

TOWN OF MELROSE ZONING BYLAWS

TABLE OF CONTENTS

AMENDMENTS

Article I. Title, Authority and Purpose, §§ 1.1-1.3

Article II Definitions, § 2.1

Article III. Establishment of Districts, §§ 3.1-3.4

Article IV. Interpretation and Application, §§ 4.1-4.4

Article V. Use Regulations, §§ 5.1-5.4

Article VI. Dimensional and Density Regulations, §§ 6.1-6.8

Article VII. Signs, §§ 7.1-7.6

Article VIII. Off-Street Parking and Loading Regulations, §§ 8.1-8.11

Article IX. Nonconforming Uses, Structures, and Lots, §§ 9.1-9.9

Article X. Administration and Enforcement, §§ 10.1-10.9

Article XI. Special Permits and Conditions, §§ **11.1-11.6, 11.7-11.10, 11.11-11.13**

Article XII. Removal and Filling, §§ 12.1-12.3

Article XIII. Home Occupation, § 13.1

Article XIV. Amendment, Validity, and Effective Date, §§ 14.1-14.3

Article XV. Flood Plain Districts, §§ 15.1-15.5

Article XVI. Wireless Communication Service Facilities

* Editor's note- Printed herein is the revised zoning ordinance of the city adopted by the Board of Aldermen on November 27, 1972, as amended. Amendments adopted after November 27, 1972 are shown on the following pages and are indicated by parenthetical history notes following the amended provisions. A uniform system of punctuation and capitalization has been used. Obvious misspellings have been corrected without notation and material in brackets has been added for clarity.

Cross References- Buildings and building regulations, Ch. 4; public works, Ch. 15.

ARTICLE I. TITLE, AUTHORITY, AND PURPOSE*

Section 1.1 Short Title.

TOWN OF MELROSE ZONING BYLAWS

This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Melrose, Massachusetts," hereinafter referred to as "this Ordinance."

Section 1.2 Authority.

This Ordinance is adopted pursuant to the Authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this Ordinance and where such amendments are mandatory, such amendments shall supersede any regulations of this Ordinance which have been set forth on the basis of the Zoning Act in existence at the effective date of this Ordinance.

Section 1.3 Purpose.

This Ordinance is enacted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fires, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city; and to preserve and increase its amenities and to encourage an orderly expansion of the tax base by utilization, development, and redevelopment of land. It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Planning Board, including the making of Melrose a more viable and more pleasing place to live, work, and play.

***State law reference-** Authority of cities as to zoning, G.L., c. 40A .

ARTICLE II. DEFINITIONS

Section 2.1 General.

For the purpose of this Ordinance and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Melrose Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the Table of Use Regulations under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

TOWN OF MELROSE ZONING BYLAWS

Abandonment. The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or the replacement of a nonconforming use or structure by a conforming use or structure.

Administrative officer. The Building Commissioner, City of Melrose, Massachusetts.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, s. 31 as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory stock or more than twenty-five percent (25%) of the subject premises's gross floor area. (Ord. of 12/16/96)

Adult Club. A club, restaurant, function hall, or similar private or commercial establishment which regularly features:

- a. persons who appear in a state of nudity as defined in MGL c. 272, s. 31 as amended; or
- b. live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, s. 31, as amended, or
- c. films, motion pictures, video cassettes, slides, or other photographic, magnetic or electronic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, s. 31, as amended. (Ord. of 12/16/96)

Adult Motion Picture Theatre. An enclosed building used for presenting material (motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, s. 31, as amended. (Ord. of 12/16/96)

Adult Paraphernalia Store. An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in MGL c. 272, s. 31, as amended. (Ord. of 12/16/96)

Adult Use. An Adult Bookstore, Adult Club, Adult Motion Picture Theatre, Adult Paraphernalia Store, or Adult Video Store as defined in this ordinance. (Ord. of 12/16/96)

TOWN OF MELROSE ZONING BYLAWS

Adult Video Store. An establishment having as a substantial or significant portion of its stock in trade, for sale or rent, motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, s. 31, as amended. For purposes herein, "substantial or significant portion of stock" shall mean more than twenty-five percent (25%) of the subject establishment's inventory stock or more than twenty-five percent (25%) of the subject premises's gross floor area. (Ord. of 12/16/96)

Alteration. Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

Antenna. A device for directly transmitting or receiving electromagnetic transmissions. (Ord. of 1/4/99)

Apartment house. A building designed or intended or used as the home or residence of three (3) or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways.

Basement. A portion of a building, partly below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four (4) feet or more above the averaged finished grade.

Board. The Board of Appeals of the City of Melrose, Massachusetts.

Building. A combination of any materials, whether portable or fixed, having a roof, enclosed within the exterior walls or fire walls, built to form a structure for the shelter of persons, animals, or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Building, accessory. A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

Building area. The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies and terraces.

Building, attached. A building having any portion of one or more walls in common with adjoining buildings.

Building coverage. The building area expressed as a percent of the total lot area.
Building, detached. A building having open space on all sides.

Building, historical. A building certified or qualified for certification by the Massachusetts Historical Commission in accordance with their published standards as a historical landmark.

TOWN OF MELROSE ZONING BYLAWS

Building, nonconforming. An existing building or structure, or the existing use of any building or structure at the time of adoption of this ordinance, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

Building, principal. A building in which is conducted the principal use of the lot on which it is located.

Cellar. A portion of a building, partly or entirely below grade, which has more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

Certificate of occupancy. A statement signed by the Building Commissioner, setting forth either that a building or structure complies with the zoning ordinance or that a building structure or parcel of land may lawfully be employed for specified use, or both.

Common land. A parcel or parcels of open space within the site designated for a cluster or planned unit development, maintained and preserved for open uses, and designed and intended for the use or enjoyment of residents of these developments, but not including parking areas or ways, public or private. Common land may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.

Communications Tower. A tower that is free standing or anchored with cables, used to support an antenna, or other voice or data transmission and receiving devices. (Ord. of 1/4/99)

District. A zoning district as established by Article III of this Ordinance.

Drive-in establishment. A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like; and automotive service stations, gasoline stations, or the like.

Drive-in eating establishment. A commercial establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

Driveway. An open space, located on a lot, which is not more than twenty-four (24) feet in width built for access to a garage, or off-street parking or loading space.

Dwelling. A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, which is occupied in whole or in part as the home residence or sleeping place of one or more persons. The terms "one-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

Dwelling unit. One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking, and sanitation.

TOWN OF MELROSE ZONING BYLAWS

Dwelling, multi-family. A building containing three (3) or more dwelling units and including apartment house, garden apartment house and multi-family dwellings.

Essential services. Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

Family. An individual or two (2) or more persons related by blood or marriage living together as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including, provided dwelling is owner occupied, not more than three (3) lodgers or roomers taken for hire. A group of individuals (including necessary domestic help such as nurses or servants, but excluding lodgers or roomers taken for hire) not related by blood or marriage, but living together as a single housekeeping unit, may constitute a family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a single family.

Floodline. The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in twenty-five (25) years, as determined and certified by a registered professional engineer, qualified in drainage.

Floodway. The area subject to periodic flooding, the limits of which are determined by the floodline.

Floor area, gross. The sum of the gross horizontal area of the several floors including basements of a principal building and its accessory buildings on the same lot, measured from the exterior faces of the walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance; or any such floor space intended or designed for accessory heating, ventilating and air-conditioning equipment.

Floor area ratio. The ratio of the gross floor area to the total lot area.

Frontage. The length of continuous lineal footage of a lot as measured between the intersection of the side lot lines along a street. In the case of a corner lot, frontage shall be measured from the side lot line along the street to the intersection of street lines or street lines extended. A circle, the diameter of which is not less than eighty percent (80%) of the required minimum lot frontage and is tangent to the street lot line at any point, must be able to fit within all other lot lines. The acute angle measured between the frontage and any side lot line shall not be less than fifty-five (55) degrees. (Ord. of 5/1/95)

TOWN OF MELROSE ZONING BYLAWS

Garage. A building or structure or a portion thereof, in which a motor vehicle containing a flammable fluid in its fuel storage tank or other propellant is stored, housed, and kept. This does not include a new car salesroom.

Garage, carport. A roofed structure attached to a residence, enclosed on not more than two (2) sides, designed to house one, two (2) or three (3) motor vehicles.

Garage, community. A group of private garages, either detached or under one roof, arranged in a row or around a common means of access.

Garage, private. A garage for housing motor vehicles only, with a capacity of not more than three (3) vehicles.

Garage, public. Any garage not included in the definition of a private garage or a community garage.

Height. The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof or the mean level of the highest gable or slope of a hip roof.

Home occupation. An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not occupy more than forty (40) percent of the gross floor area of one thousand (1,000) square feet, whichever is less, of the dwelling unit so used. In connection with such use, there is to be kept no stock in trade nor commodities sold on the premises which occupies space beyond the limits set forth above. Such use shall be carried on by the occupants of the dwelling unit with no more than one nonresident employee, and shall not in any manner change the residential character of the building.

Hospital. A building providing, among others, twenty-four-hour in-patient services for persons admitted thereto for the diagnosis, medical, surgical or restorative treatment or other care of human ailments, including a sanitarium and clinic.

Hospital, veterinary. A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

Hotel. A building or any part of a building containing rooming units without individual cooking facilities and having a common entrance or entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

In-law apartment. A dwelling unit, either contained within an owner occupied one-family structure (such as, but not limited to, a cellar or attic) or attached thereto (such as, but not limited to, a garage or barn) which constitutes separate living facilities for immediate members of the family such as mother and/or father or a son and/or daughter or their respective spouses. See "Dwelling Unit" as defined in Section 2.1. An accessory in-law apartment is a separate, subordinate living area constructed as part of an existing owner-occupied single family structure and built in a manner which maintains the appearance of a single family structure.

TOWN OF MELROSE ZONING BYLAWS

There shall be no boarders or lodgers within either unit of a dwelling with an accessory in-law apartment.

No accessory in-law apartment shall be constructed without a building permit issued by the Building Inspector.

No use as an accessory in-law apartment shall be permitted prior to a certificate of occupancy by the Building Inspector.

A certificate of occupancy shall be issued for three years.

Continued occupancy shall require issuance of a new certificate of occupancy.

The dwelling unit shall be located within the single family dwelling as it existed on January 1, 1990.

The dwelling unit shall occupy no more than one-third of the gross floor area, as of January 1, 1990.

Junk. Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard. The use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building; or the use of any portion of any lot that joins any street, for the storage, keeping or abandonment of junk.

Line, building. The line established by this ordinance beyond which a building shall not extend, except as specifically provided in this ordinance.

Loading space. An off-street space at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than one thousand three hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Building Commissioner to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above.

Lodging house. A building containing four (4) or more lodging units.

Lodging unit. One or more rooms for the semi-permanent use of one, two (2) or three (3) individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories of charitable, educational or philanthropic institutions; or apartments or hotels.

TOWN OF MELROSE ZONING BYLAWS

Lot. An area or parcel of land or any part thereof, not including water area, in common ownership, designated on a plan filed with the building commissioner by its owner or owners as a separate lot and having boundaries identical with those recorded in the Middlesex County Registry of Deeds.

Lot, corner. A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended lot lines, being not more than one hundred thirty-five (135) degrees. For purpose of this ordinance, each street frontage shall be considered a front yard and the remaining two yards shall be considered rear yards. (Ord. of 5/1/95)

Lot depth. The mean horizontal distance between the front lot line and the rear lot line.

Lot, interior. A lot, excluding a corner lot, the side lot lines of which do not abut on a street. (Ord. of 5/1/95) *Lot line, front.* The property line dividing a lot from a street right-of-way.

Lot line, rear. The lot line opposite from the front lot line.

Lot line, side. Any lot line not a front or rear lot line.

Lot, nonconforming. A lot lawfully existing at the effective date of this ordinance, or any subsequent amendment thereto, which is not in accordance with all provisions of this ordinance.

Lot, through. A lot, the front and rear lot lines of which abut streets; or a corner lot, two (2) opposite lines of which abut streets.

Lot, width. The horizontal distance between the side lot lines as measured at the minimum front yard depth required by this ordinance, and parallel to the street line.

Membership club. A social, sports, or fraternal association or organization which is used exclusively by members and their guests and is not conducted as a gainful business.

Monopole. The type of mount that is self-supporting with a single shaft of wood, steel and or concrete and a platform (or racks) for panel antennas arrayed at the top. (Ord. of 1/4/99)

Open space. The space on a lot unoccupied by buildings or structures, unobstructed to the sky by manmade objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

Owner. The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

Parking space. An off-street space inside or outside a structure for exclusive use as a parking stall for one motor vehicle. (Ord. of 5/1/95)

TOWN OF MELROSE ZONING BYLAWS

Planned development. A development involving the construction of two (2) or more principal buildings on the same lot for any permitted use.

Repair. With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

Service station. A building or part thereof whose chief activity is the selling of gasoline, oil, and related products for motor vehicles or the provision of lubricating service or general auto repair.

Setback. The shortest horizontal distance from the front lot line to the nearest building wall or building part not specifically excluded by section 6.8.

Sign. Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, streamer, display, emblem, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion, illumination, and/or location.

Sign, business. A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

Sign, identification. A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

Sign, roof. A sign erected on or affixed to the roof of a building.

