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Barney S. Heath  
Director

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## MEMORANDUM

**DATE:** November 22, 2017

**TO:** Councilor Ted Hess-Mahan, Chairman  
Members of the Zoning and Planning Committee

**FROM:** Barney S. Heath, Director of Planning and Development  
James Freas, Deputy Director of Planning and Development  
Rachel Blatt, Long Range Planner

**RE:** **#140-14 Zoning amendment for lodging house ordinance**  
ALD. CROSSLEY AND HESS-MAHAN requesting to amend Chapter 30, City of Newton Zoning Ordinances, to include a "lodging house" ordinance to promulgate rules requiring annual fire, safety and health inspections and licensing of buildings providing single room occupancy and/or congregate living arrangements.

**MEETING DATE:** November 27, 2017

**CC:** Donnalyn Khan, City Solicitor  
John Lojek, ISD Commissioner  
Deborah Youngblood, Health Commissioner  
David MacDonald, Chief of Police  
Bruce Proia, Fire Chief  
Planning and Development Board

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As discussed at the October 11<sup>th</sup> meeting of the Zoning and Planning Committee, the Lodging House Ordinance includes three proposed actions by Council:

1. A vote to accept M.G.L. Chapter 140 §22a. Accepting this section would allow for Efficiency-Single Room Occupancy facilities within lodging houses.
2. Amendments to Chapter 30 – Zoning.
3. Amendments to Chapter 17 – Licensing.

Since the October 11<sup>th</sup> Public Hearing on the Zoning amendments for Lodging Houses, both the Planning and Development Board and Licensing Board have met and discussed these proposals. The

Planning and Development Board met, discussed, and voted to recommend approval of the zoning amendments on November 6, 2017 (vote: 5-0-1).

The Licensing Board met on November 21, 2017 and discussed the proposed licensing amendments. The Licensing Board would like to spend additional time on this portion of the proposal, as there are some elements of the licensing that may better fit within their Board Rules than in the Ordinance and should be aligned closely with their current operations for other licenses. The Licensing Board will continue their discussion to December 19<sup>th</sup>.

At this time, given that the Committee has held three discussions and a public hearing on the zoning component of this set of proposal, the Planning Department recommends that the Committee consider taking up a vote on the zoning amendments, and setting an effective date a month or two out so that it can be timed with the licensing portion of the proposed amendments or concurrent with the adoption of the licensing ordinance.

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There is one clarifying text change to the definition of Lodger recommended by the Law Department that has been included below for incorporation in the final zoning language, should the Committee take this to a vote on Monday.

Proposed edit:

Lodger: A person who occupies space for living and sleeping purposes without separate cooking facilities, or who occupies an Enhanced Single Room Occupancy unit, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

## **ATTACHMENTS**

Attachment A: Proposed Chapter 30 Zoning Amendments – Redline Version incorporating last change

Attachment B: Proposed Chapter 30 Zoning Amendments – Clean Page Version incorporating last change

## Sec. 3.4. Allowed Uses

### 3.4.1. Residential Districts Allowed Uses

Residential Districts	SR1	SR2	SR3	MR1	MR2	MR3	MR4	Definition/ Listed Standards
<b>Residential Uses</b>								
Single-family, detached	P	P	P	P	P	P	P	<a href="#">Sec. 6.2.1</a>
Two-family, detached	--	--	--	P	P	P	P	<a href="#">Sec. 6.2.2</a>
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.3</a>
Multi-family dwelling	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.2.4</a>
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.6</a>
Lodging Boarding house	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.2.7</a>
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.8</a>
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.9</a>
Dormitory (20+ persons)	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.9</a>
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.12</a>
Residential care facility	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.2.13</a>
<b>Civic/Institutional Uses</b>								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.2</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Hospital	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.8</a>
Nonprofit institution	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.3.9</a>
Public use	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.10</a>
Religious institution	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.7.4</a>
<b>Commercial Uses</b>								
Funeral home	--	--	--	--	SP	SP	--	<a href="#">Sec. 6.4.15</a>
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.4.27</a>
<b>Industrial Uses</b>								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	<a href="#">Sec. 6.9</a>
<b>Open Space Uses</b>								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.5</a>

P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed

## Sec. 4.4. Allowed Uses

### 4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.1</a>
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.2</a>
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<a href="#">Sec. 6.2.4</a>
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<a href="#">Sec. 6.2.4</a>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.2.5</a>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.10</a>
Live/work space	P	P	P	P	P	P	P	P	P	--	--	<a href="#">Sec. 6.2.11</a>
<del>Lodging House, above ground floor</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>--</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>SP</del>	<del>--</del>	<del>--</del>	<del><a href="#">Sec. 6.2.7</a></del>
<del>Single-room occupancy dwelling, single-person occupancy dwelling</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del>SP</del>	<del>--</del>	<del>--</del>	<del>--</del>	<del><a href="#">Sec. 6.2.14</a></del>
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<a href="#">Sec. 6.3.2</a>
Community use space	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.3</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.5</a>
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	<a href="#">Sec. 6.3.6</a>
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	<a href="#">Sec. 6.3.8</a>
Public use	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.10</a>
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.11</a>
Religious institution	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.3.15</a>
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	<a href="#">Sec. 6.4.1</a>
P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed												

### 5.1.4. Number of Parking Stalls

- A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units
<del>Lodging House Boarding house, rooming house, lodging house, tourist house, congregate living facility</del>	<del>1 per 3 Rooming Units; max. of 6 1 per sleeping room plus 1 per 3 employees</del>	<del>0 per Rooming Unit for Lodging Houses within 1/2 mile of rail transit (Green Line or Commuter Rail) or within 1/4 mile of MBTA Bus Service.</del>
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	

### 6.2.4. Multi-Family

#### A. Defined.

1. **Multi-Family.** See Sec. 1.5.1
2. **Residential Use, Above Ground Floor [reserved]**
3. **Residential Use, Ground Floor [reserved]**

#### B. Standards.

1. **In the Business 1 through Business 4, Mixed Use 2, and Mixed Use 4 Districts.** Multi-family residential is an allowed use in upper stories of a building containing allowed commercial uses on the ground floor.
2. **In the Multi-Residence 4 District.** A special permit is required, subject to the following conditions:
  - a. **Business Services.** Where deemed necessary by the Board of Aldermen because of the number of residents to be accommodated on the lot or tract, business facilities for the individual convenience of the residents, such as barbershops, beauty parlors, tailors, shoe repair shops and similar personal services, newsstands, drugstores, food shops, dining rooms and similar retail uses, medical and related professional services, gasoline selling and service stations and parking lots and similar services may be conducted within a multi-family dwelling except that dining rooms with related facilities may be conducted within a building attached to and made an integral part of a multi-family dwelling but shall not exceed 2 percent of the gross floor area of all buildings containing dwelling units; provided, that there shall be no entrance to such a place of business except from the inside of the building, except for gasoline selling and service stations and parking lots; there shall be no signs or advertising matter pertaining to such business services outside of any building and no illuminated signs in the windows of the business facilities, and the gross floor area of the business services including dining rooms and related facilities shall not exceed 5 percent of the gross floor area of all buildings containing dwelling units;

- b. No building shall be closer to any other building on the lot or tract than a distance equal to the sum of their heights nor in any case closer than 50 feet. The Board of Aldermen may permit buildings to be erected closer to each other in cases where by reason of the location or size of the buildings on such lot or tract and the relationship of one building to another, there is assurance of adequate light, air and privacy, and the approval of the site plans by the Board of Aldermen shall constitute the granting of such permission.

