

ZONING BY-LAW
for the
TOWN OF LEXINGTON

Adopted at the Adjourned Town Meeting
on
March 17, 1924

Approved by the Attorney General
on
April 8, 1924

Section 1. To promote the health, safety, convenience and welfare of its inhabitants, to lessen the dangers from fire, congestion and confusion, and to improve and beautify the town, the Town of Lexington, under the provisions of the General Laws, including Chapter 40, Sections 25 to 30, inclusive, and Chapter 143, Section 3, is hereby divided into four classes of zones or districts, defined and bounded on the zoning map prepared by J. Henry Duffy, Town Engineer, filed with the Town Clerk at this meeting, which map is hereby made a part of this by-law.

Sec. 2. Definitions. In this by-law, the following terms shall have the meanings hereby assigned to them:

(a) A One-family Dwelling is a detached dwelling intended and designed to be occupied by a single family.

(b) A Two-family Dwelling is a detached dwelling intended and designed to be occupied by two families.

(c) An Accessory use or building is a use or building customarily incident to and located on the same lot with another use or building.

(d) A non-conforming use or building is an existing use or building which does not conform to the regulations for the district in which such use or building exists.

Use Regulations

Section 3. Residence districts are indicated on the map as follows: R1 indicates one family dwelling districts; R2, two family dwellings; C1, commercial - local retail stores, and other permitted businesses; and M1, manufacturing - light manufacturing.

Sec. 4. R1 districts (one-family dwellings)
The following buildings and uses are permitted:

1. One family, detached, houses.
2. The taking of boarders or the leasing of rooms by a resident family.
3. Churches, schools, public libraries, public buildings, parish houses.
4. Private clubs not conducted as a business.
5. Public parks, playgrounds, recreation buildings, water towers and reservoirs.
6. Farms, greenhouses, nurseries and truck gardens.
7. Real estate signs advertising the sale or rental of only the premises on which they are located and bulletin boards accessory to uses specified in 3 and 5 of this section.
8. Local railway and public service passenger stations.

Sec. 5. R2 districts (two family dwellings)
All buildings and uses permitted under R1 and the following:

1. Two-family dwellings.
2. Hotels and boarding houses.
3. Fire and police stations.

Sec. 6. C1 districts (retail stores, offices, etc.)
All buildings and uses permitted under R1 and R2, and the following:

1. Retail stores.
2. Retail trade or shop for custom work or the making of articles to be sold at retail on the premises.
3. Manufacturing clearly incidental to a retail business lawfully conducted on the premises shall be permitted in a C1 district.
4. Offices - business or professional, and banks.
5. Place of business of baker, barber, blacksmith, builder, carpenter, caterer, clothes cleaner and presser, confectioner, contractor, decorator, dressmaker, dyer, electrician, florist, furrier, hair-dresser, hand laundry, manicurist, mason, milliner, newsdealer, optician, painter, paper-hanger, photographer, plumber, printer, publisher, roofer, shoemaker, shoe-repairer, shoe shiner, tailor, tinsmith, undertaker, upholsterer, wheelwright.
6. Theatres, moving picture shows, bowling alleys, skating rinks, billiard rooms and similar commercial amusement places.
7. Lumber, fuel and ice establishments.
8. Gasoline and oil stations.
9. Garages for storage or repairs, stables.
10. Salesrooms for motor vehicles.
11. Apartment houses.
12. Telephone exchange or telegraph office.

Sec. 7. M1 districts (light manufacturing)
All buildings and uses permitted under R1, R2, and C1 and the following.

Light manufacturing, employing electricity for a motive power, utilizing hand labor and/or quiet machinery and processes, free from neighborhood disturbing odors and/or agencies.

Height Regulations

Section 8. Residence Districts. (a) The limit of height in all residence districts shall be two and one-half stories, not to exceed forty feet, except that schools, municipal buildings and hotels may contain three full stories and may go as high as forty-five feet.

(b) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, and other accessory features usually carried above roofs, nor to domes, towers or spires of churches and other buildings, if such features are in no way used for living purposes.

Area Regulations

Section 9. In R1 and R2 districts, land laid out after adoption of this by-law, shall provide for each dwelling house, a frontage of not less than fifty feet upon the highway and an area of not less than five thousand square feet.

Where a corner lot has its corner bounded by a curved line connecting other bounding lines which if extended would intersect, the frontage and area shall be computed as if such bounding lines were so extended.

Accessory Uses

Section 10. Accessory uses shall be on the same lot with the building of the owner or lessee, and shall be such as do not alter the character of the premises on which they are located nor impair the neighborhood.

Sec. 11. Private garages for not more than three cars shall be permitted as accessory uses.

Sec. 12. Where the term "accessory" applies to manufacturing of any kind, it shall be restricted to such light manufacturing as is incidental to a permitted use and where the product is customarily sold on the premises by the producer to the consumer.

