

SECTION 2. DISTRICTS

SECTION 2.1. SINGLE RESIDENCE DISTRICTS

A. In Single Residence 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. One-Unit Dwelling

1A. Accessory Dwelling Unit.

An Accessory Dwelling Unit is allowed as an accessory use to any One-Unit Dwelling provided, and for so long as, such Accessory Dwelling Unit satisfies and complies with the provisions of Section 5.13. No more than one Accessory Dwelling Unit is allowed for any One-Unit Dwelling. Accessory Dwelling Units are not allowed in Two Family Dwellings, Town Houses, or other buildings with multiple Dwelling Units.

2. Religious Purposes;

3. Educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a non-profit educational corporation, provided, however, that all lots, structures or uses shall be subject to the following dimensional criteria:

- a. Maximum height as defined in Section 5.4 shall be three stories or 40 feet;
- b. Minimum frontage as defined in Section 5.3 shall be 100 feet;
- c. Minimum lot area as defined in Section 5.2 shall be as indicated on the Zoning Map as referenced in this Zoning Bylaw;
- d. Minimum Side Yard as defined in Section 5.3 shall be 50 feet;
- e. Minimum Front Yard as defined in Section 5.3 shall have a width of 100 feet and a depth of 50 feet, or such greater distances as may be required by Section 5.3;
- f. Minimum open space as defined in Section 1.3 shall be 75% of the lot area;
- g. Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street, the provisions of Section 5.17.D.3. shall apply to any parking lot constructed;

Other provisions of the Zoning Bylaw notwithstanding the above regulations apply to uses permitted under this Clause 3.

3A. Child Care Facility provided that:

- a. The structure containing such facility and the lot containing such facility shall meet the dimensional zoning requirements for the district in which the structure is located unless the structure is a legally pre-existing, non-conforming building or structure;
- b. The structure containing such facility and the facility itself shall meet all applicable local, state and federal requirements;
- c. The fire alarm system shall be installed and tested by a qualified electrician or alarm company pursuant to National Fire Protection Association standards; test certification shall be submitted to the Inspector of Buildings and the Fire Chief with periodic testing done at intervals specified by the Fire Chief;
- d. Fenced outdoor play area, set back a minimum of 10 feet from any abutting land in single residence use, shall be provided at a ratio of not less than 75 square feet for every child at play, exclusive of the area occupied by play equipment;
- e. One off-street parking space shall be provided for every paid and unpaid employee, not resident on the premises, so that there is no on-street parking by employees;
- f. Off-street drop off and pick up area shall be provided at a ratio of one space for every 3 children, unless drop off and pick up area can lawfully be provided on a street abutting the lot;
- g. Off-street parking areas devoted to the parking of 5 or more vehicles shall comply with the Screening requirements contained in Section 5.17.D.3. and;
- h. A Child Care Facility located within a Single Residence District shall not exceed a floor area of 2,500 square feet.

4. Club, except a club the chief activity of which is a service customarily carried on as a business;

5. Agriculture, horticulture, floriculture, including the use of the premises for the sale of natural products raised thereon except as follows:

- a. A farm devoted principally to the raising of poultry, horses, domestic animals or other livestock for sale is prohibited unless it meets the minimum acreage requirement as provided in Chapter 40A Massachusetts General Laws, as amended;
- b. The use of any premises for the sale of loam is prohibited.

6. Home Occupations being lawfully conducted prior to October 24, 1977, subject to any and all restrictions or conditions in effect on said date; and other home occupations provided, however, that as the result of the home occupation:

- a. There shall be no activity, and no equipment or process shall be used, in the conduct or as the result of the conduct of a home occupation, which disrupts or disturbs the customary character of a residential neighborhood;
- b. There shall be no employees not resident on the premises;
- c. There shall be no pickup or delivery of products and/or articles at the premises that is not customary in a residential area;
- d. No sign advertising, or incidental to the home occupation shall be displayed on the property;
- e. There shall be no outdoor storage of products or materials;
- f. There shall be no change in the outside appearance of the premises, including building and grounds;
- g. There shall be no additional parking permitted;

Upon receipt by the Inspector of Buildings of Notification, in form acceptable to the Inspector of Buildings, from the person or persons wishing to conduct a home occupation, of the intention to conduct said home occupation, home occupations complying with the above standards are permitted as a matter of right.

