

# Arlington Town Meeting — Substitute Motion

## ARTICLE NO. 38

Dated: May 4, 2025

I, Andrew Greenspon, do hereby submit the following Substitute Motion under Article 38:

**VOTED: That the Zoning Bylaw be and hereby is amended as follows:**

### Amend SECTION 2. DEFINITIONS

Add definition:

Neighborhood Artistic/Creative Production: Creation, production, manufacture, distribution, publishing, rehearsal, performance, broadcast, selling, or teaching of the visual arts, performing arts, applied arts, literature, heritage, media, music, information technology, communications media, or digital content and applications.

### Amend SECTION 5.2.4: Multiple Principal Uses

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A lot or structure located in the R3, R4, R5, R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, or...

### Amend SECTION 5.4.3. Use Regulations for Residential Districts

CLASS OF USE	R0	R1	R2	R3	R4	R5	R6	R7
<b>Personal, Consumer and Business Services</b>								
Funeral Home						SP	SP	SP
<u>Barber shop, hair salon, tailor, or shoe repair shop with 5 or fewer employees on site at the same time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Health club with 5 or fewer employees on site at the same time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

CLASS OF USE	R0	R1	R2	R3	R4	R5	R6	R7
<b>Eating &amp; Drinking Establishments</b>								
Restaurant => 2,000 sq. ft., and any restaurant that is principal use on lot of 10,000 sq. ft. or more								SP
<b>Retail</b>								
Retail, general, with more than 3,000 sq. ft. of gross floor area								SP
Retail, local, with less than 3,000 sq. ft. of gross floor area								SP
<u>Retail, local, with less than 1,500 sq. ft. of gross floor area with 5 or fewer employees on site at the same time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

CLASS OF USE	R0	R1	R2	R3	R4	R5	R6	R7
<b>Office Uses</b>								
Business, professional or medical/ clinic offices								
• Less than 3,000 sq. ft. gross floor area per building				<u>Y</u>	<del>SP</del> <u>Y</u>	<del>SP</del> <u>Y</u>	Y	Y
• 3,000 sq. ft. or more gross floor area per building							SP	SP
• In an existing building originally designed for single or two- family residential use, if the building retains its residential appearance and fronts on a street with at least 50 foot right of way					SP	SP	Y	Y
<del>• In an existing building originally designed for single or two- family residential use, if the building retains its residential appearance and fronts on a street with &lt; 50 foot right of way</del>					<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>
Physician or Clergy office within a residence with up to 1 nonresident employee	SP	SP	<u>SP</u>	<del>SP</del> <u>Y</u>	<del>SP</del> <u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

CLASS OF USE	R0	R1	R2	R3	R4	R5	R6	R7
<u>Other Principal Uses</u>								
<u>Neighborhood Artistic/Creative Production with 5 or fewer employees on site at the same time</u>				<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

**Comment:**

Town residents and Town Meeting Members have often expressed concern about the lack of space for small businesses to operate in town. This amendment would allow more flexibility in the locations of small businesses and potentially provide smaller incubation spaces for small businesses to start out in town. There are very few commercial vacancies in town and of the ones that are vacant, there is often a mismatch between the structure of the available space and the needs of small businesses looking to open, in addition to unaffordable leasing costs. The Zoning Bylaw already allows a few select business uses in residential zones. This amendment would expand those options moderately.

The uses are expanded in the R3-R7 zones, which primarily exist on main arterials, and/or abut or reside within a few parcels of existing business and industrial parcels. Dimensional standards for these parcels would not be changed by this amendment. On-site parking requirements are accounted for elsewhere in the Zoning Bylaw based on the type of business regardless of the parcel the business resides on.

The one non-R3-R7 change is to allow “Physician or Clergy office within a residence with up to 1 nonresident employee” by special permit (SP) in the R2 zone. This is currently allowed by SP in R0, R1, R3, and R4. No historical reason for excluding R2 could be determined, so for fairness, the amendment also would allow this use in R2 by SP.

Multiple principal uses are currently allowed in R6, R7. This amendment would expand that to R3, R4, R5, such that, for example, the first floor could be an office or retail while the upper floors are residential. Regardless, master deeds for multi-family condo properties would still control in addition to zoning. For example, even if small retail is allowed by zoning in an R4 zone, the private owners of an R4 parcel could still ban it within their Master deed.

A new definition “Neighborhood Artistic/Creative Production” is added to allow for such business uses without also allowing additional uses such as prototyping, fabrication, assembly, and packaging defined in the bylaw under the definition “Artistic/Creative Production.”

Date Voted: \_\_\_\_\_

Action Taken: \_\_\_\_\_

Respectfully submitted,

/s/ Andrew Greenspon

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Andrew Greenspon, Precinct 5