

ZONING BASICS:

OR

**Everything you wanted to
Know about zoning but were
Afraid to ask!**

Some History

- Early examples in Boston and Los Angeles
- New York led the way with Comprehensive Zoning in 1917
- Followed by Standard Zoning Enabling Act of 1923, 1924, and 1926

Lofty Purpose Statements

- To address standard zoning purposes
- Purposes of statewide zoning enabling statutes

1.03 STATEMENT OF LEGISLATIVE INTENT (Cumberland, MD)

These regulations are adopted with the intent that they will implement the policies of the Comprehensive Plan; will control congestion in the streets; will secure the public safety; will promote health and the general welfare; will provide adequate light and air; will promote the conservation of natural resources; will prevent environmental pollution; will avoid undue concentration of population; and will facilitate the adequate provisions of transportation, water, sewerage, schools, recreation, soil conservation, landscaping, parks and other public facilities and services.

TOWN OF BEDFORD ZONING BYLAW

1. AUTHORITY, PURPOSE, AND DEFINITIONS

1.1 Authority

The Town of Bedford Zoning Bylaw is adopted pursuant to and under the authority of “The Zoning Act” of the Commonwealth of Massachusetts, MGL Ch.40A.

1.2 Purpose

The purpose of this Bylaw is to implement the zoning powers granted to the Town of Bedford under the Constitution and Statutes of the Commonwealth and includes, but is not limited to, the following objectives:

- to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air;

- to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels;
- to facilitate the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, open space and other public requirements;
- to conserve the value of land and buildings, including conservation of natural resources and the prevention of blight and pollution of the environment;
- to encourage the most appropriate use of land throughout the Town; to preserve and increase amenities; and to preserve and enhance the development of the natural scenic and aesthetic qualities of the community.

1.30 PURPOSE

It shall be the purpose of this Ordinance to lessen congestion in the streets;

- conserve health; to secure safety from fire, flood, panic and other danger; to provide adequate light and air;
- to prevent overcrowding of land;
- to avoid undue concentration of population; to encourage housing for persons of all income levels;
- to facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;

- to encourage the most rational use of land throughout the city, including the encouragement of appropriate economic development, the protection of residential neighborhoods from incompatible activities and including the consideration of plans and policies, if any, adopted by the Cambridge Planning Board, and to preserve and increase the amenities of the City.

City of Lowell

ARTICLE I. PURPOSE AND AUTHORITY

SECTION 1.1 TITLE

This ordinance, ordained in accordance with the provisions of Chapter 40A of Massachusetts General Laws shall be known as the “Lowell Zoning Ordinance.”

SECTION 1.2 PURPOSES OF CHAPTER

The purposes of this chapter are to promote the health, safety, convenience, morals, and general welfare of the city; to encourage the most appropriate use of land throughout the city; to prevent overcrowding of the land; to conserve the value of the land and buildings; to lessen congestion in the streets; to avoid undue concentration of population; to provide adequate light and air; to facilitate adequate provisions for transportation, water, sewage, schools, parks and other public requirements, and to preserve and increase the amenities of the city, all as set forth in Section 2A of 1975 Mass. Acts 808.

Basic Definitions

1.4 Definitions and Abbreviations

In this By-Law, the following terms shall have the following meanings, unless a contrary meaning is required by the context or is specifically prescribed.

Accessory Building - A building devoted exclusively to an accessory use as herein defined, and not attached to a principal building by any roofed structure.

Floor Area, Gross - The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls, including basements and any interior parking and loading areas, but not including cellars or areas having less than six feet floor-to-ceiling height.

Floor Area Ratio - The ratio of gross floor area to lot area of the premises. In determining gross floor area for these purposes only, any building area having floor-to-ceiling height in excess of 15 feet shall be counted twice.

Definitions of Family

- Village of Belle Terre v. Boraas (1974)
- State v. Baker (1979)

2.24 Family

One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided, that a group of five (5) or more persons who are not within the second degree of kinship to each other, as defined by civil law, shall not be deemed to constitute a family.

2.58 One Family Dwelling

A building used exclusively and continuously or at intervals, singly and apart from any other building, as living quarters and habitation by one family, containing cooking, bathroom and sleeping facilities.

Family. One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit; provided that a group of four or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Family. (Con'td)

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988." Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family in the first paragraph of this definition.

City of Lowell

FAMILY: An individual, or two (2) or more individuals related by blood, marriage, or adoption living together, or not more than three (3) individuals not related by blood, marriage, or adoption living together.

Suspect Classifications?

How are non-traditional living arrangements treated by the Municipal Zoning Ordinance?

2.33.1 Group Care Facility

A type of group quarters in which a group of individuals not related by blood, marriage or adoption live together as a single housekeeping unit under a common housekeeping management plan in which some form of health care is provided.

2.38.1 Independent Living Facility

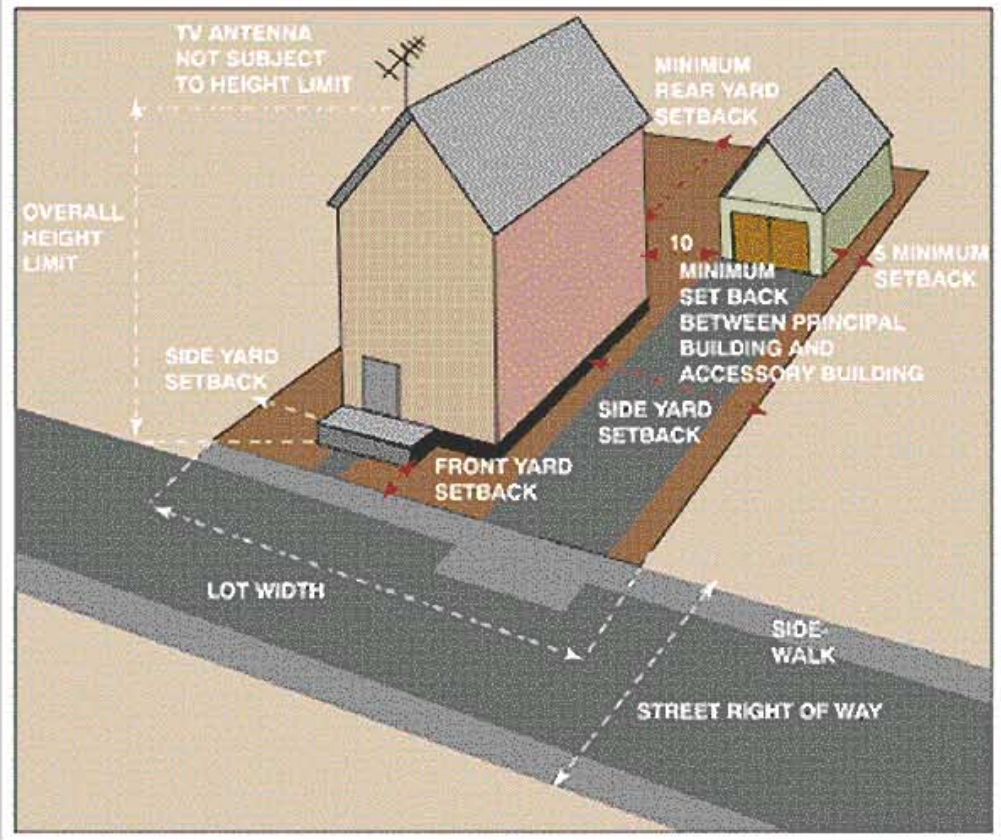
A facility that provides residential accommodations for senior adults. These residences may include common areas, a common dining facility, and space for the provision of social, psychological, and educational programs. Home health care or other community based services may be used on an individual basis. Meals, linen and housekeeping services may be offered. There may be some maintenance staff, but there is no medical or supervisory staff.

