

POSSIBLE AMENDMENTS TO THE ZONING ORDINANCE

I. Amendments to Article 2.000 – Definitions related to the definition of lot lines.

ARTICLE 2.000 DEFINITIONS

Lot. A parcel of land in identical ownership throughout, bounded by other lots or by streets, which is designated by its owner to be used, developed or built upon as a unit.

Lot Depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot Line, Front. A line separating the lot from the street or from a building line if such has been established. A lot may have more than one Front Lot Line

Lot Line, Rear. A line most distant from, and opposite and within forty-five (45) degrees of being parallel to from the front lot line. In the case of a lot where more than one lot line might be so described, only the one lot line furthest from the street shall be considered a Rear Lot Line. For a lot with only a single Front Lot Line that has no lot line within forty-five degrees of being parallel to the Front Lot Line, the Rear Lot Line shall be where the lot is irregular, a line perpendicular to the mean direction of the side lot lines, and at least ten (10) feet in length within the lot.

For a corner lot fronting on two intersecting streets and thus having two Front Lot Lines, the status of the remaining lot lines shall be determined as follows:

a. If only one lot line is the rear lot line of an adjoining lot, it shall be defined as a Rear Lot Line and all other lot lines shall be defined as Side Lot Lines;

b. If all lot lines abut Side Lot Lines of adjoining lots or if two or more lot lines abut the Rear Lot Line of adjoining lots, the owner of the corner lot shall designate one of the lot lines as a Rear Lot Line for the purpose of applying any relevant provision of the Zoning Ordinance to that line.

Lot Line, Side. Any lot line not otherwise defined as a Front or Rear Lot Line. For a through lot fronting on two non-intersecting streets, all lot lines not defined as Front Lot Lines shall be defined as Side Lot Lines

Lot Width. The horizontal distance between the side lot lines measured perpendicular to the mean direction of the side lot lines.

II. Amendments to Article 4.000 – Use Regulations related to the threshold requirement for a Multifamily Special Permit.

ARTICLE 4.000 USE REGULATIONS

- 4.10 GENERAL CLASSIFICATION RULES
- 4.20 SPECIAL CLASSIFICATION RULES
- 4.30 TABLE OF USE REGULATIONS
- 4.40 FOOTNOTES TO TABLE OF USE REGULATIONS
- 4.50 INSTITUTIONAL USE REGULATIONS

4.26 Multifamily Special Permit Applicability

4.26.1 The construction of a multifamily dwelling containing twelve (12) or more dwelling units or of elderly oriented congregate housing containing twenty-four (24) or more separate living spaces in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1, or Business A-3 district shall require a special permit granted by the Planning Board.

4.26.11 Where it is proposed to construct any number of townhouse development units in combination with multifamily dwellings or elderly oriented congregate housing, the special permit threshold enumerated above shall be met by the total number of multifamily dwelling, elderly oriented congregate housing and townhouse development dwelling units proposed.

4.26.2 The construction of a multifamily dwelling or of elderly oriented congregate housing in a Residence C, Residence C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains less than twelve (12) dwelling units or twenty-four (24) dwelling living spaces shall require a special permit if both of the following conditions pertain to the development.

- (1) another permit for a multifamily dwelling, or elderly oriented congregate housing, **or townhouse development**, has been granted within the twelve month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;
- (2) the development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to twelve (12) or more, the total number of living spaces to twenty-four (24) or more, or the total number of dwelling units and living spaces to eighteen (18) or more.

4.26.3 The construction of multifamily dwellings and elderly oriented congregate housing in Industry A and A-2 districts, Industry B, B-1, and B-2 districts, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exists:

1. The development exceeds fifty thousand (50,000) square feet of Gross Floor Area;
2. The lot area per dwelling unit proposed is less than one thousand, two hundred (1,200) square feet in an Industry C district, six hundred (600) square feet in an Industry A, or three hundred (300) square feet in an Industry A-2, Industry B or Industry B-1 district; or
3. Twelve (12) or more dwelling units in any combination of multifamily dwellings, elderly oriented congregate housing, or townhouse development are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, C, or C-1 district.

