

Belmont under General Law Chapter 40 - Sec 27 (Chapter 40) *File in Chapter with changes*

PROPOSED ZONING BY-LAW FOR THE TOWN OF BELMONT

(Reprinted from The Belmont Citizen)

TO THE VOTERS OF THE TOWN OF BELMONT:

The Planning Board of Belmont, under authority of the General Laws, Chapter 41, Section 70, proposes to the Town a Zoning By-Law conforming to Chapter 40, Sections 25 to 30 of the General Laws.

This proposed Zoning By-Law is printed below and a Zoning Map is here reproduced.

A Zoning By-Law is one which divides the Town into zones or districts and prescribes chiefly the following:

1st: The permitted uses of buildings in each district.

2nd: The height of buildings permitted in each district.

3rd: The amount of land which shall be left open in the front, rear and sides of each building.

By the first regulation the indiscriminate mixture of dwellings, factories, stores, public garages and other buildings and structures throughout the Town is prevented, the fire hazard is reduced, the public health preserved and injury to the value of real estate avoided.

The second regulation is to preserve the public safety, particularly in case of fire; to promote the general welfare by encouraging an attractive, orderly development of the Town.

The third regulation is to provide for the public safety by providing reasonable yard space about dwellings for children's play, thereby tending to keep children off the streets; and also to diminish the fire hazard by placing buildings sufficiently far apart to insure reasonable safety.

Special and peculiar cases involving practical difficulty or unnecessary hardship under a Zoning Law are subject to adjustment under Sec. 27-A of Chapter 40, G. L., by the Board of Appeal.

In order to have the best professional advice, the Planning Board secured the services of Mr. Arthur C. Comey of Cambridge, a well-known city and town planning expert, who has prepared a use map of the Town, a zoning map, and the original draft of the Zoning By-Law.

The Planning Board presents herewith its draft of the Zoning By-Law and the zoning map for the consideration of the voters of the Town.

The Board will be glad to receive in writing from the voters any sug-

gestions they may wish to make. These suggestions will receive the careful consideration of the Board and such changes as seem desirable will be incorporated in the final draft to be offered for consideration at Town Meeting.

A. W. ELSON,
FRANCIS H. KENDALL,
FRED E. POOR,
Planning Board, Town of Belmont.

PROPOSED ZONING LAW OF THE TOWN OF BELMONT.

To promote the health, safety, convenience, order, prosperity and general welfare of the inhabitants of Belmont and to lessen the danger from fire by restricting the use of certain areas of the town for certain purposes and determine conditions as to the height and bulk of buildings and other structures and their relation to the lot on which they may be erected and the areas of yards and other open spaces surrounding buildings so that the purpose of this By-law may be fully attained.

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.

(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.

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:

(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) 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, cemetery, hospital or sanitarium, provided, however, in each case, that after a public hearing by

the *Board of Appeal 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 Appeal shall rule that the building and use will not be detrimental or injurious to the neighborhood.

*See Sec. 8.

(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; and no building other than a dwelling or 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 or within sixteen feet of another building except for accessory use.

