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Article 6 Proposed Amendment

Submitted June 1, 2016 by Paul Roberts (Precinct 8)

MOVED: THAT Warrant Article 6 be amended such that the words "4.2.1 'Area Requirements'" be added to the existing wording, so that the section reads, as a whole (changes in bold):

That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations," **4.2.1, "Area Requirements"** and 4.2.2, "Linear Requirements for Residential Districts", as set forth under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Town Meeting. (Two-thirds vote)

AND THAT Article 6, subpart 3 be replaced in its entirety with the following:

3. To see if the Town will vote to amend Section 4.2.1 Area Requirements and Section 4.2.2, Linear Requirements for Residential Districts as follows:

- a. Within the dimensional table "Area Requirements" in Section 4.2.1, change the values for SR-C as follows: Minimum Lot Area: **5,000**; Minimum Lot Frontage: **50**; Maximum Lot Coverage: **30%**, Minimum Open Space: **40%**, such that the modified table appears as follows:

4.2.1 Area Requirements

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Area Per Dwelling Unit	Maximum Floor Area Ratio	Maximum Lot Coverage	Minimum Open Space
Districts	Sq. Ft.	Feet	Sq. Ft./D.U.		% Of Lot	% Of Lot
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
SR-C	5,000	50	--	--	30%	40%
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	--	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

- b. Within the dimensional table “Linear Requirements for Residential Districts” in section 4.2.2, remove “SR-C” from the row labeled “SR-B and SR-C” and to add “**SR-C**” to the row labeled “GR” such that the final table appears as follows:

4.2.2 Linear Requirements for Residential Districts

Residential Districts	Minimum Setback Dimensions Feet			Maximum Building Height	
	Front	Side	Rear	Feet	Stories
SR-A and SR-D					
• Dwelling	30	15	40	36	2½
• Other	30	15	25	36	2½
SR-B					
• Dwelling	25	10	30	36	2½
• Other	25	10	25	36	2½
GR and SR-C					
• Dwelling	20	10	20	33	2½
• Other	20	10	12	33	2½
AH	30	30	30	30	30

Finally, in section 4.2.2 part A; item 3 should be amended to read:

Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR **or SR-C** District shall not exceed the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.

Originals, showing proposed changes

That under Article 6, the reading of the proposed Amendment to the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations" 4.2.1, "Area Requirements" and 4.2.2, "Linear Requirements for Residential Districts", be dispensed with, the same being set forth in full under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Meeting and having been distributed to each Town Meeting Member. (Majority vote)

That the Town vote to amend the Zoning By-Law pertaining to Sections 1.4, "Definitions and Abbreviations," 4.2.1, "Area Requirements" and 4.2.2, "Linear Requirements for Residential Districts", as set forth under Article 6, subparts 1, 3, 4 and 5 of the Warrant for this Town Meeting. (Two-thirds vote)

4.2.1 Area Requirements

	Minimum Lot Area	Minimum Lot Frontage	Minimum Lot Area Per Dwelling Unit	Maximum Floor Area Ratio	Maximum Lot Coverage	Minimum Open Space
Districts	Sq. Ft.	Feet	Sq. Ft./D.U.		% Of Lot	% Of Lot
SR-A	25,000	125	--	--	20%	50%
SR-B	12,000	90	--	--	25%	50%
SR-C	9,000-5,000	75 50	--	--	25%-30%	50%-40%
SR-D	25,000	125	--	--	20%	50%
GR	5,000	50	3,500	--	30%	40%
AH	85,000	100	1,200	--	30%	40%
LB I	--	20	--	1.25	--	--
LB II	--	20	--	1.05	--	--
LB III	--	20	--	1.05	35%	--
GB	--	20	--	--	--	--
PL	--	--	--	--	--	--

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SR-A and SR-D					
• Dwelling	30	15	40	36	2½
• Other	30	15	25	36	2½
SR-B and SR-C					
• Dwelling	25	10	30	36	2½
• Other	25	10	25	36	2½
GR and SR-C					
• Dwelling	20	10	20	33	2½
• Other	20	10	12	33	2½
AH	30	30	30	30	30