(Ord. No. S-260, 08/03/87)

### 6.2.5. Assisted Living, Nursing Home

#### A. Defined. [reserved]

### 6.2.6. Association of Persons in a Common Dwelling

- A. **Defined.** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption living together in a common dwelling.

(Ord. No. T-57, 11/20/89)

### 6.2.7. ~~Boarding House, Rooming House, Lodging House~~

- A. **Intent.** Lodging House is an allowed residential use for independent living with shared facilities. The lodging house use is intended to:
  1. Diversify housing choices in Newton while respecting the residential character and scale of existing neighborhoods;
  2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
  3. Lodging houses are encouraged to locate near transit to further provide lodgers access to transportation services.
- B. **Defined.** ~~A Lodging House is Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers (defined as a person who occupies space for living and sleeping purposes without separate cooking facilities, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit).~~ Includes

rooming house, boarding lodging house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.

**C. Standards.**

1. All lodging houses shall be licensed at all times of operation.
2. Signage for lodging houses shall be consistent with Section 5.2.7. Signs in Residence Districts or Section 5.2.8. Signs in Commercial Districts as appropriate; exceptions to the maximum size shall not be granted by Special Permit.
3. In residential districts, all lodging houses shall be consistent with the character of the neighborhood.
4. **Parking.**
  - a. The number of parking stalls shall be consistent with Section 5.1.4.
  - b. No lodging house may provide more than 6 parking spaces on a lot.
  - c. Lodging houses located within 1/2 mile of rail transit (Green Line or Commuter Rail), or within 1/4 mile of an MBTA Bus stop, may reduce the number of parking spaces to 0.
  - d. All parking areas shall be screened from any adjacent residences and from the public way.

**D. Process.**

1. All lodging houses created by a change of use shall require design review by the Urban Design Commission. Report of the Urban Design Commission shall be submitted to the City Council.

(Ord. No. S-260 08/03/87)

## 6.2.8. Congregate Living Facility

- A. Defined.** An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision

or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

(Ord. No. S-260 08/03/87)

## 6.2.9. Dormitory

- A. Defined.** A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for 5 or more unrelated persons.
- B. Standards.** In all residence districts, the construction, alteration, enlargement, extension or reconstruction of a building or structure as, and the use of a building, structure or land for, a dormitory providing sleeping quarters for 20 or more persons must meet the following conditions:
1. **Building location.** A dormitory shall not be closer to any other building on the same lot than 50 feet.
  2. **Courts.**
    - a. An inner court shall have a minimum dimension at least equal to twice the average height of the surrounding walls and shall have an opening at ground level with a minimum height of 18 feet and a minimum width of 18 feet to permit access to service and emergency vehicles.
    - b. An outer court shall be open to the full extent of its width at least equal to 1.5 times the average height of the surrounding walls and a depth no greater than its width.
    - c. The area of any court which exceeds 15 percent of the "Minimum Open Area" required shall not be included in the calculation of that minimum open area.

- C. Site Plan Review.** Dormitories are subject to the Site Plan Review procedures in Sec. 7.4.

(Rev. Ords. 1973 §24-18; Ord. No. S-260, 08/03/87; Ord. No. S-322, 07/11/88)



### 6.2.10. Elderly Housing with Services

- A. **Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.
- B. **Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

### 6.2.11. Live/Work Space

- A. **Defined.** [reserved]

### 6.2.12. Cluster Development for Open Space Preservation

- A. **Defined.** [reserved]
- B. **Standards.** See Sec. 3.3.1

### 6.2.13. Residential Care Facility

- A. **Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

- B. **Standards.**

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of

persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)

### ~~6.2.14. Single-Room Occupancy Dwelling, Single-Person Occupancy Dwelling~~

- ~~A. **Defined.** [reserved]~~



### 6.2.10. Elderly Housing with Services

- A. **Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.
- B. **Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

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- A. **Defined.** [reserved]
- B. **Standards.** See Sec. 3.3.1

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- A. **Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

- B. **Standards.**

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of

persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)

### ~~6.2.14. Single-Room Occupancy Dwelling, Single-Person Occupancy Dwelling~~

- ~~A. **Defined.** [reserved]~~

## Sec. 8.3. Defined Terms

### A

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**Accessory Apartment:** See [Sec. 3.4.3](#)

**Accessory Purpose:** As applied to buildings or structures, a use in conjunction with an existing building on the same or an adjoining lot.

**Accessory Sign:** See Sign, accessory.

**Adult Entertainment Uses:** See [Sec. 6.10.1](#)

**Agriculture:** See [Sec. 6.6.1](#)

**Animal Service:** See [Sec. 6.4.1](#)

**Apartment House:** See Dwelling, multifamily

**Assembly or Fabrication of Materials Manufactured Off Premise:** See [Sec. 6.5.1](#)

**Assisted Living:** See [Sec. 6.2.5](#)

**Association of Persons:** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption; provided that an association of persons as defined in this [Sec. 8.3.](#) shall not be deemed to constitute a “family” within the meaning of this Chapter.

**Attached Dwelling:** See Dwelling, single-family attached.

**Attached, Single-Family:** See Dwelling, single-family attached.

**Attic:** The space in a building between the ceiling joists of the top full story and the roof rafters.

### B

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**Bakery, Retail:** See [Sec. 6.4.3](#)

**Bakery, Wholesale:** See [Sec. 6.5.2](#)

**Bank:** See [Sec. 6.4.4](#)

**Basement:** See [Sec. 1.5.4](#)

**Bike Rental:** See [Sec. 6.4.8](#)

**Boarder:** See Lodger.

**Boarding House:** See [Sec. 6.2.7](#)

**Bottling Works:** See [Sec. 6.5.4](#)

**Bowling Alley:** See [Sec. 6.4.5](#)

**Build Factor:** A mathematical formula which limits the irregularity of the lot shape. See [Sec. 1.5.6](#)

**Building:** A structure, including alterations, enlargements, and extensions, built, erected, or framed of any combination of materials having a roof, whether portable or fixed, designed or intended for the shelter of persons, animals, or the storage of property.

**Building Materials Sales Yard:** See [Sec. 6.5.5](#)

**Building, Nonconforming:** A building which does not conform in whole or in part to the use or construction regulations of the district in which the building is located.

**Business Establishment:** Each separate place of business whether or not consisting of one or more buildings or a part of a building or vacant land.

**Business Services:** See [Sec. 6.4.7](#)

### C

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**Car Sharing Service:** See [Sec. 6.4.8](#)

**Car Rental:** See [Sec. 6.4.8](#)

**Car Wash:** See [Sec. 6.4.9](#)

**Carport:** A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this Chapter, a one-story port-cochere meets the definition of a carport.

**Cemetery:** See [Sec. 6.3.1](#)

**Club, Clubhouse:** See [Sec. 6.3.2](#)

**Cluster Development for Open Space Preservation:** See [Sec. 6.2.12](#)

**Commercial Vehicle Parking:** See [Sec. 6.7.2](#)

**Community Use Space:** See [Sec. 6.3.3](#)

**Congregate Living Facility:** See [Sec. 6.2.8](#)

**Convalescent:** See [Sec. 6.3.7](#)

**Corner Lot:** See [Sec. 1.5.2](#)

**Country Club Facilities:** See [Sec. 6.4.10](#)

## D

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**Day Care Center:** See [Sec. 6.3.4](#)

**Detached, Single-Family:** See [Sec. 6.2.1](#)

**Detached, Two-Family:** See [Sec. 6.2.2](#)

**Development Parcel:** The real property on which a planned multi-use business development or a mixed-use development (including any appurtenant easement areas benefiting a mixed-use development) is located in connection with a special permit under [Sec. 4.1.4](#) or [Sec. 4.2.4](#).