Sign, standing. A sign erected on or affixed to the land, including any exterior sign not attached to a building.

Sign, surface area of. For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

Sign, wall. A sign affixed to the exterior wall of a building and extending not more than fifteen (15) inches therefrom. Special exception (special permit). A use of a structure or lot or any action upon a premises which may be permitted under this ordinance only upon application to and on approval and issuance of a special permit by the board, and in accordance with provisions of Article X.

Story. The portion of a building which is between one floor and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed a story. A basement shall be deemed to be a story when its ceiling is four (4) or more feet above the finished grade. A cellar shall not be deemed a story. An attic shall not be deemed a story if unfinished and without human occupancy.

TOWN OF MELROSE ZONING BYLAWS

Story, half. A story under a gable, hipped, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street. A way which is twenty-one (21) or more feet in right-of-way width which is accepted or devoted to public use by legal mapping or by any other lawful procedure. It shall be synonymous with the word road, avenue, highway, and parkway, and similar designations.

Structure. A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, or the like.

Townhouse. A row of at least three (3) but not more than five (5) one-family dwelling units whose side walls are separated from the other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner. (Ord. of 7/20/87)

Trailer. Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or business, or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purpose of this ordinance.

Use. The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

Use, accessory. A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed forty (40) percent of the area of the total use of the structure and/or lot on which it is located.

Use, nonconforming. A use lawfully existing at the time of adoption of this Ordinance or any subsequent amendment thereto which does not conform to one or more provisions of this ordinance.

Use, principal. The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered as accessory use.

Use, substantially different. A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Utility Cabinets, public/private. Any structure used by a public utility for providing continuity of service not over seven feet in height and requiring less than 200 square foot base area of which only 50% may be occupied by cabinet. (Ord. of 10/16/89)

TOWN OF MELROSE ZONING BYLAWS

Variance. Such departure from the terms of this ordinance as the board, upon appeal in specific cases, is empowered to authorize under the terms of Article X.

Wireless Communication Company. An entity that provides wireless communication services. For zoning purposes a Wireless Communications Company is not a Public Services Corporation or a Public Utility and must comply with the provisions of the Melrose Zoning Ordinances. (Ord. of 1/4/99)

Wireless Communications Service Facility (WCSF). Facility for the provision of personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, such facilities include but are not limited to transmitting and receiving equipment, antennas, antenna structures and supports and related accessory structures or equipment, monopoles and satellite dishes over three feet in diameter. (Ord. of 1/4/99)

Wireless Communications Services. Personal Wireless Services as defined in the Federal Telecommunications Act of 1996, as amended, by way of example but not limitations, personal wireless services includes cellular telephone services, personal communications services (PCS) and commercial mobile radio services. (Ord. of 1/4/99)

Yard. A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two (2) sides open to lot lines.

Yard, front. A yard extending for the full width of the lot between the front line of the nearest building wall or building part not specifically excluded by Section 6.8 and the front lot line.

Yard, rear. A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

Yard, side. Yard extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE III. ESTABLISHMENT OF DISTRICTS

Section 3.1 Division into Districts.

The City of Melrose, Massachusetts, is hereby divided into fourteen (14) Zoning Districts to be designated as follows:

<i>Full Name</i>	<i>Class</i>	<i>Short Name</i>
Suburban Residence	Residential	SR

TOWN OF MELROSE ZONING BYLAWS

A Suburban Residence	Residential	SR-A
B Suburban Residence	Residential	SR-B
A Urban Residence	Residential	UR-A
B Urban Residence	Residential	UR-B
C Urban Residence	Residential	UR-C
D Urban Residence	Residential	UR-D
General Business	Business	BA
General Business	Business	BA-1
Extensive Business	Business	BB
Extensive Business	Business	BB-1
Local Business	Business	BC
Medical Business	Business	BD
Industrial	Industrial	I

Residential Districts, as a group, are herein referred to as "R" districts.

Business Districts, as a group, are herein referred to as "B" districts.

Industrial Districts, as a group, are herein referred to as "I" districts.

Section 3.2 Zoning map.

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the City of Melrose, Massachusetts," dated November, 1972, which accompanies and is hereby declared to be a part of this Ordinance. The authenticity of the Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and the imprinted seal of the city under the following words: "This is to certify that this is the Zoning Map of the City of Melrose, Massachusetts, referred to in the Zoning Ordinance of the City of Melrose, Massachusetts, which was adopted by the Board of Aldermen on November 27, 1972."

Section 3.3 Changes to Map.

Any change in the location of boundaries of a Zoning District hereafter made through the amendments of this Ordinance shall be indicated by the alteration of such map, such changes to be dated and authenticated as prescribed in Section 3.2. The map thus altered is declared to be part of the Ordinance thus amended. The Building Commissioner shall be responsible for making changes to the Zoning Map. Such changes shall be made within fourteen (14) days of the final approval of amendments. The Zoning Map shall be drawn at a scale of one inch equals six hundred fifty (650) feet with ink on stable material, and shall be located in the office of the Building Commissioner. Photographic reductions of this large scale map may serve as copies of the Zoning Map.

TOWN OF MELROSE ZONING BYLAWS

Section 3.4 Boundaries of Districts.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, alley, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a city boundary, then to the limits of the city boundary.
2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
3. Where a dimensional boundary or the actual property boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or in the case of a curved centerline, to the tangent to the curve at the point of intersection.
5. The abbreviation "PL" means property line as shown on the City Assessor's Map as in effect at the effective date of this Ordinance. The abbreviation "PL," when used in conjunction with a subsequent amendment to this Ordinance, shall mean a property line as shown on the City Assessor's Map as in effect at the effective date of such amendment.
6. The abbreviation "CL" means "Centerline" and "CI" means "Center of Intersection."

ARTICLE IV. INTERPRETATION AND APPLICATION

Section 4.1 Interpretation.

The provisions of this Ordinance shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the City of Melrose, Massachusetts, and except for Chapter 25, Zoning, of the Revised Ordinances of 1956, City of Melrose, Massachusetts, and all subsequent amendments thereto the provisions of this Ordinance are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted ordinance, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

Section 4.2 Application.

Except as herein provided, the provisions of this Ordinance shall apply to the erection, construction, reconstruction, alteration, or use of buildings, structures, or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any

TOWN OF MELROSE ZONING BYLAWS

action become nonconforming and any existing nonconforming use, structure or lot shall not become further nonconforming.

Section 4.3 Existing Buildings and Land.

This Ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this Ordinance, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension, or structural change, and to any alteration of a building or structure to provide for its use for a purpose or a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent, except as hereinafter provided. (Ord. of 7/16/73)

Section 4.4 Mixed Uses.

In cases of mixed occupancy, the regulations for each use shall apply to the portion of the building or land so used.

ARTICLE V. USE REGULATIONS

Section 5.1 Applicability of Use Regulations.

Except as provided in this Ordinance, no building, structure, or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited.

Section 5.2 Permitted Uses.

In the following table of use and parking regulations, the uses permitted by right in the district shall be designated by the letter "P", except that any use listed in the following table of use and parking regulations as a permitted use, the proposed location of which does not abut on a street which is laid out and accepted as a traveled way, or which has not been built to subgrade, so that such way or street is passable for fire apparatus and other traffic, or which abuts on a street or way in which there is no public sewer or in which there is no water available for connection with the building after completion, may be permitted only as an exception by special permit. Those uses that may be permitted as an exception by special permit in the district, in accordance with articles X and XI, shall be designated by the letter "S". Uses designated (-) shall not be permitted in the district.

Section 5.3 Uses Subject to Other regulations.

Uses permitted by right or by special exception shall be subject, in addition to use regulations, to all other provisions of this Ordinance.

TOWN OF MELROSE ZONING BYLAWS

Section 5.4 Table of Use and Parking regulations.

See table on accompanying pages which is declared to be a part of this ordinance.

ARTICLE VI. DIMENSIONAL AND DENSITY REGULATIONS

Section 6.1 Applicability of Dimensional and Density Regulations.

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot depth, minimum front yard depth, minimum side yard width, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum building area, maximum floor area ratio, and minimum open space shall be as specified in this section and as set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of this Ordinance.

Section 6.2 Table of Dimensional and Density Regulations.

See table on accompanying pages plus attached notes, which are declared to be part of this Ordinance.

Section 6.3. Reduction of Lot Areas.

The lot or yard areas required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Ordinance, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this ordinance if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made. At least sixty percent (60%) of the lot area required for zoning compliance shall be contiguous land other than land located in a wetland, as defined in Chapter 131, Section 40, M.G.L., or land located under a brook, creek, stream, river, pond, or lake. (Ord. of 5/1/95)

Section 6.4 Separation of Lots.

Lots shall not be separated or transferred in ownership so as not to comply with the provisions of this Ordinance.

Section 6.5 Screening and Buffers; Industrial or Business Districts.

Screening and buffers shall be required in any industrial or business district which adjoins a residential district as follows: this strip shall be at least twenty-five (25) feet in width, except when abutting a residential use in the UR-C district, in which case the width may be reduced to ten (10) feet. It shall contain a screen of plantings of vertical

TOWN OF MELROSE ZONING BYLAWS

habitat in the center of the strip not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three (3) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least fifty (50) percent of the plantings shall consist of evergreens and they shall be evenly spaced.

Section 6.6 Buildings in a Floodway.

A building, except a boathouse, shall not be erected in a floodway or in any area subject to periodic flooding unless the first floor elevation is higher than the highest flood recorded. If such flood elevation shall have been reduced by construction of dams at the headwaters, or by other means, the first floor elevation may be correspondingly lowered to the reduced flood level.

Section 6.7 Accessory Buildings and Other Structures.

In the "R" districts, a detached accessory building shall conform to the provisions set forth in the following schedule:

District	Maximum coverage- Percent of Required Rear Yard Area (1)	Distance From Lot Line (feet)		Building Height (feet)
		Front	Side and Rear	
SR	25	20	10	20
SR-A	25	20	10	20
SR-B	40	15	10	20
UR-A	50	15	4*	20
UR-B	50	15	4*	20
UR-C	50	15	4*	20
UR-D	50	15	4*	20

(1) The required rear yard area is calculated by multiplying the required rear yard depth by the required lot width.

(2)*The required distance from side and rear lot lines for accessory private swimming pools shall be ten (10) feet in all districts. Any swimming pool with sidewalls over two (2) feet in depth shall be enclosed in an impassable six-foot-high fence with a self-latching gate, or an equivalent enclosure or means of protection from access to the pool, as defined in the State Building Code. Self-enclosed pools shall be enclosed to a height of six (6) feet above ground level with a self-latching gate, or an equivalent impassable enclosure as approved by the Building Commissioner. (Ord. of 12/18/78) An accessory building attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side, and rear yard requirements applicable to the principal building. Accessory buildings in the "B" and "I" districts may be located on the lot so as not to violate the minimum front yard, height restrictions, and minimum open space

TOWN OF MELROSE ZONING BYLAWS

requirements set forth in the Table of Dimensional and Density Regulations. Other accessory structures shall be governed by the regulations for accessory buildings unless specifically exempt by the Board as a special exception.

Section 6.8. Other General Dimensional and Density Provisions.

In addition to the regulations in Sections 6.1 through 6.7 above, the following regulations shall apply:

1. Existing residential uses in all non-residential districts shall be subject to the regulations for the particular type of dwelling in the UR-C district. Any new residential uses in nonresidential districts shall be subject to the dimensional and density regulations of the nearest residential district as determined by the Building Commissioner.
2. Except for planned developments for multifamily development, cluster residential development, planned unit development, or commercial development, and except for community facilities, and public utilities, only one principal structure shall be permitted on a lot. In the case of planned multifamily developments other than planned unit development, the minimum distance between the walls of such principal buildings which contain windows shall be twice the minimum side yard or side setback required in the district. The minimum lot area required per each individual dwelling unit, building, or other unit or use shall be multiplied by the number of such units to obtain the minimum lot area required for the total tract of land. Other area regulations shall apply to the tract.
3. A corner lot shall have minimum street yards with the depths which shall be the same as the required front yard depths for the adjoining lots.
4. At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.
5. Projections into required yards or other required open spaces are permitted subject to the following:
 - a. Balcony or bay window, limited in total length to one half the length of the building, not more than two (2) feet.
 - b. Open terrace or steps or stoop, such as a porch, platform, or entrance stair-way, under four (4) feet in height, up to one-half the required yard setback. (Ord. of 5/1/95)
 - c. Steps or stoop over four (4) feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure, or similar architectural features, not more than two (2) feet.

