

VARIANCE — A departure from the terms of this chapter authorized by the Board of Appeals under the terms of § 190-66 of this chapter.

YARD — An open space unobstructed from the ground up, on the same lot with a principal building and extending along a lot line or front lot line and inward to the principal building. The size of a required "yard" shall be measured as the shortest distance between the outer face of the building and a lot line or front lot line. Structures which are below the finished lot grade shall not be deemed to occupy required "yards."

YARD, FRONT — A yard extending for the full width of the lot between the front line of the nearest building wall or building part and the front lot line.

YARD, REAR — A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE — A yard, unoccupied except by an accessory structure or use as herein permitted, between a building and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a "side yard."

ZONING ADMINISTRATOR — The Board of Appeals, in accordance with MGL c. 40A, § 13, may appoint, subject to confirmation by the Board of Selectmen, a Zoning Administrator. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties. Any person aggrieved by a decision or order of the Zoning Administrator may appeal to the Board of Appeals in accordance with MGL c. 40A, § 14. The Building Inspector may also serve as Zoning Administrator if so appointed.

ARTICLE III Districts

§ 190-5. Establishment.

The Town of Wakefield is hereby divided into the following classes of districts:

Special Single Residence (SSR)

Single Residence (SR)

General Residence (GR)

Multiple Residence (MR-1 or MR-2)

Business (B)

Neighborhood Business (NB)

Limited Business (LB)

Industrial (I)

Limited Industrial (LI)

Floodplain (FP)

Municipal District (MD) [Added 4-13-2000 ATM by Art. 26]

Attached Dwelling Overlay District (ADOD) [Added 11-8-2004 RTM by Art. 31]

Mixed Use Overlay District (MUOD) [Added 11-8-2004 RTM by Art. 33]

Creative Development Overlay District (CDOD) [Added 11-8-2004 RTM by Art. 34]

Municipal Building Reuse Overlay District (MBROD) [Added 8-17-2006 STM by Art. 2]

§ 190-6. General description.

A. See Article IV, Use Regulations, and Article VI, Dimensional Regulations, for detailed requirements within each district. General description of districts:

- (1) Special Single Residence (SSR). The Special Single Residence District is composed of those areas intended for single-family residences and allowed accessory uses. Minimum lot size is 20,000 square feet and minimum street frontage is 100 feet.
- (2) Single Residence (SR). The Single Residence District is also composed of areas intended for single-family residences and allowed accessory uses. Minimum lot size is 12,000 square feet and minimum lot frontage is 100 feet.
- (3) General Residence (GR). The General Residence District is composed of specific areas primarily adjacent to Wakefield Center and Greenwood which are intended for single-family residences, two-family residences and specified complementary and accessory uses. Minimum lot size is 8,000 square feet and minimum lot frontage is 80 feet.
- (4) Multiple Residence (MR). The Multiple Residence District is composed of those specific areas potentially suitable for multifamily dwellings and attached dwellings (townhouses). It is divided into two parts. MR-1 allows garden apartments and attached dwellings at a maximum density of 14 units per acre. A special permit is required. Height could not exceed three stories. MR-2 allows garden apartments, attached dwellings and mid-rise apartments at a maximum density of 36 units per acre. A special permit is required. Height could not exceed six stories.
- (5) Neighborhood Business (NB). The Neighborhood Business District includes business areas primarily serving the convenience needs of local residential neighborhoods rather than the Town at large. Permitted uses are those business uses that would serve residential needs but would not have an adverse environmental impact on residential areas.
- (6) Limited Business (LB). The Limited Business District includes business areas suitable for office and predominantly nonretail business uses and possibly multiple-residence uses (with a special permit). Most LB Districts are located near Route 128 or other major roadways.
- (7) Business (B). The Business District includes those business areas in Wakefield Center and Greenwood. Uses allowed are those that serve a community-wide need and encourage the growth of a healthy Town or village business center. Multiple-residence uses are also allowed (with a special permit).

