

ZONING BY-LAW
for the
TOWN OF LEXINGTON

Amended at the Adjourned Town Meeting
on
October 5, 1953

Approved by the Attorney General
on
October 26, 1953

SECTION 1.

PURPOSE

For the purposes set forth in General Laws, Chapter 40, Sections 25 to 30B inclusive, and all acts in amendment thereof and in addition thereto, and under the authority thereof and of General Laws, Chapter 143, and any other enabling laws, the inspection, materials, construction, alteration and repair, height, area, location and the use of buildings and structures and the use of land in the Town of Lexington are hereby regulated as herein provided, and the Town is divided into districts as hereinafter defined and as shown on the Zoning Map prepared by William M. Burns, Town Engineer, dated 1950, and filed with the Town Clerk, which Map is hereby made a part of this By-Law.

SECTION 2.

DEFINITIONS

For the purpose of this By-Law, the following words and terms used herein are hereby defined or the meaning thereof is explained or limited;

- (a) Family. Any number of individuals living and cooking together in a single housekeeping unit.
- (b) One Family Dwelling. A detached residential building intended and designed to be occupied exclusively by a single family.
- (c) Two Family Dwelling. A detached residential building intended and designed to be occupied exclusively by two families.
- (d) Accessory Use or Building. An accessory use or building is a use or building customarily incident to and located on the same lot with the use or building to which it is accessory and not detrimental to the neighborhood.
- (e) Non-Conforming Use or Building. A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.
- (f) Lot. An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.
- (g) Street. A public way, or a private way legally open or dedicated to public use or approved by

- the Planning Board. A public or private way as aforesaid shall not be deemed to be a "street" as to any lot of land that does not have rights of access to and of passage over said way.
- (h) Hotel. A building or a portion thereof designed or used for serving food in a public dining room and containing fifteen or more sleeping rooms for resident or transient guests.
 - (i) Building. The word "building" shall include the word "structure," unless the context unequivocally indicates otherwise.
 - (j) Erected. The word "erected" shall include the words "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."
 - (k) Story. That portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building.
 - (l) Half Story. A story directly under a sloping roof in which the points of intersection of the bottom of the rafters and the interior faces of the walls are less than 3 feet above the floor level.
 - (m) Recorded. The due recording in the Middlesex County South District Registry of Deeds or, as to registered land, the due filing in the Middlesex County South District Land Registration Office.
 - (n) Front Yard. The open space between a building and the exterior line of each street on which the lot on which it stands abuts.
 - (o) Side and Rear Yard. The open space at the sides and rear of a building between the building and the boundaries, other than streets, of the lot on which it stands.

SECTION 3.

DISTRICTS DEFINED

The Town is hereby divided into districts designated as follows:

- (a) R 1--One family dwelling districts.
- (b) R 2--Two family dwelling districts.
- (c) C 1--Local business districts.
- (d) C 2--General business districts.

- (e) T 1--Trunk highway districts.
- (f) M 1--Light manufacturing districts.
- (g) A 1--Garden apartment and hotel districts.

SECTION 4.

GEOGRAPHICAL DESCRIPTIONS OF DISTRICTS

In the event of any discrepancy between the boundaries of the districts as shown on the Zoning Map and as hereafter described, the descriptions set forth in this section shall govern.

(a) R 1--One family dwelling districts. Every part of the Town not shown upon the Zoning Map and not hereinafter specifically designated as an R 2, C 1, C 2, T 1, M 1 or A 1 district is hereby specifically made an R 1 district.

(b) R 2--Two family dwelling districts.

1. A district on the southwesterly side of Massachusetts Avenue extending from a line westerly of and distant 100 feet from the westerly line of Sylvia Street to a line easterly of and distant 100 feet from the easterly line of Charles Street and for a depth of 100 feet throughout.

2. A district on the southwesterly side of Massachusetts Avenue extending from the westerly line of Lisbeth Street to the easterly line of Oak Street and for a depth of 100 feet throughout.

3. A district on the southwesterly side of Massachusetts Avenue extending from the northerly line of Follen Road to the southeasterly line of Plainfield Street and for a depth of 100 feet throughout with the exception of a business district designated therein.

4. A district between the northeasterly line of Massachusetts Avenue and the railroad right of way extending from the northwesterly line of the private way leading to the East Lexington Depot to a line southeasterly of and distant 100 feet from the southeasterly line of Maple Street with the exception of a business district designated as located therein.

(c) C 1--Local business districts.

1. A district on the southwesterly side of Massachu-

setts Avenue extending from the Arlington line westerly to a point 100 feet beyond the westerly line of Sylvia Street and a depth throughout of 100 feet from said southwesterly line of Massachusetts Avenue.

2. A district on the easterly side of Massachusetts Avenue beginning at the intersection of the easterly line of Massachusetts Avenue with the more southerly line of Curve Street, thence easterly along said southerly line of Curve Street distant about 100 feet to a point, thence southerly by a straight line distant about 83 feet to a point, thence westerly by a straight line distant about 100 feet to a point in the said easterly line of Massachusetts Avenue, thence northerly 80.30 feet to the point of beginning.

3. A district on the westerly side of Massachusetts Avenue beginning at the intersection of the westerly line of Massachusetts Avenue with the southerly line of Independence Avenue, thence southerly along said westerly line of Massachusetts Avenue distant 88 feet to a point, thence westerly by a straight line distant 100 feet to a point, thence northerly by a straight line distant 88 feet more or less to a point in the southerly line of Independence Avenue, thence easterly along said southerly line of Independence Avenue distant 100 feet to the point of beginning.