TOWN OF MELROSE ZONING BYLAWS

- d. No permit shall be required for the erection or replacement of fixed or retractable awnings installed on one- and two-family dwellings, unless they project over public property, or for retractable awnings installed above the first story or where the awning does not project over the public street or lot line or over any court or yard serving as a passage from a required exitway to a public street. For any other fixed or retractable awning, canopy, or hood, a building permit shall be obtained from the Building Commissioner for the erection, repair, or replacement of any such device which shall meet the requirements of the state building code. Lettering on the skirt of an awning is permissible but such lettering shall be limited to the name of the owner or establishment.
6. The provisions of this Ordinance governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above the roof, nor domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than twenty (20) percent of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennae, and other like structures, which do not occupy more than twenty (20) percent of the lot area; nor to churches or public, agricultural or institutional buildings or private schools not conducted for profit that are primarily used for school purposes, provided the proposed appurtenances are not located within the flight paths of an airport or heliport as defined by FAA regulations, and approved by the FAA.
7. The maximum gross floor area for a commercial establishment in a BC district shall be ten thousand (10,000) square feet.
8. Where the existing development along a block amounts to more than fifty (50) percent of the block frontage, and where said development has an average setback less than required by this Ordinance, then any vacant lot setback may be reduced to said average of the existing development.
9. The gross floor area of each one-family detached dwelling and per dwelling unit in a two-family dwelling shall not be less than seven hundred sixty-eight (768) square feet. The gross floor area in a multifamily shall not be less than four hundred fifty (450) square feet for one-bedroom dwelling units, six hundred (600) square feet for two-bedroom units, and seven hundred sixty-eight (768) square feet for three-bedroom or larger units.
10. In all districts the lot width as measured at any point between the front lot line and the rear building line shall not be less than that prescribed in the Table of Dimensional and Density regulations.

TOWN OF MELROSE ZONING BYLAWS

11. At no street intersection in any district shall any new or replacement organic material, excepting a lawn or groundcover, be planted or permitted to grow, nor any obstruction to vision exceeding the lesser of three (3) feet in height above the plane established by the intersecting streets, or thirty (30) inches above the sidewalk, be placed, nor shall existing organic material be permitted to grow above such height, on any lot within the triangular area formed by the intersecting curbs at a distance of twenty five (25) feet from the corner. Where curbs do not exist, measurement shall be made along edge of pavement. (Ord. of 12/18/78)

12. A fence, hedge, wall, sign, or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over three (3) feet in height above the adjacent ground within five (5) feet of the front lot line unless it can be shown that such vegetation will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

ARTICLE VII. SIGNS

Section 7.1 Applicability

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Melrose and other applicable city regulations. No signs shall be permitted except in accordance with the following regulations.

Section 7.2 General Sign Regulations.

1. Any traffic or directional sign owned and installed by a governmental agency shall be permitted.

2.

a. Temporary banners for drive-in establishments or automotive establishments shall be permitted except as provided in subsection 7.2.3. of this section. Temporary shall be construed to mean any period not exceeding thirty (30) consecutive days.

b. Political signs shall be permitted, not exceeding six (6) square feet, and subject to the further provisions of subsection 7.2.3. of this section. (Ord. of 10/17/94)

3. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. A sign or any part thereof which moves or flashes, all of the traveling light or

TOWN OF MELROSE ZONING BYLAWS

animated type, and all beacons and flashing devices are prohibited. All illumination of signs must be so arranged as to prevent glare onto any portion of any public way or into any residential area.

4. No more than two (2) signs shall be allowed for any one business or industrial establishment in the "B" and "I" districts.
5. No more than one sign shall be allowed for any one premises in the "R" district.
6. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product.
7. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.
8. Any sign attached to a building shall not extend above the height of the roof of the building.
9. No sign shall be erected so as to obstruct any door, window, or fire escape on a building.
10. At the boundary line of the city, and within a street right-of-way, a sign not exceeding five (5) square feet in area indicating the meetings of any Melrose civic organization may be erected only after the granting of a special permit by the board.

Section 7.3 Signs Permitted in Any "R" District.

1. One professional nameplate for each medical doctor or dental practitioner, provided such sign shall not exceed one square foot in surface area.
2. One identification sign for each dwelling unit, provided: such sign shall not exceed one (1) square foot in surface area; if lighted, it shall be illuminated with a white, steady stationary light of reasonable intensity, shaded and directed solely at the sign, not casting light off the premises, and not used other than for identifying the occupancy. (Ord. of 5/1/95)
3. One identification sign for each membership club, funeral establishment, hospital, place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten (10) square feet in surface area; if lighted, it shall be illuminated with a white, steady stationary light; of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises, and set back at least one-half of the required depth of the front yard. For a church, community facility, and place of public assembly, one additional sign up to forty (40) square feet in surface area may be allowed. (Ord. of 5/1/95)

TOWN OF MELROSE ZONING BYLAWS

4. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided: it shall not exceed six (6) square feet in surface area; and it shall be set back at least (10) feet from the street lot line.
5. One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided: it shall not exceed four (4) square feet in surface area; and it shall be set back at least ten (10) feet from the street lot line.

Section 7.4 Signs Permitted in Any "B" District.

1. Signs permitted in section 7.3 are allowed in any "B" district. (Ord. of 5/1/95)
2. Business signs shall be permitted as follows:
 - a. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than ten (10) percent of the area of the wall on which it is displayed, or one hundred (100) square feet, whichever is the lesser; and if lighted, it shall be illuminated internally or by indirect method with white light only.
 - b. One pole sign for each street frontage of a drive-in establishment, including automobile service stations, provided: it shall not exceed forty (40) square feet in surface area; no portion of it shall be set back less than ten (10) feet from any street lot line; it shall not be erected so that any portion of it is over fifteen (15) feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.
 - c. One standing sign for each lot street frontage of a business establishment in the "BB" district, provided: it shall not exceed one hundred (100) square feet in surface area, on any one side; no portion of it shall be set back less than ten (10) feet from any street lot line; it shall not rise to more than fifteen (15) feet from the ground or sidewalk; and it shall be illuminated internally by white or blue light only. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.

Section 7.5 Signs Permitted in the "I" District.

1. Business signs shall be permitted as follows:
 - a. One wall sign subject to the regulations set forth in section 7.4 above.
 - b. One standing sign or one pole sign for each establishment, provided: it shall not exceed one hundred fifty (150) sq. ft. in surface area; it shall be set back at least fifteen (15) feet from any street lot line; it shall not be erected so that any portion of it is over fifteen (15) feet from any street lot line; it shall not be erected so that any portion of it is over fifteen (15) feet

TOWN OF MELROSE ZONING BYLAWS

above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.

Section 7.6 Nonconforming Signs.

Any sign existing at the date of adoption of this ordinance, but which does not conform to these regulations by reason of its size, location, type or lighting, shall either be altered so as to become conforming or removed within five (5) years of the date of adoption of this ordinance.

ARTICLE VIII. OFF-STREET PARKING AND LOADING REGULATIONS

Section 8.1 Off-Street Parking Requirements.

After the effective date of this Ordinance, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new land use or any change in an existing use in its entirety in accordance with the Table of Use and Off-Street Parking Regulations (See Article V), the Table of Off-Street Parking Regulations, and other requirements as contained herein.

The Parking Code stipulated in the Table of Use and Parking Requirements shall correspond to the use and space requirements set forth in the Table of Off-Street Parking Regulations as presented in this article.

<i>Parking Code</i>	<i>Use</i>	<i>Number of Off-Street Parking spaces</i>
A1	Dwelling, single, and single including in-law apartment.	Two parking spaces. (Ord. of 5/1/95)
A2	Dwelling, two-family.	Four parking spaces. (Ord. of 5/1/95)
B	Dwelling, multifamily.	Two per dwelling unit except housing for the elderly in which case it shall be one for each three dwelling units. (Ord. of 5/4/87)
C	Lodging house, dormitory, fraternity, sorority, YMCA, YWCA, and similar types of group quarters.	One per rental or sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit.
D	Theater, restaurant, gymnasium, auditorium, or similar place of public assembly with seating facilities.	One for each four seats of total seating capacity.

TOWN OF MELROSE ZONING BYLAWS

E	Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are usually extensive in relation to customer traffic.	One per 1,000 sq. ft. of gross floor space. In the case of outdoor display areas, one for each 1,000 sq. ft. of lot area in use.
F	Hotel, motel, tourist court.	One for each sleeping room, one for each 400 sq. ft. of meeting area and restaurant space.
G	Other retail, service, finance, insurance, real estate establishment, or adult use. (Ord. of 12/16/96)	One per each 300 sq. ft. of gross floor space.
G-1	Medical office (including Doctors, Dentists, and Clinics)	One per each 200 sq. ft. of gross floor area. (Ord. of 5/1/95)
H	Wholesale establishment, warehouse, or storage establishment.	One per each 1000 sq. ft. of gross floor space.
I	Manufacturing or industrial establishment.	One per each 600 sq. ft. of gross floor space OR 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
J	Hospital	One per each 600 sq. ft. of gross floor area. (Ord. of 5/1/95)
K	Nursing Home	One per bed at design capacity.
L	Business, trade or industrial school or college, country clubs.	One for each 200 square feet of gross floor area in classrooms and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity (Refer to Code D).
M	Other school.	Two per classroom in an elementary & junior high school; four per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
N	Community Facility (city building, recreation, etc.).	One per each 400 sq. ft. of gross floor space.
O	Public Utility.	One for each 400 sq. ft. of gross floor space.
P	Transportation terminal establishment.	One for each 600 sq. ft. of gross

TOWN OF MELROSE ZONING BYLAWS

	home occupation	floor area.
Q	Mixed use.	Sum of various uses computed separately.
R	Any use permitted by this ordinance not interpreted to be covered by this schedule.	Closest similar use as shall be determined by the Building Commisioner.
T	Mixed residential and home occupation use.	The applicable residential off-street parking requirement plus one for each 600 sq. ft. of gross floor area used for home occupation.

Section 8.2 Off-Street Loading and Unloading Requirements.

The off-street loading and unloading requirements presented in the Table of Off-Street Loading Regulations shall apply to all existing buildings where the use has been changed to retail and service commercial, wholesale, transportation and industrial, and community facility use as specified in the Table of Use and Parking Regulations or to any building hereafter erected for such uses. (Ord. of 5/1/95)

Table of Off-Street Loading Regulations

<i>Use</i>	<i>Number of Loading Spaces per Unit</i>
Retail trade, manufacturing and hospital establishment with over 5,000 sq. ft. of gross floor area.	One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft.; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of gross floor area.	One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 sq. ft. or fraction thereof of gross floor area over 150,000 sq.

Section 8.3 Existing Spaces.

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this ordinance, or any spaces subsequently provided in accordance with this ordinance, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this subchapter,

TOWN OF MELROSE ZONING BYLAWS

provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

Section 8.4 Computation of Spaces.

When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

Section 8.5 Combined Facilities.

Parking required for two (2) or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Building Commissioner where it is evident that such facilities will continue to be available for the several buildings or uses.

Section 8.6 Continuance.

Required off-street parking or loading spaces which after development are later designated as, and accepted by the city for, off-street parking or loading purposes shall continue to serve the uses or structures to meet these requirements so long as said use or structure remains.

Section 8.7 Location of Parking Spaces.

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or when practical difficulties as determined by the Board of Appeals prevent their establishment upon the same lot, they shall be established no further than three hundred (300) feet from the premises to which they are appurtenant. No required off-street parking spaces shall be located within the required front yard area in any district, except for one family dwellings. (Ord. of 5/1/95)

Section 8.8 Location of Loading Spaces.

The loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this ordinance.

Section 8.9 Municipal Parking Lots.

The board by special exception may allow the substitution of space within municipal parking lots in lieu of the parking requirements of this article, provided they are located within one thousand (1,000) feet of the building which is intended to be served. Any structures on lots recorded prior to January 1, 1980 abutting municipal parking lots located in the area bounded northerly by Essex and Upham Streets; southerly by Grove Street; easterly by boundary of the BA-1 District between Grove Street and Upham; and westerly by Myrtle Street, are permitted the use of said lots without the requirement of a special exception. (Ord. of May 19, 1980)

TOWN OF MELROSE ZONING BYLAWS

Section 8.10 Parking and Loading Space Standards.

All parking and loading areas either contained within structures or otherwise, including automotive and drive-in establishments of all types, shall be subject to the following where applicable (Ord. of 5/1/95):

1. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" district.
2. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
3. A substantial bumper of masonry, steel, or heavy timber or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
4. The layout of the parking area shall allow sufficient space for the storage of plowed snow unless removal by some other means is assured.
5. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
6. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least twenty-five (25) feet from any lot line.
7. There shall not be any storage of materials or equipment or display of merchandise within a required parking area except as part of approved building operations.
8. Parking shall not be located within the required front yard area in any district.
9. Parking and loading spaces other than those required for single and two-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.
10. Any portion of any entrance or exit driveway shall not be closer than fifty (50) feet to the carbine of an intersecting street.

TOWN OF MELROSE ZONING BYLAWS

11. Any two (2) driveways leading to or from a street, to or from a single lot, shall not be within thirty (30) feet of each other at their intersections with the front lot line for an interior lot and forty (40) feet for a corner lot.

12. Any entrance or exit driveway shall not exceed twenty-four (24) feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the width may be increased to forty (40) feet.

13. The board may grant a special exception to permit the reduction of the parking space requirements to eighty (80) percent of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonably justify such a reduction.

14. Each off-street parking space shall not be less than 9 feet in width and 18 feet in length for angle parking or 22 feet in length for parallel parking exclusive of drives, walks, and maneuvering space. (Ord. of 5/1/95)

15. Each off-street parking space shall have direct access to an aisle or driveway having a minimum width of 24 feet in the case of two-way traffic or the following widths in the case of one-way traffic only. (Ord. of 5/1/95)

Angle of Parking	Minimum Aisle Width
Parallel	12 feet
30 degrees	11 feet
45 degrees	13 feet
60 degrees	18 feet
90 degrees	20 feet

Section 8.11 Parking of Commercial Vehicles.

