TOWN OF NATICK - ZONING BYLAW

ARTICLE I - ZONING BYLAW IN GENERAL

Section 100 - PURPOSE AND AUTHORIZATION

In order to preserve and to promote the life, health, safety, morals, convenience and welfare of the townspeople, to lessen the danger from tire, to improve and beautify the Town, to protect real estate from damaging uses of adjacent property and to further the social and economic prosperity of the community, the following regulations for the use of premises and the construction, location and use of buildings and structures are hereby established under authority of the Massachusetts General Laws relating thereto, Chapter 40A and subsequent amendments.

Section 101 - BASIC REQUIREMENTS

All buildings or structures hereafter erected, reconstructed, altered, enlarged or moved or all future use of premises in the Town of Natick shall be in conformity with the provisions of this Bylaw. Any building, structure or land shall not be used for any purpose or in any manner than is permitted in the district in which such building, structure or land is located. Any use not specifically listed or otherwise permitted in a district herein established shall be deemed prohibited except family fallout shelters as defined in Section 0.2 of the Building Code. * In accordance with Massachusetts General Laws, Chapter 40A, and not withstanding any provision to the contrary, this bylaw shall not prohibit or limit use of land for any church or other religious purpose or for any educational purpose which is religious, sectarian, denominational or public. However, such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot areas, setbacks, open space, and parking and building coverage requirements. (*Art. 68 A.T.M. 1963)

Section 102 - PARTICULAR PURPOSES AND INTENT REGARDING P.C.D.* DISTRICTS

Within the purposes expressed in Section 100, the particular intent of this Bylaw relating to the P.C.D. District is to provide for planned developments on large tracts of land, to be comprised of a mixture of types of dwelling units (with minor related business uses) at greater land-use intensities than would otherwise be allowed for multi-family residences, but with larger open spaces between groupings of buildings. It is specified that only land areas containing 4,500,000
square feet or more shall be included or in the P.C.D. District. (Art. 1 S.T.M. #2, 10/10/00)

*Planned Cluster Development

A P.C.D. District should result in: design of clustered subareas of buildings in accordance with an overall plan for the District: economical and efficient street, utility and public facility installation, construction and maintenance; separation of pedestrian and vehicular traffic; a variety of dwelling types and characteristics; preservation of permanent open space; land use harmonious with natural features; the preservation and enhancement of real property values for the long-range future; reduction in total areas of paved surfaces; an increase in the safety of pedestrian circulation and access; and increase in privacy for many dwelling units by removal thereof from streets or frontage thereon, with benefits to such units of separation from vehicular disturbance and closer proximity to landscaped and recreational areas.

Regarding vehicular ways, in a P.C.D. District only belt (collector) street shall be designed or constructed so as to be suitable for eventual acceptance by the Town. Radial ways or drives leading from such belt streets to clustered dwelling units or parking lots shall be considered as driveways for purposes of design or construction requirements. For improved traffic safety, pedestrian ways shall generally not be part of the street ways.

In a P.C.D. District it is expected that the owner will provide to the occupants thereof, certain services customarily provided by the Town in other districts, and the overall design, location of buildings and layout of streets and driveways shall take this factor into account.

This Section 102 is set forth as a guide to various boards and officers of the Town concerned with the design, construction and operation of such planned developments. It is intended that conventional zoning requirements and procedures (applicable in other districts to smaller lots in individual ownership, fronting on streets suitable for acceptance as public ways and meeting uniform dimensional and area requirements) will be suitably altered in P.C.D. Districts to give effect to sound development principles as reflected in the specific provisions of this Bylaw relating to such Districts. (Art. 1 S.T.M. June 17, 1969) (Art. 1 S.T.M. #2, 10/10/00)

Section 103 - **PURPOSE OF SUBSIDIZED HOUSING (SH) DISTRICT**

The intent of this Bylaw relating to the SH District is to result in the availability of sufficient land to accommodate dwelling units for people of low and moderate income so as to increase the number of dwelling units of subsidized housing in the Town to a total which meets the requirements of Chapter 40B, Sections 20 23, General Laws. The special permit procedure hereinafter established is intended to accomplish this objective while ensuring compliance with local planning standards and policies concerned with land use and building requirements, and with the health, safety and welfare of residents of the Town of Natick. (Art. 83 A.T.M. 1973)

Section 104 - **PURPOSE OF HIGHWAY MIXED USE-I (HM-I) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM-I Districts is to provide for large-scale development which may have an intermixture of office, industrial and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways. (Art. 1 S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 105 - **PURPOSE OF HIGHWAY MIXED USE -II (HM-II) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM -II Districts is to provide for large-scale development which may have an intermixture of office, residential and/or commercial uses and to provide flexibility for creative land planning on large parcels of land along or near major highways. (Art. 3, S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 106 - **PURPOSE OF HIGHWAY MIXED USE-III (HM-III) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to HM-III Districts is to provide for large-scale development which may have a mixture of office and/or commercial uses with the flexibility for creative land planning on large parcels of land near major highways. (Art. 1, Fall Session, A.T.M., October 6, 1981) (Art. 10, 1991 Fall A.T.M.) (Art. 1 S.T.M. #2, 10/10/00)