A. Setbacks

1. Ornamental features, such as belt courses, chimneys, eaves, gutters, sills, pilasters, or lintels, may project up to two feet into the setback.
2. No building need be set back more than 30% of the depth of the lot in a Single Residence A or D District, 25% of the lot depth in a Single Residence B or C District, nor more than the average of the setbacks of the buildings on the lots contiguous thereto on either side, a vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street being counted as though occupied by a building set back at that minimum. However, in no case shall the setback be less than 15 feet in Single Residence Districts.
3. Notwithstanding the front setback requirement listed in Section 4.2.2, the front setback for the GR or SR-C District shall not exceed the average of the front setbacks of the buildings on the lots contiguous thereto on either side. A vacant lot, a lot occupied by a building set back more than the required minimum, or an intersecting street shall be counted as though occupied by a building set back at that minimum.
4. On lots having depth of less than 100 feet, dwelling setback from the rear lot line shall equal not less than 40% of lot depth in the Single Residence A and D Districts, not less than 30% of lot depth in Single Residence B and C Districts, and not less than 20% of lot depth in General Residence Districts; but in no event shall the rear setback equal less than 25 feet in Single Residence Districts or less than 16 feet in General Residence Districts. 5. In the SR Districts, the Board of Appeals may grant a Special Permit reducing the rear setback requirement of corner lots and other unusually

configured lots to not less than the side requirement, taking into consideration the configuration of the lot, and the effect upon the neighboring property

Explanatory Note:

Belmont's current zoning by-laws categorize the vast majority of the town's residential neighborhoods as Single Residence Zone C (or SR-C) for short. These SR-C zones include many of our most iconic neighborhoods: the 19th century Victorians on School Street, the 1930s and 40s era Colonials in the Winn Brook area, around Payson Reservoir, and so on. These are closely settled neighborhoods with modest houses on small(ish) lots – almost all less than a quarter acre.

However, as currently written, the town's SR-C zoning simply does not reflect the reality of our built environment. Specifically: SR-C mandates 9,000 square foot lots (almost a quarter acre) and 75 feet of frontage. While this is nice in an aspirational kind of way, it simply does not reflect the type of housing stock that has been constructed in Belmont over the last 150 years – the kind of houses and neighborhoods most of us live in and consider as defining our town's residential character.

How badly out of whack are the zoning requirements for SR-C? Consider that today; close to 3 out of every 4 houses in SR-C zoned neighborhoods are non-conforming in one way or another. As a practical matter: that means that homeowners who seek to make even modest changes or additions to their property must receive a special permit from the Planning Board to do so – an uncertain, time-consuming and potentially expensive prospect.

It is this dislocation between our residential zoning and the reality of our built environment that makes the debate about the Planning Board's proposed rules so fraught. Simply put: these are rules meant to deal with *exceptions* to our bylaws. But, because almost all of us live in non-conforming homes, exceptions to our bylaws are the rule and these changes end up affecting almost everyone.

Fortunately, we do have a residential zoning on the books in Belmont with dimensions for home and lot size, setbacks and the like that nicely reflect the neighborhoods most of us inhabit: the **General Residence (or GR) zone**. GR zones currently lie adjacent to many of our town centers (Leonard Street, Cushing Square, Waverly Square) and are often interwoven with and indistinguishable from SR-C districts, except as concerns our zoning bylaws. Walk from Bellevue Rd. on one side of Chenery Middle School over to Hurd Rd. on the other side and you've walked from a GR to a SR-C zone, but you wouldn't know it.

My proposed amendment is simple and straightforward. It would leave many of the proposed changes in Article 6 – intended to deal with exceptions to our zoning bylaws- intact. But, importantly, it would bring many of our SR-C zoned neighborhoods and homes into compliance with our by-laws by harmonizing the current SR-C zone with the General Residence zone and, most important, with our built environment. SR-C, like GR, will be defined by a minimum lot size (5,000 square feet) and frontage (50 feet). The maximum lot coverage (30%) and minimum open space per lot (40%) will also be the same for GR and SR-C zones.

How will this affect you, as a homeowner? Let's consider a couple use cases that would be typical for many of us:

Winn Brook Colonial

Lot size: 8,640 sq ft.

Frontage: 60'

Building size: 1,735 sq. feet

Built: 1934

Zone: SR-C

Current minimum lot area: 9,000 sq. feet

Current minimum lot frontage: 75 feet

Current maximum lot coverage: 2,160 (25%)

Current min. open space: 4,320 (50%)

Current status: *does not conform*

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,592 (30%) - conforms

Proposed min. open space: 3,456 sq. feet (40%) - conforms

Overall Status: *conforms*

Goden Street Victorian

Lot size: 8,050 sq. ft.

Frontage: 60'

Building size: 2,705 sq. feet

Zone: SR-C

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,415 (30%) – does not conform

Proposed min. open space: 3,220 sq. feet (40%) - conforms

Overall Status: *does not conform*

Hurd Rd Colonial (Payson area):

Lot size: 6,534 sq. ft.

Frontage: 60'

Building size: 2,010 sq. feet

Zone: SR-C

Under proposed changes:

Proposed minimum lot area: 5,000 sq. feet - conforms

Proposed minimum lot frontage: 50 feet - conforms

Proposed maximum lot coverage: 2,415 (30%) - conforms

Proposed min. open space: 3,220 sq. feet (40%) - conforms

Overall Status: *conforms*