Sec. 13. A stall or stand for selling farm and garden products may be permitted as an accessory use in R districts, but only for the sale of products raised or produced on the premises by the owner or lessee thereof together with like products, if desired, raised or produced on other premises of such owner or lessee within the town limits; also for the sale of beverages made by or for the owner or lessee from products grown upon such premises.

Sec. 14. Hotels, as distinct from apartment houses, where permitted under this by-law shall contain no arrangements of any description for private cooking or housekeeping.

Exceptions

Section 15. Exceptions under Specific Rules. When in its judgment the public convenience and welfare will be

substantially served, and where such exception will not tend to impair the status of the neighborhood, the board of selectmen may in a specific case, after public notice, a hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the district regulations here established in harmony with their general purposes and intent as follows:

(a) Permit the alteration of a one-family house or building wherever located to accommodate more than one family.

(b) Permit in undeveloped sections of the town temporary and conditional structures and uses that do not conform to the regulations herein prescribed, provided that no such permit shall be for more than a one-year period.

(c) Permit production of articles in whole or substantial part from materials excavated or grown upon the premises.

(d) Permit in any district any use obviously intended, because harmonious, compatible, accessory, or necessary for public convenience, but which has not been specifically mentioned.

General Provisions

Section 16. Existing Buildings. Any building or part of a building which, at the time of adoption of this by-law, is being put to a non-conforming use may continue to be used for the same purpose or for purposes not substantially different, and may be repaired, rebuilt or structurally altered; but no such building shall be extended or enlarged except upon written approval of the Planning Board, a duly advertised public hearing by the selectmen and a permit thereafter signed by the selectmen.

Sec. 17. District Boundaries. The district boundaries shall be as shown on the zoning map. When boundaries run between streets and approximately parallel to them they shall be deemed to follow a mean line between said streets, except that any such boundary when bounding the rear of a business district or where paralleling a street through a relatively undeveloped area shall be not more than one hundred feet inward from the building line of such street.

Sec. 18. In residence districts designated as R1 and R2, and in C1 districts designated at the following points, namely, junctions of Waltham and Middle Streets known as Grape Vine Corner; junctions of Middle and Spring Streets; junction of Lincoln, School and Marrett Streets commonly known as Five Forks; junctions of Waltham Street and Concord Avenue; and junctions of Woburn and Lowell Streets, a front yard or a service yard of at least twenty

feet in depth between the exterior line of the street and the adjacent line of any porch or building shall be provided for every lot of land, and no new building or structure shall be constructed and no building or structure shall be moved, altered, reconstructed, enlarged or rebuilt in such districts so that a yard less in depth shall result; except that this section shall not apply to buildings fronting on streets on which building lines shall have been specially established according to law during or subsequent to the year 1924.

Sec. 19. Variations. Where this by-law imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions of law or by-laws the provisions of this by-law shall control.

Sec. 20. Plats. Whenever required by the building inspector for his information, applications for building permits shall be accompanied by a plan of the lot in duplicate, drawn to scale, showing the actual dimensions of the lot and the exact location and size of buildings already upon the lot, and of the buildings to be erected, together with streets and alleys on and adjacent to the lot. A record of such applications and plats shall be kept on file in the office of the building inspector.

Sec. 21. Enforcement. Except as otherwise provided, this by-law shall be administered by the building inspector. He shall approve no application of any kind, plans and specifications and intended use for which are not in all respects in conformity with this by-law.

Sec. 22. Occupancy Permit. No building erected, altered or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without an occupancy permit signed by the building inspector, which permit shall not be issued until the building and its uses and accessory uses comply in all respects with this by-law.

Sec. 23. Appeals. Any person aggrieved by the refusal of the building inspector to issue a permit on account of the provisions of this by-law, or any person who is aggrieved by the issuance of a permit or by a decision of the building inspector made under the provisions of this by-law, may, by giving the building inspector and the board of appeal notice in writing within ten days from the date of the issuance of the permit or of the decision appealed from, appeal to the selectmen, who shall give notice and a public

hearing before rendering a decision, and record all decisions and the reasons therefor.

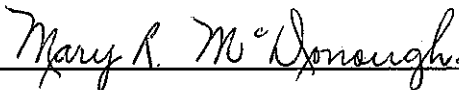
Sec. 24. Amendments. The planning board, upon petition signed by fifty per cent in valuation of the property affected, or upon its own initiative, shall hold public hearings, fourteen days' published notice of which shall be given, for the consideration of any amendments to this by-law, and report to the Town its recommendations as to what action should be taken.

Sec. 25. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

Sec. 26. This by-law shall take effect upon its approval by the Attorney General and publication according to law.

Lexington, Mass., June 13, 1983.

This is to certify that the foregoing is a true and exact copy of the Zoning By-Law of the Town of Lexington as adopted at the Town Meeting held March 17, 1924 and as approved by the Attorney General on April 8, 1924.



Mary R. McDonough, Town Clerk
Lexington, Massachusetts