

ZONING CODE

ARTICLE IV Dimensional Requirements

Sec.4.1 General provisions. [Amended 6-10-1991 by Ord. No. 27156]

The table of Dimensional Requirements, Section 4.11, describes the general dimensional requirements for development in each zoning district except for provisions to the contrary which are included elsewhere in this chapter. Supplemental information and descriptions follow in section 4.2.

4.11. Table of Dimensional Requirements.⁷

4.12. Footnotes. Table of Dimensional Requirements.

- (1) No building shall be erected to a height in excess of the allowed maximum number of stories or the maximum height as indicated, whichever is less, except as provided in Section 4.217; provided, however, that ass accessory buildings and detached garages shall be at least 10 feet from the principal building.
- (2) The percentage of lot coverage shall include all principal and accessory buildings on any lot.
- (3) Side yard width shall be 10 feet where a building does not exceed two and one-half (2½) stories in height; in all other cases it shall be not less than one-fourth (¼) the height of the building.
- (4) An open or lattice-enclosed fire escape may project not more than five feet into a rear yard.
- (5) Buildings shall be not less than 150 feet from any street line and 100 feet from any property line. They shall be so grouped that each building shall face for the full length of its front façade either upon an existing street or upon an open space which in its least dimension shall not be less than 70 feet. Where the rear elevations of the principal buildings are built parallel to each other within 30° of parallel, the distance between their long dimensions shall not be less then 50 feet. Each building, whether principal or accessory, shall be at least 50 feet distant from any other buildings in the group, which distance shall be measured in a straight line between the points of the building which are nearest to each other. **[Amended 7-16-1964 by Ord. No. 21178].**
- (6) No part of any minimum landscape area shall be used for parking purposes. Also, any additional landscaped area as required by special permit up to 40% of total parcel area shall be measured from the twenty-five-percent minimum landscape requirement.
- (7) **[Amended 6-10-1991 by Ord. No. 27156]** Where a lot is located entirely in a Commercial District or where a lot is located partly in a Commercial District and partly in another nonresidential district and where such a lot does not exceed 25,000 square feet in total area and has a frontage of less than 100 feet and where

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such a lot does not abut residential districts, the rear setback requirement shall not apply and the side yard requirement shall apply to only one side. In all other instances, the application of the front, side and rear setbacks shall be as follows:

- (a) Front yard. The front yard depth shall be at least $\frac{1}{2}$ the height of the building, but in no event shall the front yard depth be less than 10 feet.
- (b) Side yard. Each side yard shall have a depth at least $\frac{1}{2}$ the height of the building, but in no event shall either side yard be less than 15 feet, except as provided in Section 4.241.
- (c) Rear yard. The rear yard depth shall be at least $\frac{1}{2}$ the height of the building, but in no event shall the rear yard depth be less than 25 feet, except as provided

(8) [Amended 7-16-1964 by Ord. No. 21178; 6-10-1991 by Ord. No. 27156]

Where a lot is located entirely in an Industrial District or where a lot is located partly in an Industrial District and partly in another nonresidential district and where such a lot does not exceed 25,000 square feet in total area and has a frontage of less than 100 feet and where such a lot does not abut residential districts, the rear setback requirement shall not apply and the side yard requirement shall apply to only one side. In all other instances, the application of the front, side and rear setbacks shall be as follows:

- (a) Front yard. The front yard depth shall be at least $\frac{1}{2}$ the height of the building, but in no event shall the front yard be less than 10 feet; provided, however, that where the district boundary line between an Industrial District and a residential district is located in the center line of a street, the front yard in the Industrial District shall not be less than 50 feet.
- (b) Side yard. Each side yard shall have a depth at least $\frac{1}{2}$ the height of the building, but in no event shall either side yard be less than 15 feet, except as provided in Section 4.215 and Section 4.241.
- (c) Rear yard. The rear yard depth shall be at least $\frac{1}{2}$ the height of the building, but in no event shall the rear yard depth be less than 25 feet, except as provided in section 4.215, Section 4.233 and Section 4.234.

(9) See Section 3.737 for definition of minimum open space and the open space Criteria for all developments seeking a special permit for increased development intensity above the FAR allowed as of right.

(10) The minimum lot frontage shall be maintained on all lots as a minimum lot width to a point equivalent to the rear façade of the principal building or 50% of the depth of the lot, whichever is greater. However, lots laid out on approved cul-de-sacs may reduce the minimum frontage by $\frac{1}{3}$. Further, lots in the Limited Commercial District shall be permitted to maintain their minimum required lot frontage along the front lot line only. The provisions for cul-de-sac and lots in the Limited Commercial District shall only apply to existing lots as of June 13, 2005. **[Amended 6-13-2005 by Ord. No. 30180]**