Section 107 - **PURPOSE OF LIMITED COMMERCIAL (LC) DISTRICTS**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to LC Districts is to provide a transition from a more intensive commercial or industrial usage toward a residentially zoned area; specifically, those areas where it is desirable to lessen traffic flow on through roads, and where less intensive uses would serve both to provide balance in land use and to prevent damage to the residential uses on adjacent or nearby property. (Art. 6, S.T.M. #1, March 20, 1979) (Art. 1 S.T.M. #2, 10/10/00)

Section 108 - **PURPOSE OF AFFORDABLE HOUSING DEVELOPMENT PROGRAM**

Within the purposes expressed in Section 100 and in General Laws Chapter 40A, the particular intent of these Bylaws relating to the elective inclusionary zoning in all residential districts and the Housing Overlay Option Plan – I & II (HOOP – I and HOOP – II) districts is to increase the production of housing units affordable to persons of low and moderate income. Affordable housing may be created by employing the incentives offered under these overlay zoning districts

which is intended to encourage utilization of the Town's remaining developable land in a manner consistent with local housing policies and needs, to encourage redevelopment of land and buildings in urban centers consistent with smart growth principles and to mandate new housing develop ments to contain a proportion of the housing units affordable to persons of low and moderate income by offering bonuses of increased density to encourage the creation of such housing. Accordingly, the goals of this development program are to: increase the supply of housing in the Town that is available to and affordable by low and moderate income households; to encourage a greater diversity of housing accommodations to meet the needs of family households and other Town residents; and to promote a reasonable mix and distribution of housing opportunities in residential neighborhoods throughout the Town. (Art. 10, 1991 Fall A.T.M.) (Art. 1 S.T.M. #2, 10/10/00) (Art. 27, 2004 Spring A.T.M.)

Section 109 - **PURPOSE AND INTENT OF HIGHWAY OVERLAY DISTRICTS (HOD)**

The purpose of the Highway Overlay Districts is to manage the intensity of development and the quality of design along major highway corridors so as to protect the public health, welfare and safety of the inhabitants of the Town, and to enhance the economic - vitality of the Districts. In particular, the HOD Districts are designed to limit congestion, to preserve environmental qualities, to improve pedestrian and vehicular circulation, and to provide for mitigation of any adverse impacts resulting from increased development in a complex regional center, and in the corridor leading thereto. In addition to these purposes, the open space and landscaping provisions of this section are designed to foster development that is of high visual and aesthetic quality. Furthermore, it is a specific purpose of the HOD to establish parallel and consistent zoning regulations for highway corridor areas which are shared by the Towns of Framingham and Natick, in order to achieve a unified development character for such areas and to avoid substantive and procedural conflicts in the regulation and administration of land uses within such areas. The HOD regulations establish a system whereby a development may attain a greater density than allowed by right, in return for providing public benefit amenities which compensate for one or more specific effects of increased density. These amenities may include traffic improvements (to accommodate increased traffic), pedestrian or transit improvements (to reduce traffic generation), creation of additional open space and public parks (to compensate for increased congestion and concentration of economic activities), provision of public assembly areas (to foster more balanced development and a sense of community), and provision of affordable housing (to compensate for increased pressure on local housing markets as a result of employment and service growth). The provision of increased development density in return for such amenities is specifically authorized by MGL Ch. 40A, Sec. 9, with respect to open space, affordable housing, traffic and pedestrian amenities, and is also generally authorized for other amenities.

Section 200 - DEFINITIONS

In these bylaws the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed and, in addition, the definitions set out in the Building Code shall have their meanings as defined therein insofar as they may apply to these by laws and the following definitions are hereby added thereto:

Accessory Building or Structure: A building the use of which is subordinate and customarily incidental to that of the main building, and which is located on the same lot. *

Accessory Use: A use of a building or land customarily incidental and subordinate to the principal permitted use of the premises and not detrimental to the neighborhood, provided the outward character of the district is not changed, but in no event to include a business, commercial, industrial, transportation or institutional use as being incidental to a residential use. *

Accessory Wireless Communications Facility (AWCF):
A WCF located on the same lot and customary and incidental to a use permitted as of right, by Special Permit, by variance, or as a pre-existing non-conforming use, including without limitation, any home mounted wireless transmission/reception box and any fixtures and equipment customary and incidental to a private business exchange also known as a “PBX Wireless Campus”.◊

Adult Use: An establishment: (1) having at least fifteen (15%) percent of its business inventory, stock in trade or other materials for sale, rental or display at any point in time, or deriving at least fifteen (15%) percent of its revenues from, or presenting for at least fifteen (15%) percent of the time the establishment is open for business, materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in M.G.L. chapter 272, section 31, such as but not limited to an adult bookstore, adult motion picture theater, adult paraphernalia store or adult video store; and/or (2) which displays live nudity, i.e. an establishment which provides live entertainment for its patrons, which includes the display of nudity either by workers in the course of transacting business or delivering services, or wherein performers appear in a state of nudity as that term is defined in M.G.L. chapter 272, section 31.:

Adult Bookstore: An establishment having at least fifteen (15%) percent of its business inventory, stock in trade, books, magazines, or other materials for sale, rental or display at any point in time; which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31. :

Adult Motion Picture Theater: An enclosed building used for presenting motion pictures, slides, photo displays, videos or other material for viewing, distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L., chapter 272, section 31. :

Adult Paraphernalia Store: An establishment having at least fifteen (15%) percent of its business inventory or stock in trade as devices, objects, tools or toys or other materials for sale, rental or display at any point in time; which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31. :

Adult Video Store: An establishment having at least fifteen (15%) percent of its business inventory or stock in trade as videos, movies, or other film materials for sale, rental or display at any point in time; which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. chapter 272, section 31. :

Affordable Housing: Housing which is restricted for sale, lease or rental to households within low or moderate income ranges as defined hereinafter, and at specific prices in accordance with the provisions specified hereinafter. (Art. 10, 1991 Fall A.T.M.)

