

Section 9. Multifamily Housing Overlay District (“MOZ”)

Note: §9 was adopted under Article 2 at the 2024 November Special Town Meeting

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§9.1 District Purpose and Intent.

- A. To respond to the local and regional need for housing by enabling development of a variety of housing types, which is intended to expand the diversity of housing options available in Belmont;
- B. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements;
- C. To promote a diverse mix of Multi-Family Housing located near retail services, offices, civic, and personal service uses, that establishes compact, pedestrian-oriented districts;
- D. To allow the development of Buildings and uses appropriate to Belmont’s commercial centers, areas immediately adjacent to centers, and transit-served areas, in a manner that aligns with the vision of the Town’s long-range plans and other policy documents;
- E. To allow sufficient density and intensity of uses to promote a lively and active pedestrian environment, public transit, and variety of land uses that serve the needs of the community;
- F. To promote the health and well-being of the community by reducing automobile dependency and encouraging physical activity, encouraging the use of alternative modes of transportation;
- G. The utilization of good planning principles and regulatory tools to create a strong sense of place;
- H. To encourage environmental and climate protection sensitive development;
- I. To encourage economic growth in the redevelopment of properties;
- J. To encourage residential uses to provide a customer base for local businesses;

- K. To encourage the preservation and reuse of existing Buildings, as may be applicable; and
- L. To facilitate compliance with the multi-family zoning requirement for MBTA communities pursuant to M.G.L. Chapter 40A, Section 3A.

§9.2 District Establishment.

The Multifamily Housing Overlay District (“MOZ”) is an Overlay Zoning District as defined in §9.4 below that does not replace the underlying zoning districts but is superimposed over them. The MOZ has been divided into seven (7) subdistricts:

- A. **Multifamily Overlay Subdistricts 1A and 1B** (“MOZ1A” and “MOZ1B”). Both MOZ1A and MOZ1B subdistricts facilitate the preservation of existing homes through conversion to multiple Units and new, smaller-scale, multi-family Buildings similar in size to the surrounding residential neighborhoods including triple-deckers and other configurations. MOZ1A lots are limited to three Units per Lot while MOZ1B lots do not have a three-Unit limit.
- B. **Multifamily Overlay Subdistrict 2** (“MOZ2”). The MOZ2 subdistrict facilitates the development of 2.5 story townhouses and apartment Buildings of a small to moderate scale.
- C. **Multifamily Overlay Subdistrict 3A and 3B** (“MOZ3A” and “MOZ3B”). The MOZ3A subdistrict facilitates the redevelopment of certain Belmont Housing Authority properties into 5 story apartment blocks interspersed with open space. The MOZ3B subdistrict facilitates a mix of scales allowing the redevelopment of certain Belmont Housing Authority properties into small scale and moderate scale Buildings interspersed with Open Space.
- D. **Mixed Use Development Overlay Subdistrict 4** (“MXDZ4”). The MXDZ4 subdistrict facilitates mixed-use development. This subdistrict contributes new housing and commercial space in certain existing mixed-use centers and corridors, particularly those with access to mass transit. Buildings are typically set close to the sidewalk to create a defined street wall that supports pedestrian activity and a sense of place. Ground Story Active Uses address the needs of residents and employees in the immediate neighborhood, the larger Belmont community, and regional visitors.
- E. **Multifamily Overlay Subdistricts 5A and 5B** (“MOZ5A” and “MOZ5B”). The MOZ5A subdistrict facilitates the development of multifamily Buildings as apartments or condominiums at three and a half (3.5) stories with a limited footprint per Building. The MOZ5B subdistrict facilitates the development of multifamily Buildings as apartments or condominiums at 4.0 stories. A Ground Story commercial option is available to allow 5.5 total stories.

§9.3 Applicability

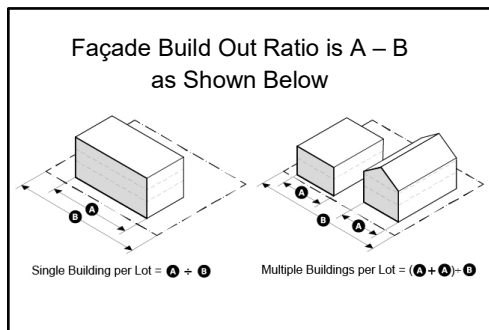
- C. The MOZ is established pursuant to the authority of Massachusetts General Law, Chapter 40A, Section 3A and shall be deemed to overlay the parcels depicted on the Zoning Map, as amended. The zoning rules applicable to the Base Zoning Districts shall be in effect except where the property owner elects to utilize the provisions of this Section 9, Multifamily Housing Overlay District.
- D. The owner of one or more parcels within the MOZ may use the base zoning provisions, the provisions of this §9, but not both simultaneously. An owner may choose to use the Section 9 provisions or revert to Base Zoning District provisions, as frequently as desired, provided that appropriate site plans and/or Special Permits are granted. Note that a reversion from the MOZ to the Base Zoning District may result in the creation of a legal non-conformity.
- E. In the event of a conflict between the provisions of the MOZ and the Base Zoning District in which the parcel is located, the provisions of this §9 prevail. All other applicable provisions in this By-Law shall be adhered to within the MOZ.
- F. The invalidity, unconstitutionality, or illegality of any provision of this §9 or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary in this Zoning By-Law.

§9.4 Definitions.

Capitalized terms in this Section 9 have the meanings as set forth below or in §1.4. The definitions below do not modify definitions in §1.4 or apply to other sections of this By-Law.

- A. **Balcony** - An unenclosed and uncovered platform with a railing, wall, or balustrade that provides outdoor amenity space on upper stories.
- B. **Base Zoning District** – Refers to any one of the non-Overlay Zoning Districts established pursuant to the Zoning By-Law as depicted in §2.1 of the Zoning By-Law and as shown on the Zoning Map, and as the same may be lawfully changed or modified from time to time.
- C. **Bay** - A window assembly extending from the main body of a Building to permit increased light, provide multi-direction views, and articulate a Building wall. Two Bays can connect around corners.
- D. **Bicycle Parking, Long-Term** - Accommodations for the parking of a bicycle for two (2) or more hours.
- E. **Bicycle Parking, Short-Term** - Accommodations for the parking of a bicycle for less than two (2) hours.
- F. **Building Footprint** - Area of the largest above-grade floor of a Building as measured to the exterior faces of the walls.

- G. **Building Line, Principal** – A line measured at the Building wall of a Structure between parallel Lot Lines. For the purposes of establishing a Building line, the Building wall does not include permitted encroachments or architectural features unless so specified in this §9. A front Building line is that Building line that abuts or is parallel or generally parallel to a front Lot Line.
- H. **Design and Site Plan Review** – Site plan review establishes criteria and procedures for review and approval for the potential impacts of Development such as layout, scale, appearance, safety, and environmental impacts of commercial or multifamily residential development.
- I. **Dormer** - A projection built out from a sloping roof, usually containing a window or vent.
- J. **Elevation, Front** - The Building's exterior wall that is oriented in whole or in part toward a Street.
- K. **Elevation, Side** – A Building exterior wall that is oriented toward a Side Lot Line.
- L. **Façade** – The face of a Building, in particular, the principal front face that looks onto a Street or public Open Space.
- M. **Façade Build Out Ratio** - The ratio of the width of the entire Front Elevation of a structure to the Lot Width along the Street.



- N. **Fenestration** - The openings in the Façade of a Building, including windows and doors. Fenestration is measured from the inside face of the jambs on any window or door trim.
- O. **Furnishing Zone** - The portion of the sidewalk between the back of curb and the walkway that is used for street trees, landscaping, transit stops, streetlights, and site furnishing.
- P. **Ground Story Active Uses** - Ground Story Active Uses are uses that are located along a Street and are directly accessible from a sidewalk or Open Space, and that is intended to attract pedestrian activity.
- Q. **Ground Story Semi-Active Accessory Uses** - Shall mean accessory communal use areas, amenity areas, or services for the Building residents only.

