

Note: This version of the MBTA 3A Zoning Bylaw is a working draft intended for public information purposes only and not a finished product. Updates will be provided as they become available throughout the Public Hearing process.

Section 9 Multifamily Housing Overlay District (MOZ)

- §9.1 District Purpose and Intent
 - §9.2 District Establishment
 - §9.3 Applicability
 - §9.4 Definitions
 - §9.5 Dimensional Standards
 - §9.6 Development and Design Standards
 - §9.7 Design Guidelines
 - §9.8 Allowed Uses
 - §9.9 Administration
-

§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. 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 Master Plan and other policy documents;
- E. 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. 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. Using 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 investment in the redevelopment of properties;
- J. To encourage residential uses to provide a customer base for local businesses;

- K. Encourage the preservation and reuse of existing buildings, as may be applicable; and
- L. 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 a zoning overlay 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 six (6) subdistricts:

- A. **Multifamily Overlay Zone 1 (MOZ1).** The MOZ1 subdistrict facilitates 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, six-plexes, and eight-plexes.
- B. **Multifamily Overlay Zone 2 (MOZ2).** The MOZ2 zone facilitates the development of ~~3 to~~ 3-52.5 story townhouses and apartment buildings of a small to moderate scale.
- C. **Multifamily Overlay Zones 3A and 3B (MOZ3A and MOZ3B).** The MOZ3A subdistrict facilitates the redevelopment of certain Belmont Housing Authority properties into moderate scale 5 story apartment blocks interspersed with open space. The MFDZ3B 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 Zone 4 (MXDZ4).** The MXDZ4 subdistrict facilitates mixed-use development of moderate scale. This zone 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 commercial uses address the needs of residents and employees in the immediate neighborhood, the larger Belmont Community, and regional visitors.
- E. **Multifamily Overlay Zone 5 (MOZ5).** The MOZ5 subdistrict facilitates the development of moderate scale multifamily buildings as apartments or condominiums ~~three (3) two and a half (2.5)~~ stories in base height. A density bonus of one (1) additional residential floor is available provided the ground floor be set aside for commercial space, allowing a maximum height of ~~5-four and a half (4.5)~~ stories.

§9.3 Applicability

- A. The Official Belmont Zoning Map shows the MOZ Overlay Zoning Districts, which are affixed to parcels that have a range of base zoning districts. The zoning rules applicable to the base zoning districts shall be in effect except where a property owner chooses to “opt-in” and utilize the provisions of this Section 9, Multifamily Housing Overlay District.
- B. The owner of one or more parcels within the MOZ may use the base zoning provisions, the provisions of this Section 9, but not both simultaneously. An owner may choose to use the

Section 9 provisions, revert back to base zone provisions, as frequently as desired, provided that appropriate site plans and/or special permits are granted.

- C. The invalidity, unconstitutionality, or illegality of any provision of this Section 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 Bylaw.

§9.4 Definitions.

In addition to the definitions found in Section 1.4 Definitions, the following definitions apply. These definitions do not necessarily have applicability to other Sections of the Zoning Bylaw.

- A. **Awning** - A roof-like covering attached to a structural frame and supported entirely from a building or other structure.
- B. **Balcony** - An unenclosed and uncovered platform with a railing, wall, or balustrade that provides outdoor amenity space on upper stories.
- C. **Basement** - See §1.4.
- D. **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.
- E. **Bicycle Parking, Long-Term** - Accommodations for the parking of a bicycle for two (2) or more hours.
- F. **Bicycle Parking, Short-Term** - Accommodations for the parking of a bicycle for less than two (2) hours.
- G. **Building Footprint Area** - Area of the largest above grade floor of the building as measured to the exterior faces of the walls.
- H. **Development** - See §1.4.
- I. **Development Review Committee** - See §7.3.
- J. **Dormers** - A projection built out from a sloping roof, usually containing a window or vent.
- K. **Facade Build Out Ratio** - The ratio of the width of the entire front elevation to the lot width along the right of way.
- L. **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.
- M. **Front Elevation** - The exterior wall of a building oriented in whole or in part toward the right of way.

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N. 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.

M.O. Corner Lot - See Section 1.4

M.P. Lot Line - See §1.4

e.O. Lot Line, Front - The lot line abutting a street or right of way.

p.R. 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 Commissioner of Inspectional Services or their designee.

e.S. Lot Line, Rear - Any lot line, other than a lot line that is a side lot line of an abutting property, which is parallel to or within forty-five (45) degrees of being parallel to a front lot line.

f.T. Lot Line, Side - Any lot line other than a front or rear lot line.

e.U. Lot Width - The length of the front lot line of a lot.

t.V. Mixed-Use Priority Street - A portion of a street that requires ground story active uses within the MOZ zones as shown on the Belmont Zoning Map.

u.W. Open Space - A ground level or upper story outdoor landscaped or natural area including, but not limited to, natural woodlands, yards, forecourts, courtyards, green roofs, and civic spaces.

v.X. Open Space, Publicly Beneficial - A publicly available portion of a structure, a lot or other area of land associated with and adjacent to a building or group of buildings in relation to which it serves to provide light and air, or scenic, recreation, pedestrian amenity, or similar purposes.

w.Y. Open Space, Useable - Outdoor areas within the development envelope open to the sky designed and accessible for outdoor living, pedestrian access, landscaping, or recreation and used by residents or tenants or the general public. Useable open space may include areas on the ground or on the tops of structures (roof, balcony, deck, patio, porch, or terrace). Useable open space does not include street rights-of-way, 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. Also, 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.

Commented [RC1]: Can we include language such as rear lot line is the line that connects to two side lot lines?

Commented [RC2]: Find definition that is measured at the building setback (required)

~~x-Z.~~ **Opt-In** – The action step to request use of the MOZ overlay zoning for a specific property by making an application for Building Permit or Site Plan Review and specifying to develop according to the provisions of this §9.

~~y-AA.~~ **Overlay Zoning District** – Overlay 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.

~~z-BB.~~ **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.

~~aa-CC.~~ **Principal Entrance** - The main point of access for pedestrians into a building, upper story use, or ground story tenant space.

~~bb-DD.~~ **Residential District** - Residential districts include lots located in the Single Residence (SRA), Single-Residence B (SRB), Single-Residence C (SRC), General Residence (GR), and ~~Multi Residence~~ **Apartment House (MRAH)** zoning districts. For the purposes of applying MOZ standards to a lot, the abutting lots in the MRT shall be considered to be in a residential district regardless of whether such abutting lot has opted-in.

~~ee-EE.~~ **Retaining Wall** - A structure designed to resist the lateral displacement of soil or other materials in order to protect property or prevent erosion.

