

Frequently Asked Questions

Minor and Administrative Corrections to the Zoning Bylaw

What are the administrative corrections proposed? Three warrant articles refer to minor and administrative corrections to the Zoning Bylaw, including:

1. Article 18: This article seeks to make minor corrections to the Floodplain District of the Zoning Bylaw (Section 5.7). This section has not been substantially revised except for light editing during the recodification process in 2017. The purpose of the minor corrections is to refer to the correct title of the Conservation Commission's Town of Arlington Bylaw for Wetlands Protection, to make the section internally consistent with the Zoning Bylaw, and correct incorrect section references.
2. Article 19: This article seeks to make minor corrections to the Inland Wetland District of the Zoning Bylaw (Section 5.8). This section has not been substantially revised except for light editing during the recodification process in 2017. The purpose of the minor corrections is to refer to the correct title of the Conservation Commission's Town of Arlington Bylaw for Wetlands Protection, to make the section internally consistent with the Zoning Bylaw, and correct incorrect section references.
3. Article 22: This article seeks to correct six instances where references to Zoning Bylaw sections refer to the pre-recodified Zoning Bylaw.

Do these revisions change the review process? No, the review process will not change. The minor corrections described in Article 18 and Article 19 are to make the sections of the Zoning Bylaw consistent with the more stringent Arlington Conservation Commission requirements. Additionally, specific to Article 19, the proposed amendments to Section 5.7.6 to refer to Section 3 of the Zoning Bylaw are consistent with the revisions made during the recodification process to ensure internal consistency. The detailed procedures related to special permits are outlined in the Zoning Board of Appeals and the Redevelopment Board rules and regulations. Both boards may need to update the rules and regulations. Finally, Article 22 is purely administrative.

How can I learn more? The Arlington Redevelopment Board will hold hearings on all of the zoning articles on the Town Meeting Warrant on Mondays in March: March 4, March 11, March 18, and March 25. The public hearings will be held in the Senior Center, 27 Maple Street, beginning at 7:30 PM. It is anticipated that the amendments related to multi-family and mixed-use will begin on March 11. Informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the DPCD will also hold neighborhood meetings tentatively scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM. These dates are still pending confirmation from the School Department.

Frequently Asked Questions

Accessory Dwelling Unit Zoning Amendments

Why is the zoning amendment to allow accessory dwelling units important to Arlington? Accessory dwelling units provide opportunities to accommodate a family member or an unrelated renter in a smaller unit wholly-contained within an existing single-family home. The [2016 Housing Production Plan](#) recommends amending the Zoning Bylaw to facilitate a range of housing types. In recent years, very few new housing options have been created in the community leading to a lack of housing diversity. This type of housing would not change the architectural integrity and neighborhood open space available because the accessory dwelling unit would be contained within an existing single-family home.

How will allowing accessory dwelling units address this problem? Accessory dwelling units would help create more housing options for a range of demographics in the community, such as seniors, multi-generational households, individuals with disabilities, lower income households, and singles, as well as potentially create an income stream for the primary homeowner. By allowing these types of units within existing single-family homes subject to certain restrictions, the amendments can create more housing options for a range of households.

What are the proposed amendments? The amendments described in [Article 15](#) include the following:

1. A definition for accessory dwelling units as wholly-contained within a single-family home. The accessory unit is subordinate, physically separated from the primary residence, has its own kitchen and bathroom, and two means of egress;
2. Allows the use in only the R0 and R1 zoning districts;
3. Requires the primary dwelling to be owner-occupied without extended absences; and
4. Establishes procedures for approval of an accessory dwelling unit with a special permit from the Zoning Board of Appeals (ZBA); and
5. Addresses the sale of single-family homes with an accessory dwelling unit.

What is the review process for an accessory dwelling unit? Applicants who would like to add an accessory dwelling unit to their existing single-family home must seek a special permit from the ZBA. This is a public review process and owners of properties located within 300 feet of any proposed accessory dwelling unit are notified when there is a public hearing.