4. A district on the northeasterly side of Bedford Street beginning at the intersection of the northeasterly line of Bedford Street and the southeasterly lot line of land now of the Middlesex & Boston Street Railway Company, thence northeasterly along said lot line and the extension of said lot line to a point in the southwesterly line of the railroad right of way, thence northwesterly along said southwesterly line of the railroad right of way to a point in the northeasterly line of Bedford Street, thence southeasterly along said northeasterly line of Bedford Street to the point of beginning.

5. A district on the southwesterly side of Bedford Street between the railroad right of way and the North Lexington Brook beginning at the intersection of the southwesterly line of Bedford Street with the northeasterly line of the railroad right of way, thence northwesterly along said northeasterly line of the railroad right of way distant about 740 feet to a point, thence northeasterly distant about 152 feet to a point at the center line of the North Lexington Brook, thence southeasterly along the said center line of the North Lexington Brook about 490 feet to a point in the said southwesterly line of Bedford Street, thence

southeasterly distant about 265 feet to the point of beginning.

6. A district on the easterly side of Bedford Street between North Hancock Street and Harding Road beginning at a point on the northerly line of North Hancock Street, said point being westerly and distant 64.48 feet from the westerly terminus of a curve of 281.86 feet radius, thence westerly distant 68.70 feet to a point of curvature, thence following the northerly line of North Hancock Street, the easterly line of Bedford Street and the southeasterly line of Harding Road to Lot 12 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 6988, Page 1, thence southeasterly along the southwesterly lot line of said Lot 12 distant 107.68 feet to a point, thence easterly along the southerly lot line of said Lot 12 distant 46 feet to a point, thence southerly by a straight line distant 108.96 feet to the point of beginning.

7. A district at the northeasterly corner of Marrett Road and Waltham Street beginning at a point in the northeasterly side of said Marrett Road, said point being the intersection of said street line with the lot line between Lots 80 and 81 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 274, Page 43, thence northwesterly along the northeasterly line of said Marrett Road to a point on the easterly side of said Waltham Street, thence easterly along the southerly line of Grapevine Avenue to its intersection with the rear lot line of Lot 78B as shown on a plan recorded in the Middlesex South District Registry of Deeds, Book 365, Page 32, thence southeasterly along the northeasterly lines of Lots 78B, 79 and 80 as shown on plans hereinabove referred to distant 177.35 feet to a point, thence southwesterly distant 121.71 feet to the point of beginning.

8. A district at the southeasterly corner of Marrett Road and Waltham Street beginning at a point in the easterly line of said Waltham Street, said point being the intersection of said street line with the lot line between Lots A and D as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 7185, Page 474, thence northerly along the easterly line of said Waltham Street and southeasterly along the southwesterly line of said Marrett Road to its intersection with the lot line between Lots 22 and 23 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 273, Page 9, thence southwesterly distant 123.24 feet to a point, thence northwesterly distant 14.20 feet to a point, thence westerly

distant 104.26 feet to the point of beginning.

9. A district at the southwesterly corner of Marrett Road and Waltham Street, consisting of an area 200 feet wide, running southerly from the southerly line of said Marrett Road along the westerly side of said Waltham Street distant 360.35 feet to a lot line as shown on Land Court Plan #18315A.

10. A district on the northerly side of Marrett Road beginning at a point 69.50 feet westerly of the westerly terminus of a curve of 215.47 feet radius, thence westerly along the northerly line of said Marrett Road distant 197.70 feet to a point, thence northerly distant 214.15 feet to a point, thence westerly distant 86.04 feet to a point, thence northeasterly distant 78.12 feet to a point, thence southeasterly distant 260.42 feet to a point, thence southwesterly distant 60 feet to a point, thence westerly distant 15.3 feet to a point, thence southerly distant 200.9 feet to the point of beginning, said district including Lots 193, 194 and 195 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 349, Page 49, and Lot 239 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 321, Page 5.

11. A district at the westerly corner of Marrett Road and Spring Street and running westerly along the southerly side of said Marrett Road distant 411.14 feet from the westerly terminus of a curve of 265.47 feet radius to the westerly lot line of Lot 235 as shown on a plan recorded in Middlesex South District Registry of Deeds in Book 321, Page 5, and running southwesterly along the northwesterly side of said Spring Street distant 85.19 feet from the southwesterly terminus of a curve of 32.60 feet radius to the southerly lot line of Lot 230C as shown on a plan recorded in said Registry of Deeds in Book 361, Page 20, and extending southerly from said southerly side of Marrett Road to the southerly lot lines of Lots 230C, 230B, 230A, 231, 232, 233, 234, and 235, all of said lots being shown on said plans hereinabove referred to.

12. A district at the intersection of the northeasterly line of Lincoln Street with the easterly line of School Street extending for a distance of 200 feet southeasterly along said Lincoln Street and for a distance of 200 feet northerly along said School Street and for a depth of 200 feet from the lines of said streets.

13. A district at the southeasterly corner of Lincoln

Street and Marrett Road beginning at a point in the easterly line of Marrett Road, thence bearing to the right with a curve of 60 feet radius distant 95.61 feet to a point of tangency in the southerly line of said Lincoln Street, thence N 83° 39' E distant 42.50 feet to a point of curvature, thence bearing to the right with a curve of 626.96 feet radius distant 74.60 feet to a point, thence southerly along a lot line distant 158 feet to a point, said lot line being described in a deed recorded in the Middlesex South District Registry of Deeds in Book 4491, Page 161, thence easterly along the northerly lot line of Lot 9 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 4273 at the end, distant 240 feet to a point, thence along the easterly lot lines of said Lot 9 and Lot 8 as shown on a plan recorded in the Middlesex South District Registry of Deeds in Book 382, Page 2, by two courses distant 157 feet to a point, thence westerly along the southerly lot line of said Lot 8 distant 330 feet to a point in the easterly line of said Marrett Road, thence N 7° 39' W distant 304.03 feet to the point of beginning.