~~dd-FF.~~ **Screening** - A natural occurrence, such as a berm or hedge, or a man-made device, such as a fence, which shields from view various land use activities.

~~ee-GG.~~ **Step-Back** - A recess of an upper story façade a set distance behind the façade of the story below.

~~ff-HH.~~ **Story** - See §1.4

~~gg-II.~~ **Story, Ground** - The lowest story of a building with a finished floor at or above the average grade plane adjacent to the building.

~~hh-JJ.~~ **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 (**stepback?**).

~~ii-KK.~~ **Story, Upper** - Any full story above the ground story of a building.

§9.5 Dimensional Standards.

A. Site Dimensional Standards.

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Commented [RC4]: Please note that both the originally recommended dimensional standards and the Planning Board proposed modified dimensions are included in these tables. Once a final version has been agreed upon and run through the Compliance Model, these tables will be cleaned up.

	MOZ1	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5
<u>Lot Area (min.)</u>						
	2,700 sf	6,500 sf	N/A	N/A	N/A	N/A
Open Space (min.)						
	30%		30%	40%	20%	
<u>Lot Frontage (min.)</u>						
	N/A	N/A	80'	70'	N/A	N/A
Building Setbacks						
Front (min.)	10' or Average*		10'	10'	None	
Side (min.)	7.5'		7.5' Interior None Street	10'	None	
Abutting an SR District	10'		10'	15'	20'	
Rear (min.)	15'	20'	10'	20'	15'	
Abutting an SR District	20'		20'	20'	20'	25'
Building Separation for Multiple Buildings on Lot (min.) ¹						
	20'		15'	15'	20'	
Facade						
Façade Build Out Ratio (min.)						
Primary Front Lot Line	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	
Front Lot Line	50%		NA	NA	50%	
Parking Placement						
Parking Setbacks (min.)						
Facing ROW	12'10'		12'10'	12'10'	12'10'	
Not Facing ROW	4'3'		4'3'	4'3'	4'3'	
Parking Ratio	1 space / unit		0.4 space/unit	0.4 space/unit	0.5 space / unit	0.5 space / unit 1 space / 350 sf ground floor retail

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Commented [RC8]: What is conceived of here?

Commented [KC9R8]: We recommend updating parking setbacks facing ROW to 10' to line up with building setbacks, and reducing parking setbacks not facing ROW to 3' to accommodate easier site planning for narrower lots

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¹ Must be in compliance with IBC Rules and Regulations.

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B. Building Dimensional Standards

	MOZ1	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5
Building Massing						

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	MOZ1	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5
Building Footprint (max.)						
	2,000-1,800 sf	4,000 sf	None	4,000-sf-None		10,000 sf
Building Height in Stories / Feet (max)						
— Pitched Roof	3 ½ stories / 52' 3 stories / 42' (12+11+11+8) PB = 42' Peak	2 ½ stories / 41' (12+11+18) PB = 42' Peak	NA	5 stories / 60'	3 ½ stories / 55' (15+11+11+18) PB = 42' Peak	3 stories / 42' (12+11+11+8) OR 4 ½ stories / 66' * (15+11+11+11+18) PB = 60' MU PB = 36' Res
— Flat Roof ¹	3 ½ stories / 47' 35' (12+11+12) PB = 36' Flat	2 ½ stories / 35' (12+11+12) PB = 36' Flat	5 stories / 60'	NA	3 ½ stories / 49' (15+11+11+12) PB = 37' Flat	3 stories / 35' (12+11+12) OR 4 ½ stories / 60' (15+11+11+11+12) PB = 60' MU PB = 36' Res
— Development within 50' of lot line abutting SR district	3 stories / 42'	2 ½ stories / 41'	4 stories / 49' plus 1 additional story up to 60' with step-back	4 stories / 49' plus 1 additional story up to 60' with step-back	3 ½ stories / 55'	3 stories / 42' OR 4 ½ stories / 66' *
Ground Story Height in Feet (min. / max.)						
		11' min.			13' min. / 15' max.'	12' min. / 15' max.
Half-Story Height in Feet (max.)						
— Pitched Roof	NA	18'	NA	18'		18'
— Flat Roof	NA	12'	12'	NA		12'
Half-Story Step-Back in Feet (min.)						
	NA	7' on all sides of the building	NA	NA		7' on all sides of the building
Facade						
Ground Story Fenestration (min.)						
— Non-residential uses	NA		NA	NA	70%	70%

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	MOZ1	MOZ2	MOZ3A	MOZ3B	MXDZ4	MOZ5
—Residential uses	15%		NA	NA	15%	15%
Ground Story Active Use (min.)						
	NA		NA	NA	100%	NA
Articulation						
—Length of Continuous Facade (max.)	80' 80'		80'-65' 80'			
Use and Occupancy						
—Dwelling Units (max.)	NA		140	BV = 200 WO = 140		NA

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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.

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* Refer to §9.10b6 for Special Permit Applicability for a density bonus in MOZ5.

§9.6 Development and Design Standards.

A. Site Design Standards.

This Section provides the development and design standards for lot improvements within the MOZ zones, defines how to measure certain standards, and provides other requirements and information.

1. Lot Frontage

- a. Lots in the MOZ zone must have the minimum lot frontage specified in the Site Dimensional Standards.
- b. Lot Frontage shall be measured per §4.2 Lot Frontage.

Commented [RC14]: Spell out

2. Setbacks

- a. Buildings shall comply with the setback requirements set forth in §9.5.
- b. Buildings must meet the minimum setbacks specified in the Site Dimensional Standards for each MOZ zone.
- c. Buildings in the MXDZ4 and MOZ5 zones must be set back from any lot line abutting a sidewalk an additional distance so that at least twelve (12) feet in width is provided between the back-of-curbgutter 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 in compliance with the Town’s sidewalk standards.

Commented [RC15]: Saying the same thing?

Commented [KC16R15]: In Newton, the first clause refers to setback requirements that apply to Belmont at large, with the condition "except as modified in Article [9.5]", in order to account for any potential discrepancies between the overlay district and the overall zoning.

Commented [RC17R15]: Still do not get it

- d. For the limited purposes of determining the applicable setback requirements, if an abutting property is within a MXDZ4 or MOZ5 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

Commented [RC18]: Is this necessary or redundant based on a reading of the dimensional table?

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 zone.
 - 1) The façade buildout ratio may be met cumulatively by multiple buildings on a lot.
 - 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.

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4. Number of Buildings

~~1) Multiple buildings are permitted on each lot by-right, except that multiple buildings shall not be permitted in MOZ1 district.~~

~~1)~~

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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 zone.
- 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 level.