7. Such accessory uses as are customary in connection with the uses enumerated in clauses 1, 2, 3, 4, 5, or 6, and are incidental thereto, including a private garage and a private stable.
8. Any of the following additional uses upon the granting of a special permit as provided in Section 6.3:
 - a. Residence for not more than two families, or boarding or lodging house, but not a restaurant; provided, however, that the building so used was in existence when this Bylaw took effect; and provided further that the Board of Appeals make a written finding that the original building can no longer be used or adapted at a reasonable expense and with a fair financial return for a use regularly permitted in the district.
 - b. Educational purposes in addition to those permitted under clause 3. hereof, and any non-profit purpose, not to include Registered Marijuana Dispensaries, provided that:
 - i. Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street, the provisions of Section 5.17.D.3. shall apply to any parking lot constructed;
 - ii. No sign identifying the premises shall be displayed on the property except in accordance with Section 5.18.C.1.a.4. of this Zoning Bylaw;

- iii. There shall be no disturbance or disruption to any residential neighborhood caused by or as the result of any use permitted under this subclause.
- c. Public, semi-public institution of a Philanthropic, Charitable or Religious character.
- d. Community Group Residence in an existing building having a single kitchen facility subject to the following conditions, limitations and dimensional criteria:
 - i. There shall be no disturbance or disruption to any residential neighborhood caused by the Community Group Residence or as a result of the operation of the Community Group Residence;
 - ii. The Special Permit Granting Authority shall not grant a special permit for a Community Group Residence where there is another similar facility located within a one half mile radius;
 - iii. The number of persons residing on the premises shall not exceed the limits contained in Section 424 of the State Building Code;
 - iv. Minimum lot area as defined in Section 5.2 shall be as referenced in this Zoning Bylaw;
 - v. Minimum Side Yard as defined in Section 5.3 shall be 30 feet;
 - vi. Minimum Front Yard as defined in Section 5.3 shall be 30 feet or such greater distance as may be required by Section 5.3;
 - vii. Minimum open space as defined in Section 2.6 shall be 50% of the lot area;
 - viii. Sufficient off-street parking shall be provided so that no vehicle will be required to park on any street; the provisions of Section 5.17.D.3. shall apply to any parking lot constructed;
 - ix. There shall be provided a minimum of one bedroom for every two persons residing on the premises;
 - x. No permit shall be issued or renewed for periods of more than 2 years.
- e. Telephone exchange provided there is no service yard or garage; unless otherwise provided for under Section 5.19 of this Zoning Bylaw.
- f. Removal of sand, gravel, rock, clay, loam or sod there from; except that no such permission shall be required for the removal of such materials incidental to excavation necessary for the construction of a building in accordance with a permit which has been issued by the Building Inspector or for the construction of a private way in accordance with a subdivision plan which has been approved by the Planning Board and recorded with Norfolk Deeds or filed in the Land Court if the land is registered.

- g. Residence where more than three (3) persons reside together as a single Housekeeping Unit and where such persons are not related to one another by blood, adoption or marriage.
- h. Home occupations in addition to those permitted under clause 6 hereof, provided, however, that as the result of the home occupation:
 - i. There shall be no activity, and no equipment or process shall be used, in the conduct or as the result of the conduct of a home occupation, which disrupts or disturbs the customary character of a residential neighborhood;
 - ii. There shall be no pickup or delivery of products and/or articles that is not customary in a residential area;
 - iii. No sign advertising, or incidental to the home occupation shall be displayed on the property except in accordance with Section 5.18 of this Zoning Bylaw;
 - iv. There shall be no outdoor storage of products or materials;
 - v. There shall be no change in the outside appearance of the premises, including buildings and grounds, that is not in keeping with the residential character and appearance;
 - vi. There shall be provision for parking on the premises so that no vehicle will be required to park on any street. The required parking area shall retain the character of the residential neighborhood. No substantial enlargement of the width of the residential driveway or other alteration of the driveway within the Front Yard setback shall be allowed in order to meet this requirement.
 - vii. There shall not be more than the equivalent of two full-time non-resident employees;

and provided, further, that no permit shall be issued for more than three years or renewed for periods of more than three years;

- i. Municipally owned or operated public parking lot or other public use.
- j. Off-street parking as a non-accessory use subject to the following criteria:
 - i. The non-accessory use parking shall not cause a significant disturbance or disruption of any residential neighborhood, in terms of safety, noise, traffic, appearance, or noxious odors;
 - ii. The non-accessory use parking shall not cause there to be fewer than the number of parking spaces available for accessory use parking as are required under Section 5.17.D.2.;

- iii. There shall be no reduction in area devoted to landscaping and screening as required by Section 5.17.D.3.;
- iv. The non-accessory use parking will not detract from the use of the parking lot for the accessory use; and
- v. Special Permits issued under this paragraph shall be subject to annual renewal.

k. Such accessory uses as are customary in connection with any of the above subclauses and are incidental thereto.

