

ZONING BY-LAW  
OF THE  
TOWN OF BELMONT



Adopted  
January 19, 1925

Approved by the Attorney-General in  
accordance with Chapter 40, Section 32,  
of the General Laws.

Reprinted October 10, 1952





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## ARTICLE XXVI

### SECTION 1 — DEFINITIONS

#### Lot

A lot is the whole area of a single parcel of land under one ownership. Whenever such a parcel is divided on a plan which has been placed on file at the Middlesex South Registry of Deeds at Cambridge the term lot as used in this By-Law shall mean a lot as shown on such plan.

#### Block

A block is an area of land of one or more lots, bounded by streets or ways, but with no streets or ways within the area.

### SECTION 2 — DISTRICTS

(a) The Town of Belmont is hereby divided into four classes of districts: single residence districts, general residence districts, local business districts and general business districts, as shown on the Zoning Map dated Nov. 1st, 1924, which accompanies this By-Law and is hereby declared to be part hereof.

(b) The boundaries between districts are, unless otherwise indicated, the center lines of such streets, alleys, parkways or railroads through which the boundary lines run. Unless otherwise specified, a boundary line within a block less than 200 feet wide is a median line between the street lines of said block. Where a block is 200 feet or more in width, the boundary line between districts as indicated shall be 100 feet from the less restricted side of the block.

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*Adopted*  
*Jan. 19, 1925.*



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**Cont.**

(c) Where a district boundary line divides a single lot at the time of the adoption of such line, the regulation for the less restricted portion of such lot shall extend to the entire lot, but not more than thirty feet within the boundary line of the more restricted district, provided, however, that where any one lot lies in two districts but has no frontage on a street in the less restricted district, said entire lot shall be subject to the requirements of the more restricted district.

(d) Chimneys, spires, towers and other projections not used for human occupation may extend above the height limitations herein fixed.

(e) No lot shall be so reduced that the dimensions of any of the open spaces shall be smaller than herein prescribed.

(f) No lot, building or structure of any kind within the town shall be erected or used for the following purposes: The excavation of clay for the manufacture of bricks or other like clay products, the slaughtering of animals, including stock yards, fat rendering, manufacture of fertilizer, gelatine, glue, grease, lard, tallow, soap; rendering of any description, incineration or reduction of dead animals, garbage, offal, or refuse, except a municipal plant authorized by law; the manufacturing of matches, explosives, fireworks, firecrackers, gasoline, naphtha, petroleum, or the refining of these products including the storage of the above products in tanks above ground in quantities exceeding 2,000 gallons, or any other industry injurious to the health, safety and general welfare of the town.

*Amended*  
*Apr. 5, 1927.*

*Approved*  
*Aug. 3, 1927.*

*Published*  
*Sept. 17, 24,*  
*and Oct. 1, 1927.*



(g) "No land within the Town shall be used as a sand or gravel pit nor shall soil, loam, sand, or gravel be removed for sale without a permit from the Building Inspector, which permit shall be issued only with the prior approval of the Board of Appeals."

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Cont.**

*Amended  
Nov. 14, 1949.*

*Approved  
Mar. 7, 1950.*

*Published  
Mar. 17, 24,  
and 31, 1950.*

**SECTION 3 — SINGLE RESIDENCE  
DISTRICTS**

In a single residence district.

(a) No building or structure shall be erected, altered or used for any other purpose than the following, including customary incidental uses:

- (1) Single-family detached dwelling;
- (2) Clubhouse, except one with more than five sleeping rooms or the chief use of which is for a service customarily carried on as a business;
- (3) Lodging or boarding house accommodating not more than five persons not members of the family residing therein;
- (4) Educational or religious use;
- (5) Farm, garden, nursery or greenhouse;
- (6) Municipal recreational use;
- (7) Building for accessory use customarily incident to any of the above uses which shall not, however, include a garage for more than two cars, or stable for more than two horses and two cows;
- (8) Garage with space for more than two cars or a garage on a separate lot, but in neither case with facilities for repairing carried on as a business, a stable for more than two horses and two cows, a philanthropic use,



**ARTICLE XXVI**  
**Cont.**

cemetery, hospital or sanitarium with buildings for customary incidental uses, provided, however, in each case, that after a public hearing by the \*Board of Appeals fourteen days' notice of which shall be twice published in a local paper and a notice mailed to the last known address of each owner of property within five hundred feet of the lot, the Board of Appeals shall rule that the building and use will not be detrimental or injurious to the neighborhood.