6. Open Space and Beneficial Open Space

- a. Lots must provide the minimum open space specified in the Site Dimensional Standards for each MOZ zone.
- b. Development on lots thirty-thousand (30,000) square feet and greater in the MXDZ4 and MOZ5 zones must provide beneficial open space specified in the Site Dimensional Standards for the applicable MOZ zone and meet the following standards:
 - 1) At least four hundred (400) square feet and at least twenty (20) feet in width and twenty (20) feet in length;
 - 2) No more than 50% of beneficial open space may be on rooftops or other elevated portions of buildings not accessible to the public; and
 - 3) Designed to accommodate public congregation and use, including any necessary amenities or infrastructure. Examples of such spaces include plazas, parks, playgrounds, playing fields, and community gardens.

Commented [RC20]: KC recommends removal since there aren't many of these parcels in the plan.

c. Street Trees

- 1) Installation of a street tree within the public right of way must be approved by the Tree Warden or their designee.

d. Signs

- 1) Signs for residential districts shall adhere to the requirements of §5.25 a. of this Bylaw.
- 2) Signs in MXDZ4 and MOZ5 (with a commercial component only) shall adhere to the requirements of §5.25 b. and §5.25 a. as applicable.

7. Retaining Walls

- c. The placement of a retaining wall of four (4) feet or more anywhere on a lot requires a special permit.

B. Building Design Standards.

This section provides the design standards for buildings within the MOZ zones, defines how to measure certain standards, and provides other requirements and information.

1. Building Footprint

- a. Buildings must comply with the maximum building footprint as specified in the Building Dimensional Standards for each MOZ zone.
- b. Building footprint includes all enclosed spaces whether for habitation or storage. Any parking area that is covered by a roof is included in the Building Footprint.
- c. Building footprint includes decks that extend more than eight (8) feet from the building face.
- d. The following features do not count towards the building footprint.
 - 1) Portions of the building below the average grade and not visible from any right of way or adjacent lots.
 - 2) Architectural features, as defined in §9.4.
 - 3) Structures, as defined in §1.4.

2. Building Height

- a. Buildings may not exceed the maximum building height specified in the Building Dimensional Standards for each MOZ zone. Building height is measured as defined in §1.4. Height, Building.
- b. For the limited purposes of determining the applicable building height requirements, if an abutting property is within a MXDZ4 and MOZ5 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

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 zone.
- 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 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 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 zone.
- b. For the limited purposes of determining the allowable number of stories for a building, if an abutting property is within a MXDZ4 and MOZ5 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such abutting property has opted-in.

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5. Full Story with Pitched Roofs

- a. In MODZ1, the rafters of pitched roofs may not exceed 8' in height.
[graphic]

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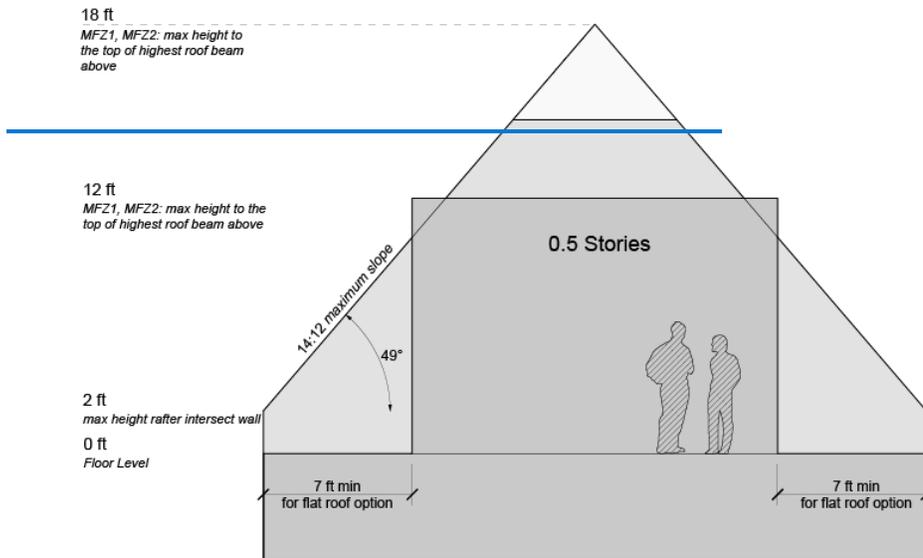
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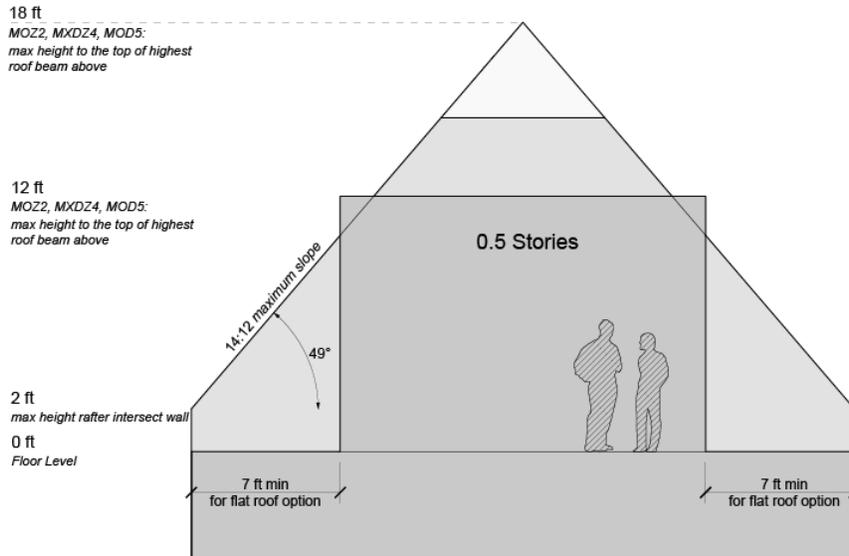
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5.6. Half-Story for Pitched Roofs





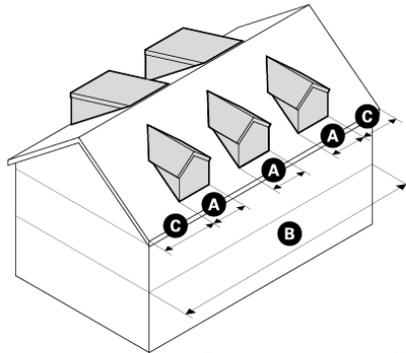
- a. Space located directly under a pitched roof is counted as a half (0.5)-story, provided the following standards are all met:

- a-b. At least two (2) opposite roof planes are pitched toward each other.
- b-c. A pitched roof may be composed of roof planes with different slopes.
- e-d. The slope of any pitch must be no greater than 14:12 (49.4 degrees); otherwise, this story is counted as a full story.
- e-e. 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 (0.5)-story; otherwise, this story is counted as a full story.
- e-f. Dormers above the second story in MOZ2, above the third story in MXDZ4, and above the fourth story in MOD5 must comply with the requirements set forth below:

Commented [KC23]: Added diagram

- a) ~~Defined. A projection built out from a sloping roof, usually containing a window or vent.~~
- b) ~~The following restrictions apply to dormers above the second story in residential dwellings and to dormers in accessory structures.~~

[1] A roof-line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories.



