

# AMEND THE ZONING BYLAW

# ARTICLE 39

## MAXIMUM HEIGHT OF STRUCTURES

Town Meeting adopted the following motion at the March 30, 2016 session of the 2016 Annual Town Meeting.

### MOTION

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows:

1. Add a new § 135-4.3.5 as follows:

**4.3.5 Height of dwellings near lot lines.** The height of a one-family or two-family dwelling may not exceed the maximum height from Table 2 or 20 feet plus 4/3 times the smallest distance from the dwelling to a lot line, whichever is less.

2. Modify § 135-6.9.5.3, Dimensional Standards applicable to Special Permit Residential Developments, by adding the underlined text to read as follows:

**3. Yard & Height Requirements.** Yards required by § 135-4.0 and the height limit of § 135-4.3.5 apply to the perimeter of the site, but are not applicable within the site.

3. Modify § 135-8.4.1 by adding the underlined text and removing the struck-through text to read as follows:

**8.4.1 No Increase in Nonconforming Nature.** Nonconforming one-family and two-family dwellings may be reconstructed, extended, altered, or structurally changed, or a new accessory structure may be constructed, upon a determination by the Building Commissioner that the nonconforming nature of the structure is not increased. Such determination will be deemed to be as of right and the applicant entitled to the issuance of a building permit where each structure is reconstructed, extended, altered, or changed so as to (a) contain the improvements within the site coverage and height of an existing structure; or (b) comply with the following side yard requirements and the front and rear yard requirements of § 135-4.0 applicable yard and height requirements of § 4.0, except that the side yard may be reduced as noted below:

If actual lot frontage is	Side yard must be <u>at least</u>
100 feet or more	<del>Not less than 15 feet</del>
More than 75 feet but <u>less not more</u> than 100 feet	<del>Not less than 12 feet</del>
More than 50 feet but not more than 75 feet	<del>Not less than 10 feet</del>
<u>More than 0 feet but not more than 50 feet or less*</u>	<del>Not less than 7.5 feet</del>

#### NOTES:

\* but not 0