- (8) Industrial (I). The Industrial District is largely located adjacent to Wakefield Center along the railroad corridors and on the northerly side of Route 128. Uses permitted are primarily light industrial uses which would not have detrimental environmental impacts on a primarily residential community.
 - (9) Limited Industrial (LI). The Limited Industrial District is similar to the Industrial District but requires a special permit for certain specified uses and requires a larger minimum lot size than the Industrial District (80,000 square feet rather than 20,000 square feet) and other more stringent dimensional requirements.
 - (10) Floodplain (FP). The Floodplain District is a special overlay district which regulates uses in the underlying districts which are subject to periodic flooding.
 - (11) The Municipal District is a special overlay district which regulates the use and dimensional requirements of buildings erected on Town-owned land. All land shown on the Zoning Map as being zoned "parks," "schoolgrounds" or "other Town property" as of the effective date of this amendment shall comprise the Municipal District. **[Added 4-13-2000 ATM by Art. 26]**
 - (12) The Attached Dwelling Overlay District (ADOD) is a special overlay district to distinguish locations suitable for attached dwelling use and to regulate that use within them. Within such districts the provisions of the districts they overlay shall continue in full force except as provided at § 190-93I, Attached Dwelling Overlay District. **[Added 11-8-2004 RTM by Art. 31]**
 - (13) Mixed Use Overlay District (MUOD) is a special overlay district to distinguish locations suitable for mixed residential and business uses and to regulate such use mixtures within them. Within such a district the provisions of the districts it overlays shall continue in full force except as provided at § 190-94, Mixed use development. **[Added 11-8-2004 RTM by Art. 33]**
 - (14) Creative Development Overlay District (CDOD) is a special overlay district to allow creation of compact residential or mixed use development within a planned setting specifically approved by Town Meeting. Within such a district the provisions of the districts it overlays shall continue in full force except as provided at § 190-95, Creative development. **[Added 11-8-2004 RTM by Art. 34]**
 - (15) The Municipal Building Reuse Overlay District is a special overlay district which regulates the use and dimensional requirements of buildings on formerly Town-owned land. **[Added 8-17-2006 STM by Art. 2]**
- B. All of the above district locations are shown on the Zoning Map.
- C. When the Board of Selectmen receives any written request to insert an article in a warrant for a scheduled regular or special Town Meeting or to call a special Town Meeting and insert in the warrant therefor an article authorizing the Board of Selectmen to convey a parcel or lot of land zoned as being part of the Municipal District, which request does not include an article containing a proposed amendment of the zoning district for such parcel or lot of land to be the same as the zoning district surrounding such parcel or lot of land, or, in the case of a parcel or lot of land adjacent to two or

more zoning districts, the same as the most restrictive such zoning district; the Board of Selectmen shall forthwith adopt and submit to the Planning Board, pursuant to MGL c. 40A, § 5, an article so amending the zoning district and such article shall be submitted to a vote at Town Meeting prior to a vote on the article authorizing the Board of Selectmen to convey such parcel or lot of land; provided, however, that nothing in this subsection shall be construed or applied to infringe upon the rights of any voter registered to vote in the Town deriving from MGL c. 39, § 10. [Added 4-5-2001 ATM by Art. 14]

§ 190-7. Zoning Map.

- A. The above zoning districts are shown on the Zoning Map dated November 16, 1925, as amended to date. Said Zoning Map, as amended to date, is hereby declared to be a part of this chapter.¹
- B. All unzoned land within the Town of Wakefield, if any, is hereby zoned as a Single Residence District. [Amended 4-13-2000 ATM by Art. 26]

§ 190-8. Boundaries.

- A. Guidelines for determining the boundaries between districts shall be, unless otherwise indicated: the center line of a street, alley or railroad; a line parallel to a street, alley, railroad or other feature, at a distance designated on the Zoning Map; a metes and bounds description; and a property line shown on the Wakefield Tax Assessment Tax Maps.
- B. In the case of a disputed boundary, the decision shall be made by the Building Inspector using the above guidelines, subject to the appeal procedures provided by law.

§ 190-9. Lots in two districts. [Amended 5-5-1997 ATM by Art. 42]

Where a district boundary line divides a lot in single ownership at the time of the adoption of such line, the regulation for the less restricted portion of such lot shall extend not more than 30 feet into the more restricted portion, provided that the lot has the required frontage on a street in the less restricted district.

§ 190-10. General requirements for all districts. [Added 6-7-1990 ATM by Art. 39]

- A. The open display or open storage of junk shall be prohibited in all districts, including but not limited to worn-out, cast-off or discarded articles and materials which are ready for destruction or have been stored or collected for salvage or conversion into some other use. Any storage of such articles and materials shall be enclosed or screened so that they are not visible from adjacent streets or properties.

1. Editor's Note: The Zoning Map is available in the office of the Building Inspector.

- B. Within a district, no equipment or process shall be utilized in any use of land, buildings or structures which creates a common nuisance by virtue of unreasonable noise, vibration, glare, fumes or odors.