explosive materials, or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**SECTION 2.40 INDUSTRY, LIGHT**

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of said products.

**SECTION 2.41 INTERESTED PARTY**

The petitioner for a variance, special permit or appeal and the abutters of the area or premises which is the subject of the petition, as well as the owners of the land directly opposite such area or premises on any public or private street, owners of land that are abutters to abutters of the subject property within three hundred (300) feet of the property line of such area or premises all as they appear on the most recent applicable tax list, and the Planning Board, as well as the Planning Boards of every abutting municipality.

**SECTION 2.42 LANDSCAPED**

Land fully developed and maintained to present a pleasant appearance and to stabilize the soil, using primarily vegetation and natural features of the site.

**SECTION 2.43 LICENSED DAY CARE**

A day care or school-age child care facility as defined in Section 9 of M.G.L.c.28A and licensed by the Massachusetts Office for Children.

**SECTION 2.44 LODGER**

A person who rents space for living or sleeping purposes without separate cooking facilities.



**SECTION 2.45 LODGING HOUSE, LICENSED**

Any dwelling other than a hotel or motel in which living space is let to five (5) or more persons, including dormitories, fraternity houses and similar uses.

**SECTION 2.46 LOT**

A parcel of real estate as described in a deed or shown on a plan separate from any other parcel, such deed or plan being recorded in the registry of deeds or approved by the Planning Board and on file with the Engineering Department.

**SECTION 2.47 LOT AREA**

The horizontal area of the lot exclusive of any public or private way open to public uses.

**SECTION 2.48 LOT FRONTAGE**

The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site; measured continuously along one street line between side lot lines. In the case of corner lots, measured between the side lot line and the mid-point of the corner radius on the street designated as the frontage street by the owner or, failing that, by the Zoning Enforcement Officer. (See also, SECTION 2.31, FRONTAGE).

**SECTION 2.49 LOT LINE, FRONT**

A line dividing a lot from the street identified as providing frontage (see Section 2.48) and having building front façade oriented toward said lot frontage. Where the lot frontage on the street is less than the potential lot width in the district in which it is located, any lot line or part of a lot line shall be considered to be a front lot line for purposes of calculating front yard requirements if a straight line drawn from a point on the lot line to and perpendicular to the street providing potential access to the lot passes across any part of another lot to which it is contiguous.

**SECTION 2.50 LOT LINE, SIDE**

The portion of the lot boundary that connects the front lot line to the rear lot line; when questioned, as determined by the Zoning Enforcement Officer.

**SECTION 2.51 LOT LINE, STREET OR STREET LINE**

A line dividing a lot from a street.

**SECTION 2.52 LOT LINE, REAR**

The lot line opposite the front lot line; when questioned, as determined by the Zoning Enforcement Officer.

**SECTION 2.53 LOT WIDTH**

The distance between the side lot lines along the front yard setback line.

**SECTION 2.54 LOW IMPACT DEVELOPMENT**

A site design strategy for managing stormwater by maintaining or replicating the predevelopment hydrologic functions through the use of design techniques to create a functionally equivalent hydrologic landscape. Commonly referred to as "LID"

**SECTION 2.55 MIXED USE DEVELOPMENT**

A development that combines residential with retail or service uses within the same building or on the same site, in one or more of the following configurations:

Vertical Mixed Use: A single structure with the above floors used for residential or office use and a portion of the ground floor for retail/commercial or service uses.

Horizontal Mixed Use, Attached: A single structure that provides retail/commercial or service use in the portion fronting the public or private street with attached residential or office uses behind.

Horizontal Mixed Use; Detached: Two or more structures on a single site, which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential or office uses in separate structure(s) behind or to the side.

**SECTION 2.56 MOTOR VEHICLE BODY WORK ESTABLISHMENT**

Area of land, including the structures thereon, that is used for making repairs to, altering in a structural manner, or painting in any manner, the body of motor vehicles.

**SECTION 2.57 MOTOR VEHICLE REPAIR ESTABLISHMENT**

Area of land, including the structures thereon, that is used for the purpose of repairing, replacing, or altering the motor system, the muffler and/or exhaust systems, and/or other mechanically moving parts of a motor vehicle, and including glass installation, upholstery repair, installation of various automotive accessories such as sun roofs, radios, auto body painting, and similar activities.

**SECTION 2.58 NON-CONFORMING BUILDING OR LOT**

A building or lot that does not conform to a dimensional regulation prescribed by this Zoning Ordinance for the district in which it is located or to regulations for signs, off-street parking, off-street loading or accessory buildings but which Building or lot was in existence at the time the regulation became effective and was lawful at the time it was established.

**SECTION 2.59 NON-CONFORMING USE**

A use of a building or lot that does not conform to a use regulation prescribed by this Zoning Ordinance for the district in which it is located, but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

**SECTION 2.60 OCCUPIED**

"Occupied" shall include the words "designed, arranged, or intended to be occupied."

**SECTION 2.61 OPEN SPACE**

Areas open, pervious and unobstructed to the sky that can be used for active or passive recreation purposes. Parking and loading areas of any type shall not be allowed in any required open space. In all residential districts, the minimum required open space shall be contiguous and shall not include any side yard buffer where required by this Ordinance.

**SECTION 2.62 OPEN SPACE, PUBLICLY USEABLE**

Open Space as defined by §2.59 that is designed for and open to the public from dawn to dusk.

**SECTION 2.63 OPERABLE (MOTOR VEHICLE)**

Legally fit to be driven, except for lack of registration.

**SECTION 2.64 PRINCIPAL USE**

The primary use of the Building or Lot, as the context may require.

**SECTION 2.65 PROFESSION**

Architecture, engineering, law, medicine, dentistry, or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, and also possessing evidence of professional capability such as membership in a professional society requiring standards of qualification for admission.

**SECTION 2.66 RENEWABLE OR ALTERNATIVE ENERGY**

The following renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets; ultra low emissions high efficiency wood pellet boilers and furnaces; low impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy; advanced bio-fuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations.”

**SECTION 2.67 RENEWABLE OR ALTERNATIVE ENERGY RESEARCH, DEVELOPMENT OR MANUFACTURING FACILITIES**

Facilities used primarily for research, development, manufacturing and/or testing of innovative renewable or alternative energy information, concepts, methods, processes, materials or products. This can include the design, development, manufacturing and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing.

**SECTION 2.68 RESEARCH FACILITY**

A facility that has been licensed as required by state and federal authorities for the testing and development of various mechanical, electronic, photonic, agricultural, medical, and biotechnological products and services.

**SECTION 2.69 RESTAURANT, DRIVE-IN; REFRESHMENT STAND, DRIVE-IN; EATING ESTABLISHMENT, DRIVE-THROUGH**

Any premises used for the sale, dispensing or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may consume the food, refreshments or beverages on the premises, when received through a service window.

**SECTION 2.70 RETAIL**

Establishments used for the sale of a variety of goods at retail and personal and professional services pertaining to health, beauty, and similar services but not fitness centers.

**SECTION 2.71 RETAINING WALL**

A structure in the form of a wall for holding in place a mass of earth or the like at the edge of a terrace, excavation or property line provided that any retaining wall located along a property line and extending more than six (6) feet above the average finished grade of the adjacent lot(s) shall be considered an accessory building and must conform to the yard and height restrictions for accessory buildings in Section 4.03.

**SECTION 2.72 SCREENING**

A natural occurrence or a man made device which shields from view various land use activities.

**SECTION 2.73 SELF-SERVICE STORAGE FACILITY**

A building consisting of small, individual self-contained units that are leased or owned for the storage of business and household goods or contractor supplies, but precluding individual storage units that have at grade and direct vehicular access

**SECTION 2.74 SETBACK**

The minimum horizontal distance from the lot line or street line to the nearest part of the structure.

**SECTION 2.75 SIGN**

Sign shall mean and include any permanent or temporary structure or building surface, or part thereof or device attached thereon or other outdoor surface including billboards or any combination of one or more of the foregoing containing any word, letter, symbol, drawing, model, banner, picture or design, or any device used for visual communication which identifies or calls attention to any premises, person, product, activity, service or business, directing the subject thereof to the attention of the public.

**SECTION 2.76 SIGN, AREA OF**

- (a) For a sign, either free-standing or attached, the area shall be considered to include all lettering, accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.
- (b) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, accompanying designs or symbols together with any backing of a different color than the finish material of the building face.
- (c) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other convex shape which encompasses all of the letters and symbols.

**SECTION 2.77 SMART GROWTH**

Collection of land use planning techniques that features walkable, mixed-use, transit-oriented development with the objective of creating more attractive, livable, economically strong communities while protecting natural resources.

**SECTION 2.78 SPECIAL PERMIT**

A permit for certain exceptions specified in this Zoning Ordinance to the zoning regulations contained herein which may be allowed at the discretion of the Board of Appeals subject to the provisions of Sections 9.04-9.13.

**SECTION 2.79 STORY, HALF-STORY**

- (a) The space between any floor and the floor or roof next above improved for residential occupancy, provided however that any basement shall not be deemed a story.
- (b) A story under a sloping roof (defined as and required to be at least a 6/12 pitch, except dormers, which shall have at least 3/12 pitch) shall be deemed a half-story if less than fifty percent (50%) of its area has a clear interior height of seven (7) feet or more, improved or intended to be improved for residential occupancy. Any new construction with ceiling height 4 feet and above shall be included in the floor area, except where a dormer is required over an existing stairway that has

been deemed by the Inspector of Buildings to be a hazardous means of egress.

**SECTION 2.80 STREET**

A public or private way, alley, lane, court or sidewalk which is open to the public or dedicated to public use; and parts of public places which form traveled rights of way.

**SECTION 2.81 STRUCTURE**

A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part thereof."

**SECTION 2.82 USE**

The purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained.

**SECTION 2.83 VARIANCE**

Such relief from the zoning regulations contained in this Zoning Ordinance as may be necessary to avoid unique and undue hardship to the appellant and which may be granted by the Board of Appeals subject to the provisions of Sections 9.14-9.17.

**SECTION 2.84 WHOLESALE**

The storage, sale and/or resale of goods or products in large quantity to retailers or jobbers rather than consumers.

**SECTION 2.85 WIRELESS TELECOMMUNICATIONS FACILITY**

An apparatus or facility providing telephone, radio, television, or other wireless communications through the sending and/or receiving of electromagnetic waves, by means of any of the following:

- (a) ANTENNA: An apparatus designed to be mounted on a structure to provide wireless communications.
- (b) TOWER: A free-standing structure which may have antennas or monopoles mounted on it.
- (c) MONOPOLE: A single, straight pole attached to the ground, on which antennas may be mounted.

**SECTION 2.86 YARD, FRONT**

An open space between the nearest point of a building and the front lot line extending to the side yard lines.

**SECTION 2.87 YARD, SIDE**

An open space between a side lot line of a lot and the nearest point of the principal building and extending from the front lot line to the rear lot line.

**SECTION 2.88 YARD, REAR**

An open space extending along the full length of the rear lot line or lines and between such line or lines and the nearest point of the building.

**ARTICLE III**

**ESTABLISHMENT OF ZONING DISTRICTS**

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3.00	Division of the Town into Districts	3.01 Classification of Districts 3.02 Boundaries of the Districts
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**SECTION 3.00 DIVISION OF THE TOWN INTO DISTRICTS**

- (a) The Town is hereby divided into zoning districts, as specified hereinafter.
- (b) Within each district there shall be uniform regulation of use of buildings, structure and land, of height, and size of building and structures, of size and width of lots, of dimensions of yard and other open spaces, and of other requirements, as provided in this Zoning Ordinance.
- (c) Every parcel of land and every building or other structure in the Town, except as otherwise provided by law or by this Zoning Ordinance shall be subject to the regulations, restrictions, and requirements specified for the District in which it is located.

**SECTION 3.01 CLASSIFICATION OF DISTRICTS**

For the purposes of this Zoning Ordinance the Town is hereby divided into the following use districts:

- (a) Residence Districts -
  - S - Single Family: S-10 and S-6
  - T - Two Family
  - SC - Single Family Conversion
  - R - Residential multi-family: R.75 and R1.2
  - CR - Cluster Residential
- (b) Business Districts -
  - NB - Neighborhood Business
  - LB - Limited Business
  - CB - Central Business
- (c) Industrial Districts -
  - I-1 - Industrial 1
  - I-2 - Industrial 2
  - I-3 - Industrial 3
- (d) Special Zoning Districts -
  - ALOD - Assisted Living Overlay District
  - OSC - Open Space and Conservancy
  - RO - Revitalization Overlay
  - RD - Limited Redevelopment District
  - R/SOD - Religious/School Building Overlay District
  - PSCD – Pleasant Street Corridor District

### **SECTION 3.02     BOUNDARIES OF THE DISTRICTS**

- (a)     The location and boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of the Town of Watertown," as dated January 30, 1989, as amended by the amendments thereto adopted May 23, 1989 (the "Zoning Map"), as further amended July 8, 2008, and on file in the office of the Town Clerk, which map, with all explanatory matter thereon, is declared to be a part of this Zoning Ordinance.
  
- (b)     Any change in the location or boundaries of a district hereafter made through the amendments of the Zoning Ordinance shall be indicated by the alteration of the Zoning Map, and the Zoning Map thus altered is declared to be part of the Zoning Ordinance thus amended.
  
- (c)     Where a district boundary is indicated as approximately following, or parallel to, the center line or street line of a street, highway, railroad right of way, or water course, such a district boundary shall be construed as following, or as being parallel to, such center line or street line. Where a district boundary is indicated as approximately following a lot line, such line shall be construed to be said boundary. If no distance is indicated on the Zoning Map for a district boundary running parallel to the center line or street line of a street or highway, such dimension shall be assumed to be one hundred (100) feet from the street or, if as determined by the use of the scale shown on said Zoning Map it is at least twenty (20) feet more or less than one hundred (100) feet, it shall be as so scaled. When any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Planning Board.
  
- (d)     When a lot in one ownership is situated in part in the Town of Watertown and in part in an adjacent city or town, the regulation and restriction of the Zoning Ordinance shall be applied to that portion of such lot as lies in the Town of Watertown in the same manner as if the entire lot were situated therein.

**ARTICLE IV**

**GENERAL USE AND DIMENSIONAL REGULATIONS**

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4.00	Applicability of Use Regulations	4.08	Applicability of Dimensional Regulations
4.01	Permitted Uses	4.09	Exceptions to Lot Size Regulations
4.02	Uses Subject to other Regulations	4.10	Exceptions to Height Regulations
4.03	Accessory Uses	4.11	Exceptions to Yard Regulations
4.04	Prohibited Uses	4.12	Required Corner Clearance for Visibility
4.05	Continuance of Non-Conforming Use	4.13	Transition Requirements
4.06	Alteration of a Non-Conforming Uses/Buildings/Structure	4.14	Screening
4.07	Reconstruction of a Non-Conforming Building After Catastrophe		

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**SECTION 4.00 APPLICABILITY OF USE REGULATIONS**

Except as provided by law or in this Zoning Ordinance, in each district no building, structure or land shall be used or occupied except for the purposes permitted in the district as listed in Article V.

**SECTION 4.01 PERMITTED USES**

- (a) A use listed in Article V is permitted as of right in any district under which it is denoted by the letter "Y" subject to the applicable definitions in Article II, and the site plan review special permit requirements of Section 9.03.
- (b) A use listed in Article V is permitted as a special exception in any district under which it is denoted by the letters "SP" only if the Board of Appeals so determines and issues a special permit therefore as provided in Article IX subject to the applicable definitions in Article II and to such further restrictions as said Board may establish.
- (c) A use listed in Article V which is denoted by the letter "N" is not permitted, except nonconforming uses which may be continued under the provisions of Section 4.05.

**SECTION 4.02 USES SUBJECT TO OTHER REGULATIONS**

Uses permitted as of right or by special permit shall be subject, in addition to use regulations, to all other regulations applying to the district or to the use, such as dimensional regulations in Article V, provisions for off-street parking and loading in Article VI, regulation of signs and illumination in Article VII, and regulations in Article VIII and elsewhere in this Zoning Ordinance.

**SECTION 4.03 ACCESSORY USES**

- (a) Permitted and required accessory uses shall be on the same lot of record as the principal use to which they are accessory and shall be such as not to alter the character of the premises on which it is located.
- (b) No accessory use or uses within a building other than an accessory garage shall occupy more than a combined total of twenty-five percent (25%) of the floor area of the principal building.



- (c) No accessory building shall occupy part of the required Front Yard, but such building may occupy not more than thirty percent (30%) of any other minimum required yard setback or existing yard area, whichever is greater.
- (d) No part of an accessory building shall be located nearer than five (5) feet to any side or rear lot line nor be more than one story or twelve (12) feet in height in the case of a flat roof, or eighteen (18) feet in height in the case of a pitched, gable, hip, gambrel or mansard roof. Commercial accessory parking structures may occupy more than thirty percent (30%) of any other minimum required yard setback or existing yard area, provided that no more than thirty percent (30%) of said yard area is occupied by the parts of said parking structure extending above the finished grade of the lot.
- (e) No accessory use shall be permitted in any district except insofar as it is accessory to a principal use permitted in the district.
- (f) Swimming pools having a water depth of two (2) feet or more when full and ready for use shall be considered an accessory building for the purposes of interpreting this Zoning Ordinance. Swimming pools shall be screened by an opaque wall, barrier or uniform fence at least five (5) feet high and capable of prohibiting unauthorized use. In addition, swimming pools constructed below grade must be equipped with a permanently installed drainage system. Swimming pools with their associated walkways, aprons, raised decks, and their associated equipment shall not be located in a Front yard and shall be setback at least five (5) feet from any side or rear Lot Line, and subject to appropriate Screening as determined by the Board of Appeals. The above regulations shall not apply to those swimming pools that are portable in nature.
- (g) Accessory structures fronting on a public street or way shall be subject to the Front Yard Setback requirements of the district in which it is located.

**SECTION 4.04 PROHIBITED USES**

The following uses shall be prohibited in all districts:

- (a) any trade, industry, or other use that is noxious, offensive, or hazardous by reason of vibration or noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light, refuse matter, or of any other cause;
- (b) any use hazardous to the health, safety, and general welfare because of danger of flooding, inadequacy of drainage or inaccessibility to fire fighting apparatus or other protective services;
- (c) any advertising sign or device, except as permitted under Article VII.

**SECTION 4.05 CONTINUANCE OF NON-CONFORMING USE**

Any non-conforming building, structure or use which existed at the time of passage of the applicable provision of this Zoning Ordinance or any prior Zoning By-law or of any amendment thereto may be continued subject to the provisions of Sections 4.06 and 4.07 or may be changed to be conforming.

**SECTION 4.06 ALTERATION OF NON-CONFORMING USES AND BUILDINGS/STRUCTURES**

- (a) Except as hereinafter provided, this Zoning Ordinance shall not apply to structure 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 of the Planning Board on such ordinance required by Section 9.22, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, 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 or a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where the

alteration, reconstruction, extension or structural change to a single or two family residential structure or building does not increase the non-conforming nature of said structure or building and does not further violate any other applicable provisions of this Zoning Ordinance. Pre-existing non-conforming uses may be changed or extended and pre-existing non-conforming structures or buildings may also be extended as provided by Massachusetts General Laws Chapter 40A, Section 6, provided that no such change, extension, structural change or alteration shall be permitted unless there is a Special Permit Finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use, structure or building to the neighborhood;

- (b) Notwithstanding subsection (a) above, a non-conforming single or two family residential structure may be altered, reconstructed, extended or changed if the proposed alteration, reconstruction, extension or change complies with the Table of Dimensional Regulations (Section 5.04).
- (c) A nonconforming building, structure or use may be extended, altered or changed to make it conform with the provisions of this Zoning Ordinance.
- (d) A nonconforming building, structure or use may be extended, altered or changed as may be ordered by the Inspector of Buildings to make it safe in accordance with Section 121 of the State Building Code.
- (e) A non-conforming use may be replaced by another non-conforming use, at least as restricted in Article V as the existing use, subject to the Board of Appeals finding as provided in Section 4.06(a).
- (f) Where a non-conforming use has been changed to a more restricted use, it shall not again be changed to a less restricted use.
- (g) A non-conforming use of a building or land which has been abandoned for a period of two (2) years shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent or when the premises have been vacant for two (2) years or when the characteristic equipment and/or furnishings of the non-conforming use have been removed from the premises and have not been replaced by similar equipment, whichever shall first occur.

#### **SECTION 4.07 RECONSTRUCTION OF A NON-CONFORMING BUILDING AFTER CATASTROPHE**

If a non-conforming building or use shall have been damaged by fire, explosion or other catastrophe, such building may be rebuilt or restored and used again subject to the following provisions:

- (a) no non-conformity shall be increased in area or degree of non-conformity beyond the state existing prior to the catastrophe, as determined by the Zoning Enforcement Officer, subject to the provisions of 4.06(a);
- (b) such reconstruction or restoration shall commence within twelve months of such catastrophe unless the Board of Appeals shall extend such period.

#### **SECTION 4.08 APPLICABILITY OF DIMENSIONAL REGULATIONS**

- (a) The regulations for each district pertaining to the size and dimensions of the lot and of the buildings thereon and to the placement of the buildings and of accessory uses on the lot shall be as specified in Article V, subject to further provisions of Sections 4.08, 4.09, 4.10, 4.11, and 4.12.
- (b) The lot or yard areas required for any building or use shall not include any part of a lot that is required by any other building or use to comply with any requirements of the Zoning Ordinance.
- (c) No lot, or buildings or structures thereon, shall be changed in size or shape so as to violate the

provisions of this Zoning Ordinance, except that where there are two or more existing detached dwellings on a single lot, the lot may be divided into as many lots as there are dwellings, provided each lot complies with the requirements of Section 4.09.

- (d) Land or structures used for religious or educational purposes, as defined by Chapter 40A, Section 3 of the General Laws of Massachusetts, shall be subject to the same regulations concerning the bulk or height of structures, yard sizes, lot area, setbacks, open space, parking, and building coverage as those required under any provision of this Zoning Ordinance regulating the foregoing conditions for the district within which the use is proposed.

#### **SECTION 4.09 EXCEPTIONS TO LOT SIZE REGULATIONS**

Lots having lesser area or frontage than the minimum required for the district in Article V and shown on any plan duly recorded by deed or plan at the Registry of Deeds prior to the date of adoption of this Zoning Ordinance, may be used for detached single family dwellings otherwise permitted in the district, subject to the Special Permit provisions of Section 9.04, 9.05 and 9.09 of the Zoning Ordinance. The applicable dimensions for yards and building and impervious coverage of Section 5.04 shall apply.

#### **SECTION 4.10 EXCEPTIONS TO HEIGHT REGULATIONS**

The limitations of height in feet shall not apply to necessary features usually carried above roofs of buildings, but not used for living purposes, such as water tanks, satellite dishes, chimneys, ventilation systems, bulkheads, aerials, church towers or spires, elevator penthouses and reception antennas for the use of the occupants of the building. Such features exceeding the height permitted in the district by fifteen (15) feet or more shall be allowed only by special permit. Wireless telecommunications facilities are subject to the requirements in Section 5.14.