Other definitions and illustrations ...

Height, Building - The vertical distance from the average finished grade within 20 feet of the structure on the street side(s) of a building to:

- the highest point of the roof or parapet for flat or shed roofs;
- the midpoint between the lowest and highest points of the roof for gable, hip and gambrel roofs (upper roof pitch 4" per foot or greater); or
- the point of change in roof slope for mansard roofs (upper roof pitch under 4" per foot), provided that no part of a garage shall exceed 15 feet in height and no part of a tool shed, noncommercial greenhouse or similar accessory structure shall exceed 10 feet in height.

Other definitions and illustrations ...



Lot Area - The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for compliance shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, Massachusetts General Law, for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.

SECTION 4.5 NONCONFORMING USES AND STRUCTURES

4.5.1 Applicability. This zoning ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c.40A, s. 5 at which this zoning ordinance, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

4.5.2 Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. Only the following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

4.5.3 Nonconforming Structures.

The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. In a Residential District, the nonconforming use shall be entirely within a structure. *Only the following types of changes to nonconforming structures may be considered by the Board of Appeals:*

- 1. Reconstructed, extended or structurally changed;*
- 2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;*

4.5.4 Variance Required. The reconstruction, extension or structural change of a nonconforming structure *in such a manner as to increase an existing nonconformity, or create a new nonconformity* shall require a variance; provided, however, that the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a special permit from the Board of Appeals.

1.5.3 Discontinuance

A nonconforming use of a building or land which has been discontinued shall not thereafter be resumed. A nonconforming use shall be considered discontinued when the premises have been devoted to a conforming use, or when the premises have been vacant for a period of two years or when the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years.

Zoning Districts

SECTION 2. DISTRICTS

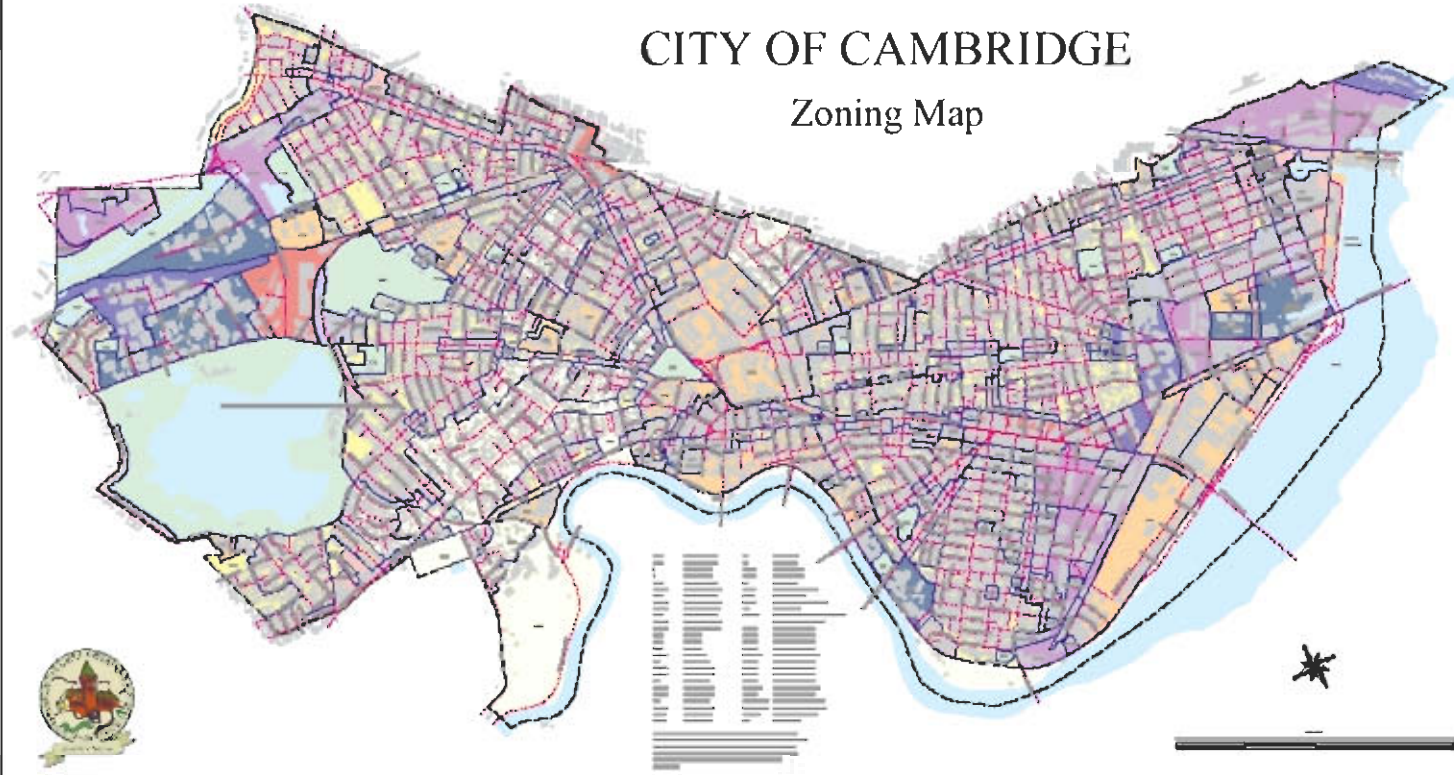
2.1 Classes

The Town of Belmont is hereby divided into 13 classes of Districts:

Single Residence A	Local Business I
Single Residence B	Local Business II
Single Residence C	Local Business III
Single Residence D	General Business
General Residence	Parking Lot
Apartment House	McLean District
	Belmont Uplands District

CITY OF CAMBRIDGE

Zoning Map



Authority to Regulate Uses

Y= Yes

N= Prohibited

SP= Special Permit, Board of Appeals

PB= Special Permit, Planning Board

CC= Special Permit, City Council

4.2.1 Key. A use listed in The Table of Uses is permitted as a right in any district under which it is denoted by the letter “Y.” It is prohibited if designated by the letter “N.” If designated in the table by the letters “SP,” the use may be permitted as a special permit only if the Board of Appeals determines and grants a special permit therefore as provided in Section 11.3, subject to such further restrictions as the Board may establish. If designated in the table by the letters “PB,” the use may be permitted as a special permit only if the Planning Board determines and grants a special permit therefore as provided in Section 11.3, subject to such further restrictions as the Board may establish. If designated in the table by the letters “CC,” the use may be permitted as a special permit only if the City Council determines and grants a special permit therefore as provided in Section 11.3, subject to such further restrictions as the City Council may establish.

Special Permits

Special Permits or exceptions are municipal approvals given to particular uses which may, in certain circumstances, be appropriate for development or implementation in various zoning districts.

Special Permits differ from “by right” uses in that additional scrutiny of such uses is frequently required by the reviewing municipal board (often a Board of Appeals, but sometimes a legislative body or Planning Board).

Types of uses permitted by “Special Permits” vary. Generally such uses are more intense, or are believed to generate greater impacts than the list of by-right uses referenced in the zoning bylaw or ordinance.

The Heart and Soul of Zoning

- Use Regulations and Districts
- Density and Dimensional Requirements

Very Euclidean!