- R. **Lot Line** – The legal boundary line of a lot according to the deed or recorded plan of a Lot that separates one Lot from another or the Street.
- S. **Lot Line, Front** - The Lot Line abutting a Street.
- T. **Lot Line, Primary Front** - Where there is only one Front Lot Line, it shall be the Primary Front Lot Line. Where there are multiple Front Lot Lines, the Primary Front Lot Line shall be the one the Principal Entrance faces. Where there are multiple Front Lot Lines and the Principal Entrance does not face a street or right of way, the Primary Front Lot Line shall be determined by the Inspector of Buildings or their designee.
- U. **Lot Line, Rear** - Any lot line, other than a lot line that is a Side Lot Line of an abutting property, that is parallel to or within forty-five (45) degrees of being parallel to a Front Lot Line. While there may be exceptions, typically the Rear Lot Line connects to two Side Lot Lines.
- V. **Lot Line, Secondary Front** – Where there are multiple Front Lot Lines, the Secondary Front Lot Line shall be the one where the Principal Entrance does not face.
- W. **Lot Line, Side** - Any Lot Line other than a front or Rear Lot Line.
- X. **Lot Width** - The average horizontal distance between the Side Lot Lines, or in the case of a corner lot, the minimum horizontal distance between the Side Lot Line and the opposite Lot Line.
- Y. **Mixed-Use Priority Street** - A portion of a Street that requires Ground Story Active Uses within the MOZ subdistricts as shown on the Zoning Map.
- Z. **Open Space, Useable** - Outdoor areas within the development envelope open to the sky designed and accessible for outdoor activity, pedestrian access, landscaping, or recreation and used by residents or tenants or the general public.). Useable Open Space does not include streets, public or private surface easements, accessory Buildings, open parking areas, driveways, access ways for the dwellings, land area utilized for garbage and refuse disposal or other servicing maintenance, or required front or corner side yards. This does not include any space with a dimension of less than 10 feet in any direction or an area of less than 100 square feet. “Developed Recreational Open Space” including recreational structures designed to be consistent with the intent of this definition are included in the calculation of the area of required Useable Open Space. This definition is limited in applicability to the provision in §9.6 A. 3. regarding the calculation of the Façade Build Out Ratio.
- AA. **Multi-Family Housing** – A Building with 3 or more residential Dwelling Units or 2 or more Buildings on the same Lot with more than 1 residential Dwelling Unit in each Building.
- BB. **Overlay Zoning District** – Overlay Zoning Districts are zoning districts that have been superimposed over existing Base Zoning Districts, in accordance with the Zoning Act, to create new requirements and/or development opportunities. They are often used to protect sensitive environmental features, such as aquifers and wetlands, to promote the

adaptive reuse of historic properties, and to allow greater flexibility or additional uses, particularly with residential or commercial use.

CC. **Porch** - An unenclosed platform connected to a principal Building that provides outdoor amenity space. A Porch may be bordered with a railing, screened or covered, but permanent enclosure to create habitable space is prohibited.

DD. **Primary Front Lot Line** - Any Lot Line abutting a Street is a Primary Front Lot Line.

EE. **Principal Entrance** - The main point of access for pedestrians into a Building, Upper Story use, or Ground Story tenant space.

FF. **Residential District** - Residential Districts include lots located in the Single Residence A (SRA), Single-Residence B (SRB), Single-Residence C (SRC), Single-Residence D (SRD), General Residence (GR), and Apartment House (AH) zoning districts. For the purposes of applying MOZ standards to a Lot, the abutting Lots in the MOZ shall be considered to be in a Residential District regardless of whether such abutting Lot has elected to utilize the MOZ option.

GG. **Right-of-Way** – Refers to a strip of land given to the public for specific uses including streets and roadways, bridge structures, public utilities, etc. Right-of-Ways are available for use by the public at large and are administered by the Town.

HH. **Screening** - A natural occurrence, such as a berm or hedge, or a constructed device, such as a fence, that shields from view various land use activities.

II. **Setback, MOZ Adjacent** – A Setback where an MOZ lot is directly adjacent to a residentially-zoned Lot outside of an MOZ subdistrict.

JJ. **Step-Back** - A recess of an Upper Story Façade a set distance behind the Façade of the Story below.

KK. **Story, Ground** - The lowest Story of a Building with a finished floor at or above the average grade plane adjacent to the Building.

LL. **Story, Half** - See §9.6 B. 5. for definition of a Half Story for a pitched roof and §§9.6 B. 6. for definition of a Half Story for a flat roof Step-Back, notwithstanding the definition set forth in §1.4.

MM. **Story, Upper** - Any full story above the Ground Story of a Building.

NN. **Unit** – Refers to a Dwelling Unit (See §1.4).

§9.5 Dimensional Standards.

Note: §9.5 was amended by Article 3 at the March 2025 Special Town Meeting.

A. Site Dimensional Standards.

	MOZ1A & B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Lot Area (min.)							
	2,700 sf MOZ1A 6,500 sf MOZ1B	6,500 sf	N/A	N/A	N/A	N/A	20,000 s.f.
Open Space (min.)							
	30%	30%	30%	40%	20%	20%	20%
Lot Frontage (min.)							
	35'	35'	80'	70'	20'	45'	50'
Building Setbacks							
Front (min.)	10'	10'	10'	10'	None	10'	None
Side (min.)	7.5' ¹	7.5' ¹	Interior = 7.5' Street = None	10'	None	None	None
Abutting a Residential District	10'	10'	10'	15'	20'	20'	20'
Rear (min.)	15'	15'	10'	15'	15'	15'	6'
Abutting a Residential District	20'	20'	20'	20'	20'	25'	25'
Building Separation for Multiple Buildings on Lot (min.)							
	20'	20'	15'	15'	20'	20'	25'
Façade							
Façade Build Out Ratio (min.)							
Primary Front Lot Line	75%, or Lot Width within side setbacks minus 15', whichever is less	75%, or Lot Width within side setbacks minus 15', whichever is less	NA	NA	75%, or Lot Width within side setbacks minus 15', whichever is less	75%, or Lot Width within side setbacks minus 15', whichever is less	75%, or Lot Width within side setbacks minus 15', whichever is less
Front Lot Line	50%	50%	NA	NA	50%	50%	50%
Parking Placement							
Parking Setbacks (min.)							
Facing ROW	10'	10'	10'	10'	10'	10'	10'
Not Facing ROW	3'	3'	3'	3'	3'	3'	3'
Parking Ratio	1.0 space / Unit	1.0 space / Unit	0.4 space / Unit	0.4 space / Unit	0.5 space / Unit	0.5 space / Unit	0.25 space / Unit 1 space / 350 sf Ground Story retail

¹ Standard 7.5' setback may be substituted by providing a 12' and 5' setback alternative for allowance for a driveway as may be required.

B. Building Dimensional Standards

	MOZ1A & 1B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Building Massing							
Building Footprint (max.)							
	1,800 sf	4,000 sf	None	None	10,000 sf	5,000 sf	15,000 sf
Maximum Number of Stories and Maximum Building Height in Feet^c							
Pitched Roof	3 stories / 42' (See Note ^a)	2 ½ stories / 36'	3 stories / 42' (See Note ^a)	3 stories / 42' (See Note ^a)	3 ½ stories / 55'	3 ½ stories / 48'	NA
Flat Roof w/ Step Back ¹	NA	NA	NA	NA	3 ½ stories / 49'	3 ½ stories / 42'	Mixed-Use 5 ½ stories / 65 (65)
Flat Roof w/ No Step Back	3 Stories 36'	NA	5 Stories 60'	5 Stories 60'	NA	NA	All Residential 4 stories / 46'
Ground Story Height in Feet (min. / max.)^b							
	11' min. / 12' max.	11' min. / 12' max.	11' min. / 12' max.	11' min. / 12' max.	13' min. / 15' max. ^c	11' min. / 12' max.	11' min. / 15' max.
Half Story Height in Feet (max.)							
Pitched Roof	6' Non-Habitable	17'	NA	17'	17'	17'	17'
Flat Roof w/ Step Back	NA	11'	11'	NA	11'	11'	11'
Half Story Step-Back in Feet (min.)¹							
	NA	7' on all sides of the Building	NA	NA	10' on all sides of the Building	10' on all sides of the Building	10' on all sides of the Building
Façade							
Ground Story Fenestration, As Applicable (min.)							
Non-residential uses	NA	NA	NA	NA	70%	NA	70%

^a Includes non-occupiable 6' peak.