9. Air Navigation Facility as defined in Massachusetts General Laws; if permission is, in each case, obtained by a two-thirds vote at a Town Meeting duly called for the purpose and if the Special Permit Granting Authority subsequently issues a special permit in accordance with Section 5.6 and Section 6.3, subject to the following:

- a. All requirements, rules and regulations of the Federal Aviation Administration (FAA) and the Massachusetts Aeronautics Commission (MAC) shall be satisfied, and certification and approval by the FAA and the MAC shall be maintained;
- b. Special permit submissions shall be accompanied by a report which contains:
 - a noise assessment indicating the anticipated noise levels at the nearest residences, streets and roads and any noise mitigation measures;
 - nature and frequency of use;
 - a report on lighting and prevailing wind direction including approach and departure patterns showing any existing structures within the glide paths; and
 - a report on proposed air navigation facility maintenance programs.
- c. Air Navigation Facilities shall not be located less than 500 feet of any Wellesley residential street, residence, public school or playground;
- d. Air Navigation Facilities shall not create noise levels greater 65 db at any property line of a Wellesley residence;
- e. Air Navigation Facilities shall be subject to other requirements and conditions as may be determined by the Special Permit Granting Authority on a case by case basis; and
- f. A special permit for an Air Navigation Facility shall be subject to annual renewal.

The Special Permit Granting Authority may establish a standard format and content for the submission of applications for approval for an Air Navigation Facility.

The requirements of this paragraph 9. do not override, supersede or replace any FAA or MAC requirements which may be more restrictive. FAA and MAC requirements shall govern in such instances in the event of a conflict.

- 9A. Any of the following additional uses, if the location of the lands intended for such use has been approved in writing by the Board of Health and if permission in each case is obtained by a majority vote at a Town Meeting:
 - a. Cemetery (burial use), provided, however, that where a cemetery is hereafter approved and permitted under this Section and is contiguous to land used or zoned for residential use, the use of the land for a distance of not less than twenty (20) feet into such cemetery land from the border line with such contiguous residential property shall be subject to the following conditions:
 - i. Structures or buildings or portions thereof shall not be erected within said twenty (20) foot area;
 - ii. Burials shall not be made therein;
 - iii. Natural growth of trees and shrubs shall be maintained within said twenty (20) feet.
10. Use by the Town of a building, structure or land for its Municipal Light Plant or its Water Works Plant if, upon application by the Board of Public Works, the Special Permit Granting Authority shall grant a special permit in accordance with Section 6.3 of this Zoning Bylaw.
11. Conversion of a building and site previously used for a municipal purpose to a use permitted in Residential Districts provided, such use shall have been recommended to the Town Meeting by the Select Board as being in the Town's best interest; and provided, further, such use shall be approved by a two-thirds vote of a Town Meeting and be subject to a special permit as hereinafter provided.

In addition to said recommendation of the Select Board, the Planning Board shall hold a public hearing and make a report to the Town Meeting as to whether there is a need for the use in the Town and whether the use is consistent with the Town's Comprehensive Plan and compatible with surrounding uses. Failure of the Planning Board to make such a report shall not invalidate Town Meeting approval. Plans of the proposed use shall be made available for public review in the offices of the Select Board and the Planning Board for at least two weeks prior to the public hearing. Said plans shall conform to the specifications for preliminary plans contained in the adopted Design Review Procedures and any additional procedures that may be adopted by the Select Board.

Following the dissolution of the Town Meeting, the Zoning Board of Appeals may grant a special permit in accordance with Section 6.3 which shall include the plans and conditions approved by said Town Meeting vote and any further conditions which the Planning Board shall deem consistent with said Town Meeting approval and the public safety and convenience.

B. Project Approval

The provisions of Section 5.6 shall apply.

C. Inclusionary Zoning

The provisions of Section 5.7 shall apply.

Editor's Note: Rest of Page intentionally left blank