14. A district at the southwesterly corner of Waltham Street and Concord Avenue beginning at a point on the southerly line of said Concord Avenue, thence bearing to the right with a curve of 69.17 feet radius distant 90.99 feet to a point of tangency in the westerly line of said Waltham Street, thence S 5° 39' 05" E distant 42.06 feet to a point of curvature, thence bearing to the right with a curve of 1945.62 feet radius distant 52.94 feet to a point, thence N 81° 04' 20" W distant 150 feet to a point, thence N 5° 22' 30" W distant 148.54 feet to a point in the southerly line of Concord Avenue, thence S 81° 01' 25" E distant 96.61 feet to the point of beginning.

15. A district at the southeasterly corner of Waltham Street and Concord Avenue beginning at a point on the southerly line of Concord Avenue, thence along said southerly line S 79° 43' 15" E distant 68.52 feet to a point, thence S 11° 44' 55" W distant 160.45 feet to a point, thence westerly distant 99.50 feet to a point in the easterly line of said Waltham Street, thence northerly along the easterly line of said Waltham Street by a curve bearing to the left of 2005.62 feet radius distant 95.33 feet to a point of reverse curvature, thence bearing to the right with a curve of 60.97 feet radius distant 112.72 feet to the point of beginning.

16. A district upon the easterly side of Pleasant Street beginning at a point 100 feet southerly from the intersection of the Concord Turnpike extending 150 feet along Pleasant Street and of a depth of 200 feet throughout.

17. A district consisting of a triangular area of land bounded on west by Fletcher Avenue distant 183.90 feet, on the south by Woburn Street distant 320.22 feet, and on the northeast by the railroad right of way distant 317.40 feet, containing about 27,994 square feet.

18. A district at the junction of Lowell Street and North Street as follows: On both sides of Lowell Street a distance of 300 feet northerly and 300 feet southerly from the point of intersection of the center lines of Lowell Street and North Street, and on both sides of North Street a distance of 250 feet northwesterly from the point of intersection of the center lines of Lowell and North Streets, and on both sides of North Street northeasterly a distance of 200 feet from the intersection of the center lines of Lowell and North Streets and of a depth of 100 feet from the adjacent street lines in each instance.

19. A district on the westerly side of Bedford Street beginning at a point on the southwesterly side of Bedford Street, said point being northwesterly and distant 154 feet from a stone bound marking the southeasterly terminus of a curve of radius 866.4 feet and extending southeasterly along Bedford Street to the northeasterly side line of Reed Street and of a depth of 100 feet from the adjacent side line of Bedford Street.

20. A district on the easterly side of Bedford Street beginning at the Railroad property and extending 150 feet northerly along Bedford Street and embracing the property formerly known as the William L. Burrill property and of a depth of 100 feet easterly in from the easterly side line of Bedford Street.

21. A district on the southerly corner of Lincoln Street and Marrett Road and extending southwesterly along said Lincoln Street and southeasterly along said Marrett Road for a distance of 200 feet in each instance and for a depth of 100 feet from the adjacent street lines.

22. Districts at the junction of Woburn and Lowell Street upon each of the four corners and extending for a distance of 200 feet along each street from the junction points of the side lines of each street thence back at right angles to each said street until the exterior lines intersect.

23. A district on the northwesterly corner of Marrett Road and Waltham Street and extending northeasterly along

said Waltham Street and northwesterly along said Marrett Road for a distance of 200 feet in each instance and for a depth of 100 feet from the adjacent street lines.

24. (This number omitted. Amendment defeated at March 24, 1952 Town Meeting.)

25. A district at the northwesterly corner of Waltham Street and Concord Avenue and extending 200 feet northerly along the westerly line of Waltham Street and 200 feet westerly along the northerly line of Concord Avenue from the intersection of said street lines, thence back at right angles to each said street until the exterior lines intersect.

(d) C 2--General business districts.

1. A district on the northeasterly side of Massachusetts Avenue extending northwesterly from the Arlington-Lexington town line to the northwesterly line of the private way leading to the East Lexington Depot and extending northeasterly from Massachusetts Avenue to the railroad right of way.

2. A district on the southwesterly side of Massachusetts Avenue extending from the northwesterly line of Waltham Street to the southeasterly line of Muzzey Street and from the southwesterly line of said Massachusetts Avenue to the southwesterly lot lines of premises now numbered 73 Waltham Street and 20 Muzzey Street as shown respectively on a plan in Book 68, Page 13, and a deed in Book 6865, Page 558, at the Middlesex South District Registry of Deeds.

3. A district on the southwesterly side of Massachusetts Avenue beginning at the intersection of the southwesterly line of said Massachusetts Avenue with the northwesterly line of Muzzey Street, thence northwesterly along said southwesterly line of Massachusetts Avenue distant about 173 feet to a point, thence southwesterly distant 149.50 feet to a point, thence southeasterly distant 11 feet to a point, the last two described lines being shown on a plan recorded in the Middlesex South Registry of Deeds in Book 6130, Page 59, thence by a straight line distant about 380 feet to a point in the northeasterly line of Raymond Street, thence southeasterly distant 165 feet to the intersection of said northeasterly line of Raymond Street with the northwesterly line of Muzzey Street, thence northeasterly along said northwesterly line of Muzzey Street to the point of beginning.