^b Note that if using maximums, Building Height maximums must still be adhered to. Commercial Ground Stories must be a minimum of 13' in height.

^c The Building Height in feet shall not exceed the maximum specified, regardless of the number of Stories.

	MOZ1A & 1B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Residential uses	15%	15%	15%	15%	15%	15%	15%
Ground Story Active or Semi-Active Accessory Use (min./max.)*							
Active (min)	NA	NA	NA	NA	100%	NA	100% if Mixed-Use
Semi-Active (max.)	NA	NA	NA	NA	10%	NA	10%
* See Section 9.6.B.8. for application of this provision.							
Articulation							
Length of Continuous Façade (max.)	45'	35'	65'	65'	65'	65'	65'
Use and Occupancy							
Dwelling Units Per Lot (max.)	< 6,500 sf = 3 ≥ 6,500 sf = None	NA	140	Belmont Village = 200 Waverley Oaks = 140	NA	NA	NA

¹ Any subdistricts indicating a Half Story require either a pitched roof or a Building Step-Back of at least 7 feet. A flat roof without a Step-Back may be granted by a waiver of the Planning Board.
Note: NA refers to not applicable/allowed

C. Mixed-Use Development

1. Mandatory Mixed-Use – Subdistrict 4 (MXDZ4) designated parcels require a vertical mixed-use development type with a Ground Story commercial component and 2.5 floors of residential above.
2. Mixed-Use Option – Subdistrict 5B (MOZ5B) allows 4 stories of residential only or an option to build 5.5 stories if a commercial Ground Story is provided. These two options are both by-right and do not require a Special Permit.

§9.6 Development and Design Standards.

A. Site Design Standards.

This §9.6 provides the development and design standards for Development or land use within the MOZ subdistricts, defines how to measure certain standards, and provides other requirements and information.

1. Lot Frontage

- a. Lots in an MOZ subdistrict must have the minimum Lot Frontage specified in the Site Dimensional Standards set forth in §9.5.
- b. Lot Frontage is defined in §1.4 and shall be measured as per §4.2 Lot Frontage.

2. Setbacks

- a. Buildings shall comply with the Setback requirements set forth in §9.5.
- b. Buildings abutting a Residential District or use that is outside of MOZ subdistricts shall be set back a greater distance as per the provisions of §9.5 A. Site Dimensional Standards, Building Setbacks.
- c. Buildings in the MXDZ4, MOZ5A, and MOZ5B subdistricts must be set back from any Lot Line abutting a sidewalk a sufficient distance so that at least twelve (12) feet in width is provided between the gutter line and exterior Façade of the Building, at all points. Excluding the Furnishing Zone, the area of the Lot that is within twelve (12) feet of the curb shall be paved so as to be in compliance with the Town's sidewalk standards and shall serve as a contiguous and consistent sidewalk facility³ with no obstructions.
- d. For the limited purposes of determining the applicable Setback requirements, if an abutting property is within a MXDZ4, MOZ5A, or MOZ5B subdistrict, then the abutting property shall be deemed to be in such Overlay Zoning District and not the underlying zoning district regardless of whether such abutting property is subject to the Overlay District.

3. Building Placement

- a. The width of the Front Elevation must be a percentage of the Lot Width as specified by the Façade Build Out Ratio in the Site Dimensional Standards for each MOZ subdistrict.
 - 1) The Façade Build Out Ratio may be met cumulatively by multiple Buildings on a lot.

³ A solid walking surface 12' from gutter line to principal Building line.

- 2) Useable Open Space between the Front Lot Line and Front Elevation is considered part of the Building for the purposes of calculating the Façade Build Out Ratio.

4. Number of Buildings

Multiple Buildings are permitted by-right on each Lot but shall comply with the minimum Open Space requirements and minimum Building separation.

5. Building Separation

- a. Multiple Buildings on a single Lot must comply with the Building separation distance at all points as specified in the Building Dimensional Standards for each MOZ subdistrict.
- b. Abutting Buildings on separate Lots may not be interconnected so as to be internally accessible from one to the other at or above Grade.

6. Open Space

- a. Lots must provide the minimum percentage of Open Space as specified in the Site Dimensional Standards for each MOZ subdistrict. See §1.4 for the definition of Open Space.
- b. The Planning Board may allow variations in the placement of Open Space based on the constraints of the site.

7. Street Trees

- 1) Installation of a street tree within the public Right-of-Way must be approved by the Tree Warden or their designee. Also see §9.6.D.6.

8. Signs

- 1) Signs located in residential MOZ subdistricts shall adhere to the requirements of §5.2 a. of this By-Law.
- 2) Signs in MXDZ4, MOZ5A, and MOZ5B (with a commercial component only) shall adhere to the requirements of §5.2 a) and b) as applicable.

B. Building Design Standards.

This §9.6.B provides the design standards for Buildings within the MOZ subdistricts, defines how to measure certain standards, and provides other requirements and information.

1. Building Footprint

- a. Buildings must comply with the maximum Building Footprint (see Figure 1 below) as specified in the Building Dimensional Standards for each MOZ subdistrict.

b. Building Footprint includes:

- 1) All enclosed spaces whether for habitation or storage.
- 2) Any parking area that is covered by a roof is included in the Building Footprint.
- 3) Decks that extend more than eight (8) feet from the Building face.

c. Building Footprint does not include:

- 1) Non-exposed portions of the Building below the average Grade and not visible from any Street or adjacent Lots. This exception shall not apply to the Front Setback.
- 2) Architectural features, as defined in §9.4.
- 3) Structures, as defined in §1.4 with the exception of any element listed in 1.b. above.

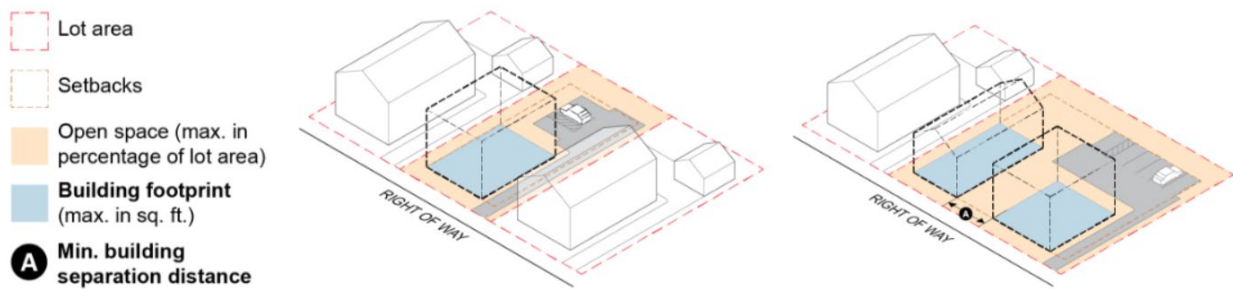


Figure 1 - Maximum Footprint Explanation

2. Building Height

a. Buildings may not exceed the maximum Building Height in feet specified in the Building Dimensional Standards for each MOZ subdistrict. Building Height is measured as defined in §1.4. Height, Building.

b. Not included in such measurements are:

- 1) Cornices which do not extend more than 5 feet above the roof line;
- 2) Chimneys, vents, ventilators and enclosures for machinery such as elevators or stair headhouses which do not exceed 15 feet in height above the roof line;
- 3) Enclosures for tanks which do not exceed 10 feet in height above the roof line and do not exceed in aggregate area 10 percent of the area of the roof;
- 4) Solar panels which do not extend more than 1 foot above the ridgeline or in the case of a flat roof, no more than 4 feet above the parapet, unless greater extensions are allowed by Special Permit.