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- (11) Public or private educational institutions which are fully accredited by recognized private, state or federal organizations shall be allowed to exceed the height limitations of the RA-2 and RA-3 Districts given the following building setback criteria from residential or public open space property lines as specifically noted below:
- (a) The minimum setback for all structures shall be 75 feet. Within the minimum seventy-five-foot setback, surface parking shall be allowed to within 40 feet of residential and public open space property lines. In all instances, a natural or landscaped buffer shall be provided and maintained within 40 feet of all residential and public open space property lines.
 - (b) Buildings and structures up to two stories but not more than 24 feet in height shall be allowed given a seventy-five-foot setback from all residential and public open spaces property lines.
 - (c) Buildings and structures up to three stories but not more than 36 feet in height shall be allowed given a one-hundred-twenty-five-foot setback from all residential property lines.
 - (d) Buildings and structures up to four stories but not more than 48 feet in height shall be allowed given a three-hundred-fifty-foot setback from all residential property lines.
 - (e) Buildings and structures up to five stories but not more than 60 feet in height shall be allowed given a four-hundred-fifty-foot setback from all residential property lines.
 - (f) All residential dormitories and recreational structures, such as bleachers and concession stands, but not including playing fields and indoor recreational facilities, shall be at least 350 feet from any residential property lines.
 - (g) All parcels of land owned by public or private institutions that are less than two acres shall not be subject to the above regulations, but shall be subject to the dimensional regulations of the zoning districts in which they are located.
 - (h) All newly constructed recreational backstops, such as backstops associated with baseball infields, shall be at least 500 feet any residential property lines.
- (12) Consistent with the higher floor area ratios allowed by special permit, the City Council, when issuing a special permit for intensity of use, may allow for an increased number of units per acre up to the following maximums: **[Amended 6-10-1991 by Ord. No. 27156; 12-9-1991 by Ord. No. 27265; 6-26-2000 by Ord. No. 29025; 5-28-2002 by Ord. No. 29513; 12-23-2002 by Ord. No. 29628; 6-13-2005 by Ord. No. 30180]**

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District	Number of Dwelling Units per Acre
Residential C	18
Residential D	13
Business A	
Except multifamily	24
Multifamily townhouses or multifamily row- houses	18
Multifamily, except multifamily town- houses and multi- family row houses	24
Business B	
Except multifamily	30
Multifamily townhouse or multifamily row- houses	18
Multifamily, except multifamily town- houses and multi- family row houses	30
Business C	
Except Multifamily	60
Multifamily townhouses or multifamily row- houses	18
Multifamily, except multifamily townhouses and multifamily row houses	60
HR2 (multifamily)	30

(13) In the Business C District, no new structure may be constructed within 10 feet of a public pedestrian way of at least five feet in width if said public way is used for access to a parking area, public open space or public building. **[Added 12-9-1991 by Ord. No. 27265]**

(14) For parcels that abut the Charles River, a setback from the Charles River to any portion of any structure shall be at least 50 feet in the lot has a depth of at least 200 feet. In the instance where the lot depth is less than 200 feet, the setback shall be at least 25 feet. **[Added 12-9-1991 by Ord. No. 27265]**

(15) For side yard and rear yard requirements where a lot abuts a Conservation/Recreation or Residence District, see Section 4.234 and 4.241. **[Added 2-24-1992 by Ord. No. 27313]**

(16) In Business A District, the maximum floor area ratio (FAR) allowable by right shall not exceed .20 for retail use. In Business B District, the Maximum floor

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area ratio (FAR) allowable by right shall not exceed .24 for retail use. In Commercial District, the maximum floor area ratio (FAR) allowable by right shall not exceed .28 for retail use. In Industrial District, the maximum floor area ratio (FAR) allowable by right shall not exceed .28 for retail use. **[Added 12-14-1992 by Ord. No. 27463]**

- (17) See Section 4.214 for changes to FAR and open space caused by dividing lots with two or more principal buildings. **[Added 6-27-1994 by Ord. No. 27756]**
- (18) Where a lot having irregular topographical characteristics is located entirely in a Limited Commercial District and contains in excess of 10 acres of land, the Maximum building height shall be 45 feet (but not to exceed three stories) if:
- (a) Such building is at least 200 feet from the nearest district zoning Boundary line;
 - (b) There is a buffer area, excluding parking, building and storage, but not excluding driveways, with a minimum width of 100 feet adjacent to any residence district or conservation-recreation district, such area to remain in its natural, vegetated state or be landscaped to improve screening of such building from the abutting district.
 - (c) The floor area ratio of such lot does not exceed 0.25; and
 - (d) All mechanical equipment located on the roof of such building is selected and screened to reduce visual and noise impacts on residence districts.

