

**RECOMMENDATION**

The Planning Board unanimously recommends that the motion under Article 39 be **APPROVED**.

**SUMMARY**

This article would limit the height of houses and additions located close to lot lines.

This proposal arose from concerns raised by residents abutting single-family residential redevelopment projects – teardowns and significant additions – voiced to the Board during the Residential Policy Committee outreach. This amendment specifically addresses the use of reduced setbacks permitted in the Bylaw on pre-existing nonconforming narrow lots (see Section 8.4.1). In these instances, the overall height allowed on the lot will be reduced from the standard 40 feet to a lower number determined primarily by the distance of the structure from a lot line. In short, the closer construction occurs to a lot line, the lower the overall height allowed on the lot. The table summarizes this sliding scale.

Setback (ft)	Max. Height (ft)
0	20
5	26.7
7.5	30.0
10	33.3
12	36.0
15	40.0

**BACKGROUND**

A primary concern raised by residents over the past year was that of feeling overwhelmed by the height of nearby residential structures, especially those replacing demolished homes.

Since the Town first created the Zoning Bylaw in 1924, it has allowed 40 feet maximum height. Between 1924 and 1950 however, the Town gradually increased the minimum required lot sizes, each time it did this, it also required larger setbacks. While these changes created new standards for new development, the Town continued to allow smaller lots to benefit from the older standards.

While this is allowed under state law, the practice works against the intent of the current zoning – as those lots would otherwise have been expected to conform to the zoning changes at the time. However, what was envisioned as a way to provide reasonable relief to the modestly sized lot owner, has simply become a way to build even larger structures on substandard lots.

This amendment would require lot owners seeking to reduce setbacks – some as narrow as 7.5 feet to build at a lower maximum height. The Board feels this Bylaw amendment balances owners’ desire to build a marketable floor plan and abutters’ concerns about negative impacts of a 40-foot high structure so close to their property line.

**PUBLIC HEARING**

A duly advertised public hearing was held on January 20, 2016. The minutes are available on the Town’s webpage. The Board received only a few comments on this article that evening and the hearing was closed. Subsequently, several additional email comments were received, mostly

in support of the proposal. After deliberations at their meeting of February 24, the Planning Board unanimously voted to recommend the adoption of this article. The motion was re-voted on March 16 to reflect minor refinements. The minutes of these meetings may be accessed on the Town's website or in hard copy at the Planning Office.

### PROPOSED MOTION

That Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, 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  $\frac{4}{3}$  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-though 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:

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