4. A district on the northeasterly side of Massachusetts Avenue between the northeasterly line of said Massachusetts Avenue and the southwesterly side of the railroad property and extending from the northwesterly line of Grant Street to the southeasterly line of Meriam Street.

5. A district on the southwesterly side of Bedford Street between the northwesterly lot line of premises now numbered 30 Bedford Street and said lot line extended and the northwesterly lot line of property now or formerly owned by Custance Bros., Inc., and said lot line extended and for a depth of 400 feet southwesterly from the southwesterly line of said Bedford Street.

6. A district on the northeasterly side of Bedford Street between the northeasterly line of said Bedford Street and the westerly side of the railroad right of way, extending from the southeasterly lot line of land now or formerly owned by the Christopher S. Ryan Estate to the northwesterly lot line of property now or formerly owned by the Lexington Lumber Corporation.

7. A district on the southwesterly side of Massachusetts Avenue beginning at the intersection of the southwesterly line of said Massachusetts Avenue with the southeasterly line of Waltham Street, thence running southeasterly along said southwesterly line of Massachusetts Avenue distant about 800 feet to a point, thence southwesterly along a lot line distant about 295 feet to a point, thence northwesterly along the northeasterly lot lines of Lots 14B, 14A, 13, 12, 19, 20, 10 and 9, said lots being shown on Land Court Plan 9469, distant about 470 feet to a point, thence northwesterly about 215 feet to a point, thence southwesterly distant about 137 feet to a point in the northeasterly line of Vine Brook Road, thence northwesterly along said northeasterly line of Vine Brook Road to the southeasterly line of Waltham Street, thence northeasterly along said southeasterly line of said Waltham Street to the point of beginning.

(e) T 1--Trunk highway districts.

1. A district on the southerly side of the Cambridge-Concord Highway beginning at a point 200 feet easterly of the intersection of the easterly line of Blossom Street with the southerly line of said Cambridge-Concord Highway, thence along said southerly line of said Cambridge-Concord Highway S 87° 26' 58" E distant 200 feet to a point, thence S 2° 33' 02" W distant 100 feet to a point, thence N 87° 26' 58" W distant 200 feet to a point, thence N 2° 33' 02" W distant 100 feet to the point of beginning.

2. A district on the northerly side of the Cambridge-Concord Highway beginning at a point on the southwesterly side of Watertown Street, thence bearing to the right with a curve of 23 feet radius distant 55.98 feet to a point of tangency, thence westerly along the northerly line of said Cambridge-Concord Highway N 87° 03' 43" W distant 227.50 feet to a point, thence N 2° 56' 17" E distant 98.97 feet to a point, thence N 30° 46' 47" E distant 98.97 feet to a point, thence southeasterly along the southwesterly line of said Watertown Street S 59° 13' 13" E distant 159.16 feet to a point of curvature, thence bearing to the right with a curve of 576.55 feet radius distant 127.80 feet to the point of beginning.

(f) M 1--Light manufacturing districts.

1. A district 1,200 feet wide on the northeasterly side of the railroad right of way extending from the northwesterly line of Pine Street and said line extended to the southeasterly line of Westview Street.

2. A district 2,400 feet wide on the southwesterly side of the railroad right of way extending from the northwesterly line of Pine Street and said line extended to the southerly line of Westview Street and the Lexington-Bedford town line.

(g) A 1--Garden apartment and hotel districts.

1. A district bounded on the southwest by Massachusetts Avenue, on the north by Woburn Street, on the northeast by the Boston & Maine Railroad right of way and on the southeast by the Town of Lexington High School lot.

2. A district bounded on the north by Woburn Street, on the southwest by the Boston & Maine Railroad right of way, on the southeast by property now or formerly of the Lexington Nurseries Inc. and on the northeast by property now or formerly of Thomas A. Corcoran, Jr. which is at 91 Woburn Street.

SECTION 5.

PERMITTED BUILDINGS AND USES

In the following districts the designated buildings and alterations and extensions thereof and buildings accessory thereto and the designated uses of land, buildings, or parts

thereof and uses accessory thereto are permitted. All other buildings and uses are expressly prohibited.

(a) R 1 Districts.

1. Public schools, parks, playgrounds and other municipal buildings or uses.
2. Religious, sectarian or denominational schools.
3. Churches, parish houses and rectories.
4. One family dwellings.
5. The taking of not more than four boarders or the letting or renting of rooms, without cooking facilities, to not more than four persons, or both, in a dwelling by a family resident therein, but no dwelling so used shall be erected for the purpose except with specific permission from the Board of Appeals.
6. Farms, including truck gardens, and nurseries, but only tools, equipment and vehicles incident to the actual use of the premises may be stored thereon, and provided that the commercial raising, boarding, breeding or keeping of fur-bearing animals may be operated or maintained on farms only with the permission of the Board of Appeals.
7. Subject to permission from the Board of Appeals, the following:
 - a. Trucking and express business.
 - b. Greenhouses, including conservatories.
 - c. Hospitals, sanitarium, physicians', dentists' and other professional offices, charitable institutions, private schools, halls, clubs and other meeting places and cemeteries.
 - d. Private parks, playgrounds and recreation buildings of a non-commercial and non-profit nature, private water towers and reservoirs.
 - e. Passenger stations, landing fields, telephone exchanges, radio and television transmitting sites and sites, buildings and uses for other public services.

(b) R 2 Districts. All buildings and uses that are permitted in R 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Two family dwellings.

2. Subject to permission from the Board of Appeals, the following:

- a. Hotels, but cooking in rooms occupied by guest is expressly prohibited.

(c) C 1 Districts. All buildings and uses that are permitted in R 1 and R 2 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Retail stores, with the exception of liquor stores which are hereby expressly prohibited.

