

**Article 31 - Markup of Zoning Bylaw Sections IXC and XI Based on Motion
March 25, 2015 Version**

See pages 1 & 3 of 6 for amendments to Section IXC

See pages 4 & 6 of 6 for amendments to Section XI

* **NOTE:** Deletions shown as ~~**bold strikethrough**~~; existing language to be readopted shown as **bold underlined**; proposed language to be added shown as **bold double underlined**.

SECTION IXC. WELLESLEY SQUARE COMMERCIAL DISTRICT.

A. In Wellesley Square Commercial Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
2. Residence for more than two families, apartment house, apartment hotel, hotel, or inn;

* **NOTE:** The motion proposes to delete #3 in its entirety, readopting only the language shown as **bold underlined** and **bold double underlined** below. A portion of the deleted language (shown in ~~**bold strikethrough**~~) serves to inhibit outdoor dining (“~~**for the sale of any food or beverage for consumption off the lot or within a building on the lot**~~”), and the language pertaining to drive through windows is unnecessary because of the “clause 13.” requirement included in the Bylaw requiring a special permit for drive through windows.

3. **Restaurant, tea room, or other eating place for the sale of any food or beverage for consumption off the lot or within a building on the lot; drive through windows where food or beverage is purchased by customers in vehicles are not allowed except by special permit under clause 13. hereof;**
4. Retail store having less than 50,000 square feet of floor area where all items for sale or rent are kept inside a building.

Drive through windows where items or services are provided to customers in vehicles and retail stores having 50,000 or more square feet of floor area are not allowed except by special permit under clause 13. hereof;

5. Theater, hall, club or other place of assembly;
6. Office, bank or other monetary institution; drive through windows where transactions are made by customers in vehicles are not allowed except by special permit under clause 13. hereof;
7. Public or semi-public building;

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8. Storage or parking of motor vehicles, gasoline filling station, motor vehicle repair shop, printing plant or telephone exchange; but not including auto body repair and painting shop or automated or mechanical car wash;
9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in SECTION XVI and provided further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in SECTION XXV for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or SECTION XVI. hereof;
11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in SECTION XXV.:
 - a. Automated or mechanical car wash;
 - b. Dry cleaning establishment where chemical solvents are used on the premises;
 - c. Motor vehicle sales;

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- d. Motor vehicle body repair and/or painting shop;
- e. Sale or rental of trailers, boats or recreational vehicles;
- f. Sale or rental of tools and/or equipment involving outdoor storage;
- g. Retail sales where one or more items for sale or rent are kept outside a building;
- h. Sale of products or items from trailers and vehicles
- i. Drive through windows where business is transacted from the vehicles of customers or patrons;
- j. Retail store having 50,000 or more square feet of floor area.
- k. Registered Marijuana Dispensaries

* **NOTE:** The motion proposes to add item “l.” (shown as **bold double underlined** below) clarifying that outside dining is allowed with the issuance of a special permit. The inclusion of “with or without service from waitstaff” confirms that outside dining would be allowed for all types of restaurants.

l. Outside dining accessory to a restaurant use, whether with or without service from waitstaff.

- B. PROJECT APPROVAL.
The provisions of SECTION XVIA. PROJECT APPROVAL. shall apply.
 - C. Off-street parking shall be provided in accordance with SECTION XXI.
 - D. FLOOR AREA RATIO: The maximum floor area ratio as defined in SECTION IA. DEFINITIONS. shall be the greater of 0.30 or the floor area of the building or buildings on a lot on March 22, 2004 said floor area to be certified by the applicant in conjunction with a project submission.
 - E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.
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SECTION XI. BUSINESS DISTRICTS.

A. In Business Districts, no new building or structure shall be constructed or used, in whole or in part, and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used, for any purpose except one or more of the following specified uses:

1. Any purpose authorized in Single Residence, General Residence or Educational Districts;
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3. **Restaurant, tea room, or other eating place for the sale of any food or beverage for consumption off the lot or within a building on the lot; drive through windows where food or beverage is purchased by customers in vehicles are not allowed except by special permit under clause 13. hereof;**
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9. Veterinary hospital or other medical institution for the care of animals and in connection therewith a boarding kennel and pound, provided that all activities shall be within a building except for exercise runs which may be maintained outside a building as an accessory use thereto, provided that such runs shall not occupy a total area in excess of four hundred (400) square feet or be located within one hundred (100) feet of any business or residential use; and that approval has been received from the Director of Public Health of the Town, and a license has been secured in accordance with Section 137A, Chapter 140, of the Massachusetts General Laws as amended;
10. Light manufacturing of products, the major portion of which is to be sold at retail on the premises by the manufacturer to the consumer; provided that no light manufacturing shall be carried on in a Business District which is prohibited or not authorized in the Industrial Districts or which is prohibited in SECTION XVI and provided further, that the total floor space used for such light manufacturing on any one lot or on adjoining lots, if part of the same establishment, does not exceed an area of fifteen hundred square feet, unless a special permit is obtained as hereinafter provided in SECTION XXV for the use of an additional specified amount of floor space if the Special Permit Granting Authority finds that such additional floor space is reasonably necessary in the conduct of the business, and that the use of such additional floor space would not violate this Section or SECTION XVI. hereof;
11. Such accessory uses as are customary in connection with any of the uses enumerated in clauses 1, 2, 3, 4, 5, 6, 7, 8, and 9, and are incidental thereto; such as the temporary parking of motor vehicles of customers and clients patronizing a use allowed in the district; drive through windows where business is conducted from vehicles shall not be considered as a customary accessory use;
12. Any additional use for which a special permit may be obtained in a specific case, as hereinafter provided in SECTION XXV. after the determination by the Special Permit Granting Authority that the proposed use is similar to one or more of the uses specifically authorized by this Section.
13. Any of the following uses upon the granting of a special permit as provided in SECTION XXV.:
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- E. INCLUSIONARY ZONING: The provisions of SECTION XVIB. INCLUSIONARY ZONING shall apply.