#### **SECTION 4.11 EXCEPTIONS TO SETBACK REQUIREMENTS**

- (a) Cornices and permitted signs not projecting more than six (6) inches from the building wall; attached chimneys, exterior uncovered stairways, covered and uncovered entrance porticoes or vestibules, bulkheads or uncovered terraces not projecting closer than ten (10) feet to any side lot line, in an S-10 or S-6 district, or ten (10) feet in the T district shall be permitted. Decks, porches, attached carports, covered walks and the like shall not be exempted from Setback requirements, except as provided in Sections 4.03(c) and 4.03(d). Further, in all residential districts air conditioning equipment/structures and similar equipment/structures shall be permitted within the required side yard setback if said equipment or structure is no less than five (5) feet from the property line of the abutting property.
- (b) No use other than landscaping and permitted signs shall be permitted in the front yard of any lot subject to the provisions of Section 6.03 and Article VII. Parking within the front yard of apartment houses is expressly prohibited.
- (c) No use other than landscaping and accessory parking of not more than three (3) cars is permitted within a required side or rear yard in any residence district except as provided in Section 4.12 unless screened as provided in Section 4.14 and subject to the provisions of Section 6.02(k). In LB, CB and I districts, required side and rear yards may be used for any permitted outdoor accessory use, subject to the provisions of Articles VI and VII.

#### **SECTION 4.12 REQUIRED CORNER CLEARANCE FOR VISIBILITY**

In any district where a street yard setback is required, no structure, fence, planting or sign shall be maintained between a plane of two and one-half (2-1/2) feet above curb level and a plane seven (7) feet above curb level as to interfere with traffic visibility across the corner within a triangle bounded by the street lot lines and a straight line drawn between points on each such lot line twenty-five (25) feet from the intersection of said lot lines or extension thereof. In districts where no street yard setback is required, the Town Ordinances, Chapter

8, Section 22 shall apply.

**SECTION 4.13     TRANSITION REQUIREMENTS**

- (a)     Front Yard: In a LB, CB, NB, or any Industrial district no building shall be erected nearer to the street line or established building line than is permitted in the adjacent Residence within a distance of fifty (50) feet from the Residence boundary line, except where such building is separated by a street from the Residence.
  
- (b)     Side Yard: In a LB, CB, NB, or any Industrial district, no building shall be erected within ten (10) feet of the side lot line of any abutting lot, all or the majority portion of which is a Residence.

**SECTION 4.14     SCREENING**

All outdoor storage of merchandise or commodities (including motor vehicles) shall be screened from any lot which is in a residence district by a strip at least four (4) feet wide, densely planted with shrubs or trees which are of a type that may be expected to form a year-round dense screen at least six (6) feet high within three (3) years, or by an opaque wall, barrier or uniform fence at least five (5) feet high, but not more than eight (8) feet above finished grade. Such screening shall be maintained in good condition at all times. Such screening or barrier may be interrupted by normal entrances or exits, and shall have no signs hung or attached thereto other than those permitted in the district. In the event that a Special Permit or Site Plan Review approval is required, the Board of Appeals may impose greater Screening requirements than those set forth in Section 4.14 if it determines that additional Screening is necessary or appropriate.

## ARTICLE V

### TABLES OF DISTRICT REGULATIONS

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5.00	Interpretation	5.07	Affordable Housing Requirements
5.01	Table of Use Regulations	5.08	Revitalization Overlay District (RO)
5.02	Table of Accessory Use	5.09	Watertown Square Design Overlay District
5.03	Notes to Table of Use Regulations	5.10	Limited Redevelopment District
5.04	Table of Dimensional Regulations	5.11	Assisted Living Overlay District
5.05	Notes to Table of Dimensional Regulations	5.12	Arsenal Overlay Development District
5.06	Floodplain District	5.13	Wireless Telecommunications Facility
		5.14	Religious/School Building Overlay District
		5.15	Municipal Reuse and Development
		5.16	Pleasant Street Corridor District (PSCD)

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#### **SECTION 5.00 INTERPRETATION**

- (a) Use and dimensional regulations listed in the District Tables are in addition subject to the other provisions in this Zoning Ordinance, particularly Articles IV, VI and VII.
- (b) A use listed in Section 5.01 and Section 5.02 is permitted as of right in any district under which it is denoted by the letter "Y" (Yes). If designated in the Table by the letters "SP" (Special Permit), the use may be permitted as a special exception only if the Special Permit Granting Authority (SPGA) so determines and grants a special permit therefore as provided in Sections 9.04 subject to such restrictions as said SPGA may establish. If designated in the Table by the letters "SR" (Site Plan Review), the use is permitted as of right subject to the procedures and standards of Site Plan Review as provided in Section 9.03. If designated in the Table by the letters "SP/SR" (Special Permit with Site Plan Review), the use may be permitted by special exception only if the SPGA so determines and grants a Special Permit in accordance with Sections 9.04, 9.05, 9.06, 9.07, and 9.08 subject to the procedures and standards of Site Plan Review as provided in Section 9.03. If designated in the Table by the letter "N" (No), the use is not permitted in the district.
- (c) No building or structure shall be built nor shall any existing building or structure be altered or enlarged which does not conform to the regulations as to maximum ratio of floor area and lot areas, minimum lot sizes, minimum lot area for each dwelling unit or equivalent, minimum lot width, minimum dimensions of front, side and rear yards, and maximum height of structures in the districts set forth in Section 5.04 of this Article, except as hereinafter provided.
- (d) 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 requirements of this Zoning Ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this Zoning Ordinance if such property was a part of the area required for compliance with the dimensional requirements applicable to the lot from which said transfer was made.
- (e) In the case of multiple buildings on a lot in single ownership the distance between any portion of such buildings shall be not less than ten (10) feet.

**SECTION 5.01 TABLE OF USE REGULATIONS**

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
<b>1. Residence</b>																
a.	Dwelling, Single Family	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
b.	Dwelling, existing one-family converted for two-families	N	N	Y	SP	Y (6)	Y	Y	N	N	N	N	N	N	N	N
c.	Dwelling, two family	N	N	Y	SP	Y (6)	Y	Y	N	N	N	N	N	N	N	N
d.	Existing dwelling converted for three families	N	N	Y	N	N	SP	SP	SP	SP	N	N	N	N	N	N
e.	New construction of three family dwelling structures.	N	N	Y	N	N	SP	SP	SP	SP	SP	N	N	N	N	N
f.	Multi-family 4+	N	N	SP/SR	N	N	SP/SR	SP/SR	SP/SR	SP/SR	Y (2)	N	N	SP/SR	SP/SR	N
g. Row houses and townhouses																
1. Three units		N	N	SP	N	N	SP	SP	SP	SP	N	N	N	SP	Y	N
2. Four to eight units		N	N	SP/SR	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N	N	N	SP/SR	SP/SR	N
h.	Licensed lodging house	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
i.	Hotel and Motel Use	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR (12)	SP/SR	SP/SR	SP/SR	N
j.	Trailer park or mobile home park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
k. Mixed-use Development																
1. Up to three residential units		N	N	N	N	N	N	N	SR (7)	SR (7)	SR (7)	N	N	SP/SR (8)	Y (8)	N
2. Greater than three residential units		N	N	N	N	N	N	N	SP/SR (7)	SP/SR (7)	SP/SR (7)	N	N	SP/SR (8)	SP/SR (8)	N
<b>2. Institutional, Transportation, Utility, and Agricultural Uses</b>																
a. Any religious, educational, or licensed day care use as defined by CH.40A, § 3.																
1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. New construction or conversion greater than 4,000 s.f. of building area		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
b.	Country club, tennis club, swimming club, nonprofit club.	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
c.	Commercial agricultural, nursery garden, greenhouse, garden supply.															
	1. On up to 5 acres	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
	2. On more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
d.	Existing dwellings converted for nonprofit club, school, clinic (11)															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N	N	SP	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	N	N	SP/SR	N
e.	Cemeteries	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR
f.	Recreational facility owned or operated by a Town agency or other governmental agencies or public open space.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
g.	Nursing home, rest home, or convalescent home provided the lot fronts on a street at least 65 feet wide.	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	N	N	N	N	N
h.	Assisted Living	N	N	N	N	N	SP/SR	SP/SR	SP/SR (7)	SP/SR (7)	SP/SR (7)	N	N	N	N	N
<b>3. Business, Office, and Consumer Service Uses</b>																
a.	Business offices, bank, medical and dental buildings, schools operated for gain.															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
b.	Commercial, recreation, including bowling alley or skating rink completely enclosed.															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
	<i>2. New construction or conversion greater than 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
c.	Commercial parking, parking lot for gain.	N	N	N	N	N	N	N	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	N
d.	New and used vehicles for sale or lease and display and storage of operable vehicles only.	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	N	N
e.	Printer, publisher															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
	<i>2. New construction or conversion greater than 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
f.	Retail stores including liquor stores.															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	Y (1)	Y (1)	Y	N
	<i>2. New construction or conversion greater than 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
g.	Personal services, such as barber shop, beauty parlor, etc.															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	Y	Y	Y	Y	Y(1)	Y(1)	Y	N



As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
h.	Repair and alteration of clothes and domestic furnishings.															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
i.	Eating place with or without liquor.															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
j.	Bar or other establishment where the primary purpose is the sale and consumption of alcoholic beverages.	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
k.	Laundry and cleaning, automatic, but not steam laundry.	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N
l.	Gasoline Service Station	N	N	N	N	N	N	N	SP/SR	SP/SR	N	N	N	N	N	N
m.	Undertaker, funeral parlor.	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N	SP/SR	SP/SR	SP/SR	N	N
n.	Adult Stores	N	N	N	N	N	N	N	N	N	N	SP (5)	SP (5)	N	N	N
o.	Adult Theaters	N	N	N	N	N	N	N	N	N	N	SP (5)	SP (5)	N	N	N
<b>4. Open-Air Drive-in Retail and Service</b>																
a.	Drive-in Bank															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	N	N

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	N
b.	Outdoor amusement park, outdoor sports facility conducted for profit.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
c.	Open-air drive-in theater or other open-air place of entertainment.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
d.	Car washing establishment using mechanical equipment for cleaning automobiles and other equipment.	N	N	N	N	N	N	N	N	N	N	SP/SR	N	N	N	N
e.	Drive-in restaurant. Drive-in refreshment stand, drive-through eating establishment.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
f.	Fast food establishment	N	N	N	N	N	N	N	SP/SR	SP/SR	N	SP/SR	SP/SR	SP/SR	SP/SR	N
g.	Outdoor Storage of Merchandise.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<b>5. Light Industry, Wholesale, Laboratory</b>																
	Light Industry															
a.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	SP	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N
	Non-nuisance manufacturing															
b.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	SP	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N
c.	Office, including but not limited to administrative, executive, professional, and similar offices.															

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
d.	Public or bonded warehouse, parcel or goods distribution.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
e.	Laboratories engaged in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N
f.	Motor Vehicle Repair	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	N
g.	Motor Vehicle Body Work	N	N	N	N	N	N	N	N	N	N	SP(4)	SP(4)	SP(4)	N	N
h.	Wholesale business, warehouse.	N	N	N	N	N	N	N	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N
i.	Self-Service Storage Facility.	N	N	N	N	N	N	N	N	N	N	SP (9)	SP (9)	N	N	N
j.	Renewable or alternative energy research, development or manufacturing facility															
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	N	N	N	N	N	N	N	SR	SR	SR	SR	N
<b>6. Heavy Industry</b>																

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2	NB	LB	CB	I-1	I-2	I-3	PSCD	OSC
a.	Open-lot storage of junk, scrap, paper, rags, containers or other salvage waste articles.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
b.	Truck or bus terminals, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
c.	Place for exhibition, lettering or sale of gravestones or monuments.															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
	<i>2. New construction or conversion greater than 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	N	SP/SR	N	N	N	N
d.	Heavy Industry															
	<i>1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
	<i>2. New construction or conversion greater than 4,000 s.f. of building area</i>	N	N	N	N	N	N	N	N	N	N	SP/SR	N	N	N	N
e.	Storage of flammable gas, liquids, or explosives (non-accessory)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
f.	Any trade, Industry, or other use that is noxious, offensive or hazardous by reason of vibration or noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light, refuse matter or any other cause.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

**SECTION 5.02 TABLE OF ACCESSORY USE REGULATIONS**

	<b>Accessory Use Only</b>	<b>S-6</b>	<b>S-10</b>	<b>CR</b>	<b>SC</b>	<b>T</b>	<b>R.75</b>	<b>R1.2</b>	<b>NB</b>	<b>LB</b>	<b>CB</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>PSCD</b>	<b>OSC</b>
a.	Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	SP	N	N
b.	Private greenhouse, tool shed, Swimming pool and kennel not used as a part of a business, and not offensive to the neighborhood by reason of noise, odor or other cause.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP	N
c.	Accessory parking and garage as permitted in Article IV	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
d.	Home Occupation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
e.	Home Office	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
f.	Parking for Occupant's business truck, exceeding ¾ ton capacity.	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	Y	Y	Y	SP	N
g.	Administrative offices, clubrooms, and common laundry room reserved for occupant's use. Accessory to multi-family dwellings.	N	N	N	N	N	Y	Y	N	N	N	N	N	N	N	N
h.	Business accessory uses, usual, not to include outside service window or outdoor storage of merchandise.	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	N
i.	Outside Service Window as a Business accessory use, usual, except for outdoor storage of merchandise.	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N
j.	Outdoor display and storage of new merchandise subject to screening provisions.	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N

	<b>Accessory Use Only</b>	<b>S-6</b>	<b>S-10</b>	<b>CR</b>	<b>SC</b>	<b>T</b>	<b>R.75</b>	<b>R1.2</b>	<b>NB</b>	<b>LB</b>	<b>CB</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>PSCD</b>	<b>OSC</b>
k.	Residence for caretaker or janitor.	N	N	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	N
l.	New and used vehicles for sale or lease and display and storage of operable vehicles only	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	N	N
m.	Business and professional offices, schools operated for gain, commercial recreation (if completely enclosed), private clubs, personal services (such as barber, etc.), retail stores, eating places (with or without liquor) and banks, insofar as they do not exceed 5% of the gross floor area of the apartment development on the lot.	N	N	N	N	N	N	SP	N	SP	SP	N	N	SP	SP	N
n.	Licensed Day Care	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
o.	Family Day Care	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
p.	To allow residents to garage in a permanent enclosed structure on their property Antique Motor Cars as recognized by the Commonwealth of Massachusetts Registry of Motor Vehicles	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
q.	Activities accessory to a principal use permitted as a right that are necessary in connection with scientific research of scientific development or related production.	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N

	<b>Accessory Use Only</b>	<b>S-6</b>	<b>S-10</b>	<b>CR</b>	<b>SC</b>	<b>T</b>	<b>R.75</b>	<b>R1.2</b>	<b>NB</b>	<b>LB</b>	<b>CB</b>	<b>I-1</b>	<b>I-2</b>	<b>I-3</b>	<b>PSCD</b>	<b>OSC</b>
r.	Games of chance or similar entertainment or amusement, operated either live or through audio or video broadcast or close circuit transmission, except at an establishment that possesses an All Alcoholic or Wine and Malt License .	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

### SECTION 5.03 NOTES TO TABLE OF USE REGULATIONS

- (1) Commercial uses permitted as described in subsections 5.01(3) (f) and (g) shall be allowed if said uses meet the following criteria; shall not exceed four thousand (4,000) square feet in a building or buildings with a Gross Floor Area of less than hundred thousand (100,000) square feet, or exceed five (5) % of the gross floor area for a building or buildings with a Gross Floor Area hundred thousand (100,000) square feet or more, except by special permit.
- (2) Multi-family uses are allowed in the CB district as of right if at least the first floor of the structure in which they are located is used for retail or other business purposes. However, not more than the first two floors may be used for retail or service related purposes in a mixed-use project.
- (3) For the purpose of this Zoning Ordinance, any public property in the OSC District sold to a private owner or owners shall be deemed to be in the CR District. Buildings that were existing at the time of the adoption of the OSC Zone may be used, reconstructed or rehabilitated for the uses permitted in Section 5.01.
- (4) The maximum number of automotive body work shops that shall be permitted in Watertown is eighteen (18), whether such shops are independent establishments or associated with motor vehicle repair shops or automotive sales shops. The Board of Appeals may grant a Special Permit for automobile body repair work only upon the conditions set forth in Section 9.05 of the Zoning Ordinance and upon the further condition that the applicant presents evidence satisfactory to the Board of Appeals that the proposed establishment will be a change of location or a replacement of an existing establishment, and that the total number of such establishments, including the applicant, does not exceed eighteen (18).
- (5) Adult stores and adult theaters, as defined in Section 2.00 may be allowed by special permit subject to the following findings and conditions, and to such additional terms and conditions as the Board of Appeals may impose:
  - a. No merchandise or services prohibited as obscene and indecent not encompassed by the definition adult stores and theaters shall be disseminated or available therein.
  - b. The permitted uses specifically exclude disseminating or offering to disseminate adult matter to minors, and suffering minors to view the displays or linger in the store shall be deemed evidence of violation of this section.
  - c. No adult store or theater shall be located within the same block or five hundred (500) feet of a residential zone, dwelling house, school, place of worship, church, park, playground, youth center or of another adult store.
  - d. Parking requirements for adult stores and theaters shall comply with Article VI. of said Zoning Ordinance.
- (6) In the T District, a new two family dwelling and an existing one family detached dwelling converted into a two family dwelling on lots of less than 7,500 square feet shall be permitted as of right if the total floor to area ratio (FAR) does not exceed 0.50. In the T district only, FAR does not include basement and garage area. A new two family dwelling and an existing one family detached dwelling converted into a two family dwelling on lots of less than 7,500 square feet may exceed an FAR of 0.50 if granted a special permit by the Board of Appeals, but in no instance shall the FAR exceed 0.625.
- (7) All residential uses that are part of mixed-use developments shall be located only on floors above the ground floor, and in no instance shall more than 15% of any ground floor level that fronts on a public way be used for the purposes of gaining access to the residential uses. For assisted living, the first floor shall be non-residential in nature and shall be a combination of retail and service uses, some of which may serve only the residents of the assisted living facility, to be determined through the site plan review and permitting process.



- (8) See Section 9.07.
- (9) Self-Service Storage Facility must be setback 50 feet from all lot lines abutting a residential use.
- (10) A parking lot for gain, as a principle use, and for more than 50 parking spaces, shall only be permitted by Special Permit in accordance with Section 9.05.
- (11) These conversions are only allowed if the lot fronts on a street at least 80 feet wide and new construction does not increase the existing floor area by more than 25%.
- (12) A Hotel Use, which in the Industrial 1 Zoning District fronts along a collector or arterial shall be subject to the dimensional regulations provided for in Section 5.04 applicable to the Central Business (CB) District with the exception that the maximum allowable height shall be 79 feet/7 stories, with a minimum 16 foot first story (ground floor to second floor), and the minimum open space requirement shall be ten percent (10%) and 5.05 (k) regulating setbacks from Residential Districts shall remain in force. If this Note conflicts with any other provision of this Ordinance the language of this Note shall control.

**SECTION 5.04 TABLE OF DIMENSIONAL REGULATIONS**

District	Min. Lot Size (s.f.)	Min. Frontage (ft)	Setbacks (ft)			Max. Building Coverage (%)	Max. Impervious Coverage (%)	Max. Height (ft/stories)	Min. Lot Area Per Dwelling Unit (s.f.)	Max. FAR	Min. Open Space (%)
			Front	Side	Rear						
<b>S-6</b>	6,000	65	25	12/10 (e)	20	25	85	35/2.5 (j)	-	-	15
<b>S-10</b>	10,000	80	25	15/10 (e)	20	20	80	35/2.5 (j)	-	-	20
<b>SC</b>	6,500	50	15	12/10 (e)	20	30	85	35/2.5 (j)	-	-	15
<b>T(r)</b>	5,000 (r)	50	15	12/10 (e)	20	30	85	35/2.5 (j)	-	0.5 (r)	15
<b>R.75</b>	5,000	50 (f)	15	20	25	35	80	35	1,500	0.75(g)	20
<b>R1.2</b>	5,000	50 (f)	15	25	30	50	80	45	1,000	1.2 (h)	20
<b>NB</b>	-	50 (f)	-	10 (d)	15	50	90	35/2.5 (j)	-	0.5	10
<b>LB</b>	-	40	-	15 (d)	20	80	90	40/4	-	1.0	10
<b>CB</b>	-	-	-	-	-	-	100	55/5	-	4.0 (o)	(n)
<b>I-1</b>	-	50	20	25 (d)	30	50	90	50/5 (k)	-	2.0 (i)	10
<b>I-2</b>	-	50	20	25 (d)	30	50	90	50/5 (k)	-	2.0 (i)	10
<b>I-3</b>	-	50	20	25 (d)	30	50	90	50/5 (k)	-	1.0	10
<b>I-3 (Residential /Mixed Use)</b>	-	50	20	25	30	50	80	50/5 (k)	800	2.0 (i)	20
<b>PSCD</b>	10,000	-	10 Max. 30 (s)	0/Shared party wall or 18 ft	18	50 (t)	80	Min. 24 Max. 54/5(u)	800	1.0 (v) Mixed Use 2.0	20
<b>OSC</b>	-	50	50	25	50	15	25	35/2.5 (j)	-	0.1	75
<b>CR</b>	40,000	100	50 (m)	30 (m)	50 (m)	15	35	35/2.5 (j)	10,000	-	65
<b>RO</b>	10,000	50	-	15	20	65	85	43/4	-	2.0 (q)	15
<b><i>Lots Legally Created after 5/29/96</i></b>											
<b>S-6</b>	6,000	65	25	12/10 (e)	20	25	85	35/2.5 (j)	-	-	15
<b>SC</b>	7,500	50	15	12/10 (e)	20	30	85	35/2.5 (j)	-	-	15
<b>T</b>	7,500	50	15	12/10 (e)	20	30	85	35/2.5 (j)	-	-	15

## SECTION 5.05 NOTES TO TABLE OF DIMENSIONAL REGULATIONS

- (a) Exempt religious and educational institutions may not be more than three (3) stories or forty (40) feet high.
- (b) A dwelling to be erected between two (2) existing dwellings adjacent to the lot need not have a front yard greater than the average of the yards in front of the two (2) existing dwelling
- (c) A rear yard or side yard may contain accessory buildings not over one (1) story high and covering not more than thirty percent (30%) of the required yard area.
- (d) Side yards between buildings without dwelling units may be omitted by Special Permit provided that the side yard does not adjoin a Residence district, and that the access of emergency equipment to the rear parking is not rendered inaccessible. For new construction of three (3) or four (4) family dwelling structures or rowhouses, side yards shall be required at the side lot as at the end of each row of attached dwelling. When the row of dwellings is facing the street, no single side yard shall be less than (ten) 10 feet wide. When the row is facing the side yard, no single side yard shall be less than fifteen (15) feet wide. No row shall consist of more than eight (8) dwellings, and each dwelling shall be a minimum of twenty (20) feet, measured between the common walls.
- (e) The minimum Setback for one (1) side yard must be at least the first number listed and for the other side yard the second number listed. The side yard in which the driveway is located must be at least twelve (12) feet in width and further, the paved driveway shall be not less than eight (8) feet in width. At least four (4) feet of the driveway side yard, measured from the lot side boundary, shall be a buffer zone landscaped with natural, non-invasive plantings. For purposes of Section 6.02, the driveway side buffer zone shall not be used for off-street parking. Also, see Section 4.11, Exceptions to Setback Requirements.
- (f) The minimum frontage of the lot shall be one hundred (100) feet for new construction of multi-family dwelling structures, townhouses, and rowhouses.
- (g) In the R.75 district, development shall be allowed by right up to an FAR of 0.75 without a special permit and without affordable housing requirements if the total number of dwelling units is five (5) or less. However, if more than five (5) units are developed, a special permit is required under Section 9.05, and the project is subject to the affordable housing requirements set out in Section 5.07.
- (h) In the R1.2 district, development shall be allowed by right up to an FAR of 1.2 without a special permit and without affordable housing requirements if the total amount of dwelling units is five (5) or less. However, if more than five (5) units are developed, a special permit is required under Section 9.05, and the project is subject to the affordable housing requirements set out in Section 5.07.
- (i) No use in the I-1, I-2 or I-3 Districts shall exceed an FAR of 1.0 without receiving a special permit consistent with Sections 9.03-9.15 and in no instance shall the increased intensity of use allowed by the special permit exceed an FAR of 2.0. In addition, no residential use in the I-3 district shall be allowed without receiving a special permit consistent with the above noted sections and Section 5.07.
- (j) For all residential development in the S-6, S-10, SC, T and OSC zoning districts the height of the highest eave (intersection of the roof line and wall line) shall not exceed (twenty-six) 26 feet.
- (k) For all uses allowed by special permit in the I-1, I-2 and I-3 districts no part of any structure when abutting a residential zoning district shall be closer than twenty-five (25) feet to the property line of said residential district and structures between twenty-five (25) and thirty-five (35) feet of said property line shall not exceed a height of twenty-five (25) feet and two (2) stories, structures between thirty-five (35) and fifty (50) feet of said property line shall not exceed thirty-six (36) feet and three (3) stories, and structures beyond fifty (50) feet of said property line shall be allowed fifty (50) feet and five (5) stories. Further, in the required twenty-five (25) foot setback for all structures at least fifteen (15) feet of said area shall be landscaped to serve as a year-round visual buffer where the proposed

project about a residential zoning district.

