

Proposed Zoning Bylaw Amendments for 2017 Annual Town Meeting

Article	Existing Language	Proposed Language/Change
<p>To see if the Town will vote to remove regulations from definitions and create new sections for regulations lacking existing sections in the following manner...</p>	<p><i>Agricultural use, nonexempt:</i> Raising of livestock or poultry. but not swine, mink, chinchilla or other animals raised for their pelts, on a farm that is not exempt under G.L. c. 40A, § 3, provided that any building housing livestock or poultry may not be less than 300 feet from the property boundary.</p>	<p><i>Agricultural use, nonexempt:</i> Raising of livestock or poultry.</p> <p>5.4 Special Use Regulations 5.4.1 Agricultural Use, Nonexempt</p> <p>The raising of livestock or poultry is allowed if all of the following conditions are met.</p> <ol style="list-style-type: none"> 1. Must be on a farm that is not exempt under G.L. c. 40A, § 3. 2. Swine, mink, chinchilla or other animals raised for their pelts are not allowed. 3. Any building housing livestock or poultry may not be less than 300 feet from the property boundary.
	<p><i>Establishment for manufacture, assembly or packaging of consumer goods Manufacturing of Consumer Goods:</i> A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods. provided that some of the merchandise is sold at retail on the premises and that all display, sales and storage is conducted within a building; and further provided that not more than 25 percent of floor area is devoted to manufacturing, assembly, or packaging of consumer goods and that not more than 5 persons are employed at any one time for the manufacturing, assembly, or packaging of such goods.</p>	<p><i>Manufacturing of Consumer Goods:</i> A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods.</p> <p>5.4 Special Use Regulations 5.4.2 Manufacturing of Consumer Goods</p> <p>A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods is allowed if all of the following conditions are met.</p> <ol style="list-style-type: none"> 1. Goods must be finished products and not subassemblies. 2. Some of the merchandise must be sold at retail on the premises. 3. All display, sales and storage of merchandise must be conducted within a building. 4. Not more than 25 percent of floor area can be devoted to manufacturing, assembly, or packaging. 5. Not more than five persons are employed at any one time.
	<p><i>Limited Retailing and/or Mail Order Processing:</i> Includes furniture, antiques, clothing, collectible dolls and related products. Manufactured on site. All display, sales and storage must be conducted within the building. No more than 2 persons including the proprietor shall be employed at any time for the manufacturing, assembly, packaging or processing of such goods. Permissible retail floor area shall be tied to provision of on-site parking spaces in full compliance with the requirements of this bylaw.</p>	<p><i>Limited Retailing and/or Mail Order Processing:</i> Includes furniture, antiques, clothing, collectible dolls and related products.</p> <p>5.4.3 Limited Retailing and/or Mail Order Processing</p> <p>Limited Retailing and/or Mail Order Processing, including furniture, antiques, clothing, collectible dolls and related products is allowed if all of the following conditions are met.</p> <ol style="list-style-type: none"> 1. All items must be manufactured on site. 2. All display, sales and storage must be conducted within the building. 3. Not more than two persons, including the proprietor, shall be employed at any time. 4. Permissible retail floor area shall be tied to provision of on-site parking spaces in full compliance with the requirements of this bylaw.