The parking of a commercial vehicle with a registered gross weight in excess of ten thousand (10,000) pounds and not connected with a home occupation granted by a special permit by the board of appeals, shall be prohibited in any residential district.

ARTICLE IX. NONCONFORMING USES, STRUCTURES, AND LOTS

Section 9.1 Nonconformity by Initial Enactment or Amendment.

The provisions of this section apply to actions in connection with nonconforming uses, structures and lots created by the initial enactment of this Ordinance or by any

TOWN OF MELROSE ZONING BYLAWS

subsequent amendment. It is the purpose of this Ordinance to discourage the perpetuity of nonconforming uses whenever possible. The lawful use of any building or land existing at the time of the enactment of this Ordinance may be continued, except as otherwise provided.

Section 9.2 Extension and Alteration.

1. Any nonconforming use, except for agriculture, horticulture, or floriculture, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
2. Any nonconforming principal use of a structure shall not be extended.
3. Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of forty (40) percent of the existing structure.
4. Any existing structure on a nonconforming lot may be altered and the conforming use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to violate the dimensional and density regulations of the district in which it is located.
5. Any existing nonconforming building used as a one or two family dwelling may be extended and the conforming use extended throughout the extended portion, notwithstanding the extended portion may violate the side or rear yard requirements, provided said extended portion follows the line of the existing building and is not less than seven and one-half (7 1/2) feet from each lot line. (Ord. of 5/1/95)
6. Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.
7. Any extension or alteration to an existing nonconforming building used as a one or two family dwelling shall be allowed as a matter of right, provided that the extension or alteration is consistent with and does not violate the dimensional and density regulations of the district in which it is located. (Ord. of 5/1/95)

Section 9.3. Residential Lot of Record.

Any lot lawfully laid out by plan or deed duly recorded, or any lot shown on a plan endorsed by the Planning Board with the words "approval under the subdivision control law not required," or words of similar import, which complies (at the time of recording, or such endorsement, whichever is earlier) with the minimum area, frontage, width, and depth requirements, if any, of the zoning ordinance then in effect, may be built upon for residential use provided it has a minimum area of five thousand (5,000) square feet, with a minimum front footage of fifty (50) feet, and is otherwise in accordance with the provisions of Section 6 of the Zoning Act.

Section 9.4 Reduction or Increase.

TOWN OF MELROSE ZONING BYLAWS

1. Any nonconforming lot or open space on the lot including yards and setbacks if already smaller than that required shall not be further reduced so as to be in greater nonconformity. The Board, however, may grant a special permit to extend a conforming use so as to violate or further violate the side or rear yard requirements.
2. No building area or floor area, where already nonconforming, shall be increased so as to be in greater nonconformity.
3. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

Section 9.5 Change

1. Any nonconforming use of a structure may be changed to another nonconforming use provided the changed use is not a substantially different use as determined by the Building Commissioner.
2. Any nonconforming use which has been once changed to a permitted use or to another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.
3. Any nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

Section 9.6 Restoration.

1. Any nonconforming structure or any structure occupied by a nonconforming use, which is totally destroyed by fire or other natural cause, may be rebuilt on its original foundation according to original floor area limitations, and used for its original use. Otherwise, it shall not be rebuilt, except in accordance with the use, dimensional, and density regulations of this Ordinance. Historical buildings may be exempt by special exception of the Board of Appeals.
2. Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor area limitations of the original structure and used for its original use or a conforming use.
3. If restoration under 2. above is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use.

Section 9.7 Abandonment.

Any nonconforming use of a conforming structure and lot which has been abandoned for a continuous period of two (2) years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the abandonment period shall be five (5) years. For purposes of this section, the abandonment period shall not be broken by temporary occupancy except when such temporary occupancy is for a period of sixty (60) consecutive days.

TOWN OF MELROSE ZONING BYLAWS

Section 9.8 Moving.

Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

Section 9.9 Unsafe Structure.

Except as covered under Sections 9.6 and 9.7, any structure determined to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity; and provided further, if the cost to restore any structure shall exceed fifty (50) percent of its replacement value, it shall be reconstructed only as a conforming structure and used only for a conforming use.

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Section 10.1 Administrative Officer.

It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Ordinance.

Section 10.2 Permit Required.

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building, other structure, or lot without applying for and receiving from the Building Commissioner the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code. An application for any permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of the ordinance. A record of all applications, plans, and permits shall be kept on file by the Building Commissioner. The Building Commissioner shall take action on an application for a permit, either granting the permit or disapproving the application, within fourteen (14) days of receipt of the application.

Section 10.3 Previously Approved Permits.

The status of previously approved permits shall be as determined by the Zoning Act, Section 6.

TOWN OF MELROSE ZONING BYLAWS

Section 10.4 Certificate of Occupancy Required.

It shall be unlawful to use or occupy any structure or lot thereafter erected or altered unless the building commissioner has issued a Certificate of Occupancy and has specified thereon the use to which the structure or lot may be put. Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within five (5) days after the Building Commissioner has been notified in writing that the erection or alteration of such buildings has been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner. Building accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building ordinances and state laws or of this Ordinance to such a degree as to render it unsafe for the occupancy proposed.

Section 10.5 Permit and Certificate Fees.

Fees shall be established by the Board of Aldermen.

Section 10.6 Permit Time Limits.

Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within ninety (90) days and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended for an additional year at the discretion of the Building Commissioner. Additional time extensions may be granted only by a special permit approved by the Board of Appeals. Any project not completed within the applicable time limits shall be in violation of this Ordinance.

Section 10.7 Violations.

The Building Commissioner shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion, or alteration of a structure or change in use, increases in intensity of use, or extension or displacement of use of any structure or lot in violation of the provisions of this Ordinance or in violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this Ordinance, or in violation of any provision of this Ordinance, and such order shall direct the discontinuance of the unlawful action, use, or condition and the abatement of the violation within a time to be specified by the Building Commissioner. Any owner, who having been served with a notice, and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals, or general welfare. If the Building Commissioner is requested in writing to enforce this ordinance against any person allegedly in violation of the same and such officer declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefor, within fourteen (14) days of receipt of such request.

TOWN OF MELROSE ZONING BYLAWS

Section 10.8 Prosecution of Violation.

If the notice of violation and order is not complied with promptly, the Mayor shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed fifty dollars (\$50.00) for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

Section 10.9 Board of Appeals.

1. *Establishment of Board of Appeals.* The Board of Appeals shall be the Board of Appeals established under Chapter 22 of the Revised Ordinances of the City of Melrose, 1956 as last amended.

2. *Powers.* Under this Ordinance the Board shall have the following powers:

a. To hear and decide appeals in accordance with Section 8 of the Zoning Act.

b. Except as provided in Section 11.1.2, to hear and decide applications for special permits and conditions and to impose conditions thereon.

c. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this Ordinance. In exercising the powers under paragraph c. above, the Board may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time hereafter. In exercising these powers, the Board may, in conformity with the provisions of this Ordinance and the Zoning Act, reverse or affirm in whole or in part, or may modify, any order or decision, and may make such order or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

3. *Board of Appeals Procedures.*

a. An appeal to the Board may be taken by any person aggrieved by reason of his inability to obtain a permit from this Ordinance, by the Metropolitan Area Planning Agency, or by any person including an officer or board of the city, or of an abutting city or town aggrieved by an order or decision of the Building Commissioner or other administrative official in violation of any provision of this Ordinance.

b. Any such appeal shall be taken within thirty (30) days from the date of the order or decision which is being appealed, by filing a notice of appeal,

TOWN OF MELROSE ZONING BYLAWS

specifying the ground thereof, with the City Clerk who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to the members of the board. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

c. Meetings of the Board shall be held at the call of the chairman or when called in such other manner as the Board shall determine in its rules. The Board of Appeals shall hold a hearing on any appeal, application, or petition transmitted to it by the City Clerk within sixty-five (65) days from the date of filing with the City Clerk of such appeal, application, or petition. (Ord. of 5/1/95)

The Board shall cause notice of such hearing to be published and sent to parties in interest as provided for herein, and shall notify the Planning Board and the planning boards of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the Board of Appeals. In all cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the city or town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in city hall for a period of not less than fourteen (14) days before the day of the hearing.

"Parties in interest" as used herein shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred (300) feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town. The assessors maintaining any applicable tax list shall certify to the Board of Appeals the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Board of Appeals may accept a waiver of notice from, or in his stead any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five (5) nor more than ten (10) additional days to reply.

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested, if any. No such hearing shall be held on any day on which a state or municipal election caucus or primary is held in such city. The Board of Appeals shall notify the Planning Board and the planning boards of every adjacent city or town which may forward recommendations with respect to said matter for the consideration of the Board of Appeals. At the hearing, any party, entitled to notice thereof or not, may appear in person, by agent, or by attorney.

d. The chairman of the Board, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers. All hearings of the Board shall be open to the public.

TOWN OF MELROSE ZONING BYLAWS

The decision of the Board on any appeal or application for a variance shall be made within 100 days after the date of the filing of such appeal or application. The decision on any petition for special permit shall be made within 90 days after the public hearing thereon. (Ord. of 5/1/95) Failure of the board to act within said time constraints shall be deemed to be the grant of the relief, application, appeal or petition as the case may be, subject to an additional judicial appeal as provided for in the zoning act. The board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen (14) days in the office of the City Clerk and shall be a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant, or appellant, to the parties in interest as defined in paragraph 3.c. above, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to Section 17 of the Zoning Act and shall be filed within twenty (20) days after the date of filing of such notice in the office of the City Clerk.

Upon the granting of a variance or special permit, or any extension, modification, or renewal thereof, the Board shall issue to the owner and to the applicant if other than the owner, a copy of the decision, certified by the chairman or clerk, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such variance or permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and City Clerk. No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such Board prior to the expiration of the one year period. If the Board of Appeals does not grant such extension within thirty days of the date of application therefore, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of the Ordinance and MGL, c. 40A s.10.(Ord. Of 2/19/02)

e. No appeal, application or petition which has been unfavorably and finally acted upon by the Board shall be acted favorably upon within two (2) years after the date of final unfavorable action unless said Board finds by a concurring vote of all except one member of the Board, specific and material changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is

TOWN OF MELROSE ZONING BYLAWS

given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

f. Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority whether or not previously a party to the proceedings, or any municipal officer or board, may appeal to the Superior Court or to the Land Court or to the District Court as provided in M.G.L. c.40A, § 17 (Ord. of 5/1/95) by bringing an action within twenty (20) days after the decision has been filed in the office of the City Clerk. Notice of the action with a copy of the complaint shall be given to such City Clerk so as to be received within such twenty (20) days. The complaint shall allege that the decision exceeds the authority of the board or authority, and any facts pertinent to the issue, and shall contain a prayer that the decision be annulled. There shall be attached to the complaint a copy of the decision appealed from, bearing the date of filing thereof, certified by the office of the City Clerk with whom the decision was filed.

g. The City may provide any officer or Board of the City with independent legal counsel for appealing, as provided in this section, a decision of the Board of Appeals or special permit granting authority and for taking such other subsequent action as parties are authorized to take.

4. *Adoption of Rules.* The Board shall adopt rules for conducting its business and otherwise carrying out the purposes of this ordinance. A copy of such rules shall be filed in the office of the City Clerk. Meetings of the Board shall be held at the call of the Chairman and also when called in such other manner as the Board shall determine in its rules.

5. *Other Requirements.* The granting of any appeal by the Board shall not exempt the applicant from any provision of this Ordinance not specifically ruled upon by the board or specifically set forth as excepted in this particular case from a provision of the Ordinance. It shall be unlawful for any owner or person to reconstruct, convert, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the board shall have complete administrative power to deny, approve, or modify.

ARTICLE XI. SPECIAL PERMITS AND CONDITIONS.

Section 11.1 Special Permit Granting Authorities.

1. The Board of Appeals, upon written application duly made to the Board, may grant special permits as hereinafter prescribed. Said special permits may be issued only for uses which are in harmony with the general purpose and intent of this Ordinance, and shall be subject to general and specific provisions hereinafter stated, and such permits may also impose conditions, safeguards, and limitations on time or use.

TOWN OF MELROSE ZONING BYLAWS

- a. Special permits as prescribed in Section 11.3 in locations and for uses designated "S" in Article V, Table of Use and Parking Regulations; and special permits or conditions allowed elsewhere in this Ordinance.
 - b. Variances from the terms of this Ordinance as prescribed in Section 11.4.
 - c. Special permits for uses accessory to activities permitted as a matter of right which activities are necessary in connection with scientific research or scientific development or related production whether or not on the same parcel as activities permitted as a matter of right, provided that the Board of Appeals find that the proposed accessory use does not substantially derogate from the public good.
2. The Planning Board, upon written application, may grant special permits as hereinafter prescribed.
- a. Special permits as prescribed in Section 11.5 for multifamily residential use in nonresidentially zoned areas.
 - b. Special permits designated as Design Review Permits as prescribed in Section 11.6.
 - c. Special permits providing for cluster developments as prescribed in Section 11.7.
 - d. Special permits providing for planned unit developments and planned business developments as prescribed in Sections 11.8 through 11.11.