What criteria will a homeowner need to follow to create an accessory dwelling unit? It is important for homeowners to understand the following requirements and procedures:

- General Requirements
 - The lot area shall be at least the minimum required;
 - The gross floor area of an accessory dwelling unit cannot exceed 33% of the gross floor area of a single-family dwelling and cannot exceed 750 square feet;
 - The accessory dwelling unit must be contained within the gross floor area of the dwelling existing at the time of the permit application, except for the addition of a second means of egress or other modification to meet the State Building Code;
 - The owner(s) of the structure in which the accessory dwelling unit is located must occupy one of the dwelling units as their primary residence, except for temporary absences of no more than three months in any 60-month period;
 - No additional off-street parking spaces are required;
 - The dwelling shall continue to be treated as a single-family dwelling in an R0 or R1 districts; and
 - The minimum occupancy or rental term shall be 90 days.
- Procedures:
 - A special permit is required from the ZBA;
 - A certificate of occupancy for the accessory dwelling unit is required; and
 - A notarized affidavit must be submitted indicating that the property owner lives in the other unit as their primary residence.

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What happens if a single-family home with an accessory dwelling unit is sold? When a single-family home containing an accessory dwelling unit is sold, the special permit for that accessory dwelling unit will remain valid. However, the new property owner must demonstrate that all requirements of the Zoning Bylaw continue to be met and that the new property owner submits a notarized affidavit that he or she intends to occupy one of the units as the primary residence.

The ARB referred this warrant article to the Residential Study Group for feedback. The [Residential Study Group](#) is a sub-committee of the [Master Plan Implementation Committee](#) (MPIC). The MPIC was formed to direct and facilitate the goals of the [Master Plan](#), and has a number of sub-committees that are tasked with specific items to implement the Plan. The Residential Study Group is particularly interested in the integrity of established low-density residential neighborhoods in Arlington, and will be providing valuable feedback to the ARB in advance of the public hearing.

Accessory dwelling units would only be allowed in the R0 and R1 District by Special Permit. The accessory dwelling unit must be entirely contained in a single-family home and cannot be located in any detached structure on the same lot. The single-family home must be the primary residence of the homeowner as well.

Not sure which zoning district you are in? You can find your zoning district by searching your address in the [online Property Search](#).

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Frequently Asked Questions

Bicycle Parking Zoning Amendments

Why are proposed zoning amendments for bicycle parking important to Arlington? The current bicycle parking requirements are tied to motor vehicle parking requirements, referred to as off-street parking space requirements in the Zoning Bylaw. When the standards are tied to the off-street parking space requirements, the net effect is a limited amount of bicycle parking created. Through reviews conducted by the Arlington Redevelopment Board (ARB), the requirements have been conditions of approval on an ad-hoc basis without consistent application.

How will the proposed bicycle parking amendments address this problem? By creating specific thresholds and criteria for bicycle parking based upon land use (e.g., retail, residential, etc.), the ARB and the Zoning Board of Appeals (ZBA), as applicable, can apply a consistent process with clear results.

What are the proposed amendments? Article 21 amends Section 6.1.12 of the Zoning Bylaw to update the bicycle parking requirements in its entirety. The proposed amendments establish standards for long-term and short-term bicycle parking. Long-term bicycle parking shall be intended primarily to serve residents, employees, or other persons who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking shall be intended primarily to serve visitors, such as retail patrons, making trips of up to two hours to a particular use. An incentive is allowed in the amendments: for each 10 bicycle parking spaces, one off-street parking space may be reduced from the requirement, up to three spaces. The amendments establish general requirements for bicycle parking and location standards, as well as identifying what would be considered unacceptable bicycle parking. Finally, the amendments allow the ARB or the ZBA, as applicable, to modify the requirements of the section based on specific conditions that are unique to the proposal.

What is the review process for new projects? The review process remains the same as prior. It is limited to projects that trigger the ARB's Environmental Design Review process or for projects that have eight or more off-street parking spaces.