In such cases, the owners of lots having irregular topographical characteristics shall have the option to determine building heights in accordance with either:

- (a) Section 2.326; or
 - (b) By measuring from the lower of:
 - (i) The grade of the building (the average elevation of the finished ground level along each wall of a building heights in accordance with either.
 - (ii) If the finished grade slopes away from the exterior walls of the building, the average elevation of the finished ground level measured six feet outside the exterior walls of the building, provided that the grade of the building (at the finished ground level) is not higher than the highest ground elevation within the building footprint existing prior to any construction or earthmoving activity on the site. **[Added 11-27-1995 by Ord. No. 28022]**
- (19) Swimming pools in the Conservation/Recreation District must comply with the front, side and rear setback requirements of the Conservation/Recreation District as set forth in Section 4.11. **[Added 8-4-1997 by Ord. No. 28403]**
- (20) Any conflict between the FAR by right and the FAR by Special Permit in Section 4.11 and Section 3.721 shall be governed by Section 4.11, Table of Dimensional Requirements, however, all exemptions stated in 3.721 shall be applicable to Section 4.11. **[Added 6-26-2000 by Ord. No. 29025]**

(21) Where a lot having irregular topographical characteristics is located entirely in a Residence D District and contains in excess of 10 acres of land, or is adjacent to one or more additional lots, held in common ownership, with a total area in excess of 10 acres, the City Council may grant a Special Permit for a maximum building height up to 60 feet (but not to exceed four stories) if: **[Added 12-23-2002 by Ord. No. 29628]**

- (a) There is a buffer area, excluding parking, buildings and storage, but not excluding driveways, with a minimum width of 100 feet between the building on such lot or adjacent lots held in common ownership, and any abutting residence district, such land area to remain in its natural vegetated state or be landscaped to improve screening of such building from the residence district.
- (b) The floor area ratio of such lot does not exceed 0.5; and
- (c) All mechanical equipment located on the roof of such building is selected and screened to reduce visual and noise impacts on abutting residence districts.

The terms of such a Special Permit may also grant the owner of such land the option to determine building heights in accordance with either:

- (a) Section 2.326; or
- (b) By measuring from the lower of:
 - (i) The grade of the building (the average elevation of the finished Ground level along each wall of a building; see Section 2.324); or
 - (ii) If the finished grade slopes away from the exterior walls of the building, the average elevation of the finished ground level measured six feet outside the exterior walls of the building, provided that the grade of the building (at the finished ground level) is not Higher than the highest ground elevation within the building footprint existing prior to any construction or earthmoving activity on the site.

(22) Any application for a special permit for intensity of use for new multifamily dwellings to be constructed in the Residence D District shall include provision for the construction of age-restricted housing with the effect that the number of age-restricted housing units to be provided shall be at least 30% of the number of housing units proposed to be constructed pursuant to such special permit. At the discretion of the City Council, the age-restricted housing may be located on a lot located in a Residence D District and adjacent to the lot on which the non-age-restricted housing units are to be located. Nothing herein shall negate the requirement that the applicant for such a special permit shall comply with the affordable dwelling requirements of Section 9.1 except that the number of dwelling units required by Section 9.141 shall equal 12.5%; the dwelling units required by Section 9.142 shall equal 20%; the “fee” required by Section 9.143 and 9.144 shall be 20% of the total development cost (TDC). In lieu of the increased requirements of Section 9.141, 9.142, 9.143 and 9.144 provided for in

previous sentence, the applicant may reduce said requirements to no less than the requirements provided in Section 9.141, 9.142, 9.143 and 9.144 by City Council approval of a petition by the applicant for a conservation set-aside. In lieu of each affordable housing unit provided, the applicant shall set aside 10,000 square feet of land with conservation value or in lieu of the fee required in Section 9.143 and 9.144 an equivalent square footage of land with conservation value equal in assessed value to the fee not provided, but in no case less than 54,450 square feet, such set-aside to be accomplished through:

- (a) The grant of a permanent conservation restriction to the City of Waltham or other qualified grantee, in a recordable form approved by the City Council and the Massachusetts Executive Office of Environmental Affairs.
- (b) The grant of a private development restriction or restrictive covenant either in gross or benefiting abutting land owned by the City of Waltham, for the maximum period allowed by applicable law, and in a recordable form approved by the City Council; or
- (c) The grant of the fee simple interest in said land to the City or a qualified non-profit corporation approved by the City Council.

An applicant seeking a conservation set-aside shall further apply to the Conservation Commission for a determination of the conservation value of the proposed set-aside, including but not limited to protection of endangered species, habitat preservation, and recharge of groundwater prior to petitioning the City Council, such determination to be made at a public hearing held in accordance with MGL Chapter 40A, Section 11. The Conservation Commission shall within 30 days of receipt of said request for determination, or within such further time as the City Council may allow upon the request of the Commission, make recommendation to the City Council regarding the conservation value of the proposed set-aside. However, in no case shall any land to be included in a proposed conservation set-aside be land under and within 40 feet of buildings, other structures, driveways, roads, parking lots and other paved areas. Wetlands, buffer zones and floodplains may be included in proposed conservation set-aside areas.

- (23) Subject to the requirements of Section 8.65 and 8.66, the City Council may by Special permit, and within the limitations imposed by said Sections 8.65 and 8.66, alter the dimensional requirements for a project within the Limited Commercial Revitalization Area Overlay District. **[Added 6-26-2006 by Ord. No. 30450]**