Section 11.2 Special Permit Administration and Procedures.

1. *Application.* Applications shall be filed with the City Clerk and a copy of said application, including the date and time of filing certified by the City Clerk, shall be filed forthwith by the petitioner with the Special Permit Granting Authority indicated heretofore. (Ord. of 5/1/95) The application shall be filed on such forms and with such accompanying materials and in such manner as prescribed in the rules of the Special Permit Granting Authority placed on file with the City Clerk by said Special Permit Granting Authority.
2. *Public Hearing.* A public hearing shall be conducted by the Special Permit Granting Authority within sixty-five (65) days of the filing of an application. The time and place of said hearing shall be fixed by the Special Permit Granting Authority which will give notice and said notice shall include the name of the petitioner, a description of the area or premises, the street address, if any, or other adequate identification of the area or premises which is the subject of the hearing, the date, time, and place of the hearing, the subject matter sufficient for identification, and the nature of the action or relief requested.
3. *Notice.* Notice of the public hearing shall appear in a newspaper of general circulation in the City. The first notice shall appear at least fourteen (14) days before the scheduled hearing date and the second notice shall appear in the following week. In addition, notice of the hearing shall be posted in a conspicuous place in City Hall for fourteen (14) days

TOWN OF MELROSE ZONING BYLAWS

prior to the scheduled hearing. Mail notice is required to be sent to abutters as they appear on the most recent tax list of Melrose and of adjoining cities and towns if applicable; to owners of land directly opposite on any public or private street or way as they appear on the most recent tax list, to owners of land within three hundred (300) feet of the property line, to the Melrose Planning Board, and to the planning boards of adjoining cities and towns.

4. *Record.* The public hearing shall be open to the public and shall be conducted in a manner consistent with rules published by the Special Permit Granting Authority. The Special Permit Granting Authority shall cause to be made a detailed record of its proceedings and shall include in the vote of each member on each question including whether absent or not voting. The record shall state in detail the reasons for the decisions made and shall record any limitations or conditions, if any. A copy of the record shall be filed with the City Clerk within fourteen (14) days of the decision.

5. *Decision.* The decision must be made within ninety (90) days after the date of the public hearing and failure to take final action upon an application for a special permit within ninety (90) days following the date of the public hearing shall be deemed to be a grant of the permit applied for. A notice of the decision shall be mailed to the petitioner; abutters; owners of land directly opposite on any public or private street or way; owners of land within three hundred (300) feet of property line, even if in adjoining cities or towns; the Melrose Planning Board; the planning boards of adjoining cities or towns; and to persons present at the hearing so requesting notice of the decision. Notice of the decision shall inform recipients of appellate rights under Section 14 of the Zoning Act.

6. *Vote.* A concurring vote of all but one of the members of the Board of Appeals is required to grant a special permit or variance by said Board; and two thirds concurring vote of the Planning Board is required to grant a special permit by said Board.

7. *Certification and Recording of Special Permit or Variance.* Any special permit or variance granted by a Special Permit Granting Authority shall be certified by said authority and show name and address of the landowner or applicant if other than the owner. The notice of special permit shall identify the land affected, set forth compliance with statutory prerequisites, and state that a special permit has been granted and certify that copies of the decision and all plans referred to in the decision have been filed with the City Clerk and the Planning Board. No variance or special permit, or any extension, modification, or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds with the date and time of such recording and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

A Special Permit granted under this Ordinance shall lapse in two years, which shall not include such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. (Ord. 2/19/02)

TOWN OF MELROSE ZONING BYLAWS

8. *Reconsideration of Unfavorable Action.* Reconsideration of unfavorable action of a Special Permit Granting Authority shall be made pursuant to Section 16 of the Zoning Act and as noted in Section 10.9.3 of this Ordinance.

9. *Appeal.* Appeal from the decision of a Special Permit Granting Authority shall be made only pursuant to Section 17 of the Zoning Act and as noted in Section 10.9.3 of this Ordinance.

10. *Conclusive Nature of Grant of Special Permit.* Notwithstanding defect in notice, appeal in accordance with Section 17 of the Zoning Act shall constitute the exclusive remedy for complaint against the granting of a special permit. In the case of defect in notice, complaint must be commenced within ninety (90) days from the time the decision is filed in the City Clerk's office.

Section 11.3 Special Permits Authorized by Special Permit Granting Authorities.

1. Before granting an application for a special permit, as allowed in Section 11.1, the Special Permit Granting Authority with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

- a. The use requested is listed in the Table of Use and Parking Regulations as a Special Permit in the district for which application is made or is so designated elsewhere in this Ordinance.
- b. The requested use is essential or desirable to the public convenience or welfare.
- c. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
- d. The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety, or the general welfare.
- e. Any special regulations for the use, set forth in Article XI, are fulfilled.
- f. The requested use will not impair the integrity or character of the district or adjoining districts, nor be detrimental to the health, morals, or welfare.

2. The Special Permit Granting Authority shall also impose in addition to any applicable conditions specified in this Ordinance such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this Ordinance, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this Ordinance; screening buffers or planting strips, fences, or walls, as specified by the Special Permit Granting Authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of

TOWN OF MELROSE ZONING BYLAWS

number and location of driveways, or other traffic features beyond the minimum required by this Ordinance. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Special Permit Granting Authority.

3. In order that the Special Permit Granting Authority may determine that the above-mentioned restrictions are to be met, a site plan or revised site plan shall be submitted, in duplicate, to the Special Permit Granting Authority by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features, such as fences, walls, planting areas and walks. The Special Permit Granting Authority shall within ten (10) days after receipt thereof, transmit one copy of such plan to the Planning Board, or in the case where the Planning Board is the Special Permit Granting Authority, to the Board of Appeals. Said Board may in its discretion investigate the case and report in writing its recommendation to the Special Permit Granting Authority. The Special Permit Granting Authority shall not take final action on said plan until it has received a report thereon from the Planning Board (or from the Board of Appeals where the Planning Board is the Special Permit Granting Authority) or until said Planning Board (or Board of Appeals) has allowed thirty-five (35) days to elapse after receipt of such plan without submission of a report thereon. (Ord. of 5-4-87)

Section 11.4 Variances.

As allowed in Section 11.1.1 the Board may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this Ordinance where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this Ordinance would involve substantial hardship, financial or otherwise, to the appellant, and where desirable, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Ordinance. Before any variance is granted, the Board must find all of the following conditions to be present:

- a. Conditions and circumstances are unique to the applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.
- b. Strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by owners of their neighborhood lands, structures or buildings in the same district.
- c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this Ordinance.
- d. Relief, if approved, will not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.
- e. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

TOWN OF MELROSE ZONING BYLAWS

Section 11.5 Special Permits for Multi-family Residential Use in Nonresidentially Zoned Areas, Authorized by the Planning Board.

1. *General.* Said permits may be authorized where the public good would be served after a finding by the Planning Board that such nonresidentially zoned area would not be adversely affected by such a residential use, and that permitted uses in such a zone are not noxious to a multifamily use.
2. *Location.* Special permits for multifamily residential use may be applied for only within the BA-1 and BB-1 zones.
3. *Dimensional and Density Regulations.*

Under separate application, said permit may be applied for in conjunction with a Design Review Permit. Otherwise all other provisions of this Ordinance shall apply.

Section 11.6 Design Review Permits Authorized by the Planning Board.

1. *General.* The Planning Board as the Special Permit Granting Authority, may authorize a special permit designated a Design Review Permit to increase the permissible density of population or intensity of a particular use in a proposed development; provided that the petitioner or applicant shall, as a condition for the grant of said permit, provide certain open space, housing for persons of low or moderate income, traffic or pedestrian improvements or other amenities.
2. *Conditions.* Conditions for the grant of said permit shall include at least one of the following:
 - a. Provision of open space in such amount and in such manner as the Planning Board shall require, which may include the preservation of open space through placing of parking within or under the building. Also including the preservation of open space in its natural state, insofar as practicable, the minimizing of tree and soil removal, and the maintenance of change of grade in keeping with the general appearance of neighboring developed areas or in areas where changes are required, the provision of landscaping of parking areas and of the site.
 - b. Provisions of housing for persons of low or moderate income, as defined by the Federal Housing Authority, where such housing constitutes at least ten (10) percent of the dwelling units.
 - c. Provision of such traffic or pedestrian improvements as the Planning Board may require including optimum size and placement of entrances, ramps, walkways, drives, parking, and especially the location and number of access points to public streets. Additionally, consideration shall be given to the width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, arrangement of parking areas, and the protection of neighboring properties.

TOWN OF MELROSE ZONING BYLAWS

d. Provision of other amenities as the Planning Board may require including the arrangement or rearrangement of the building on the site, the massing of the building in relation to surrounding properties, the protection of the city's heritage through preservation of historic, traditional or significant uses or structures whether these exist on the site or on adjacent properties.

3. *Location.* Said Design Review Permits may be applied for only in UR-D, BA-1, and BB-1 zones as located on the zoning map.

4. *Maximum Design Review Permit Increases.*

a. UR-D Zone and BB-1 Zone:

(1) Lots under 20,000 square feet- not applicable.

(2) Lots 20,000-30,000 square feet-Article 6 Dimensional and Density Regulations for UR-C districts shall apply with the exception of minimum lot area per dwelling units and maximum stories which shall be as determined by the Planning Board; but not exceeding a floor area ratio of 1.5, and further not exceeding a height of sixty-two (62) feet.

(3) Lots over 30,000 square feet- Article 6 Dimensional and Density Regulations for UR-C districts shall apply with the exception of minimum lot area per dwelling unit and maximum stories which shall be as determined by the Planning Board; but not exceeding a floor area ratio of 1.75, and further not exceeding a height of eighty (80) feet.

b. BA-1 Zone:

(1) Lots under 20,000 square feet- not applicable.

(2) Lots 20,000 square feet to 50,000 square feet- Article 6 Dimensional and Density Regulations for UR-C districts shall apply with the exception of minimum lot area per dwelling unit and maximum stories which shall be as determined by the Planning Board; but not exceeding a floor area ratio of 2.0, and further not exceeding a height of eighty (80) feet.

(3) Lots over 50,000 square feet- Article 6 Dimensional and Density Regulations for UR-C districts shall apply with the exception of minimum lot area per dwelling unit and maximum stories which shall be as determined by the Planning Board; but not exceeding a floor area ratio of 3.0, and further not exceeding a height of eighty (80) feet.

TOWN OF MELROSE ZONING BYLAWS

ARTICLE XI. SPECIAL PERMITS AND CONDITIONS

Section 11.7 Cluster Residential Development.

1. For single-family residential development in a cluster pattern in the SR, SR-A, and SR-B districts, subject to dimensional and density regulation less than the minimum required for development of an individual lot in the same district, the following conditions shall apply:

a. The tract of land in a single or consolidated ownership at the time of application shall be at least fifteen (15) acres in size and the plan of which shall be subject to approval by the Planning Board under the Melrose Land Subdivision Regulations.

b. A site plan shall be presented to the Planning Board for the entire tract.

c. Each individual lot in the SR, SR-A, and SR-B districts shall be subject to all requirements for a one-family detached dwelling in the UR-A district.

d. The total number of proposed lots in the development within the SR district shall not exceed the number of lots which could be developed under normal application requirements of the SR district. The total number of proposed lots in the development within the SR-A district shall not exceed the number of lots which could be developed under normal application requirements of the SR-A district. The total number of proposed lots in the development within the SR-B district shall not exceed the number of lots which could be developed under normal application of the requirements of the SR-B district. For purposes of this paragraph, it shall be assured that a maximum of eighty (80) percent of the total tract area could be utilized to meet lot area requirements.

e. The proposed plan shall be in accordance with the Melrose Future Land Use Plan as last revised.

f. The development shall be served by both public water and public sewerage systems.

g. The minimum open space requirement shall be fifty (50) percent of the total tract area. A portion of the open space land, amounting to at least ten (10) percent of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor. (With the consent of the Aldermen this common land may be deeded to

TOWN OF MELROSE ZONING BYLAWS

the City). This common land shall be of such a physical character and appropriately planned so as to be of use to the residents of the cluster development.

h. Such common land shall be deeded to the city or permanently covenanted simultaneously with the Planning Board's approval of the Definitive Subdivision Plan.

i. Such common land shall be restricted to open space recreational uses such as totlot, park, playground, play field, golf course, or conservation area.

j. Such common land shall have suitable access to a street.

Section 11.8 Planned Unit Development in the SR-A District.

For development in a planned unit concept in the SR-A district for uses including among others, residential, business, and institutional, and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

1. The tract shall be in single or consolidated ownership and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least thirty (30) contiguous acres which may be intersected by a street or streets.
2. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.
3. The following uses shall be permitted: residential including town houses and multi-family dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments selling convenience goods such as food, drugs, and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items; personal and consumer services establishments; medical, other professional, and business offices including financial, insurance, and real estate offices.
4. A maximum of five (5) percent of the total residential gross floor area at any one time may be devoted to business gross floor area.
5. The minimum open space requirements shall be as follows:

Percent of total tract area: 60

Percent of developed area: 20

A portion of the open space land, amounting to at least ten (10) percent of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative owner-ship. The form of covenant covering such

TOWN OF MELROSE ZONING BYLAWS

common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor (with the consent of the Aldermen, this common land may be deeded to the City). This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.