What criteria will property and/or business owners need to follow for new projects? It is important for property and/or business owners to understand that the following standards will apply:

- General Requirements:
 - A bicycle rack or bicycle storage fixture or structure shall accommodate a bicycle at least six feet in length and two feet wide;
 - Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface;
 - Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrian or motor vehicle traffic;
 - To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle or auto damage; and
 - Bike racks or posts shall be capable of securing a standard bicycle frame and one wheel using a common U-type security lock without the need to remove either wheel.
- Location Standards:
 - Covered or secured long-term bicycle parking is required in proportion to the number of off-street parking spaces that are secured or covered; and
 - Short-term bicycle parking should be within 50 feet of a main entrance or no further away than vehicle parking.

Additionally, if Town Meeting adopts the revised bicycle parking section, DPCD will create a guidebook that also provides clear instruction on the process, what is allowed, and other aesthetic standards that will be helpful for property and/or business owners to understand from the beginning of a new project.

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Frequently Asked Questions

Zoning Amendments to Codify Dover Amendment Reviews

Why are the zoning amendments to codify the Dover Amendment important to Arlington? The “Dover Amendment” refers to certain protections that religious, non-profit educational, and childcare facilities receive under the Massachusetts Zoning Act, [General Law, chapter 40A, section 3](#) which are not clearly prescribed for the Zoning Bylaw. For example, the tables that identify what uses are allowed in what zoning districts appear to indicate that these types of uses require a special permit or are prohibited in the Town of Arlington. The state law limits review of religious, non-profit educational, and childcare facilities to the reasonable regulation of bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements. This limitation is described in Section 3.4 of the Zoning Bylaw, but being associated with the Arlington Redevelopment Board’s (ARB) Environmental Design Review seems to indicate that a special permit is required.

How will the proposed revisions to the Zoning Bylaw address this problem? The proposed amendments make clear that religious, non-profit educational, and childcare facilities do not need to seek an Environmental Design Review special permit from the ARB. The proposed amendments outline a procedure for review that was developed in consultation with Arlington Town Counsel in a new bylaw section.

What are the proposed amendments? Article 20 includes the following elements:

- Removes the requirement for an Environmental Design Review special permit from the ARB;
- Creates a new section, Section 3.5, that codifies how the review is limited to reasonable regulation of bulk and height of structures and in determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements;
- Sets out the expectations for Town Officials and applicants; and
- Clarifies the notes within the use tables to refer readers to Section 3.5 where an applicant can clearly see the review requirements.

What is the review process for religious, non-profit educational, and childcare facilities? The applicant must first demonstrate to the Building Inspector that the proposed use of the property or structures is for a religious, non-profit educational, or child care purpose, or appropriate combination thereof. The applicant then must demonstrate to the Department of Planning and Community Development (DPCD) that a given regulation should be waived, reduced, or altered as it would be otherwise unreasonable. DPCD must apply only those regulations that serve a legitimate municipal purpose as described in the Zoning Bylaw. Unreasonable can be described as detracting from the usefulness of a structure, imposing excessive costs, or impairing the character of a proposed structure.

Where in Arlington can this happen? A religious, non-profit educational, or childcare facility may be established in any zoning district that requires a special permit or prohibits the use. However, if the applicant cannot successfully demonstrate that the proposed use is a religious, non-profit educational, or childcare facility and that is the primary use, a special permit and public review process would still be required or the use would be prohibited as required by the Zoning Bylaw.

How can I learn more? The Arlington Redevelopment Board will hold hearings on all of the zoning articles on the Town Meeting Warrant on Mondays in March: March 4, March 11, March 18, and March 25. The public hearings will be held in the Senior Center, 27 Maple Street, beginning at 7:30 PM. It is anticipated that the amendments related to multi-family and mixed-use will begin on March 11. Informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the DPCD will also hold neighborhood meetings tentatively scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM. These dates are still pending confirmation from the School Department.