2. Shops for custom work or the making only of articles to be sold at retail on the premises.

3. Business or professional offices and banks.

4. Restaurants and other places for serving food, with the exception of diners and lunch carts, so-called, which are hereby expressly prohibited, except as hereinafter provided.

5. Place of business of a barber, caterer, cleansing and dyeing pick-up station, confectioner, decorator, dressmaker, florist, furrier, hairdresser, manicurist, milliner, optician, photographer, radio and television repair shop, hand laundry, self-service laundry, shoe repairer, or tailor.

6. Subject to permission from the Board of Appeals, the following:

- a. Place of business of a baker, blacksmith, builder, carpenter, cleanser and dyer, contractor, mason, plumber, electrician, painter, paper hanger, printer, roofer, tinsmith, undertaker, upholsterer, wheelwright or diner or lunch cart, so-called.
- b. Retail gasoline, oil and greasing stations and places of business for the sale and installation of tires and other automobile accessories, garages for storage and repair and salesrooms for motor vehicles.
- c. Retail dealers in bottled gas, fuel, grain, ice, lumber and structural materials, milk and commercial non-manufacturing uses not hereinabove specified in this sub-paragraph 6, except uses permitted in sub-section (d) C 2 Districts sub-paragraphs 1 and 3.a.

(d) C 2 Districts. All buildings and uses that are permitted in R 1, R 2 and C 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Billboards as regulated by law and by-law.
2. Retail dealers in bottled gas, grain, ice and milk and retail liquor stores, if otherwise lawful.
3. Subject to permission from the Board of Appeals, the following:
 - a. Billiard rooms, bowling alleys, dance halls, skating rinks, theatres and similar commercial amusement places.
 - b. Dealers in fuel, lumber, structural materials and commercial non-manufacturing uses not hereinabove specified.

(e) T 1 Districts. All buildings and uses that are permitted in R 1 and R 2 districts but subject to any conditions and restrictions set forth therein, and subject to permission from the Board of Appeals, the following:

1. Retail gasoline, oil and greasing stations and places of business for the sale and installation of tires and other automobile accessories, but major mechanical repairing, auto body repairing and the storing or selling of automobiles are hereby expressly prohibited.

(f) M 1 Districts. All buildings and uses that are permitted in R 1 and R 2 districts but subject to any conditions and restrictions set forth therein, and the following:-

1. Light manufacturing, employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, free from neighborhood disturbing odors or agencies. Any light manufacturing business, the conduct of which may be disturbing or detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, including special danger of fire or explosion, pollution of waterways, corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors and offensive noise or vibrations, is expressly prohibited;

2. Subject to permission from the Board of Appeals, the following:-

- a. Bulk distribution of liquid fuels and lubricants from underground storage tanks,
- b. All buildings and uses that are permitted in C 1 and C 2 districts, including those permitted therein by permission from the Board of Appeals, with the exception of liquor stores which are hereby expressly prohibited.

3. No dwelling shall be erected in an M 1 district except with permission from the Board of Appeals.

(g) A 1 Districts. All buildings and uses that are permitted in R 1 districts but subject to any conditions and restrictions set forth therein, and the following:

1. Garden apartments, provided that the Planning Board, after public hearing, shall find and determine that such buildings and use, including the site, plans and building design, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions: there shall be at least two detached or semi-detached buildings and no such building shall contain less than four nor more than ten dwelling units, and each such unit shall have independent cooking facilities; not more than 25 per centum of the lot area shall be occupied by buildings; no living quarters shall be located below the mean finished grade of the ground adjoining the building nor above the second story; there shall be parking space for automobiles provided on the lot which shall not be less than one reasonably accessible automobile space for each dwelling unit; the buildings shall connect with a sanitary sewer; and such other conditions and restrictions as the Planning Board may prescribe in the interests of the Town in carrying out the purposes of this By-Law.

2. Hotels, provided that the Planning Board, after public hearing, shall find and determine that such building and use, including the site, plans and building design, constitute a desirable development in and will not be detrimental to the neighborhood, and subject further to the following conditions: not more than 25 per centum of the lot area shall be occupied by buildings; no sleeping rooms shall be located below the mean finished grade of the ground adjoining the building; there shall be ample parking space for automobiles provided on the lot, which shall not be less than one reasonably accessible automobile space for each guest sleeping room in the building plus reasonably adequate provision for persons dining or attending functions in the

building; the building shall connect with a sanitary sewer; and such other conditions and restrictions as the Planning Board may prescribe in the interest of the Town in carrying out the purposes of this By-Law. Cooking in rooms occupied by guests is expressly prohibited.

3. Garden apartments and hotel may be combined on the same lot if approved by the Planning Board and, in such event, all the provisions and conditions above set forth shall be applicable to the same extent as if they were on separate lots.

4. Buildings accessory to garden apartments or hotel may be erected, but only with the approval of site, plans and building design by the Planning Board.

SECTION 6.

ACCESSORY USES IN RESIDENTIAL DISTRICTS

In R1 and R2 districts, the following are hereby declared to be "accessory uses" within the meaning of this By-Law:

(a) A private garage for not more than three automobiles, one of which may be a commercial vehicle if owned or used by a person resident in the dwelling to which the garage is accessory.

(b) The exercise of personal or professional skills in the fields of music, dramatics, arts and crafts and academic pursuits and the giving of instructions or lessons for compensation in such skills, in any dwelling or building accessory thereto by residents thereof, provided there is no sign relating thereto or other advertising device erected or maintained on the premises, but no such dwelling or building shall be erected for the purpose except with specific permission from the Board of Appeals.

