

WINCHESTER ZONING BYLAW

SECTION 1.0 PURPOSE AND AUTHORITY

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SECTION 2.0 DISTRICTS

2.1 ESTABLISHMENT

The Town is hereby divided into the following underlying zoning districts:

2.1.1 Residential Districts.

1. Multiple Family Residential Districts A (RA-120).
2. Apartment House Residential Districts B (RB-20).
3. Residential Districts A (RDA-20).
4. Residential Districts B (RDB-10).
5. Residential Districts C (RDC-15).
6. General Residence Districts (RG-6.5).

2.1. Business Districts.

1. General Business Districts 1 (GBD-1).
2. General Business Districts 2 (GBD-2).
3. General Business District 3 (GBD-3).
4. Center Business Districts (CBD).

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2.2 OVERLAY DISTRICTS

In addition, the following overlay districts are established and set forth in Section 8 herein.

2.2.1

Floodplain Overlay District (FPOD). See Section 8.1.

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2.2.10

Community Resource-Overlay District. See Section 8.10.

2.2.11

Central Business District - Multi-Family Housing Overlay District (CBDMH-OD) See Section 8.11

2.2.12

Residential – Multi-Family Housing Overlay District 1 (RMH-OD1). See Section 8.12

2.2.13

Residential – Multi-Family Housing Overlay District 1 (RMH-OD2). See Section 8.12

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USE REGULATIONS

3.1.1 General.

In each zoning district, land, buildings and other structures may be used as a principal use or an accessory use as specifically set forth in the Table of Use Regulations of this Section 3.1. Except as provided by law, all existing and future uses of land, buildings and structures not set forth in the Table of Use Regulations are expressly prohibited.

3.1.2 Symbols.

Symbols employed in the Table of Use Regulations shall mean the following:

Y Permitted as of Right - See Section 9.5.1 for applicability of Site Plan Review.

N Not Permitted; Prohibited.

SP Permitted only under a special permit granted by the designated Special Permit Granting Authority, as provided for in Subsection 9.4 of this Bylaw.

Table of Use Regulations

DISTRICT		RA	RB	RDA	RDB	RDC	RG	CBD	GBD1	GBD2	GBD3	IL	SCI
Group I - Residential Uses													
1.	Dwelling, single-family	Y	N	Y	Y	Y	Y	See 7.3.11.3	N	Y	Y	N	N
2.	Dwelling, duplex	N	N	N	N	N	Y	See 7.3.11.3	N	Y	Y	N	N
3.	Conversion of a single-family dwelling unit built prior to the enactment of this Zoning Bylaw into a duplex dwelling, provided the conversion does not require for safety or other reasons any exterior change which alters the single-family character of the dwelling, and no such change is made, and further provided that the lot contains no less than 11,000 square feet	N	N	N	N	N	SP	See 7.3.11.3	N	N	N	N	N
4.	Garden apartment house	SP	SP	N	N	N	N	See 7.3.11.3	N	SP Y	SP	N	N
5.	Town house or Dwelling, multi-family	SP	SP	N	N	N	N	See 7.3.11.3	N	SP Y	SP	N	N

DISTRICT		RA	RB	RDA	RDB	RDC	RG	CBD	GBD1	GBD2	GBD3	IL	SCI
6.	Apartment House	N	SP	N	N	N	N	See 7.3.11.3	N	<u>NY</u>	N	N	N
7.	A combination of business and residential uses which are otherwise allowed in the Table of Use Regulations in the underlying GBD-2 or GBD-3 District <u>(See Note 2)</u>	N	N	N	N	N	N	See 7.3.11.3	N	SP	SP	N	N
8.	A combination of business and residential uses which are otherwise allowed in the Table of Use Regulations in the underlying GBD-2 or GBD-3 Districts. <u>In GBD -3 with</u> up to four dwelling units otherwise allowed in this Table	N	N	N	N	N	N	See 7.3.11.3	N	Y	Y	N	N
9.	Cluster Residential Housing	N	N	SP	SP	N	N	See 7.3.11.3	N	N	N	N	N
10.	Multiple Use Development	N	N	N	N	N	N	See 7.3.11.3	N	N	N	N	N
Group II – Educational, Institutional, Recreational and Agricultural Uses ...													