Housing which meets the criteria for recognition as affordable units under a Local Initiative Program or other program administered or authorized by the Department of Housing and Community Development. (Art. 1, Fall STM. #1, 10/18/05)

Affordable Housing Standard: One or more buildings in which there are units designated as Affordable Housing and where the affordable units are located on the same parcel as a Regional Center Mixed-Use Development, they shall equal sixteen percent (16%) of the total number of units on the parcel or, if the applicant elects and the Planning Board grants a special permit therefor under Section 323.1.9 (a) where the number of the affordable units are not located on the same parcel as a Regional Center Mixed-Use Development, they shall be not less than twenty-two percent (22%) of the total number of units on the parcel devoted to a Regional Center Mixed-Use Development or (b) such combination of affordable units located in part on the same parcel as the Regional Center Mixed-Use Development and in part on another parcel as the Planning Board may authorize under the terms of such special permit. For purposes of the foregoing calculations, if such percentage yields a partial unit, then the number of units required to achieve the affordable housing standard shall be rounded up to next whole number. (Art. 1, Fall STM. #1, 10/18/05)

Alteration: Change in or addition to a building which reduces the means of exit or fire resistance or changes its structural support, use or occupancy. *

Amusement Device: A device by which individuals are entertained; or a structure open to the public, by which individuals are conveyed or moved for diversion. *

Ancillary Outlet" : An enclosed area, the principle purpose of which is to sell or serve food and / or goods which are prepared or made on the site. An Ancillary Outlet shall occupy no more than 10% of the area of the story in which it is located or 500 square feet, whichever is less. The Ancillary Outlet shall be operated in such a manner that noise, smoke, dust, odor, vibration, or similar objectionable features are confined to the premises.

Ancillary Outlet Setback: The shortest distance from a residential zone to an Ancillary Outlet inclusive of its outside parking and vehicular access.

Apartment: A part of a building set apart which is used or adapted to be used exclusively for the residence of one family, single dwelling unit. *

Apartment House: Any building designated for, or occupied as a permanent (as distinguished from hotels, motels and boarding houses) residence for three or more families in separate dwelling units with means of egress and other essential facilities. *

Apartment House-Garden Type: An apartment house of one or two stories above grade, with not more than eight (8) apartments all served by two (2) separated and direct means of egress from the building, at least one of which shall be a primary entrance. *

Appurtenant Structure: A device or structure attached to the exterior or erected on the roof of a building designed to support service equipment or used in connection therewith, or other similar uses. *

Area, Building: The maximum horizontally projected areas of the building at or above grade, exclusive of court and vent shafts. *

Assisted Housing: Housing as defined under Subsidized Housing.
(Art. 10, 1991 Fall A.T.M.)

Assisted Living Residence(s): A residential facility providing residents with personal care services (assistance with one or more activities of daily living and self-administered medication management, either through physical support or supervision), assistance with activities of daily living (tasks related to bathing, dressing, grooming, ambulation, eating, toileting, and similar tasks), and such services as may be necessary to meet the needs of seniors and the elderly, and as may be specified pursuant to the Commonwealth of Massachusetts' Assisted Living Residence regulations (651CMR 12). (Art. 44, A.T.M., 04/27/10)

Attic: The space between the ceiling beams of the top habitable story and the roof rafters (see HABITABLE ATTIC). *

Basement: A portion of a building (not a story) partially underground, but having not less than half its clear height measured from floor to finished ceiling above the average grade of the adjoining ground (see CELLAR). *

Basic Code: The State Building Code of the Commonwealth of Massachusetts, also referred to as the “Building Code” or the “Code”.

Boarding House/Tourist Home/Lodging House: A building containing from two (2) to six (6) sleeping rooms and arranged or used for lodging, with or without meals, for compensation, by more than five (5) and not more than twenty (20) individuals. *

Body Art: The practice of physical body adornment by body piercing, tattooing, cosmetic tattooing, branding and/or scarification. This definition shall not be deemed to include practices that are considered medical procedures by the Massachusetts Board of Registration in Medicine and shall not include piercing of the earlobe. (Art. 37, Spring A.T.M, 4/24/01)

Body Art Establishment: An establishment where the practices of Body Art are conducted. (Art. 37, Spring A.T.M., 4/24/01)

Bonus: The construction of floor area in excess of that permitted as of right by the applicable FAR maximum. ~

Bonus Project: A project for which the applicant is seeking any one (1) or more of the bonuses provided for in this bylaw. ~

Building: A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof or cover, to form a structure for the shelter, housing or enclosure of persons, animals or property. For the purpose of this definition, “roof” shall include an awning or any similar covering, whether or not permanent in nature. The word “building” shall be construed where the context requires as though followed by the words “or part or parts thereof”. (see also STRUCTURE).*

Building Line: The line established by these bylaws beyond which a building shall not extend, except as specifically provided by law. *

Building Lot: That area of land described and recorded as such in the Registry of Deeds on a site plan in an application for a building permit or an application to a Permit or Special Permit Granting Authority for a variance or a permit, respectively; or otherwise defined as the area on which a structure is to be constructed or a use is to be conducted. A building lot shall not include any part of a street, nor shall a lot be considered to be a building lot if its use is otherwise not allowed under this Zoning bylaw.*