(c) The performance of custom work of a domestic nature, such as dressmaking, millinery and clothes-washing, in any dwelling by residents thereof, provided that equipment utilized is such as is customarily incidental to residential occupancy and that there is no sign relating thereto or other advertising device erected or maintained on the premises, but no such dwelling or building shall be erected for the purpose except with specific permission from the Board of Appeals.

(d) The erection and maintenance for each family living in a dwelling of not more than two signs, neither of which has an area of more than one square foot, bearing the name of the family or designation of the dwelling or both.

(e) The erection and maintenance on the premises of one sign not exceeding twelve square feet in area and pertaining to uses specified in Section 5(a) 1, 2, 3, 6 and 7, and Section 5(b) 2, provided that there may be more or larger signs with specific permission from the Board of Appeals.

(f) The erection and maintenance of real estate signs of not over six square feet in total area advertising the sale or rental of the premises on which they are located; provided, however, signs not more than fifty square feet in total area and not more than ten feet in any dimension may be erected and maintained on subdivisions of land as defined in General Laws, Chapter 41, Section 81 K, to advertise solely the selling of land or buildings in said subdivisions but not more than one such sign shall face the same street.

SECTION 7.

HEIGHT REGULATIONS

(a) In R 1, R 2, T 1, C 1 and A 1 districts, buildings shall not exceed two and one half stories and a maximum height of forty feet, except that schools, municipal buildings and hospitals may contain three full stories with a maximum height of forty-five feet.

(b) In C 2 and M 1 districts the maximum height of buildings shall be fifty-five feet.

(c) The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses and other accessory structural features usually carried above roofs, nor to domes, towers or spires of churches or other buildings provided such features are in no way used for living purposes and further provided that no such structural feature shall exceed a height of sixty-five feet from the ground except with permission from the Board of Appeals.

(d) For the purpose of this By-Law, the height of any building or accessory structural feature shall be the vertical distance above the mean finished grade of the ground adjoining such building.

SECTION 8.

AREA, FRONTAGE AND YARD REGULATIONS

(a) R 1 and R 2 Districts.

1. Except as hereinafter provided, in R 1 and R 2 districts there shall be provided:

- a. For each dwelling or other permitted principal building erected after the adoption of this amendment to this By-Law, a lot containing an area of not less than 15,500 square feet and a frontage of not less than 125 feet upon the frontage street.
- b. For each such dwelling or building and for each accessory building:
 - (1) A front yard of not less than 30 feet in depth on the frontage street and a front yard of not less than 20 feet in depth on each other street on which the lot abuts.
 - (2) A side yard on each side of not less than 15 feet in width.
 - (3) A rear yard of not less than 15 feet in depth.

2. The foregoing provisions in Section 8 (a) 1. as to area, frontage and side yards only shall not apply to the following:

- a. Any lot lawfully laid out and recorded by plan or deed prior to March 17, 1924.
- b. Any lot lawfully laid out and recorded by plan or deed on or after March 17, 1924 and prior to March 18, 1929, provided such lot contains an area of not less than 5,000 square feet and a frontage upon the frontage street of not less than 50 feet.
- c. Any lot lawfully laid out and recorded by plan or deed on or after March 18, 1929 and prior to August 8, 1938, provided such lot contains an area of not less than 7,500 square feet and a frontage upon the frontage street of not less than 75 feet.
- d. Any lot lawfully laid out and recorded by plan or deed on or after August 8, 1938 and prior to the adoption of this amendment to this By-Law, provided such lot contains an area of not less than 12,500 square feet and a frontage upon the frontage street of not less than 100 feet.

3. As to all lots included within the provisions of Section 8 (a) 2, there shall be provided a side yard on each side as follows:

- a. On lots having a frontage of not more than 50 feet, each side yard shall be not less than $7\frac{1}{2}$ feet in width.
- b. On lots having a frontage of more than 50 feet but not more than 75 feet, each side yard shall be not less than 10 feet in width.
- c. On lots having a frontage of more than 75 feet but less than 100 feet, each side yard shall be not less than 12 feet in width.
- d. On lots having a frontage of 100 feet or more, each side yard shall be not less than 15 feet in width.

4. Any lot included within the provisions of Section 8 (a) 2. may be enlarged by combining it with an adjoining lot or lots, or fractions thereof, in the same ownership. Such enlarged lot shall not be subject to greater requirements as to area, frontage, front or rear yards by reason of such enlargement, but the side yards required by Section 8 (a) 3 shall be based on the total frontage of the enlarged lot.

(b) C 1 Districts.

1. In C 1 districts there shall be provided:
 - a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:
 - (1) A front yard of not less than 20 feet in depth on each street on which the lot abuts.
 - (2) If a boundary of the lot abuts on land in an R 1 or R 2 district, a side yard adjoining such boundary of not less than 20 feet in width, which may be used for parking area if otherwise lawful.
 - (3) A rear yard of not less than 20 feet in depth, which, may be used for parking area if otherwise lawful.
 - b. For each permitted principal building, other than those permitted in R 1 or R 2 districts, a parking area on the lot for automobiles or other vehicles containing not less than 2 square feet for each square foot of ground area of the building.
 - c. For each principal building permitted in R 1 or R 2 districts, the same lot area and frontage,

and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(c) C 2 Districts.

1. In C 2 districts there shall be provided:
 - a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:
 - (1) If a boundary of the lot abuts on land in an R 1 or R 2 district, a side yard adjoining such boundary of not less than 20 feet in width, which may be used for parking area if otherwise lawful.
 - (2) A rear yard of not less than 10 feet in depth, which may be used for parking area if otherwise lawful.
 - (3) For each such building on land abutting on Muzzey Street or on Bedford Street, a front yard on such streets of not less than 10 feet in depth.
 - b. For each principal building permitted in R 1 or R 2 districts, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(d) T 1 Districts.