- (l) In the I-1, I-2 and I-3 districts, fences shall have a maximum allowable height of eight (8) feet. In all other districts, fences shall have a maximum allowable height of six (6) feet. Further, no accessory recreational structure such as a basketball court, tennis court or similar recreational area shall be allowed within five (5) feet of any lot line.
- (m) The minimum distance between any two (2) structures in the CR zone shall not be less than one-half the average heights between the two (2) buildings in question, except structures that are used for allowed accessory purposes.
- (n) For mixed-use projects of any type (Residential and Commercial) the minimum open space requirement shall be twenty percent (20%).
- (o) For mixed-use projects of any type (Residential and Commercial) the Maximum Floor Area Ratio shall be 4.0.
- (p) No residential or mixed commercial residential structure shall be allowed within twenty-five (25) feet of any OSC district boundary and no industrial or commercial structure within fifty (50) feet of an OSC district boundary if it is located on a parcel greater than twenty-five thousand (25,000) square feet; if less than twenty-five thousand (25,000) square feet the required district setbacks shall apply.
- (q) See Section 5.08(d)(1) and Section 9.06(b). In the RO district, the projects containing only commercial uses, the maximum FAR is 1.5. For projects that contain any residential units, the maximum FAR is 2.0. Affordable housing requirements under Section 5.07 shall apply.
- (r) In the T district, a new two (2) family dwelling and an existing one (1) family detached dwelling converted into a two (2) family dwelling on lots of less than 7,500 square feet shall be permitted as of right if the total floor area ratio (FAR) does not exceed 0.50. In the T district only, FAR does not include basement and garage area. A new two (2) family dwelling and an existing one (1) family detached dwelling converted into a two (2) family dwelling on lots of less than 7,500 square feet may exceed an FAR of 0.50 if granted a special permit by the Board of Appeals, but in no instance shall the FAR exceed 0.625.
- (s) In the PSCD, the build-to line of 10 feet may be increased up to a maximum of 30 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining, but not intended for automobile use. In addition, an increased setback up to 30 feet may be required if it is found that a strict adherence to the 10 foot build-to line is inconsistent with the Corridor Plan as determined by the SPGA.
- (t) In the PSCD, the maximum building coverage may be increased to 60% by Special Permit in accordance with §5.16(h).
- (u) In the PSCD, the maximum allowable height may be increased up to 66 feet/6 stories with 10 foot stepback to 79 feet/7 stories with 15 foot stepback by Special Permit in accordance with §5.16(h).
- (v) In the PSCD, the maximum FAR may be increased to 2.0 by Special Permit in accordance with §5.16(h).

## SECTION 5.06 FLOODPLAIN DISTRICT

### (a) Intent and Purpose

The purposes of this district are:

1. To provide that lands in the Town of Watertown subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such manner as to endanger the health or safety of the occupants thereof.
2. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve the present and potential water supplies for the public health and safety of the residents of the Town of Watertown.
3. To assure the continuation of the natural flow pattern of the water courses within the Town of Watertown in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

### (b) District Delineation

1. The floodplain District is defined as all special flood hazard areas within the Town of Watertown designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Watertown are panel numbers 25017C0414E, 25017C0418E, 25017C0419E, 25017C0552E, 25017C0556E, and 25017C0557E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Department of Community Development and Planning and the Conservation Commission office.
2. Base Flood elevation and floodway data – 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.

### (c) Permitted Uses

1. The Floodplain District shall be considered as overlying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this section.
2. The following uses shall be permitted within the Floodplain District as a matter of right.
  - a. Conservation of soil, water, plants and wildlife.
  - b. Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted but excluding building and structures.
  - c. Wildlife management areas, non-commercial signs, foot and bicycle paths and bridges, provided that such uses do not affect the natural flow pattern on any water course.
  - d. Dwellings, buildings and structures lawfully existing prior to the adoption of these provisions, but not including any enlargement and/or extension thereof.
  - e. Retail use in an RD - Limited Redevelopment District for which a final Order of Conditions has been issued under the Massachusetts Wetlands Protection Act (G.L. Ch.131, 40) and which meets the criteria listed on Section 5.06 (d) 4.a., b. and c. and Section 5.06(d)7. No site plan approval shall be required under Section 5.06(d)(4) for such use.

3. The portion of any lot within the area delineated in section (b) above may be used to meet the area and yard requirements for the district or districts in which the remainder of the lot is situated, provided that the portion does not exceed twenty-five percent (25%) of the minimum lot area.

(d) Board Action

In the Floodplain District, the special permit granting authority may grant a special permit for any use and/or structure, subject to the following:

1. The proposed use will not be detrimental to the public health, safety and welfare.
2. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.
3. All necessary permits have been received from those governmental agencies from which approval is required by federal or state law.
4. The provisions of Section 9.03 or 5.16 if applicable are applied for any use or structure. Specifically, the provisions of Section 9.03(c) are applied in a manner designed to eliminate, minimize or reduce exposure to flood damage. In addition:
  - a. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system.
  - b. New and replacement sanitary sewage systems must be similarly designed. Discharges from sewage systems into flood waters must be minimized or eliminated.
  - c. No new construction, substantial improvement to existing structures, filling, or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood.
5. Any proposed new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, must include base flood elevation data.
6. The elevation in mean sea level to which proposed new or substantially improved structure will be elevated or flood proofed, whether or not the structure has a basement is required.
7. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
  - a. The Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
  - b. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - c. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - d. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)
8. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

9. In reference to Section 5.06 (D), 4, C please note that under the Wetlands Protection Act Regulations, no rise in water surface elevation is allowed to result from proposed activity in the floodplain.

(e) Other Agency Action

1. The Inspector of Buildings will maintain a record of floodproofing and elevation information as required by the State Building Code, including:
  - a. The elevations, in relation to mean sea level of the lowest floor, including basement or cellar, and whether or not the building has a basement or cellar;
  - b. the elevation, in relation to mean sea level, to which a building has been flood proofed;
  - c. the date when such construction or improvement commenced.

(f) Notification of Watercourse Alteration

In a riverine situation, the Conservation Agent shall notify the following of any alteration or relocation of a watercourse:

- 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, 6<sup>th</sup> Floor  
Boston, MA 02110

## **SECTION 5.07 AFFORDABLE HOUSING REQUIREMENTS**

(a) Intent and Purpose

The purposes of this Section are to encourage the expansion and improvement of the Town of Watertown's housing stock; to provide for housing choices for households of all incomes, ages, and sizes; to prevent the displacement of low- and moderate-income residents; to produce affordable housing units in order to meet existing and anticipated employment needs within the Town; to provide opportunities for conventional residential and mixed-use development to contribute to increasing the supply of affordable housing; and to establish standards and guidelines in order to implement the foregoing.

(b) Definitions

1. AFFORDABLE HOUSING PROGRAM

Collectively, Section 5.07 and other provisions of the Watertown Zoning Ordinance that pertain to the development and preservation of affordable housing in the Town of Watertown.

2. AFFORDABLE HOUSING RESTRICTION

A deed restriction, contract, mortgage agreement, or other legal instrument, acceptable in form and substance to the Town of Watertown, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of Chapter 184, Sections 26 or 31-32 of the General Laws.

### 3. AFFORDABLE HOUSING FUND

A fund account established by the Town for the purpose of creating or preserving affordable housing in the Town of Watertown.

### 4. AFFORDABLE HOUSING UNIT

A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Massachusetts Department of Housing and Community Development, Local Initiative Program, for inclusion on the Chapter 40B Subsidized Housing Inventory.

### 5. AREA MEDIAN INCOME

The median family income for the metropolitan area that includes the Town of Watertown, as defined in the annual schedule of low- and moderate-income limits published by the U.S. Department of Housing and Urban Development, adjusted for household size.

### 6. COVERED DEVELOPMENT

Any development required to provide affordable housing in accordance with Section 5.07.

### 7. ELIGIBLE HOUSEHOLD

A low- or moderate-income household that purchases or rents an affordable housing unit as its sole residence.

### 8. INCLUSION UNIT

An affordable housing unit built on the same site as the market-rate units in a covered development under Section 5.07.

### 9. LOCAL INITIATIVE PROGRAM

A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 45.00 to develop and implement local housing initiatives that produce low- and moderate-income housing, with or without a comprehensive permit as defined in Chapter 40B, Section 20 through Section 23 of the General Laws.

### 10. LOW- OR MODERATE-INCOME HOUSEHOLD

A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan area that includes the Town of Watertown, as determined annually by the United States Department of Housing and Urban Development (HUD).

### 11. MARKET-RATE DWELLING UNIT

All dwelling units in a development subject to this Section 5.07 that are not affordable housing units as defined herein.

### 12. MAXIMUM AFFORDABLE PURCHASE PRICE OR RENT

A purchase price or monthly rent that complies with the regulations and guidelines of the DHCD Local Initiative Program and the Watertown Planning Board, except that developments subject to Section 5.07(j)(3) shall comply with the maximum purchase price or rent requirements of that section. For homeownership units, the maximum affordable purchase price shall account for the monthly cost of a mortgage payment, property taxes, insurance, and condominium fees where applicable; and for rental units, the maximum affordable rent shall account for the monthly cost of rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or any successor affordable housing program established by the state.

### 13. SMALL-SCALE INCLUSION DEVELOPMENT

A covered development that provides 6 or more up to 10 dwelling units.

### 14. SUBSIDIZED HOUSING INVENTORY

The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 31.04.



(c) Applicability

(1) Section 5.07 applies to any development, whether new construction, conversion, adaptive reuse or expansion of an existing structure, involving the creation of more than five dwelling units or more than five (5) lots for residential use, and to any mixed-use development involving the creation of more than fifteen (15) dwelling units. Assisted living, outside of the Assisted Living Overlay Zone, Section 5.11, shall be considered institutional and shall be exempt from Section 5.07.

Developments may not be segmented to avoid compliance with this Section. "Segmentation" shall mean any development, whether new construction, adaptive reuse or redevelopment, or any division of land that would cumulatively result in an increase by five or more residential lots or dwelling units above the number existing on a parcel of land or contiguous parcels in common ownership twenty-four months prior to the application. Where such segmentation occurs, it shall be subject to this Section as a covered development. A subdivision or division of land shall mean any subdivision as defined in the Subdivision Control Law, G.L. c.41, Sections 81K-81GG, or any division of land under G.L. c.41, Section 81P, into lots for residential use.

(2) This Section does not apply to the rehabilitation of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or a natural disaster; provided, however, no rehabilitation nor repair shall increase the density, bulk or size of any such building or structure which previously existed prior to the damage or destruction thereof except in conformance with this Section.

(d) Basic Requirements

(1) **Projects having more than five (5) units:** No special permit for a development requiring a special permit and no building permit for a use permitted as of right, shall be issued for a development subject to this section unless the Petitioner provides at least ten percent (**10%**) of the total dwelling units in the development as affordable housing as described herein and otherwise consistent with this Section.

(2) Nothing in this Section shall preclude a developer from providing more affordable units than the minimum requirements. In no instance shall any permit or special permit approval create less than one affordable housing unit, and for purposes of this Section, any calculation of required affordable housing units that results in the fractional or decimal equivalent of one-half or above shall be increased to the next highest whole number.

(3) Affordable units shall be made available to eligible low- or moderate-income households at purchase prices or rents that comply with the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program regulations, 760 CMR 45.00, or any successor program as may be determined by the Special Permit Granting Authority (SPGA) in consultation with the Watertown Housing Partnership

(e) Methods of Providing Affordable Units

(1) A covered development with more than five (5) and up to ten (10) units, shall have the option of providing an affordable unit on site or making a cash payment. A covered development with more than ten (10) units shall provide the affordable units on site. However, approval for cash payment in lieu of on-site affordable units may be granted by the SPGA in certain exceptional circumstances. The SPGA must find that the developer has clearly demonstrated that providing such unit(s) on-site would create significant hardship and that a cash payment in lieu of on-site unit(s) is in the best interest of the Town.

Any request for alternative means of compliance shall be reviewed by the Watertown Housing Partnership, which shall then make its recommendation to the SPGA.

(2) The SPGA shall authorize that an alternative method of compliance be used, in accordance with the following:

(A) **Cash Payment:** The SPGA may grant a special permit to provide affordable housing through a cash payment to the Watertown Affordable Housing Fund, in lieu of providing one or

more of the affordable units required under this Section; provided, however, that a fee in lieu of affordable units may be authorized only for a covered developments with more than five (5) and up to ten (10) units of for rental, for-sale or homeownership units. The cash payment shall be equal to the difference between the fair market value for a typical market-rate housing unit and the price of the affordable housing unit consistent with DHCD LIP Guidelines and shall be in accordance with a schedule of affordable housing payments as outlined in Section 5.07, h (6) and guidelines adopted and amended from time to time by the SPGA, following a public hearing, in consultation with the Watertown Housing Partnership and the Watertown Department of Community Development and Planning.

(f) Location and Comparability of Affordable Units

(1) Affordable units shall be proportionately distributed throughout the building(s) in a covered development.

(2) Affordable units shall be indistinguishable from market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems, as determined by the Building Inspector

(3) Affordable units may differ from market-rate units in type of appliances, finishes; however, the affordable units shall be comparable to the base market-rate units in such instances.

(4) Affordable units shall have the same gross floor area as the average market-rate unit within a margin of 20%; provided, a one bedroom affordable unit shall be not less than 800 sf; a two-bedroom not less than 1,000 sf and a three-bedroom not less than 1350 sf.. If the 20% margin results in a higher gross floor area average than the minimum noted above, the higher square footage shall be required. The bedroom mix in the affordable units shall be proportionate to the market-rate units, unless the SPGA authorizes a different mix by special permit upon the recommendation of the WHP. Dwelling units exceeding 2,000 sf shall be exempt from the calculations in determining the "average" size of dwelling units within the project

(5) The SPGA may adopt regulations or guidelines to further define comparability of the foregoing requirements.

(6) The Watertown Housing Partnership shall provide the applicant and SPGA as provided in 5.07(j) with its recommendations with reference to the Petitioner's proposal in meeting the requirements for affordable housing.

(g) Affirmative Marketing and Local Preference Policy

Affordable units shall be made available for purchase or rent to eligible low- or moderate-income households under an affirmative marketing plan that complies with federal and state fair housing laws, and fair housing and local preference guidelines established by the Watertown Housing Partnership. No building permit for a covered development shall be issued unless the Department of Community Development and Planning has determined that the Petitioner's affirmative marketing plan complies with this requirement. The affirmative marketing costs for the affordable housing units shall be the responsibility of the petitioner.

(h) Preservation of Affordability

(1) Affordable units provided under this Section shall be subject to an Affordable Housing Restriction that contains limitations on use, occupancy, resale and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction. Affordability restrictions shall be contained in applicable affordable housing restrictions, regulatory agreements, deed covenants, contractual agreements, land trust arrangements and/or other mechanisms to ensure compliance with the affordability requirements of this Section 5.07 (collectively, "Affordable Housing Restriction").

(2) The Affordable Housing Restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of Chapter 184, Section 26 or Sections 31-32 of the General Laws.

(3) The Affordable Housing Restriction shall provide that initial sales and rental of affordable housing units and their subsequent re-sales and re-rentals shall comply with federal, state and local fair housing laws, regulations and policies.

(4) The Affordable Housing Restriction shall provide that in the event that any affordable rental unit is converted to a condominium unit, the condominium unit shall be restricted in perpetuity in the manner provided for by (h)(1) above to ensure that it remains affordable to households in the same income range as prior to the condominium conversion.

(5) For a covered development that provides Inclusion Units:

(A) No building permit shall be issued until an Affordable Housing Restriction has been executed by the Petitioner and the SPGA and the Petitioner provides evidence acceptable to the Director of Community Development and Planning that the agreement has been recorded at the Middlesex County Registry of Deeds.

(B) For a rental, for-sale or homeownership unit, the Department of Community Development and Planning shall not sign off on a certificate of occupancy until the applicant submits documentation acceptable to the Director of Community Development and Planning that an affordable housing deed rider has been signed by affordable unit homebuyer and recorded at the Middlesex County Registry of Deeds.

(6) For a covered development that provides affordable housing through a cash payment in lieu of affordable units:

(A) For a covered development having 10 units or less that provides affordable housing through a cash payment in lieu of affordable units; the following reduced percentage (%) of the difference between fair-market value and affordable housing unit as described in Section e. 2. A. shall apply: 10 units – 100%; 9 units- 90%; 8 units – 80%; 7 units – 70% and 6 units – 60%.

(B) The Department of Community Development and Planning (DCD&P) shall not sign off on certificate(s) of occupancy for Unit 6 until the applicant pays 50% of the required fee; or payment in full if it is a 6-unit covered development. Before a certificate of occupancy can be issued for Units 7-10, the applicant must pay the remaining 50% or payment in full for covered developments having 7, 8, and 9 units and provide evidence to the Director, DCDP, that the cash payment has been paid in full to the Affordable Housing Fund. For projects above 10 units, the remaining fee must be paid prior to the issuance of the certificates of occupancy for unit 11 and above.

(7) All legal documentation in connection with the affordable housing units shall be in the standard form provided by the Town of Watertown, as approved by legal counsel to the Town. If the Petitioner proposes to use documentation other than that provided by the Town, any and all costs associated with review by legal counsel to the Town shall be paid by the Petitioner.

(i) Submission Requirements and Procedures

Projects requiring the provision of affordable units under this Section must submit a proposal as to the method of meeting the affordable housing requirements with the application for zoning relief and a copy to the Watertown Housing Partnership. The Watertown Housing Partnership shall, in writing, provide the applicant with their recommendations no later than forty (40) days from submission. The SPGA may adopt additional submission requirements and procedures not inconsistent with this Section, following a public hearing and consultation with the Watertown Housing Partnership

(j) Special Regulations for Inclusion Units

(1) Use Regulations: Developments with Inclusion Units shall comply with Section 5.01, Table of Use Regulations; provided, however, that a covered development with not more than ten (10) multi-family units shall be a permitted use when at least 10% of the units are Inclusion Units as defined hereunder, in which case the development shall qualify for review as a Small-Scale Inclusion

Development.

(2) Small-Scale Inclusion Development Submission Requirements and Procedures: No building permit for a Small-Scale Inclusion Development shall be issued until the SPGA has approved a site plan in accordance with Section 9.03 and the provisions of this Section. The SPGA may adopt regulations for submission requirements and procedures not inconsistent with this Section, following a public hearing.

(3) Cost Offsets and Affordability Requirements: Inclusion Units shall be exempt from the minimum lot area per dwelling unit and/or maximum floor area ratio, as set forth in Section 5.04, provided that the Inclusion Units comply with the following affordability requirements:

(A) Rental Units: For the affordable units, the maximum affordable rent shall be affordable to a household with income at or below 65% area median income (AMI), adjusted for household size; provided, however, that the SPGA may grant a special permit for a development in which the affordable unit rents are, on average, affordable for a household with income at 65% AMI. For example, in a development with two Inclusion Units, the maximum rent for each unit may be that which is affordable to a household with income at 65% AMI, or one unit may be affordable to a household with income at 50%

AMI and the second unit may be affordable to a household with income at 70% AMI. However, no affordable unit in a rental development shall be priced for affordability to a household with income exceeding 80% AMI.

(B) Homeownership Units: For the affordable units, the maximum purchase price shall be affordable to a household with income at 70% AMI, adjusted for household size.

(4) Local Initiative Program Requirements. The Petitioner shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify affordable units for listing on the Chapter 40B Subsidized Housing Inventory.

(k) Severability

If any portion of this Section is declared to be invalid, the remainder shall continue to be in full force and effect.

## **SECTION 5.08 REVITALIZATION OVERLAY SPECIAL PERMIT (R0)**

(a) Intent and Purpose: To assist in accomplishing the purposes of this Zoning Ordinance the Town Council may from time to time apply a Revitalization Overlay District to specific portions of the Zoning Map in order to guide the redevelopment of certain tracts of land in a manner that is beneficial to the Town.

(b) Objectives: The establishment and application of the revitalization overlay special permit is intended to accomplish the following objectives:

- (1) To permit by special permit the orderly redevelopment of a specific area regardless of the various underlying zoning districts;
- (2) To provide for greater flexibility in planning and design;
- (3) To provide the opportunity for mixed use developments that will allow for more efficient and sensitive use of land;
- (4) To promote compatibility between adjoining areas and the proposed development site; and
- (5) To promote redevelopment of specific portions of the community consistent with adopted land use plans and policies.

(c) Permitted Uses: The following uses are permitted within a revitalization overlay special permit:

- (1) Any use permitted in the S-10, S-6, T, R.75 and R1.2 districts, given the site plan requirements of subsection (e)2 of this Section 5.08;
- (2) Retail establishments, business offices, consumer services, excluding drive-in retail and service facilities;
- (3) Any use permitted by right or special permit in any of the underlying zones.