Table Notes

- 1 Table Notes**-The serving of food outside of the building to be allowed via special permit.
- 2 In GBD-2, a denial of the special permit may not be used to deny the residential component of the project in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).**

SECTION 4.0 DIMENSIONAL REQUIREMENTS

4.1 GENERAL REQUIREMENTS

4.1.1 Table of Dimensional Requirements.

The regulations for each district pertaining to minimum lot size, minimum lot area per dwelling unit, minimum lot width, maximum height of buildings, minimum percentage of open space per lot, minimum front yard depth, minimum side yard width, minimum rear yard depth, and minimum distance between buildings, shall be as specified in the following “Table of Dimensional Requirements”, and shall be subject to the further provisions of this Section [4.0](#).

Table of Dimensional Requirements

DISTRICT	RA (r)	RB (r)	RDA (g) (q)	RDB (g) (q)	RDC (q)	RG	CBD (n)	GBD- 1 (s)	GBD-2 (s)	GBD-3 (s)	IL	SCI
Min. Lot Area (in square feet)	120,000	20,000	20,000	10,000	15,000	6,500 (h)	See 7.3.12	NR	NR (t)	NR (t)	20,000	NR
Min. Lot Frontage (in feet)	200	75 (b)	100 (b)	80 (b)	100 (b)	65 (b) (h)	See 7.3.12	20	50	50	100	NR
Min. Lot Width (in feet)	200	75	120	80	100	65 (h)	See 7.3.12	20	50	50	100	NR
Min. Front Yard (l) (in feet)	40	25 (d)	35	25	35	20	See 7.3.12	NR	10 Ft. Min (u)(v) 15 Ft. Max (aa)	15 Ft. Min. (u)(w)	25	40 (m)

DISTRICT	RA (r)	RB (r)	RDA (g) (q)	RDB (g) (q)	RDC (q)	RG	CBD (n)	GBD- 1 (s)	GBD-2 (s)	GBD- 3 (s)	IL	SCI
Min Side Yard (j) (in feet)	40	15 (d)	20	15	20	10 (h)	See 7.3.12	NR	NR (x)	NR (x)	20	40
Min. Rear Yard (j) (in feet)	40	15 (d)	20	15	20	10	See 7.3.12	20	15	15	20	40
Min. Yard adj. to SCI & Residential Dist. (in feet)	40	15 (d)	15	15	15	10	See 7.3.12	20	15 (y)	15 (y)	25 (p)	40
Min. Yard adj. to other Dist. (in feet)	40	15 (d)	15	15	15	10	See 7.3.12	10	NR	NR	25	40
Min. % Open Area	75	60 (e)	75	70	70	70	See 7.3.12	NR	NR (z)	NR (z)	60	85
Min % Green Space	35	35	35	35	35	35	See 7.3.12	NR	NR	NR	NR	NR
Max % Hardscape	35	NR	35	35	35	35	See 7.3.12	NR	NR	NR	NR	NR
Max. Building Height (in stories)	3	5	2.5	2.5	2.5	2.5	See 7.3.12	3	3	3	3	3

DISTRICT	RA (r)	RB (r)	RDA (g) (q)	RDB (g) (q)	RDC (q)	RG	CBD (n)	GBD- 1 (s)	GBD-2 (s)	GBD- 3 (s)	IL	SCI
Max. Building Height (in feet) (k)	40	45	40	40	40	40	See 7.3.12	45	45	45	45	45
Min. Distance between Buildings (in feet)	30 (c)	(d)	15	15	15	15	See 7.3.12	NR (c)	NR	NR	30 (c)	30

4.1.2 Notes to Table of Dimensional Requirements.

a. Dimensional requirements of RDA District apply to single-family dwellings. See Section [4.2.2](#) for density requirements.

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r. Maximum density in the Apartment House RB-20 District shall be 20 units per acre and in the Multiple Family RA-120 District shall be three (3) units per acre. Additional density may be allowed consistent with the affordable incentives described in Section [7.1. Additional density may be allowed per Section 8.11 Central Business District Multi-family Housing -Overlay District \(CBDMH-OD\) and Section 8.12 Residential Multi-family Housing -Overlay Districts \(RMH-OD\).](#)

s. See Section [9.5](#) for Site Plan Review requirements for Lot Areas equal to, or greater than, 15,000 square feet.