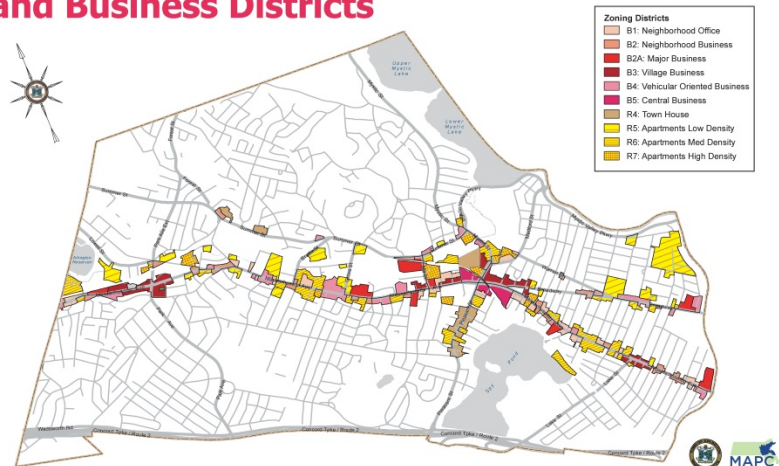
Frequently Asked Questions

Zoning Amendments for Multi-family and Mixed-use

Why are zoning amendments for multi-family uses and mixed-use important to Arlington? The [Master Plan](#) and the [Housing Production Plan](#), adopted in 2015 and 2016 respectively, were prepared through extensive public processes in the community. Both of these plans acknowledge changing demographics in the community and the need to create more housing on transportation corridors where access to Arlington's amenities is convenient while protecting valuable natural resources and open space. In recent years, very few different types of housing have been created in the community leading to a lack of housing diversity in the community. As a result, there is extremely limited potential for the creation of affordable units, which is [demonstrated by the marginal increase in the State inventory of affordable units](#).

How will the proposed zoning amendments address this problem? Over time, zoning changes have been adopted that resulted in decreasing varied housing options for the community. The proposed zoning amendments will enable economically-feasible infill development to occur in Arlington that would provide attractive housing options for a range of households, such as older, single adults or young families. These demographics align with trends in Arlington and the greater-Boston area; smaller households. The proposed amendments focus on the town's transportation corridors in the higher-density residential districts (R4 through R7) and the Business Districts. The [Zoning Map](#) shows these districts along the major roadways, including Mass Ave, Broadway, and some areas along Summer Street and Pleasant Street.

Medium & High Density Residential Districts and Business Districts



What are the proposed amendments? The Metropolitan Area Planning Council (MAPC) and a working group studied the existing Zoning Bylaw to identify challenges. Through an analysis of properties, recommendations to address the identified challenges were developed to encourage economically-feasible infill development. After consideration of the recommendations, the Arlington Redevelopment Board (ARB) moved forward with the following zoning amendments:

1. Density and dimensional adjustments ([Articles 6 and 7](#)) to make these requirements consistent with existing development and at a scale appropriate for major roadways;
2. Open space adjustments ([Article 8](#)) to eliminate the requirement for usable open space and increase the requirement for landscaped open space, as well as offering flexibility in what is considered open space;
3. Adjust the definition of townhouse structures ([Article 9](#)) to better distribute individual townhouses within a single structure;
4. Require the upper-story building step back ([Article 10](#)) at the fourth story consistent with increases in the maximum height allowed;
5. Reduce the height buffer distances ([Article 11](#)) to retain reasonable relief for adjacent low-density districts without effectively lowering the maximum height allowed;
6. Adjust how street yards are calculated on corner lots ([Article 12](#)); and
7. Reduce the number of parking spaces per unit for multi-family uses to one space per unit ([Article 13](#)) and allow the R7 District to be considered for transportation demand management ([Article 14](#)).

Frequently Asked Questions

Zoning Amendments for Multi-family and Mixed-use

What is the review process for new development projects? The ARB will continue to review multi-family and mixed-use projects through the Environmental Design Review (EDR) Special Permit. In reviewing projects subject to EDR, the ARB applies the following standards, described in [Section 3.4 of the Zoning Bylaw](#): preservation of natural landscape; relationship of buildings to the environment; open space; circulation; stormwater drainage; utility service; advertising features; special features that may require additional screening; safety; heritage; microclimate; and sustainable building and site design. Additionally, where applicable and as is done currently, the [Conservation Commission](#) would review projects under the Massachusetts Wetland Protection Act and the Town of Arlington Bylaw for Wetland Protection, and the [Historic Districts Commission](#) and/or the [Historical Commission](#) would review exterior modifications or demolition of historic structures under their respective jurisdictions.