6. The remaining land area may be developed for residential, community facilities, and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.

7. The residential density shall not exceed twenty (20) dwelling units per acre of the total tract area.

8. The locations of buildings shall be governed by the following:

a. All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than fifteen (15) feet from any lot line.

b. All principal buildings shall be at least twenty-four (24) feet apart except that where building heights exceed forty (40) feet, these distances shall be increased by one foot for each foot of height over forty (40) feet.

c. All principal buildings shall be at least fifteen (15) feet from any common parking area.

9. Buildings of greater height than eight (8) stories may be allowed only as long as the minimum distances required in paragraphs a. and b. of No. 8 above be increased by one foot for each two (2) feet of height over eighty (80) feet.

10. The development shall be served by both public water and public sewerage systems.

11. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.

12. A location plan at a scale of one inch equals six hundred fifty (650) feet shall be submitted.

13. A site plan for the entire tract at a scale of one inch equals forty (40) feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Planning Board in duplicate and shall show in addition to other items as may be required by the Planning Board at least the following:

a. Two-foot contours on the tract and within fifty (50) feet thereof.

b. The location and acreage of areas to be devoted to specific uses.

TOWN OF MELROSE ZONING BYLAWS

c. Existing and proposed streets, parking, drainage, and utility systems.

d. Proposed residential density of development in terms of dwelling units per acre and type, and proposed business uses in square footage and types.

e. A separate plan showing the location of parks, open recreation areas and other open spaces, schools, and other public community uses.

f. A plan for landscaping including existing natural features and proposed landscaping, prepared by a registered landscape architect.

14. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.

15. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development except that projecting signs shall not be permitted.

Section 11.9 Planned Unit Development in the UR-B, UR-C, and UR-D Districts.

For development in a planned unit concept in the UR-B, UR-C, and UR-D districts for uses including among others, residential, business, and institutional, and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

1. The tract shall be in single or consolidated ownership and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least five (5) contiguous acres which may be intersected by a street or streets.

2. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.

3. The following uses shall be permitted: residential including town houses and multi-family dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments limited to the following business uses: retail establishments selling convenience goods such as food, drugs, and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items; personal and consumer services establishments; medical, other professional, and business offices including financial, insurance, and real estate offices.

4. A maximum of five (5) percent of the total residential gross floor area at any one time may be devoted to business floor area.

5. For a planned unit development where the tract includes land in both the residential districts and the business districts under Section 11.10, the proportion of any type of development at any one time shall be computed by applying the limits of paragraph 4 above to that portion of the total tract in the residential district and by applying the limits

TOWN OF MELROSE ZONING BYLAWS

of paragraph 4 of Section 11.10 to that portion of the total tract in the business district. However, the location of each type of use shall not be restricted by the zoning boundary.

6. The minimum open space requirements shall be as follows:

Percent of total tract area: 20

Percent of developed area: 10

A portion of the open space land, amounting to at least ten (10) percent of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor (with the consent of the Aldermen, this common land may be deeded to the City). This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.

7. The remaining land area may be developed for residential, community facilities, and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.

8. The residential density shall not exceed sixty (60) dwelling units per acre of the total tract area.

9. The locations of buildings shall be governed by the following:

a. All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than fifteen (15) feet.

b. All principal buildings shall be at least twenty four (24) feet apart except that where building heights exceed forty (40) feet, these distances shall be increased by one foot of height over forty (40) feet.

c. All principal buildings shall be at least fifteen (15) feet from any common parking area.

10. Buildings of greater height than eight (8) stories may be allowed only as long as the minimum distances required in paragraphs a. and b. of No. 9 above be increased by one foot for each two (2) feet of height over eighty (80) feet.

11. The development shall be served by both public water and public sewerage systems.

12. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.

TOWN OF MELROSE ZONING BYLAWS

13. A location plan at a scale of one inch equals six hundred fifty (650) feet shall be submitted.

14. A site plan for the entire tract at a scale of one inch equals forty (40) feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the Planning Board in duplicate and shall show in addition to other items as may be required by the Planning Board at least the following:

- a. Two-foot contours on the tract and within fifty (50) feet thereof.
- b. The location and acreage of areas to be devoted to specific uses.
- c. Existing and proposed streets, parking, drainage, and utility systems.
- d. Proposed residential density of development in terms of dwelling units per acre and type, and proposed business uses in square footage and types.
- e. A separate plan showing the location of parks, open recreation areas and other open spaces, schools, and other public community uses.
- f. A plan for landscaping including existing natural features and proposed landscaping, prepared by a registered landscape architect.

15. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.

16. The off-street parking requirements may be reduced where a common parking area(s) serves a cluster(s) of business development. However, reduction in parking space requirements shall not exceed more than ten (10) percent of those required under normal application of the requirements set forth elsewhere in this Ordinance.

17. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development except that projecting signs shall not be permitted.

Section 11.10 Planned Unit Development in the BA, BA-1, BB, BB-1, BC, and BD Districts.

For development in a planned unit concept in the BA, BA-1, BB, BB-1, BC and BD districts for uses including among others, residential, business, and institutional, and not subject to the Table of Dimensional and Density Regulations, the following conditions shall apply:

1. The tract shall be in single or consolidated ownership and the plan for the tract shall be subject to the approval by the Planning Board under the Melrose Land Subdivision Regulations. The tract shall be at least five (5) contiguous acres, which may be intersected by a street or streets.

TOWN OF MELROSE ZONING BYLAWS

2. The development may be totally new development or it may incorporate existing development either in its present form or as altered through rehabilitation.
 3. The following uses shall be permitted: residential including town houses and multi-family dwellings; community facilities (religious or educational; membership club for exclusive use of the residents of the planned unit development; public recreation or open space; fire station); public transportation terminal facility; and business establishments limited to the following business uses: retail establishments selling convenience goods such as food, drugs, and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings, and similar items; personal and consumer services establishments; medical, other professional, and business offices including financial, insurance, and real estate offices.
 4. A maximum of twenty (20) percent of the total land area at any one time may be devoted to residential use.
 5. For a planned unit development where the tract includes land in both business districts and the residential districts under Section 11.9, the proportion of any type of development at any one time shall be computed by applying the limits of paragraph 4 above to that portion of the total tract in the business district and by applying the limits of paragraph 4 of Section 11.9 to that portion of the total tract in the residential district. However, the location of each type of use shall not be restricted by the zoning district boundary.
 6. The minimum open space requirements shall be as follows:
 - Percent of total tract area: 10
 - Percent of developed area: 5
- A portion of the open space land, amounting to at least ten (10) percent of the total tract area, shall be set aside as common land covenanted to be maintained as permanent open space in private or cooperative ownership. The form of covenant covering such common land shall provide for its permanent ownership and maintenance and shall be subject to the approval of the Planning Board and the City Solicitor (with the consent of the Aldermen this common land may be deeded to the City). This common land shall be of such a physical character and appropriately planned so as to be of use to the residents and patrons of the development.
7. The remaining land area may be developed for residential, community facilities, and business uses. In considering the application, the Planning Board should determine the need for sites for community facilities such as schools, playgrounds, fire stations and the like. Where such a need is found, appropriate sites within the development shall be set aside.
 8. The residential density shall not exceed sixty (60) dwelling units per acre of the portion of the total land area devoted to residential use.
 9. The locations of buildings shall be governed by the following:

TOWN OF MELROSE ZONING BYLAWS

- a. All buildings shall be at least one foot from any lot line for each foot of building height, but in no case shall any building be closer than fifteen (15) feet.
 - b. All principal buildings shall be at least twenty four (24) feet apart except that where building heights exceed forty (40) feet, these distances shall be increased by one foot for each foot of height over forty (40) feet.
 - c. All principal buildings shall be at least fifteen (15) feet from any common parking area.
10. Buildings of greater height than eight (8) stories may be allowed only as long as the minimum distances required in paragraphs a. and b. of No. 9 above be increased by one foot for each two (2) feet of height over eighty (80) feet.
11. The development shall be served by both public water and public sewerage systems.
12. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.
13. A location plan at a scale of one inch equals six hundred fifty (650) feet shall be submitted.
14. A site plan for the entire tract at a scale of one inch equals forty (40) feet, prepared by a recognized land planner, registered architect or registered professional engineer, shall be submitted to the planning board in duplicate and shall show in addition to other items as may be required by the Planning Board at least the following:
- a. Two-foot contours on the tract and within fifty (50) feet thereof.
 - b. The location and acreage of areas to be devoted to specific uses.
 - c. Existing and proposed streets, parking, drainage, and utility systems.
 - d. Proposed residential density of development in terms of dwelling units per acre and type, and proposed business uses in square footage and types.
 - e. A separate plan showing the location of parks, open recreation areas and other open spaces, schools, and other public community uses.
 - f. A plan for landscaping including existing natural features and proposed landscaping, prepared by a registered landscape architect.
15. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
16. The off-street parking requirements may be reduced where a common parking area(s) serves a cluster(s) of business development. However, reduction in parking

TOWN OF MELROSE ZONING BYLAWS

space requirements shall not exceed more than ten (10) percent of those required under normal application of the requirements set forth elsewhere in this ordinance.

17. Signs shall be governed by the regulations of Article VII as applied to the use in the planned unit development except that projecting signs shall not be permitted.

ARTICLE XI. SPECIAL PERMITS AND CONDITIONS

Section 11.11 Planned Business Development.

For the planned business development of land in the BA, BA-1, BB, BB-1, BC, BD, UR-C, and UR-D districts, the development shall be subject to all regulations of this Ordinance, except that the following shall be allowed through grant of a special permit for the planned business development by the Planning Board: building coverage greater than the maximum building coverage permitted in the Table of Density and Dimensional Regulations, parking requirements less than the parking requirements contained in Article VIII, and additional uses as provided for below, provided: (Ord. of 5-4-87)

1. The tract in single or consolidated ownership at the time of application shall be at least three (3) contiguous acres in size; a development plan shall be presented for the entire tract.
2. Regardless of the zone in which a Planned Business Development is located, all of the uses listed in the Table of Use and Parking Regulations in Article XI under the categories Community Facilities, Retail Service Commercial, Wholesale, Transportation and Industrial and Accessory Use shall be permitted in a Planned Business Development provided the specific uses are approved by the Planning Board when the development plan for the Planned Business Development is approved. (Ord. of 5-4-87)
3. Uses may be contained in one continuous building or in groupings of buildings. The Planning Board shall review the site plan with respect to safety of the users of the development and further with respect to the overall intent of this section. The development of one continuous building or the development of a grouping of buildings may be served by one common parking area and by common exit and entrance areas, in which case a reduction in the parking area may be allowed.
4. The minimum open space requirement shall be five (5) percent.
5. As part of the approval of any Planned Business Development, the Planning Board shall review plans and may issue a special permit for accessory parking for compliance with Article VIII of this Ordinance. Where conditions unique to a Planned Business Development so justify, the Planning Board may grant a maximum of a ten (10) percent reduction of the parking space requirements indicated in the Table of Off-street Parking Regulations. (Ord. of 5-4-87)

TOWN OF MELROSE ZONING BYLAWS

6. A site plan shall be presented for the entire tract showing two-foot finished contours, existing and proposed drainage, sewerage, water, parking, and street access. A separate plan for landscaping shall be presented.
7. The development plan shall be consistent with the Melrose Future Land Use Plan as last revised.
8. The development shall be served by both public water and public sewerage systems both of which must be adequate to accept the proposed development.
9. Signs shall be governed by the regulations of article VII except that projecting signs shall not be permitted.
10. The plan shall provide for adequate access in relation to the anticipated traffic generation by the proposed development.
11. The plan shall be evaluated with respect to its impact upon the neighborhood, its effect on city services such as fire protection, and its overall demands on the city. The design of each building in a planned business development shall be reviewed and approved by the Planning Board to ensure that it is reasonably appropriate in relation to the approved plan.

Section 11.12 Special Permits for Adult Uses.