(d) Dimensional Criteria: The uses noted in subsection (c) above shall be subject to the following criteria:

- (1) Maximum Floor Area Ratio: No commercial project developed by a Revitalization Overlay special permit shall exceed a Floor Area Ratio of 1.5; and no residential project developed by a Revitalization Overlay special permit shall exceed a Floor Area Ratio of 2.0.
- (2) Maximum Height: No structure built or reconstructed as a result of revitalization overlay special permit shall be more than forty three (43) feet or four (4) stories;
- (3) Building Coverage: The structure or structures of any development within a revitalization overlay district shall not exceed a total building coverage of sixty-five percent (65%), excluding parking areas and parking garages, recreation facilities such as swimming pools and tennis courts, and internal roadways or walkways;
- (4) Setbacks:

Front	No setback required
Side	15 feet
Rear	20 feet

The Board of Appeals shall require that a landscape plan for screening and buffering purposes be prepared for some or all the required set back areas.

- (5) Minimum Lot Size: Ten Thousand (10,000) square feet
- (6) Minimum Frontage: Fifty (50) feet
- (7) Minimum Open Space: All projects within the Revitalization Overlay District shall have at least fifteen percent (15%) of the total site area devoted to Open Space; required Setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking or loading purposes and shall be open and unobstructed to the sky, items such as benches, walkways, planters, landscaping, swimming pools, kiosks, gazebos, and similar structures shall not be considered as obstructions;
- (8) Bonus Density: A project developed by a Revitalization Overlay special permit which provides that ten percent (10%) of its residential units be made affordable to low and moderate income persons as defined by Executive Office of Communities and Development (EOCD), subject to the criteria set forth in Section 5.07(d), may increase its Floor Area Ratio to a maximum of 2.0.

(e) Minimum Site Plan Requirements

(1) Commercial Developments: Developments that are exclusively commercial in character may be permitted by special permit given the conditions of the above subsection (d) of this Section 5.08.

(2) Residential Projects: No developments that are exclusively residential in character shall be allowed except as provided below. Residential uses shall only be allowed as part of a mixed use project and shall be subject to the following conditions:

- (A) Entrances and exits for residential uses shall be separate and distinct from commercial entrances and exits.
- (B) The Board of Appeals may grant a special permit for entirely residential structures in the instance where the proposed mixed used development would create both wholly but separate residential and commercial structures on one lot given the following conditions; structures used wholly for residential purposes shall be at least fifty (50) feet from structures (within the same lot) used for wholly commercial purposes and the open space between the residential and commercial structures shall be consistent with the open space requirements of this section; and that the total FAR for all structures on the lot does not exceed 1.5, except as allowed by Section 5.08(d)(8) above; and further, that all other dimensional requirements are met in accordance with the standards of this section.

(3) All Projects:

- (A) The exterior building line of the fourth story shall be setback a minimum of twenty-five (25) feet from any street line.
- (B) For any building that contains a fourth story, the front exterior building line shall be a minimum distance of twelve (12) feet from the front lot line.

- (f) Parking Requirements: The parking requirements for development within the Revitalization Overlay District shall conform to the parking requirements for each individual use set forth in Section 6.01 of this Zoning Ordinance.
- (g) Signs: A plan for signs shall be submitted to the Planning Board and the Board of Appeals for approval. The Board of Appeals shall grant approval of the plan for signs only after it is satisfied with said plan for signs will not derogate the quality of a residential environment in the mixed use projects. For guidance, the Board of Appeals shall use Section 7.05 of this Zoning Ordinance for signs in mixed use projects. For developments that are exclusively commercial, Section 7.06 of this Zoning Ordinance shall apply.
- (h) Procedure: Consistent with the procedural requirements provided in Section 9.04 of this Zoning Ordinance, the Board of Appeals may grant a special permit for development within a Revitalization Overlay District if it finds that the conditions for approval for special permits set forth in Section 9.05(b) of this Zoning Ordinance have been met.

## **SECTION 5.09 WATERTOWN SQUARE DESIGN OVERLAY DISTRICT**

- (a) Intent and Purpose: To assist in accomplishing the purposes of the Zoning Ordinance, the Town Council hereby applies a Design Overlay District to specific portions of the Zoning Map in order to regulate building signage and facade alterations within certain districts of the Town in a manner that is beneficial to the community.
- (b) Objectives: The establishment and application of the Design Overlay District is intended to accomplish the following objectives:
  - (1) To encourage reinvestment in and stimulate increased economic activity in the Watertown Square Area.
  - (2) To improve the appearance of the Watertown Square area over time and to create a more competitive shopping environment.
  - (3) To maintain and enhance the scale and quality of Watertown Square's architectural environment including the Square's existing older buildings and any proposed new construction.
- (c) Permitted Uses: The following uses are permitted within the Design Overlay District: Any Uses permitted in the Central Business (CB) district.
- (d) Dimensional Criteria: The Uses above shall be subject to the following criteria: All dimensional criteria applying to the Central Business District.
- (e) Minimum Site Plan Requirements: Site Plan Requirements shall be the same as those required in the Central Business district.
- (f) Parking Requirements: Parking requirements for the Design Overlay District shall be the same as those required in the Central Business District.
- (g) Regulated Building Facade Alterations
  - (1) Regulated facades shall include all buildings within the Watertown Square Design District (see map of area).
  - (2) A regulated alteration or facade improvement shall be defined as any change in the visual appearance of the facade including any change in signage, lighting, door or window style, unless the change consists of an exact replication in terms of size, color, location, and detail of the replaced element.
  - (3) All regulated facades shall be subject to the design review process of Section 7.02 of the Zoning Ordinance.
  - (4) In reviewing all proposed facade alterations within the Watertown Square Design Overlay District, the Planning Board Staff's recommendations shall be based on the Watertown Square Design Handbook and such guidelines as the Planning Board may adopt.

(h) Signs

- (1) Any and all signage changes shall be subject to the design review process of Section 7.02 of the Zoning Ordinance.
- (2) In reviewing all proposed signage changes within the Design Overlay District, the Planning Staff's recommendations shall be based on the Watertown Square Design Handbook and such guidelines as the Planning Board may adopt.
- (3) All signage within the Design Overlay District shall conform to the provisions of Section 7.02 except as otherwise specified in the Watertown Square Design Handbook.

**SECTION 5.10 LIMITED REDEVELOPMENT DISTRICT (RD)**

(a) Intent and Purpose: To encourage the redevelopment of land for retail purposes in order to promote the revitalization of land and to conserve its value.

(b) Permitted Uses: The RD - Limited Redevelopment District shall be considered as overlaying other districts and is intended to permit more extensive uses than are permitted in the underlying zoning districts or in any applicable overlay district as follows: Retail establishments with more than five thousand (5,000) square feet of Building Area are permitted as of right.

Any use permitted by right or special permit in any of the underlying zoning districts in accordance with the provisions of Section 5.01 through 5.04 or in any overlay district applicable to the property located in the RD - Limited Redevelopment District, as permitted in such district shall not be affected by virtue of the provisions of this Section 5.11(b).

(c) Dimensional Criteria: The uses noted in subsection (b) above shall be subject to the dimensional requirements applicable in the underlying zoning districts.

(d) Parking Requirements: The parking requirements for development within the RD - Limited Redevelopment District shall conform to the parking requirements for each individual use set forth in Section 6.01 of this Zoning Ordinance.

(e) Signs: For retail establishments permitted under Section 5.11(b)(i), the following signs shall be permitted: one wall sign for each business located in the building and in the case of a business which has more than a single department, one sign for each department provided such department occupies no less than 550 square feet of the building and provided the aggregate of all such wall signs on the building shall not exceed 500 square feet. For other uses, the provisions governing signs in the underlying zoning district shall be applicable.

**SECTION 5.11 ASSISTED LIVING OVERLAY DISTRICT (ALOD)**

(a) Intent and Purpose: To encourage and guide the redevelopment of land for residential purposes and to promote its revitalization and value to the community.

(b) Permitted Uses: Any use permitted in the underlying zone and Assisted Living as defined in Section 2.05, subject to special permit provisions under Section 9.04, 9.05, and 9.09.

(c) Dimensional Criteria:

Min.Lot Size:	10,000 sf	Max.Building Coverage:	35%
Min.Frontage:	80 ft	Max.Height:	3 stories or the height allowed in the underlying district, whichever is greater, provided however that more than 3 stories may be allowed within existing structure.
Front Setback:	25 ft	Min.Lot/unit:	1,200 sf
Side Setback:	20 ft	Max.FAR:	1.0
Rear Setback:	20 ft	Min.Open Space:	20%

- (d) Parking Requirement: For Assisted Living, one space per every 4 units plus one per employee on largest shift. All other uses must follow the provisions of Section 6 of this Zoning Ordinance.
- (e) Signage: The provisions of Section 7.05 of this Zoning Ordinance shall apply.
- (f) Affordable Housing Requirements: A total of 10% of the units must be set aside as affordable pursuant to the provisions of Section 5.07 of this Zoning Ordinance.

**SECTION 5.12 ARSENAL OVERLAY DEVELOPMENT DISTRICT (AODD)**

- (a) Name: Arsenal Overlay Development District (AODD)
- (b) Intent and Purpose: To create a zoning overlay district to assist, promote, and guide the orderly conversion and redevelopment of former US Army Materials Technology Laboratory (AMTL) property in a manner which is beneficial to Watertown.
- (c) Objectives: The establishment of the AODD overlay district is intended to accomplish the following objectives:
  - (1) To permit the expeditious and efficient redevelopment of the AMTL property which will enhance the community’s quality of life and economic well-being;
  - (2) To provide for compatibility of land uses within and abutting property;
  - (3) To promote the preservation of the historic resources and character of the property, including the rehabilitation of existing structures to the maximum extent practicable;
  - (4) To allow for a density which is appropriate for economic revitalization while not burdening the surrounding neighborhoods;
  - (5) To allow for greater flexibility and discretion in planning and design by the Town of Watertown, in accordance with the “Arsenal on the Charles Signage Guidelines”, prepared by Sasaki Associates, Inc., dated September 2000.
- (d) Permitted Uses: The following land uses are permitted within the overlay district (AODD):

Principal Uses:

- (1) Commercial
  - Bank
  - Corporate Offices
  - Restaurant
  - Hotel
  - Health & Fitness Club
  - Medical Center
- (2) Industrial
  - Research and Development
  - Light Manufacturing
  - Assembly
- (3) Institutional, Community, Cultural
  - Museum
  - Library
  - Theater
  - Day Care
  - Aquarium
  - College, University, and any academic, research, or support uses ordinarily



associated with a college or university campus, including, without limitation, classrooms, dormitories and housing for graduate (but not undergraduate) students, faculty housing, eating facilities, research laboratories, athletic facilities, health care facilities, telecommunication facilities, broadcast facilities, libraries, faculty, administrative, and other offices, museums, auditorium, theatres, concert halls, and other facilities of public assembly, and parking related to any of the foregoing uses or facilities at property located within the AODD and to any college or university uses, activities or facilities, or academic, research or support uses, activities or facilities ordinarily associated with a college or university campus, on properties owned or controlled by President and Fellows of Harvard College or any of its Affiliates and located in Boston, Cambridge, or Watertown. For the purpose of this paragraph, "Affiliates" shall mean entities that are directly or indirectly through one or more intermediaries under the control of President and Fellows of Harvard College, including entities in which the sole member(s) are one or more officers of President and Fellows of Harvard College.

Any religious, educational, or licensed day care use as defined by M.G.L. c.40A, §3.

Accessory Uses:

- (1) Parking, for site occupants, visitors
- (2) Retail and Consumer Services such as Bank, ATM, Salon, Newsstand, Coffee Shop (limited to 10% of floor area of any building to serve site occupants)
- (3) Warehousing to service site occupants

The following uses are specifically prohibited:

- Residential (except for dormitories and housing for graduate students and faculty housing permitted above under Institutional, Community and Cultural Uses)
- Heavy Industrial
- Wholesale or Warehouse
- Retail
- Auto Sales or Repair

Any uses which are not specifically prohibited but which are not listed as a permitted use in (d) and are consistent with the Reuse Plan Update may be allowed at the discretion of the Planning Board.

(e) Dimensional Criteria:

- (1) Maximum Floor Area: The following maximum floor area has been established for the existing structures to be rehabilitated:

<u>Building</u>	<u>Max.Floor Area</u>
311	375,000
312	75,000
313	65,000
37	60,000
43	44,000
292	28,200
97	37,000
60	30,000
117	1,920
118	7,200
131	<u>46,100</u>
TOTAL	<u>779,420</u>

For any new construction, the Planning Board shall determine maximum allowable floor area based upon criteria determined by on-site and off-site constraints such as parking, traffic, open

space, circulation, and the provisions of the Historic Preservation Memorandum of Agreement (MOA).

- (2) Maximum Height: No structure to be rehabilitated shall be raised in height, except for accessory equipment. For any new construction, no structure shall exceed 50 feet or 4 stories, and shall be consistent with the provisions of the MOA.
- (3) Building Coverage: Any new structures shall not result in a total building coverage of more than fifty percent (50%), excluding parking areas and garages when added to the total square feet of all buildings on the site.
- (4) Setbacks: For any new structures, the following lot line setbacks shall apply:
  - Front: 25 feet
  - Side: 25 feet
  - Rear: 25 feet
- (5) Minimum Lot Size: Ten Thousand (10,000) square feet
- (6) Minimum Open Space: Fifteen percent (15%) of the lot

(f) Parking Requirements:

*AUTOMOBILE*

<u>Use</u>	<u>Spaces per 1,000 square feet of floor area</u>
Research & Development	2
Manufacturing	2
Office	3
All other uses	Consistent with Section 6 of the Watertown Zoning Ordinance

*BICYCLE*

Off-street bicycle parking shall be provided as follows:

- (1) One bicycle parking space for every 20 automobile parking spaces;
- (2) Each bicycle parking space shall be sufficient to accommodate a bicycle 7 feet in length and 2 feet in width. Inverted U frame racks that support the bicycle at two or more points above and on either side of the bicycle's center of gravity are required. Racks must be secured to the ground.
- (3) Where more than 10 bicycle spaces are required, half shall be provided as long term (employee) parking, secure and protected from the elements. The other half shall be provided as short term (customer or visitor) parking, visible and convenient to building entrance.
- (4) Accommodation of bicycle lockers and showers, which further encourage bicycle transportation, shall be negotiated during the developer marketing and selection phases in order to meet the provisions of the Transportation Demand Management (TDM) Plan as stipulated in the Environmental Impact Report (EIR) to be issued for the redevelopment of the site. A centralized bicycle facility which includes all of the above provisions is highly desirable.

(g) Siting and Design Guidelines:

Pursuant to the requirements of the Historic Preservation Memorandum of Agreement (MOA), the character defining features of the structures located on the AMTL property must be preserved. The MOA listed the character defining features as follows:

Building and Structure Exteriors  
Fenestration

Scale  
Color  
Use of Material  
Mass  
Views to, from, across the Olmsted-designed landscape

All rehabilitation of existing structures and any new construction must be sensitive to these features and consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(h) Permitting Requirements and Procedures:

All projects within the Arsenal Overlay Development district are subject to the provisions of this Ordinance.

**SECTION 5.13 WIRELESS TELECOMMUNICATIONS FACILITIES**

- (a) No person shall construct a wireless telecommunications facility without a special permit issued by the Board of Appeals under Section 9.05. In addition, any facility must:
- (1) Be located within these zones (CB, LB, I-1, I-2, I-3, and CR). Wireless telecommunications facilities shall not be located within the NB (Neighborhood Business) zone.
  - (2) Not be located on a structure containing any residences, not within fifty (50) feet of a residential zone or any structure containing a residential use.
  - (3) In the case of an antenna mounted on a building or structure, not extend more than fifteen (15) feet above the height of such structure or building.
  - (4) In the case of a tower, not exceed the height allowed in the zoning district.
  - (5) Be fully concealed or camouflaged, i.e. disguised, shielded, hidden, or made to appear as an architectural component of an existing or proposed structure.
- (b) Removal of Abandoned Facilities: Any wireless telecommunications facility that is not operated or that is not in compliance with this ordinance for a continuous period of ninety days shall be considered to be abandoned, and the Building Inspector may, by written notice order that such facility be removed within thirty (30) days. At the time of removal, the facility and all associated debris shall be removed from the premises.

**SECTION 5.14 RELIGIOUS/SCHOOL BUILDING OVERLAY DISTRICT (R/SOD)**

- (a) Intent and Purpose: To assist in accomplishing the purposes of this Zoning Ordinance the Town Council may from time to time apply a Religious/School Buildings Overlay District to specific portions of the Zoning Map in order to guide and encourage the reuse and redevelopment of both religious and school buildings as defined in accordance with c.40A, §3, MGL, throughout the community and further protecting the historic building structures and preserving architectural features and character along with its associated tracts of land in a manner that is beneficial to the Town.
- (b) Permitted Uses: The following uses are permitted within a religious/school building overlay district.
- (1) Any use permitted in the R.75, R1.2 and NB districts
  - (2) educational or licensed day care use defined by c 40A, Section 3, MGL, business offices;
  - (3) Any use permitted by right or special permit in any of the underlying zones.
- (c) Uses Allowed by Special Permit: Other residential and mixed uses shall be allowed by Special Permit subject to the following criteria:
- (1) The project shall promote the orderly redevelopment of specific religious and/or school building and their associated tracts of land area regardless of the various underlying zoning districts;
  - (2) The project shall provide for greater flexibility in planning and design;
  - (3) To project shall provide opportunity for residential and mixed use - limited business developments that will allow for more efficient and sensitive use of land;
  - (4) The project shall be compatible between adjoining areas and the proposed development site;

and

- (5) The project shall allow for redevelopment of existing church and school structures within the community consistent with adopted land use plans and policies;
- (6) To the maximum extent possible, the project shall preserve significant and desirable architectural and/or historical buildings and their architectural and/or historical features, and shall incorporate appropriate architectural and /or historical features into any renovations of or additions to those buildings and features;
- (7) Any public property in the OSC district sold to a private owner or owners shall be deemed to be in the CR District in accordance with Section 5.03 (3), Zoning Ordinance.

- (d) Dimensional Criteria: The uses noted in subsection (c) above shall be subject to the following criteria: Existing Buildings: Alterations shall be subject to Section 4.06(a); Special Permit Finding. Additions and New structures where projects proposing 10 residential units or less, R.75 dimensional criteria shall apply; for projects proposing over 10 units, R1.2 dimensional criteria shall apply; for a residential and mixed use-limited business development, including educational and licensed day care use, NB dimensional criteria shall apply
- (e) Parking Requirements: The parking requirements for development within the Religious/school buildings overlay district shall conform to the parking requirements for each individual use set forth in Section 6.01 of this Zoning Ordinance.
- (f) Affordable Housing: All residential projects, including mixed use projects shall adhere to the provisions of Section 5.07, Affordable Housing Requirements.
- (g) Signs: A plan for signage shall be submitted to the Planning staff for review and submitted to the Zoning Board of Appeals for approval only after it is determined that said plan for signage will not derogate the quality of a residential environment in the mixed use projects. For guidance, the Board of Appeals shall use Section 7.05 of this Zoning Ordinance for signs in mixed use projects. For developments that are exclusively commercial, Section 7.06 of this Zoning Ordinance shall apply.
- (h) Bonus Density for Existing Structures: A project developed by a R/SOD special permit and notwithstanding any provisions of Section 5.04, Table of Dimensional Regulations, more than the maximum number of floors/stories permitted in the Dimensional Criteria Zone applicable to the project may be allowed by the Zoning Board of Appeals within the existing building.
- (i) Procedure: Consistent with the procedural requirements provided in Section 9.04 of this Zoning Ordinance, the Board of Appeals may grant a special permit for development within a Religious/School Building Overlay District if it finds that the conditions for approval for special permits set forth in Section 9.05(b) of this Zoning Ordinance have been met.

## **SECTION 5.15 MUNICIPAL REUSE AND DEVELOPMENT**

- (a) Intent and Purpose:

The purpose of this section is to promote and encourage the orderly reuse and redevelopment of land and structures already owned and used for municipal purposes by the Town of Watertown for one or more other municipal uses, consistent with the evolving needs of the Town, by establishing regulations which will allow for greater flexibility in planning and design consistent with both fiscal responsibility and sound planning and site design principles, and which will maximize compatibility with the neighborhood in which the land is located.
- (b) Applicability:

The provisions of this Section shall apply in all zoning districts to the proposed reuse and redevelopment of municipally-owned land and structures and to the change from one municipal use to another municipal use.
- (c) Applicable Regulations:

Notwithstanding any provisions of this ordinance to the contrary, the reuse and redevelopment of municipally-owned and used land and structures for other municipal uses shall be permitted by right in all zoning districts of the Town of Watertown, subject only to the following procedures and requirements.

- (d) The Planning Board may in certain circumstances vary dimensional criteria, including parking where warranted due to the proximity and use of structures on abutting properties and may also require greater landscape screening and buffering to be installed within some or all of the required set back areas.
- (1) Dimensional Criteria:
  - (a) Existing Buildings: Alterations shall be subject to paragraph (h).
  - For New Construction including Additions:
    - (b) Maximum Floor Area Ratio: No municipal reuse and redevelopment project shall exceed a Floor Area Ratio of 1.5;
    - (c) Maximum Height: No new structure built or reconstructed as a part of a municipal reuse and redevelopment project shall be more than forty-eight (48) feet or four (4) stories in height, whichever is less;
    - (d) Lot Coverage: Lot coverage in a municipal reuse and redevelopment project shall not exceed a total of sixty-five percent (65%), excluding parking areas and parking garages, recreation facilities such as parks and tennis courts, and internal roadways or walkways;
    - (e) Setbacks:

Front	15 feet Minimum
Side	25 feet Minimum
Rear	50 feet Minimum
    - (f) Minimum Lot Size: None
    - (g) Minimum Frontage: Fifty (50) feet
    - (h) Minimum Open Space: All municipal reuse and redevelopment projects shall have at least fifteen percent (15%) of the total site area devoted to Open Space; required setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking, loading or roadway purposes and shall be open and unobstructed to the sky; items such as benches, walkways, planters, landscaping, swimming pools, kiosks, gazebos, and similar structures shall not be considered as obstructions.
- (2) Parking Requirements: Parking for Municipal Reuse and Redevelopment Projects shall conform to the parking requirements for each individual use set forth in Section 6.01 of this Zoning Ordinance.
- (3) Signs: A plan for signage shall be submitted to the DCDP staff and Planning Board for approval. The Planning Board, with the recommendation of the DCDP staff shall grant approval of the plan for signs only after it is satisfied that said signage will not derogate from the quality of surrounding residential environment. For guidance, the Planning Board shall use Section 7.04 of this Zoning Ordinance and may, if found necessary permit additional signage above that which is allowed in Section 7.04.
- (4) Accessory Structure(s): Accessory structure(s) shall be permitted and subject to review by the Planning Board.
- (5) Procedures: Consistent with the procedural requirements provided in Section 9.03 (a) and (b) of this Zoning Ordinance, the Planning Board together with the Administrative Site Plan Review Committee shall hold a public hearing to determine and discuss questions and impacts, potential problems with the development or redevelopment within a Municipal Reuse and Development

District. The Planning Board shall prepare a written report on the proposal considering, among other things, the ten criteria listed in 9.03 (c) and if it finds that the conditions for approval set forth in Section 9.05(b) of this Zoning Ordinance have been met.