**Dormer:** See [Sec. 1.5.4](#)

**Dormitory:** See [Sec. 6.2.9](#)

**Drive-in Business:** See [Sec. 6.4.11](#)

**Driveway:** An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

**Dry Cleaning or Laundry, Retail:** See [Sec. 6.4.12](#)

**Dwelling:** A building or structure used for human habitation.

**Dwelling, Single-Family Attached:** See [Sec. 1.5.1](#)

**Dwelling, Multifamily:** See [Sec. 1.5.1](#)

**Dwelling, Two-Family:** See [Sec. 1.5.1](#)

**Dwelling Unit:** See [Sec. 1.5.1](#)

## E

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**Enhanced Single Room Occupancy (E-SRO): Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit. See Chapter 17 of the City Ordinances - Sec.17-138.**

**Elderly Housing with Services:** See [Sec. 6.2.10](#)

**Electric Car Charging Station:** See [Sec. 6.4.8](#)

## F

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**Family Child Care Home:** See [Sec. 6.3.4](#)

**Family Child Care Home, Large:** See [Sec. 6.3.4](#)

**Fast Food Establishment:** See [Sec. 6.4.13](#)

**Feed and Seed Store:** See [Sec. 6.5.7](#)

**Flat Roof:** See [Roof, Flat](#).

**Floor Area Ratio:** See [Sec. 1.5.5](#)

**Floor Area, Gross:** See [Sec. 1.5.5](#)

**Floor Area, Ground:** See [Sec. 1.5.5](#)

**Food Processing, Wholesale:** See [Sec. 6.5.8](#)

**Funeral Home:** See [Sec. 6.4.15](#)

## G

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**Garage, Greenhouse, Maintenance or Storage Facility:** See [Sec. 6.7.3](#)

**Government Offices or Services:** See [Sec. 6.3.5](#)

**Grade Plane, Average:** See [Sec. 1.5.4](#)

**Gross floor Area:** See [Sec. 1.5.5](#)

**Ground Floor Area:** See [Sec. 1.5.5](#)

## H

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**Habitable space:** See [Space, habitable](#).

**Hall:** See [Sec. 6.3.15](#)

**Health club:** See [Sec. 6.4.16](#)

**Height:** See [Sec. 1.5.4](#)

**Height, contextual:** See [Sec. 1.5.4](#)

**Heliport:** See [Sec. 6.7.3](#)

**Home business:** See [Sec. 6.7.3](#)

**Hospital:** See [Sec. 6.3.7](#)

**Hotel:** See [Sec. 6.4.17](#)

## I

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**Indoor Recreation Facility:** See [Sec. 6.6.2](#)

**Institution, Single-Use:** A religious or nonprofit educational use having no more than one principal building and less than 50,000 square feet of lot area.

**Institution, Multi-Use:** A religious or nonprofit educational use having one or more buildings and at least 50,000 square feet of lot area.

**Interior Lot:** See Lot, interior.

## J

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[reserved]

## K

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**Keno:** See [Sec. 6.10.2](#)

## L

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**Laboratory and Research Facility, No Recombinant DNA:** See [Sec. 6.5.9](#)

**Landing:** A level area at the top of a staircase or between one flight of stairs and another.

**Laundry, Cleaning and Dyeing Establishment:** See [Sec. 6.5.10](#)

**Library:** See [Sec. 6.3.8](#)

**Listed Standards:** Rules and regulations for land uses otherwise allowed by right.

**Live/Work Space:** See [Sec. 6.2.11](#)

**Lodger:** A person who occupies space for living and sleeping purposes without separate cooking facilities, [or who occupies an Enhanced Single Room Occupancy unit](#), paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

[Lodging House: Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels. See Chapter 17 of the City Ordinances - Sec. 17-138.](#)

**Lot, Corner:** See Corner Lot.

**Lodging Establishment:** See [Sec. 6.4.17](#)

**Lot Coverage:** See [Sec. 1.5.2](#)

**Lot, Interior:** Any lot or part of a lot other than a corner lot.

**Lot Line:** See [Sec. 1.5.2](#)

## M

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**Maneuvering Aisle:** A maneuvering space which serves a row or rows of parking stalls.

**Manufacturing:** See [Sec. 6.5.11](#)

**Mass Below First Story:** See [Sec. 1.5.5](#)

**Mixed-Use Residential Building:** A building occupied by both residential and nonresidential uses.

**Molding, Shaping or Assembly from Prepared Materials (Including Repairs):** See [Sec. 6.5.12](#)

**Multi-Family Dwelling:** See [Sec. 6.2.4](#)

**Museum:** See [Sec. 6.3.8](#)

## N

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**Nonconforming Building:** See Building, nonconforming.

**Nonconforming Use:** See Use, nonconforming.

**Nonprofit Institution:** See [Sec. 6.3.8](#)

**Nursing Home:** See [Sec. 6.2.5](#)

## O

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**Occupy/Occupancy:** When used in connection with accessory apartments, this term shall mean physical presence and residency on the subject premises except for short periods of temporary absence.

**Office:** See [Sec. 6.4.20](#)

**Office of a Contractor, Builder, Electrician or Plumber or Similar Enterprises:** See [Sec. 6.4.21](#)

**Open-Air Business:** See [Sec. 6.4.22](#)

**Open Space, Beneficial:** Areas not covered by buildings or structures that are available for active or passive recreation, which shall include, but are not limited to: landscaped areas, including space located on top of a structure, gardens, playgrounds, walkways, plazas, patios, terraces and other hardscaped areas, and recreational areas, and shall not include: (i) portions of walkways intended primarily for circulation, i.e., that do not incorporate landscape features, sculpture or artwork, public benches, bicycle racks, kiosks or other public amenities, (ii) surface parking facilities or associated pedestrian circulation, (iii) areas that are accessory to a single housing unit, or (iv) areas that are accessory to a single commercial unit, and controlled by the tenant thereof, and not made available to the general public.

**Open Space, Usable:** All the lot area not covered by buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. The area devoted to lawns, landscaping, exterior tennis courts, patios, in-ground swimming pools and non-structural recreational amenities shall be included as usable open space. The area covered by roof overhangs of up to 2 feet shall be included in the calculation of open space.

**Outdoor Recreational Activities:** See [Sec. 6.6.3](#)

## P

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**Paint Store:** See [Sec. 6.5.12](#)

**Parking Facility:** A building, structure, lot or part of a lot where off-street parking is provided or permitted. See [Sec. 6.4.24](#)

**Parking Lot:** A parking facility where off-street parking of vehicles is permitted other than as an accessory use.

**Parking Stall:** An area, exclusive of inventory storage space, display space, maneuvering aisles or other maneuvering space, adequate for parking a motor vehicle.