- A ≤ Narrower of 10 ft and B x 50%
- A + A + A ≤ B x 50%
- C ≤ 3 ft

[2] [1] 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.

[3] [2] The vertical plane of the side wall of any dormer shall not be closer than 3 feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer.

[3] No dormer may project above the main ridgeline of the ~~single or two family dwelling or the accessory structure roof.~~

[4] ~~No dormer may project beyond the vertical plane of the building wall below.~~

6.7. Half-Story Step-Back for Flat Roofs

- a. For buildings in the MOZ5 ~~or MXDZ4~~ zones, the required step-backs must be provided above the fourth story, ~~or for buildings less than four (4) stories at a building height of fifty seven (57) feet.~~
- b. For buildings in the MXDZ4 zone, the required step-backs must be provided above the third story, ~~or for buildings less than three (3) stories at a building height of fifty one (51) feet.~~
- c. For the limited purposes of determining the applicable step-back requirements, if an abutting property is within a MXDZ4 and MOZ5 district the abutting property shall be deemed to be in such Overlay District and not the underlying zoning district regardless of whether such

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Commented [RC24]: We need the stepback section added in text, graphic, and table.

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abutting property has opted-in.

- d. Buildings must meet the upper story step-back requirement along any lot line abutting a residential district.
- e. 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.

~~7.8.~~ Affordable Housing Provisions

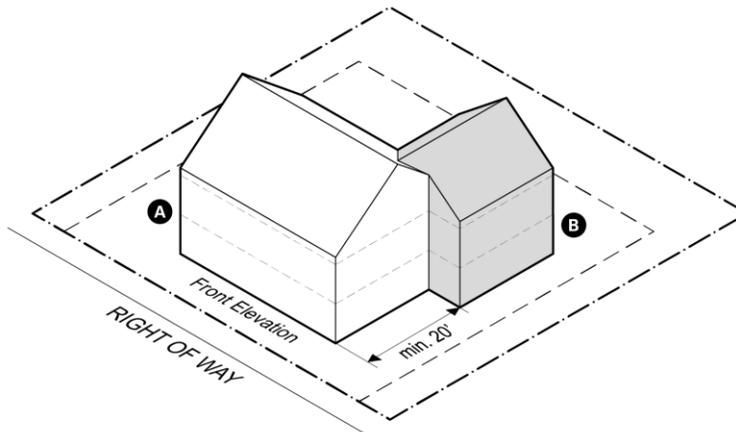
- a. Except as modified herein, the provisions of §6.10 Inclusionary Housing shall apply in the MOZ.

~~8.~~ Adaptive Reuse

- ~~a. Purpose. To benefit the general health and welfare of the Belmont community by fulfilling stated goals on housing, transportation, sustainability, and historic preservation through the reuse and revitalization of existing buildings, including historically significant buildings.~~
- ~~b. Eligibility.
 - 1) Adaptive reuse development is only permitted in ~~MOZ1~~the MRT zone.
 - 2) Only lots with buildings that exist at the time the lot opts in to the MRT zone~~MOZ1~~ are eligible for the provisions of this Adaptive Reuse section.
 - 3) The existing principal building on the lot must be preserved in compliance with the requirements set forth in ~~§9.6.B.8.e~~
 - 4) Any proposed development under the provisions of this Adaptive Reuse section must submit a pre-development site survey with existing building and site conditions prepared, stamped, and signed by a registered engineer or land surveyor, with the building permit application.~~
- ~~c. Reuse Requirement. No alterations or replacements to or demolition of the existing structural framing of the existing principal building along the front and side elevations, and the roof, up to a new addition constructed pursuant to the adaptive reuse standards in ~~§9.6.B.8~~ are permitted, except those required:
 - 1) To comply with applicable Health, Building, and Fire codes;
 - 2) For the installation, replacement, relocation, or reconfiguration of windows and doors;~~

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- 3) For the installation, replacement, relocation, or reconfiguration of architectural features, as defined in **§9.6.B.10**; or
 - 4) Determined to be necessary for safety purposes by the Commissioner of Inspectional Services or their designee.
- d. Standards. Notwithstanding anything to the contrary in the Town of Belmont Zoning Ordinance, development on a lot that qualifies as an adaptive reuse development and complies with the reuse requirement herein may utilize the following building standards:
- 1) The maximum number of units allowed in the existing principal building is six (6) units, except by special permit.
 - 2) Lots developed under this Adaptive Reuse section are exempt from the MOZ open space requirements.
 - 3) The existing principal building developed under this Adaptive Reuse section has a minimum parking stall requirement of one half (0.5) parking stalls per residential unit.
 - 4) Multiple buildings on a lot are permitted, subject to site plan review in lieu of special permit approval.
 - 5) The maximum building footprint of the existing principal building shall be the footprint of the existing building at the time the lot opts in to the MRT Zone **MOZ1** plus fifty (50%) percent of the footprint of the existing principal building. For the purposes of calculating the building footprint of the existing principal building under Adaptive Reuse, unenclosed porches and decks shall not be considered part of the existing principal building's footprint.



$$\text{Building footprint of } \textcircled{B} \leq \text{Building footprint of } \textcircled{A} \times 50\%$$

- ~~a) Additions to the existing building(s) must meet the minimum MOZ setbacks specified in the Site Dimensional Standards.~~
- ~~b) Additions are only permitted along the rear and side elevations of the existing principal building.~~
- ~~c) Any portion of the addition along the side elevations of the existing principal building must be set back at least twenty (20) feet from the front elevation of the existing principal building.~~
- ~~6) Additions permitted herein may be built up to the maximum height specified in the MRT Building Dimensional Standards. The height of those portions of the existing principal building that must be preserved pursuant to §9.6.B.8.c may not be increased.~~

9. Ground Story Active Uses



a. Any lot with mixed use priority street frontage in the MXDZ4 must provide ground story active use for the entire width of the front elevation of the building facing the priority street. No more than thirty-five (35%) percent of the required active use space may be dedicated to semi-active accessory uses as defined below.

a-b. Any lot in MOD5 where the density bonus outlined in _____ is applied must provide ground story active use for the entire width of the front elevation of the building facing the street. No more than thirty-five (35%) percent of the required active use space may be dedicated to semi-active accessory uses as defined below.