Building-Mounted Wireless Communications Facility (BMWCF): Any out-of-doors WCF mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks, church steeples, and the like) occupied and/or used primarily for other purposes.◊

Cellar: The portion of the building partially underground, having half or more than half of its clear height below the grade plane or the mean finished grade of the ground adjoining the external walls of the building. *

Central-Type Apartment House: An apartment house of more than one level with more than eight (8) apartments, each such apartment house providing at least one (1) major stairway and not less than two (2) separate and direct means of egress from the building. (Art. 4 S.T.M. #3, 1976)

Certificate Of Use And Occupancy: The Certificate issued by the building official which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts, together with any special stipulations or conditions of the building permit. *

Change In Use: An alteration by change in part or all of an existing structure from one use category or purpose to another use category or purpose, as those uses are listed in the Schedule of Uses, Section III-A.2*

Cluster: The area circumscribed by a line connecting exterior points of outer building walls of the dwelling buildings contained within a single group of buildings. *

Commercial Parking Lot: A lot used for the storage or parking of passenger vehicles or buses with no provision for operations incidental to the servicing of such vehicles. *

Corner Lot: Any building lot abutting on two (2) or more streets at their intersection.*

Court: An uncovered, unoccupied space enclosed by the walls of a building or buildings on all sides, or one so enclosed on three sides, and whose depth opposite any clear opening into a yard or street exceeds one-half the width of such opening. *

Covered Open-air Front Porch: For purposes of paragraph 9 of Section IV-A, a first-floor, ground level single-story covered structure attached to the front exterior of a principal residential structure, no portion of which may extend beyond the side walls of the front of such principal residential structure, which has direct access to street level, and which the building inspector determines, following review of adequate plans, complies with the following additional requirements:

Exterior Materials: The exterior materials shall be consistent or complementary in color, texture, and quality with those visible at the front of the principal residential structure, and otherwise consistent or complementary to neighboring structures and neighborhood character.

Base: The base (from grade to deck level) shall not be solid, but shall be screened by lattice with openings no larger than two inches by two inches.

Roof: The roof shall be properly scaled and proportioned to the roof and architecture of the principal residential structure, have no less than a 3/12 slope, shall be attached to the front building wall of the principal residential structure. No second floor balcony, deck or enclosed construction of any kind shall be permitted above the roof.

(Art. 39, Spring A.T.M., 4/8/08)

Curb-Cut Closure: the closing of a Curb-Cut onto a double lane public way (Art. 1, S.T.M. #2, 12/3/02)

Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven (7) years of age or under sixteen years of age if such children have special needs for non-residential custody and care during part or all of the day separate from their parents. Day care center shall not include: any part of a public school system; any part of a private, organized educational system unless the services of such system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by section nine (9) of Chapter 28A of the Mass. Gen. Laws, as amended; an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.*

Divider Island: A landscaped element running in a direction parallel to a vehicular travel lane, used to separate parallel rows of parking spaces. ~

Dog Kennel: One pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old, or over, owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

Dormitory: A space in a dwelling unit where group sleeping accommodations are provided, with or without meals, for persons not members of the same family group,

in one room, or in a series of closely associated rooms under joint occupancy and single management, as in school or college dormitories, fraternity houses, military barracks and ski lodges. *

Dwelling: Any building used for habitation for one (1) or more persons, but not including commercial accommodations for transient occupancy or trailers or mobile homes, whether mounted or not. *

Dwelling, Multi-Family: A residential building (such as apartment houses and town houses) designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided. *

Dwelling, One Family Or Single Family: A building containing one (1) dwelling unit with not more than four (4) lodgers or boarders (not including a mobile home)*

Dwelling, Two Family: A building containing two (2) dwelling units with not more than four (4) lodgers or boarders per family, but not more than twenty (20) individuals. *

Dwelling Unit: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping and eating.

Enclosed Pedestrian Access: A physical connection between buildings on the same or adjoining lots which provides pedestrian access between such buildings, which is fully enclosed from the elements and along substantial portions of which there is occupiable space devoted to retail, restaurant or personal service establishments. (Art. 1, Fall STM #1, 10/18/05)

Establishments which display live nudity: Any establishment which provides live entertainment for its patrons, which includes the display of nudity either by workers in the course of transacting business or delivering services, or wherein performers appear in a state of nudity, as that term is defined in M.G.L. chapter 272, section 31. :

Excess Pervious Landscaping: Pervious landscaping exclusive of wetlands, as defined herein, in excess of the amount required by the applicable Landscape Surface Ratio (LSR). ~

Family: Any number of persons living as a single housekeeping unit. *

Family Suite – An accessory dwelling unit, in a primary single family dwelling, for occupancy by a resident who is related by blood, marriage or adoption to the owner of the primary dwelling. (Art. 3, S.T.M. #2, 12/03/02)

First Floor: The lowest floor above the level of the mean finished grade of the ground adjoining all external walls of a building and above the mean established grade of that part of any street on which the front of the building abuts. *

Floor Area Ratio (FAR): The ratio between the gross floor area of all buildings on a parcel, including accessory buildings, and the total area of the parcel. ~

Free-Standing, Wireless Communications Facility (FSWCF): Any out-of-doors WCF mounted on the ground or erected on, or supported by, any free-standing monopole structure. ◊

Front Yard: A yard across the whole width of a lot between the front line of the building or buildings thereon and the front line of the lot. *

Frontage: The linear extent of the front of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot. *

Fur Animals: Animals usually kept and raised for the use and sale of their skins and fur.