**Personal Service:** See [Sec. 6.4.25](#)

**Place of Amusement:** See [Sec. 6.4.26](#)

**Porch:** A roofed structure with sides not more than 60 percent enclosed by impermeable walls, attached to and accessible from the primary structure, and not heated or air conditioned. A porch may share no more than two exterior walls with the residential structure. Railings or solid walls on the projecting facades of the porch may be no higher than 36 inches as measured from the finished porch floor; the remainder of these facades may be open to the elements or enclosed by mesh, glass, or similar material.

**Porch, Enclosed:** A porch enclosed for any portion of the year by any non-permeable material such as glass or a similar material.

**Porch, Unenclosed:** A porch that at all times is either enclosed by permeable materials such as mesh or similar material or is unenclosed by any material.

**Printing, Publishing and Reproduction Establishments:** See [Sec. 6.5.13](#)

**Public Use:** See [Sec. 6.3.10](#)

## Q

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[reserved]

## R

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**Radio, Television or Telephone Transmission Station:** See [Sec. 6.4.27](#)

**Rear Setback Line:** A line equidistant from the rear lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

**Recreational Trailer or Vehicle:** A vehicular, portable unit which exceeds 18 feet in length, 7 feet in height or 7 feet in width and which is designed and principally used for travel, camping or recreational use, including, but not limited to, a travel trailer, pick-up camper, motorized camper, tent trailer, boat or boat trailer.

**Registered Marijuana Dispensaries:** See [Sec. 6.10.3](#)

**Residential Care Facility:** See [Sec. 6.2.13](#)

**Resource Extraction:** See [Sec. 6.6.4](#)

**Rest Home:** See [Sec. 6.3.7](#)

**Restaurant:** See [Sec. 6.4.29](#)

**Retail Sales:** See [Sec. 6.4.30](#)

**Retaining Wall:** See [Sec. 5.4.2](#)

**Riding School:** See [Sec. 6.6.5](#)

**Roof, Flat:** A roof with a pitch of less than 1:12.

**Roof, Sloped:** A roof with a pitch of 1:12 or greater, typically having gables at both ends.

**Roomer:** The same as "Lodger".

**Rooming House:** The same as "Lodging house".

**Rooming Unit:** The room or group of rooms rented to an individual or household for use as living and sleeping quarters. See Chapter 17 of the City Ordinances - Sec.17-138.

## S

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**Sanitarium:** See [Sec. 6.3.7](#)

**School or Other Educational Purposes:** See [Sec. 6.3.14](#)

**Scientific Research and Development Activities:** See [Sec. 6.7.4](#)

**Service Establishment:** See [Sec. 6.4.31](#)

**Setback Line:** See [Sec. 1.5.3](#)

**Shipbuilding, Small Boat Building, Yards for Storage and Repair:** See [Sec. 6.5.3](#)

**Side Setback Line:** A line equidistant from the side lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected.

**Sign:** See [Sec. 5.2](#)

**Sign Painting Shop:** See [Sec. 6.5.14](#)

**Single Person Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single Room Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Family Attached:** See [Sec. 1.5.1](#)

**Single-Family Detached:** See [Sec. 1.5.1](#)

**Sloped Roof:** See Roof, Sloped.

**Space, habitable:** Gross floor area in a building structure used for living, sleeping, eating or cooking purposes, including closets and hallways.

**Sports Stadium:** A building or structure containing tiered seating facilities for more than 200 spectators at sporting events.

**Stable:** See [Sec. 6.4.32](#)

**Stairs:** A set of steps leading from one floor of a building to another, typically inside the building.

**Steps:** A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.

**Stock Farm:** See [Sec. 6.6.5](#)

**Storage Building:** See [Sec. 6.5.5](#)

**Storage, Outdoor:** See [Sec. 6.4.23](#)

**Story:** See [Sec. 1.5.4](#)

**Street:** A public way or a way opened and dedicated to the public use which has not become a public way, or a toll road open to public travel, including its approaches and toll houses or booths.

**Street Level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

**Structure:** Any construction, erection, assemblage or other combination of materials at a fixed location upon the land, such as, but not limited to, a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, platform, retaining wall or systems of walls whose above-grade height exceeds 4 feet, tennis court or swimming pool.

## T

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**Telecommunications and Data Storage Facility:** See [Sec. 6.5.15](#)

**Theatre:** See [Sec. 6.3.15](#)

**Trash or Yard Waste, Collection, Storage, Transfer-Haul or Composting:** See [Sec. 6.5.16](#)

**Two-Family Detached:** See [Sec. 6.2.2](#)

**Two-Family Dwelling:** See Dwelling, two-family.

## U

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**Use:** Any purpose for which land, buildings or structures are arranged or designed, or for which said land, building or structure is occupied or maintained.

**Use, Nonconforming:** A use which does not conform to the use regulations of the district in which such use exists or might be introduced.

## V

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**Vehicle Repair Shop:** See [Sec. 6.4.34](#)

**Vehicle Sales and Service Facility:** See [Sec. 6.4.35](#)

**Vehicle Storage:** See [Sec. 6.5.17](#)

**Veterinary Hospital:** See [Sec. 6.4.36](#)

## W

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**Watchman or Caretaker:** See [Sec. 6.7.5](#)

**Wireless Communication Equipment:** See [Sec. 6.9](#)

**Wholesale Distribution Plant:** See [Sec. 6.5.19](#)

## X

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[reserved]

## Y

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**Yard of a Contractor or Builder for Office and Storage of Vehicles and Materials:** See [6.5.6](#)

## Z

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[reserved]

(Rev. Ords. 1973 § 24-1; Ord. No. 202, 03/21/77; Ord. No. S-260, 08/03/87; Ord. No. S-288, 12/07/87; Ord. No. T-57, 11-20-89; Ord. No. T-114, 11/19/90; Ord. No. T-273, 06/07/93; Ord. No. V-91, 09/16/96; Ord. No. V-92, 10/21/96; Ord. No. V-122, 07/14/97; Ord. No. V-233, 04/05/99; Ord. No. W-20, 11/06/00; Ord. No. Z-16, 12/17/07; Ord. No. Z-45, 03/16/09; Ord. No. Z-77, 02/22/11; Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-32, 10/21/13)



## Sec. 3.4. Allowed Uses

### 3.4.1. Residential Districts Allowed Uses

Residential Districts	SR1	SR2	SR3	MR1	MR2	MR3	MR4	Definition/ Listed Standards
<b>Residential Uses</b>								
Single-family, detached	P	P	P	P	P	P	P	<a href="#">Sec. 6.2.1</a>
Two-family, detached	--	--	--	P	P	P	P	<a href="#">Sec. 6.2.2</a>
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.3</a>
Multi-family dwelling	--	--	--	--	SP	SP	SP	<a href="#">Sec. 6.2.4</a>
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.6</a>
Lodging house	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.2.7</a>
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.8</a>
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.9</a>
Dormitory (20+ persons)	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.9</a>
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.2.12</a>
Residential care facility	--	--	--	--	--	SP	SP	<a href="#">Sec. 6.2.13</a>
<b>Civic/Institutional Uses</b>								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.2</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Hospital	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.8</a>
Nonprofit institution	--	--	--	SP	SP	SP	SP	<a href="#">Sec. 6.3.9</a>
Public use	L	L	L	L	L	L	L	<a href="#">Sec. 6.2.10</a>
Religious institution	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.7.4</a>
<b>Commercial Uses</b>								
Funeral home	--	--	--	--	SP	SP	--	<a href="#">Sec. 6.4.15</a>
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.4.27</a>
<b>Industrial Uses</b>								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	<a href="#">Sec. 6.9</a>
<b>Open Space Uses</b>								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	<a href="#">Sec. 6.6.1</a>
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.1</a>
Resource extraction	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.4</a>
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.6.5</a>