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b-c. Active uses include only:

- 1) Retail
- 2) Restaurant / bar / craft beverage establishment / specialty food service
- 3) Place of amusement
- 4) Personal service
- 5) Gallery / arts studio
- 6) Live/work space
- 7) Community use space

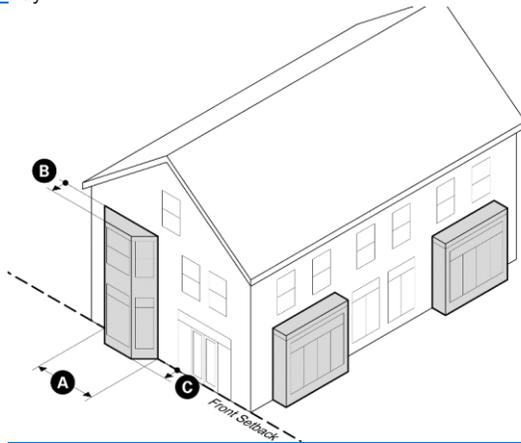
c. Semi-active accessory uses include only:

- 1) Lobbies and common areas associated with office, hotel, or residential uses
- 2) Access to accessory parking, loading, or service areas

10. Architectural Features

- a. The structural and architectural elements that extend outward from a building façade, including awnings, bays, balconies, and porches.
- b. Architectural features which fully comply with the dimensional standards below are not considered part of the building footprint.
- c. Architectural features may project into the front setback and/or right of way only based on the following standards:

1) Bay



Dimensions	
Width of each bay, (max)	Greater of 20% of wall length or 12 ft

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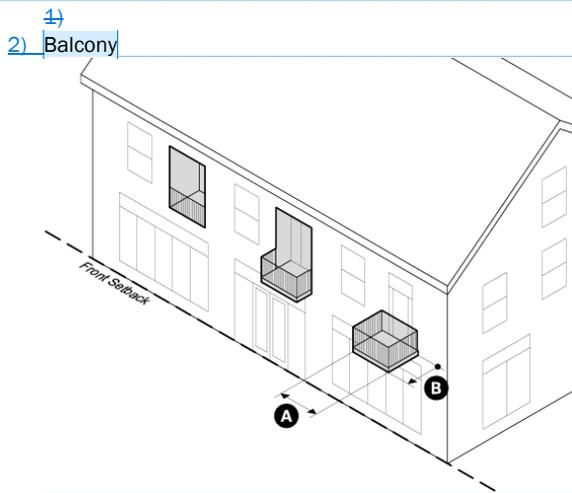
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Depth, (max)	3 ft
Front setback encroachment at the ground story, (max)	3 ft
Fenestration (min)	60%
Extension into the right of way (max)	3 ft
Clearance above grade within the right of way (min)	Top of the ground story

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%



Dimensions	
Width of each balcony, (min / max)	5 ft / Greater of 20% of wall length of 12 ft
Depth, (min / max)	3 ft / 8 ft

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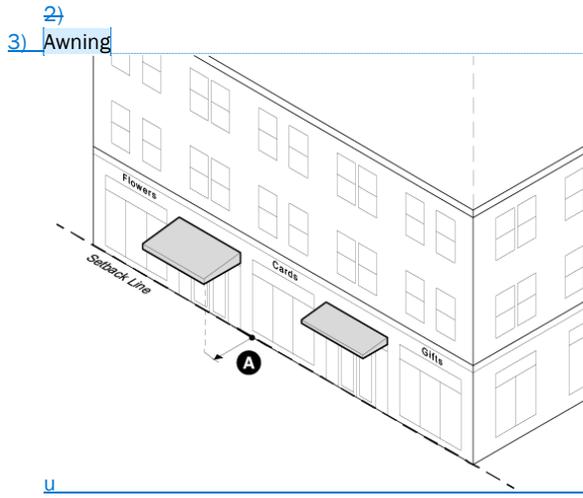
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Extension into the right of way (max)	3 ft
Clearance above grade	Top of the ground story
Front setback encroachment (max)	100%
Width of each balcony, (min / max)	5 ft / Greater of 20% of wall length of 12 ft

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)	5 ft / 8 ft



Dimensions	
Width of each awning, (min)	5 ft
Clearance above grade (min)	10 ft
Depth (max)	3 ft
Extension into the right of way, principal entrance, (max)	6 ft
Extension into the right of way, other, (max)	3 ft
Front setback encroachment, (max)	100%

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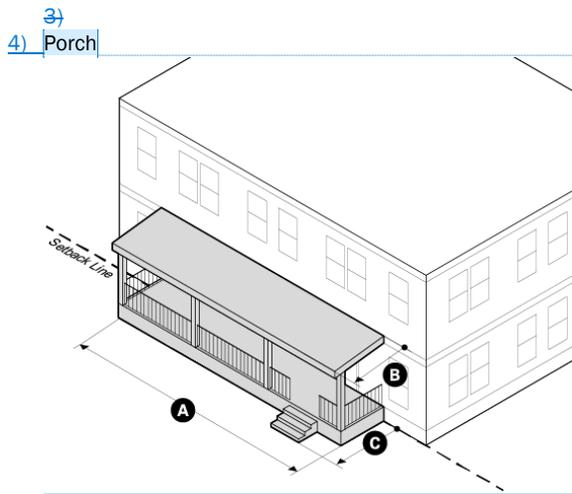
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Dimensions	
(A) Front or side setback encroachment at the ground story, (max)	3 ft



Dimensions	
Width, front, (min)	8 ft
Width, side, (min)	4 ft
Depth, front (max)	8 ft
Depth, side (max)	4 ft
Front setback encroachment, (max)	6 ft
Width, front, (min)	8 ft

Dimensions	
(A) Width, front (max)	60% of wall length
(B) Depth, front (max)	8 ft
Depth, side (max)	4 ft

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(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
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4)

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- Commented [KC36]: Utile studying various façade articulation strategies

11. Façade Articulation

- a. The front elevation of any building greater than ~~eighty (80)~~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 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 section.

12. Ground Story Fenestration

- a. Fenestration must be provided as specified in the Building Dimensional Standards for each MOZ zone 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.

13. Building Entrances

- a. For lots with street frontage, buildings must have their principal entrance(s) from that right of way. For lots without street frontage, buildings must have their main entrance(s) on the side wall oriented toward a secondary right of way or parking lot provided for the building.
- b. Within the MXDZ4 and MOZ5 zones, 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.