No space above the maximum height shall be habitable.

3. Story Height

a. The Ground Story of a Building must comply with the minimum story height requirements specified in the Building Dimensional Standards for each MOZ subdistrict and Subsection 2. b. above.

- b. The height of the Ground Story and Upper Story(ies) of a Building is measured vertically from the surface of the finished floor to the surface of the finished floor above, or to the top face of the highest roof beam if no finished floor is immediately above, at all points.
- c. The height of a Half Story is measured vertically from the surface of the finished floor to the top face of the highest roof beam above.

4. Number of Stories

- a. Buildings may not exceed the maximum number of stories as specified in the Building Dimensional Standards for each MOZ subdistrict.
- b. For the limited purposes of determining the allowable number of Stories for a Building, if an abutting property is within a MXDZ4, MOZ5A, and MOZ5B subdistrict the abutting property shall be deemed to be in such Overlay Zoning District and not the Base Zoning District regardless of whether such abutting property has elected to employ the MOZ.

5. Full Story with Pitched Roofs

- a. In MOZ1, the ridge of pitched roofs may not exceed 6' in height.

6. Half Story for Pitched Roofs**

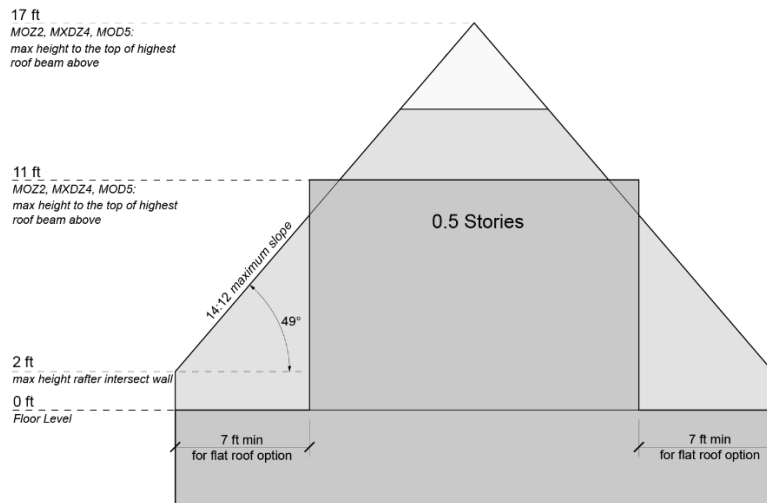


Figure 2 – Half Story Explanation

- a. Space located directly under a pitched roof is counted as a Half Story (See Figure 2 above), provided the following standards are all met:
 - 1) At least two (2) opposite roof planes are pitched toward each other.
 - 2) A pitched roof may be composed of roof planes with different slopes.

- 3) The slope of any pitch must be no greater than 14:12 (49.4 degrees); otherwise, this Story shall be counted as a full Story.
- 4) The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the Half Story; otherwise, this Story is counted as a full Story.
- 5) Dormers above the second Story in MOZ2, above the third Story in MXDZ4, and above the fourth Story in MOZ5B must comply with the requirements set forth below:

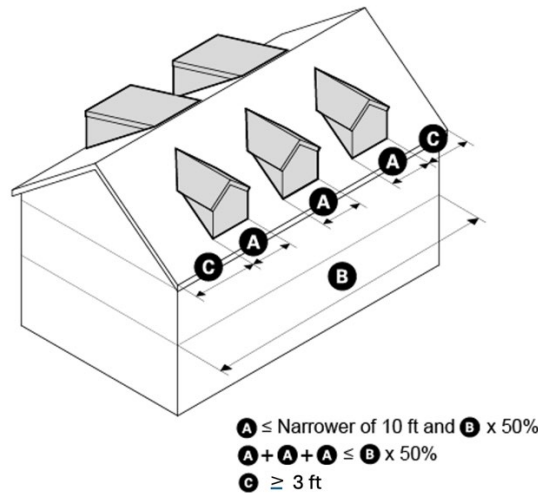


Figure 3 - Dormers

- a) A Dormer may be no wider than ten (10') feet or 50 percent of the length of the exterior wall of the Story next below, whichever is narrower. Where more than one Dormer is located on the same side of the roof, the width of all Dormers combined may not exceed 50 percent of the length of the exterior wall next below.
- b) The vertical plane of the side wall of any Dormer shall not be closer than three (3) feet from the vertical plane of the intersection of the roof and the main Building end wall nearest the Dormer.
- c) No Dormer may project above the main ridgeline of the roof.
- d) No Dormer may project beyond the vertical plane of the Building wall below.

7. Half Story Step-Back for Flat Roofs

- a. For the limited purposes of determining the applicable Step-Back requirements, if an abutting property is within a MXDZ4, MOZ5A, or MOZ5B subdistrict, the abutting property shall be deemed to be in such Overlay Zoning District and not the Base Zoning District regardless of whether such abutting property has elected to use the MOZ.
- b. Buildings in MXDZ4, MOZ5A, and MOZ5B subdistricts must meet the Upper Story Step-Back requirement along any lot line abutting a Residential District.
- c. Exceptions.

- 1) Sections of Buildings that are on a portion of a Lot where the Lot depth is less than seventy (70) feet are exempt from the Upper Story Step-Back requirement along the Rear Lot Line, except when the Rear Lot Line abuts a Residential District.
- 2) Any portion of the Half Story set back more than twenty-five (25) feet from any Lot Line is exempt from the Upper Story Step-Back requirement, except when the Lot Line abuts a Residential District.

8. Ground Story Active Uses



Figure 4 – Ground Story Active Uses

- a. Any lot in: MXDZ4 or MOZ5B where the commercial story option outlined in §9.5 C. is applied, must:
 - 1) Provide Ground Story Active Use for the entire width of the Front Elevation(s) of the Building facing the Street (if one Street frontage) or the primary Street (if a corner lot facing two Streets) with the exception of subsection 2. below. Streets where Ground Story Active Uses are located are referred to as Mixed-Use Priority Streets.
 - 2) No more than ten (10%) percent of the required primary Street frontage in subsection 1. above may be dedicated to Semi-Active Accessory Uses listed below. Any secondary Street frontages may be any combination of Ground Story Active Use, other commercial uses, or Semi-Active Accessory Uses.

- 3) The remainder of the Ground Story shall contain leasable space for other commercial uses as permitted in the Use Table in §9.10 to the extent feasible except that podium parking provided as part of the required parking ratio may be provided along rear or non-street facing side yards with appropriate Screening.
 - 4) Parcels developed with multiple Buildings may establish an internal public or private street network that maximizes street frontage for the provision of Ground Story Active Uses.
- b. Active uses include only:
- 1) Retail sales
 - 2) Banking, retail
 - 3) Office uses
 - 4) Food service establishment
 - 5) Entertainment uses (e.g., theatres or amusement arcades)
 - 6) Personal service establishment (e.g., hairdresser, bank, dry cleaning)
 - 7) Art gallery / arts studio, provided a publicly accessible gallery is included
 - 8) Community use space
 - 9) Publicly facing government services (e.g., post office)
 - 10) Health and fitness facilities
 - 11) Craft beverage establishment or tavern (by Special Permit)
- c. Semi-active accessory uses include only:
- 1) Lobbies and common areas serving or associated with active use or residential uses
 - 2) Sales or leasing office
 - 3) Access to accessory parking, loading, or service areas
9. Architectural Features
- a. The structural and architectural elements that extend outward from a Building Façade, including awnings, Bays, Balconies, and Porches.
 - b. Architectural features that fully comply with the dimensional standards in this Section are not considered part of the Building Footprint.
 - c. Architectural features may project into the front Setback (and/or sidewalk in the case of awning) only based on the following standards:
 - 1) Bay

