

Additions to the Zoning Bylaw shown in underline format. Deletions shown in ~~strikeout format~~.

**ARTICLE \_\_\_\_ ZONING BYLAW AMENDMENT/ AFFORDABLE HOUSING REQUIREMENTS**

To see if the Town will vote to amend the Zoning Bylaw to increase the time during which the affordable housing requirements apply from a two-year period to a three-year period in alignment with G.L. c.40A § 9 by amending SECTION 8.2.2. APPLICABILITY; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 8.2.2. as follows:

**8.2.2. Applicability**

The provisions of this Section 8.2 shall apply to all new residential development with six or more units subject to Section 3.4, Environmental Design Review, comprised of any or all of the following uses:

- Single-family detached dwelling
- Two-family dwelling
- Duplex dwelling
- Three-family dwelling
- Townhouse structure
- Apartment building
- Apartment conversion
- Single-room occupancy building

Any residential development of the uses listed above involving one lot, or two or more adjoining lots in common ownership or common control, for which special permits or building permits are sought within a ~~two-year~~ three-year period from the first date of special permit or building permit application shall comply with the provisions of this Section 8.2.

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**ARTICLE \_\_\_\_**

**ZONING BYLAW AMENDMENT/ APARTMENT CONVERSION**

To see if the Town will vote to amend the Zoning Bylaw to include a definition of apartment conversion by amending SECTION 2 DEFINITIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 2 as follows:

Apartment Conversion: The conversion of an existing structure originally designed for one-family or two-family use to an apartment building with no alteration to the exterior of the structure.

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## ARTICLE \_\_\_\_

**ZONING BYLAW AMENDMENT/  
PARKING REDUCTIONS IN THE B3 AND B5 DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to allow the Board of Appeals or Arlington Redevelopment Board, as applicable, to reduce the parking requirement to zero in the B3 and B5 Districts through Special Permit where businesses have no ability to create new parking by amending SECTION 6.1.5. PARKING REDUCTION IN BUSINESS, INDUSTRIAL, AND MULTI-FAMILY RESIDENTIAL ZONES; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 6.1.5. as follows:

**6.1.5. Parking Reduction in Business, Industrial, and Multi-Family Residential Zones**

The Board of Appeals or Arlington Redevelopment Board, as applicable, may allow the reduction of the parking space requirements in the R5, R6, R7, Business, and Industrial Zones to 25 percent of that required in the Table of Off-Street Parking Regulations if the proposed parking is deemed adequate and where Transportation Demand Management practices are incorporated, as evidenced by a Transportation Demand Management Plan approved by the Special Permit Granting Authority. Methods to reduce parking on site may include but are not limited to:

- A. Shared Parking: To implement shared on-site parking, the applicant shall demonstrate that proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the parking requirement for the largest of the uses (in terms of parking spaces required) shall be sufficient.
- B. Off-site Parking. An applicant may use off-site parking to satisfy their parking requirements as provided in Section 6.1.10. The applicant shall document efforts to promote use of off-site parking by customers, residents, or employees.
- C. Transportation Demand Management (TDM): Any request for parking reduction must include a plan to reduce demand for parking. TDM provides incentives to reduce the use of Single Occupant Vehicles and encourages the use of public transit, bicycling, walking, and ridesharing. All projects requesting a parking reduction must employ at least three TDM methods described below:
  - (1) Charge for parking on-site;
  - (2) Pay a stipend to workers or residents without cars;
  - (3) Provide preferential parking for carpooling vehicles;
  - (4) Provide a guaranteed emergency ride home;
  - (5) Provide transit pass subsidies;
  - (6) Provide covered bicycle parking and storage;
  - (7) Provide bicycle or car sharing on site;

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- (8) Provide showers for business or industrial uses;
- (9) Other means acceptable to the applicable Special Permit Granting Authority.

D. B3 and B5 Districts: In special circumstances where a business in the B3 or B5 District has no ability to create new parking and there is the ability for customers to utilize street parking and/or municipal parking, applicants may propose a reduction lower than 25 percent of that required in the Table of Off-Street Parking Regulations to zero. For these cases, applicants may incorporate methods outlined in subparagraphs A., B., and C.

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ARTICLE \_\_\_\_

**ZONING BYLAW AMENDMENT/ ADMINISTRATIVE CORRECTIONS**

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative corrections;

1. Correcting references to Board of Selectmen in subparagraph B of SECTION 3.1.4. PENALTY and in Section 3.2.1. ESTABLISHMENT;
2. Correcting reference to August, 1975 in subparagraphs C and D in SECTION 5.4.2. DIMENSIONAL AND DENSITY REQUIREMENTS;
3. Correcting reference to 105 CMR 725.100 in the definition of a medical marijuana treatment center in SECTION 2 DEFINITIONS; and
4. Correcting reference to seven feet three inches in subsection A(2) in SECTION 5.3.22. APPLICABILITY;

or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**Amend Section 3.1.4. as follows:**

**3.1.4. Penalty**

- A. If the notice of violation is not complied with according to the time specified in the notice, the Building Inspector may, in accordance with G.L. c. 40, § 21D, institute a non-criminal complaint(s) with penalty. Each day in which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this Bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.
- B. The Building Inspector may, with the approval of the ~~Board of Selectmen~~ Select Board, institute the appropriate criminal action or proceeding at law or in equity to prevent any unlawful action, use or condition, and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three-hundred dollars (\$300.00) for each offense. Each day, or portion of a day, in which a violation exists shall be deemed a separate offense.