Galley Kitchen: A Kitchen so configured as to accommodate the storage and preparation of food and meals, but not to accommodate the seating of more than two persons. Such kitchen shall have an area of not less than 50 square feet. (Art. 3, S.T.M. #2, 12/03/02)

Garage: Any building or structure or part thereof wherein a motor vehicle containing a volatile inflammable medium is kept or repaired. *

Garage, Community: A group of attached private garages. *

Garage, Private: Covered space for the housing of four (4) or less motor vehicles; including no more than one (1) commercial vehicle which does not exceed two-and-one-half (2-l/2) tons gross weight; or two (2) or three (3) passenger vehicles plus no more than one (1) such commercial vehicle; with no provision for repairing or servicing such vehicles for profit, and not for rental or for commercial storage. *

Garage, Public: A building or structure for the storage or parking of more than four (4) passenger motor vehicles, or more than one (1) commercial motor vehicle, and in which provisions may be made for the dispensing of gasoline, oil or similar products for the servicing of such vehicles. *

Garden-Type Apartment House: An apartment house of one or two stories above grade with not more than eight (8) apartments all served by two means of egress, one of which shall be a primary entrance.

207.04 - Gasoline Station/Service Station/Filling Station: An establishment which provides for the servicing of motor vehicles or implements and conducts operations incidental thereto, limited to: a) retail sale of gasoline, oil, tires, batteries and new accessories; b) the changing and repairing of tires (but not including recapping); c) battery service, charging and replacement but not including repair or rebuilding; d) radiator cleaning and flushing, but not including repair or steam cleaning; e) installation of minor accessories; f) the incidental sale from time to time of motor vehicles but at no time shall more than two vehicles be displayed on the premises of the establishment for sale; and g) the following operations if conducted wholly within an enclosed building: lubrication of motor vehicles; brake adjustment, replacement of brake cylinders and brake fluid lines; minor repair not to include major body work, motor transmission or differential repairing; or any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any sale of motor vehicle accessories, and which may or may not include facilities for lubricating, or otherwise servicing motor vehicles, but not including the painting thereof by any means.*

Golf: The game as customarily played under natural light. The term “golf” as applied herein or in conjunction with these Zoning Bylaws shall not be construed to encompass as a direct or accessory use any artificial lighting installed upon, near, or over the regular golf playing area or course of such type or intensity as to illuminate said playing area or course for the purpose of making play possible when natural lighting conditions would otherwise prevent it. (Art. 7 S.T.M. November, 1964)

Grade: A reference plane representing the average or finished ground level adjoining the building at all exterior walls. *

Gross Floor Area: The sum of the areas of all stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including any floor area below grade when usable for residential, office, business, storage, industrial, or other purposes, but excluding any area used exclusively for heating, air conditioning or other mechanical equipment which services the building, and excluding floor area intended or designed for off-street parking. ~

Gross Land Area: All of the land within the perimeter of a parcel which is proposed for development or use. *

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third (7-113) feet above the attic floor is not more than one-third (1/3) the area of the floor next below.*

Habitable Room: A room or enclosed floor space arranged for living, eating, and sleeping purposes (not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways and other accessory floor spaces). *

Half Story: An attic having available floor area enclosable within vertical walls four (4) feet in height not exceeding three-fourths (3/4) that of the story next below it. *

Health Care Facility: a structure or portion thereof in which persons are housed, reside, or visit, on a short-term or long-term basis, and have available therein medical or nursing professional services, and/or facilities or services to assist in daily living, sustenance, care, or rehabilitation; such as, but not limited to: rehabilitative care facility, convalescent or nursing home, rest home, skilled nursing facility, diagnostic and health care professional offices, and hospital. (Art. 1, STM #5, 11/16/93) (Art. 44, A.T.M. 04/27/2010)

Height, Building: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street the height shall be measured from the average of the grade at the center line of each street or, if it does not abut on a street, from above the mean finished grade of the ground adjoining the external walls thereof. An external wall extending above the roof shall be considered as part of the height of the building. *

Height, Court: The vertical distance from the lowest level of the court to the mean height of the top of the enclosing walls. *

Height, Story: The vertical distance from top to top of two (2) successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists, or, where there is no ceiling, to the top of the roof rafters. *

Height of WCF Structure: A distance measured from the average finished grade of the land surrounding a WCF tower, or surrounding the exterior walls of a building or other structure containing or supporting a WCF, up to the highest point, surface or projection of such building or structure or the highest point, surface or projection of the WCF itself.◊

Home Occupation/Customary Home Occupation: An occupation such as professional offices, studios, laboratories, and workshops which may specifically include the following occupations (not by way of limitation): seamstress, tailor, milliner, hair care facility, realtor, legal services, dental or medical care facility, art, craft or music instruction, provided that: (a) Only one person other than members of the family residing on the premises shall be simultaneously engaged in such occupation, (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the building area of the dwelling unit shall be used in the conduct of the home occupation; (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building; (d) No home occupation shall be conducted in any accessory building; (e) There shall be no sales other than goods produced or assembled on the premises in

connection with such home occupation nor public display of goods or wares; (f) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation beyond such normal volume shall be met off the street and other than in a required front yard; (9) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, smoke, dust, odors, heat, unsightliness, or electrical interference detectable to the family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; (h) There is no exterior storage of materials or equipment including automotive parts and construction equipment; and (i) There is no external structural alterations which is not customary in a residential building. (Art. 17, 1987 FALL A.T.M.)