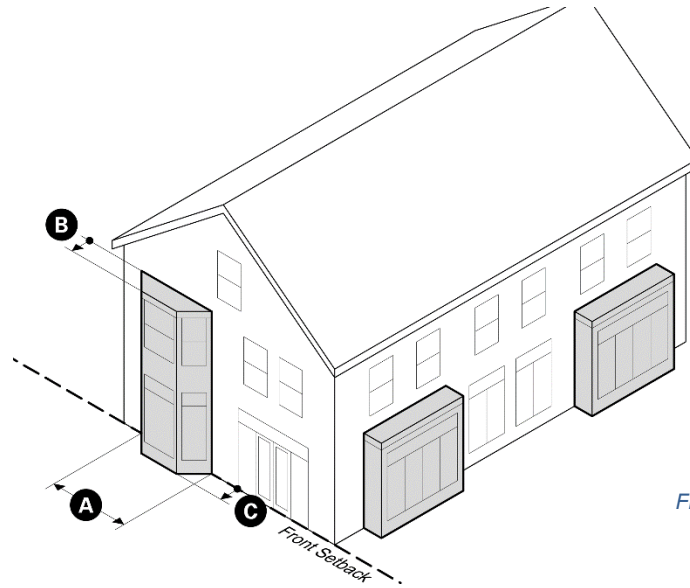


Figure 5 – Bay Windows

Dimensions	
(A) Width of each Bay (max)	10 ft
Sum of widths of all Bays (max)	50% of wall length
(B) Depth, (max)	3 ft
(C) Front setback encroachment at the Ground Story (max)	3 ft
Fenestration (min)	60%

Note that side yard Bay windows are permitted on a street side yard. Bays may be no closer to a Residential District facing side yard than the minimum side yard setback. Front Bay windows may not encroach into the Street, sidewalk, or any public Right-of-Way and do not conflict with the requirements of §4.3.3 of the Zoning By-Law.

2) Balcony

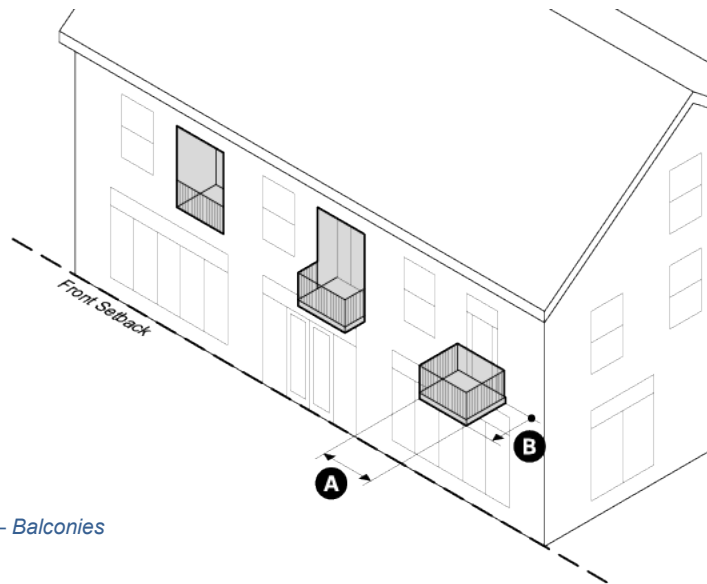


Figure 6 – Balconies

Dimensions	
(A) Width of each balcony (min / max)	5 ft / 12 ft
Sum of widths of all Balconies (max)	50% of wall length
(B) Depth (min / max)	4 ft / 6 ft

Note that side or rear yard Balconies are permitted on a street side yard or rear yard. Balconies may be no closer to a Residential District facing side or rear yard than the minimum side or rear yard Setback and in no case shall a Balcony encroach into the Street, sidewalk, or any public Right-of-Way.

3) Awning

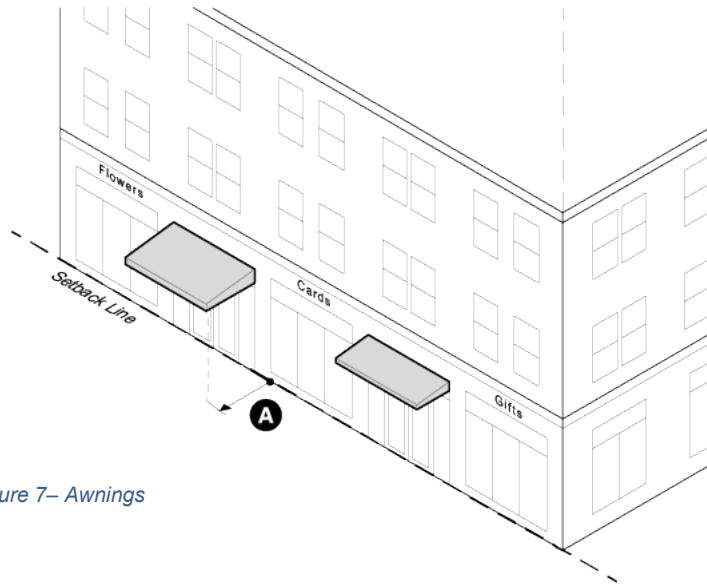


Figure 7– Awnings

Dimensions	
Width of each awning, (min)	–
Clearance above grade (min)	8 ft
Depth (max)	3 ft
Extension into the sidewalk, Principal Entrance, (max)	6 ft
Extension into the sidewalk, other, (max)	3 ft
Front setback encroachment, (max)	100%

4) Porch

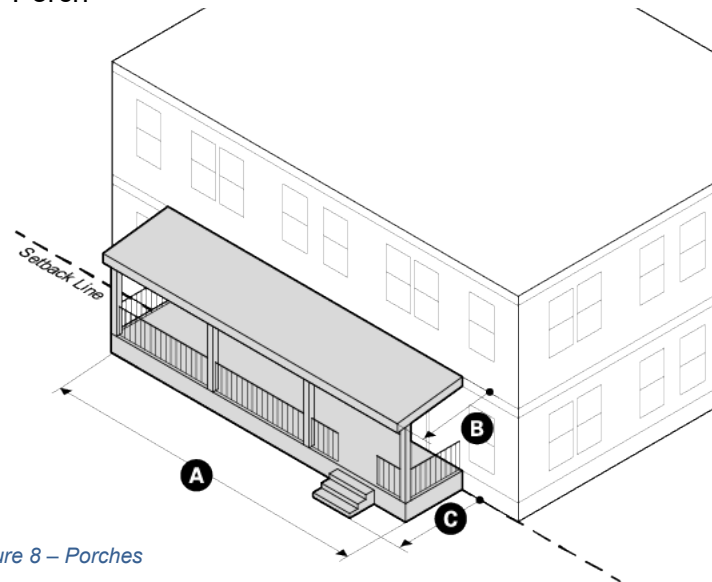


Figure 8 – Porches

Dimensions	
(A) Width, front (max)	60% of wall length
(B) Depth, front (max)	8 ft
Depth, side (max)	4 ft
(C) Front setback encroachment (max)	8 ft for the Porch; stairs may extend beyond 8 ft only if the Porch level is less than 3 ft above grade. No portion of the Porch, including stairs and required landing zone, may extend into the public ROW.