What criteria will property owners need to follow? In addition to responding to the EDR Special Permit standards described above, property owners must follow the [Design Standards for the Town of Arlington](#). The Design Standards are broken into seven concept areas that can address aspects of new development that shape the visual environment: building setbacks; building height; relationship of the building to the street and sidewalk; parking and access; connections and linkages; façade and materials; and signage and wayfinding.

These amendments do not impact properties located in the R0, R1, R2, or R3 low-density residential districts, or the Planned Unit Development District, Industrial District, Multi-use District, Open Space District, or the Transportation District. However, unique conditions of adjacent properties, particularly low-density residential districts and the Open Space District, can be addressed during the public review process and owners of properties located within 300 feet of any proposed development are notified when there is a public hearing.

Not sure which zoning district you are in? You can find your zoning district by searching your address in the [online Property Search](#).

What types of homes might be developed? All types of homes could be developed including rentals and condominiums that have a mix of number of bedrooms with no restriction on tenure. Some of the homes could be affordable to families with different incomes. Other homes will be affordable to households making up to 80% of the area median income or \$73,000 for a three person household, \$64,900 for a two person household, or \$56,800 for an individual as defined by the Zoning Bylaw.

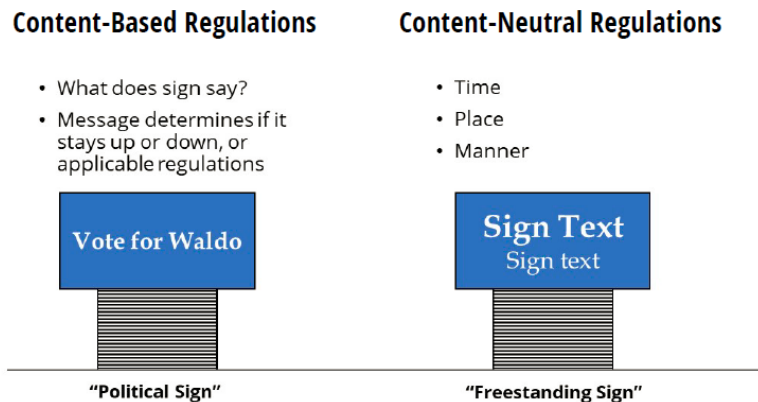
How much housing will be developed? In March 2019, an analysis showing the total development potential for housing, as well as affordable units required by the Zoning Bylaw, and commercial space will be available. Additionally, shadow studies and other visualizations will be available at that time.

How can I learn more? The Arlington Redevelopment Board will hold hearings on all of the zoning articles on the Town Meeting Warrant on Mondays in March: March 4, March 11, March 18, and March 25. The public hearings will be held in the Senior Center, 27 Maple Street, beginning at 7:30 PM. It is anticipated that the amendments related to multi-family and mixed-use will begin on March 11. Informal office hours will be held on Thursdays, March 14 and March 21, 5 PM-7 PM, in the Town Hall Annex First Floor Conference Room. Finally, the DPCD will also hold neighborhood meetings tentatively scheduled for March 28 at Peirce School, April 3 at Thompson School, April 4 at Hardy School, and April 10 at Brackett School, all beginning at 7 PM. These dates are still pending confirmation from the School Department.

Frequently Asked Questions Sign Bylaw Zoning Amendments

Why is the Sign Bylaw zoning amendments important to Arlington? Dating back to the [Zoning Audit](#) prepared for the Master Plan in 2015 and a [second Audit](#) prepared as part of the recodification process in 2017, concerns regarding usability and clarity as well as inconsistencies with the Supreme Court case [Reed v. Town of Gilbert](#) were identified. As such, the Town contracted with Lisa Wise Consulting (LWC) to draft new sign regulations that are well-organized, straightforward to understand and administer, consistent with state and federal law, and representative of best practices. To date, LWC and staff interviewed stakeholders, held a public forum, provided a draft analysis, discussed the analysis with Redevelopment Board members, provided an Analysis and Recommendations Report, and drafted amendments. The Department of Planning and Community Development (DPCD) is overseeing this process with input and assistance from the Town's Zoning Bylaw Working Group and Town Counsel.