(b) No part of a building, except unenclosed porches shall be built within twenty feet of the street line, provided that no building need be set back more than twenty per cent of the depth of the lot nor more than the average of the set-backs of the buildings on the lots contiguous thereto on either side, a vacant lot or a lot occupied by a building set back more than twenty feet being counted as though occupied by a building set back twenty feet.

(c) No part of any dwelling shall be built within forty feet from the rear line of the lot it is built on, or if forty per cent of the depth of said lot is less than forty feet, then said dwelling shall have a distance equal to forty per cent of the depth of the lot between it and the rear line of said lot provided that for each foot that a dwelling sets back from the street line in excess of the requirements of paragraph (b), section 3, the distance of the dwelling from the rear line of lot may be reduced one foot but in no case to less than 20 feet from the rear line of the lot; and no other building not a

\*See Sec. 8.



dwelling nor an accessory building, as defined herein, shall be built within a distance less than twenty feet from the rear line of a lot, or if twenty per cent of the depth of said lot is less than twenty feet, then said other building shall have a distance equal to twenty per cent of the depth of the lot, between it and the rear line of said lot; no building shall be built within eight feet of the side line of a lot nor within sixteen feet of another building except for accessory use.

(d) No building shall exceed forty feet nor two and one-half stories in height unless it sets back from each street and lot lines ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed sixty feet nor four stories in height.

(e) New Section S15 providing that all building lots are to have a minimum area of 15,000 square feet and a minimum frontage of 80 feet.

*Amended*  
*Sept. 25, 1944.*

*Approved*  
*Oct. 18, 1944.*

*Published*  
*Oct. 27, Nov. 3, 10,*  
*1944.*

#### **SECTION 4 — GENERAL RESIDENCE DISTRICT**

In a general residence district.

(a) No building or structure shall be erected, altered or used for any other purpose than the following, including incidental uses:

(1) Any use permitted in a single residence district, including the uses provided for in paragraph (8) section 3, and under the conditions named in said paragraph;



**ARTICLE XXVI**  
**Cont.**

(2) Dwelling for more than one family, including lodging or boarding house;

(3) Clubhouse, except one the chief use of which is for a service customarily carried on as a business;

(4) Buildings for accessory use customarily incident to any of the above uses which shall not, however, include a garage for more than two cars or stable for more than two horses and two cows.

(b) No part of a building except unenclosed porches shall be built within fifteen feet of the street line, provided that no building need be set back more than fifteen per cent of the depth of the lot, nor more than the average of the set-back of the buildings on the lots contiguous thereto on either side, a vacant lot or a lot occupied by a building set back more than fifteen feet being counted as though occupied by a building set back fifteen feet.

(c) No part of any dwelling shall be built within twenty feet from the rear line of the lot it is built on, or if twenty-five per cent of the depth of said lot is less than twenty feet then said dwelling shall have a distance equal to twenty-five per cent of the depth of the lot between it and the rear line of said lot; and no other building not a dwelling nor an accessory building, as defined herein shall be built within a distance less than twelve feet from the rear line of a lot, or if fifteen per cent of the depth of said lot is less than twelve feet, then said other building shall have a distance equal to fifteen per cent of the depth of the lot between it and the rear line of said lot.



"No building shall have a side wall, except a party wall, within seven feet of a side line of a lot, nor within fourteen feet of another building, except for accessory use."

(d) No building shall exceed either forty feet or two and one-half stories in height unless it sets back from each street and lot lines ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed sixty feet nor four stories in height. No dwelling for more than one family shall exceed forty feet nor two and one-half stories in height, provided that any dwelling existing at the time of the adoption of this By-Law may be altered to accommodate two families.

## SECTION 5 — LOCAL BUSINESS DISTRICT

In a local business district

(a) No building or structure shall be erected, altered, or used for any other purpose than:

(1) Any use permitted in a general residence district including the uses provided for in paragraph (8) section 3, and under the conditions named in said paragraph;

(2) Office or bank;

(3) Place of amusement or assembly;

(4) Garage or filling station;

(5) Any other retail business or service not involving manufacturing; any other business involving manufacturing or products of which the major portion is to be sold at retail by the manufacturer to the consumer, and in which business not more than eight operatives are

## ARTICLE XXVI Cont.

*Amended*  
Mar. 23, 1926.

