

Miscellaneous Residential Zoning Changes for May 2017 Town Meeting (Final Draft for Posting)

The Planning Board is proposing six miscellaneous changes to the Zoning Bylaw. All newly proposed text appears in a red font, while existing text to be deleted appears in a ~~strikethrough~~ font.

1) Revised and New Definitions - Explanation:

The Zoning Bylaw currently does not include a definition for Accessory Dwelling Units.

The Townhouse Apartment definition above currently appears in the Zoning Bylaw’s Table of Uses, rendering this section difficult to read. As the language is applicable to how the term “townhouse apartment” is defined, it has been moved into the Zoning Bylaw’s Definitions section.

§ 205-4. Terms Defined

ACCESSORY DWELLING UNIT: An accessory dwelling unit shall mean a self-contained, separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities and a separate means of egress, that is substantially contained within or accessory to a single-family dwelling.

TOWNHOUSE APARTMENT: An attached dwelling occupied by not more than one family in each unit between sidewalls, provided that no row of such units shall consist of less than three (3) and no more than eight (8) such units.

2) Regulating Lot Dimensions - Explanation:

Our attempt to regulate lot dimensions has several purposes:

1. Make the bylaw easier to read and understand. To know how to design a new building lot under our current Zoning Bylaw, one needs to review the Table of Dimensions and all of its footnotes and then go to our Definitions section to read through the various definitions for lots, lot lines, yards, and frontage. This is not user-friendly.
2. Do away with the current practice of making new lots extend the frontage width requirement all the way to the nearest point of a building. This is quite burdensome for people who want to build their house way in back of the property and has resulted in developers trying to circumvent this provision by placing a shed (considered a "building") at the end of the front yard setback so they can narrow the lot width from beyond that point. The current standard is almost impossible to apply when evaluating Approval Not Required (ANR) plans because such plans don't show where the house will be built on the lot. The vast majority of new lots are created through the ANR process, *not* through the subdivision process.
3. Ensure that newly created lots are not irregularly shaped. Such lots make it hard to know where a homeowner's property ends and their neighbor's begins. It also creates headaches for surveyors. The new lot creation standard ensures that once past the front yard, there will be enough land on the lot to accommodate a house, well and septic system. Requiring that the width between side lot lines is no less than 54 foot ensures that the lot is wide enough to accommodate a new subdivision road through the property to open up backland for development.

To accomplish the above, the Board proposes the following amendments to Section 205-13 of the Zoning Bylaw:

§ 205-13. Minimum Building Requirements; ~~Subdivision~~

- A. No building shall be erected, except on a lot fronting on a street, and there shall be not more than one principal building on any lot, except as allowed under this chapter. [Amended ATM 5-3-2005 by Art. 40]
- B. **Flag Lots:** In addition, any parcel larger than five acres may be further divided without process through the Subdivision Control Law, provided that each created lot either conforms with the appropriate land space requirements for that zoning district or the following:
 - (1) Each parcel shall have a minimum of 54 feet of frontage for an access to a Town road, this width to be maintained to the circumference of the radius described in Subsection ~~B(4)~~ **C-1** below;
 - (2) Each parcel shall contain a minimum of two and one-half (2 1/2) times the land area it would normally require in each zoning district; **and**
 - (3) There shall be no more than two such accesses adjacent to each other.
- C. **Design Standards for Newly Created Lots:** Whether created through the subdivision process or Approval Not Required (ANR) process, all lots created after May 6, 2017 shall be designed as follows:
 - (1) There shall be a point on each lot from which a circle having a radius of ~~100~~ **50** feet can be drawn without touching any of the opposing lot lines.
 - (2) **At no point shall the width of a lot from side lot line to side lot line be less than fifty four (54) feet.**

3) Setback Standards for Accessory Structures - Explanation: Currently, all accessory structures must comply with the setback standards for principal buildings. This new section would supply some relief and would allow homeowners to locate accessory structures closer to their lot lines. In an effort to address this deficiency, the Board is proposing the following new section for the Zoning Bylaw:

§ 205-25.1 Accessory Structures - Dimensional Requirements for Residential Lots

Small accessory structures (120 square feet in size or less) can be located no closer than five (5) feet from a side or rear lot line in all zoning districts that allow residential development.

Accessory structures that are larger than 120 square feet but smaller than the principal structure (building used as a dwelling or domicile) can be located no closer than fifteen (15) feet from a side or rear lot line in all zoning districts that allow residential development.

In no cases shall an accessory structure of any size be located within the required front yard setback.

4) Conversion of Single Family Structures to Multi-Family Structures - Explanation: The language below appears within the Table of Uses and makes the table difficult to read. We propose to move the conversion language out of the Zoning Bylaw's Table of Uses into its own section within the text of the Zoning Bylaw. The only changes we are making in the text are to clarify that such conversions are allowed by right in all residential zoning districts. This new section would read as follows:

§ 205-25.2 Conversion of Single Family Structures to Multi-Family Structures

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than 2 families **is permitted by right in all districts that allow residential development**, provided that there is no external structural evidence of occupancy by more than 1 family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families is allowed by Special Permit from the Zoning Board.

5) Temporary Residential Structures - Explanation: The language below currently appears within the Table of Uses and makes the table difficult to read. We propose to move the temporary residential structures language out of the Zoning Bylaw's Table of Uses into its own section within the text of the Zoning Bylaw. The only changes we are making in the text are to clarify that such structures are allowed by right in all residential zoning districts. This new section would read as follows:

§ 205-25.3 Temporary Residential Structures

Residential use of a camper or trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months **is allowed by right in all zoning districts** if the user is in the continuing process of building a home after the issuance of a temporary Building Permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this **bylaw chapter**.

Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use **in all zoning district by right**, not to exceed 28 days in a calendar year, excluding designated camping grounds.

Explanation: The language above currently appears within the Table of Uses and makes the table difficult to read. We propose to move the temporary residential structures language out of the Zoning Bylaw's Table of Uses into its own section within the text of the Zoning Bylaw. The only changes we are making in the text are to clarify that such structures are allowed by right in all residential zoning districts.

6) Changes to the Table of Land Space Requirements - Explanation: The existing Footnote #2 within the Zoning Bylaw's Table of Land Space Requirements is no longer needed due to the new lot dimension language that appears above.

The new Footnote #2 for the Zoning Bylaw's Table of Dimensional Requirements will prohibit the clearing of land when an industrially-zoned property abuts a residentially-zoned property. Currently an industrial property can clear the land all the way up to an abutting residential property.

Chapter 205 – Attachment 2: Land Space Requirements

Delete Existing Footnote #2: ~~Not less than the frontage requirements shall be maintained throughout the front yard depth, except as provided for in Note #1 above.~~

New Footnote #2: Lots that are zoned for industry shall maintain a twenty-foot non-disturbed vegetated buffer along any lot line that abuts a residential zoning district.