4.1.3 Erection of More Than One Principal Structure on a Lot.

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4.2 SUPPLEMENTARY REGULATIONS

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SECTION 5.0 GENERAL REGULATIONS

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SECTION 6.0 SPECIAL REGULATIONS

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SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS

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SECTION 8.0 SPECIAL DISTRICT REGULATIONS

8.1 FLOODPLAIN OVERLAY DISTRICT (FPOD)

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8.10 COMMUNITY RESOURCE OVERLAY DISTRICT (CROD)

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[8.11 Central Business District Multi-Family Housing-Overlay District \(CBDMH-OD\)](#)

[8.11.1](#)

Purpose. The purpose of the CBDMH-OD is to allow multifamily housing in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multifamily housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
2. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.
3. Locate housing within walking distance of public transit, downtowns, or town centers to promote general public health, reduce the number of vehicular miles traveled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
4. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
5. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
6. Increase the municipal tax base through private investment in new residential developments.

8.11.2 Definitions

See Section 10.0- "MBTA", "Multi-Family Housing", "Multi-Family District" "As Of Right"

8.11.3 Overlay District.

The CBDMH-OD is herein established as an overlay district as per vote of the Town Meeting. The application of a CBDMH-OD to the Zoning Map shall not restrict the uses allowed by right or special permit in the underlying zones except as provided in this section. The CBDMH -OD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning districts shall remain in full force except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulation.

8.11.4 Multi-Family Uses Allowed.

In accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A), multi-family housing is permitted in CBDMH-OD subject to the requirements set forth in this Section.

8.11.5 Applicability.

Multifamily Housing shall be permitted in areas designated on the zoning map as CBDMH -OD.

8.11.6 Site Plan Review.

Projects that meet the threshold criteria established in 7.3.15.1 shall be subject to site plan review in accordance with the procedural requirements set forth in Section 7.3.15, and 7.3.16

8.11.7 Design Review.

All projects located in the CBDMH-OD shall be subject to design review in accordance with the threshold criteria established in 7.3.15.1 and procedural requirements set forth in Section 7.3.15. The following sections shall not be applicable for projects located in the CBDMH-OD Districts when the proposal includes multi-family housing or any development which includes a combination of business and multi-family residential uses. All other guidelines set forth in Section 7.3.17 Design Review Guidelines shall be applicable.

- 1. Section 7.3.17.1 Design Principles
- 2. Section 7.3.17.3 Mix of Uses
- 3. Section 7.3.17.4 Elements of Form
- 4. Section 7.3.17.5 Details

This section has been added to ensure compliance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A) and shall be amended when design guidelines are developed in accordance with the following guidance: *Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.*

8.11.8 Affordable Housing Requirements.

8.11.8.1 Purpose.

The purpose of affordable housing requirements is to foster the creation of housing that is affordable and is located near mass transit, schools, parks, and other municipal improvements.

8.11.8.2 Applicability.

This requirement is applicable to all residential and mixed-use developments with six (6) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

8.11.8.3 Affordability Requirements.

All units affordable to households earning 80% or less of AMI created in CBDMH-OD must be eligible for listing on DHCD's Subsidized Housing Inventory.

8.11.8.4 Provision of Affordable Housing

In applicable projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For the purpose of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded up to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

8.11.8.5 Payment in Lieu of On-Site Affordable Units.

The SPGA, after comments have been received from a review from the Winchester Housing Partnership Board, may allow the applicant to pay a fee in lieu of providing on-site affordable units if the SPGA determines that: It is in the best interest of the Town to do so; and the provision of affordable units would render the project economically infeasible. If no report is received by the SPGA from the Housing Partnership Board within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the payment in lieu

This section has been added to ensure compliance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A) and shall be amended when an economic feasibility analysis has been undertaken in accordance with the following guidance: *In all MBTA communities, the zoning may require 10% (or less) of units in a development project be restricted as affordable, with a cap on income of families or individuals who are eligible to occupy the units of 80% (or more) of the Area Median Income (AMI). Municipalities that want to restrict more units or provide the units with deeper affordability should refer to the options found in Section 4.b. of the Guidelines.* <https://www.mass.gov/doc/mbta-communities-sample-zoning/download>

of on-site affordable units. The fee for each affordable unit shall be established by the SPGA in the Rules for this Section 7.3.19.4. The payment shall be made into the Winchester Affordable Housing Fund administered by the Select Board.