Hotel : any establishment used for the feeding and lodging of guests, whose occupancy is not to exceed ninety (90) consecutive days, which is licensed or required to be licensed as a common victualler and innholder under the provisions of M.G.L. c. 140, s. 6 and has upon its premises the necessary implements and facilities for cooking, preparing and serving food for strangers and travelers, and also has the rooms, beds and bedding required by law. (Art. 1, S.T.M. #2, 12/3/2002)

Housing Trust Fund Contribution: A contribution to a trust fund, maintained by any public agency, or private non-profit agency, established for the purpose of financing the purchase, rehabilitation and/or construction of housing for low and moderate income persons or families. (~ see below) (Art. 5, S.T.M. #2, Oct. 10, 2000)

Indoor Wireless Communications Facility (IWCF): A WCF mounted inside, erected inside or supported within an existing building or structure (including without limitation, buildings, cupolas, church spires, inactive smoke stacks, and the like) occupied and/or used primarily for other purposes, no portion of which is visible from the exterior of such building or structure.◊

Interior Lot Line: Any lot line other than one adjoining a street or public space. *

Landscape Surface Ratio (LSR): The ratio between the area of a parcel devoted to pervious landscaping or natural vegetated areas and the total area of the parcel. Both components of this ratio shall exclude any wetland resource area, as defined in M.G.L. Ch. 131, Sec. 40, except for wetland areas that are located within one hundred (100) feet of an upland area that adjoins a developed area of the project, or wetland areas to be improved to serve as a public amenity. ~

Limited Salesroom for Motor Vehicles: A retail establishment for the sale of Motor Vehicles with Class I license per MGL c. 140 s. 59 having no more than four vehicles on site for sale, test driving or display, with no repair services. *(Article 5, FTM, 10/15/13)*

Lodging House: See BOARDING HOUSE*

Lot: A single area of land in one ownership, defined by metes, bounds or boundary lines in a recorded deed or a recorded plan. (Art. 4, S.T.M., 10/10/00)

Lot, Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces. *

Lot, Interior: A lot which faces on one street or with opposite sides on two (2) streets. *

Lot Line: The established division line between lots or between a lot and a street.

Low Income: ”Low Income” shall mean having a total household or family income less than or equal to eighty (80%) percent of the median income for the Greater Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437, et. seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program. (Art. 10, 1991 Fall A.T.M.) (Art. 7, S.T.M. #1, 2/3/93)

Major Alteration: An alteration or expansion of a structure or group of structures, on the same lot or contiguous lots, that results in an increase in gross floor area equal to or greater than 15% over the gross floor area in existence on January 1, 1992; or which is equal to or more than eight thousand (8,000) square feet; or if the parcel on which the subject structure is located is within two hundred (200) feet of a residential district, is more than five thousand (5,000) square feet; whichever is the lesser amount. ~

Means Of Egress: A continuous and unobstructed path of travel from any point in a building or structure to a public space and consists of three (3) separate and distinct parts: (a) the exitway access, (b) the exitway and (c) the exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards. *

Medical Marijuana Treatment Center
A not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related

supplies, or educational materials to qualifying patients or their personal caregivers, which is properly registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations. (Art. 39 2013 Spring Town Meeting)

Minor Alteration: An alteration or expansion of a structure or group of structures, on the same lot or contiguous lots, that results in an increase in gross floor area of less than 15% over the gross floor area in existence on January 1, 1992; or which is less than eight thousand (8,000) square feet; or if the parcel on which the subject structure is located is within two hundred (200) feet of a residential district, is less than five thousand (5,000) square feet; whichever is the lesser amount. ~

Mobile Home: Any vehicle or object whether resting on wheels, jacks or other foundation and having no motive power of its own, but which is dram by, or used in connection with a motor vehicle, and which is so designed and constructed as a dwelling unit which permits its transportation and relocation as a complete unit on its own wheels; and containing complete electrical, plumbing and sanitary facilities; and designed to be installed on a temporary or permanent foundation for permanent living quarters. This shall not include the type of vehicle known as a travel trailer or travel coach. *

Moderate Income: “Moderate Income” shall mean having a total household or family income less than or equal to one hundred twenty (120%) percent, but more than eighty (80%) percent, of the median income for the Greater Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 U.S.C. 1437 et.seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program. (Art. 10, 1991 Fall A.T.M.) (Art. 7, S.T.M. #1, 213193)

Motel: A building intended and designed solely for transient or overnight occupancy, divided into separate units within the same building and with or without public dining-room facilities.