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	<p>Dwelling, Two Family (Duplex): A free-standing building exclusively for residential use by two families but not more than two families. Each unit shall contain not less than 700 square feet of habitable floor area.</p>	<p>Dwelling, Two Family (Duplex): A free-standing building exclusively for residential use by two families.</p> <p>9.1 Multifamily and Townhouse Buildings 9.1.4 Dwelling, Two Family (Duplex)</p> <p>Two family dwellings are allowed if all of the following conditions are met.</p> <ol style="list-style-type: none"> 1. Each unit shall contain not less than 700 square feet of habitable floor area. 2. No unit contains more than two families.
	<p>Research Center: See section 8.4.</p>	<p>Research Center: A building or a group of interrelated buildings where the main functions are data analysis, scientific research or applied research in product development.</p>
	<p>Domestic Pets: See Pets, Domestic</p>	<p>Domestic Pets: See Pets, Domestic</p>
	<p>Two Family Dwelling (Duplex): See Dwelling, Two Family</p>	<p>Two Family Dwelling (Duplex): See Dwelling, Two Family</p>
	<p>Loading Space, Off-Street: See Off-Street Loading Space.</p> <p>Off-Street Loading Space: For the purposes of this Bylaw an off-street loading space is defined as accommodations off the street for loading and unloading of trucks, in the form of one or more truck berths located either within a building or in open space on the same lot. The area of each berth shall not be less than 350 square feet and it shall have a minimum clear height, including access to it from the street of fourteen (14) feet.</p> <p>7.1.18 Loading Bays Each loading bay shall be not less than ten (10) feet in width and thirty-five (35) feet in length exclusive of drives and maneuvering space, and all required bays, drives and maneuvering space shall be located entirely on the lot with direct access to the building intended to be served.</p>	<p>Loading Space, Off-Street: See Off-Street Loading Space.</p> <p>Loading Space, Off-Street: For the purposes of this Bylaw an off-street loading space is defined as areas off the street for loading and unloading of trucks, located either within a building or in open space on the same lot.</p> <p>7.1.18 Loading Space Each loading space shall be not less than ten (10) feet in width and thirty-five (35) feet in length exclusive of drives and maneuvering space, and all required spaces, drives and maneuvering areas shall be located entirely on the lot with direct access to the building intended to be served.</p> <p>Each space shall have a minimum clear height, including access to it from the street of fourteen (14) feet.</p>
	<p>Fencing: Any opaque or semi-opaque fence, wall, sign, or any other fabricated visual barrier or enclosure. Fences in side and rear yards are not to exceed six (6) feet in height. Fences in the street line setback are not to exceed four (4) feet in height and be not more than fifty (50) percent solid, and be finished on the good side which is to face the abutting property. (Revised in accordance with the Attorney General Approval dated July 23, 2008.)</p>	<p>Fencing: Any opaque or semi-opaque fence, wall, sign, or any other fabricated visual barrier or enclosure.</p> <p>6.1.12 Fencing Fences in side and rear yards are not to exceed six (6) feet in height. Fences in the street line setback are not to exceed four (4) feet in height and be not more than fifty (50) percent solid, and be finished on the good side which is to face the abutting property. (Revised in accordance with the Attorney General Approval dated July 23, 2008.)</p>

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	<p>Screening: A screen shall consist of one of the following:</p> <ol style="list-style-type: none"> 1. Plant materials, at least three feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five feet. 2. A masonry wall or a wooden or fabricated fence from five to six feet in height at least 50 percent solid designed in an attractive manner to obscure any view. 3. Any existing growth of trees and shrubs if in the judgment of the Board of Appeals, or if the use is by right, the Building Commissioner, such growth provides equivalent screening. 	<p>Screening: Plant material or structures located so that visibility from neighbors and public ways is minimized.</p> <p>6.1.13 Screening Plant materials used for screening must be at least three feet in height at the time of planting, must be of a type that may be expected to form a year-round dense screen and must reach a height in maturity of at least five feet.</p> <p>Any existing growth of trees and shrubs may be used for screening if in the judgment of the Board of Appeals, or if the use is by right, the Building Commissioner, such growth provides equivalent screening.</p> <p>Masonry walls or wooden or fabricated fences used for screening must be from five to six feet in height, at least 50 percent solid, and designed in an attractive manner to obscure any view.</p>
	<p>Temporary Structures: Trailers (such as construction), and tents that are for commercial use. and are at least one-hundred twenty (120) square feet in size and will be occupied by more than ten (10) people may be issued a temporary permit by the Building Commissioner if the Building Commissioner determines that such uses shall be reasonably required or customary. Such permit shall be for a period of not more than a year with renewal for successive period of not more than one additional year with permission of the Building Commissioner.</p>	<p>Temporary Structures: Trailers (such as construction), and tents.</p> <p>6.1.14 Temporary Structures Temporary structures such as construction trailers and tents that are for commercial use and are at least one-hundred twenty (120) square feet in size and will be occupied by more than ten (10) people may be issued a temporary permit by the Building Commissioner if the Building Commissioner determines that such uses shall be reasonably required or customary. Such permit shall be for a period of not more than a year with renewal for successive period of not more than one additional year with permission of the Building Commissioner</p>
<p>To see if the Town will vote to make the following amendments to Section 5.2, Table of Uses:</p>	<p>Manufacturing of Consumer Goods</p>	<p>Manufacturing of Consumer Goods (finished products)</p>
	<p>Manufacture, assembly or packaging of goods</p>	<p>Manufacture, assembly or packaging of goods (subassemblies)</p>