P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed

## Sec. 4.4. Allowed Uses

### 4.4.1. Business, Mixed Use & Manufacturing Districts

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
<b>Residential Uses</b>												
Single-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.1</a>
Two-Family, detached	L	L	L	L	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.2</a>
Residential use, above ground floor	L	L	L	L	--	SP	L/SP	P	P	--	--	<a href="#">Sec. 6.2.4</a>
Residential use, ground floor	SP	SP	SP	SP	--	SP	SP	P	SP	--	--	<a href="#">Sec. 6.2.4</a>
Assisted living, nursing home	--	--	--	--	--	--	--	SP	SP	--	--	<a href="#">Sec. 6.2.5</a>
Elderly housing with services	SP	SP	SP	SP	--	--	--	--	--	--	--	<a href="#">Sec. 6.2.10</a>
Live/work space	P	P	P	P	P	P	P	P	P	--	--	<a href="#">Sec. 6.2.11</a>
Lodging House, above ground floor	SP	SP	SP	SP	--	SP	SP	SP	SP	--	--	<a href="#">Sec. 6.2.7</a>
<b>Civic/Institutional Uses</b>												
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.1</a>
Club, clubhouse	P	P	P	P	--	--	P	--	SP	--	P	<a href="#">Sec. 6.3.2</a>
Community use space	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.3</a>
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.4</a>
Government offices or services	--	--	--	--	--	--	--	P	P	--	--	<a href="#">Sec. 6.3.5</a>
Heliport	--	--	--	--	SP	--	--	--	--	SP	SP	<a href="#">Sec. 6.3.6</a>
Hospital	SP	SP	SP	SP	SP	--	--	--	--	--	--	<a href="#">Sec. 6.3.7</a>
Library, museum or similar institution	P	P	P	P	SP	--	P	P	P	--	P	<a href="#">Sec. 6.3.8</a>
Public use	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.10</a>
Rail/bus station	P	P	P	P	P	P	P	P	P	P	P	<a href="#">Sec. 6.3.11</a>
Religious institution	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.12</a>
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	--	SP	--	--	--	--	<a href="#">Sec. 6.3.13</a>
School or other educational purposes, non-profit	L	L	L	L	L	L	L	L	L	L	L	<a href="#">Sec. 6.3.14</a>
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<a href="#">Sec. 6.3.14</a>
Theatre, hall	P	P	P	P	--	--	P	SP	SP	--	P	<a href="#">Sec. 6.3.15</a>
<b>Commercial Uses</b>												
Animal service, excluding overnight boarding	--	--	--	--	--	SP	SP	--	SP	--	--	<a href="#">Sec. 6.4.1</a>
ATM, standalone	SP	SP	SP	SP	SP	SP	SP	P	SP	SP	SP	<a href="#">Sec. 6.4.2</a>
P = Allowed by Right   L = Allowed Subject to Listed Standards   SP = Special Permit by Board of Aldermen Required   -- Not Allowed												

### 5.1.4. Number of Parking Stalls

- A. The minimum number of parking stalls to be supplied for each type of building or land use shall be in accordance with the following requirements. Where the computation results in a fractional number, the fraction shall be counted as one stall.

Use	Parking Stalls Required	Allowed by Special Permit
<b>Residential</b>		
Single-family dwelling, Two-family dwelling	2 per unit	
Accessory apartment	1 per unit	
Association of persons	1 per adult occupant in unit	
Single-family attached dwelling, Multi-family dwelling	2 per unit	1.25 per unit, except multi-family housing for low-income or elderly persons built under state or federal housing programs: 1 per 2 units in a low income unit plus 1 per 4 elderly units.
Lodging House	1 per 3 Rooming Units; max. of 6	0 per Rooming Unit for Lodging Houses within 1/2 mile of rail transit (Green Line or Commuter Rail) or within 1/4 mile of MBTA Bus Service.
Convalescent or rest home or other institution devoted to the board, care or treatment of humans	1 per every 4 beds plus 1 per every 3 employees	
Elderly housing with services facility, residential care facility, elderly congregate living facility	1 per every 2 dwelling units 1 per every 4 nursing beds plus 1 per 3 employees	.25 per dwelling unit where adequate transportation services are available
<b>Civic/Institutional</b>		
Dormitory	1 per 5 occupants	
Religious Institutions	1 per 3 seats, permanent or otherwise; 1 per 3 employees; plus 1 per 45 sf used for meeting function purposes when such space is customarily used concurrently with the seating space	
School serving children under 14 years of age	1 per employee not residing on premises	
<b>Commercial</b>		
Bank	1 per 300 sf plus 1 per every 3 employees	
Family child care home, large family child care home, day care center	1 per employee not residing on premises plus 1 per every 5 children	
Funeral home	1 per 40 sf; 30 spaces min.	
Health club, similar establishment	1 per 150 sf plus 1 per every 3 employees	
Hospital, sanitarium	1 per every 3 beds plus 1 per every 3 employees	
Hotel, motel	1 per sleeping room plus 1 per every 3 employees	

### 6.2.4. Multi-Family

#### A. Defined.

1. **Multi-Family.** See Sec. 1.5.1
2. **Residential Use, Above Ground Floor [reserved]**
3. **Residential Use, Ground Floor [reserved]**

#### B. Standards.

1. **In the Business 1 through Business 4, Mixed Use 2, and Mixed Use 4 Districts.** Multi-family residential is an allowed use in upper stories of a building containing allowed commercial uses on the ground floor.
2. **In the Multi-Residence 4 District.** A special permit is required, subject to the following conditions:
  - a. **Business Services.** Where deemed necessary by the Board of Aldermen because of the number of residents to be accommodated on the lot or tract, business facilities for the individual convenience of the residents, such as barbershops, beauty parlors, tailors, shoe repair shops and similar personal services, newsstands, drugstores, food shops, dining rooms and similar retail uses, medical and related professional services, gasoline selling and service stations and parking lots and similar services may be conducted within a multi-family dwelling except that dining rooms with related facilities may be conducted within a building attached to and made an integral part of a multi-family dwelling but shall not exceed 2 percent of the gross floor area of all buildings containing dwelling units; provided, that there shall be no entrance to such a place of business except from the inside of the building, except for gasoline selling and service stations and parking lots; there shall be no signs or advertising matter pertaining to such business services outside of any building and no illuminated signs in the windows of the business facilities, and the gross floor area of the business services including dining rooms and related facilities shall not exceed 5 percent of the gross floor area of all buildings containing dwelling units;

- b. No building shall be closer to any other building on the lot or tract than a distance equal to the sum of their heights nor in any case closer than 50 feet. The Board of Aldermen may permit buildings to be erected closer to each other in cases where by reason of the location or size of the buildings on such lot or tract and the relationship of one building to another, there is assurance of adequate light, air and privacy, and the approval of the site plans by the Board of Aldermen shall constitute the granting of such permission.

(Ord. No. S-260, 08/03/87)

### 6.2.5. Assisted Living, Nursing Home

#### A. Defined. [reserved]

### 6.2.6. Association of Persons in a Common Dwelling

- A. Defined.** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption living together in a common dwelling.