1. In T 1 districts there shall be provided:
 - a. For each permitted principal building and for each accessory building, other than those permitted in R 1 or R 2 districts:
 - (1) A frontage of not less than 200 feet upon the principal highway.
 - (2) A front yard of not less than 30 feet in depth on each street upon which the lot abuts, and no gasolene pump or display case or any accessory equipment, except lighting poles, may be erected or maintained within said depth of 30 feet.
 - (3) A side yard on each side of not less than 30 feet in width.
 - (4) A rear yard of not less than 30 feet in depth.
 - b. For each principal building permitted in R 1 or

R 2 districts, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 or R 2 district.

(e) M 1 Districts.

1. In M 1 districts there shall be provided:
 - a. For each permitted principal building that is not permitted in any other district, a frontage of not less than 150 feet upon the frontage street.
 - b. For each such building and accessory building:
 - (1) A front yard of not less than 30 feet in depth on each street upon which the lot abuts.
 - (2) A side yard on each side of not less than 30 feet in width.
 - (3) A rear yard of not less than 30 feet in depth.
 - c. For each such principal building, an open area on the lot, not occupied by any building, of not less than 75 per centum of the area of the lot, which may be used for parking area if otherwise lawful.
 - d. For each principal building permitted in any other district, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in such other district.

(f) A 1 Districts.

1. In A 1 districts there shall be provided:
 - a. For each lot on which garden apartments or a hotel, or both, are to be erected:
 - (1) A frontage of not less than 200 feet upon the frontage street.
 - (2) For each such building and accessory building, a front yard of not less than 30 feet in depth on each street on which the lot abuts, a side yard on each side of not less than 30 feet in width, and a rear yard of not less than 30 feet in depth. These yards may be used for parking areas if otherwise lawful.
 - (3) For garden apartments, land area shall be

not less than 3000 square feet per dwelling unit containing one room used for sleeping, 3500 square feet per dwelling unit containing two rooms used for sleeping, and 4000 square feet per dwelling unit containing three or more rooms used for sleeping.

- b. For each principal building permitted in an R 1 district, the same lot area and frontage, and for each such building and accessory building the same front, side and rear yards as would be required if the lot were situated in an R 1 district.

(g) All Districts.

In all districts, where applicable, the following provisions shall apply:

1. In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the fee to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other bounding lines which, if extended, would intersect, the area and frontage shall be computed as if such bounding lines were so extended.

2. The provisions of Section 8 requiring front yards shall not apply to that portion of a street on which building lines have been or shall be lawfully established by the Town.

3. No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be subdivided or reduced in area in any manner unless there is retained for said lot sufficient area and frontage to meet the requirements of this By-law and unless such lot as retained, and any building or buildings thereon, meets all the other requirements of this By-Law. If land is subdivided, conveyed, devised or otherwise transferred in violation hereof, no building or other permit shall be issued with reference to said transferred land until the lot retained meets the requirements of this By-Law. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been or was taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

4. When a lot in one ownership is situated in part in the Town of Lexington and in part in an adjacent town or city, the provisions, regulations and restrictions of this By-Law shall be applied to that portion of such lot as lies in the Town of Lexington in the same manner as if the entire lot were situated therein.

5. No porch, whether covered or uncovered, step, cornice, eave or other part or projection of a building, but not including customary summer awnings, shall be erected in or over the area required to be maintained as front, side or rear yards.

SECTION 9.

USE OF LAND

(a) No land in the Town shall be put to any use other than uses enumerated in this By-Law, and uses accessory thereto, for the zoning district in which such land lies.

(b) The removal of sod, loam, sand, gravel or quarried stone, except when such removal is incidental to and in connection with the erection of a building for which a permit has been issued by the Building Inspector or when such removal is required in order to construct a street over the location from which such removal is made, is hereby expressly prohibited, unless with specific permission from the Board of Appeals.

(c) No automobile graveyard, so-called, or junk yard shall be operated or maintained anywhere in the Town.

(d) No land in an R 1, R 2 or A 1 district shall be used to provide off street parking for a business enterprise or for any other purpose not incidental to the primary permitted use of said land.

SECTION 10.

NON-CONFORMING USE

(a) Any building lawfully existing and any use lawfully being made of land or buildings which does not conform to this By-Law as adopted or as amended may be continued to the same degree and for the same purpose.

(b) Any such building may be repaired or structurally altered, but no such building if destroyed or damaged to the extent of 75% of its reproduction cost at the time of said damage shall be rebuilt or repaired except with permission from the Board of Appeals.

(c) No building or use lawfully existing as a non-conforming building or use shall be extended or enlarged nor shall it be used for a different purpose except with permission from the Board of Appeals.

(d) If land or buildings lawfully being put to a non-conforming use are changed to a use permitted in a district wherein such lands or buildings are situated, they shall not be changed back to any non-conforming use.

(e) If there be non-use of any lawful non-conforming use of land or buildings for a period of twenty-four consecutive months, such non-conforming use shall be regarded as abandoned and shall not be resumed.

SECTION 11.

APPLICATION FOR PERMITS

Applications for building permits shall be filed with the Building Inspector on forms furnished by him, as provided in the Building By-Laws. With every such application there shall be filed a plan in duplicate of the lot upon which said building is to be erected drawn to scale and showing the dimensions of the lot and the location and size of the buildings if any upon said lot and the building or buildings to be erected thereon and all streets upon which such lot abuts.