14. Roof Features

- a. Non-habitable architectural features are permitted on roofs in accordance with §1.5.4.A. In addition to the non-habitable architectural features set forth in §1.5.4.A., stair headhouses are not included in the height measurement for buildings in the MOZ.

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15. Mechanical Equipment

- a. Roof-mounted mechanical equipment must be screened and setback 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 right-of-way.
- c. Wall-mounted mechanical, plumbing, and/or electrical equipment such as louvers, exhaust equipment, and ducts vents along the front elevation 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 screened and include noise reducing elements.

Commented [RC37]: Also need noise reducing elements

D. Parking Design Standards

1. Required Accessory Parking Spaces

- a. The motor vehicle parking minimums within the MOZ are provided in §9.5 A., plus the following, as applicable:
 - 1) A half (0.5) parking stall per residential unit is required for the existing principal building developed under the Adaptive Reuse section (see §9.6.2.B.8).
 - 2) A half (0.5) parking stall per residential unit is required within the MOZ5 district for lots over twenty-thousand (20,000) square feet.
- a. Bicycle parking must be provided as specified in §9.6.C.2, except,
 - 1) No bicycle parking is required for ground floor non-residential uses with five-thousand (5,000) square feet or less of gross leasable floor area.
- b. Motor vehicle parking spaces for persons with disabilities must be provided per 521 CMR 23.00 Parking and Passenger Loading Zones.
- c. Centralized parking facilities must provide signage identifying the permitted users.
- d. Pedestrian access to motor vehicle parking must be via a paved sidewalk or walkway.
- e. Bicycle parking must be provided at no cost or fee to customers, visitors, employees, tenants, and residents

Commented [KC38]: Recommend simplifying or removing bicycle standards since the Newton bicycle standards are more intended for larger multi-family developments.

2. Required Number of Accessory Bicycle Parking Stalls.

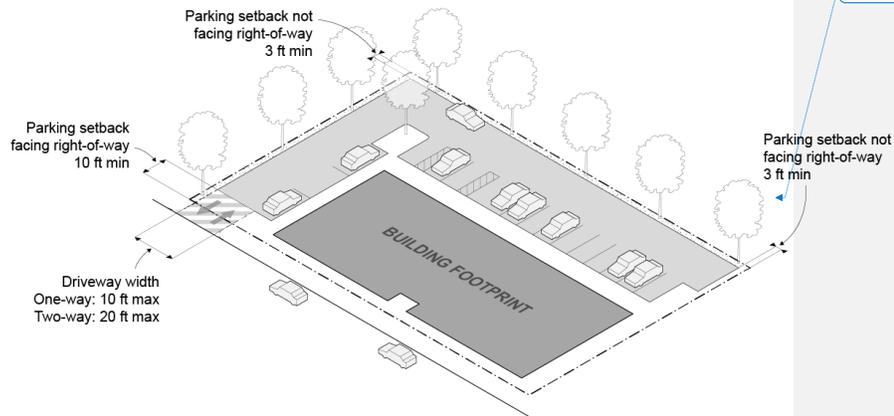
The following standards for accessory bicycle parking spaces are associated with the use categories permitted in the MOZ zones:

[table]

3. Vehicular Parking Stall Dimensions.
 - a. For vehicular parking stall requirements, see §§5.1.8.B and 5.1.8.C.
4. Bicycle Parking Stall Dimensions.
 - a. Bicycle parking may be provided through any combination of racks and lockers.
 - b. Bicycle parking serving multiple uses may be combined into a single area or accessory structure.
 - c. Access
 - 1) Areas designed for bicycle parking stalls must have a hard, stabilized surface with an access aisle free from obstruction.
 - 2) Bicycle parking stalls must be accessible without moving another bicycle or lifting or carrying a bicycle over any steps or stairs.
 - d. Weather Protection. When provided, weather protection must be permanent, designed to protect bicycles from rainfall, and provide at least seven (7) feet of clearance above ground level.
 - e. Bicycle racks must meet the following standards:
 - 1) Be a fixed-in-place stand that is securely anchored to the ground providing support to the bicycle without the use of a kick-stand.
 - 2) Be configured to provide two points of contact for locking the frame and at least one wheel.
 - f. Bicycle lockers must meet the following standards:
 - 1) Be securely anchored to the ground and provide support to the bicycle without the use of a kick-stand.
 - 2) Be secured by means of a lockable door or, alternatively, configured internally to allow locking of the frame and at least one wheel.
 - g. Additional standards for short-term bicycle parking:
 - 1) 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.
 - 2) Short-term bicycle parking must be at the same grade as the abutting sidewalk or at a location that can be reached by an accessible route that is a minimum of five (5) feet wide, with no steps and a six percent (6%) slope or less.

- 3) Any required short-term bicycle parking provided in a structure or under cover must be provided at ground level and clearly marked as bicycle parking.
- h. Additional standards for long-term bicycle parking:
- 1) 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.
 - 2) To provide security, long-term bicycle parking must be either in a locked room or in an area that is enclosed by a fence that is a minimum eight (8) feet high, with a locked gate.
 - 3) All required long-term bicycle parking spaces must be designed to provide continuous shelter from the elements.
 - 4) When twenty (20) or more long-term bicycle parking spaces are provided, a minimum of ten percent (10%) of the spaces must be at least three (3) feet by eight (8) feet in size.
 - 5) A minimum of ten percent (10%) of long-term bicycle parking spaces must have access to outlets for charging electric bicycles.
- i. Alternative compliance. The provisions of this **§9.6.C.4** 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.

5. **Parking Access.**



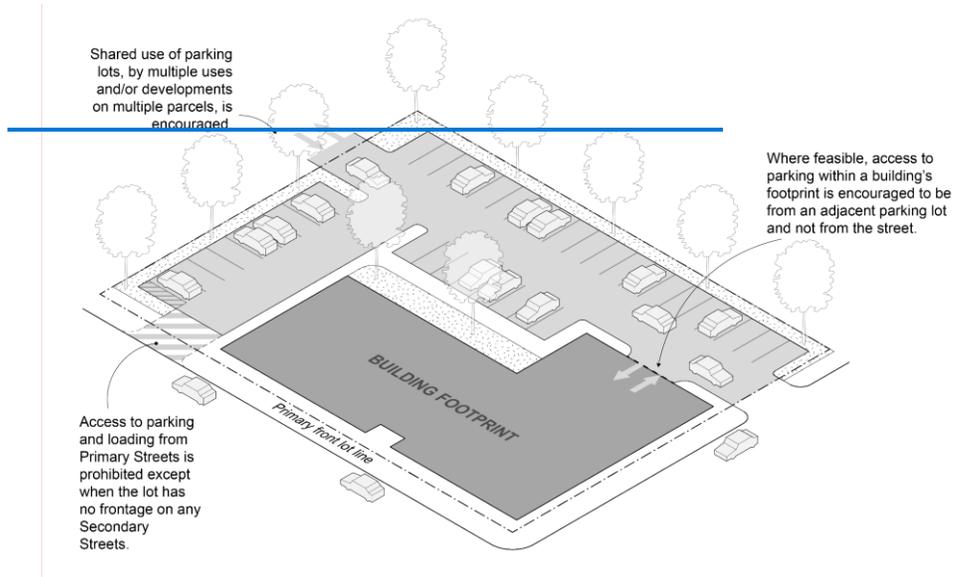
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6:

- 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.