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<p>To see if the Town will vote to remove footnotes associated with Section 6.1.1 the Table of Dimensional Requirements and make them special sections so that Footnotes 1-5 will become their own special section within the Zoning Bylaw:</p>	<p>Footnotes:</p> <p>(1) On lots abutting streets on more than one side, the front setback requirements shall apply to each of the abutting streets. However, a dwelling need not be set back more than the average of the setbacks of the dwellings on the abutting lots on either side. If a vacant lot exists on one side it shall be considered as a dwelling setback the depth of the required front setback. No fence shall be constructed so as to obstruct intersection view within front setbacks at street intersections.</p> <p>(2) Where district boundary lines separate residential districts from commercial districts and industrial districts, setback areas shall be planted with screening to protect the residential districts.</p> <p>(3) These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy. The Board of Appeals may allow greater height when permitting Planned Unit Office, Great Estates, Gateway Mixed Use Developments, and uses located in the Commercial Zone. In no instance shall height, not including exemptions as stated above, exceed 50 feet.</p> <p>Stairways leading to any floor or story above the first floor story shall be located within the walls of the building whenever practicable; otherwise, stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street.</p> <p>(4) In view of small and irregular lot sizes, applications for a new building will be accepted for consideration based on areas no less than current lot sizes. Fireproof walls on one side to the lot line are permissible if there is at least 15' setback on the other side of the building.</p> <p>(5) The street line building or structure setback in C-3A may be reduced to a minimum of thirty-five (35) feet by a Special Permit from the Board of Appeals pursuant to Section Error! Reference source not found. of this Bylaw if the Board determines that the proposed plan will significantly enhance the aesthetics of the property.</p>	<p>Where the Table of Dimensional Requirements currently references Notes 1-5, the table will be updated to reference the appropriate, following, new section.</p> <p>6.1.6 Lots Abutting Multiple Streets On lots abutting streets on more than one side, the building front setback requirements shall apply to each of the abutting streets. However, a dwelling need not be set back more than the average of the setbacks of the dwellings on the abutting lots on either side. If a vacant lot exists on one side it shall be considered as a dwelling setback the depth of the required front setback. No fence shall be constructed so as to obstruct intersection view within front setbacks at street intersections.</p> <p>6.1.7 District Boundary Lines Where district boundary lines separate residential districts from commercial districts and industrial districts, setback areas shall be planted with screening to protect the residential districts.</p> <p>6.1.8 Maximum Height Restrictions Maximum building or structure height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy. The Board of Appeals may allow greater height when permitting Planned Unit Office, Great Estates, Gateway Mixed Use Developments, and uses located in the Commercial Zone. In no instance shall height, not including exemptions as stated above, exceed 50 feet.</p> <p>6.1.9 Lot Sizes in the C District In view of small and irregular lot sizes in the C District, applications for a new building will be accepted for consideration based on areas no less than current lot sizes. Fireproof walls on one side to the lot line are permissible if there is at least 15' setback on the other side of the building.</p> <p>6.1.10 Lots in the C-3A District The street line building or structure setback in C-3A may be reduced to a minimum of thirty-five (35) feet by a Special Permit from the Board of Appeals pursuant to Section 6.3 of this Bylaw if the Board determines that the proposed plan will significantly enhance the aesthetics of the property.</p> <p>6.1.11 Stairways Stairways leading to any floor or story above the first floor story shall be located within the walls of the building whenever practicable; otherwise, stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street.</p>