III. Amendments to Article 5.000 – Dimensional Standards related to the measurement of yards.

ARTICLE 5.000 DEVELOPMENT STANDARDS

- 5.10 GENERAL REGULATIONS
- 5.20 STANDARDS FOR DIMENSIONAL REGULATIONS
- 5.30 DISTRICT DIMENSIONAL REGULATIONS
- 5.40 TRANSITION REQUIREMENTS
- 5.50 SPECIAL DIMENSIONAL REGULATIONS

5.20 STANDARDS FOR DIMENSIONAL REGULATIONS

5.24 Yards

- 5.24.1 Every part of a required yard shall be open to the sky and unobstructed. Awnings, arbors, fences, flagpoles, recreational and laundry drying equipment and similar objects shall not be considered obstructions when located within a required yard. Open or lattice enclosed fire escapes for emergency use only are permitted to encroach on yard areas.
- 5.24.2 Projecting eaves, chimneys, bay windows, balconies, open fire escapes and like projections which do not project more than three and one half (3 1/2) feet and which are part of a building not more than thirty-five (35) feet in height, and unenclosed steps, unroofed porches and the like which do not project more than ten (10) feet beyond the line of the foundation wall and which are not over four (4) feet above the average level of the adjoining ground, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.
- 5.24.3 On lots abutting streets on more than one side, the front yard requirements of this Article 5.000 or any other applicable provision of the Zoning

Ordinance shall apply to the Front Lot Line of each of the abutting streets, unless otherwise provided for in the Ordinance. shall apply regardless of designated front lot lines. Any remaining sides lot lines shall be subject to side or rear yard requirements according to the designation of the lot line as defined in Article 2.000.

Where a lot does not meet the required Minimum Lot Width at its Front Lot Line, the required minimum front yard shall be measured from a line parallel to the Front Lot Line that has the required Minimum Lot Width within the lot.

Where a lot has more than one Front Lot Line not meeting the Minimum Lot Width requirement, the preceding requirement shall apply only to the widest Front Lot Line; all other required front yards shall be measured from the Front Lot Line (s), regardless of their width.

Where the Minimum Lot Width cannot be met at any location within the lot, the required minimum front yard shall be measured from the Front Lot Line (s), to the extent that the lot may be developed consistent with other requirements of this Ordinance.

5.24.4 Measurements for minimum yards, which are determined by formula, shall be made in the following manner:

- (1)
- (2)
- (3)

(4). Where no minimum yard other than the result of the formula is established, no portion of a building may be nearer than 7.5 feet to any portion of any lot line.

IV. Amendments to Article 11.000 – Special Regulations related to the threshold for Townhouse Development Special Permits.

ARTICLE 11.000 SPECIAL REGULATIONS

11.10 TOWNHOUSE DEVELOPMENT

11.12 *Applicability of Regulations.* The development standards specified in this Section 11.10 are applicable only to townhouse developments and do not change the development standards for other uses in the Residence, Office and Business, and Industry A-1 districts. Townhouse developments which meet the requirements specified in Sections 11.14, 11.15, and 11.16 shall be allowed in

Residence B, C, C-1, C-1A, C-2, C-2A, C-2B, C-3, C-3A, C-3B, Office and Business and Industry A-1 districts as follows:

11.12.1 Construction of a townhouse development containing six (6) or more dwelling units in a Residence B district and Residence C district shall require a special permit.

11.12.11 Where it is proposed to construct any number of townhouse development units in combination with multifamily dwellings or elderly oriented congregate housing, the special permit threshold enumerated above shall be met by the total number of multifamily dwelling, elderly oriented congregate housing and townhouse development dwelling units proposed.

11.12.2 Construction of a townhouse development containing twelve (12) or more dwelling units in a Residence C-1, Residence C-1A, Office 1, Office 2, Business A-1, Industry A-1 or Business A-3 district shall require a special permit.

11.12.21 Where it is proposed to construct any number of townhouse development units in combination with multifamily dwellings or elderly oriented congregate housing, the special permit threshold enumerated above shall be met by the total number of multifamily dwelling, elderly oriented congregate housing and townhouse development dwelling units proposed.

11.12.3 Construction of a townhouse development in a Residence B, C, C-1, Residence C-1A, Office 1, Business A-1 or Business A-3 district which contains fewer units than specified in Section 11.12.1 or 11.12.2 shall require a special permit if both of the following conditions pertain to the development:

- (1) another permit for townhouse development, **multifamily dwellings or elderly oriented congregate housing** has been granted within the twelve (12) month period immediately preceding the date of permit application for the lot on which the development would be located or on an abutting lot;
- (2) the townhouse development for which the permit is being sought would increase the total number of dwelling units on said lot(s) to the threshold specified in Section 11.12.1 or 11.12.2.