10. Façade Articulation

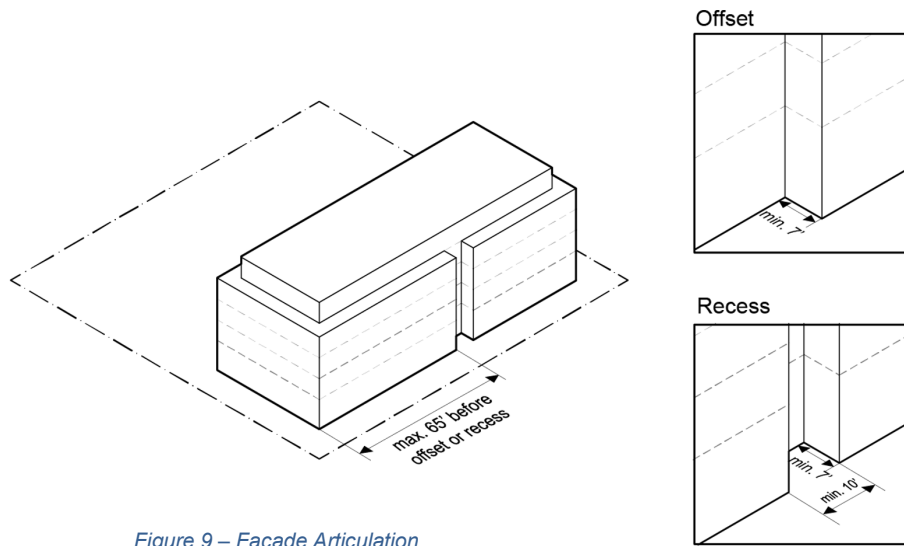


Figure 9 – Façade Articulation

- a. The Front Elevation of any Building greater than sixty-five (65') feet in width must be divided vertically by a recess or an offset at least seven (7) feet deep and ten (10) feet wide for the full height (measured in feet) of the Building, excluding:
 - 1) The Half Story.
 - 2) Any portion of the Ground Story with Ground Story Active Uses as defined in §9.6.B.9.
- b. Balconies and awnings may be located within the recess or adjacent to the offset.
- c. Balconies and Bays may be utilized to satisfy the Façade articulation requirements in this §9.6.B.10.

11. Ground Story Fenestration

- a. Fenestration must be provided as specified in the Building Dimensional Standards for each MOZ subdistrict and is calculated as a percentage of the area of the Front Elevation at the Ground Story.
- b. For Buildings with Ground Story Active Use spaces, Ground Story Fenestration is measured between two (2) feet and ten (10) feet above the finished floor of the Ground Story.
- c. For Ground Story Fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

12. Building Entrances

- a. For Lots with Street frontage, Buildings must have their Principal Entrance(s) from that Street. For Lots without Street frontage, Buildings must have their main entrance(s) on the side wall oriented toward a secondary Street or parking lot provided for the Building.
- b. Within the MXDZ4, MOZ5A, and MOZ5B subdistricts, Principal Entrances must either be recessed or projected from the plane of the Façade, or have a projecting awning, to signal Building entry and provide adequate protection from the elements.

13. Mechanical Equipment

- a. Roof-mounted mechanical equipment must be screened and set back at least ten (10) feet from the intersection of the roof and wall plane immediately below.
- b. Wall-mounted alarm devices, cable boxes, and utility meters shall not be mounted on a wall plane facing a Street. However, security cameras may be so permitted.
- c. Wall-mounted mechanical, plumbing, and/or electrical equipment such as louvers, exhaust equipment, and duct vents along the front and side elevations must be architecturally integrated into the design of the Building and located to minimize adverse effects on pedestrian comfort along sidewalks and within Open Spaces.
- d. All free-standing mechanical and/or electrical equipment are prohibited between any Front Lot Line and Front Elevation and within side or rear yards, no closer to front Building line than 15'. Such equipment must be fully screened at height and from the street and include noise reducing elements.

14. Building Additions

- a. Existing Buildings may be extended vertically or horizontally to add additional Dwelling Units provided that all applicable dimensional requirements and applicable per-lot Unit caps of this By-Law are adhered to.
- b. Basements, attics, or Porches in existing Buildings also may be finished into Dwelling Units, either fully within the Building Footprint or including additions that meet the By-Law dimensional criteria, provided that all applicable Building and other code requirements are met in full.
- c. Building additions intending to utilize the provisions of this By-Law must meet all requirements of this §9 and shall so state this intent in their Building permit application.

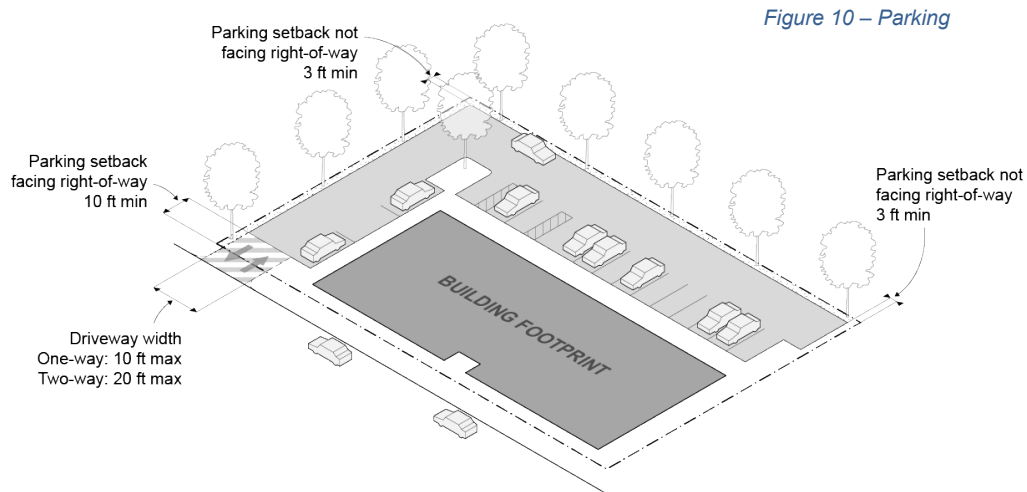
C. Parking Design Standards

1. Required Off-Street Parking Spaces

- a. The motor vehicle parking minimums within the MOZ are provided in §9.5 A., plus the following, as applicable:
 - 1) Fractional numbers: Where the computation of required Parking Spaces results in a fractional number only the fraction of one-half or more shall be counted as one (1).
 - 2) A half (0.5) parking stall per residential Unit is required within the MOZ5 subdistrict for Lots over twenty-thousand (20,000) square feet unless appropriate traffic generation mitigation measures are proposed that offset the additional Parking Spaces required herein.
 - b. Bicycle Parking must be provided as specified below,
 - 1) No Bicycle Parking is required for Ground Story non-residential uses with five-thousand (5,000) square feet or less of gross leasable floor area or residential Buildings with three (3) Units or less.
 - 2) Multi-family residential (4 Units or more) shall provide 0.60 short-term Bicycle Parking spaces per Dwelling Unit and 0.10 long-term spaces per Dwelling Unit.
 - 3) Bicycle Parking must be provided at no fee to customers, visitors, employees, tenants, and residents
 - 4) Bicycle Parking may be provided through any combination of racks and lockers.
 - 5) Bicycle Parking serving multiple uses may be combined into a single area or accessory structure.
 - 6) Short-Term Bicycle Parking must be provided outside of a principal Building and within one-hundred (100) feet of the Building served by the parking.
 - 7) Long-Term Bicycle Parking must be provided in a well-lit, secure location within the same Building as the use the parking is intended to serve or within an accessory structure located within two-hundred (200) feet of the Building.
 - c. Motor vehicle Parking Spaces for persons with disabilities must be provided per 521 CMR 23.00 Parking and Passenger Loading Zones.
 - d. Centralized parking facilities must provide signage identifying the permitted users.
 - e. Pedestrian access to a motor vehicle parking lot must be via a paved sidewalk or walkway.
2. Vehicular Parking space Dimensions.
 - a. For vehicular Parking Space requirements, see § 5.1.
 - b. Alternative compliance. The provisions of this §9.6.C may be modified by Special Permit to accommodate alternative technologies and methods for providing Bicycle

Parking so long as the Special Permit Granting Authority makes a finding that the alternative Bicycle Parking provides equal or greater benefits to bicycle users.