*Approved*  
Mar. 29, 1926.

*Published*  
Apr. 2, 9, 16, 1926.



**ARTICLE XXVI  
Cont.**

employed, provided it is not excluded by paragraph (b) of this section.

(b) No building shall be erected, altered or used for any use prohibited in a general business district by Section 6, or for any use which by reason of emission of odor, dust, fumes, smoke or noise, or from any other cause, is injurious, noxious or offensive to a neighborhood.

(c) No part of a building except unroofed porches shall be built on an area enclosed by the lines of intersecting streets and a line joining points of such lines ten feet distant from their point of intersection.

(d) No part of any dwelling shall be built within twenty feet of the rear line of the lot it is built on, or if fifteen per cent of the depth of the lot is less than twenty feet then said dwelling shall have a distance equal to fifteen per cent of the depth of the lot between it and the rear line of the lot.

No dwelling shall have a side wall within six feet of a side line of the lot unless built to the side line of the lot.

(e) No part of a building shall exceed in height the distance from its face to the line of the opposite side of the street or sixty feet.

**SECTION 6 — GENERAL BUSINESS  
DISTRICT**

In a general business district a building or structure may be erected, altered or used for any purpose provided that:

(a) No building or structure shall be erected, altered or used for any trade, industry



or use which by reason of the emission of odor, fumes, dust, smoke, vibration or noise, or any other cause is injurious, noxious, offensive or detrimental to a neighborhood.

(b) Set-backs and yards shall be as prescribed in Section 5 for local business districts.

(c) No part of a building or structure shall exceed in height the distance from its face to the opposite side of the street. No building or structure shall exceed sixty feet in height. No dwelling shall exceed forty feet or three stories in height.

### **SECTION 7 — NON-CONFORMING BUILDINGS AND USES**

Any lawful use of a building or part thereof at the time of the adoption of this By-Law may be continued although such use does not conform to the provisions of the By-Law. Any building occupied by a non-conforming use may be structurally altered or the use of such building changed to any other use not more detrimental to the character of the district in which it is located. Should any non-conforming building occupied by a non-conforming use be destroyed or damaged by fire or other casualty, in whole or in part, it may be replaced by a building to be used for the same purpose as the one destroyed or for any other non-conforming use, always provided that any new use to which the building may be put shall not be more detrimental to the character of the district in which it is located than was the original use, and also provided that such



**ARTICLE XXVI**  
**Cont.**

reconstructed or new building shall not exceed in cubic contents the original building by twenty-five per cent.

**SECTION 8 — BOARD OF APPEAL**

The Board of Appeal shall be the Selectmen of the town, with powers and duties as granted and defined by Chapter 40, Sections 27 and 27A of the General Laws. The Board of Appeal shall have power to order the issuance of a permit for a new building, for the extension of an existing non-conforming use or for the further extension of any building if upon the same lot or lots as occupied for a non-conforming use or a lot or lots contiguous thereto, provided the use of such building or extension will not be to any substantial degree detrimental or injurious to the use of any other property in the vicinity.

“The Board of Appeal shall give fourteen days’ notice of a hearing before such order for a permit shall be issued, said notice to be published twice in a local paper, and notice sent in writing to the owners of lots within two hundred feet of the premises.”

The Board of Appeal may grant a permit for a temporary building incidental to the development of a neighborhood, such permit to be for not more than one year and only upon application accompanied by a bond to the town, effective in case the building is not removed prior to the expiration of the permit. Such permits may be ordered renewed by the board for successive periods of not more than one year each.

*Amended*  
*Mar. 23, 1926.*

*Approved*  
*Mar. 29, 1926.*

*Published*  
*Apr. 2, 9, 16, 1926.*

*Amended*  
*April 13, 1925.*

*Approved*  
*May 2, 1925.*

*Published*  
*May 9, 16, 23, 1925.*



## SECTION 9 — ENFORCEMENT

## ARTICLE XXVI Cont.

(a) The Inspector of Buildings shall enforce this By-Law in manner and with powers similar to these practiced or provided under Article XXII of the By-Laws. No permit shall be issued for the erection, alteration or moving any building or part thereof, plans and intended use for which are not in conformity with the provisions of this By-Law.