For adult use consisting of adult bookstore, adult club, adult motion picture theatre, adult paraphernalia store or adult video store, the following conditions shall apply:

1. Adult uses shall be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from the specified use or zoning district:
 - a. Three hundred feet (300') from any residential district (SR, SR-A, SR-B, UR-A, UR-B, UR-C and UR-D); b. 300' from any school, park or playground; c. 300' from any place of religious worship or assembly. The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property for the land use district boundary line from which the proposed Adult Use is to be separated.
2. Adult uses shall be permitted only when located three hundred feet (300') from any other adult use.
3. Nothing in this Ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City Ordinance or statute of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter, or the exhibition of public display thereof.
(Ord. of 12/16/96)

TOWN OF MELROSE ZONING BYLAWS

Section 11.13 Special Permits for Wireless Communications Service Facilities

(Ord. of 1/4/99)

For a Wireless Communications Service Facility, in addition to the applicable conditions contained in this ordinance and conditions specifically imposed by the Zoning Board of Appeals, the following conditions shall apply:

1. An applicant proposing a WCSF must demonstrate that there are no other adequate WCSF reasonably available to accommodate the new or additional WCSF equipment. To the extent feasible, all service providers shall co-locate on a single facility. The intent of this requirement is to reduce the number of facilities that will be required within the community.
2. The only free-standing WCSF allowed is a monopole.
3. No free-standing facility shall exceed more than eighty feet (80') in height above grade.
4. Facilities mounted on buildings may not extend more than ten feet (10') above the height of the building, or more than 12 inches beyond the face of walls or exterior surfaces in the case of structures that do not have walls. For purposes of this paragraph, height of a building shall mean "height" as defined in Article II of this ordinance.
5. Roof mounted facilities must be stepped back from the front façade to limit the impact on building silhouette and, where possible, concealed from public view.
6. Trees and vegetation shall be used as a buffer zone for free-standing WCSF. Such buffer zone shall measure at least 5 feet in height and shall be maintained in healthy condition. It is not intended to interfere with the operation of the facility. In cases where vegetation already exists efforts will be made to preserve such vegetation or replace with similar vegetation. In areas where buffer zones of trees and vegetation must be implanted, the Planning Board shall review and recommend what trees and vegetation shall be implanted on the property.
7. The color of the facilities shall be painted a neutral color or such color that will blend and minimize the facility's appearance.
8. Fencing shall be used to control access and shall be aesthetically compatible with the area. Razor wire, barbed wire or a similar wire shall not be allowed.
9. Night and other lighting shall be prohibited except as required by the FAA. Any emergency or repair lighting shall be shielded from abutting properties and only used for a reasonable time as necessary for such emergency or repair.
10. There shall be no advertising permitted on or in the vicinity of the facilities, except for no trespassing signs. An unlighted sign no more than one square foot in surface area shall be displayed with a name and telephone number of a contact person to call for 24-hour maintenance.
11. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
12. Certification by a Licensed Structural Professional Engineer of the integrity of the facility, and when installed on an existing building or facility, certification as to the capability of the structure to accept the added load being installed.
13. Stormwater run-off shall be contained on-site or discharged to the City stormwater system.

TOWN OF MELROSE ZONING BYLAWS

14. WCSF shall not generate noise in excess of the levels permitted under the City Noise Ordinance, Section 11 of the Revised Ordinances, or in excess of 50 dbs, whichever is less.
15. A free-standing facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility measured at the mean finished grade of the facility plus five feet.
16. All facilities shall be designed to be constructed at minimum height necessary to accommodate the anticipated and future use.
17. Structures are to be aesthetically consistent with the area in which they are located.
18. An applicant proposing a WCSF in a residential zoning district shall demonstrate that the facility must be located at the proposed site due to technical, topographical or other unique circumstances.
19. Special permits under this article shall be for a term of five years from the date of the decision approving the special permit. An applicant for a special permit may re-apply at any time after the fourth anniversary of the date of the decision approving the special permit. In the event a renewal of a special permit is granted, it shall run for a period of five years commencing on the date of expiration of the prior special permit.

ARTICLE XII. REMOVAL AND FILLING

Section 12.1 Removal of Sand, Gravel, Quarry or Other Earth Materials.

For the removal of sand, gravel, quarry, loam, sod, or other earth materials other than that which is incidental to and in connection with the construction of a building for which a permit has been issued in accordance with Article X and for processing and treating raw materials, the following conditions shall govern:

1. Removal and processing operations shall not be conducted closer than fifty (50) feet to a public street or to any property line.
2. All equipment, except mobile equipment for sorting, washing, crushing, grading, drying, processing, and treating, or other operation machinery, shall not be used closer than one hundred (100) feet from any public street or from any adjoining property line.
3. Off-street parking shall be provided as required in the Table of Off-Street Parking Regulations.
4. Any access to excavated areas or areas in the process of excavation shall be adequately posted with Keep Out- Danger signs.
5. Any work or bank that slopes more than thirty (30) degrees downward shall be adequately fenced at the top.
6. Adequate provision is to be made for drainage during and after the completion of operations.

TOWN OF MELROSE ZONING BYLAWS

7. Lateral support shall be maintained for all adjacent properties.
8. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
9. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
10. Provision shall be made for the adequate control of dust during operation.
11. Required Site Plan. Site plans shall be filed with the Building Commissioner for any land which is used or intended to be used for the extraction of sand, gravel, rock, loam, sod, and associated earth materials. Site plans for the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a scale of two hundred (200) feet to the inch and shall be in accordance with and indicate the following:
 - a. Property lines.
 - b. Adjacent public streets.
 - c. Water supply and sanitary sewerage systems and temporary and permanent drainage systems for the site.
 - d. Topographic mapping showing contours at intervals of not more than ten (10) feet.
 - e. Replacement of at least four (4) inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
 - f. Submission of plan for lighting if night operation is contemplated.
 - g. Proper provision for vehicular traffic, service roads, and control of entrances and exits to highways.
 - h. The relocations of existing and future buildings and operations machinery to the removal areas.
 - i. Delineation of the existing removal areas and the proposed area for removal in the immediate future.
 - j. Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten (10) feet or more and create a slope.
12. Required Reuse Plan. It is recognized that land reuse of a removal site is in the public interest. Therefore, land reuse plan(s) must be submitted to and approved by the

TOWN OF MELROSE ZONING BYLAWS

Building Commissioner, following review by the Planning Board subject to the regulations set forth in the following paragraphs:

- a. The Building Commissioner may require that up to three (3) approved alternative future land reuse plans be submitted for such land as is used for the extraction of sand, gravel, rock, loam, sod, and associated earth materials. A land reuse plan is also required where an existing extraction operation is extended below the grade of adjacent ground.
- b. Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future (zero to five (5) years), and be revised as necessary as to the existing physical character of the removal area changes.
- c. The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation. Abandonment for the purposes of this subsection shall be defined as the visible or otherwise apparent intention of the owner or user of the land to abandon the use of the land.

Section 12.2 Filling of Any Water or Wet Area.

For the filling of any pond, lake, swamp, or other existing body of water or wet area; and the filling in of any swale, valley, or other area or depression, where such filling in requires an amount of fill equivalent to five hundred (500) cubic yards or more, or where the area to be filled in exceeds ten thousand (10,000) square feet and where such filling has received prior approval of the appropriate State officials under the applicable provisions of State law on inland wetlands, the following conditions apply:

1. A location plan at a scale of one inch equals six hundred fifty (650) feet showing the area to be filled in, property lines within which the filling is proposed and tie-in to the nearest road intersection shall be submitted.
2. A site plan shall be submitted to a scale of one (1) inch equals forty (40) feet of the premises and surrounding area within one hundred (100) feet showing, in addition to 1. above, existing and proposed contour lines at intervals of not more than two (2) feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer or registered land surveyor.
3. Provision shall be made for temporary and permanent drainage of the site.
4. Fills shall be limited to terrace fills which are not to exceed ten (10) feet at any one time nor be within ten (10) feet of an adjacent property line or any cut.
5. Regrading of all or parts of the slopes resulting from such fill shall be carried out.

TOWN OF MELROSE ZONING BYLAWS

6. At least four (4) inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces with seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
7. A plan for lighting if night operation is contemplated shall be submitted.
8. Where any fill will have a depth of ten (10) feet or more and create a slope of more than one in two (2), there shall be a substantial fence enclosing the fill at least six (6) feet in height with suitable gates. Such fence shall be located ten (10) feet or more from the edge of the fill.
9. The planned filling in shall be consistent with any recreation, conservation and open space plan as prepared by the Planning Board.
10. Documentation shall be submitted as to the effect of such filling in on drainage both within the immediate area and sufficiently far downstream as required by the Building Commissioner.

Section 12.3 Filling of Any Lot.

For the filling of any lot or placement of fill on a lot where such fill exceeds ten (10) cubic yards a building permit shall be required prior to the commencement of the operation as in accordance with Article X of this Ordinance and shall be subject to the following conditions:

- a. Unless waived by the Building Commissioner, information including a site plan, pursuant to Section 12.1.11, area to be filled, volume of fill, proposed changes in grade or other information shall be submitted to and approved by the Building Commissioner, prior to commencement of operations.
- b. No fill shall be deposited within the minimum front, rear or side yards as defined by the zoning district within which such lot is located except by written approval of the Building Commissioner.
- c. Operations including truck access, temporary or permanent grade, slope, fencing and protection from wind and water erosion shall be conducted in a manner agreeable to the Building Commissioner so as to protect the public health, safety, and general welfare.
- d. Operations shall assume to be completed at the end of a 28 day period from the date of the initial commencement unless extended by written approval of the Building Commissioner.
- e. At the conclusion of operation, the filled area or fill materials shall be left in a manner approved by the Building Commissioner to assure soil surface stabilization and proper drainage of the site including provision of top soil and seeding or reseeded so as to support a perennial cover crop.

TOWN OF MELROSE ZONING BYLAWS

f. The filling shall be consistent with other provisions of the zoning ordinance and building code of the City of Melrose, as approved by the Building Commissioner; and shall be consistent with any recreation, conservation, open space, and environmental plans, regulations, or statutes of the Commonwealth or the City of Melrose.

ARTICLE XIII. HOME OCCUPATION

Section 13.1 Home Occupation.

For the use of a dwelling in any "R" district for a home occupation, the following conditions shall apply:

1. No more than one nonresident shall be employed therein.
2. The use is carried on strictly within the principal building.
3. No more than forty (40) percent of the existing gross floor area not to exceed six hundred (600) square feet is devoted to such use.
4. That there shall be no display of goods or wares visible from the street.
5. No advertising on the premises other than a single small nonelectric sign not to exceed one (1) square foot in area, and carrying only the occupant's name and his occupation.
6. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
7. Any such building shall include no feature of design not customary in buildings for residential use.
8. Home occupations are limited to: fine arts studios (such as for artists, sculptors, and photographers), dressmaking (such as for dressmakers, seamstresses, and tailors), real estate or insurance offices, catering, office for lawyer, engineer, architect, and land surveyor, teaching (such as for school teachers, special educators, or tutors) of not more than four (4) pupils simultaneously. (Ord. of 5/1/95)
9. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises. An accepted off-street parking space shall be provided for any such commercial vehicle.

TOWN OF MELROSE ZONING BYLAWS

10. Other home occupations that the Board of Appeals determines will cause little or no disruption in a neighborhood may be allowed by special permit from the Board of Appeals. (Ord. of 5/1/95)

ARTICLE XIV. AMENDMENT, VALIDITY, AND EFFECTIVE DATE

Section 14.1 Amendment.

This Ordinance may be amended from time to time in accordance with Section 5 of the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act, provided, however, that a preliminary plan has been filed and written notice of said filing has been submitted to the City Clerk for the City of Melrose.

Section 14.2 Validity.

The invalidity, unconstitutionality, or illegality of any provision of this Ordinance or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.

Section 14.3 Effective Date.

This Ordinance shall take effect upon passage.

ARTICLE XV. FLOOD PLAIN DISTRICTS

FLOOD PLAIN DISTRICT REGULATIONS

Section 15.1 Flood Plain District.

The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, Zone A1-A30 on the Melrose Flood Insurance Rate Maps (FIRM), Community No. 250206, dated August 5, 1986, on file with the City Clerk, Building Commissioner, Planning Board, Public Works Engineering Division, Board of Health, and the Board of Appeals. These maps are incorporated herein by reference.

Section 15.2 Development Regulations.

TOWN OF MELROSE ZONING BYLAWS

(1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Planning Board and the Building Commissioner for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

(2) Within Zone A1-A30, no new construction, substantial improvements to existing structures, filling or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation more than one foot at any point in the city.

Section 15.3 Subdivision Standards for the Flood Plain District.

All subdivision proposals and other proposed new development shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any part of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning By-Law, it shall be reviewed to assure that:

1. The proposal is designed consistent with the need to minimize flood damage, and,
2. All public utilities and facilities, such as sewer, gas, electrical and water systems, shall be located and constructed to minimize or eliminate flood damage, and,
3. Adequate drainage systems shall be provided to reduce exposure to flood hazards, and,
4. Base flood elevation data (the level of the 100-year flood) shall be provided for proposals greater than fifty (50) lots or five (5) acres, whichever is the lesser, for that portion within the Flood Plain District.

Section 15.4 Health Regulations Pertaining to the Flood Plain District.

The Board of Health and/or the Public Works Department, in reviewing all proposed water and sewer facilities to be located in the Flood Plain District established under the zoning by-law, shall require that:

1. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system, and,
2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges of exfiltration from the system into flood waters.

Section 15.5 The National Flood Insurance Act of 1968.

This zoning is established pursuant to the City of Melrose's compliance with Title 44, Chapter 1, Part 67, Code of Federal Regulations, establishing eligibility in the National

TOWN OF MELROSE ZONING BYLAWS

Flood Insurance Program (NFIP). Copies of the National Flood Insurance Program and related regulations are on file with the City Clerk. (Ord. of 5/4/87)

ARTICLE XVI. WIRELESS COMMUNICATION SERVICE FACILITIES

A. Purpose

This section of the Zoning Ordinance provides for the regulation and restriction of the construction, erection, installation, placement and/or use of Wireless Communications Service Facilities (WCSF) and the protection of the general public from the impact associated with WCSF. It is the purpose of this Zoning Section to:

1. Minimize the adverse impacts of WCSF on adjacent properties and residential neighborhoods;
2. Limit the City wide overall number and height of WCSF to what is essential;
3. Encourage the most appropriate use of the land and maintain the residential character of the City;
4. Promote shared use of existing WCSF to reduce the need for new facilities;
5. Guide sound development while promoting the health, safety and general welfare of the City consistent with applicable federal law.