## **SECTION 5.16 PLEASANT STREET CORRIDOR DISTRICT (PSCD)**

### **(a) Intent and Purpose:**

The Pleasant Street Corridor District (PSCD) has been enacted to encourage the best use of the Pleasant Street Corridor physically, economically, environmentally, and socially while promoting the best interests of the residents of the Town.

The PSCD is intended to fulfill the goals and objectives contained in the Pleasant Street Corridor Concept Plan and Implementation Strategy (herein defined as “the Corridor Plan”). The PSCD zoning is designed to achieve these goals through sound planning and site design principles.

The major objectives of the Corridor Plan are the following:

- Define the character of the corridor
- Facilitate a mix of uses including residential, office, research and development, hotel, retail, etc.
- Improve quality of life
- Develop at an appropriate scale and size
- Increase real estate investment and maximize development to enhance the Town tax base
- Promote accessibility to and within the district by improving existing and creating new roadways, mass transit, pedestrian walkways, bicycle paths
- Calm Pleasant Street traffic and manage traffic impacts
- Improve access to the Charles River
- Encourage Smart Growth and Low Impact Development (LID) to develop in an environmentally sustainable manner, manage storm water, and protect the riparian habitat

### **(b) District Delineation:**

The Pleasant Street Corridor District (PSCD) will replace the westernmost Industrial-3 (I-3) in its entirety (Waltham border to Myrtle Street). The provisions of this Section shall apply only to the boundaries of the Pleasant Street Corridor District.

### **(c) Authority and Procedures:**

The Planning Board shall be the Special Permit Granting Authority for all Special Permits including Site Plan Review in accordance with Section 9.03 within the PSCD. The Planning Board shall hold a public hearing in accordance with procedures outlined in Section 9.04. The Planning Board shall not approve any such Special Permit unless it finds that the four conditions for approval set forth in Section 9.05(b) of this Zoning Ordinance have been met. For applications requiring Site Plan Review, the Planning Board shall also consider, among other things, the ten criteria listed in Section 9.03 (c).

### **(d) Dimensional Criteria:**

- (1) For baseline criteria, refer to Section 5.04 Table of Dimensional Requirements.
- (2) Adjustments to baseline dimensional criteria may be granted for certain development incentive credits as noted in Section 5.16(h). The maximum allowable adjustments are outlined herein.
- (3) Alterations, additions, and extensions to nonconforming structures shall be subject to Section 4.06. Existing buildings are eligible to receive development incentive credits to create modifications to FAR, maximum building coverage, height, and parking requirements as outlined in Section 5.16(h).
- (4) Maximum Floor Area Ratio:

(A) Mixed-Use Development of which a minimum of 75% of the ground floor is used for

- retail/commercial or service use: FAR of 2.0
- (B) All other development: FAR 1.0. A maximum FAR of 2.0 may be allowed by Special Permit for achieving development incentive credits in accordance with Section 5.16(h).
- (5) Minimum Lot Area per Dwelling Unit: 800 s.f per dwelling unit.
- (6) Heights:
- (A) Minimum height: 24 feet
- (B) Maximum height: 54 feet/5 stories
- (C) Heights in Buffer Areas: Buildings abutting the river, wetlands, a T, or S-6 zoning district shall incorporate step backs and/or reduced heights to mitigate potential negative impacts upon these districts and environmentally sensitive areas.
- (D) Provisions for Increased Height: The maximum allowable height may be increased up to 66 feet/6 stories with 10 foot stepback to 79 feet/7 stories with 15 foot stepback by Special Permit for achieving development incentive credits in accordance with Section 5.16(h).
- (7) Building Coverage:
- (A) Maximum total building coverage: 50% with a maximum of 60% allowed by Special Permit in accordance with Section 5.16(h)
- (B) Maximum footprint (per floor) for a single tenant for retail or restaurant use
- 12,000 square feet
  - Up to 40,000 square feet with Special Permit
- (8) Maximum Impervious Surface: 80%
- (9) Minimum Open Space:
- All new development shall have at least twenty percent (20%) of the total site area devoted to Open Space; required setbacks shall be considered as part of the total area for Open Space. The required Open Space shall not be used for parking, loading, or roadway purposes and shall be open and unobstructed to the sky; items such as benches, walkways, planters, landscaping, swimming pools, kiosks, gazebos, and similar structures shall not be considered as obstructions.
- (10) Setbacks:
- (A) Build-to Line
- Build-to line setback 10 feet from front property line. Setback increase up to a maximum of 30 feet for purposes of a plaza, square, courtyard, recessed entrance, or outdoor dining, but not intended for automobile use.
  - An increased setback up to 30 feet may be required if it is found that strict adherence to the 10 foot build-to line is inconsistent with the Corridor Plan as determined by the SPGA.
- (B) Side Yard Setback
- Buildings may be contiguous on a block: zero (0) lot line and/or shared party wall.
  - Where a party wall is not possible, setback from property line shall be a minimum of 18 feet.
  - Maximum contiguous building wall on a block: 300 feet.
- (C) Rear Yard Setback
- 18 feet minimum
- (D) Waterfront setback (including wetlands):
- No structures shall be permitted within the 50 feet setback from top of bank or to first road.

- (11) Minimum Lot Area:
  - 10,000 square feet.
- (12) Minimum Frontage:
  - No minimum requirement.

(e) Parking Requirements:

- (1) The provision of off-street parking shall comply with the requirements of Article VI.
- (2) In addition to the requirements pertaining to the quantity of parking spaces, parking areas shall comply with the following standards to the maximum extent possible:
  - Improve and soften the appearance of parking areas.
  - Shade and cool parking areas.
  - Reduce the amount and rate of stormwater runoff.
  - Reduce pollution and temperature of stormwater runoff.

(A) Location of Parking:

Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

(B) Visual Impact:

In addition to locating parking areas to the rear or side of buildings (or when it is not feasible), the visual impact of parking areas from sidewalks, streets, the river, and from adjacent residential zones shall be reduced to the greatest extent possible by screening with living vegetation, ornamental fencing, or a combination of landscaping and fencing.

(3) Provisions for Parking Requirement Reductions:

Reductions of the required number of parking spaces may be granted by Special Permit in accordance with §6.01(f), Shared Parking, and Section 5.16(h)(3), Alternative Transportation Incentives, of which the total reduction shall not exceed 15% of the required amount.

(f) Design Guidelines:

(1) Purpose:

The Design Guidelines are intended to promote certain urban design principles and physical building characteristics within the Pleasant Street Corridor District. The guidelines are intended to aid in the review of proposals, but are not intended to discourage innovative architectural design solutions.

(2) Guidelines:

In general, proposals should seek to satisfy the following:

- (A) Be complementary to and provide for a harmonious transition in scale and character between adjacent sites.
- (B) Provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Town or in the region.
- (C) Maintain streetscape continuity with a strong building presence along the primary street edge.
- (D) The size and detailing of buildings shall be pedestrian oriented and incorporate features to add visual interest while reducing appearance of bulk or mass. Blank walls should be avoided.
- (E) A distinct “sidewalk” presence with incorporation of elements such as planters, traditional awnings, signage projecting from building façade (blade signage), etc. to enhance the



pedestrian scale and interest of the street.

- (F) Avoid prototypical, standardized brand identity-related architecture and signage for businesses with multiple locations (i.e.: retail “chain” stores and restaurants.)

(g) Environmental Sustainability Guidelines:

(1) Purpose:

The following Environmental Sustainability Guidelines are intended to promote environmentally responsible site design and green building principles within the PSCD in order to better manage stormwater, conserve natural resources, and reduce the impact of development on the natural environment. To provide additional guidance the Town may enact a separate LID and Stormwater ordinance.

(2) Guidelines:

In general, proposals should seek to satisfy the following:

- (A) To the maximum extent possible, retain stormwater runoff on-site.
- (B) Diminish the heat island effect.
- (C) Employ energy conscious design with regard to orientation, building materials, shading, landscaping, and other elements.
- (D) To the maximum extent possible, retain existing healthy, viable trees and plant additional trees.
- (E) Incorporate Green roofs (vegetated roof covers)
- (F) Use permeable paving materials
- (G) Use bioretention systems (such as rain gardens) instead of traditional structural conveyance systems
- (H) Comply with current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council.
- (I) Utilize energy-efficient technology and renewable energy resources
- (J) Incorporate best practices in stormwater management and LID techniques.

(h) Development Incentive Credits:

Subject to approval by Special Permit, developments may receive adjustments to the dimensional criteria and/or parking requirements for achieving one or more of the following:

(1) Enhancing Public Open Space:

(A) Publicly Useable Open Space:

Developments may receive increases to the maximum allowable building coverage, FAR, and/or height in accordance with Section 5.16d(6)(D) if a minimum of 50% of the required open space is designated as “publicly useable open space” and open to the public from dawn to dusk. The purpose of this provision is to provide incentives for the setting aside of lands that are accessible and useable and designed for the enjoyment of the Public. Larger adjustments may be allowed where Publicly Useable Open Space is contiguous with other areas of Publicly Useable Open Space to link sites, encourage walking, and/or provide access to the Charles River.

(B) Charles River Bike Path Connections:

A development that provides a significant contribution to improve, extend, and/or provide connections to the Charles River bike path as determined by DCDP Staff may receive increases to the maximum allowable building coverage, FAR, and/or height in accordance with Section 5.16d(6)(D).

(2) Structured/Underground Parking:

Developments that provide the required parking spaces underground or within a structure may receive increases to the maximum allowable building coverage, FAR, and/or height in accordance with Section 5.16d(6)(D).

(3) Alternative Transportation Incentives:

Developments that encourage the use of alternative modes of transportation shall be eligible to receive a reduction of the required amount of automobile parking spaces. This credit may be achieved by demonstrating a reduced demand for automobile parking by the encouragement of cycling, walking, car sharing, and use of public transit. Possible methods to reduce parking demand are the provision of showers for bicycle commuting employees, sheltered bicycle parking, providing connections to public transit, on-site car sharing services, etc. The reduced parking requirement shall correspond to the reduced automobile parking demand, but in no case shall exceed 15%.

(4) Conformance with Guidelines:

Development that achieve significant conformance with the Design Guidelines and Environmental Sustainability Guidelines may receive increases to the maximum allowable building coverage, FAR, and/or height in accordance with Section 5.16 d(6)(D). In determining such increases, the SPGA may seek input, for advisory purposes, from the Conservation Commission, Environment and Energy Efficiency Committee, Department of Public Works, and other Town Departments, Boards, and Commissions.

(5) Development of Opportunity Sites:

Development of desirable uses at key opportunity sites as outlined in the Corridor Plan may receive increases to the maximum allowable building coverage, FAR, and/or height in accordance with Section 5.16 d(6)(D).

**ARTICLE VI**

**AUTOMOTIVE AND BICYCLE PARKING REQUIREMENTS**

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6.00	Intent of Requirements	6.04	Design and Layout of Off-Street Loading Facilities
6.01	Required Off Street Parking Spaces	6.05	Outdoor Automobile Storage, New or Used Vehicles
6.02	Location and Design of Off-Street Parking Spaces	6.06	Gasoline Service Stations
6.03	Required Off-Street Loading Spaces	6.07	Bicycle Parking

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**SECTION 6.00 INTENT OF REQUIREMENTS**

It is the intent of this Zoning Ordinance that any use of land involving the arrival, departure, storage, or entry upon the land of motor vehicles be so designed and operated as to reduce hazard to pedestrians upon the public sidewalks, to protect the use of adjoining property from nuisance caused by the noise, fumes and glare of headlights which may result from the operation of cars parking off the street, and at the same time to reduce congestion in the streets and contribute to traffic safety by assuring adequate places for the standing and storing off the street of motor vehicles and allow for the reasonable use of the land for the purposes intended as allowed by this Zoning Ordinance.

**SECTION 6.01 REQUIRED OFF-STREET PARKING SPACES**

- (a) In order that all structures and land uses eventually be provided with sufficient off-street parking to meet the needs of persons employed at or making use (e.g.: customers, visitors, patrons, patients, occupants, etc.) of such structures or land, no land shall be used and no building shall be erected, enlarged or used unless off-street parking spaces meeting the requirements of this Section are provided. Said off street parking space requirements shall not apply to the storage and/or display of motor vehicles which shall be provided in accordance with Section 6.05 hereof.
- (b) The minimum number of off-street parking spaces required for particular uses of land (hereinafter called "required off-street parking spaces") is set forth in the following table:

PRINCIPAL USE	UNIT
One and two family house	2 per dwelling unit 3 per dwelling unit if more than 4 bedrooms
Town and Rowhouse	2 per unit
Multi-Family	1.25 per studio 1.5 per one bedroom 1.75 per two bedrooms 2 for three or more bedrooms
Mixed Use	The sum of commercial and residential requirements consistent with this Ordinance; except in CB district, 1 space per dwelling unit and commercial uses consistent with Section 6.01(f) may be reduced by SP.
Hotels, motels, licensed lodging houses -	1 per employee on shift at peak occupancy plus 0.75 per guest room plus 1 per table or 5 seats in a restaurant plus 1 per 250 square feet of space in function rooms not designed for eating

Accessory home occupations	1 per 2 rooms used for a home occupation
Accessory lodgings	1 per 2 rooms offered for rent
Other places of public assembly such as for meetings, entertainment, recreation, adult education	1 per 5 fixed seats or 10 linear feet of bench floor area open to public assembly where no seats or benches are provided.
Retail with Accessory Food or Beverages	1 per table or 4 seats plus 1 per 250 square feet of function rooms not designed for eating.
Restaurants	1 per 4 seats and 1 per every 4 linear feet Of standing table space
Funeral parlor, undertaker	1 per 5 seats or 1 per 50 sq. ft in parlor, whichever is greater
Bowling alleys	2 per bowling alley
Hospitals, and Nursing Home	1 per staff plus 1 per 4 patient beds
Assisted Living	See Section 5.11(d)
Veterinary Clinic	1 per 350 square feet
Schools	1 per staff member plus 1 per 3 students driving age (unless car usage is prohibited) or 1 per 8 seats in largest place of assembly, whichever is greatest
Other institutions, such as museum, private, professional or trade school	1 per 600 square feet of Gross Floor Area
Retail Sales/Service and Office	1 per 350 square feet of Gross Floor Area 1 per 400 square feet of Gross Floor Area Above the Ground Floor
Fitness Center	1 per 400 square feet of Gross Floor Area
Bank	1 per 300 square feet of Gross Floor Area
Bank Kiosks (with no staff)	5 spaces per automatic teller
Industrial, including also 1 gasoline service station, printing and publishing	1 per 600 square feet of Gross Floor Area
Warehouse, public utility stations	1 per 1,200 square feet of Gross Floor Area
Research and Development	1 per 600 square feet of Gross Floor Area
Auto repair garage, and similar uses	1 per 200 square feet of Gross Floor Area

Kennels	1 per 300 square feet of Gross Floor Area
Auto sales, leasing and Rentals display (new and used)	1 per 600 square feet of space devoted to showrooms for customer use. For automobile display or storage lots, there shall be 150 square feet of total land area in said lots for each automobile stored or displayed.
Self Storage facility	1 per 3 storage units
Drive-ins (exclusive of food)	1 per 350 square feet of Gross Floor Area

- (c) The Planning Board shall be the determining authority in the event of a conflict in interpretation as to the category of the principal use, or as to the gross floor (or open lot) area in a given use.
- (d) Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one.
- (e) The aggregate number of spaces required for each of several uses separately may be provided on a common parking lot serving all of these uses.
- (f) Where it can be demonstrated that the combined peak parking needs of all the uses sharing the lot will, because of differences in peak hours or days, be less than required by 6.01(b), the number of parking spaces to be provided may be reduced accordingly by special permit.
- (g) Required off-street parking areas shall be provided on the same lot they serve, except that the Board of Appeals may grant a special permit for off-street parking areas to be provided on another lot, in the same ownership as the principal use; and any such parking lot shall not be otherwise used or diminished in size unless the Board of Appeals finds the lot is no longer required by the principal use it serves.
- (h) For projects subject to a special permit, the SPGA may permit the applicant to indicate on an approved site plan where up to 20% of the required parking can legally be built but not be required to be built (shadow parking) to receive an occupancy permit. All or portions of said shadow parking may be required to be built out as shown if at any time the SPGA by a majority vote, deem it appropriate to do so. All allowed shadow parking areas shall be designed and maintained as naturally vegetated open space.

**SECTION 6.02 LOCATION AND DESIGN OF OFF-STREET PARKING SPACES**

- (a) Areas of required Off-street parking may be open or enclosed in a structure provided that if open, such areas shall be graded, drained and surfaced in conformance with currently applicable engineering standards as determined and promulgated by the Superintendent of the Department of Public Works. In no instance shall surface drainage be permitted to drain into land of adjacent property owners or the Town right of way except in the case of single and two-family homes.
- (b) Except as provided in Section 6.02(n) below, each required off-street parking space shall be marked and shall not be less than eight and one-half (8 1/2) feet in width and eighteen (18) feet in length for angle parking or twenty-two (22) feet in length for parallel parking, exclusive of drives, walks and maneuvering space. It shall be the responsibility of the applicant to show on the site plan for the proposed development the provision of adequate automobile maneuvering space acceptable to the Planning Board. In addition to the above requirements, the applicant may reduce the width of not more than ten percent (10%) of the required parking spaces, and not more than ten percent (10%) of any parking spaces in excess of the required amount which he may choose to provide, to eight (8) feet.
- (b) Except as required in Sections 6.02 (d), (e), (f) or (n) below, each required off-street parking space shall have direct access to an aisle or drive-way having a minimum width of twenty-four (24) feet in

the case of two-way traffic or the following widths in the case of one-way traffic only:

<i>Angle of Parking</i>	<i>Minimum Aisle Width</i>
Parallel	12 feet
30	11 feet
45	13 feet
60	18 feet
90	20 feet

- (d) For one and two family houses, the off-street parking requirements of Section 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area lay-out are met. For the purpose of this Section 6.02(d), stacked parking shall mean a parking layout where spaces are provided one vehicle directly behind another vehicle, including an enclosed garage parking space, with a maximum limit of four (4) in number.
- (e) For three and four family houses, upon the granting of a special permit, parking space requirements of Section 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area layout are met. For the purpose of this Section 6.02(e), stacked parking shall mean the parking of one vehicle directly behind another vehicle, limited to a total of three (3) vehicles in a stack in all instances inclusive of where vehicle space may be provided as an enclosed garage parking space.
- (f) For row houses, the off-street parking requirements of Section 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area layout are met. For the purpose of this Section 6.02(f), stacked parking shall mean a parking layout where spaces are provided with one vehicle directly behind another vehicle, limited to a total of two (2) vehicles in a stack in all instances inclusive of where vehicle space may be provided as an enclosed garage parking space.
- (g) In no instance may the open space required for each Lot be used for the provision of required off-street parking spaces.
- (h) No driveway or sidewalk opening providing access to an area of required off-street parking spaces, measured at the street lot line may be more than twenty-four (24) feet, except as allowed in Section 6.02(i) below. In addition, no such driveways or sidewalk openings shall have shrubs, walls, signs or fences in excess of thirty (30) inches in height from the entrance of the driveway to a point fifteen (15) feet into such driveway or in excess of thirty six (36) inches along the front lot line.
- (i) For a site upon which new construction is proposed; to which an increase in the number of existing bedrooms or units is sought; or to which modifications to existing construction of driveways or parking areas are proposed for either one, two, three, or four family dwellings or row houses, the following design standards shall apply: There shall be allowed a maximum of two curb cuts per site at a maximum of eleven (11) foot width, with a minimum distance of twenty (20) feet between curb cuts. No curb cut, or combination of curb cuts shall exceed a maximum of forty percent (40%) of the lot frontage, or twenty-two (22) feet, whichever is less.
- (j) No area of the required Building Front Yard shall be used for parking or driveway area. In cases where there is a garage attached to a single-family dwelling and is located in the building front yard area, driveway and parking in front of the garage shall be allowed provided access is via one 12' curb cut. Driveway must maintain 5' front setback, be at least 18' in depth and then permitted to flare out to the width of the garage door. A Special Permit is required in cases where there is a garage attached to a two-family dwelling located in the building front yard area, provided the driveway maintain 5' front setback and be at least 18' in depth for parking in front of the garage(s). For one, two, three, four family and/or row houses, no driveway and/or parking area shall be closer than four (4) feet from the side lot line, ten (10) feet from the rear lot line, or five (5) feet from the front lot line. No setbacks from structures on the lot shall be required. All other stated dimensional

requirements shall prevail.

- (k) Except as set forth in Section 6.02(j) and 6.02(n), the surfaced area of off-street parking areas shall be set back a minimum of eight (8) feet from all buildings and lot lines except as allowed in Section 6.02(e). Such setback areas, except for entrance and exit drives, shall be properly landscaped with grass, trees, shrubs, flowers, or other landscaping materials. In addition, at least five (5) percent of the interior of any parking area with twenty (20) or more parking spaces shall be landscaped and continuously maintained. Planting along the perimeter of a parking area whether for required screening or general landscaping, shall not be considered as part of this five (5) percent landscaping.
- (l) No reduction in the number of off-street parking spaces which are required by this Article shall be allowed and no existing off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure; provided, that this subsection shall not operate to prevent the elimination of existing parking spaces which are in excess of the number required by this article.
- (m) Any outdoor lighting designed for the purpose of illuminating outdoor areas such as walks, driveways, doorways, outdoor recreational facilities and all accessory uses shall be continuous non-flashing, indirect and installed and shielded in such a manner that will prevent direct light from shining upon any other property in a residence district.
- (n) In the Business Zones and Industrial Zones, the off-street parking requirements of Section 6.01 may be satisfied with the use of a stacked parking configuration. For the purposes of this section 6.02(n) stacked parking shall mean a parking space, including enclosed garage parking spaces, where within a parking space vehicles may be parked with one (1) vehicle behind another, with a maximum two (2) vehicles in each stack. Notwithstanding the provisions of section 6.02(b) above, each parking space shall be marked and shall not be less than eight (8) feet in width and seventeen (17) feet in length for angle parking or twenty-two (22) feet in length for parallel parking, exclusive of drives, walks and maneuvering space. One (1) of the two vehicles in each stack shall have direct access to an aisle or drive-way having a minimum width of twenty-four (24) feet in the case of two-way traffic or in the case of one-way traffic the minimum aisle width provided in Section 6.02(c). The surfaced area of off-street parking areas shall be set back a minimum of five (5) feet from all buildings and lot lines. Such setback areas, except for entrance and exit drives, shall be properly landscaped with grass, trees, shrubs, flowers and other landscaping materials.

**SECTION 6.03 REQUIRED OFF-STREET LOADING SPACES**

- (a) Off-street loading facilities shall be provided for new structures and new additions in accordance with the following table:

Type of Use	Number of Loading Bays Required by Gross Floor Area of Structures (in 1000's of sq ft)				
	For each 2-15	15-50	50-100	100-150	add'l 150
Retail trade, wholesale, storage industry, communications and utilities	1	2	3	4	1
Office building, hotel, dormitory, institution, recreation and education	1	1	1	1	1

- (b) The Planning Board shall be the determining authority in the event of a conflict in interpretation as

to the category of the principal use, or as to the Gross Floor Area (or open lot) in a given use.