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6. 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:

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Access Type	Width, (max)
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One-way	10 ft
Two-way	20 ft

- d. The interior width of a curb cut (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 as defined in Chapter 19 of the Town Ordinances 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 Commissioner 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.

7. Vehicular Parking Placement.

- a. Unless otherwise specified in this Section, all vehicular parking stalls must be located at or behind any required parking setback as specified in the Lot Standards for each MOZ zone.
 - ~~b.~~ No vehicular parking stalls are allowed between the front elevation and the primary front lot line, except in the MRT zone where one (1) parking stall may be located between the front elevation and the primary front lot line.
8. Screening. Surface vehicular parking spaces and outdoor loading facilities must be separated from the right of way by a building or screening within the parking setback as specified in the Site Dimensional Standards for each MOZ zone. Screening shall consist of one or a combination of the following:

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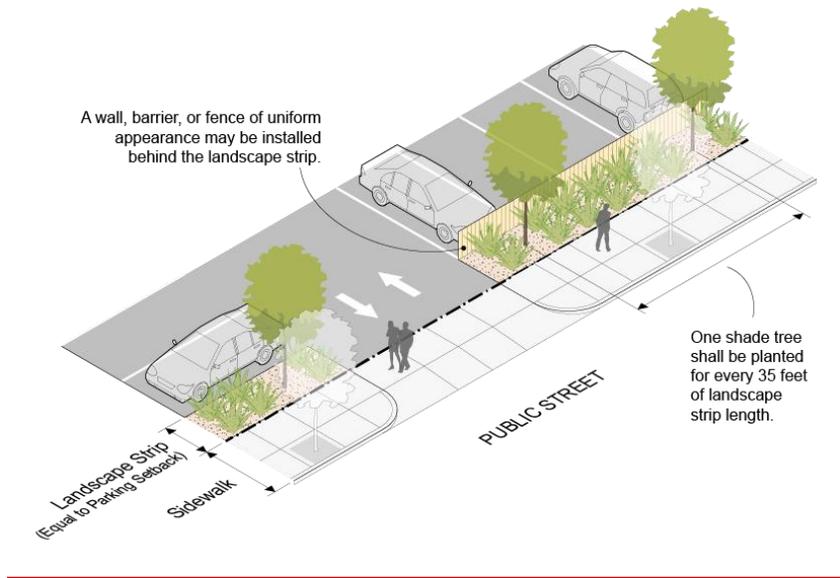
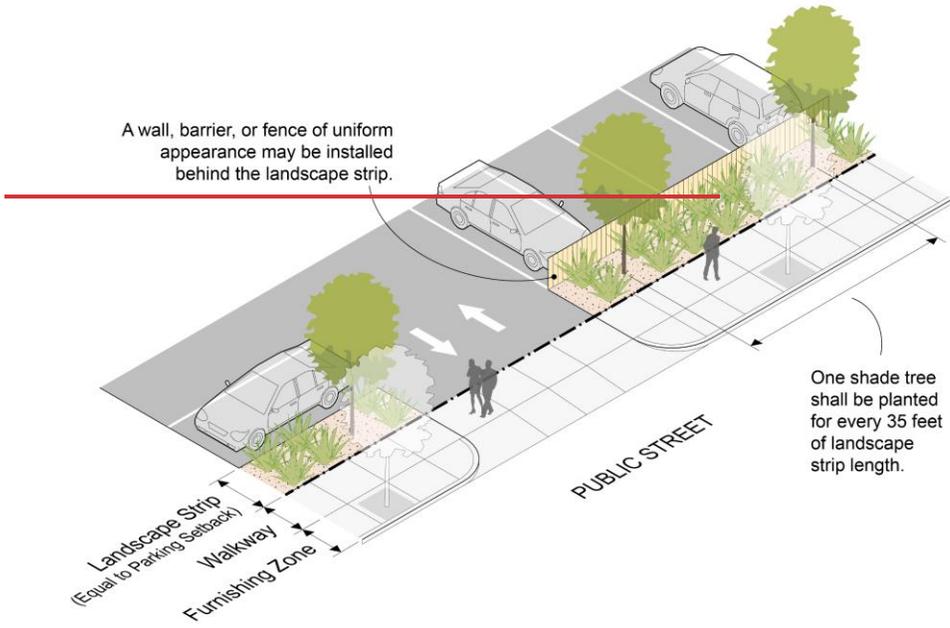
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- a. A landscape strip at least five (5) feet in width, running the full length of the parking lot along the right-of-way, excluding curb cuts and driveways (see above image).
 - 1) The landscape strip must be planted with trees, shrubs, perennials, native grasses, and/or other planting types that provide a buffer from the right-of-way.
 - 2) Deciduous large shade trees must be planted for every thirty-five (35) feet of landscape strip length, spaced linearly and parallel to the right-of-way. Shade trees must be a minimum of two (2) inches in tree caliper when planted.
 - 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 **Fence ordinance in Chapter 5, §§5-30 - 5-34.**
 - 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. Outdoor parking facilities containing 20 stalls or more must comply with the requirements in **Sec. 5.1.9.B.**
 - e. Parking lots in the MXDZ4 and MOZ5 zones on a lot abutting properties in any residential districts along any side or rear lot line must be screened, per the standards above.
9. Lighting. Lighting shall comply with the provisions of the Light Trespass ordinance in **Chapter 20 Sections 20-23 – 20-49.**
10. Loading.
- a. For off-street loading requirements, see **§5.1.12.**
 - 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 from a public street, public space, or abutting properties in any residential districts must be screened from view. **See Section 9.6.C.8.**
11. Service Areas.
- a. Buildings containing five (5) or more residential units must provide 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 from a public street, public space, or abutting properties in any residential districts must be fully screened from view. See **Section 9.6.C.8.**

12. Parking Relief.

- a. The Planning Board is the Special Permit Granting Authority for all parking relief within the MOZ zones.
- 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 _____ may adopt, and periodically amend as deemed necessary, design guidelines as part of the Planning Board Rules and Regulations. These guidelines provide direction, not requirements, for the design of new development within the MOZ zones 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.