(b) It shall be unlawful to use or permit the use of any building or part thereof hereafter erected or altered or the open spaces of which are in any way reduced until the Inspector of Buildings shall have certified on the building permit that the building or part thereof so erected or altered, the proposed use thereof and the open spaces thereof conform to the provisions of this By-Law.

(c) The Chief of the Fire Department shall refer to the Inspector of Buildings all violations of this By-Law that are discovered in the course of inspections by his department or otherwise.

(d) "The penalty for violating any of the provisions of this By-Law shall be twenty (20) dollars for each offense."

*Amended*  
*April 13, 1925.*

*Approved*  
*May 2, 1925.*

*Published*  
*May 9, 16, 23, 1925.*

## SECTION 10 — APPLICATION; VALIDITY

(a) This By-Law shall not interfere with or annul any By-Law, rule, or regulation provided that unless specifically stated herein where this By-Law is more stringent it shall control.

(b) Nothing herein shall prevent the restoration of a wall declared unsafe by the



**ARTICLE XXVI**  
**Cont.**

Inspector of Buildings nor the erection of iron fire escapes on any buildings existing at the time this By-Law goes into effect.

(c) The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

**SECTION 11 — AMENDMENTS**

“It shall be the duty of the Planning Board upon petition signed by the owners of forty per cent in assessed valuation of the property contained in any given district or of all the owners in any part thereof containing not less than two contiguous acres, or upon its own initiative from time to time, to hold a public hearing, fourteen days' published notice of which shall be given, for the consideration of amendments altering the boundaries of any district hereby established, or the regulations hereby applied to the same, and to submit to the Town for action its recommendations in regard to the same.”

“Any Petition for the alteration of the boundaries of any zoning district shall be accompanied by an accurate plan, size 20 in. x 30 in., on the scale of either forty feet to the inch or eighty feet to the inch showing the changes proposed by the petition. The Planning Board in its report to the Town on any petition to alter the boundaries of any zoning district or on its own initiative shall file with the Town a similar plan showing the changes recommended. The Town Meeting shall not act upon the question of altering the boundaries of any zoning district or districts until

*Amended*  
*Mar. 23, 1926*  
*Approved*  
*Mar. 29, 1926.*  
*Published*  
*Apr. 2, 9, 16, 1926.*

*Amended*  
*Apr. 5, 1927.*  
*Approved*  
*Aug. 3, 1927.*  
*Published*  
*Sept. 17, 24 and*  
*Oct. 1, 1927.*

*Amended*  
*Apr. 5, 1927.*  
*Approved*  
*Aug. 3, 1927.*  
*Published*  
*Sept. 17, 24 and*  
*Oct. 1, 1927*



**ARTICLE XXVI  
Cont.**

the same has been reported on by the Planning Board as herein provided. No action shall be taken by the Town except as to acceptance without amendment of the plan filed by the petitioner, or plan filed by the Planning Board as aforesaid or on some modification of either plan, made or approved by the Town Engineer."

So much of this By-Law as is approved by the Attorney General shall go into effect upon its publication as required by law.

**SECTION 12**

"In the single residence districts, as defined and described in Section 3 of this Article, located northwesterly and northerly of Pleasant Street extending from the Arlington town line to Trapelo Road, and northerly and northeasterly of Trapelo Road extending from Pleasant Street to the Waltham line, no dwelling house shall hereafter be erected or placed on a lot of land containing less than ten thousand (10,000) square feet of land, and, except on corner lots, having a minimum frontage of eighty (80) feet on the street on which the lot abuts."

"All the foregoing shall not be applicable to any parcel of land actually sub-divided, as shown on a plan on file in the Town Clerk's office, not in conformity with the above provisions upon the date of the adoption of this section by the Town in Town Meeting."

*Amended  
April 3, 1933.*

*Approved  
May 28, 1935.*

*Published  
June 7, 14, 21, 1935.*



## SECTION 13

"In all single residence districts, as defined and described in Section 3 of this Article, located within the Town limits and lying southerly of the center line of Pleasant Street extended from the Arlington Town Line to the center intersection of Pleasant Street and Trapelo Road and lying southerly of the center line of Trapelo Road extended from said intersection to the Waltham City Line, no dwelling house shall hereafter be erected or placed on a lot of land containing less than seven thousand (7,000) square feet of land, and, except on corner lots, having a minimum frontage of seventy (70) feet on the street on which the lot abuts.