- (c) Where the computation of required off-street loading spaces results in a fractional number, a fraction of one-half or more shall be counted as one.
- (d) The aggregate number of spaces required for each of several uses separately may be provided on a common lot serving all of these uses.

#### **SECTION 6.04 DESIGN AND LAYOUT OF OFF-STREET LOADING FACILITIES**

- (a) Each required space shall be no less than twelve (12) feet in width, fourteen (14) feet in height and thirty (30) feet in length in a Business District and fifty (50) feet in length in an Industrial District (except for entirely residential projects in the I-3 District and Hotels in the I-1 District), exclusive of drives and maneuvering space, and located entirely on the lot being served.
- (b) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.
- (c) The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty (30) feet; the minimum width shall be twenty (20) feet.
- (d) Loading spaces may be enclosed in a structure and must be so enclosed if located within fifty (50) feet of a residence district where the use involves regular night operation.
- (e) All accessory driveways and entrance-ways shall be graded, surfaced, drained, to the satisfaction of the Superintendent of the Department of Public Works, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways, or onto adjacent properties.
- (f) Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance, or a hazard or unreasonable impediment to traffic.

#### **SECTION 6.05 OUTDOOR AUTOMOBILE STORAGE, NEW OR USED VEHICLES**

- (a) All storage of motor vehicles in connection with any permitted use, including new and used automobile sales and display, and motor vehicle service, repair and auto body work shall be regulated by the provisions of this Section 6.05, except for gasoline service stations, which shall be regulated by Section 6.06 below.
- (b) Storage of motor vehicles may be provided in a stacked configuration. For purposes of this Section 6.05, a stacked configuration shall mean placing vehicles one directly behind another and/or directly beside another.
- (c) Any layout of an area for the storage of motor vehicles shall be designed to provide sufficient pedestrian access to all stored vehicles and the storage area of the lot by emergency vehicles and equipment to maintain adequate safety standards.
- (d) Any layout of an area for the storage of motor vehicles shall be designed to provide adequate space for the movement and maneuvering of the vehicles on the lot as to minimize the use of public ways for the maneuvering of vehicles.
- (e) The maximum width of driveways and sidewalk openings measured at the street lot line shall be twenty-four (24) feet; the minimum width shall be twenty (20) feet.
- (f) All accessory driveway and entrance ways shall be graded, surfaced, and drained to the satisfaction of the Superintendent of the Department of Public Works and to the extent necessary to prevent nuisances of dust, erosion or excess water flow across public ways or onto adjacent



properties.

- (g) All areas used for the storage of motor vehicles shall be designed and used in such a manner as at no time to constitute a nuisance, hazard, or unreasonable impediment to traffic.
- (h) All storage of motor vehicles shall be screened as provided in Section 4.14.
- (i) Any outdoor lighting designed to illuminate any outdoor areas used for the storage of motor vehicles, or areas related thereto such as walks, driveways, or doorways shall be continuous, non-flashing, indirect and installed and shielded in such a manner that will prevent direct light from shining upon any other property in a residence district.
- (j) The storage of non-garaged unregistered motor vehicles for more than sixty (60) days on parcels not authorized by this Zoning Ordinance for the storage or repair of said motor vehicles is prohibited, and shall constitute a violation of this ordinance.

#### **SECTION 6.06      GASOLINE SERVICE STATIONS**

- (a) The use of a lot as a gasoline service station permitted by this Zoning Ordinance shall be regulated by the provisions of this Section 6.06.
- (b) No driveway shall be permitted to any street that carries traffic at such speed or in such quantity that the Board of Appeals deems that access to or egress from a gasoline service station at such a location will create hazardous conditions.
- (c) The maximum width of driveways and sidewalk openings measured at the street lot line shall be twenty-four (24) feet; the minimum width shall be twenty (20) feet.
- (d) The minimum distance of driveways, measured at lot line, shall be used as follows: from corner lot line, twenty (20) feet; from interior side lot line, ten (10) feet; from other driveway on same lot, twenty (20) feet.
- (e) The minimum setback of gasoline pumps from all street lot lines shall be twelve (12) feet.
- (f) A raised curb at least six (6) inches in height shall be constructed along all lot lines except at driveway openings.

- (g) Unless located in an I-1 District, all major repairs, including bodywork and all washing and lubricating, shall be carried on inside the building.
- (h) The area of the lot not landscaped and so maintained shall be graded, surfaced with asphalt or other suitable material, and drained to the satisfaction of the Superintendent of the Department of Public Works to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways or onto adjacent properties.
- (i) All vehicles on a lot used as a gasoline service station shall be screened from any lot which is in a residence district as required by Section 4.14 or as may be otherwise required by the Board of Appeals.

#### **SECTION 6.07 BICYCLE PARKING**

(a) Off street bicycle parking shall be provided as follows:

- (1) One bicycle parking space for every 15 automobile parking spaces, with a minimum of 4 and a maximum of 50 spaces, must be provided. No bicycle parking is required where fewer than 15 automobile parking spaces are required.
- (2) Each bicycle parking space shall be sufficient to accommodate a bicycle 7 feet in length and 2 feet in width. Inverted U frame racks that support the bicycle at two or more points above and on either side of the bicycle's center of gravity are required. An alternative style of rack that, in the opinion of the Zoning Board of Appeals, provides a comparable level of security and convenience may be provided. Racks must be secured to the ground.
- (3) It is recommended that half be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements. The other half shall be provided as short term (customer or visitor) parking, and it is recommended that these spaces be visible and convenient to building entrance.
- (4) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet the combined requirements.
- (5) The following uses are exempt from these requirements: Funeral parlor, undertaker, automobile repair or body shop, gas station, and car wash.
- (6) These requirements may be varied by the Board of Appeals by Special Permit, based upon a determination that the proposed bicycle parking facilities will adequately address the purposes of this section.

## ARTICLE VII

### SIGNS AND ILLUMINATION

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7.00	Intent and Purpose	7.06	Signs in NB, LB, CB and PSCD Districts
7.01	Definition of Terms		
7.02	Application and Procedure	7.07	Signs in Industrial Districts
7.03	Signs in All Districts	7.08	Permitted Illumination
7.04	Signs in S-10, S-6, SC, CR, T and OSC Districts	7.09	Non-Conformance
7.05	Signs in R.75 and R1.2 Districts, and For Residential Uses in the I-3 District	7.10	Watertown Square Design Overlay District

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#### **SECTION 7.00 INTENT AND PURPOSE**

A sign is a unique type of accessory structure, which because of its potential impact on adjacent lots and on adjacent public street and land, warrants the regulation contained in this Zoning Ordinance. It is recognized that signs perform important functions in communicating messages which are essential for public safety and general welfare, provide information about types of goods and services available at permitted uses, and provide orientation. Therefore, it is hereby found and declared that regulation of signs is necessary to promote the health, safety and general welfare by:

- (a) lessening hazards to vehicular and pedestrian traffic;
- (b) preventing unsightly and detrimental development which is a potential blighting influence upon residential, institutional, public business and industrial uses, and detrimental to property value;
- (c) preventing signs from becoming so excessive in number, size, intensity, brilliance, or impact that they obscure or distract from 1) public signs essential to the orderly and safe movements of goods and persons in the Town, or 2) one another to the detriment of all concerned;
- (d) facilitating easy recognition and immediate legibility of permitted signs; and
- (e) securing certain fundamentals of good design for the Town.

The provisions of this article are complementary to, and shall not be construed as inconsistent with, or in contravention of, Sections 29 to 33 of Chapter 93 of the General Laws of Massachusetts.

#### **SECTION 7.01 DEFINITION OF TERMS**

- (a) Accessory sign: any sign relating to business, service, or products including national brand products, supplied on the premises on which the sign is located.
- (b) Animated or Flashing Sign: any sign or attention-catching device which in part or whole moves or flashes or contains traveling lights or gives the impression of any movement or flashing whether such effect is generated by natural or artificial forces.
- (c) Banner Sign: any piece(s) of fabric displaying a distinctive insignia, identifying wording and/or symbolic representation of a business, service or activity.
- (d) Directional Sign: any sign whose only purpose is to direct traffic to proper entrance or exit.
- (e) Identifying Sign: any sign giving no more than the name, address and telephone number of the business or occupant of the premises or of its operator and the hours open for business.

- (f) Illuminated Sign: any sign which is lighted by artificially generated light, either directly or indirectly.
- (g) Marquee Sign: an identifying sign hanging from or supported by a permanent marquee or overhang.
- (h) Monument Ground Sign: a sign that is anchored directly on the ground, not exceeding 32 square feet in gross area, nor 4' in height and which shall be externally illuminated.
- (i) Non-accessory Sign: any billboard; or any sign or advertising device advertising a business, service, product or activity at other locations.
- (j) Pole or Pylon Sign: any sign supported by or suspended from a freestanding column or columns designed solely to support said sign and set directly on the ground.
- (k) Projecting Signs: any non-translucent sign which is affixed at a right angle to the building wall.
- (l) Symbol Sign: any non-translucent sign which is a three-dimensional representation or illustration of the activity of the business or service.
- (m) Temporary Sign: any sign constructed of light material which is intended to be displayed for a short period of time only. A Temporary Accessory Sign is one which is accessory to an activity on the premises, such as the temporary sign of a real estate agent, architect, contractor, painter or other artisan or advertising a sale or other temporary activity in progress, and such sign may be placed on the ground or attached to a wall. A Temporary Non-Accessory Sign refers to an event not related to the premises and may also be in the form of a placard or banner attached to posts or trees on private property only. A Temporary Identifying Sign is one which identifies the business at the location where it is, or will be, erected during the period of construction, or alteration, or during the replacement of an obsolete or inapplicable sign.
- (n) Translucent Sign: any sign illuminated from the interior by an even light.
- (o) Wall Sign: a sign painted on or attached and parallel to the wall of a building, but not including signs attached to fences unless set back from all lot lines as required for a building in a district.

**SECTION 7.02 APPLICATION AND PROCEDURE**

- (a) Application for a construction permit shall be made in writing to the Building Inspector, subject to review by the Department of Community Development and Planning (DCDP), for all permanent signs. Said applications shall contain the following information:
  - (1) name, address and telephone number of applicant;
  - (2) location and position of sign;
  - (3) drawings and plans showing the building facade and the proposed sign, with specifications, and in the case of symbol or banner signs, section plans are required;
  - (4) written consent of the owner of the building and land;
  - (5) such other information as the Building Inspector, Zoning Enforcement Officer or Planning Board may require;
  - (6) In the case of any projecting, symbol or banner sign, liability insurance in an amount to be determined by the Town to be appropriate (which in no case shall be less than \$250,000/\$500,000 personal injury and \$50,000 property damage) shall be carried by the owner of said sign and a certificate of same shall be filed with the application.
- (b) Within five working days, the Building Inspector shall refer the application and accompanying material to the DCDP.

- (c) After receipt of the application and all required material, the DCDP staff shall review the application. The DCDP staff shall submit its recommendations in writing to the Building Inspector. The recommendations shall be based on such sign design booklets and such design guidelines as the Planning Board may adopt.
- (d) Upon receipt of the DCDP'S report or the lapse of fifteen (15) working days from his referral to the DCDP without such report, the Building Inspector may issue a permit for a sign which conforms to the DCDP'S recommendations, if any, the regulations in the Zoning Ordinance, and such technical requirements as are within the Building Inspector's jurisdiction.
- (e) A second review may be requested with the following procedure:
  - (1) If an applicant is aggrieved by the determination of the Building Inspector, he may seek an advisory opinion by the Planning Board. Such action is to take place by the Planning Board not more than 45 days following a request for a hearing before the Planning Board.
  - (2) If the Building Inspector requests an advisory opinion of the Planning Board prior to issuance of the necessary permits for the sign, the Building Inspector or the Zoning Enforcement Officer may submit the matter to the Planning Board within a 45 day period.
  - (3) Neither of the above two actions shall exclude the applicant from formally requesting a decision of the Board of Appeals.

**SECTION 7.03 SIGNS IN ALL DISTRICTS**

(a) Placement of Signs

- (1) One sign, unless otherwise specified, may be placed either on each wall facing a street, or in each yard facing a street provided it is set back to at least one-half the depth of the required setback.
- (2) A sign, other than traffic control and route signs authorized by public agencies, shall not be placed within a public right of way, except permitted wall sign, banner projecting and symbol signs adjacent to a sidewalk.
- (3) A sign shall not be designed or colored or so placed as to endanger, obscure, confuse, blind by glare or otherwise create a hazardous condition to motor vehicle traffic.
- (4) Directional signs necessary to give clear direction to a parking lot or building entrance on the premises are permitted. Such signs shall not exceed three (3) feet in any dimension nor more than (4) feet high on a pole or pylon unless placed on a permitted wall or building.
- (5) A free standing pole or pylon, or wall sign or any part thereof, shall not exceed twenty (20) feet above ground level.
- (6) Roof signs of any type, in any district, are prohibited.

(b) Projection of Signs

- (1) A sign or symbol attached to a building shall not project above the building wall to which it is attached, and shall not obscure any part of the roof of the building.
- (2) A sign, except for the projection of a symbol or banner, shall not project more than six (6) inches from the building wall.
- (3) A symbol sign and support thereof, shall not project more than thirty-six (36) inches from the building wall, and no part thereof shall extend below eight (8) feet from ground level. The vertical dimension of the symbol shall not exceed forty-eight inches.

- (4) A banner sign must be set back at least two (2) feet from the curb line and be at least seven (7) feet above ground level. The total area of a banner may not exceed fifty (50) square feet.
- (5) Permanent awnings on store fronts shall be at least 9 feet above any public walkway; any information on said awning which is consistent with the definition of the term Accessory Sign shall be considered as Accessory Signs.

(c) Conditions of temporary signs

One temporary sign is permitted, as follows:

- (1) A temporary identifying sign, not exceeding the permitted size for a permanent sign, may be erected for not more than sixty (60) days.
- (2) A temporary accessory sign shall not exceed six (6) square feet and shall be removed from public view by those responsible for its erection within seven (7) days after the activity advertised has ceased or after substantial damage to the sign, whichever comes first.
- (3) A temporary non-accessory sign is limited to a period of forty-five (45) days preceding and not over seven (7) days after the relevant event.

(d) Calculation of sign area

- (1) For a wall or marquee sign, the calculation of sign area in the NB, LB, CB and I districts shall be a percentage of the building facade. The dimensions used in calculating this percentage shall be the horizontal measure of the frontage of the business and the vertical measure not exceeding the top of the second story of a building.
- (2) For a pole or pylon sign, the calculation of sign area shall use the dimensions of one surface only to comply with the limits of Sections 7.03 through 7.07.

(e) Gasoline station signs

Regulations governing the size of identifying signs and the size of accessory signs for gasoline stations may be reversed. If the regulations are reversed, the identifying sign must comply with the regulations for accessory signs and the accessory sign must comply with the regulations for identifying signs.

(f) Maintenance of signs

It shall be the responsibility of sign owners to provide proper and continual maintenance for their sign(s) and sign structure(s).

(g) Prohibited signs and conditions

- (1) No animated or flashing signs or attention-catching devices shall be permitted.
- (2) No non-accessory signs other than permitted temporary non-accessory signs shall be permitted.
- (3) No interior and/or supporting infrastructure of a sign shall be exposed to public view other than permitted projecting symbol signs.

**SECTION 7.04 SIGNS IN S-10, S-6, SC, CR, T AND OSC DISTRICTS**

In any S-10, S-6, SC, CR, T and OSC district, no sign or advertising device shall be permitted except as follows:

- (a) One identifying sign displaying the street number or name of the occupant of the premises, or both, not exceeding two (2) square feet in area. Such sign may include identification of a permitted accessory professional use and identify other permitted accessory uses including a customary home occupation.
- (b) One identifying sign for permitted non-conforming use, not exceeding ten (10) square feet in area.
- (c) Two identification signs are permitted on each building for churches and institutions, one not exceeding twenty (20) square feet in area and one not exceeding ten (10) square feet in area.

**SECTION 7.05 SIGNS IN R.75 AND R1.2 DISTRICTS, AND FOR RESIDENTIAL USES IN THE I-3 DISTRICT**

In the R.75 or R1.2 Districts, or with respect to any residential use in the I-3 District, no sign or other advertising device shall be permitted except as follows:

- (a) As permitted in S-10, S-6, SC, CR, T and OSC Districts.
- (b) For multiple unit structures, up to two (2) identifying signs indicating the name of the individual multiple unit structure(s) and/or the street address, wherein the aggregate area of the sign(s) shall not exceed twenty square feet.
- (c) One identifying sign in connection with a lawfully maintained non-conforming use, not exceeding twenty (20) square feet in area.

**SECTION 7.06 SIGNS IN THE NB, LB, CB, I, AND PSCD DISTRICTS**

In any NB, LB, CB, I, and PSCD district, no on-premise sign or advertising device shall be permitted except as follows:

- (a) As permitted in S-10, S-6, SC, CR, T, OSC, R.75 and R1.2 districts.
- (b) One identifying sign for each use. If free standing pole or pylon sign, said identifying sign may be up to sixteen (16) square feet. If a wall or marquee sign, said identifying sign may be up to five (5) percent of the area of the wall or building facade. The dimensions used in calculating this percentage shall be the horizontal measure of the frontage of the business and the vertical measure not exceeding the top of the second story of the building facade (also see (d)).
- (c) One accessory wall, marquee, pole or pylon sign for each use. In no instance may the total area of an accessory sign exceed thirty (30) percent of the total area of the identifying sign for each occupant (also see (d)). An accessory sign may contain words describing the business, or may repeat the name of the business.
- (d) In the case of a single story structure, paragraphs (b) and (c) above or the following may be applied. One identifying wall or marquee sign may be up to ten (10) percent of the area of the wall or building facade. The dimensions used in calculating this percentage shall be the horizontal measure of the frontage of the business and the vertical measure to the roof or parapet line. This option excludes the use of any accessory sign(s).
- (e) In no instance may the gross area of all signs including accessory signs on one building exceed 200 square feet in area.
- (f) Temporary signs may be attached or lettered on the interior of the window. Such signs shall not be included in the aggregate sign area in paragraphs (b) and (c), or paragraph (d) above. The aggregate area of all signs in any window, either permanent or temporary, shall not exceed twenty (20) percent of the area of such window. All neon signs and permanent graphics and their dimensions shall be listed on the sign permit application. All temporary signs are subject to regulations in Section 7.03(c).

- (g) Projecting signs shall be considered as accessory signs and shall be permitted if they are not more than nine (9) square feet in total area and having the lowest point of the sign at least nine (9) feet above grade. Further, no portion of the projecting sign shall be more than four (4) feet from the building wall, and the projecting sign shall be placed at a right angle to the building wall. Illumination from the interior of all projecting signs shall be prohibited and other forms of illumination shall be consistent with this Ordinance.

**SECTION 7.07 SIGNS IN INDUSTRIAL DISTRICTS**

Except for residential uses in the I-3 district, which shall be governed by Section 7.05 above, in any I district, no on-premise sign or advertising device shall be permitted except as follows:

- (a) As permitted in S-10, S-6, SC, CR, T, OSC, R.75 and R1.2 districts.
- (b) One identifying sign for each use. If free standing pole or pylon sign, said identifying sign may be up to twelve (12) square feet. If a wall or marquee sign, said sign may be up to five (5) percent of the area of the first two stories of the wall or building facade to which applied.
- (c) In no instance may the gross area of all signs on one building exceed two hundred (200) square feet in area.
- (d) One free standing sign may be permitted for the purpose of a business directory provided that no more than three (3) square feet shall be permitted thereon for each use. The aggregate sign area shall not exceed fifteen (15) square feet.
- (e) One accessory wall or pole sign for each use. The total area of the accessory wall sign shall not exceed 10% of the total area of the identifying sign. A freestanding accessory sign may not exceed 12 square feet or be more than 10% of the total identifying sign.

**SECTION 7.08 PERMITTED ILLUMINATION**

- (a) In all districts, any lighting of a sign or advertising device shall be continuous and installed in a manner that will prevent direct light from shining onto any street or adjacent property.
- (b) In residential districts, all signs or advertising devices shall be stationary and may not contain any visible moving or movable parts; no sign or advertising device shall be of neon type or exposed gas-illuminated tube type; no sign or advertising device shall be illuminated during hours when the establishment is closed to the public.
- (c) In NB, LB, CB, I, and PSCD districts, the following signs, in addition to the above are permitted:
  - (1) translucent
  - (2) signs of neon or exposed gas-illuminated tube type.



**SECTION 7.09 NON-CONFORMANCE**

- (a) Any sign erected after the date that this Article VII was originally adopted (June 30, 1982) which because of a change in occupancy ceases to refer to a permitted business being conducted, or product sold, on the premises, shall be removed at the expense of the owner, agent, or person having the beneficial use of the building or property upon which the sign is located within sixty (60) days after written notification from the Inspector of Buildings or within such longer period not exceeding one year as the Inspector of Buildings may determine.
  
- (b) Any signs legally erected before the date that this Article VII was originally adopted (June 30, 1982) may continue to be maintained, provided however, that no such sign shall be permitted if, after such date, it is enlarged, or altered in any substantial way, except to conform to the requirements of this Zoning Ordinance. Notwithstanding this, the panels of such sign may be changed to reflect a changed product line. Further, any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five (35) percent of the replacement cost of the sign at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this Zoning Ordinance. Any exemption provided in this Section 7.09(b) shall terminate with respect to any sign that:
  - (1) shall have been abandoned,
  - (2) advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premise, or
  - (3) shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Inspector of Buildings.
  
- (c) The erection of non-accessory signs is prohibited.

**SECTION 7.10 WATERTOWN SQUARE DESIGN OVERLAY DISTRICT**

Signs in the Watertown Square Design Overlay District shall conform to all provisions of Article VII except as otherwise specified in Section 5.09.

**ARTICLE VIII**

**OTHER REGULATIONS**

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8.00	Regulation of Soil Removal	8.02	Sale of Products on Public
8.01	Overhanging Shrubs or		Rights of Way
	Evergreens	8.03	Yard Sales

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**SECTION 8.00 REGULATION OF SOIL REMOVAL**

In no district shall any sod, loam, gravel, sand or quarried stone be removed from a lot, except when incidental to and in connection with the construction of a building or a parking or loading area for which a permit has been issued, except in an Industrial district by special permit. The foregoing shall not prohibit the replacement of existing sod or loam by fresh sod or loam for landscaping purposes.

**SECTION 8.01 OVERHANGING SHRUBS OR EVERGREENS**

For purposes of public safety and to facilitate snow removal, shrubs or evergreens from any public or private parcel shall not be allowed to intrude onto public sidewalks more than six (6) inches, except above a height of eight (8) feet.

**SECTION 8.02 SALE OF PRODUCTS ON PUBLIC RIGHTS OF WAY**

The open display of foods or other products on public rights of way for purposes of display or sale may be allowed only upon the issuance of a Special Permit by the Board of Appeals.