(Ord. No. T-57, 11/20/89)

### 6.2.7. Lodging House

- A. Intent.** Lodging House is an allowed residential use for independent living with shared facilities. The lodging house use is intended to:
1. Diversify housing choices in Newton while respecting the residential character and scale of existing neighborhoods;
  2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
  3. Lodging houses are encouraged to locate near transit to further provide lodgers access to transportation services.
- B. Defined.** A Lodging House is Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels.

### C. Standards.

1. All lodging houses shall be licensed at all times of operation.
2. Signage for lodging houses shall be consistent with Section 5.2.7. Signs in Residence Districts or Section 5.2.8. Signs in Commercial Districts as appropriate; exceptions to the maximum size shall not be granted by Special Permit.
3. In residential districts, all lodging houses shall be consistent with the character of the neighborhood.

#### 4. Parking.

- a. The number of parking stalls shall be consistent with Section 5.1.4.
- b. No lodging house may provide more than 6 parking spaces on a lot.
- c. Lodging houses located within 1/2 mile of rail transit (Green Line or Commuter Rail), or within 1/4 mile of an MBTA Bus stop, may reduce the number of parking spaces to 0.
- d. All parking areas shall be screened from any adjacent residences and from the public way.

### D. Process.

1. All lodging houses created by a change of use shall require design review by the Urban Design Commission. Report of the Urban Design Commission shall be submitted to the City Council.

(Ord. No. S-260 08/03/87)

### 6.2.8. Congregate Living Facility

- A. Defined.** An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with

other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

(Ord. No. S-260 08/03/87)

### 6.2.9. Dormitory

- A. Defined.** A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for 5 or more unrelated persons.

- B. Standards.** In all residence districts, the construction, alteration, enlargement, extension or reconstruction of a building or structure as, and the use of a building, structure or land for, a dormitory providing sleeping quarters for 20 or more persons must meet the following conditions:

1. **Building location.** A dormitory shall not be closer to any other building on the same lot than 50 feet.

#### 2. Courts.

- a. An inner court shall have a minimum dimension at least equal to twice the average height of the surrounding walls and shall have an opening at ground level with a minimum height of 18 feet and a minimum width of 18 feet to permit access to service and emergency vehicles.
- b. An outer court shall be open to the full extent of its width at least equal to 1.5 times the average height of the surrounding walls and a depth no greater than its width.
- c. The area of any court which exceeds 15 percent of the "Minimum Open Area" required shall not be included in the calculation of that minimum open area.

- C. Site Plan Review.** Dormitories are subject to the Site Plan Review procedures in Sec. 7.4.

(Rev. Ords. 1973 §24-18; Ord. No. S-260, 08/03/87; Ord. No. S-322, 07/11/88)

### 6.2.10. Elderly Housing with Services

- A. Defined.** Elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.

- B. Standards.** In the business districts, the Board of Aldermen may grant a special permit for elderly housing with services with a lot area of no less than 400 square feet per dwelling unit.

(Ord. No. T-183, 11/04/91)

### 6.2.11. Live/Work Space

- A. Defined.** [reserved]

### 6.2.12. Cluster Development for Open Space Preservation

- A. Defined.** [reserved]

- B. Standards.** See Sec. 3.3.1

### 6.2.13. Residential Care Facility

- A. Defined.** A residential care facility shall consist in part of independent dwelling units, and shall contain a combination of central cooking and dining facilities, recreation facilities and shall provide to all its residents, specified medical services, which medical services shall include, but are not limited to, nursing and dietary assistance, together with the availability on the premises of full-time nursing care in a licensed care facility, provided that at least 1 occupant of each dwelling unit shall be at least 65 years of age or older.

- B. Standards.**

1. **In the Multi-Residence 3 District.** A special permit is required, subject to the following conditions:
  - a. The ratio of gross floor area devoted to residential purposes to lot area shall not exceed 0.67. Such gross residential floor area shall include hallways, stairwells, utility rooms and other similar areas which are directly accessory to independent dwelling units. Such gross residential floor area shall not include garage, library, activity, office, medical care, eating, assembly or other special supportive areas;
  - b. The Board of Aldermen may establish a limitation upon the maximum number of persons to be permitted per dwelling unit; and the Board of Aldermen may establish a minimum staff requirement for the residential care facility, provided, however, that the Board of Aldermen may, if circumstances

warrant, grant a special permit, for construction of a residential care facility with a lesser lot area per dwelling unit, a lesser number of parking spaces per dwelling unit, a greater gross floor area or a greater gross residential floor area ratio, but in no case:

- i. With less than 850 square feet of lot area per dwelling unit;
- ii. With a gross floor area ratio of more than 2.0;
- iii. With a gross residential floor area ratio of more than 1.34;
- iv. With less than 0.25 parking spaces per dwelling unit.

(Ord. No. 31, 12/02/74; Ord. No. R-14, 07/09/79; Ord. No. V-307, 06/19/00)

## Sec. 8.3. Defined Terms

### A

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**Accessory Apartment:** See [Sec. 3.4.3](#)

**Accessory Purpose:** As applied to buildings or structures, a use in conjunction with an existing building on the same or an adjoining lot.

**Accessory Sign:** See Sign, accessory.

**Adult Entertainment Uses:** See [Sec. 6.10.1](#)

**Agriculture:** See [Sec. 6.6.1](#)

**Animal Service:** See [Sec. 6.4.1](#)

**Apartment House:** See Dwelling, multifamily

**Assembly or Fabrication of Materials Manufactured Off Premise:** See [Sec. 6.5.1](#)

**Assisted Living:** See [Sec. 6.2.5](#)

**Association of Persons:** A group of 5 or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption; provided that an association of persons as defined in this [Sec. 8.3.](#) shall not be deemed to constitute a “family” within the meaning of this Chapter.

**Attached Dwelling:** See Dwelling, single-family attached.

**Attached, Single-Family:** See Dwelling, single-family attached.

**Attic:** The space in a building between the ceiling joists of the top full story and the roof rafters.

### B

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**Bakery, Retail:** See [Sec. 6.4.3](#)

**Bakery, Wholesale:** See [Sec. 6.5.2](#)

**Bank:** See [Sec. 6.4.4](#)

**Basement:** See [Sec. 1.5.4](#)

**Bike Rental:** See [Sec. 6.4.8](#)

**Boarder:** See Lodger.

**Boarding House:** See [Sec. 6.2.7](#)

**Bottling Works:** See [Sec. 6.5.4](#)

**Bowling Alley:** See [Sec. 6.4.5](#)

**Build Factor:** A mathematical formula which limits the irregularity of the lot shape. See [Sec. 1.5.6](#)

**Building:** A structure, including alterations, enlargements, and extensions, built, erected, or framed of any combination of materials having a roof, whether portable or fixed, designed or intended for the shelter of persons, animals, or the storage of property.

**Building Materials Sales Yard:** See [Sec. 6.5.5](#)

**Building, Nonconforming:** A building which does not conform in whole or in part to the use or construction regulations of the district in which the building is located.

**Business Establishment:** Each separate place of business whether or not consisting of one or more buildings or a part of a building or vacant land.

**Business Services:** See [Sec. 6.4.7](#)

### C

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**Car Sharing Service:** See [Sec. 6.4.8](#)

**Car Rental:** See [Sec. 6.4.8](#)

**Car Wash:** See [Sec. 6.4.9](#)

**Carport:** A one-story roofed structure permanently open on at least three sides and designed for or used for occupancy by a motor vehicle. For the purposes of this Chapter, a one-story port-cochere meets the definition of a carport.