DISTRICTS	USE DESIGNATION	DISTRICT										OVERLAY DISTRICTS	
		RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	A	WR
4.2.6	RETAIL, CONSUMER, AND TRADE USES												
4.2.6.1	Personal service businesses such as, but not limited to, barbers and hairdressers	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	SP	SP
4.2.6.2	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises	NO	NO	NO	SP	SP	YES	SP	NO	NO	YES	YES	YES
4.2.6.3	Retail stores other than above; showrooms	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	YES	YES
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	SP	YES	YES	YES	YES
4.2.6.5	Establishments for the repair of radios, televisions,	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	SP

Special Permits

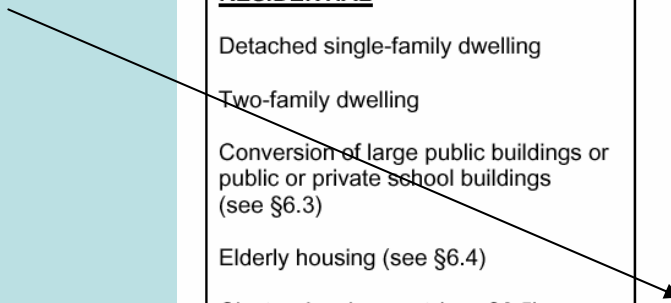
In many cities and towns in New England, Cluster Housing is a “Special Permit” use in single family zoning districts. Many planners believe such use should be by-right.

Restaurants, convenience stores, and many high traffic or industrial uses may be authorized under “Special Permit” provisions.

Special Permit Provisions are sometimes used as a review process to enable the awarding or granting of density bonuses or special use allowances not normally available.

Cluster Development

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Other municipal use	SP	SP	SP	Y	Y	Y	Y	Y
School-aged child care home <i>Note: §3.3 was amended by Article 39 at the 1994 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N
<u>RESIDENTIAL</u>								
Detached single-family dwelling	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling	N	Y	Y	SP	SP	SP	N	N
Conversion of large public buildings or public or private school buildings (see §6.3)	SP	SP	SP	SP	SP	SP	SP	N
Elderly housing (see §6.4)	SP	SP	SP	N	N	N	N	N
Cluster development (see §6.5)	SP	N	N	N	N	N	N	N
<u>ACCESSORY USES</u>								
Home occupation (see §3.4.2)	Y	Y	Y	Y	Y	Y	Y	N
Lodging and Boarding								
➤ for daily or weekly periods	SP	SP	SP	Y	Y	Y	Y	N
➤ for longer periods only	Y	Y	N	Y	Y	Y	Y	N
Residential – provided that at a minimum the first floor is to be reserved for commercial use and that a minimum of 25% of the residential units developed are affordable as defined by Massachusetts General Laws, Chapter 40B ¹ <i>Note: §3.3 was amended by Article 26 at the 2003 Annual Town Meeting.</i>	N	N	N	SP	SP	SP	N	N
A noncommercial greenhouse; a tool shed used for the storage of tools, yard and household equipment or other similar accessory buildings none of which shall exceed 150 square feet of floor area or a height of 10 feet	Y	Y	Y	N	N	N	Y	N



ARTICLE XII: TABLE OF USES

District Type:	Suburban				Traditional Neighborhood					Urban				Special Purpose			Industrial	
Districts:	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
12.1. RESIDENTIAL USES																		
a. Single-family detached dwelling occupied by not more than one family	Y	SP	SP	N	Y	Y	Y	SP	N	Y	Y	SP	N	N	N	N	N	N
b. Two-family attached or semi-detached dwelling	N	SP	SP	N	N	Y	Y	SP	N	N*	Y	SP	N	N	N	N	N	N
c. Three-family attached or semi-detached dwelling	N	SP	SP	N	N	N	Y	Y	SP	N	SP	Y	SP	N	SP	N	N	N
d. Multi-family dwelling (4 to 6 units)	N	Y	Y	N	N	N	PB	Y	PB	N	Y	Y	PB	N	PB	N	N	N
e. Multi-family dwelling (7 or more units)	N	Y	Y	N	N	N	N	Y	PB	N	PB	Y	PB	PB	PB	PB	N	N
f. Townhouse Development (3 to 6 units)	N	Y	PB	N	N	N	PB	PB	N	N	Y	PB	N	N	PB	N	N	N
g. Townhouse development (7 or more units)	N	Y	PB	N	N	N	N	PB	N	N	Y	PB	N	N	PB	N	N	N
h. One or two dwelling units in a building with a legal non-residential use on the ground floor.	N	Y	Y	SP	N	Y	Y	Y	Y	SP	Y	Y	SP	SP	SP	SP	SP	N
i. Senior Congregate Housing, including, but not limited to, assisted living facilities.	N	Y	Y	SP	N	SP	Y	Y	SP	SP	Y	Y	SP	SP	SP	N	N	N
j. Trailer.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
k. Non-family accommodations:																		
1. Tourist home, Bed & Breakfast Inn	N	SP	SP	SP	N	N	SP	SP	SP	N	SP	SP	SP	N	Y	N	N	N
2. Boarding or Lodging house, fraternity	N	N	SP	N	N	N	N	SP	SP	N	SP	SP	SP	N	SP	N	N	N
3. Dormitory	N	N	SP	N	N	N	N	SP	SP	N	N	SP	SP	N	Y	N	N	N
4. Hotel	N	N	Y	Y	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	SP
5. Motel	N	N	Y	Y	N	N	N	Y	Y	N	N	Y	Y	SP	N	SP	SP	N

* Except permitted accessory unit by special permit (see "Accessory Uses" section).

12.2. CONVERSION OF DWELLING STRUCTURE																		
a. Existing single family detached dwelling converted for not more than two families, where all dimensional and other requirements are met, including all applicable provisions of Section 8.1.	N	Y	SP	N	N	Y	Y	SP	SP	SP	Y	SP	SP	N	SP	N	N	N
b. Other dwellings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1.	N	SP	SP	N	N	N	SP	SP	SP	N	SP	SP	SP	N	SP	N	N	N
c. Buildings located in historic mill complexes or religious or educational buildings converted for more than two families; where all dimensional and other requirements are met, including all applicable provisions of Section 8.1.	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	N	PB	N	N	N

???

District Type:	Suburban				Traditional Neighborhood					Urban				Special Purpose			Industrial		
Districts:	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI	
12.6. AUTOMOTIVE AND RELATED USES																			
a. Automotive Sales, indoor	N	N	SP	Y	N	N	N	SP	N	N	N	SP	N	N	SP	N	Y	Y	
b. Automotive Sales, outdoor	N	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
c. Automotive service station	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	N	SP	N	SP	Y	Y	
d. Automotive repair garage	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	N	SP	N	SP	Y	Y	
e. Autobody or paint shops	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
f. Car washing establishment	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	SP	SP	N	SP	Y	Y	
g. Parking lots and structures other than those provided as an accessory use to the principal use being conducted on the lot, in conformance with this zoning code.	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	SP	SP	SP	SP	SP	SP	
h. A private parking structure or parking area, used solely for the parking of passenger cars of residents of other lots located within 400 feet or their guests, owned or operated by private individual(s), trust(s), association(s), or corporation(s).	N	SP	SP	SP	N	N	SP	SP	SP	N	SP	SP	SP	N	SP	N	N	N	
i. A private parking structure or parking area, used solely for the parking of passenger cars of residents of other lots located within 400 feet or their guests, owned and operated by a registered not-for-profit or public entity and not operated as a gainful business.	N	SP	SP	SP	N	SP	SP	SP	SP	SP	SP	SP	SP	N	SP	N	N	N	
i. Lot for stowing towed vehicles	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	
12.7. UTILITIES, TELECOMMUNICATIONS, AND PUBLIC SERVICE USES																			
a. Public utility or service facilities	SP	SP	Y	Y	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	SP	Y	Y	
b. Municipal facility, other than those set forth in subsection c, below	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
c. Municipal service facilities operated by the City of Lowell Department of Public Works, Lowell Water Utility, or Lowell Wastewater Utility.	SP	SP	Y	Y	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	SP	Y	Y	Y	
d. Radio or television studio.	N	N	Y	Y	N	N	N	SP	SP	N	N	SP	Y	Y	Y	Y	Y	Y	
e. Radio or television transmission stations (including towers related to said use)	N	N	SP	SP	N	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	Y	
f. Telecommunications facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
12.8. OFFICE AND LABORATORY USES																			
a. Business or professional office, with a gross floor area of 5000 square feet or less.	N	N	Y	Y	N	N	N	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y	
b. Business or professional office, with a gross floor area greater than 5000 square feet.	N	N	Y	Y	N	N	N	Y	SP	N	N	Y	Y	Y	Y	Y	Y	Y	
c. Medical or dental center or clinic, including laboratories incidental thereto.	N	N	Y	Y	N	N	N	Y	Y	N	N	Y	Y	SP	Y	SP	SP	SP	
d. Telephone Answering Service/Call Center.	N	N	Y	Y	N	N	N	Y	SP	N	N	Y	Y	Y	Y	Y	Y	Y	
e. Laboratories or research facilities, provided any manufacturing is incidental to the operation of the facility, does not exceed fifty percent of the gross floor area of the building and is not injurious to the surrounding area by nature of dust, noise, smoke and odors.	N	N	Y	Y	N	N	N	SP	N	N	N	SP	Y	Y	Y	Y	Y	Y	