**SECTION 8.03 YARD SALES**

To insure the tranquility of residential zoning districts, the number of yard sales permitted on any residential parcel, in any residential district, shall be limited to three (3) per year; and said yard sales shall be subject to all other permits and regulations required by the Town.

**ARTICLE IX**

**ENFORCEMENT AND APPLICATION PROCEDURES**

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9.00	Enforcement; Violations	9.11	Special Permit for Temporary Structures
9.01	Building Permit	9.12	Special Permit Approval of Certain Site Plans
9.02	Occupancy Permit	9.13	Lapse of Special Permit
9.03	Site Plan Review of Certain Residential and Non-Residential Developments	9.14	Variances
9.04	Application and Hearing Procedures for Special Permits and Variances	9.15	Conditions for Approval of a Variance
9.05	Special Permit: Conditions for Approval	9.16	Lapse of Variance
9.06	Special Permit Criteria for Industrial Districts	9.17	Special Permits and Variances: Effective Dates
9.07	Special Permit Criteria for I-3 District	9.18	Special Permits and Variances; Withdrawal Without Prejudice; Reconsideration
9.08	Special Permit Criteria for i-3 District – Lot Size	9.19	Right of Appeal
9.09	Limited Approval of Special Permit	9.20	Amendments to Zoning Ordinance
9.10	Withdrawal of Limited Special Permit	9.21	Public Hearings for Amendments
		9.22	Notice of Public Hearings for Amendments

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**SECTION 9.00 ENFORCEMENT; VIOLATIONS**

- (a) This Zoning Ordinance shall be enforced by the Zoning Enforcement Officer. Whenever the provisions of this Zoning Ordinance are not clear, the Zoning Enforcement Officer or the Inspector of Buildings is authorized and directed to submit the matter to the Planning Board for the expression of its opinion. A decision shall not be made by the Inspector of Buildings or Zoning Enforcement Officer until the Planning Board has allowed thirty (30) days to elapse without rendering an opinion or has rendered the requested opinion, whichever is earlier.
- (b) If the Zoning Enforcement Officer shall be informed, or have reason to believe, that any provision of this Zoning Ordinance has been, is being, or may be violated, he or she shall investigate the facts and inspect the property in question. If he or she shall find such violation he or she shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and order that any use of any building or premises contrary to the provision of this Zoning Ordinance shall immediately cease.
- (c) If the Zoning Enforcement Officer is requested in writing to enforce any provision of the Zoning Ordinance against any person allegedly in violation of the same and the Zoning Enforcement Officer declines to act, he or she shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.
- (d) Penalty for non-compliance with any lawful order of the Zoning Enforcement Officer pertaining to the Zoning Ordinance shall be punished by a fine, to be determined by the Zoning Enforcement Officer, of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) per violation; provided that nothing herein shall be construed to prohibit a determination by the Zoning Enforcement Officer that each day such violation continues shall constitute a separate offense.

**SECTION 9.01 BUILDING PERMIT**

- (a) The Inspector of Buildings shall not issue a building permit for the erection or alteration of any building or part thereof unless the plans, specifications and intended uses of such building, lot and open spaces on the lot are in all respects in conformity with this Zoning Ordinance and have been approved by the Zoning Enforcement Officer. Where special permits or variances are required under this Zoning Ordinance, the Inspector of Buildings shall not issue a building permit until so directed in writing by the Board of Appeals.
- (b) Applications for building permits shall be accompanied by a plan of the lot in duplicate, and certified by a registered land surveyor showing the actual dimensions of the lot and the exact location and size of the buildings already upon the lot, of any structures within eight (8) feet of the line on the adjoining lot, and of the building or structure to be erected, altered or moved, together with the streets, and alleys and easements on and adjacent to the lot and such other information as the location and dimensions of required parking as may be required for the enforcement of this Zoning Ordinance. The lot corners and bounds shall be indicated by such stakes and bounds as shall be required by the Inspector of Buildings.

**SECTION 9.02 OCCUPANCY PERMIT**

- (a) No premises, building or structure, altered or in any way changed as to construction, use, or number of dwelling units under a building permit or otherwise, shall be occupied or used without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the buildings, structure, or premises and its uses comply in all respects with this Zoning Ordinance and have been approved by the Zoning Enforcement Officer.
- (b) A temporary occupancy permit may be issued in appropriate cases.

**SECTION 9.03 SITE PLAN REVIEW OF CERTAIN RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS**

No Special Permit, Variance or Building Permit for construction, exterior alteration, relocation, or change in use, except where noted, shall be granted for any use requiring Site Plan Review under Section 5.01 until the provisions of this section have been fulfilled and an application approved by the Special Permit Granting Authority. Uses for which Site Plan Review is required are designated by an SR ("Site Plan Review") or SP/SR ("Special Permit with Site Plan Review" in Section 5.01, Table of Use Regulations. Site Plan Review shall be used to judge the appropriateness and impacts of the site development characteristics of a proposed development. All proposed developments subject to Section 9.03 shall conform with all appropriate provisions of this Zoning Ordinance.

- (a) Five (5) copies of the preliminary site plan for the proposed development shall be submitted to the Planning Board; two copies shall be submitted to the DCDP; one copy shall be submitted to the Board of Appeals, Inspector of Buildings, Zoning Enforcement Officer, Superintendent of Public Works, Chief Fire Inspector, Chief of Police, the Health Department, Conservation Commission, Bicycle Committee, and the Licensing Board when appropriate. Unless waived by the Planning Board because of development scale, said site plan shall be at a scale of 1"=10' or 1"=20'. Vertical scale shall be at 1/8"=1' or 1/4"=1'. Said site plan shall show, among other things, all existing and proposed building structures, existing and proposed grades, automobile and bicycle parking spaces, driveway openings, service areas, open space and other uses, site engineering and all facilities for water, drainage, sewage, refuse, and landscape features (such as fences, walls, planting areas, type, size and location of planting materials, methods to be employed for screening, and walks), fire suppression and access detail, preliminary traffic counts and assessment, schematic elevations at the above scales, the location of any wetlands within one hundred fifty (150) feet, other information as required in Section 9.01(b).
- (b) The Planning Board shall hold a hearing on the proposal to examine the standards set forth in subsection (c) below. Prior to said hearing, a Preliminary Developer's Conference shall be held with representatives of the developer and Town departments listed in subsection (a) above, to determine and discuss questions, impacts, potential problems, etc., with said site plan, and to provide guidance to the developers in completing the formal application and site plan submission. Each department shall submit an analysis of the formal application and site plan to the Director of DCDP within thirty (30)

days.

No application shall be complete, shall be accepted by the Director of DCDP, nor be submitted to the Planning Board for consideration unless and until all information specified in Section 9.03(a) is submitted in a form deemed to be sufficient and complete by the Director of DCDP, and until reports on the application are received from all relevant Town departments as defined in subsection (a) above; provided, however, that if a department fails to provide such analysis within said thirty (30) day period, the DCDP's review shall proceed without the report of such department, and the Director of DCDP may determine such application to be complete notwithstanding the failure of such department to submit its report. Said reports shall become a part of the Director's submission to the Planning Board.

- (c) The Planning Board shall review the formal application and site plan and then prepare a written report on the proposal considering, among other things, the ten criteria listed below. When a proposal requires a Variance or Special Permit with Site Plan Review in accordance with Section 5.01 and the Board of Appeals is the SPGA, this report of the Planning Board shall be submitted to the Board of Appeals in accordance with the provisions set forth below. The Board of Appeals shall not grant the Special Permit or Variance until this report has been submitted. When a proposal requires a Special Permit with Site Plan Review and the Planning Board is the SPGA or when a proposal only requires Site Plan Review in accordance with Section 5.01, the Planning Board shall make a final determination as to whether that proposal sufficiently meets the criteria listed below and whether the proposal shall be approved. Revisions to any site plan must be approved in the same manner as the original plan.
1. Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Adequate landscaping shall also be provided, including screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.
  2. Relation of Buildings to Environment: Proposed development shall be integrated into the terrain and the use, scale and architecture of existing buildings in the vicinity and shall be in accordance with the Comprehensive Plan or other plans adopted by the Town guiding future development. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property in all districts or on public open space.
  3. Open Space: All open space required by this Zoning Ordinance shall be so designed as to maximize its visibility for persons passing the site, encourage social interaction, maximize its utility, and facilitate its maintenance.
  4. Circulation: Special attention shall be given to traffic circulation, parking areas and access points to public streets and community facilities in order to maximize convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent streets.
  5. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Proposed developments shall seek to retain storm water runoff on site to the maximum extent possible, incorporating best practices in storm water management and Low Impact Design techniques. In cases where storm water cannot be retained on site, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system.
  6. Utility Service: Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
  7. Environmental Sustainability: Proposed developments shall seek to diminish the heat island effect; employ energy conscious design with regard to orientation, building materials and shading; utilize energy-efficient technology and renewable energy resources; and minimize water use.

8. Screening: Screening, such as screen plantings, shall be provided for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures in order to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
9. Safety: With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.
10. Design: Proposed developments shall seek to protect abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, noise, odor, heat, flood, dust vibration, lights or visually offensive structures or site features.

#### **SECTION 9.04 APPLICATION AND HEARING PROCEDURES FOR SPECIAL PERMITS AND VARIANCES**

- (a) Each application for a special permit or variance shall be on forms supplied by the Board of Appeals and shall be filed in triplicate with the Town Clerk who shall transmit one copy to the Zoning Enforcement Officer, the Planning Board, and the Board of Appeals respectively within three (3) days of receipt of them (Saturdays, Sundays and legal holidays excluded). Each application for a variance shall also include the written statement required by Section 9.14(b) demonstrating that the conditions of a grant of a variance under Chapter 40A, Section 10 of the General Laws of Massachusetts are met. Where any application for a special permit or variance requires site plan review under Section 9.03, the restrictions on filing and hearing provided in subsection (b) below shall govern the time when the application may be accepted for filing by the Town Clerk or scheduled for public hearing by the Board of Appeals.
- (b) Where an application for a special permit or variance requires site plan review under Section 9.03, the application may be filed any time after a complete set of site plan materials under Section 9.03(a) has been submitted to the Planning Board.
- (c) Prior to the public hearing of the Zoning Board of Appeals as provided in Section 9.04(d), the Planning Board shall hold a public hearing and transmit to the Board of Appeals a report based, among other things, on the conditions set forth in Section 9.05 in the case of an application for a special permit, or in Section 9.14(b) in the case of an application for a variance, and, in the case of an application requiring site plan review, based also on the conditions set forth in Section 9.03(c), accompanied by such materials, maps or plans as will aid the Board of Appeals in judging the application and in determining special conditions and safeguards. The Board of Appeals shall not render any decision on an application for a special permit or variance before one of the following has taken place:
  - (1) The Planning Board submits written notification that it does not intend to submit a report; or
  - (2) The report of the Planning Board has been received by the date of the public hearing.
- (d) The Board of Appeals shall, at the expense of the applicant, give public notice of the application in the manner provided in Chapter 40A, Section 9 and Section 11 of the General Laws, which requires, among other things, publication of a notice of a hearing not less than 14 days prior to the date of the hearing in a newspaper of general circulation in Watertown, and by posting such notices in a conspicuous place in the Town for a period of not less than fourteen days before the day of such hearing, and by mail to all interested parties, according to Chapter 40A, Section 9.

Public hearings shall be held within sixty-five (65) days after the filing of an application.

- (e) In the case of an application for a special permit, the decision of the Board of Appeals must be made within the deadline described in Section 9.05(c). In the case of an application for a variance, the Board of Appeals decision must be made within the deadline described in Section 9.15(e). Failure to take final action within the appropriate time limit shall be deemed to be a grant of the application. The Board of Appeals shall cause to be made a detailed record of its proceedings showing the vote of each

member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decisions, and of its other official actions, copies of all which shall be filed within fourteen (14) days in the office of the Town Clerk and in the office of the Planning Board and shall be mailed forthwith to parties of interest, as designated in Section 11 of Chapter 40A, and to each person present at the hearing who requests that notice be sent to him and states the address to which notice is to be sent.

- (f) The period within which final action shall be taken may be extended in writing for a definite period by mutual consent of the Board of Appeals and the applicant, provided that such written agreement is recorded with the Town Clerk. In the event the Board of Appeals determines that the evidence presented to it at the public hearing is inadequate to permit the Board to make a necessary finding or determination, or to permit the Planning Board the proper amount of time to conduct site plan review or file its report, instead of denying the application the Board may, in its discretion, adjourn the hearing to a later date to permit the applicant to submit additional evidence or the Planning Board additional time to file its report, provided however, that such adjournment shall not extend the applicable deadlines for final action by the Board unless the deadline is extended to a day certain by mutual consent of the Board and the applicant.

#### **SECTION 9.05 SPECIAL PERMIT: CONDITIONS FOR APPROVAL**

- (a) A special permit shall be required for all uses and for all exceptions to dimensional regulations which are designated in this Zoning Ordinance as requiring a special permit before the Inspector of Buildings may issue a building permit or occupancy permit.
- (b) The Board of Appeals shall not approve any such application unless it finds that in its judgment all of the following conditions are met:
  - (1) The specific site is an appropriate location for such a use, structure or condition;
  - (2) The use as developed will not adversely affect the neighborhood;
  - (3) There will be no nuisance or serious hazard to vehicles or pedestrians;
  - (4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- (c) The decision of the Board of Appeals must be made within ninety (90) days following the public hearing. Failure to take final action within said ninety (90) days shall be deemed to be a grant of the special permit unless the deadline is extended in accordance with Section 9.04(f).

#### **SECTION 9.06 SPECIAL PERMIT CRITERIA FOR I-1 AND I-2 DISTRICTS**

- (a) Applicability: In addition to the conditions described in Sections 9.03, 9.04 and 9.05 special permits for increased intensity of use above an FAR of 1.0 in the I-1 and I-2 districts shall also be subject to the conditions set forth in this section as applicable.
- (b) Open Space Requirements: Applicants in the I-1 and I-2 Districts shall show that designs have been prepared indicating that a percentage of the total site area has been set aside for open space. The method of calculating the required open space shall be as follows: The minimum open space requirement shall be between twenty percent (20%) and forty percent (40%) of the total site area, depending on the FAR of the project; the minimum open space requirements shall increase on a directly proportional basis from FAR of 1.0 to FAR of 2.0. For example, a proposed project with an FAR of 1.5 shall be required to have thirty percent (30%) of the total site area as open space. For the purposes of this special permit no more than fifty percent (50%) of the wetlands located on the site can be calculated as part of the required open space. However, projects with a total lot area of ten thousand (10,000) square feet or less shall be exempted from the open space requirements of this Section 9.06(b).
- (c) Traffic Safety and Infrastructure Maintenance Fund: Applicants for a special permit for increase

intensity of use in the I-1 and I-2 districts shall be required to make a payment into the Traffic Safety and Infrastructure Maintenance Fund if the Planning Board determines that the boundaries of the proposed project are within a half mile radius of an intersection in Watertown with a preexisting level of service (LOS) of D or lower that accommodates at least three hundred (300) vehicles during either the A.M. or P.M. peak hour. For the purposes of this section, LOS shall be defined by the National Transportation Research Board, Highway Capacity Manual (current and future applicable additions); The LOS shall be measured at the 50th highest design hour (DHVSO) at relevant intersections.

If a finding is made by the Planning Board that the proposed project is within a half mile radius of an intersection with an LOS of D or below and consistent with the other criteria cited above, the Planning Board may grant a special permit for increased intensity of use and shall require the applicant to make a payment into the Traffic Safety and Infrastructure Maintenance Fund. Said payment shall be required only for that portion of the project that exceeds the FAR of 1.0.

The rate of contribution shall be five dollars (\$5.00) per square foot of applicable gross floor area. Funds contributed by an applicant for a special permit shall be spent on Town services related to the proposed development and/or in the immediate geographical area which is most directly impacted by the proposed project, said services shall include, but shall not be limited to, land takings for public right of way improvements; road widenings; reconfiguration of intersections, access lanes, traffic islands; and similar improvements.

Payments into the Fund shall be made in accordance with a schedule approved by the Planning Board: The amount of the initial payment shall be determined by the Planning Board at the time of the granting of the Special Permit, but shall not exceed one-third of the total payment. At the time of the granting of the special permit the applicant shall provide an irrevocable letter of credit for the balance. If the applicant fails to make any scheduled payments, the Planning Board may draw upon the Letter of Credit. The entire amount shall be paid prior to the issuance of the permanent occupancy permit. If the permanent occupancy permit is never issued, all amounts, together with any accrued interest thereon, shall be returned to the applicant. The applicant may, at any time, make a lump sum payment of the entire required payment. All payments made into the Fund shall be expended within a ten (10) year period and in accordance with the criteria established in this subsection. Funds unexpended after ten (10) years shall be returned to the applicant or assignees with all accrued interest.

- (d) Residential Use and Hotel Use. In the I-2 zone applicants for a special permit for an increased intensity of use shall be permitted to include residential uses on floors above the ground floor if said residential use has separate and distinct points of access from all other uses and that said residential use does not comprise more than twenty-five percent (25%) of the gross floor area of the building, excluding all space below grade.



## **SECTION 9.07 SPECIAL PERMIT CRITERIA FOR I-3 DISTRICT**

- (a) Commercial Uses: Applicants for a special permit for mixed-use development in the I-3 district shall be permitted to use up to twenty percent (20%) of the total gross floor area for general retail or service purposes, provided, however, that no drive-in facility of any kind is permitted. The commercial space shall be limited to the first floor but may be located in one or more buildings located on the Lot.
- (b) Inclusionary Zoning Requirements: Applicants for a special permit for residential use shall provide ten percent (10%) of the total number of dwelling units subject to a special permit for affordable housing purposes as provided in Section 5.07(c).

## **SECTION 9.08 SPECIAL PERMIT CRITERIA FOR I-3 DISTRICT - LOT SIZE**

- (a) General: In addition to the conditions described in Sections 9.03, 9.04 and 9.05, special permits for residential use in the Industrial 3 District shall be subject to the requirements set forth in subsections (b) through (d) below.
- (b) Open Space Requirements: For special permit projects on lots less than twenty thousand (20,000) square feet, the open space requirements of the R.75 district shall apply; for projects between twenty thousand (20,000) and eighty thousand (80,000) square feet, the requirements of the R1.2 district shall apply and for projects over eighty thousand (80,000) square feet, the requirements of the R1.2 district shall also apply, subject to the provisions of Section 5.05(h). Also, for purposes of this special permit, no more than fifty percent (50%) of the wetlands located on the site may be calculated as part of the required open space.
- (c) Density Requirements: Parcels less than twenty thousand (20,000) square feet may have a maximum FAR of 0.75; parcels between twenty thousand (20,000) and eighty thousand (80,000) square feet may have a maximum FAR of 1.2; and parcels over eighty thousand (80,000) square feet may have a maximum FAR of 2.0.
- (d) Minimum Setbacks: For special permit projects on lots less than twenty thousand (20,000) square feet, the setback requirements of the R.75 district shall apply; for lots between twenty thousand (20,000) and eighty thousand (80,000) square feet the setbacks of the R1.2 district shall apply; for lots over eighty thousand (80,000) square feet the setbacks of the I-1 district shall apply, except that the front yard setback shall not be less than 10 feet or more than 40 feet and that only drop off, delivery, handicapped or emergency service parking spaces may be provided in the front of the building. Further, the first 10 feet of the required setback from the public right of way into the lot shall be landscaped with plant materials.
- (e) Mixed use Development: For developments containing commercial uses open to the public and in accordance with Section 9.07(a) the minimum setbacks shall be consistent with the setbacks required in the I-1 District, except that the front yard setback shall not be less than 10 feet or more than 40 feet. Parking shall be permitted in the front yard setback but, at least the first 10 feet of the required building setback from the public right of way into the lot shall be landscaped with plant materials.

## **SECTION 9.09 LIMITED APPROVAL OF SPECIAL PERMIT**

In approving a special permit, the Board of Appeals may attach such conditions and safeguards as are deemed necessary to protect the district and the Town. No such limited or conditional special permit shall take effect until such notice is recorded in the Middlesex South Registry of Deeds. Said conditions and safeguards shall also be made part of the building permit. They may include but are not limited to the following:

- (a) Requirement of street, side or rear yards greater than the minimum required by this Zoning Ordinance.
- (b) Requirement of screening of parking areas or other parts of the premises from adjoining premises or from the street, by walls, fences, planting or other devices as specified by the Board of Appeals;

- (c) Modification of the exterior features or appearances of the structure;
- (d) Limitation of size, number of occupants, method or time of operation, or extent of facilities;
- (e) Regulation of number, design and location of access drives or other traffic features;
- (f) Requirement of off-street parking or other special features beyond the minimum required by this Zoning Ordinance or other applicable Ordinances.

**SECTION 9.10 WITHDRAWAL OF LIMITED SPECIAL PERMIT**

The Board of Appeals may, after a hearing and proof of violation of any limitations or conditions in the special permit or any misuse of the terms of the permit, withdraw the same, after which the use shall be discontinued.

**SECTION 9.11 SPECIAL PERMIT FOR TEMPORARY STRUCTURES**

- (a) The Board of Appeals may authorize issuance of permits, subject to proper conditions to protect the district for temporary structures and uses for development purposes.
- (b) No such permit shall be for more than an one-year period, subject to renewal as needed for the special purposes.
- (c) Upon expiration of such permit, the structure shall be removed and the use cease.

**SECTION 9.12 SPECIAL PERMIT APPROVAL OF CERTAIN SITE PLANS**

In the case of two or more buildings on one site designed and intended to remain under the same ownership and management, the Board of Appeals may, after examination of the standards listed in Section 9.03(c), grant a special permit as provided in Section 9.04 approving the site plan so long as it is demonstrated that the design will result in standards of light, air, safety or circulation and amenity, both on the site and in the neighborhood, which are no lower than would result from the application of required dimensional and parking standards to each building separately.

**SECTION 9.13 LAPSE OF SPECIAL PERMIT**

A special permit granted under Section 9.04 shall lapse one year from the grant thereof if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if the construction has not begun by such date except for good cause.

**SECTION 9.14 VARIANCES**

- (a) Where a building or occupancy permit is not applied for or is refused because of non-conformance to the terms of this Ordinance, the applicant may apply or appeal to the Board of Appeals for the authorization of a variance, subject to the provisions of Section 9.15 of this Zoning Ordinance.
- (b) Each application or appeal for a variance from the specific terms of this Zoning Ordinance shall include a written statement justifying the appeal on the basis that all of the following conditions are met, as required by Chapter 40A, Section 10 of the General Laws of Massachusetts.
  - (1) The variance is sought because of circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located.
  - (2) Literal enforcement of the Zoning Ordinance would involve a substantial hardship, financial or other, to the appellant.
  - (3) Desirable relief may be granted without substantial detriment to the public good.

- (4) Desirable relief may be granted without nullifying or substantially derogating from the intent of this Zoning Ordinance.

**SECTION 9.15 CONDITIONS FOR APPROVAL OF A VARIANCE**

- (a) Before a variance may be authorized, the Board of Appeals shall, as required by Chapter 40A, Section 10 of the General Laws of Massachusetts, find that all of the conditions of said section, as summarized in Section 9.14(b) of this Zoning Ordinance have been met.
- (b) The Board of Appeals shall impose such limitations on time and use or such other conditions as it may deem desirable to protect the public interest and to ensure that the variance granted is not greater in degree or duration than is justified by the hardship to be relieved.