Commented [RC43]: We need to be more clear about how the design guidelines differs and is distinct from Architectural Features.

§9.8 Allowed Uses.

Uses permitted in the MOZ zones are described below.

A. Permitted Uses

- 1. The use of real property is subject to the provisions of **Section 9.8., Allowed Uses.**
- 2. Uses are permitted as specified in **§9.8, 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. Permitted Accessory Uses

- 1. The use of real property is subject to the provisions of **§9.8 C. Permitted Uses.**
- 2. Accessory Uses are permitted as specified in **§9.8 C., Permitted Accessory Uses.**
- 3. Accessory Uses not expressly authorized are prohibited.

C. Use Table

	MOZ1	MOZ2	MOZ3A	MOZ3B	MOZ4	MOZ5
Residential Use						
Single-Family, Detached	--	--	--	--	--	--
Two-Family, Detached	--	--	--	--	--	--
Multi-Family Residential	P	P	P	P	P	P
Assisted Living Facility	--	SPP	SPP	SPP	--	SPP
Nursing Home	--	SPP	SPP	SPP	--	SPP
Congregate Care Facility	--	--	SPP	SPP	--	SPP
Senior Housing w/ Services	--	P	P	P	--	P
Live/Work Space	--	--	--	--	SPP	P
Lodging/Boarding	SPP	SPP	--	--	SPP	--
Civic/Institutional Use						
Day Care Center	SPP	SPP	P	P	--	SPP
Library, Museum	--	--	P	P	P	P
Public Use	P	P	P	P	P	P
Religious Institution	P	P	P	P	P	P
Education, Non-Profit	P	P	P	P	P	P
Education, For-Profit	--	--	--	--	P	SPP
Theatre or Performance Space	--	--	--	--	P	SPP
Commercial Uses						
Animal Services (No Boarding)	--	--	--	--	SPP	SPP
ATM Standalone	--	--	--	--	P	SPP
Bank	--	--	--	--	P	SPP
Business Incubator	--	--	--	--	P	SPP
Business Services	--	--	--	--	P	SPP
Car Sharing or Rental	--	--	--	--	SPP	SPP
Bicycle or Scooter Rental	--	--	--	--	P	SPP
Car Charging Station (accessory)	--	--	--	--	P	SPP
Craft Beverage Establishment	--	--	--	--	SPP	SPP
Dry Cleaning or Laundry, Retail	--	--	--	--	P	SPP
Food Service Establishment	--	--	--	--	P	SPP
Funeral Home	--	--	--	--	SPP	SPP
Health Club or Gym	--	--	--	--	P	SPP
Hotel and Lodging Establishment	--	--	--	--	SPP	SPP
Job Printing (<= 3000 s.f.)	--	--	--	--	P	SPP
Job Printing (> 3000 s.f.)	--	--	--	--	SPP	SPP
Office	--	--	--	--	P	SPP
Open Air Business	--	--	--	--	SPP	SPP
Food Truck	--	--	--	--	SPP	SPP

Parking Facility, Accessory	--	--	--	--	P	SPP
Parking Facility, Non-Accessory	--	--	--	--	P	SPP
Personal Services (<= 5000 s.f.)	--	--	--	--	P	SPP
Personal Services (> 5000 s.f.)	--	--	--	--	P	SPP
Place of Amusement, Indoor	--	--	--	--	P	SPP
Radio or TV Broadcasting Studio	--	--	--	--	P	SPP
Retail Sales (<= 5000 s.f.)	--	--	--	--	P	SPP
Retail Sales (> 5000 s.f.)	--	--	--	--	P	SPP
Services (<= 5000 s.f.)	--	--	--	--	P	SPP
Services (> 5000 s.f.)	--	--	--	--	P	SPP
Veterinary Hospital	--	--	--	--	P	SPP
Industrial and Related Uses						
Commercial Art Studio	--	--	--	--	SPP	SPP
Craft and Artisan Manufacturing or Assembly	--	--	--	--	SPP	SPP
Wireless Telecommunications Facility	--	--	--	--	SPP	SPP
Brewery, Cidery, Winery, Meadery, Distillery (non-micro)	--	--	--	--	SPP	SPP
Accessory Uses						
Home Occupations						
P = Permitted -- = Not-Permitted L = Allowed w/ Limitations SPP = Special Permit Planning Board SPZ = Special Permit ZBA						

§9.9 Administration.

A. Site Plan Review

1. Purpose. 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. Site plan review is required as per the Requirements of §7.3 of the Zoning Bylaw.
3. Authority. The Planning Board or their designee is the granting authority for site plan review.

4. Submission Requirements, Process, and Review Criteria. Whenever site plan review is required under the provisions of the MOZ, the provisions of §7.3, Site Plan Review, shall be followed.

B. Special Permit Review

1. A special permit application shall be submitted and reviewed in accordance with §7.3, except in lieu of the criteria in §7.4, the Planning Board shall not approve any application for a special permit in the MOZ unless it finds, in its judgment, that the proposal meets all the following criteria:
 - a. The proposed development is consistent with the intent and purposes of the MOZ;
 - b. The specific site is an appropriate location for the proposed use and/or building(s);
 - c. The proposed development does not have material and adverse effects on its surroundings;
 - d. The proposed development enhances the public realm and pedestrian experience;
 - e. The site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint.

§9.10 Development Review.

- A. Applicability. The density and dimensional controls of the MOZ apply to all buildings, structures, and uses on a lot that has opted-in to a listed MOZ zone.
- B. Approval Process.

1. A pre-submittal discussion or meeting with the Development Review Committee (DRC) is recommended for all development.
2. Development that requires site plan review shall be reviewed in accordance with §9.9, Administration.
3. Development that requires a special permit shall be reviewed in accordance with §9.9, Administration.
4. Site Plan Review Required shall be required for all opt-in development within a MOZ zone
5. The Planning Board is the granting authority for all development that requires site plan review.
6. Special Permit Applicability.
 - a. Projects seeking density bonus for MOZ5 of one (1) additional residential story based on the provision of a full ground floor of commercial space.

Commented [RC44]: This was taken from Newton. Is it necessary and duplicative or overlapping with the provisions of 9.9? A bit confusing.

Commented [KC45R44]: Recommend combining this section with the previous one to simplify.

Commented [RC46R44]: Agree