Motor Vehicle Repair Shop: A building, structure or enclosure in which the general business of repairing motor vehicles is conducted, including a public garage. *

Multi-Family Housing: A structure having three (3) or more dwelling units. ~

Multiple Dwelling: See DWELLING, MULTI-FAMILY*

Nonbonus Project: A project for which the applicant is not seeking a bonus. ~

Non-Conforming Building Or Use: An existing building or use of a building or land that does not conform to the requirements or regulations of the district in which it is located and which existed at the time of the adoption of the Zoning Bylaw. *

Office Building: A building used mainly for clerical or professional purposes, but not for manufacturing, or above the first story for selling goods, except by sample, and not as a dwelling, except by a janitor, and of which the first story may be used also for general commercial purposes. *

Open Space: The minimum space on a lot designated in these bylaws to be left open and in which no structures, parking, drives or other uses are found that would preclude attractive landscaping. *

Open Space Public Benefit Amenity: A public benefit amenity in the form of a park or excess pervious landscaping, available for passive or active recreation, or leisure use, by the public including the area for trails and ways for pedestrians and non-motorized vehicles. ~

Open Storage Yard: The use of premises for the storage in the open of lumber, stone, brick, gravel, cement and other bulky merchandise, contractors equipment and the like. *

Overnight Cabins/Tourist Cabins: A building containing only one or two habitable rooms, which is adapted and used to provide transient sleeping accommodations for hire to not exceed four (4) persons, but not adapted or used for cooking or preparing meals, or for residence by the same persons in excess of ninety (90) days in any calendar year. *

Parcel: All lots utilized for any purpose in connection with creating a development, e.g. buildings, parking, detention basins. ~

Park: A continuous area of open space which is directly accessible to the public for scenic, recreational or leisure purposes. ~

Party Wall: A fire wall, used or adapted for joint service between two buildings, which may fall on an interior lot line or which may be used to separate adjoining one and/or two-family dwellings on the same lot. *

Pedestrian Circulation Improvement: A public benefit amenity in the form of a pathway, off-site sidewalk or pedestrian bridge designed to facilitate pedestrian movement. ~

Pedestrian Bridge: A structure designed to convey pedestrians over a watercourse, railroad, or public or private right of way. ~

Pedestrian Tunnel: A structure designed to convey pedestrians under a watercourse, railroad, or public or private right of way.

Person: Every individual, partnership, corporation, firm, association, trustee or group, including a city, town, county, authority or other governmental unit, owning property or conducting any activity regulated by this Bylaw. *

Pervious Landscaping: Area that is principally covered with natural materials such as grass, live plants and trees. ~

Premises: A lot together with all buildings, structures, and uses thereon.

Preserved Open Space: All land not designated for dwellings or accessory structures nor included in a building lot within a Single Family - Town House or other Cluster Development. *

Professional Office: The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer or accountant.*

Public Assembly Space: A room or facility, such as a meeting room, theater, amphitheater or auditorium, which is available on a not-for-profit basis for use by members of the public for civic and cultural events. ~

Public Benefit Amenity: An improvement, facility or financial contribution for the benefit of the public, provided in connection with a development in order to qualify for an increase over the base FAR. ~

Public Shade Tree: All trees within a public way or on the boundaries thereof, and where the boundaries of the way cannot be made certain by records or monuments a tree shall be taken to be within the highway and to be public property until the contrary is shown. *

Public Space: A legal open space on the premises, accessible to a public way or street, such as yards, courts or open spaces permanently devoted to public use which abuts the premises. *

Public Transit Endowment: A contribution to a trust fund, maintained by the Town of Natick, or by another governmental body designated by the Board of Selectmen, established for the purpose of providing long-term financial support for local or regional transit systems serving the Regional Center district. ~

Public Utility: A public-service corporation, either private or municipal, supplying or transmitting gas, water, electricity, or communications to any or all members of the public and subject to Federal, State, or Town regulations by virtue of its natural or legal monopoly, except for a corporation or other organization which provides cellular telephone service, personal communications service, or enhanced specialized mobile radio service.◊

Rear Yard: A yard across the full width of the lot between the rear line of the building and the rear line of the lot. *

Regional Center Mixed-Use Development: The use of a parcel or two or more abutting parcels (developed and operated under a joint operating agreement or as part of a condominium association) for a combination of multi-family residential use and shopping mall use where the shopping mall use has received special permits and site plan approval from the Planning Board pursuant to Section 320 and Section VI-DD of this By-Law and where there is enclosed pedestrian access between all of such parcels. Where a parcel has the benefit of a special permit granted under Section 324.10.1 of this By-Law, all of the parcels included within the application for such special permit must have enclosed pedestrian access to each other. (Art. 1, Fall STM #1, 10/18/05)

Renewable or Alternative Energy: The following renewable or alternative energy generation activities, products, or technologies: solar (both photovoltaic (PV) and thermal); wind; biomass power conversion or thermal technologies, including R&D related to, or the manufacture of, wood pellets; ultra low emissions high efficiency wood pellet boilers and furnaces; low impact hydro (electric or kinetic); ocean thermal, wave or tidal; geothermal; landfill gas; fuel cells that use renewable energy; advanced biofuels; combined heat and power; electric and hydrogen powered vehicles and associated technologies including advanced batteries and recharging stations. (Art. 58 Fall A.T.M. 10/20/09)

Renewable or Alternative Energy Research and Development Facilities: Facilities used primarily for research, development and/or testing of innovative renewable or alternative energy information, concepts, methods, processes, materials or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes or specialized machinery and devices integral to research or testing may be associated with these uses. (Art. 58 Fall A.T.M. 10/20/09)

Restaurant: Any structure or part thereof, other than a hotel or boarding house, used chiefly for the sale of food to be eaten on the premises, and fitted to serve at once more than four (4) guests. *This shall not include establishments engaged in the sale of packaged foods prepared on or off the premises exclusively for consumption off the premises. (Art. 40 Spring A.T.M. 4/12/11)*