**Cemetery:** See [Sec. 6.3.1](#)

**Club, Clubhouse:** See [Sec. 6.3.2](#)

**Cluster Development for Open Space Preservation:** See [Sec. 6.2.12](#)

**Commercial Vehicle Parking:** See [Sec. 6.7.2](#)

**Community Use Space:** See [Sec. 6.3.3](#)



**Congregate Living Facility:** See [Sec. 6.2.8](#)

**Convalescent:** See [Sec. 6.3.7](#)

**Corner Lot:** See [Sec. 1.5.2](#)

**Country Club Facilities:** See [Sec. 6.4.10](#)

## D

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**Day Care Center:** See [Sec. 6.3.4](#)

**Detached, Single-Family:** See [Sec. 6.2.1](#)

**Detached, Two-Family:** See [Sec. 6.2.2](#)

**Development Parcel:** The real property on which a planned multi-use business development or a mixed-use development (including any appurtenant easement areas benefiting a mixed-use development) is located in connection with a special permit under [Sec. 4.1.4](#) or [Sec. 4.2.4](#).

**Dormer:** See [Sec. 1.5.4](#)

**Dormitory:** See [Sec. 6.2.9](#)

**Drive-in Business:** See [Sec. 6.4.11](#)

**Driveway:** An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

**Dry Cleaning or Laundry, Retail:** See [Sec. 6.4.12](#)

**Dwelling:** A building or structure used for human habitation.

**Dwelling, Single-Family Attached:** See [Sec. 1.5.1](#)

**Dwelling, Multifamily:** See [Sec. 1.5.1](#)

**Dwelling, Two-Family:** See [Sec. 1.5.1](#)

**Dwelling Unit:** See [Sec. 1.5.1](#)

## E

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**Enhanced Single Room Occupancy (E-SRO):** Any Rooming Unit in a Lodging House that provides cooking facilities within the rooming unit. See Chapter 17 of the City Ordinances - Sec.17-138.

**Elderly Housing with Services:** See [Sec. 6.2.10](#)

**Electric Car Charging Station:** See [Sec. 6.4.8](#)

## F

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**Family Child Care Home:** See [Sec. 6.3.4](#)

**Family Child Care Home, Large:** See [Sec. 6.3.4](#)

**Fast Food Establishment:** See [Sec. 6.4.13](#)

**Feed and Seed Store:** See [Sec. 6.5.7](#)

**Flat Roof:** See [Roof, Flat](#).

**Floor Area Ratio:** See [Sec. 1.5.5](#)

**Floor Area, Gross:** See [Sec. 1.5.5](#)

**Floor Area, Ground:** See [Sec. 1.5.5](#)

**Food Processing, Wholesale:** See [Sec. 6.5.8](#)

**Funeral Home:** See [Sec. 6.4.15](#)

## G

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**Garage, Greenhouse, Maintenance or Storage Facility:** See [Sec. 6.7.3](#)

**Government Offices or Services:** See [Sec. 6.3.5](#)

**Grade Plane, Average:** See [Sec. 1.5.4](#)

**Gross floor Area:** See [Sec. 1.5.5](#)

**Ground Floor Area:** See [Sec. 1.5.5](#)

## H

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**Habitable space:** See [Space, habitable](#).

**Hall:** See [Sec. 6.3.15](#)

**Health club:** See [Sec. 6.4.16](#)

**Height:** See [Sec. 1.5.4](#)

**Height, contextual:** See [Sec. 1.5.4](#)

**Heliport:** See [Sec. 6.7.3](#)

**Home business:** See [Sec. 6.7.3](#)

**Hospital:** See [Sec. 6.3.7](#)

**Hotel:** See [Sec. 6.4.17](#)

## I

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**Indoor Recreation Facility:** See [Sec. 6.6.2](#)

**Institution, Single-Use:** A religious or nonprofit educational use having no more than one principal building and less than 50,000 square feet of lot area.

**Institution, Multi-Use:** A religious or nonprofit educational use having one or more buildings and at least 50,000 square feet of lot area.

**Interior Lot:** See Lot, interior.

## J

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[reserved]

## K

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**Keno:** See [Sec. 6.10.2](#)

## L

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**Laboratory and Research Facility, No Recombinant DNA:** See [Sec. 6.5.9](#)

**Landing:** A level area at the top of a staircase or between one flight of stairs and another.

**Laundry, Cleaning and Dyeing Establishment:** See [Sec. 6.5.10](#)

**Library:** See [Sec. 6.3.8](#)

**Listed Standards:** Rules and regulations for land uses otherwise allowed by right.

**Live/Work Space:** See [Sec. 6.2.11](#)

**Lodger:** A person who occupies space for living and sleeping purposes without separate cooking facilities, or who occupies an Enhanced Single Room Occupancy unit, paying rent, which may include an allowance for meals; and who is not a member of the housekeeping unit.

**Lodging House:** Any dwelling designed, occupied, or intended for occupancy by 4 or more lodgers. Includes rooming house, boarding house. It shall not include convalescent, nursing, or rest homes; group homes; dormitories of charitable, educational, or philanthropic institutions; or apartments or hotels. **See Chapter 17 of the City Ordinances - Sec. 17-138.**

**Lot, Corner:** See Corner Lot.

**Lodging Establishment:** See [Sec. 6.4.17](#)

**Lot Coverage:** See [Sec. 1.5.2](#)

**Lot, Interior:** Any lot or part of a lot other than a corner lot.

**Lot Line:** See [Sec. 1.5.2](#)

## M

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**Maneuvering Aisle:** A maneuvering space which serves a row or rows of parking stalls.

**Manufacturing:** See [Sec. 6.5.11](#)

**Mass Below First Story:** See [Sec. 1.5.5](#)

**Mixed-Use Residential Building:** A building occupied by both residential and nonresidential uses.

**Molding, Shaping or Assembly from Prepared Materials (Including Repairs):** See [Sec. 6.5.12](#)

**Multi-Family Dwelling:** See [Sec. 6.2.4](#)

**Museum:** See [Sec. 6.3.8](#)

## N

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**Nonconforming Building:** See Building, nonconforming.

**Nonconforming Use:** See Use, nonconforming.

**Nonprofit Institution:** See [Sec. 6.3.8](#)

**Nursing Home:** See [Sec. 6.2.5](#)

## O

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**Occupy/Occupancy:** When used in connection with accessory apartments, this term shall mean physical presence and residency on the subject premises except for short periods of temporary absence.

**Office:** See [Sec. 6.4.20](#)

**Office of a Contractor, Builder, Electrician or Plumber or Similar Enterprises:** See [Sec. 6.4.21](#)

**Open-Air Business:** See [Sec. 6.4.22](#)

**Open Space, Beneficial:** Areas not covered by buildings or structures that are available for active or passive recreation, which shall include, but are not limited to: landscaped areas, including space located on top of a structure, gardens, playgrounds, walkways, plazas, patios, terraces and other hardscaped areas, and recreational areas, and shall not include: (i) portions of walkways intended primarily for circulation, i.e., that do not incorporate landscape features, sculpture or artwork, public benches, bicycle racks, kiosks or other public amenities, (ii) surface parking facilities or associated pedestrian circulation, (iii) areas that are accessory to a single housing unit, or (iv) areas that are accessory to a single commercial unit, and controlled by the tenant thereof, and not made available to the general public.

