

SECTION 1.

AUTHORITY, PURPOSE, DEFINITIONS AND APPLICABILITY

- 1.1 Authority** - The Town of Acton Zoning Bylaw is adopted under Chapter 40A of the General Laws (the Zoning Act) and Article 89 of the Amendments to the Constitution (the Home Rule Amendment).
- 1.2 Purpose** - The purpose of this Bylaw is to implement the zoning powers granted to the Town of Acton under the Constitution and Statutes of the Commonwealth and includes, but is not limited to, the following objectives: to lessen congestion in the STREETS; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, drainage, sewage disposal, schools, parks, OPEN SPACE and other public requirements; to protect and enhance the quality and quantity of Acton's surface and groundwater resources; to conserve the value of land and BUILDINGS, including conservation of natural resources and the prevention of blight and pollution of the environment; to preserve and increase amenities; and to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community.
- 1.3 Definitions** - The words defined in this section shall be capitalized throughout the Bylaw. Where a defined word has not been capitalized, it is intended that the meaning of the word be the same as the meaning ascribed to it in this section unless another meaning is clearly intended by its context. In this Bylaw the following terms shall have the following meanings:
- 1.3.1 ACCESS:** ACCESS shall mean that (1) there is sufficient right of vehicular passage onto the LOT from the STREET on which it has FRONTAGE and (2) vehicular passage is or may be provided between the FRONTAGE and the STRUCTURE on the LOT. Such ACCESS shall be consistent with the USE or potential USE of the LOT. Nothing in this definition shall be construed to require:
1. Actual entry through the LOT'S FRONTAGE if, in the opinion of the license or permit granting authority, alternate means of entry will better fulfill the purposes of this Bylaw;
 2. Actual or potential ACCESS through the minimum required FRONTAGE set forth elsewhere in this zoning bylaw; or
- Actual or potential ACCESS through any portion of the LOT that meets minimum LOT width requirements set forth elsewhere in this zoning bylaw.
- 1.3.2 AFFORDABLE:** The term AFFORDABLE shall refer to housing which is restricted for sale, lease or rental (1) to households within specific income ranges and (2) at specific prices in accordance with the provisions of Section 4.4 of this Bylaw.
- 1.3.3 BUILDING:** A STRUCTURE enclosed within exterior walls, built or erected with any combination of materials, whether portable or fixed, having a roof, to form a STRUCTURE for the shelter of persons, animals, or property.
- 1.3.4 DEVELOPABLE SITE AREA:** That part of the LOT which remains after subtracting land that is not available and suitable for the construction of a structure or other man-made improvements, in accordance with Section 10.4.3.7.

- 1.3.5 DWELLING UNIT: A portion of a BUILDING designed as the residence of one FAMILY.
- 1.3.6 FAMILY: A person or number of persons occupying a DWELLING UNIT and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a FAMILY unless at least half of them are related by blood, marriage or adoption, including wards of the state.
- 1.3.7 FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a wall separating two BUILDINGS, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.
- 1.3.8 FLOOR AREA, NET: The total of all floor areas of a BUILDING including basement and other storage areas, but not including stairways, elevator wells, rest rooms, common hallways and BUILDING service areas, and not including areas used for a Child Care Facility as defined in Section 3.4.6 of this Bylaw provided that such Child Care Facility is accessory to a PRINCIPAL USE located in the same BUILDING or on the same LOT.
- 1.3.9 FLOOR AREA RATIO: The ratio of the sum of the NET FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.10 FRONTAGE A continuous LOT line along the sideline of a STREET. The sideline of a STREET is defined by the front boundary lines of LOTS along a STREET and not necessarily the pavement edge of a STREET or sidewalk.
- 1.3.11 OPEN SPACE: Those areas of a LOT on which no BUILDING or STRUCTURE is permitted, except as otherwise provided by this Bylaw, and which is not to be used or devoted to STREETS, driveways, sidewalks, off-STREET parking, storage or display.
- 1.3.12 LOT: An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex County South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title of record disclosed by any and all pertinent public documents.
- 1.3.13 LOW-INCOME: The term LOW-INCOME shall refer to households having a total household or FAMILY income less than or equal to eighty (80) percent of the median income for the Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program.
- 1.3.14 MODERATE-INCOME: The term MODERATE-INCOME shall refer to households having a total household or FAMILY income less than or equal to one hundred twenty (120) per cent, but more than eighty (80) per cent of the median income for the Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program.
- 1.3.15 SENIOR: An individual who is 55 years of age or older.

- 1.3.16 STREET: A STREET shall be 1) an improved public way laid out by the Town of Acton, or the Middlesex County Commissioners, or the Commonwealth of Massachusetts; or 2) a way which the Acton Town Clerk certifies is maintained by public authority and used as a public way; or 3) a public or private way, improved in accordance with a plan approved and endorsed by the Planning Board under the Acton subdivision rules and regulations and the subdivision control law; or 4) a way in existence as of March 9, 1953 having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed USE of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the BUILDINGS erected or to be erected thereon. A public or private way shall not be deemed to be a STREET as to any LOT of land that does not have rights of ACCESS to and passage over said way.
- 1.3.17 STRUCTURE: A combination of materials assembled to give support or shelter, such as BUILDINGS, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, tennis courts, signs, fences; but not including driveways, walkways and other paved areas, underground storage tanks, septic tanks and septic systems, and accessory facilities associated with the provision of utilities such as drains, wells, transformers and telephone poles.
- 1.3.18 TRACT OF LAND: An area of land consisting of a single LOT or of several contiguous LOTS.
- 1.3.19 USE, ACCESSORY: Any use which is incidental and subordinate to a PRINCIPAL USE.
- 1.3.20 USE, PRINCIPAL: The main or primary use of any land or LOT.

1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS and appurtenances and easements thereto; to railroad rights of way; to public bicycle, pedestrian, and multi-use paths, and appurtenances and easements thereto, funded, laid out, or constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government; or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.

1.4.1 STREETS and railroad rights of way in existence as of January 1, 2000 shall be reserved for transportation purposes and shall not be built upon, used, or otherwise obstructed to hinder or prevent their present or future use and service as transportation facilities, except that STREETS may be discontinued, abandoned or relocated in accordance with the applicable laws of the Commonwealth of Massachusetts.