3. Parking Access.



- a. Vehicular access to parking lots and structures along the Primary Front Lot Line is prohibited when vehicular access along another Lot Line is available.
- b. Shared use of vehicular parking lots, by multiple uses and/or developments on multiple parcels, is permitted.
- c. If the entrance to a parking area is along the Primary Front Lot Line, the width of the entrance may be no more than 40% of the Front Elevation along the Primary Front Lot Line.

4. Curb Cuts and Driveways.

- a. Curb cuts are prohibited along the Primary Front Lot Line when vehicular access along another Lot Line is available. Notwithstanding the foregoing, a curb cut along a Primary Front Lot Line on a corner lot is permitted if the Commissioner of Public Works, or their designee, determines:
 - 1) A one-way vehicular access along the Primary Front Lot Line and a one-way vehicular access along the secondary Front Lot Line improves safety and traffic flow.
- b. Each Lot is limited to one curb cut per Street Frontage.
- c. The maximum width of a driveway for vehicular access to parking lots and Structures is as follows:

Access Type	Width (max)
One-way	12 ft
Two-way	20 ft

- d. The interior width of a driveway apron (between curb stones) may be no wider than the driveway, vehicular entrance, or loading facility it serves.
 - e. The grade, cross slope, and clear width of the walkway of a sidewalk must be maintained between the driveway apron and the abutting driveway.
 - f. Curb cuts for driveways must be at least twenty (20) feet from an intersection that does not have a traffic-control signal and at least forty (40) feet from an intersection with traffic-control signals. The distance between the curb cut and the intersection shall be measured from the point of intersection of the tangent lines of the curve. The Director of Public Works, or their designee, may modify the minimum allowable distance of a proposed curb cut from an intersection and the location of a proposed curb cut upon their determination that such modification will improve vehicular and pedestrian safety.
5. Vehicular Parking Placement.
- a. Unless otherwise specified in this §9.6.C., all vehicular Parking Spaces must be located at or behind any required parking setback as specified in the Site Dimensional Standards for each MOZ subdistrict.
 - b. No vehicular Parking Spaces are allowed between the Front Elevation and the Primary Front Lot Line.
 - c. The Planning Board, based on site constraints, may, by Special Permit, grant parking relief for required handicapped Parking Spaces.
6. Screening. Surface vehicular Parking Spaces and outdoor loading facilities must be separated from the Street by a Building or Screening within the parking setback as specified in the Site Dimensional Standards for each MOZ subdistrict. Screening shall consist of one or a combination of the following:

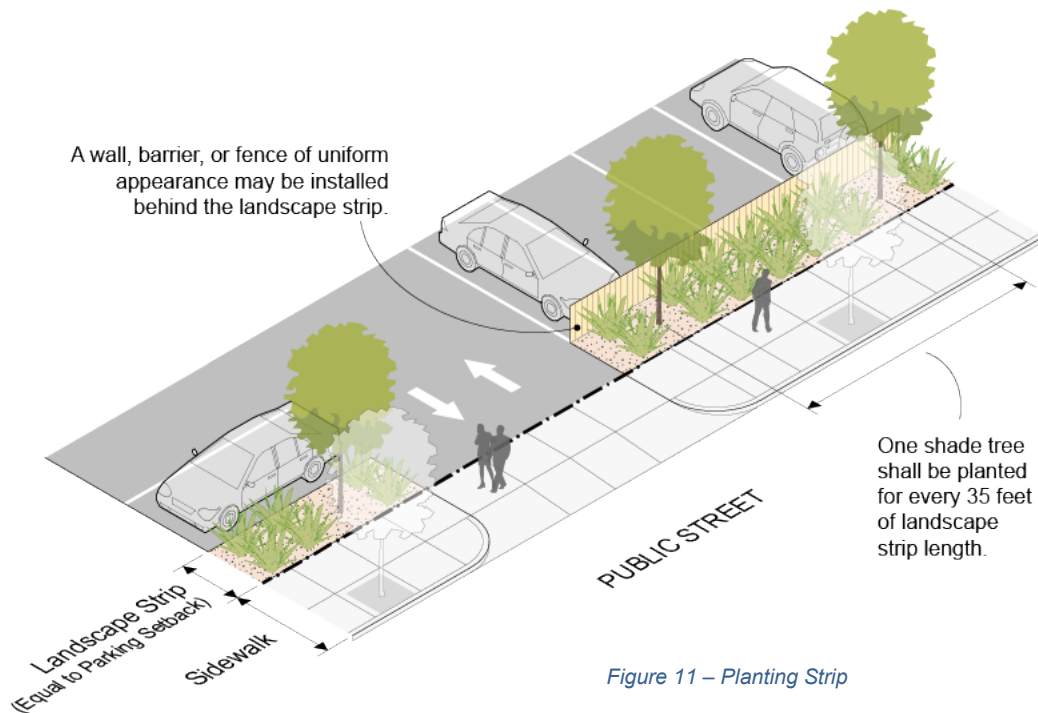


Figure 11 – Planting Strip

- a. A landscape strip at least five (5) feet in width, running the full length of the parking lot along the Street, excluding curb cuts and driveways (see above image).
 - 1) The landscape strip must be planted with trees, shrubs, perennials, native grasses, and other planting types that provide a buffer from the Street.
 - 2) Deciduous large shade trees must be planted for every thirty-five (35) feet of landscape strip length, spaced linearly and parallel to the Street. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - 3) The Tree Warden of the Town of Belmont shall be consulted for the selection of species for street trees.
- b. A wall, barrier, or fence of uniform appearance. Such a wall, barrier, or fence may be opaque or perforated provided that not more than fifty (50) percent of the face is open. There shall be a landscaped strip with a minimum width of 3 feet between the base of the wall, barrier, or fence and Right-of-Way. The wall, barrier, or fence shall comply with the provisions of the Zoning By-Law and other applicable Bylaws, codes, or regulations addressing the placement of fences.
- c. The required Screening shall be located so as not to conflict with any corner visibility requirements or any other Town ordinances. Such Screening may be interrupted by entrances or exits.
- d. Parking lots in the MOZ3, MXDZ4, MOZ5A, and MOZ5B subdistricts on a Lot abutting properties in any Residential Districts along any Side or Rear Lot Line must be screened, per the standards in this §9.6.C.6.

7. Lighting

Lighting shall comply with the provisions of the §5.4.3 of the Zoning By-Law.

8. Loading.

- a. For off-street loading requirements, see §5.1.3 and other applicable loading provisions of the Zoning By-Law.
- b. Access to loading docks or service areas along the Primary Front Lot Line is prohibited, except when the loading docks and service areas are internal to the Building or fully behind the Building.
- c. Outdoor loading facilities, including all docks and areas used for the storage and staging of goods or materials, that are visible when viewed from a height below 6' from a Street or public space, or from abutting properties in any Residential District must be screened from view. See §9.6.C.6. above.

9. Service Areas.

- a. Buildings containing five (5) or more Dwelling Units must provide facilities for private trash and recycling pick up.
- b. Trash collection, trash compaction, recycling collection, and other similar service areas must be fully enclosed within a Building or located to the side or rear of the Buildings within fully locked enclosures.
- c. Outdoor service areas are not permitted along any Primary Front Lot Line.
- d. Outdoor service areas that are visible when viewed from a height below 6' from a public street, public space, or from abutting properties in a Residential District must be fully screened from view. See §9.6.C.8. above.

10. Parking Relief.

- a. The Planning Board is the exclusive Special Permit Granting Authority for all parking relief within the MOZ subdistricts.
- b. In particular instances, a Special Permit may be granted to allow for exceptions to this §9.6.C. if it is determined that literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the Lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.
- c. A Special Permit may not be granted to allow exceptions to the minimum parking setbacks or to allow parking between the Primary Front Lot Line and Front Elevation where not otherwise permitted.