The Board of Appeals shall not impose conditions, safeguards or limitations based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

- (c) The Board of Appeals shall record its findings regarding each of the conditions in Paragraphs (a) and (b) of this Section 9.15.
- (c) Variances granted prior to the effective date of any provision of this Zoning Ordinance but limited in time may be extended on the same terms and conditions that were in effect for such variance upon said effective date.
- (d) The decision of the Board of Appeals shall be made within one hundred (100) days after the date of filing with the Town Clerk of an application for a variance. Failure of the Board of Appeals to act within one hundred (100) days shall be deemed to be a grant of the petition, unless the deadline is extended in accordance with Section 9.04(f).

**SECTION 9.16 LAPSE OF VARIANCE**

If the rights authorized by a variance are not exercised within one (1) year of the date of grant of such variance they shall lapse and may not be re-established except after notice and a new hearing under Section 9.04.

**SECTION 9.17 SPECIAL PERMITS AND VARIANCES: EFFECTIVE DATES**

No variance or special permit, or any extension or notification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the southern district of Middlesex County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

**SECTION 9.18 SPECIAL PERMITS AND VARIANCES; WITHDRAWAL WITHOUT PREJUDICE; RECONSIDERATION**

- (a) Any application for a variance or special permit which has been transmitted to the Board of Appeals may be withdrawn by the petitioner without prejudice prior to the publication of notice of a public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Board of Appeals.
- (b) No application for a special permit or a variance which has been unfavorably acted on by the Board of Appeals shall be reconsidered on its merits within two (2) years of such action, unless the Board of Appeals finds, by an affirmative vote of four of its five members, specific and material changes in the conditions upon which previous unfavorable action was based, and describes such changes in the records of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of proceedings when the question of such consent will be considered.

## **SECTION 9.19 RIGHT OF APPEAL**

- (a) Any person aggrieved by the order or decision of the Inspector of Buildings or the Zoning Enforcement Officer may appeal to the Board of Appeals under the provisions of Chapter 40A, Sections 8, 13, 15, 16, and 17 and amendments thereto of the General Laws.
- (b) Any person aggrieved by a decision of the Board of Appeals or of any municipal officer or board, may appeal to the Superior Court within twenty (20) days after the decision has been filed in the office of the Town Clerk under the provisions of Chapter 40A, Section 17 of the General Laws of Massachusetts.

## **SECTION 9.20 AMENDMENTS TO ZONING ORDINANCE**

- (a) This Zoning Ordinance may be amended from time to time by vote of the Town Council in accordance with the provisions of Chapter 40A, Section 5 of the General Laws of Massachusetts.
- (b) The Town Council shall within fourteen (14) days of receipt of such proposed zoning ordinance submit it to the Planning Board for review.
- (c) No amendment to this Zoning Ordinance shall be adopted until after the Planning Board has held a public hearing thereon and has submitted a final report with its recommendations to the Town Council or until twenty-one (21) days shall have elapsed after such hearing without the submission of such a report.
- (d) Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Zoning Ordinance unless the use or construction is commenced within six (6) months after the issuance of the permit and in cases involving construction is continued through to completion as continuously and expeditiously as is reasonable.
- (e) Except as provided in Chapter 40A, Section 6, of the General Laws of Massachusetts amendments to this Zoning Ordinance shall not apply to structures or uses lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such ordinance required by Article IX, but shall apply to any change or substantial extension of such a use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension, or structural change of such structure and to any alteration of structure begun after the first notice of said public hearing to provide for its use for a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the non-conforming nature or said structure.

## **SECTION 9.21 PUBLIC HEARINGS FOR AMENDMENTS**

- (a) It shall be the duty of the Planning Board to hold public hearings on any proposed amendments to this Zoning Ordinance within sixty-five (65) days after the proposed zoning amendment is submitted to the Planning Board by the Town Council.
- (b) Adoption or change of any provision of the Zoning Ordinance may be initiated by submission to the Town Council of a proposed amendment to the Zoning Ordinance by the Town Council, Board of Appeals, by an individual owning land to be affected by change or adoption, by ten registered voters, by the Planning Board, a regional planning agency, or other method as provided by the Town Charter.
- (c) If the Town Council fails to vote to adopt any proposed amendment to the Zoning Ordinance within ninety (90) days after the public hearing of the Planning Board, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided in Section 9.22.

## **SECTION 9.22 NOTICE OF PUBLIC HEARINGS FOR AMENDMENTS**

Notice of the time, place and subject matter of the public hearing to be held by the Planning Board on any proposed amendment to the Zoning Ordinance shall be given as follows:

- (a) By publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication being not less than fourteen (14) days before the day of such hearing; and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of said hearing.
- (b) By regular mail, to the owners of all property sharing a common property line with the property proposed to be rezoned, as well as those deemed to be affected, to be mailed not less than ten (10) days before the hearing.
- (c) Notice of the public hearing to be held by the Planning Board shall also be sent by mail, postage prepaid to the Department of Community Affairs, the Metropolitan Area Planning Council and to the planning boards of all the abutting cities and towns.
- (d) A separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of hearings under this section shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the Town Clerk no later than January first, and pays a fee of one (1) dollar.
- (e) In cases involving boundary or use changes within a district, notice shall be sent to any such nonresidential property owner who has filed such request with the Town Clerk and whose property lies in the district where the change is sought.
- (f) All costs incurred in connection with the notice requirements set forth in subsections (a) through (e) above shall be borne by the person or persons proposing the amendment to the Zoning Ordinance.

**ARTICLE X**

**ADMINISTRATIVE PROVISIONS**

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10.00	Provision for Board of Appeals	10.01	Validity
		10.02	Effective Date

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**SECTION 10.00 PROVISION FOR BOARD OF APPEALS**

- (a) The Board of Appeals shall consist of five (5) members and two (2) alternate members to be appointed by the Town Manager, subject to the approval of the Town Council.
- (b) One member shall be appointed each year for a term of five (5) years, and one alternate member shall be appointed each year for a term of two (2) years. Additional members and alternate members may be appointed during any one year to fill vacancies and serve the unexpired terms. The terms shall be so arranged that the terms of one member and one alternate member shall expire each year.
- (c) The Board of Appeals in existence up to the date of adoption of this Zoning Ordinance shall be deemed to continue in office for the balance of the terms to which originally appointed.
- (d) The Board of Appeals shall exercise its powers as granted in Chapter 40A, Section 14 of the General Laws of Massachusetts.

**SECTION 10.01 VALIDITY**

- (a) The invalidity of any section or provision of this Zoning Ordinance shall not render invalid any other section or provision of this Zoning Ordinance.
- (b) In general this Zoning Ordinance is supplementary to other ordinances affecting the use and dimensions of buildings, structures and premises. Where this Zoning Ordinance imposes greater restrictions than that imposed by other ordinances, the provisions of this Zoning Ordinance shall control.
- (c) Nothing in this Zoning Ordinance shall be construed as establishing regulations or restrictions which are not uniform for each class or kind of buildings, structures or land, and for each class or kind of use in each district.

**SECTION 10.02 EFFECTIVE DATE**

- (a) The adoption of this Zoning Ordinance shall have the force and effect of repealing all presently existing Zoning Ordinances and regulations and amendments thereto, heretofore adopted by the Town of Watertown. This Zoning Ordinance and the repeal of all presently existing Zoning Ordinances and regulations heretofore in force shall not affect any act done, any right accrued or any penalty or liability incurred or any suit, prosecution or proceeding pending at the time this Zoning Ordinance becomes effective.
- (b) The effective date of the regulations and restrictions of this Zoning Ordinance and of the establishment of the respective districts shall be deemed to be February 16, 1989. The date when each such amendment or change was made is shown by an appendix to this Zoning Ordinance on file in the office of the Town Clerk.

WATERTOWN PLANNING BOARD MEMBERS

John B. Hawes, Jr., Chairman  
Linda Tuttle-Barletta, Secretary  
Jeffrey W. Brown  
Fergal Brennock  
Neal Corbett

Attest:

Town Clerk

**APPENDIX I**

**LEGISLATIVE CHRONOLOGY**

**Watertown Zoning By-Law/Ordinance**

Action	Date of Town Meeting Approval	Date of Legal Notice
First Enactment of Zoning By-Law	3/29/37	3/22/37
Highland Avenue Down zoning	10/18/37	10/11/37
Langdon Avenue Down zoning	3/21/38	3/14/38
Comprehensive By-Law Revision	11/29/48	11/14/48
Lexington Street-New Apartment Zone	11/29/48	11/14/48
Watertown Street-New Business Zone	11/29/48	11/14/48
Comprehensive By-Law Revision (Current Use Districts Introduced)	6/15/64 (effective date)	7/30/64
Dimensional Changes-to Accessory Uses, Non-conforming Uses, Exceptions, Lot Coverage, Lot Size	3/29/65	2/25/65
Revisions to Table of Uses-Cemetery, Crematory	3/29/65	2/25/65
Revisions to Variance Review Proc.	3/29/65	2/25/65
Soil Removal	3/29/65	2/25/65
Winter Street Rezoning-(to A3)	3/29/65	2/25/65
Main Street Rezoning (LB to I)	3/29/65	2/25/65
Waverly Avenue Rezoning (LB to T)	3/29/65	2/25/65
Spring Street Rezoning (to A3)	3/29/65	2/25/65
Revision of Automotive Requirements for Row House & Apartment Use	4/11/66	2/26/66
New Apartment Zone - A25	4/11/66	2/26/66
Coolidge Avenue Rezoning (I to A25)	4/11/66	2/26/66
Pleasant Street Rezoning (T to I)	4/11/66	2/26/66



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New Apartment Zone - A8	12/4/67	11/18/67
Waverly Avenue Rezoning (to A8)	12/4/67	11/18/67
Revision of Automotive Requirements (Elderly Housing)	12/4/67	11/18/67
Dimensional Changes-Minimum Lot Size/ Dwelling Unit	4/4-4/25/68	2/24/68
New multiple Use (M) Zone	4/5/71	2/28/71
Coolidge Avenue Rezoning (to M)	4/5/71	2/28/71
New A-20 Zone	4/5/71	2/28/71
Spring, Summer St Rezoning (to A20)	4/5/71	2/28/71
Addition to Table of Use (Cemetery)	5/24/71	2/28/71
New Multi-use Arsenal Zone (MA) (Rezoning of Arsenal)	5/5/75	4/17/75
Comprehensive By-Law Revisions	11/14/77	10/20/77
Floodplain Ordinance	5/21/79	4/19/79
Revisions to Table of Uses (Auto Body Shops, Condominium Deleted, Exemption of Religious/ Educational Uses)	5/21/79	4/19/79
New Definitions - Sign	5/21/79	4/19/79
Dimensional Changes (Row House & T Zone)	5/21/79	4/19/79
Revision of Automotive Requirements (Parking, Row & Apartment House)	5/21/79	4/19/79
Site Plan Review Process	5/21/79	4/19/79
King Street Rezoning (S6 to T)	5/29/79	4/19/79
Ashland Street Rezoning (T to LB)	5/29/79	4/19/79
Charter Reform	7/1/81	

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Change of Government to City Form	7/1/81	
Comprehensive Ordinance Revisions - Sec. 7, Signage	8/10/82	6/30/82
New Definitions-Motor Vehicle Estab- lishments, Signs	8/10/82	6/30/82
Floodplain District Amendments	8/10/82	6/30/82
Revisions to Table of Uses (Warehouses, Motor Vehicle Repair)	8/10/82	6/30/82
Dimensional Changes-Height Limits	8/10/82	6/30/82
Exceptions to Dimensional Regulations Non-Conforming Lots	12/14/82	10/20/82
Lot Width Definition	2/12/85	11/29/84
Front Yard Parking	4/9/85	1/31/85
Section 4.31 (c)	7/9/85	3/28/85
Section 5.2(j) Typographical Correction	9/18/85	
Section 5.3 Typographical Correction	10/23/85	
Section 5.2(j)(k) Typographical Correction	11/14/85	
Section 5.30 Table of Dimensional Reg	3/11/86	1/17/86
Section 5.0(f)	3/11/86	1/17/86
Section 6.11(e)	3/11/86	1/17/86
Section 9.03	3/11/86	1/17/86
Section 9.03(c)2.	3/11/86	1/17/86
Section 5.31(j)(l)	3/11/86	1/17/86
Section 6.12	4/22/86	2/3/86

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Section 6.11(e)	4/22/86	2/3/86
Section 10.3(3)	5/1/86	7/8/86
Section 5.01	10/14/86	8/5/86
Section 5.1.1(h)	12/9/86	10/9/86
Section 5.1.3(a)	12/9/86	10/9/86
Section 5.2(h)	12/9/86	10/9/86
Section 6.10(h)	12/9/86	10/9/86
Section 6.10(i)	12/9/86	10/9/86
Section 6.30	12/9/86	10/9/86
Section 2.30	12/9/86	10/9/86
Section 5.31(i)	12/9/86	10/9/86
Section 5.31(p)	12/9/86	10/9/86
Section 9.03(a)	12/9/86	10/9/86
Section 10.3(4)	3/24/87	2/27/87
Section 5.1.3(e)	5/12/87	4/2/87
Section 5.1.5(f)	5/12/87	4/2/87
Section 9.03(a)	6/9/87	4/30/87
Section 9.03(b)	6/9/87	4/30/87
Section 9.00(a)(b)(c)(d)	7/14/87	5/29/87
Section 9.01(a)	7/14/87	5/29/87
Section 9.02(a)	7/14/87	5/29/87
170-174 Main St. Rezoning (to CB)	10/27/87	10/9/87
Section 4.30	12/22/87	11/27/87
Section 4.31	12/22/87	11/27/87
Section 4.32	12/22/87	11/27/87

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Section 4.33	12/22/87	11/27/87
Section 10.0(a)	1/26/88	11/27/87
Section 10.0(b)	1/26/88	11/27/87
Section 6.11(e)	2/23/88	1/2/88
Section 6.11(f)	3/10/88	
Section 6.11(g)	3/10/88	
Section 6.11(h)	3/10/88	
Section 6.11(i)	3/10/88	
Comprehensive Zoning Ordinance Revision (Growth Management Plan)	5/23/89	2/16/89
Section 5.09	9/26/89	8/31/89
Section 6.02(j)	9/26/89	8/31/89
Zoning Map - Assessor's Map Section 9 Block 6 Lots 7,8,10,11,12,49,50,51,52,53,54	9/26/89	8/31/89
Zoning Map - Assessor's Map Section 1 Block 6, Lot 7	9/26/89	8/31/89
Section 7.07(e)	9/26/89	8/31/89
Section 2.30	10/11/89	8/31/89
Section 5.02	10/11/89	8/31/89
Section 4.03(d)	8/21/90	7/25/90
Zoning Map - 19&21 Church Hill Lane	5/28/91	3/ 6/91
Section 5.01(3)(l)	1/28/92	12/4/91
Zoning Map - 7-9 Chester Street	1/28/92	12/4/91
Zoning Map - 8-10 Chester Street	1/28/92	12/4/91
Zoning Map - 7 Parker Street	1/28/92	12/4/91
Zoning Map - 8 Parker Street	1/28/92	12/4/91

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Zoning Map - 6-8 Phillips Street	1/28/92	12/4/91
Section 5.10 Accessory Apartment	6/23/92	4/1/92
Zoning Map - 123 Water Street	2/23/93	1/27/93
Section 9.04(c)	2/23/93	1/27/93
Zoning Map - 700 Pleasant Street	5/25/93	5/5/93
Section 5.10(c)	10/26/93	10/7/93
Section 3.01(d)	11/23/93	11/4/93
Section 5.06(c)(2)(e)	11/23/93	11/4/93
Section 5.11	11/23/93	11/4/93
Zoning Map - 700 Pleasant Street	11/23/93	11/4/93
Section 5.02	3/ 8/94	2/17/94
Zoning Map - Hillside Road	3/22/94	2/17/94
Section 2.00	9/27/94	9/8/94
Section 5.01	9/27/94	9/8/94
Section 5.03	9/27/94	9/8/94
Zoning Map - 7-9 Irma Ave	2/14/95	1/26/95
Zoning Map - 75 Galen St	2/14/95	1/26/95
Zoning Map - 55-57 Pleasant St	2/14/95	1/26/95
Section 5.11(e)	2/14/95	1/26/95
Section 5.02(q)	11/14/95	8/30/95
Zoning Map - 43 Waltham St	1/9/96	11/29/95
Section 2.33	10/8/96	9/18/96
Section 4.06(b)	10/8/96	9/18/96
Section 5.01(3)(d)	10/8/96	9/18/96
Section 5.02(f)	10/8/96	9/18/96

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Section 5.02(l)	10/8/96	9/18/96
Section 5.02(n)	10/8/96	9/18/96
Section 5.01(2)(a)	10/8/96	9/18/96
Section 5.03(1)	10/8/96	9/18/96
Section 5.04	10/8/96	9/18/96
Section 5.05(s)	10/8/96	9/18/96
Section 6.02(j)	10/8/96	9/18/96
Section 7.06(c)	10/8/96	9/18/96
Section 7.09	10/8/96	9/18/96
Zoning Map - 267-269 Boylston St	10/8/96	9/18/96
Zoning Map - 279-283 Mt.Auburn St	10/8/96	9/18/96
Zoning Map - 12-14,18,24,26-28,34, 38-40 Marshall St	10/8/96	9/18/96
Zoning Map - 16 Dexter Ave	10/8/96	9/18/96
Zoning Map - 11,13,16,17,19,21,22,23,38-40, 42-44,47,53,57,63,67,73-75 Waltham St	10/8/96	9/18/96
Zoning Map - 36-38 Brandley Rd	10/8/96	9/18/96
Section 2.03	4/29/97	3/20/97
Section 3.01(d)	4/29/97	3/20/97
Section 5.12	4/29/97	3/20/97
Zoning Map-Lots 1,8,9 of Block 11,Section 10 (First Baptist Church & Rectory)	4/29/97	3/20/97
Section 5.13	9/23/97	9/11/97
Section 6.07	3/10/98	1/15/98
Section 9.03	3/10/98	1/15/98
Section 2.33	6/22/99	5/5/99

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Section 2.71	6/22/99	5/5/99
Section 5.01(1)(k)	6/22/99	5/5/99
Section 5.01(3)(m)	6/22/99	5/5/99
Zoning Map – 7 French St	6/22/99	5/5/99
Zoning Map – 3-5 Ladd St	6/22/99	5/5/99
Zoning Map – 116 Nichols Ave	6/22/99	5/5/99
Zoning Map – 6-8, 0, 12, 15 Melendy Ave	6/22/99	5/5/99
Zoning Map – 107-109, 111-115 Waverley Ave	6/22/99	5/5/99
Zoning Map – 9-17 Quirk St	6/22/99	5/5/99
Zoning Map – 80-82, 86-88, 112, 114 Forest St	6/22/99	5/5/99
Zoning Map—Change to OSC land known as the Watertown Branch of the B&M Railroad	7/27/99	6/27/99
Section 5.03(6)	12/30/99	11/19/99
Section 5.05	4/11/00	3/23/00
Section 5.07	4/11/00	3/23/00
Section 5.08	4/11/00	3/23/00
Section 9.07	4/11/00	3/23/00
Section 2.78	5/23/00	5/4/00
Section 4.10	5/23/00	5/4/00
Section 5.14	5/23/00	5/4/00
Section 5.04	5/23/00	5/4/00
Section 5.05(p)	5/23/00	5/4/00
Section 5.08(d)(2)	5/23/00	5/4/00
Section 5.08(e)(2)(3)	5/23/00	5/4/00
Section 5.14(1)	8/8/00	7/20/00
Section 5.10(c)	8/8/00	7/20/00
Section 5.10(c)(1)	12/12/00	11/23/00

Action	Date of Town Council Approval	Date of Legal Notice
Zoning Map – Lots 1, 8, 9 of Block 11 Section 10 (First Baptist Church & Rectory)	12/11/01	11/22/01
Section 5.13 (d)(3)	10/27/02	10/4/02
Zoning Map – Lot 19A (684 Mt.Auburn Street)	4/22/03	4/4/03
Zoning Map – Lot 18B (694 Mt.Auburn St)	4/22/03	4/4/03
Zoning Map – Lots 175 & 166 (16&18&22 Prentiss Street)	4/22/03	4/4/03
Section 5.15	8/10/04	7/23/04
Zoning Map Section 11, Block 26 (St.Theresa Church/248 School St)	8/10/04	7/23/04
Section 1.00	12/13/05	10/7/05
Section 2.00		
Section 2.01.1		
Section 2.09.1		
Section 2.14		
Section 2.16		
Section 2.17		
Section 2.20		
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Section 2.37		
Section 2.40		
Section 2.44.1		
Section 2.45		
Section 2.46		
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Section 2.54		
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Section 2.71		
Section 2.72		
Section 2.74		
Section 2.81		
Section 5.01		
Section 5.03		
Section 5.04		
Section 5.05		



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Section 2.04	3/28/06	3/10/06
Section 2.16		
Section 2.35.1		
Section 2.49.1		
Section 2.64		
Section 2.65.2		
Section 2.69		
Section 2.74		
Section 2.79		
Section 2.80		
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Section 4.03		
Section 4.06		
Section 4.11		
Section 5.00		
Section 5.01		
Section 5.03		
Section 5.04		
Section 5.05		
Section 9.07		
Section 9.08		
Section 2.62	5/8/07	4/24/07
Section 2.71		
Section 4.01		
Section 4.03		
Section 4.11		
Section 4.13		
Section 5.03		
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Section 7.00		
Section 7.01		
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Section 7.03		
Section 7.04		
Section 7.05		
Section 7.06		
Section 9.06		
Section 5.01.1(j)	11/13/07	10/19/07
Section 5.07		
Section 9.06(d)		
Section 5.16 PSCD	7/8/2008	6/20/08

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Section 5.01.3(c)	4/13/10	3/26/10
Section 5.03	4/13/10	3/26/10
Section 5.06	6/1/10	5/13/10
Section 2.00	10/26/10	10/8/10
Section 2.18	10/26/10	10/8/10
Section 5.00	10/26/10	10/8/10
Section 5.01	10/26/10	10/8/10
Section 5.03	10/26/10	10/8/10
Section 5.07	10/26/10	10/8/10
Section 7.03(d)(1)	10/26/10	10/8/10
Section 7.06	10/26/10	10/8/10
Section 9.03	10/26/10	10/8/10
Section 2.50	12/06/2011	11/18/11
Section 5.01.2.h	12/06/2011	11/18/11
Section 5.03 (7)	12/06/2011	11/18/11
Section 5.07.c.1	12/06/2011	11/18/11
Section 6.02	12/06/2011	11/18/11
Section 5.01.1.i	02/11/2014	01/24/2014
Section 5.03(12)	02/11/2014	01/24/2014
Section 6.01(b)	02/11/2014	01/24/2014
Section 6.02(n)	02/11/2014	01/24/2014
Section 6.03	02/11/2014	01/24/2014
Section 6.04	02/11/2014	01/24/2014