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Districts:	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	IIRC	INST	OP	LI	GI	
129 INDUSTRIAL USES																			
a. Distribution center, parcel delivery center, delivery warehouse	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	Y	Y	
b. Self-storage facility	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	Y	Y
c. Steam laundry or dry cleaning plant	N	N	N	SP	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y	Y
d. Food and beverage manufacturing, bottling or processing and commissary	N	N	N	SP	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y	Y
e. Commercial storage warehouse, cold storage plant, or storage building	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	Y	Y	
f. Wholesale business, including storage associated with said business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	Y	Y	
g. Manufacturing, assembly, reconditioning and processing plant	N	N	N	SP	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	Y	Y
h. RR freight terminals, shops and yards	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
i. Rendering or preparation of grease tallow, fats and oils, manufacture of shortening, table and other food oils but not including garbage, dead animals, offal or refuse reductions	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
j. Stone cutting, shaping and finishing in completely enclosed buildings	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
k. Recycling facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	Y
l. Dismantling or wrecking of used motor vehicles and storage and sale of the parts provided that open lot storage shall not exceed 12 feet in height and that the area so used shall be enclosed by a tight wall or fence of at least the same height as the material so stored	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
m. Truck or bus terminal, yard or building for storage or servicing of trailers, trucks, shipping containers, or buses and parking lot for trucks	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	
n. Processing of sand and gravel and the manufacture of bituminous concrete	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y
o. Open lot storage of junk, scrap, rags, paper, junked vehicles and other similar salvage articles provided that open lot storage shall not exceed 12 feet in height and that the area so used shall be enclosed by a tight wall or fence of at least the same height of the material so stored	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
p. Manufacture, processing, assembly or other industrial operations subject to Building and Health Department Regulations without limit as to category or product except as otherwise listed in this Table, or as hereinafter prohibited, provided that (a) all dust, fumes, odors, smoke or vapor are effectively confined to the premises or so disposed of as to avoid air pollution, and (b) any noise, vibration or flashing are not normally perceptible without instruments at a distance of 500 feet from the premises, but the following are expressly prohibited: (a) Stockyard or abattoir (b) Petroleum refining (c) Smelting of zinc, copper or iron ores (d) Incineration or reduction of garbage, offal or dead animals except as conducted by the City of Lowell (e) Cement, lime or gypsum manufacture (f) Explosives or fireworks manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	
q. Gravel or material removed	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
District Type:	Suburban				Traditional Neighborhood					Urban				Special Purpose			Industrial		

Districts:	SSF	SMF	SMU	RR	TSF	TTF	TMF	TMU	NB	USF	UMF	UMU	DMU	HRC	INST	OP	LI	GI
r. Contractor Garage	N	N	SP	SP	N	N	N	SP	N	N	N	SP	N	N	N	N	Y	Y
s. Portable Storage Unit or Shipping Container larger than 120 sf (as a primary or accessory use)	N	N	N	SP	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y

12.10. SPECIAL USES																		
a. Planned Unit Development	N	N	SP	SP	N	N	N	SP	N	N	SP	SP	SP	SP	SP	SP	SP	SP
b. Planned Residential Development	CC	CC	CC	N	CC	CC	CC	CC	N	CC	CC	CC	N	N	N	N	N	N

12.11. USES PROHIBITED OR NOT COVERED BY TABLE																		
a. A specific principal use or activity prohibited by the "N" designation or not covered in the preceding Table cannot be varied or authorized by the Board of Appeals in any district in which the land or structure is located. An applicant desiring to conduct such a use of activity not authorized will need to apply for amendment to the zoning code in the manner provided for by Chapter 40A, the State Zoning Act.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

12.12. SCIENTIFIC ACCESSORY USES																		
a. Scientific Uses which are necessary in connection with scientific research, scientific development or related production activities which are permitted in the above tables	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP

12.13. ARTIST USES																		
a. Artist Live/Work Space. *may be permitted by special permit only within the boundaries of the Artist Overlay District created by Section 9.2.	N	N	N	N	N	N	N	SP*	N	N	N	SP*	SP*	SP*	N	N	SP*	N
b. Art/Craft Studio	N	N	SP	SP	N	N	N	SP	SP	N	N	SP	Y	SP	Y	SP	SP	N

Minimum lot size issues

APPENDIX A
 TABLE 2
 Section 4.1.2 - Table of Dimensional Requirements

District	Minimum Lot Dimensions (e)		(f) Minimum Yard Depth			Maximum Height (g)		Maximum Coverage Including Accessory Building (percent)
	Area (square feet)	Frontage (feet)	Front (feet)	Side (feet)	Rear (feet)	Feet	Stories	
Single Residence A	15,000 (a)	115	35	20 (d)	30	35	---	---
Single Residence B	30,000 (a)	150	40	25 (e)	30	35	---	---
Single Residence C	43,560 (a)	180	50	30 (e)	30	35	---	---
Apartment (h)	(i)	(i)	30	20	20	35	3	30 (b)
Limited Service	---	---	30	50	50	40	3	30 (b)
Office Park (j)	43,560	180	30	50	50	40	3	33 1/3 (b)
General Business (k)	---	---	---	---	---	50	4	---
Mixed Use (l)	---	50	10	10	10	50	4	30 (b)
Industrial G (j)	---	---	30	15	15	60	5	50 (b)
Industrial A (j)	---	---	50	40	40	60	4	30 (b)
Industrial D (j)	---	50	100	100	100	50	3	25 (b)

4.2 Schedule of Dimensional Regulations

4.2.1 Area Requirements

	MINIMUM LOT AREA	MINIMUM LOT FRONTAGE	MAXIMUM FLOOR AREA RATIO	MAXIMUM LOT COVERAGE	MINIMUM OPEN SPACE
DISTRICTS	SQ. FT.	FEET		% OF LOT	% OF LOT
SR-A	25,000	125	--	20%	50%
SR-B	12,000	90	--	25%	50%
SR-C	9,000	75	--	25%	50%
SR-D	25,000	125	--	20%	50%
GR	7,000 ²	70	--	30%	40%
AH	85,000 ²	100	--	30%	40%
LB I	--	20	1.25 ¹	--	--
LB II	--	20	1.05	35%	--
LB III	--	20	1.05	35%	--
GB	--	20	--	--	--
PL	--	--	--	--	--