B. Applicability

WCSF lawfully in existence before the effective date of this Article of the Zoning Ordinance shall be maintained and shall be kept in good condition. The City of Melrose Building Commissioner shall receive at least 30 days notice of the intent to discontinue use of any WCSF. A WCSF that is unused or abandoned for a period of 90 days must be removed by the property owner, and the property restored to its natural condition. Any construction shall be governed by the Zoning Ordinance. This section does not apply to the construction or use of facilities by a conforming federally licensed amateur radio used in accordance with said license as protected by MGL c.40A, sec.3 or television antennas including satellite dishes which are accessory to a residential use and protected by federal law.

CITY OF MELROSE AMENDMENTS TO REVISED ORDINANCES CHAPTER 24
(ZONING ORDINANCE) PASSED AFTER 1972

Aldermanic Order No. 16985-C - Amending in whole the Zoning Ordinance of the City of Melrose (November 27, 1972).

TOWN OF MELROSE ZONING BYLAWS

Aldermanic Order No. 17857 - Amending Table of Use and Parking Regulations Article V, Section 5.4, by adding "S" under BB & BC as part of Item #12 (April 17, 1973).

Aldermanic Order No. 17858 - Amending Article VI, adding to Table of Dimensional and Density Regulations a figure 5 on line beginning with letters BA for "any permitted use" in place of the word "none" under column headed Minimum Yards, front (feet) (April 17, 1973).

Aldermanic Order No. 17859 - Amending Article VI, Section 6.7, in reference to accessory swimming pools requirements conforming to sections of Chapter 23 (Building Code Ordinance) (April 17, 1973).

Aldermanic Order No. 18052 - Amending Article IV, Section 4.3, adding at end of paragraph the words "except as hereinafter provided" (July 16, 1973).

Aldermanic Order No. 18053 - Amending Article IX, Section 9.2, on existing structure on non-conforming lot, etc. (August 6, 1973).

Aldermanic Order No. 18467 - Amending Article VI, Section 6.2, adding "town houses" to UR-B and UR-C to Table of Dimensional and Density Regulations (December 2, 1974).

Aldermanic Order No. 18561 - Amending Article II, Definitions, Section 2.1, "Family" to insert ", provided dwelling is owner occupied," after word "including" and before "not more than three lodgers or roomers taken for hire." (December 2, 1974).

Aldermanic Order No. 18562 - Amending Article II, Definitions, Section 2.1, "Special Exception (Special Permit)" to insert "on approval and issuance of a special permit by the Board" in place of "the approval of the Board." (December 2, 1974).

Aldermanic Order No. 18563 - Amending Article V, Table of Use and Parking Regulations, Section 5.4, under Parking Code change "P" to "T" and Section 8.1 under Table of Off-Street Parking Regulations, the Parking Code T and explanation (December 2, 1974).

Aldermanic Order No. 18564 - Amending Article VI, Dimensional and Density Regulations, Section 6.8, cl. 1, on page 6-3, changes in residential uses (December 2, 1974).

Aldermanic Order No. 18565 - Amending Article VII, Section 7.4, under 2(a.) and (d.), changing wall sign area from 150 square feet to 100; delete paragraph (b), altogether, moving up (c.) and (d.) to be (b.) and (c.) respectively; Section 7.6, Non-conforming Signs, removed within five years instead of ten years from November 27, 1972 adoption date (December 2, 1974).

Aldermanic Order No. 18566 - Amending Article XI, Special Exception Conditions, Section 11.4, Cluster Residential Development, necessary technical changes to add SR. to statements made under (c.) and (d.) (December 2, 1974).

TOWN OF MELROSE ZONING BYLAWS

Aldermanic Order No. 19530 - Affecting zoning changes in Administration and Enforcement, Special Permits and Conditions, Removal and Filling, Home Occupation, etc. (June 6, 1977).

Aldermanic Order No. 19531 - Amending Zoning Map by re-designation of certain zoning districts or portion thereof so as to allow Special Permits under procedures for Design Review (June 6, 1977).

Aldermanic Order No. 19532 - Amending Zoning Map by re-designation of certain zoning district or portion thereof so as to allow Special Permits under procedures for Design Review (June 6, 1977).

Aldermanic Order No.19696 - Amending Zoning Map to move district line between BD district and UR-A district on certain portion of Rowe Street, etc., etc. (December 19, 1977).

Aldermanic Order No. 19676-C - Amending Table of Use and Parking Regulations by adding Item 18, etc., etc. (February 21, 1978).

Aldermanic Order No.19676-D - Relative to striking out Screening and Buffers, etc., etc., in Dimensional and Density Regulations, etc. (February 21, 1978).

Aldermanic Order No.19703 - Relative to Table of Use and Parking Regulations, etc. in District BA and BA-1 on line 17, striking out symbol "P" and replacing with symbol "S" (February 21, 1978).

Aldermanic Order No.20051 - Amending Zoning Map to shift two lots on Porter Street, Nos. 33 and 39, and lot on East Emerson Street, No. 56, from BD District to UR-A Residential (December 18, 1978).

Aldermanic Order No. 20052 - Amending Article V, Section 5.4, Table of Use and Parking Regulations, changing parts of 14 and 14A, permitting lodging units as accessory uses to single residences in UR-A zone by special permit only, etc., etc. (December 18, 1978).

Aldermanic Order No. 20053 - Amending Article VIII, Off-Street Parking and Loading Regulations, Parking Code J, Hospital, change from 1.75 per bed at design capacity to 1.50 per bed at design capacity (December 18, 1978).

Aldermanic Order No.20211 - Amending Sections 6.7 and 6.8, Article VI, Dimensional and Density Regulations, regarding swimming pools, awnings, and vision at intersections (December 18, 1978).

Aldermanic Order No. 20531 - Amending Chapter 24, Zoning Map, to change district line between UR-B and UR-D permitting development of multifamily housing in the Coolidge School (April 7, 1980).

TOWN OF MELROSE ZONING BYLAWS

Aldermanic Order No.20550 - Amending Article VIII, Off-Street Parking and Loading Regulations, Section 8.9 - Municipal Parking Lots use by structures in certain areas without requirement of special exception (May 19, 1980).

Aldermanic Order No. 729 - Amending Zoning Map, area east of Lebanon Street, north of Malvern Street, west of Faxon and Gooch Streets and south of Upham Street, changing from UR-B to UR-A (July 16, 1984).

Aldermanic Order No. 730 - Amending Zoning Map, area west of Boston & Maine Railroad, south of Brunswick Park and north of West Wyoming Avenue, changing from UR-B to UR-A (July 16, 1984).

Aldermanic Order No. 731 - Amending Zoning Map, area consisting of three sub-areas near corner of Franklin and Greenwood Streets, changing from UR-C to UR-A (July 16, 1984).

Aldermanic Order No. 675 - Amending Article IV, Interpretation and Application by inserting after Section 4.4 new Section 4.5, Temporary Moratorium (July 16, 1984).

Aldermanic Order No. 515 - Amending Zoning Map, by moving district line between UR-D and BA-1 permitting development of Community Center (November 15, 1984).

Aldermanic Order No. 957 - Amending Article IX, Nonconforming Uses, Structures and Lots, Section 9.2 - Extension and Alteration (February 19, 1985).

Aldermanic Order No. 1472 - Amending Zoning Map, area fronting on Main Street and West Wyoming Avenue, changing from UR-D to UR-C; areas on Waverly Place changing from UR-D to UR-B; and areas on East Wyoming Avenue, Mt. Vernon Street and Mt. Vernon Avenue, changing from UR-D to UR-B (December 1, 1986).

Aldermanic Order No. 1453-A - Amending Zoning Ordinance by adding Article XV - Flood Plain Districts, to conform with requirements under Section 1361 of the National Flood Insurance Act of 1968 (May 4, 1987).

Aldermanic Order No. 1575 - Amending Article VIII - Off Street Parking and Loading Regulations, Section 8.1 B (Off Street Parking Requirements), amended by striking out 1 1/2 per dwelling unit and inserting in place thereof 2 per dwelling unit (May 4, 1987).

Aldermanic Order No. 1650 - Amending Zoning Map, area bounded by Main Street, boundary line of Malden and Melrose, M.B.T.A. railroad tracks, and Banks Place, changing from I, UR-C, and BC to BB-1. Amending Section 5.4 - Table of Use and Parking Regulations under Retail Service Commercial adding new use relating to planned business development.. Amending Section 11.11, the first paragraph, subsection 2, subsection 5, and subsection 11 relating to planned business development (May 4, 1987).

Aldermanic Order No. 1691-A - Amending Article 6.2, Table of Dimensional and Density Regulations under UR-A, two-family dwelling and town house delete minimum lot area of "5,000 per dwelling unit" (July 20, 1987).

TOWN OF MELROSE ZONING BYLAWS

Aldermanic Order No. 1691-C - Amending Article II, DEFINITIONS, by deleting the existing definition of town house and inserting the following in place thereof: "A row of at least three but not more than five 1-family attached dwelling units whose side walls are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner." (July 20, 1987).

Aldermanic Order No.1692-A - Amending Article 6.2, Table of Dimensional and Density Regulations, by deleting the word "other" from the second use listed under UR-C/UR-D, etc. (July 20, 1987).

Aldermanic Order No. 2111 - Amending Section 8.10 (Parking & Loading Space Standards) by striking out the words "containing over five (5) spaces." (October 16, 1989).

Aldermanic Order No. 2312 - Amending Article V (Table of Use) and Article II (Definitions), various additions relating to Public/Private Utility Cabinets (October 16, 1989).

Aldermanic Order No.1735 - Amending Article II, DEFINITIONS, after the definition for Floor Area Ratio and before the definition for Garage add definition for Frontage. In Section 6.8.10 after the words: Table of Dimensional and Density Regulations insert a period and delete ", except requirement." In Section 6.2, Table of Dimensional and Density Regulations, add the words "frontage and" between min. and lot width in the heading (December 7, 1989).

Aldermanic Order No. 1573 - Amending Article V, Section 5.4, Table of Use & Parking Regulations, by inserting #1 "One-family detached dwelling: One-family with in-law apartment with permitted uses set forth on Usage Table be amended under SR, SR-A, SR-B from P to S - Permit required (December 7, 1989).

Aldermanic Order No. 1574 - Amending Section 2.1, DEFINITIONS, by inserting definition for In-Law Apartment and amending Article V, Section 5.4, Table of Use and Parking Regulations by adding a new line 1A. after line 1. for "One-family with in-law apartment (see definition of in-law apartment)." (December 21, 1989).

Aldermanic Order No. 90-209 - Amending Article II, DEFINITIONS, by deleting the definition of Frontage as most recently amended and replacing same with new definition (August 20, 1990).

Aldermanic Order No. 90-211 - Amending Article VIII, Section 8.9 - Municipal Parking Lots, by addition of new paragraph (August 20, 1990).

Aldermanic Order No. 91-99 - Amending Article V, Section 5.4, Table of Use and Parking Regulations, RETAIL, SERVICE, COMMERCIAL, under item #12, strike out the "S" pertaining to UR-C, UR-D, and replace with designation (-) so that item #12 shall not be permitted in the UR-C, UR-D Districts (March 18, 1991).

Aldermanic Order No. 93-112A - Amending Article VIII, Section 8.9, Municipal Parking Lots, by deletion of third paragraph (January 4, 1993).

TOWN OF MELROSE ZONING BYLAWS

Aldermanic Order No. 94-368 - Amending Article VII, Signs, Section 7.2, by permitting temporary political signs with certain restrictions (October 17, 1994).

Aldermanic Order No. 95-189 - Amending Article II, Definitions; Article V, Use Regulations; Article VI, Dimensional and Density Regulations; Article VII, Signs; Article VIII, Off-Street Parking and Loading Regulations; Article XI, Non-Conforming Uses, Structures, and Lots; Article X, Administration and Enforcement; Article XII, Removal and Filling; Article XIII, Home Occupation; and Amending Zoning Map in the W. Emerson Street/Cedar Park area and the Altamont Avenue/Cedarwood Lane area. (May 1, 1995)

Aldermanic Order No. 95-189A - Amending Article VIII, Off-Street Parking and Loading Regulations, Section 8.1, changing Parking Code J from 1.5 per bed at design standard to one per each 600 sq. ft. of gross floor area. (May 1, 1995)

Aldermanic Order No. 97-38 - Amending Article II, Definitions, Article V, Use Regulations, Article XI Special Permits and Conditions, and Article VIII, Off-Street Parking and Loading Regulations, to provide definitions, principal use locations, restrictions, and parking requirements for adult uses. (December 16, 1996)

Aldermanic Order No. 99-021 – Amending Article II, Definitions, Article V, Use Regulations, and Article XI, Special Permits and Conditions; Adding Article XVI, Wireless Communications Service Facilities, to provide definitions, principal use locations, and restrictions for Wireless Communications Service Facilities (January 4, 1999).

Aldermanic Order No. 02-066C – Amending Article XI, Section 11.2.7 *Certification and recording of Special Permit or Variance* to add paragraph and Article X, Section 10.9.3.d *Board of Appeals Procedures* to add paragraph (February 19, 2002).