8.11.8.6 Development Standards

Affordable Units shall be:

a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;

b. Dispersed throughout the development;

c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or electric vehicle charging stations) within the development;

d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

e. Distributed proportionately among unit sizes; and

f. Distributed proportionately across each phase of a phased development.

g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development, provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.

8.12 Residential Multi-family Housing -Overlay Districts (RMH-OD)

8.12.1

Purpose. The purpose of the Residential Multi-family Housing -Overlay Districts is to allow multifamily housing in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the purposes set forth in 8.11.1.

8.12.2 Definitions

See Section 10.0- "MBTA", "Multi-Family Housing". "Multi-Family District" "As Of Right"

8.12.3 Overlay Districts.

The following are herein established as overlay districts as per vote of the Town Meeting.

1. Residential District A-Overlay District 1 (RMH-OD1)

2. Residential District A- Overlay District 2 (RMH-OD2)

The application of RMH-OD1 and RMH-OD2 to the Zoning Map shall not restrict the uses allowed by right or special permit in the underlying zones. The overlay districts are superimposed on underlying zoning. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning districts shall remain in full force except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulation.

8.12.4 Multi-family Uses Allowed

In accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A), multi-family housing is permitted in RMH-OD1 and RMH-OD2 subject to the requirements set forth in this Section.

8.12.5 Applicability.

Multifamily Housing shall be permitted as of right in areas designated on the zoning map as RMH-OD1 and RMH-OD2.

8.12.6 Site Plan Review

For projects that meet the applicability thresholds, the applicant shall obtain written site plan approval from the Board of Appeals in accordance with Section 9.5 Site Plan Review.

8.12.7 Maximum Density.

New development or redevelopment shall comply with the following maximum number of dwelling units per acre.

1. For RMH-OD1 a maximum of 20 dwelling units per acre.
2. For RMH-OD2 a maximum of 40 dwelling units per acre.

8.12.8 Building Height

New development or redevelopment shall comply with the following maximum building heights.

1. For RMH-OD1 a maximum building height of 40 feet or three (3) stories.
2. For RMH-OD2 a maximum of 74 feet or seven (7) stories.

8.12.9 Open Space.

Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, and other low-impact activities. Open Space shall not contain habitable structures.

8.12.10. Affordable Housing Requirements-

8.12.10.1 Purpose.

The purpose of affordable housing is to foster the creation of housing that is affordable and is located near mass transit, schools, parks, and other municipal improvements.

8.12.10.2 Applicability.

This requirement is applicable to all residential and mixed-use developments with six (6) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

8.12.10.3 Affordability Requirements.

All units must be affordable to households earning 80% or less of AMI created in the RMH-OD1 and RMH-OD2 under this section must be eligible for listing on DHCD's Subsidized Housing Inventory.

8.12.10.4 Provision of Affordable Housing

In applicable projects, not fewer than ten percent (10%) of housing units constructed shall be affordable housing units. For the purpose of calculating the number of units of affordable housing required within a development project, a fractional unit shall be rounded up to the next whole number. The affordable units shall be available to households earning income up to eighty percent (80%) of the AMI.

8.12.10.5 Payment in Lieu of On-Site Affordable Units.

The SPGA, after comments have been received from a review from the Winchester Housing Partnership Board, may allow the applicant to pay a fee in lieu of providing on-site affordable units if the SPGA determines that: It is in the best interest of the Town to do so; and, the provision of affordable units would render the project economically infeasible. If no report is received by the SPGA from the Housing Partnership Board within thirty-five (35) days from the time of a complete filing from an applicant, it shall be deemed a lack of opposition to the payment in lieu of on-site affordable units. The fee for each affordable unit shall be established by the SPGA in the rules for Section 6.4.4. The payment shall be made into the Winchester Affordable Housing Fund administered by the Select Board.

8.12.10.6 Development Standards

Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- b. Dispersed throughout the development;
- c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or electric vehicle charging stations) within the development;

d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;

e. Distributed proportionately among unit sizes; and

f. Distributed proportionately across each phase of a phased development.

g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development, provided that occupancy permits for affordable units are issued simultaneously on a pro-rata basis.

SECTION 10.0 DEFINITIONS

AS OF RIGHT. Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval but still subject to site plan and design review requirements set forth in the Zoning Bylaw

AFFORDABLE UNIT. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

MBTA. Massachusetts Bay Transportation Authority.

MULTI-FAMILY HOUSING. A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

MULTI-FAMILY ZONING. A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.