ARTICLE V. DIMENSIONAL REQUIREMENTS

SECTION 5.1 TABLE OF DIMENSIONAL REGULATIONS

No building or structure shall be built nor shall any existing building or structure be enlarged which does not conform to the regulations as to maximum ratio of floor area to lot area, minimum lot sizes, minimum lot area for each dwelling unit or equivalent, minimum lot frontage, minimum setback dimensions of front, side and rear yards, minimum open space, and maximum height of structures, and all other dimensional requirements in the several districts as set forth in the Table of Dimensional Regulations, except as hereinafter provided

	District	Type of Use	Dimensions (in feet or square feet unless otherwise noted)													
			Max FAR	Min Lot Size	Min LA/DU	Min Frontage	Front Yard Setbacks					Minimum Side Yard	Min Rear Yard	Minimum UOS/DU	Max Height	Max Stories
							Min	Max	Projections	Porches	Garages					
SUBURBAN DISTRICTS	SNF	All permitted uses	0.5	10690	10000	75	25	---	22	17	30	10 S.U.M 25	25	750	35	2.5
	SMF	All permitted uses	0.75	20000	3000	25	25	---	---	---	30	20	25	750	40	3
	SMU	Residential Dwellings	2	20000	3000	25	25	---	---	---	30	20	06	300	---	---
		All other uses	2	---	---	25	---	---	---	---	---	06	06	---	---	---
	RR	All permitted uses	2	---	---	25	---	---	---	---	---	06	40	---	---	---
TRADITIONAL/NGHIBRID DISTRICTS	TSF	All permitted uses	0.5	7000	7000	55	15	20	12	9	24	10 S.U.M 25	20	300	32	2.5
	TTF	1 family dwelling	---	6000	3000	55	15	20	12	9	24	10	20	250	32	2.5
		All other uses	---	6000	3000	65	15	20	12	9	24	10 S.U.M 25	20	250	35	2.5
	TMF	1 family dwelling	---	4500	2500	50	15	20	12	9	24	5 S.U.M 20	20	250	32	2.5
		All other uses	---	6000	2500	65	15	20	12	9	24	10 S.U.M 25	20	250	35	3
	TMU	1 family dwelling	---	4500	2500	50	*	*	*	*	21	5 S.U.M 20	20	250	32	2.5
		Other Residential Dwellings	---	6000	2500	65	*	*	*	*	21	10 S.U.M 25	20	250	45	4
		All other uses	1	---	---	25	---	8	---	---	21	06	06	---	45	4
	NB	Residential Dwellings	1	6000	2500	40	*	*	*	*	21	06	20	250	35	3
		All other uses	1	---	---	25	---	8	---	---	21	06	06	---	40	3
URBAN DISTRICTS	USF	1 family dwelling	0.75	3000	2500	35	10	15	7	4	21	3 S.U.M 17	15	---	32	2.5
		All other uses	---	5000	2500	35	10	15	7	4	21	3 S.U.M 17	15	---	32	2.5
	UMF	All permitted uses	---	3400	1000	40	*	*	*	*	*	3 S.U.M 17	15	---	65	6
	UMU	Residential Dwellings	---	3400	1000	40	*	*	*	*	*	3 S.U.M 17	15	---	---	---
		All other uses	4	---	---	25	---	---	---	---	---	---	---	---	---	---
DMU	All permitted uses	4	---	---	25	---	---	---	---	---	---	---	---	---	---	
SPECIAL PURPOSE DISTRICTS	HRC	Residential Dwellings	3	43500	---	25	25	---	---	---	30	20	25	100	200	15
		All other uses	5	---	---	25	---	---	---	---	---	---	---	---	200	15
	INST	All permitted uses	2	---	---	25	---	8	---	---	---	06	06	---	100	8
OP	All permitted uses	2	---	---	25	40	---	---	---	---	20	40	---	50	4	
INDUSTRIAL DISTRICTS	LI	All permitted uses	2	---	---	25	---	---	---	---	---	---	---	---	---	
	GI	All permitted uses	2	---	---	25	---	---	---	---	---	---	---	---	---	

---Denotes no dimensional requirement.

* Front setbacks in these districts shall be consistent with existing setbacks on the block.

† Side and rear yard setbacks in these districts must be at least 15 feet when abutting a residentially-zoned lot.

					Shared Parking Chart					
	Zone	Min. Parking Req.	Notes		Weekdays 8AM-5PM	Weekdays 6PM- 12AM	Weekdays 12AM- 6AM	Weekends 8AM- 5PM	Weekends 6PM- 12AM	Weekends 12AM- 6AM

5. OPEN AIR OR DRIVE-IN RETAIL AND SERVICE

a. Sales place for flowers, garden supplies, agricultural produce conducted partly or wholly outdoors, commercial green house or nursery	Where Permitted	1 space per 300 sq ft of sale space			90	80	5	100	70	5
b. Place for exhibition, lettering or sale of gravestones.	Where Permitted	1 space per 900 sq ft of interior space			100	5	5	100	5	5
c. Open air or drive-in theater or other open air place of entertainment or athletics conducted for profit.	Where Permitted	1 space per 2000 sq ft			10	90	5	100	100	5
d. Open lot storage of new building materials, machinery and new metals but not including junk, scrap metal, rags, waste paper and similar materials	Where Permitted	1 space per 1600 sq ft			100	10	10	100	10	10
e. Open lot storage of used lumber or other building materials	Where Permitted	1 space per 1600 sq ft								
f. Open lot storage of coal, coke, sand or other similar materials, or such storage in silos or hoppers	Where Permitted	1 space per 1600 sq ft								

6. AUTOMOTIVE AND RELATED USES

a. Automotive Sales, indoor	Where Permitted	1 customer space per 15 sale cars allowed by license			90	60	5	100	60	5
b. Automotive Sales, outdoor	Where Permitted	1 customer space per 15 sale cars allowed by license			90	60	5	100	60	5
c. Automotive service station	Where Permitted	2 spaces per service bay but not less than 2 spaces	In addition to service bay & pump islands		100	80	75	100	75	75
d. Automotive repair garage	Where Permitted	2 spaces per service bay	In addition to service bay		100	60	75	75	75	75
e. Autobody or paint shops	Where Permitted	2 spaces per service bay	In addition to service bay		100	60	75	75	75	75
f. Car washing establishment	Where Permitted	As required by special permit	plus queue for 5 cars		90	80	5	100	70	5

Overlay Districts

Overlay Districts are those “districts” that are superimposed over-existing zoning districts. In cases where the overlay imposes additional standards or restrictions, the overlay requirements generally control.

Overlay Districts are used frequently to impose environmental performance standards and prohibitions, such as water supply or aquifer protection, e.g.

More recently, Overlay Districts have been used to superimpose special incentives not available in basic districts, and have sometimes been used to impose other special requirements and design standards.