Retail Store: *A structure containing goods for sale. Such goods may include individual items displayed on shelves or racks, free standing or hung on a wall. A retail store shall include establishments engaged in the sale of packaged foods prepared on or off the premises exclusively for consumption off the premises. A retail store may also include those having goods stored in bulk and not readily accessible to the customer, e.g. a retail warehouse where goods are stored on pallets and/or in boxes, in addition to being on sale. (Art. 40 Spring A.T.M. 4/12/11)*

Road Link: a roadway connecting to a double lane public highway. (Art. 1, S.T.M. #2, 12/3/02)

Row House: One of a row of attached dwellings, separated by a masonry wall with no openings from the adjacent dwelling. (see TOWN HOUSE).*

School: A public, non-profit private, parochial or other institution maintained primarily for educational purposes, recognized as such by the Massachusetts Department of Education. (Art. 54, Spring A.T.M., 4/17/97)

Service Road: A road that is designed to provide access to abutting properties to minimize traffic entering onto or exiting from major roadways. ~

Setback: The shortest distance from the boundary line of a street, or lot line, to the wall of a building facing thereon. *

Shopping Mall Use: as defined in Section 323.1.5 (Art. 1, S.T.M. #2, 12/3/02)

Side Yard: A yard between a building and a side line of the lot extending from the front yard to the rear yard. *

Solid Waste Disposal Facility: Use of land for the disposal of solid refuse, such as dumps using the sanitary fill method. *

Stable: A structure for housing any number of the larger domestic animals, such as horses, cattle, swine. *

Story: That portion of a building including between the upper surface or top of any tier of beams of a floor and the upper surface or top of the beams of the floor or roof next above. *

Street: A primary thoroughfare or highway or right of way thirty (30) feet or more in width as dedicated or devoted to public use by legal mapping use, easement or other lawful means. *

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, gas pump, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word “structure” shall be construed, where the context requires, as though followed by the words “or part or parts thereof”. However, for purposes of measuring setback from lot lines, structure shall not include fences, reta ining walls, rip rapped areas, driveways, parking areas, utility lines or the like. *

Subsidized Housing: The term “subsidized housing” shall mean housing for people of low or moderate income which is constructed, rehabilitated, remodeled and sold, leased or rented by the Town of Natick, the Natick Housing Authority, or by any other public agency, non-profit or limited dividend organization; the construction,

remodeling, financing, sale, lease or rental of which housing is regulated and financially assisted by agencies of the government of the United States or of the Commonwealth of Massachusetts under programs the purpose of which is to provide housing for people of low or moderate income. The terms “low income”, “moderate income”, and “limited dividend corporation” shall have the meanings defined in the programs or laws administered by such agencies. (Art. 83 A.T.M. 1973)

Tenement House: Any building occupied or designed to be occupied as a residence by more than two (2) families, including apartment houses and flat houses; also any building other than a hotel having ten (10) or more rooms to be let to lodgers or accommodations for twenty (20) or more lodgers. *

Tense, Gender And Number: Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular. *

Terms Not Defined: Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply. *

Terminal Island: A landscaped element at the end of a row of parking, running in a direction parallel to individual parking spaces and having a minimum length equal to the length of any abutting parking space. ~

Town House: A building containing at least three (3) one-family dwelling units attached together by common walls with each dwelling unit located on one or two levels above grade, each unit being served by a separate ground floor entrance. (Art. 3 S.T.M., 6/1 7/80)

Tourist Home: See BOARDING HOUSE*

Trailer: A non-automotive wheeled vehicle, which may be in the form of a flatbed mounted on a wheeled undercarriage, or having a partially or fully enclosed storage means on a wheeled undercarriage, or an operable piece of equipment having a wheeled undercarriage, or the like, designed to be hauled by some other vehicle. *

Trailer Park: A parcel of land on which there is located or intended to be located two or more trailers occupied for living purposes where all utility services are supplied.

Transit Amenity: A public benefit amenity which contributes to the use and/or long-term availability of public transit and is either a transit-related physical alteration or public transit endowment contribution. ~

Transit-Related Lane Widening: A new or expanded lane on an existing street, designed and reserved for use by high occupancy vehicles, such as buses and vans.

Wireless Communications Facility (WCF): A transmission and reception base or substation, including fixtures and equipment used for the wireless transmission and reception of radio signals, including but not being limited to: (a) reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices, (b) structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles, but excluding lattice towers, (c) earth stations and associated equipment, and (d) any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate any of the foregoing equipment.

It is recognized that the wireless industry technology is rapidly changing and the definition of a WCF may be expanded over time to encompass further technological advances and new devices resulting therefrom. All of such future devices are also intended to be included within this definition. It is specifically intended, however, that a WCF shall include all "personal wireless service facilities" as defined in Section 332 (c)(7) of the United States Code, Section 332, as amended. ◊

Wireless Communications Services: The provision of the following types of services: cellular telephone service, personal communications including wireless and broadcast communications, and enhanced specialized mobile radio service, paging services, and including, without limitation, voice, messaging and data communications using advanced digital communications technologies.◊

Amended:

(~) - Golden Triangle (Art. 7, S.T.M. #1, 2/3/93)

(*) - (Art. 25, FALL A.T.M., 10/10/95)

(ŧ) - (Art. 24, FALL A.T.M., 10/03/96)

(:) - (Art. 48, SPRING A.T.M., 4/17/97)

(◊) – (Art. 30, FALL A.T.M., 10/8/98)