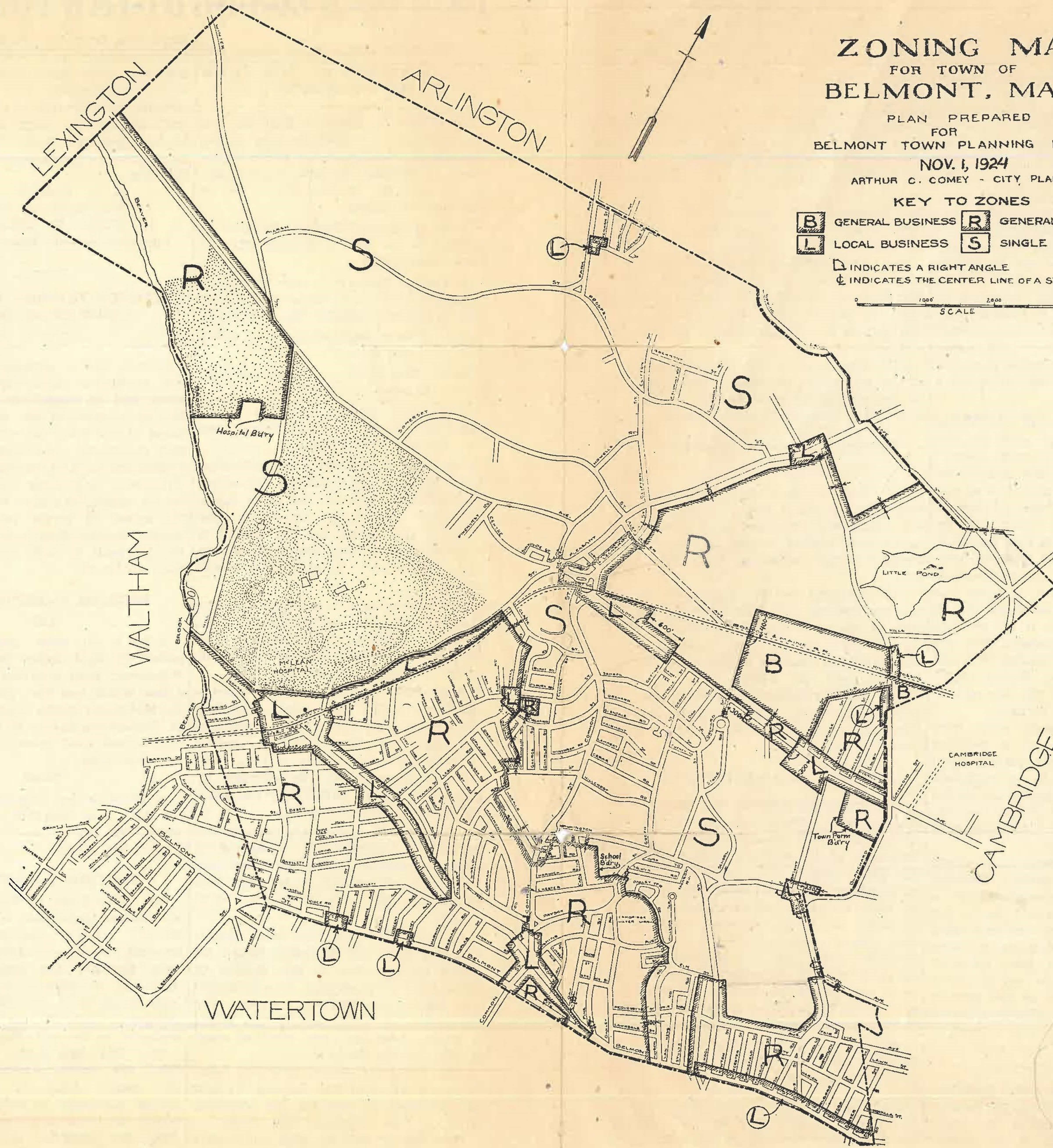
(d) No building shall exceed either forty feet or two and one-half stories in height unless it sets back from each street and lot lines ten feet in addition to the above requirements plus one foot for each foot of excess height. No building shall exceed either sixty feet or four stories in height.

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:

- (1) Any use permitted in a single residence district;
- (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



ZONING MAP
FOR TOWN OF
BELMONT, MASS.

PLAN PREPARED
FOR
BELMONT TOWN PLANNING BOARD
NOV. 1, 1924
ARTHUR C. COMEY - CITY PLANNER

KEY TO ZONES

B GENERAL BUSINESS	R GENERAL RESIDENCE
L LOCAL BUSINESS	S SINGLE RESIDENCE

◻ INDICATES A RIGHT ANGLE
⊕ INDICATES THE CENTER LINE OF A STREET

SCALE 0 1000 2000 3000'

customarily carried on as a business;
(4) 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 building other than a dwelling or 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, or within fourteen feet of another building.

(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 either sixty feet or four stories in height. No dwelling for more than one family shall exceed either forty feet or 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;
- (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 of 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 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 for 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 adop-

tion of this By-Law may be continued although such use does not conform to the provisions of this 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 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 Chap. 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 and occupants of lots within five 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 and bill of sale 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.

SECTION 9—ENFORCEMENT.

(a) The Inspector of Buildings shall enforce this By-Law in manner and with powers similar to those 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 as provided for violations of Article XXII, Section 47, of the By-Laws.

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 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 in any part thereof containing not less than two acres, or upon its own initiative from time to time, to hold a public hearing, thirty 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.

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