**TOWN
of
BURLINGTON, MASS.
ZONING
MAP
2001**

BURLINGTON PLANNING BOARD

[Signature] Chairman
[Signature] Vice Chairman
[Signature] Member Clerk
[Signature]
[Signature]
[Signature]

THIS MAP WAS ADOPTED BY THE TOWN BOARD
 ARTICLE 80 OF THE TOWN CHARTER FOR THE
 MAY 15, 2001 TOWN MEETING
 _____ DATE

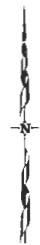
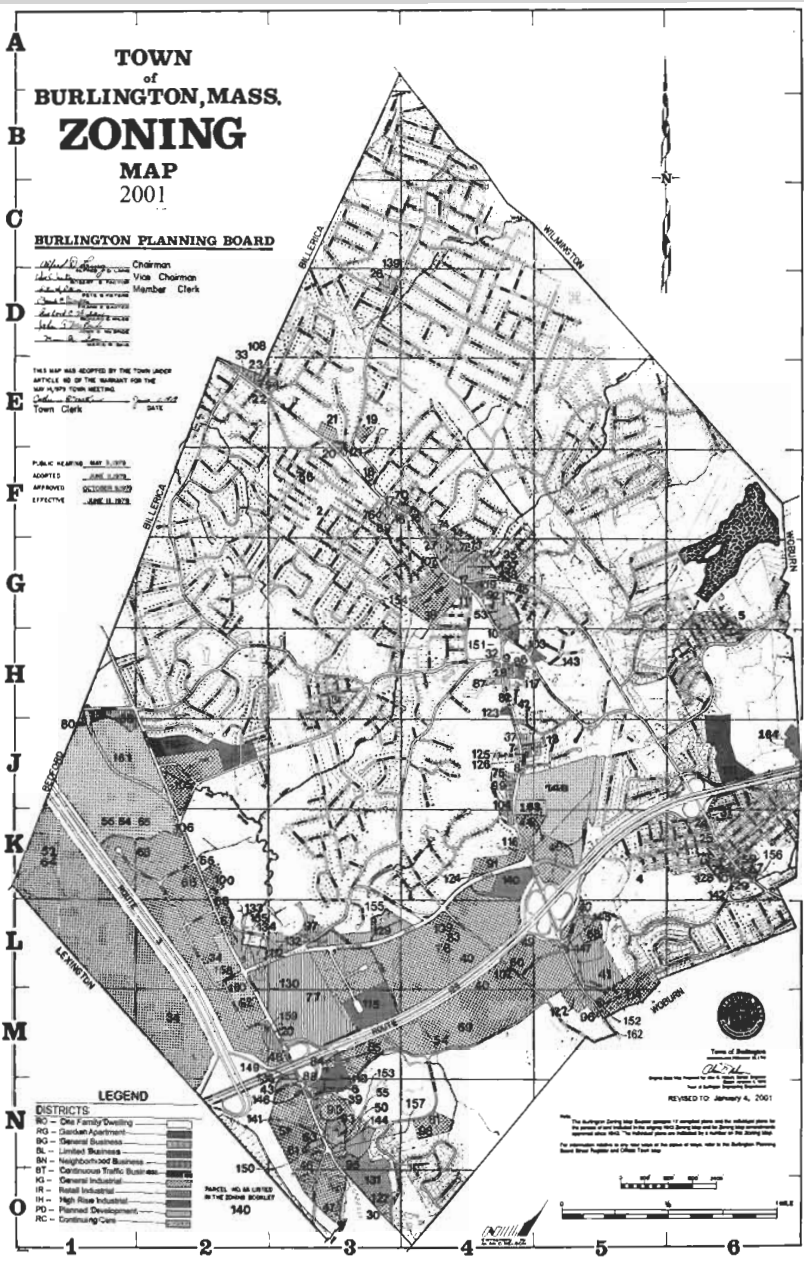
 Town Clerk

PUBLIC HEARING, MAY 1, 2001
 ADOPTED, MAY 1, 2001
 APPROVED, OCTOBER 3, 2001
 EFFECTIVE, JUNE 11, 2001

LEGEND

DISTRICTS

	R1 - Dist Family Dwelling
	R2 - Garden Apartment
	R3 - General Business
	R4 - Limited Business
	R5 - Neighborhood Business
	BT - Continuous Traffic Business
	I1 - General Industrial
	I2 - Retail Industrial
	I3 - High Rise Industrial
	PD - Planned Development
	RC - Continuing Care



Town of Burlington
 Planning Board
 Revised to January 4, 2001

This Burlington Zoning Map District designations are subject to change and the individual plans for the various lots and parcels may vary from those shown on this map. The individual plans are subject to a review of the zoning map for any amendments in the next year of the plan of the town of Burlington Planning Board. Please contact the Town Clerk for more information.



ARTICLE IX. OVERLAY DISTRICTS

9.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

- 9.1.1 Purpose
- 9.1.2 Location
- 9.1.3 Applicability
- 9.1.4 Definitions
- 9.1.5 Floodway Data
- 9.1.6 Procedures; Building Commissioner
- 9.1.7 Procedures; Conservation Commission
- 9.1.8 Minimum Conditions
- 9.1.9 FIRM Elevations
- 9.1.10 Floodway
- 9.1.11 Denial
- 9.1.12 Permitted Uses
- 9.1.13 Variance from FPOD Regulations
- 9.1.14 Variance Policy
- 9.1.15 Health Regulations in the FPOD
- 9.1.16 Federal Flood Insurance Study

SECTION 9.2 ARTIST OVERLAY DISTRICT (AOD)

9.2.1 Purpose. The Artist Overlay District (AOD) is established for the purpose of encouraging artists, to both live and work in the downtown area thereby promoting a venue for and encouraging further concentration of art, cultural and entertainment attractions in the downtown area.

9.2.2 Location. The AOD is shown on the Zoning Map.

9.2.3 Special Permit Required. The use of a building or structure for Artist Live/Work Space for art use by an artist shall require a special permit from the Zoning Board of Appeals.

9.2.4 Criteria. In addition to the criteria for consideration specified under Section 11.3, the standards and requirements of this Article and the Site Plan Review Regulations shall be considered by the Zoning Board of Appeals and Planning Board.

Floating Zones

Floating Zones are those Zoning Districts that are not pre-determined or fixed in advance on the Zoning Map.

Floating zones allow the legislative body to enact new or different uses under certain circumstances and in certain geographic areas. While the boundaries of a zone are not fixed in advance, the use is authorized in the floating zone are defined in the text of the zoning ordinance or bylaw.

Floating Zone in Lowell

SECTION 10.2 PLANNED DEVELOPMENT- MEDICAL/INSTITUTIONAL (PD-MI)

10.2.1 Purpose. The purpose of the Planned Development Medical/Institutional (PD-MI) District is to promote the economical and efficient use of land, an improved level of physical amenities, appropriate and harmonious physical development, creative and imaginative design and the overall improvement of the urban environment for the welfare of the entire community. More specifically, this article is intended to promote and encourage the planned and orderly development and expansion of educational institutions and acute medical facilities.

4.2.2 Linear Requirements

DISTRICTS	MINIMUM SETBACK DIMENSIONS FEET			MAXIMUM BUILDING HEIGHT	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D Dwelling Other	30 ² 30 ²	15 15 ^b	40 ^{3,4} 25 ^b	36 ⁵ 36 ⁵	2½ ⁵ 2½ ⁵
SR-B and SR-C Dwelling Other	25 ² 25 ²	10 10 ^c	30 ^{3,4} 25 ^b	36 ⁵ 36 ⁵	2½ ⁵ 2½ ⁵
GR Dwelling Other	20 ² 20 ²	10 ^f 10 ^f	20 ³ 12 ^b	36 36 ⁵	2½ 2½ ⁵
AH	30	30	30	60	--
LB I ⁹	5	6 or none ⁹	6 or none ⁹	28	2 ^{10,11}
LB II ⁹	10	0 ⁹ <i>Note: §4.2.2 was amended by Article 24 at the 2003 Annual Town Meeting</i>	20 ⁹	32	2 ¹⁰
LB III ⁹	10	0 ⁹ <i>Note: §4.2.2 was amended by Article 24 at the 2003 Annual Town Meeting</i>	20 ⁹	28	2 ¹⁰
GB	5	6 or none ⁹	6 or none ⁹	36	--
PL	--	--	--	--	--

Beware of the Footnotes!