§9.7 Design Guidelines.

The Planning Board may adopt, and periodically amend as deemed necessary, design guidelines as part of the Planning Board Rules and Regulations. These guidelines shall provide direction, not requirements, for the design of new Development within the MOZ subdistricts resulting in a cohesive pattern over time. The intent is to define expectations for new Development while allowing for flexibility and fostering high quality design. The Planning Board Rules and Regulations shall not be interpreted as an amendment to the Zoning By-Law.

§9.8 Affordable Housing Provisions.

Except as expressly modified herein, the provisions of §6.10 Inclusionary Housing shall apply in the MOZ.

§9.9 Density Bonus

This §9.9 provides for one density bonus for the MOZ5B subdistrict. As follows: A property owner may be eligible for a 1.5 Story residential density bonus if the Ground Story is restricted to a mix of Active Story and Semi-Active Accessory Uses as provided in §9.6.B.8. above. This would allow for a 5.5 Story Building at a maximum height of 65 feet.

§9.10 Allowed Uses.

Uses permitted in the MOZ subdistricts are described below.

A. Permitted Uses

1. The use of real property is subject to the provisions of this §9.10., Allowed Uses.
2. Uses are permitted as specified in this §9.10, Allowed Uses.
3. Non-residential uses are permitted as specified in the table below, only in combination with a permitted residential use.
4. Use categories not expressly authorized are prohibited.

B. Accessory Uses

1. The use of real property is subject to the provisions of the Use Table in §9.10.C. Permitted Uses.
2. Accessory Uses are permitted as specified in §9.10.C., Accessory Uses.
3. Accessory Uses not expressly authorized are prohibited.

C. Use Table

	MOZ1A	MOZ1B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Residential Use								
Single-Family, Detached	--	--	--	--	--	--	--	--
Two-Family, Detached	--	--	--	--	--	--	--	--
Multi-Family Residential	P	P	P	P	P	P	P	P
Assisted Living Facility	--	--	SPP	SPP	SPP	--	SPP	SPP
Nursing Home	--	--	SPP	SPP	SPP	--	SPP	SPP
Congregate Care Facility	--	--	--	SPP	SPP	--	SPP	SPP
Senior Housing w/ Services	--	--	P	P	P	--	P	P
Live/Work Space	--	--	--	--	--	SPP	--	SPP
Lodging/Boarding	SPP	SPP	SPP	--	--	SPP	--	--
Civic/Institutional Use								
Day Care Center	P	P	P	P	P	P	P	P
Library, Museum	--	--	--	P	P	P	--	P
Public Use	P	P	P	P	P	P	P	P
Religious Institution	P	P	P	P	P	P	P	P
Education, Non-Profit	P	P	P	P	P	P	P	P
Education, For-Profit	--	--	--	--	--	P	--	SPP
Theatre or Performance Space	--	--	--	--	--	P	SPP	SPP
Commercial Uses								
Bank	--	--	--	--	--	P-A	--	P-A
Business Incubator	--	--	--	--	--	P	--	P
Business Services	--	--	--	--	--	P	--	P
Car Sharing or Rental	--	--	--	--	--	SPP	--	SPP
Bicycle or Scooter Rental	--	--	--	--	--	P	--	P

	MOZ1A	MOZ1B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Car Charging Station (accessory)	--	--	--	--	--	P	--	P
Craft Beverage Establishment or Tavern	--	--	--	--	--	SPP	--	SPP
Dry Cleaning or Laundry, Retail	--	--	--	--	--	P-A	--	P-A
Food Service Establishment	--	--	--	--	--	P-A	--	P-A
Funeral Home	--	--	--	--	--	SPP	--	SPP
Health and Fitness Facility	--	--	--	--	--	P	--	P-A
Hotel and Lodging Establishment	--	--	--	--	--	SPP	--	SPP
Printing or Photocopying	--	--	--	--	--	P-A	--	P-A
Office	--	--	--	--	--	P	--	P
Open Air Business	--	--	--	--	--	SPP	--	SPP
Food Truck	--	--	--	--	--	SPP	--	SPP
Parking Facility, Accessory	--	--	--	--	--	P	--	SPP
Parking Facility, Non-Accessory	--	--	--	--	--	P	--	P
Personal Services	--	--	--	--	--	P-A	--	P-A
Entertainment Uses, Indoor	--	--	--	--	--	P-A	--	P-A
Radio or TV Broadcasting Studio	--	--	--	--	--	P	--	SPP
Retail Sales	--	--	--	--	--	P-A	--	P-A
Veterinary Hospital	--	--	--	--	--	P	--	SPP
Industrial and Related Uses								
Commercial Art Studio	--	--	--	--	--	SPP	--	SPP
Craft and Artisan Manufacturing or Assembly	--	--	--	--	--	SPP	--	SPP

	MOZ1A	MOZ1B	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5A	MOZ5B
Wireless Telecommunications Facility	--	--	--	--	--	SPP	--	SPP
Brewery, Cidery, Winery, Meadery, Distillery (non-micro)	--	--	--	--	--	SPP	--	SPP
Accessory Uses								
Home Occupations	SPP	SPP	SPP	SPP	SPP	SPP	SPP	SPP
Leasing or Management Office	--	--	--	P	P	P	P	P-S
Common Area Lounge or Meeting Space	--	--	--	P	P	--	P	P-S
Common Laundry Facilities, Gym, Janitorial and Maintenance Space specifically intended for use of occupants and/or staff only.	--	--	--	P	P	P	P	P
Accessory Parking Facility or Access Area to Same	P	P	P	P	P	SPP	--	P-S
P = Permitted -- = Not-Permitted L = Allowed w/ Limitations SPP = Special Permit Planning Board SPZ = Special Permit ZBA A = Active Use. S = Semi-Active Accessory Use								

§9.11 Administration.

A. Development Review Generally

1. Applicability. The density and dimensional controls of the MOZ apply to all Buildings, Structures, and uses on a Lot where the owner has elected to utilize a listed MOZ subdistrict to be subject to the zoning requirements of the said subdistrict.
 - a) Electing to utilize the MOZ provisions of this §9 shall so state this intent specifically as part of a Building permit application and Design and Site Plan Review application.
 - b) Owners of Lots developed or using MOZ provisions seeking to revert to the Base Zoning District provisions shall so state this intent specifically as part of a Building permit application, Design and Site Plan Review application, or Special Permit application, as applicable.

2. Approval Process.

- a) Development that requires Design and Site Plan Review shall be reviewed in accordance with §9.11, B. below.
- b) Development that requires a Special Permit shall be reviewed in accordance with §9.11, C. below.
- c) Design and Site Plan Review shall be required for all MOZ development or land use within a MOZ subdistrict
- d) The Planning Board is the granting authority for all development that requires Design and Site Plan Review.
- e) Special Permit Applicability.
 - 1) Long-Term Bicycle Parking alternative.
 - 2) Parking Relief.

B. Design and Site Plan Review

- 1. Purpose. Design and Site Plan Review is the administrative review and approval of a Development under the provisions of the MOZ to identify and address any potential impacts from the proposed Development.
- 2. Applicability. Design and Site Plan Review for MOZ eligible Development or use is required as per the provisions of §7.3 of the Zoning By-Law. Lots electing to develop or use land subject to MOZ criteria shall also adhere to all applicable requirements of the Zoning By-Law and other Bylaws, codes, and regulations.
- 3. Authority. The Planning Board or their designee is the exclusive review and approval authority for Design and Site Plan Review.
- 4. Submission Requirements, Process, and Review Criteria. Whenever Design and Site Plan Review is required under the provisions of the MOZ, the provisions of §7.3, Design and Site Plan Review, shall be followed.

C. Special Permit Review

Any Special Permit application based on the provisions of §9.11.A.2.e. above, shall be submitted and reviewed in accordance with §7.4 of the Zoning By-Law.