~~"All the foregoing shall not be applicable to any parcel of land actually sub-divided, as shown on a plan on file in the Town Clerk's office, not in conformity with the above provisions upon the date of the adoption of this section by the Town in Town Meeting."~~

## ARTICLE XXVI Cont.

*Amended*  
*Mar. 13, 1950.*

*Approved*  
*July 10, 1950.*

*Published*  
*July 14, 21, 28, 1950.*



## MODIFICATIONS OF THE ZONING BY-LAW

Town Meeting Date	Warrant Art.	Change of Zone	District From	District To	Vol.	Page
Apr. 13, 1925	64	Creeley, Slade & Palfrey Estates	General Res.	Single Res.	5	436
Mar. 15, 1926	33	Part of Payson Road	General Res.	Single Res.	6	27
Mar. 15, 1926	36	Part of land bounded by Washington St., Grove St., Fairview Ave. and School St.	Single Res.	General Res.	6	21
Mar. 29, 1927	48	Long Property	General Res.	General Bus.	6	106
Apr. 5, 1927	51	Wilson Ave. and Flett Rd.	General Res.	Local Bus.	6	113
Apr. 3, 1933	62	Land North of Pleasant St. restricted to 10,000 sq. ft.	General Res.	Single Res.	6	634
Mar. 8, 1937	72	Land near Pleasant Street	General Res.	Single Res.	7	267
Mar. 8, 1937	73	Land at corner of Concord Ave. and Mill St.	General Res.	Single Res.	7	268
Mar. 8, 1937	74	Land at corner of Park Ave. and Knox St.	Local Bus.	Single Res.	7	269
Mar. 8, 1937	75	Land at Washington St., Bright Rd., Blanchard Rd. and Grove St.	Local Bus.	Single Res.	7	270
Mar. 8, 1937	76	Land on Concord Ave., between Town Farm and Blanchard Rd.	Local Bus.	Single Res.	7	271
Mar. 8, 1937	77	Land on Concord Ave., between Common St. and Cottage St.	Local Bus.	Single Res.	7	272
Mar. 8, 1937	78	Land on Blanchard Rd.	General Res.	Single Res.	7	273
Mar. 8, 1937	79	Land on Concord Ave., from Baker St. to Cambridge Line	Local Bus.	General Res.	7	274
Mar. 20, 1939	50	Land near Boston & Maine Railroad and Brighton Street (Hill Farm)	General Res.	Single Res.	7	499
Mar. 20, 1939	52	Land on Brighton Street (Coughlin Farm)	General Bus.	Single Res.	7	501
Sept. 25, 1944	12	Leonard St., Pleasant St., Brighton St., Cross St., Lake St., Oliver Rd., Little Pond Rd., Winn Brook Section, Brighton St., Hoitt Rd., Sherman St. to Channing Rd., Sherman St., Alexander Ave. to 100 ft. Farm Rd., Alexander Ave. to rear of Leonard St., then to point of beginning	General Res.	Single Res.	8	203
Sept. 25, 1944	13	Gilbert Rd., Horace Rd., Bay State Rd., parts of Slade St. and Brettwood Rd.	General Res.	Single Res.	8	206
Sept. 25, 1944	14	Land North of Pleasant St. restricted to 15,000 square feet	.....	.....	8	207
Mar. 13, 1950	42	(See next page)	.....	.....	8	595







50	Gen. Res. & Gen. Bus.	Sin. Res.	3/20/1939	5/22/1939	6/2/9/16/1939
52	Gen. Res.	Sin. Res.	3/20/1939	5/22/1939	6/2/9/16/1939
12	Gen. Res.	Sin. Res.	9/25/1944	10/18/1944	10/27
13	Gen. Res.	Sin. Res.	9/25/1944	10/18/1944	11/3/10/1944
14			9/25/1944	10/18/1944	10/27
20			11/14/1949	3/7/1950	11/3/10/1944
42	Lots south of Pleasant St. in single residence zone restricted to a minimum frontage of 70 ft. and minimum area 7,000 sq. ft.		3/13/1950	7/10/1950	3/17, 24 and 31, 1950
					7/14/21 and 28, 1950

3 (S15)

2 (Par. g)