4.2.2 Schedule Footnotes:

- 1) Chimneys, towers and other projections not used for human occupation may exceed the height limitations herein provided that, except for single vertical freestanding

tubular antennae; any such projection above the building exceeding 10 feet or 20% of the building height, whichever is greater, shall be allowed by Special Permit only.

- 2) No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, nor 20% of the lot depth in a General Residence District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 10 feet in the General Residence District or 15 feet in Single Residence Districts.
- 3) On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less than 30% of lot depth in Single Residence B and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts.

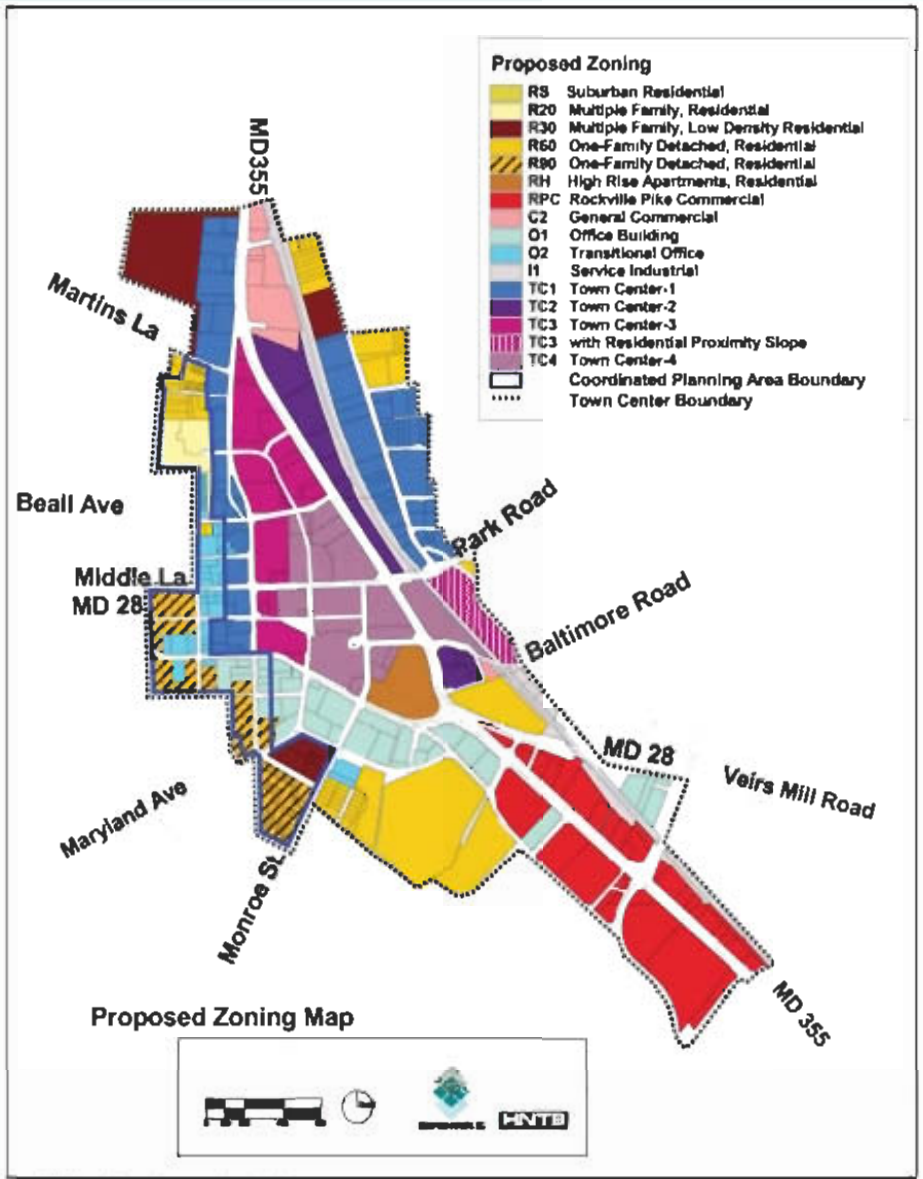
Note: §4.2.2 3) was amended by Article 30 at the 1994 Annual Town Meeting.

- 4) The Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property.

METHODS OF CHANGING THE WAY ZONING EFFECTS LAND

MAP AMENDMENT: The process of changing the zoning district designation of a given parcel or parcels of land. This action can only occur if the legislative body of a city or town votes affirmatively for such change (in Massachusetts a two thirds vote of the legislative body is required). The Planning Board of a city or town must also hold a public hearing on such action.

Example: A property is presently zoned for Light Industrial use in a town. The property owner petitions Town Meeting, the legislative body of the town, to change the zoning designation of the property to General Business.



Rockville Town Center Proposed Zoning Map

METHODS OF CHANGING THE WAY ZONING EFFECTS LAND

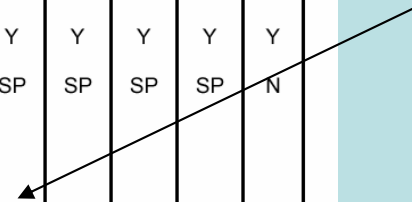
TEXT AMENDMENT: The process of changing the specific density, dimensional, or other requirements of the Zoning Bylaw or ordinance, frequently as it applies to all property that would normally be governed by such section being amended.

Example: The Zoning Ordinance in the City of Bainbridge allows office uses “by right” or as a “permitted use” in the General Business zoning district throughout the City. The Planning Board of the City proposes that office uses that are over 100,000 square feet in the General Business district be allowed only by a “Special Permit” granted by the Planning Board., and proposes that the text of the Zoning Ordinance be, modified to reflect this requirement.

If adopted by the City Council ***the text change would be applicable to all properties in this district.***

USES	DISTRICTS							
	SR-A,B,C,D	GR	AH	LB I	LB II	LB III	GB	PL
Other municipal use	SP	SP	SP	Y	Y	Y	Y	Y
School-aged child care home <i>Note: §3.3 was amended by Article 39 at the 1994 Annual Town Meeting.</i>	SP	SP	SP	SP	SP	SP	SP	N
<u>RESIDENTIAL</u>								
Detached single-family dwelling	Y	Y	N	SP	SP	SP	N	N
Two-family dwelling	N	Y	Y	SP	SP	SP	N	N
Conversion of large public buildings or public or private school buildings (see §6.3)	SP	SP	SP	SP	SP	SP	SP	N
Elderly housing (see §6.4)	SP	SP	SP	N	N	N	N	N
Cluster development (see §6.5)	SP	N	N	N	N	N	N	N
<u>ACCESSORY USES</u>								
Home occupation (see §3.4.2)	Y	Y	Y	Y	Y	Y	Y	N
Lodging and Boarding								
> for daily or weekly periods	SP	SP	SP	Y	Y	Y	Y	N
> for longer periods only	Y	Y	N	Y	Y	Y	Y	N
Residential – provided that at a minimum the first floor is to be reserved for commercial use and that a minimum of 25% of the residential units developed are affordable as defined by Massachusetts General Laws, Chapter 40B ¹ <i>Note: §3.3 was amended by Article 26 at the 2003 Annual Town Meeting.</i>	N	N	N	SP	SP	SP	N	N
A noncommercial greenhouse; a tool shed used for the storage of tools, yard and household equipment or other similar accessory buildings none of which shall exceed 150 square feet of floor area or a height of 10 feet	Y	Y	Y	N	N	N	Y	N

Change SP to “Y”