11.12.4 Construction of all townhouse development in Industry A and A-2 districts, Industry B, B-1 and B-2 district, and the Industry C district shall require a special permit granted by the Planning Board where any one of the following conditions exist:

- 1) The development exceeds fifty thousand (50,000) square feet of gross floor area;
- 2) The lot area per dwelling unit proposed is less than one thousand two hundred (1,200) square feet in an Industry C district six hundred (600)

square feet in an Industry A district, or three hundred (300) square feet in an Industry A-2, Industry B, or Industry B-1 district; or

- 3) Twelve units or more dwelling units in any combination of multifamily dwellings, elderly oriented congregate housing, or townhouse development are proposed where any portion of the development is located within one hundred (100) feet of a Residence A-1, A-2, B, C, or C-1 district.

V. Amendments to Article 5.000 – Development Standards related to the Open space provisions in a Business A-3 District.

A. Amend Table 5.33 – Business Districts in the Business A-3 line by adding a new Footnote (p) in the seventh column (Minimum Ratio of Usable Open Space).

5.33 Business Districts

- 1. The following dimensional requirement, set forth in Table 5-3 and modified elsewhere in this Ordinance, shall be applicable to development in business districts: [Note: *The height limitations set forth in the following table are subject to exceptions for mechanical equipment and certain architectural features as outlined in Section 5.23. Reference should be made to Section 5.23 for a complete understanding of the actual height of building elements permitted in the Zoning Ordinance.*]

Table 5-3 Table of Dimensional Requirements - Business Districts

| District | (1) Max. Ratio of Floor Area to Lot Area | (2) Minimum Lot Size in Sq. Ft. | (3) Min. Lot Area for Each D.U. in Sq. Ft. | (4) Minimum Lot Width in Feet | (5) Minimum Yard in Feet | | | (6) Maximum Height in Feet | (7) Min. Ratio of Private Op. Sp. to Lot Area |
|----------|---|--|---|--|-----------------------------|---------------------|-----------------------|-------------------------------------|--|
| | | | | | Front | Side | Rear | | |
| Bus. A | 1.0/1.75 | none | 600 | none | none | none | $\frac{H+L^{(a)}}{5}$ | 35/45 to 65 ^(b) | none |
| Bus. A-1 | 1.0/0.75 | none | 1200 | none | none | none | $\frac{H+L^{(a)}}{5}$ | 35 | none |
| Bus. A-2 | 1.0/1.75 | none | 600 | none | 5 ^(m) | 10 ⁽ⁱ⁾ | 20 ^(j) | 45 ^(k) | none |
| Bus. A-3 | 0.75 ^(l) | 5,000 | 1,500 | 50 | H+L ⁽ⁿ⁾ /4 | H+L/5 | H+L ⁽ⁿ⁾ /4 | 35 | 30% (p) |
| Bus. B | 2.75/3.0 | none | 300 | none | none | none | none | 80 | none |
| Bus. B-1 | 1.50/3.25 | none | 300 | none | none | none ^(e) | none ^(e) | 55/90 ^(c) | (d) |
| Bus. B-2 | 1.50/3.0 | none | 300 | none | none | none ^(e) | none ^(e) | 45 | (d) |
| Bus. C | 1.25/2.0 | none | 500 | none | none | none | 20 ^(j) | 55 ^(g) | none |
| Bus. C-1 | 2.75/3.0 ⁽ⁿ⁾ | none | 450 ⁽ⁿ⁾ | none | none | none ^(o) | 20 ^(j) | 50 ^{(g)(l)} | none |

2. Footnotes

B. Insert a new Footnote (p) in Paragraph 2. – Footnotes to read as follows:

(p) Subject to the special requirements set forth in Section 5.22.3 for Private Open Space.

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C. Amend Section 5.22.3 so that it reads as follows:

5.22.3 Special Requirements in Residence A-1, A-2, B, C, and C-1 and Business A-3 Districts

At least fifty (50) percent of the required Private open space in these districts shall meet all of the requirements of Section 5.22.1 above. At least fifty (50) of the required Private open space shall meet the definition of Permeable Open Space and shall not be subject to the dimensional limitations of Section 5.22.1 as applied to Private Open Space.