SECTION 12.

ENFORCEMENT

The Building Inspector appointed under the provisions of the Building By-Laws of the Town of Lexington is hereby designated and authorized as the officer charged with the enforcement of this By-Law.

If the Building Inspector is informed or has reason to believe that any provision of this By-Law is being violated, he shall make or cause to be made an investigation of the facts and inspect the property where such violation may exist.

If upon such investigation and inspection he finds evidence of such violation, he shall give notice thereof in writing to the owner and occupant of said premises and demand that such violation be abated within such time as the Building Inspector deems reasonable. Such notice and demand may be given by mail, addressed to the owner at his address as it then appears on the records of the Board of Assessors of the Town and to the occupant at the address of the premises.

If after such notice and demand the violation has not been abated within the time specified therein, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Lexington to prevent, correct, restrain or abate such violation of this By-Law.

SECTION 13.

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 uses and accessory uses comply in all respects with the provisions of this By-Law and adequate means of sewage disposal have been provided.

SECTION 14.

BOARD OF APPEALS

There shall be a Board of Appeals of five members who shall be appointed by the Selectmen for terms of five years each, the term of one appointee to expire each year. The Selectmen shall also appoint four associate members of the Board of Appeals, and in the case of a vacancy, inability to act or interest on the part of a member of said Board, his place may be taken by an associate member designated as provided in General Laws, Chapter 40, Section 30 and any amendments thereto.

An appeal to the Board of Appeals shall be filed within fourteen days after the order or decision appealed from has been rendered.

The Board of Appeals shall fix a reasonable time for the hearing of any appeal, petition or other matter referred to it and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a

local newspaper at least fourteen days before said hearing and also mail a copy of said notice to the petitioner and to the owners of all property deemed by said Board to be affected thereby as they appear on the most recent local tax list at least seven days before said hearing.

The Board of Appeals shall, in addition to the powers conferred upon it by General Laws, Chapter 40, Section 30, and all acts in amendment thereof and in addition thereto, have the following powers:

When in the judgment of the Board of Appeals the public convenience and welfare will be substantially served and where a requested permit will not tend to impair the status of the neighborhood, the Board may in a specific case upon written petition, a hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the regulations here established in harmony with their general purposes and intent as follows:

- (a) Permit any uses and acts which the Board is authorized to permit by other sections of this By-Law.
- (b) Permit variations where topography or other conditions make it necessary.
- (c) Permit the alteration of a one family dwelling in an R 1 or A 1 district to accommodate two families provided that:
 1. The appearance and character of a one family dwelling shall be preserved.
 2. The gross habitable floor area for each family in such dwelling shall be at least 700 square feet.
 3. No major exterior structural changes be made except such as may be required for safety by the Lexington Building By-Laws or General Laws of the Commonwealth.
 4. Stairways leading to the second or any higher floor shall be enclosed within the exterior walls of the building.
- (d) Permit temporary structures and uses that do not conform to the uses and regulations herein described with such conditions as shall protect the community provided that no such permit shall be for more than a one-year period.
- (e) Permit for yearly terms the production of articles in whole or substantial part from materials excavated or grown upon the premises.
- (f) Permit for yearly terms a roadside stand for the sale only of products of land of the owner of the stand that is within the Town.

SECTION 15.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

SECTION 16.

Any building or use of premises not herein expressly permitted is hereby expressly forbidden.

SECTION 17.

CONFLICT OF LAWS

Where this By-Law imposes a greater restriction upon the use of land or the use or erection of buildings in the Town than is imposed by other By-Laws of the Town, the provisions of this By-Law shall control.

SECTION 18.

PENALTY FOR VIOLATION

Whoever violates any provision of this By-Law shall be punished by a fine not exceeding Twenty (\$20.00) Dollars for each offense.

SECTION 19.

AMENDMENTS

No amendment to this By-Law shall be adopted until after the Planning Board has held a public hearing thereon and has submitted a final report with its recommendations to an Annual or Special Town Meeting or until twenty days shall have elapsed after such hearing without the submission of such a report.

Notice stating the time, place and purpose of said hearing shall be given by publication in a local newspaper at least fourteen days before said hearing and, unless in the opinion of the Planning Board the proposed amendment is one of wide application in the Town, by mailing a copy of said notice to the owners of all property deemed by said Board to be affected thereby as they appear on the most

recent local tax list at least seven days before said hearing.

The Planning Board shall hold such a public hearing on a proposed amendment when requested so to do by a vote of the Town, by a petition signed by not less than 100 registered voters of the Town or by a petition signed by the owners of 50% in valuation of the property designated or accepted by the Planning Board as affected by any such proposed amendment. Such a hearing may be held by the Planning Board at any time on its own initiative.

Any change in the location or boundaries of a zoning district made through the amendment of this By-Law shall be indicated by the alteration of the aforesaid Zoning Map, and the Map thus altered is declared to be a part of this By-Law thus amended. Any failure to alter or delay in altering the Map shall not postpone or otherwise affect the effectiveness of the amendment.

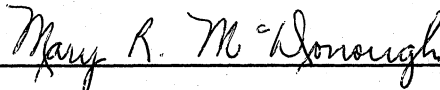
SECTION 20.

INTERPRETATION

This By-Law shall be deemed to constitute a re-enactment and continuance of the provisions of the Zoning By-Law in effect when it was adopted except so far as it contains changes in wording or arrangement which unequivocally constitute changes in meaning.

Lexington, Mass., August 9, 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 amended at the Town Meeting held October 5, 1953 and as approved by the Attorney General on October 26, 1953.



Mary R. McDonough, Town Clerk
Lexington, Massachusetts