Home Despot Amendment

	appliances, and other household goods												
4.2.6.6	Photographers, decorators, stationers, dressmaking or tailoring establishments (excepting photo processing)	NO	NO	NO	NO	YES	YES	NO	NO	NO	YES	YES	YES
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	YES	YES
4.2.6.8	Laundry and dry cleaning establishments other than pickup stations or self-service	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	YES	YES
4.2.6.10	Restaurants	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	YES	YES
4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	YES	YES
4.2.6.12	Commercial boarding, care, and treatment of birds, fish, and animals	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	SP	SP
4.2.6.13	Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	YES	YES
4.2.6.14	Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling	NO	NO	NO	NO	NO	SP	NO	SP	NO	NO	YES	YES
4.2.6.15	Retail dealers in grain and animal feed	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES
4.2.6.16	Funeral parlors however denominated	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP
4.2.6.17	Diagnostic medical laboratories appurtenant to offices of physicians and dentists	NO	NO	NO	NO	SP	YES	SP	YES	SP	SP	NO	SP
4.2.6.18	Sale of structural and building supplies (<i>Repealed T.M. 5/19/1993, Article 25</i>)	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES
4.2.6.19	Kiosk	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.20	Massage parlors	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
4.2.6.20.1	Massage Therapy, subject to the regulations of the Board of Health	NO	NO	SP	NO	NO	SP	SP	SP	SP	SP	YES	YES
4.2.6.21	Photo processing	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO
4.2.6.22	Shoe repair, drycleaning and laundry pickup stations	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	YES	YES
4.2.6.23	Self-service laundry and drycleaning	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP
4.2.6.24	Printers and similar shops or trades provided that all work shall be of custom or job order type for sale on the premises and that there shall be no production for stock or for wholesale	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	SP	SP
4.2.6.25	Adult Bookstore	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.26	Adult Club	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.27	Adult Paraphernalia Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.28	Adult Theater	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.29	Adult Video Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES
4.2.6.30	Body Art	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES

THE ZONING VARIANCE

The process of changing zoning rules that are applicable to a specific parcel of land within a zoning district. While the rules are altered for a specific parcel, *the underlying zoning district remains the same.*

Generally, a unique hardship to the subject property must be proven. Often this “hardship” must be uniquely related to topography or the specific circumstances of the land in question.

The granting of a variance is frequently considered a “quasi-judicial” action and is generally granted by a Zoning Board of Appeals. In many cities and towns, only dimensional and density variances, not use variances, are authorized by the community’s governing bylaws.

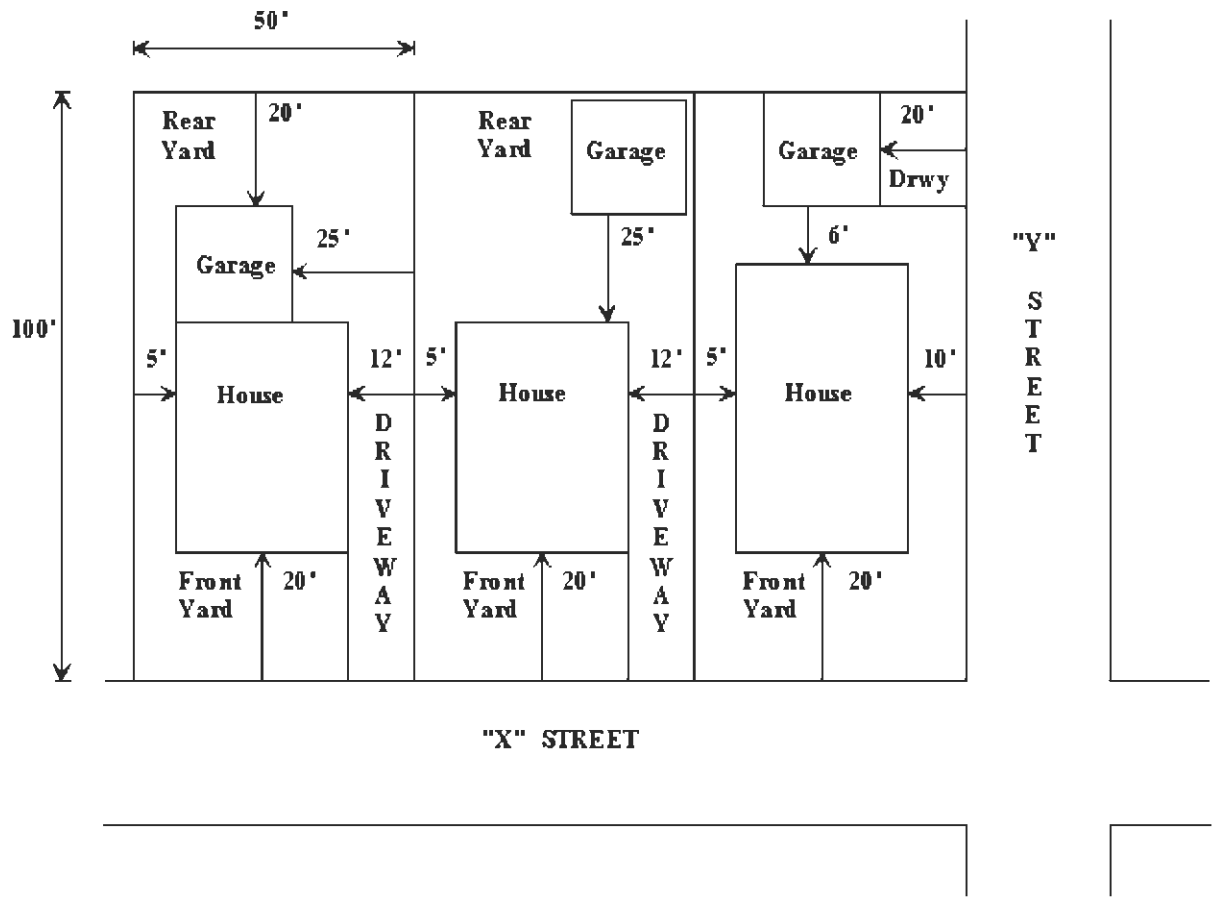
Density or Dimensional Variance Example:

A property owner in a residential zoning district has adequate lot area and frontage to erect a single family dwelling on a R1 zoned property in the Town of Vexington.

The house that is placed on the lot must be set back a minimum of 25 feet from the front lot line of the property.

This requirement is called a “front yard setback.”

Unfortunately, the property owner discovers that an intermittent stream meanders through the rear of the property, and the Conservation Commission wants the house foundation to be moved as far away from this area as possible. The property owner applies to the Board of Appeals for a variance to allow the front yard setback requirement to be reduced from 25 feet to 15 feet for this specific piece of land.



Use Variance Example:

Mr. and Mrs. Jones are veterinarians who have recently retired from operating a large practice in a commercial district. In preparation for their retirement, and on an occasional basis during the last five years, the couple would care for some animals in their home.

Now they want to continue this practice in their retirement years. Unfortunately, they discover that only a doctor can operate a home-occupation in the residential district in which they reside. They contact the City planner of the city who suggests they seek a Variance from the City's Board of Appeals.

The variance is granted for the use requested, with various conditions of approval, including no outside storage of animal cages and supplies, *but the overall zoning of the property still remains zoned residential.*

Why isn't the use Grandfathered?

If only the Jones' had started taking care of their animal patients 10 years before at their home. 10 years ago, the zoning allowed a vet as a home occupation. But the City adopted a Text Amendment to its Zoning Ordinance in 1994 to delete the provision allowing a Vet's office in a home.

If the Jones' had started their use BEFORE 1994, and had continued to lawfully maintain their use to the present day, they would have been considered “**grandfathered**” under the old zoning rules, and they wouldn't have needed a variance.

What's Next?

Zoning Innovations:

- Incentives
- Design Review
- Special Districts
- Inclusionary Zoning
- Smart Growth Regulations