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To see if the Town will vote to enumerate all the Use Table entries.	Currently, uses within each category of use are not enumerated.	Enumerating each use will make it easier to reference a particular use.
To see if the Town will vote to amend Section 9.9.1.-5 so that it is consistent with Use Table H-3	<p>H-3 Not more than one commercial vehicle per lot associated with a permitted home occupation</p> <p>The maximum number of off-street parking spaces for employee and customer parking shall be two. There shall be no outside parking of more than two commercial vehicles as defined by the Registry of Motor Vehicles in 540 CMR 4.02.</p>	The maximum number of off-street parking spaces for employee and customer parking shall be two. There shall be no outside parking of more than one commercial vehicle as defined by the Registry of Motor Vehicles in 540 CMR 4.02.
To see if the Town will vote to Remove Footnotes 6 & 7 of the Table of Dimensional Requirements (6.1.1.) and place in Section 9, Special Residential Regulations.		<p>9.3 Accessory Buildings The limitations of this Section (9.3) shall not apply to structures used for agricultural purposes.</p> <p>9.3.1 General Standards Accessory buildings in a residential zone shall not exceed twenty (20) feet to the ridge (height) above mean grade at the foundation and shall not be located nearer than twenty (20) feet to the principal building or occupy more than ten (10) percent of the lot area. Accessory buildings shall not be located forward of the principle building on the property. In the event that the Building Commissioner determines there is not compliance with Sections 9.3.2 and 9.3.3, the Board of Appeals may grant a special permit for the reduction of these requirements.</p> <p>9.3.3 Lots not Meeting Yard Area Requirement In the residential zoning districts, one accessory building or one garage (attached or detached) is allowed, as long as it complies with all current street and lot line setbacks, frontage and setback between building requirements.</p>
To see if the Town will vote to create a new zoning regulation so that a property owner in the residential district will have a cap on how many accessory structures they can place on their property.	<p>The current zoning bylaw is too liberal regarding the number of accessory structures on a lot that meets Yard Area Requirements. For example, more than 100 accessory structures could be placed on a one acre lot.</p> <p>The following proposed limits would be by right but additional structures can be built with a special permit per 9.3.1 above.</p> <p>9.3.2 Lots Meeting Yard Area Requirement In the residential zoning districts, two accessory buildings and one garage (attached or detached) are allowed, as long as they comply with all current street and lot line setbacks, frontage and setback between building requirements.</p>	

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Article	Existing Language	Proposed Language/Change
<p>To see if the Town will vote to amend Section 7.2, Parking and Loading Requirements, of the Lenox Zoning Bylaw in the following manner to improve its organization.</p>		
<p>To see if the Town will vote to amend Section 7.2 of the Parking and Loading Requirements of the Lenox Zoning Bylaw to promote Smart Growth principals by removing parking space requirements for properties in the village center and by reducing the number of parking spaces required for mixed use sites in the following manner...</p>		
<p>To see if the Town will vote to make the following changes to the Lenox Dale district boundary lines.</p>	<p>See attached map.</p>	

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Article	Existing Language	Proposed Language/Change
<p>To see if the Town will vote to add the following definitions to Section 4, “Definitions” of the Town of Lenox Zoning Bylaw:</p>	<p><i>Hotel:</i> An establishment providing accommodations, meals and other services for travelers. This may be a building or group of buildings. A restaurant, dining room, or related retail and consumer services may be provided within the building or buildings.</p> <p><i>Hotel Unit:</i> Any room or suite of rooms with its own bathing facilities, cooking facilities and toilet facilities wholly within such room or suite of rooms.</p> <p><i>Motel:</i> A roadside hotel designed primarily for motorists, typically having the rooms arranged in a low building with parking directly outside.</p> <p><i>Motel Unit:</i> Any room or suite of rooms with its own bathing facilities, cooking and food storage facilities and toilet facilities wholly within such room or suite of rooms.</p> <p><i>Resort, Private:</i> Building or group of buildings, a portion thereof designed for serving food in a public common dining room and containing 15 or more sleeping rooms for transient guests together with both indoor and outdoor recreational facilities and personal services with a variety of activities provided which could be judged self-sufficient for the entertainment of the guests therein. The amenities and services of said resort are for use of paying guests lodged at said resort.</p> <p><i>Resort, Public:</i> Building or group of buildings, a portion thereof designed for serving food in a common dining room and containing 15 or more sleeping rooms for transient guests together with both indoor and outdoor recreational facilities and personal services with a variety of activities open to guests as well as the public.</p> <p><i>Resort and Conference Center:</i> A structure or series of structures, divided into separate units, the purpose of which is to provide living, sleeping and toilet facilities; conference, seminar, or meeting facilities and/or recreation or entertainment services and facilities, including but not limited to golfing, tennis, dining, or other amenities intended to solicit the use of the property as a resort and conference center.</p> <p>Farm, Non-Exempt:</p>	