What is the importance of Reed v. Town of Gilbert? The importance of the *Reed v. Town of Gilbert* case is to ensure that all regulations for permanent and temporary signs are legally-defensible and consistent with applicable federal and State requirements. The Supreme Court case determined that in order to be content-neutral, the sign regulations must be based on "time, place, and manner" restrictions, rather than by making distinctions based on the message the sign conveys. These restrictions, as the name suggests, limit the length of time, the manner, and place or location of a sign as shown below:



How will the proposed revision of the Sign Bylaw address this problem? The proposed amendment of the sign section of the Zoning Bylaw will create content-neutral regulations that will not run afoul of First Amendment rights. The revisions make the Bylaw more modern, clear, and easy to use by all. The revisions create consistency across zoning districts to facilitate review by DPCD and Inspectional Services. Finally, the new standards and illustrations for different property types and sign districts within the Town are included in the new Bylaw section.

What are the proposed amendments? [Article 17](#) is the complete revision of Section 6.2 of the Zoning Bylaw. Starting with stakeholder engagement and a detailed review of the existing Sign Bylaw, LWC prepared a [Sign Regulations Analysis and Recommendations Report](#) which laid the groundwork for the revised bylaw. Although the section has been entirely reorganized, many of the existing standards are carried forward into easy to use tables and illustrations. The revised sign section is outlined as follows:

- Section 6.2.1: General Provisions, including the purpose, authority, and exemptions, among other items;
- Section 6.2.2: Procedures that lay out the process for obtaining a sign permit, a temporary sign permit, and a sign special permit;
- Section 6.2.3: General Restrictions for All Signs, including prohibited signs and location and display restrictions;
- Section 6.2.4: General Requirements for All Signs, including measurement, illumination, installation, and maintenance;
- Section 6.2.5: Standards for Permanent Signs, including standards for each type of building-mounted and freestanding permanent sign and where these types of signs are allowed;
- Section 6.2.6: Standards for Temporary and Portable Signs, including standards for each type of temporary and portable sign and where these types of signs are allowed; and

Frequently Asked Questions Sign Bylaw Zoning Amendments

- Section 6.2.7: Nonconforming Signs, including how signs that do not meet the requirements of the bylaw are handled.

Definitions in Section 2 of the Zoning Bylaw have been updated and a number of new definitions have been included for clarity. Additionally, [Article 26](#) is a companion article that moves standards for signs out of the Town Bylaw and consolidates those standards into the Zoning Bylaw.

What is the review process for new signs? The review process remains the same as prior, but there are clear instructions in the proposed amendments. A Sign Permit application for a permanent sign must be submitted to Inspectional Services for zoning review and is then referred to DPCD for review. If all standards are met, the Sign Permit is issued. The proposed amendments also clarify the process for a temporary Sign Permit. These proposed amendments help all to understand what is expected for new signage based on the standards developed by type of sign.

What criteria will property and/or business owners need to follow for new signage? It is important for property and/or business owners to understand that zoning districts are grouped into Sign Districts as follows:

Sign District	Zoning Districts
Residential Sign District	Large Lot Single-Family District (R0), Single-Family District (R1), Two-Family District (R2), Three-Family District (R3)
Residential/Business Sign District	Townhouse District (R4), Apartment District/Low Density (R5), Apartment District/Medium Density (R6), Apartment District/High Density (R7), Neighborhood Office District (B1), Neighborhood Business District (B2)
Business Sign District	Major Business District (B2A), Village Business District (B3), Vehicular Oriented Business District (B4), Central Business District (B5)
Industrial Sign District	Industrial District (I), Transportation District (T)
Multi-Use Sign District	Multi-Use District (MU), Planned Unit Development (PUD)
Open Space Sign District	Open Space District (OS)

Based on a property's sign district, certain types of building-mounted and freestanding permanent signs as well as temporary and portable signs are allowed as described. Clear standards and illustrations provide the specific details of each type of sign that a property and/or business owner may want to install. Additionally, if Town Meeting adopts these revisions, DPCD will create a guidebook that also provides clear instruction on the process, what is allowed, and other aesthetic standards that will be helpful for property and/or business owners to understand from the outset of a new sign project.

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