**Open Space, Usable:** All the lot area not covered by buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. The area devoted to lawns, landscaping, exterior tennis courts, patios, in-ground swimming pools and non-structural recreational amenities shall be included as usable open space. The area covered by roof overhangs of up to 2 feet shall be included in the calculation of open space.

**Outdoor Recreational Activities:** See [Sec. 6.6.3](#)

## P

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**Paint Store:** See [Sec. 6.5.12](#)

**Parking Facility:** A building, structure, lot or part of a lot where off-street parking is provided or permitted. See [Sec. 6.4.24](#)

**Parking Lot:** A parking facility where off-street parking of vehicles is permitted other than as an accessory use.

**Parking Stall:** An area, exclusive of inventory storage space, display space, maneuvering aisles or other maneuvering space, adequate for parking a motor vehicle.

**Personal Service:** See [Sec. 6.4.25](#)

**Place of Amusement:** See [Sec. 6.4.26](#)

**Porch:** A roofed structure with sides not more than 60 percent enclosed by impermeable walls, attached to and accessible from the primary structure, and not heated or air conditioned. A porch may share no more than two exterior walls with the residential structure. Railings or solid walls on the projecting facades of the porch may be no higher than 36 inches as measured from the finished porch floor; the remainder of these facades may be open to the elements or enclosed by mesh, glass, or similar material.

**Porch, Enclosed:** A porch enclosed for any portion of the year by any non-permeable material such as glass or a similar material.

**Porch, Unenclosed:** A porch that at all times is either enclosed by permeable materials such as mesh or similar material or is unenclosed by any material.

**Printing, Publishing and Reproduction Establishments:** See [Sec. 6.5.13](#)

**Public Use:** See [Sec. 6.3.10](#)

## Q

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[reserved]

## R

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**Radio, Television or Telephone Transmission Station:** See [Sec. 6.4.27](#)

**Rear Setback Line:** A line equidistant from the rear lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected. In the case of a corner lot, the rear lot line shall be the lot line opposite the street on which the main entrance is located.

**Recreational Trailer or Vehicle:** A vehicular, portable unit which exceeds 18 feet in length, 7 feet in height or 7 feet in width and which is designed and principally used for travel, camping or recreational use, including, but not limited to, a travel trailer, pick-up camper, motorized camper, tent trailer, boat or boat trailer.

**Registered Marijuana Dispensaries:** See [Sec. 6.10.3](#)

**Residential Care Facility:** See [Sec. 6.2.13](#)

**Resource Extraction:** See [Sec. 6.6.4](#)

**Rest Home:** See [Sec. 6.3.7](#)

**Restaurant:** See [Sec. 6.4.29](#)

**Retail Sales:** See [Sec. 6.4.30](#)

**Retaining Wall:** See [Sec. 5.4.2](#)

**Riding School:** See [Sec. 6.6.5](#)

**Roof, Flat:** A roof with a pitch of less than 1:12.

**Roof, Sloped:** A roof with a pitch of 1:12 or greater, typically having gables at both ends.

**Roomer:** The same as "Lodger".

**Rooming House:** The same as "Lodging house".

**Rooming Unit:** The room or group of rooms rented to an individual or household for use as living and sleeping quarters. See Chapter 17 of the City Ordinances - Sec.17-138.

## S

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**Sanitarium:** See [Sec. 6.3.7](#)

**School or Other Educational Purposes:** See [Sec. 6.3.14](#)

**Scientific Research and Development Activities:** See [Sec. 6.7.4](#)

**Service Establishment:** See [Sec. 6.4.31](#)

**Setback Line:** See [Sec. 1.5.3](#)

**Shipbuilding, Small Boat Building, Yards for Storage and Repair:** See [Sec. 6.5.3](#)

**Side Setback Line:** A line equidistant from the side lot line which establishes the nearest point to the lot line at which the nearest point of a structure may be erected.

**Sign:** See [Sec. 5.2](#)

**Sign Painting Shop:** See [Sec. 6.5.14](#)

**Single Person Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single Room Occupancy Dwelling:** See [Sec. 6.2.14](#)

**Single-Family Attached:** See [Sec. 1.5.1](#)

**Single-Family Detached:** See [Sec. 1.5.1](#)

**Sloped Roof:** See Roof, Sloped.

**Space, habitable:** Gross floor area in a building structure used for living, sleeping, eating or cooking purposes, including closets and hallways.

**Sports Stadium:** A building or structure containing tiered seating facilities for more than 200 spectators at sporting events.

**Stable:** See [Sec. 6.4.32](#)

**Stairs:** A set of steps leading from one floor of a building to another, typically inside the building.

**Steps:** A flat surface, especially one in a series, on which to place one's foot when moving from one level to another.

**Stock Farm:** See [Sec. 6.6.5](#)

**Storage Building:** See [Sec. 6.5.5](#)

**Storage, Outdoor:** See [Sec. 6.4.23](#)

**Story:** See [Sec. 1.5.4](#)

**Street:** A public way or a way opened and dedicated to the public use which has not become a public way, or a toll road open to public travel, including its approaches and toll houses or booths.

**Street Level:** The level of a building the floor of which is nearest to the grade of the adjacent sidewalk.

**Structure:** Any construction, erection, assemblage or other combination of materials at a fixed location upon the land, such as, but not limited to, a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, platform, retaining wall or systems of walls whose above-grade height exceeds 4 feet, tennis court or swimming pool.

## T

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**Telecommunications and Data Storage Facility:** See [Sec. 6.5.15](#)

**Theatre:** See [Sec. 6.3.15](#)

**Trash or Yard Waste, Collection, Storage, Transfer-Haul or Composting:** See [Sec. 6.5.16](#)

**Two-Family Detached:** See [Sec. 6.2.2](#)

**Two-Family Dwelling:** See Dwelling, two-family.

## U

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**Use:** Any purpose for which land, buildings or structures are arranged or designed, or for which said land, building or structure is occupied or maintained.

**Use, Nonconforming:** A use which does not conform to the use regulations of the district in which such use exists or might be introduced.

## V

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**Vehicle Repair Shop:** See [Sec. 6.4.34](#)

**Vehicle Sales and Service Facility:** See [Sec. 6.4.35](#)

**Vehicle Storage:** See [Sec. 6.5.17](#)

**Veterinary Hospital:** See [Sec. 6.4.36](#)

## W

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**Watchman or Caretaker:** See [Sec. 6.7.5](#)

**Wireless Communication Equipment:** See [Sec. 6.9](#)

**Wholesale Distribution Plant:** See [Sec. 6.5.19](#)

## X

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[reserved]

## Y

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**Yard of a Contractor or Builder for Office and Storage of Vehicles and Materials:** See [6.5.6](#)

## Z

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[reserved]

(Rev. Ords. 1973 § 24-1; Ord. No. 202, 03/21/77; Ord. No. S-260, 08/03/87; Ord. No. S-288, 12/07/87; Ord. No. T-57, 11-20-89; Ord. No. T-114, 11/19/90; Ord. No. T-273, 06/07/93; Ord. No. V-91, 09/16/96; Ord. No. V-92, 10/21/96; Ord. No. V-122, 07/14/97; Ord. No. V-233, 04/05/99; Ord. No. W-20, 11/06/00; Ord. No. Z-16, 12/17/07; Ord. No. Z-45, 03/16/09; Ord. No. Z-77, 02/22/11; Ord. No. Z-108, 04/17/12; Ord. No. A-4, 10/01/12; Ord. No. A-32, 10/21/13)