**Amend Section 3.2.1. as follows:**

**3.2.1. Establishment**

There shall be a Zoning Board of Appeals ("Board of Appeals") consisting of five members and two associate members appointed by the ~~Board of Selectmen~~ Select Board. All members of the Board of Appeals shall be Arlington residents, one member shall be an attorney-at-law, and at least one of the remaining members shall be a registered architect or a registered professional engineer. The appointment, service, and removal or replacement of members and associate members and other actions of the Board of Appeals shall be as provided for in G.L. c. 40A.

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**Amend Section 5.4.2. as follows:**

- A. One exception is made for attached single-family dwellings on Sunnyside Avenue, Gardner Street, Silk Street, Marrigan Street, and Fremont Street. Attached single-family dwellings existing in August 28, 1975, on these streets are permitted as a right.
- B. In the R0, R1 and R2 districts no new licensed nursing home, rest home, convalescent home facilities shall be constructed except at sites whereon these facilities existed as of August 28, 1975. These existing facilities may be reconstructed to meet code requirements in accordance with a special permit under 3.3 and 3.4.

**Amend Section 2 as follows:**

Medical Marijuana Treatment Center: An establishment registered with the Commonwealth pursuant to ~~105-CMR-725.100~~ 935 CMR 501.00, also known as a “registered marijuana dispensary” (RMD) that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, offers for sale, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical purposes in accordance with applicable state laws and regulations. Unless otherwise specified, Medical Marijuana Treatment Center refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

**Amend Section 5.3.22.A(2) as follows:**

**5.3.22. Gross Floor Area**

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
  - (1) Elevator shafts and stairwells on each floor;
  - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
  - (3) Interior mezzanines;
  - (4) Penthouses;
  - (5) Basement areas except as excluded in (2) below;
  - (6) Cellars in residential uses;
  - (7) All-weather habitable porches and balconies; and
  - (8) Parking garages except as excluded in (1) below.

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ARTICLE \_\_\_\_

ZONING BYLAW AMENDMENT/ GROSS FLOOR AREA

To see if the Town will vote to amend the Zoning Bylaw to clarify how landscaped and usable open space is calculated relative to gross floor area by amending SECTION 5.3.22. GROSS FLOOR AREA to add subsection C and add appropriate references in the associated definitions in SECTION 2; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.3.22. as follows:

**5.3.22. Gross Floor Area**

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
- (1) Elevator shafts and stairwells on each floor;
  - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet ~~three inches~~ or more, except as excluded in (4) below;
  - (3) Interior mezzanines;
  - (4) Penthouses;
  - (5) Basement areas except as excluded in (2) below;
  - (6) Cellars in residential uses;
  - (7) All-weather habitable porches and balconies; and
  - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the follow areas of buildings are to be excluded from the calculation of Gross Floor Area:
- (1) Areas used for accessory parking, or off-street loading purposes;
  - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
  - (3) Open or lattice enclosed exterior fire escapes;
  - (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
  - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the following dimensional requirements are calculated based on Gross Floor Area:
- (1) Useable Open Space; and
  - (2) Landscaped Open Space.

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Amend Section 2 as follows:

Open Space, Landscaped: Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for on how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for on how to calculate usable open space.



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ARTICLE \_\_\_\_

ZONING BYLAW AMENDMENT/

OTHER DISTRICTS DIMENSIONAL AND DENSITY REGULATIONS

To see if the Town will vote to amend the Zoning Bylaw to include the legend for tables by amending SECTION 5.6.2. DIMENSIONAL AND DENSITY REGULATIONS; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.6.2. as follows:

**5.6.2. Dimensional and Density Regulations**

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the MU, I, T, PUD, and OS districts. Additional dimensional and density regulations affecting all districts can be found in Section 5.3.

LEGEND FOR TABLES

Sq.ft.     Square feet

ft         Feet

L          Length

H          Height

W          Width

ROW      Right-of-Way

SP        Special Permit

Y          Yes (use allowed)

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**ARTICLE \_\_\_\_**

**ZONING BYLAW AMENDMENT/ PROHIBITED USES**

To see if the Town will vote to amend the Zoning Bylaw to indicate that uses without a “Y” or “SP” in the Tables of Uses are prohibited by amending SECTION 5.2.2. PROHIBITED USES to add subsection C; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

Amend Section 5.2.2. as follows:

**5.2.2. Prohibited Uses**

- A. Any use not listed in the Tables of Uses for various districts in Section 5 or otherwise allowable under the provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.
- C. Any use not designated with a “Y” or “SP” in the Tables of Uses is prohibited.