

# **Articles 36 and 37**

## **Zoning Bylaw Amendment**

### **Side Yards & Definition of Height (Residence B Zoning District)**

# OVERVIEW

## How did we get here?

- Concerns with changes in neighborhood character led to a task force study in 2010.
- In 2011, two articles were passed for the Residence C Zoning District to address height and side yard setbacks.
- The Concord Housing Foundation surveyed all Residence B homeowners in the fall of 2011.
- Survey results indicated high interest in zoning changes for Residence B.

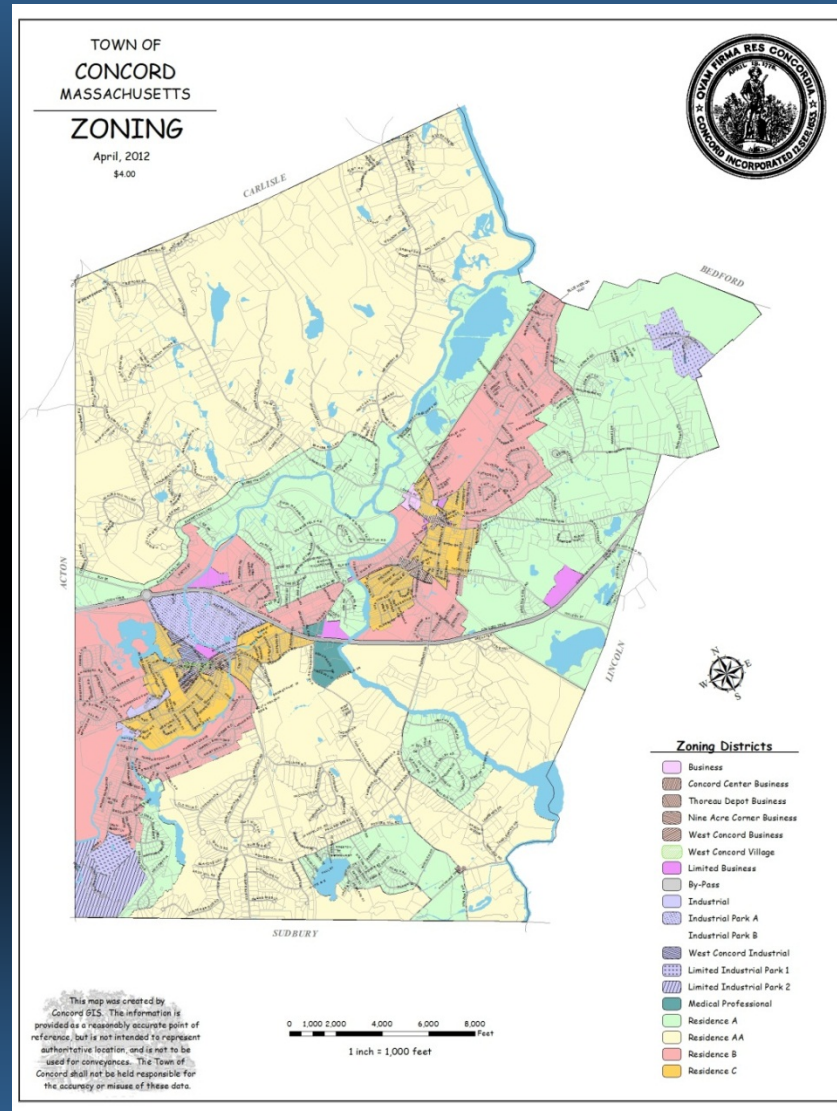
# OVERVIEW

## Intended Results:

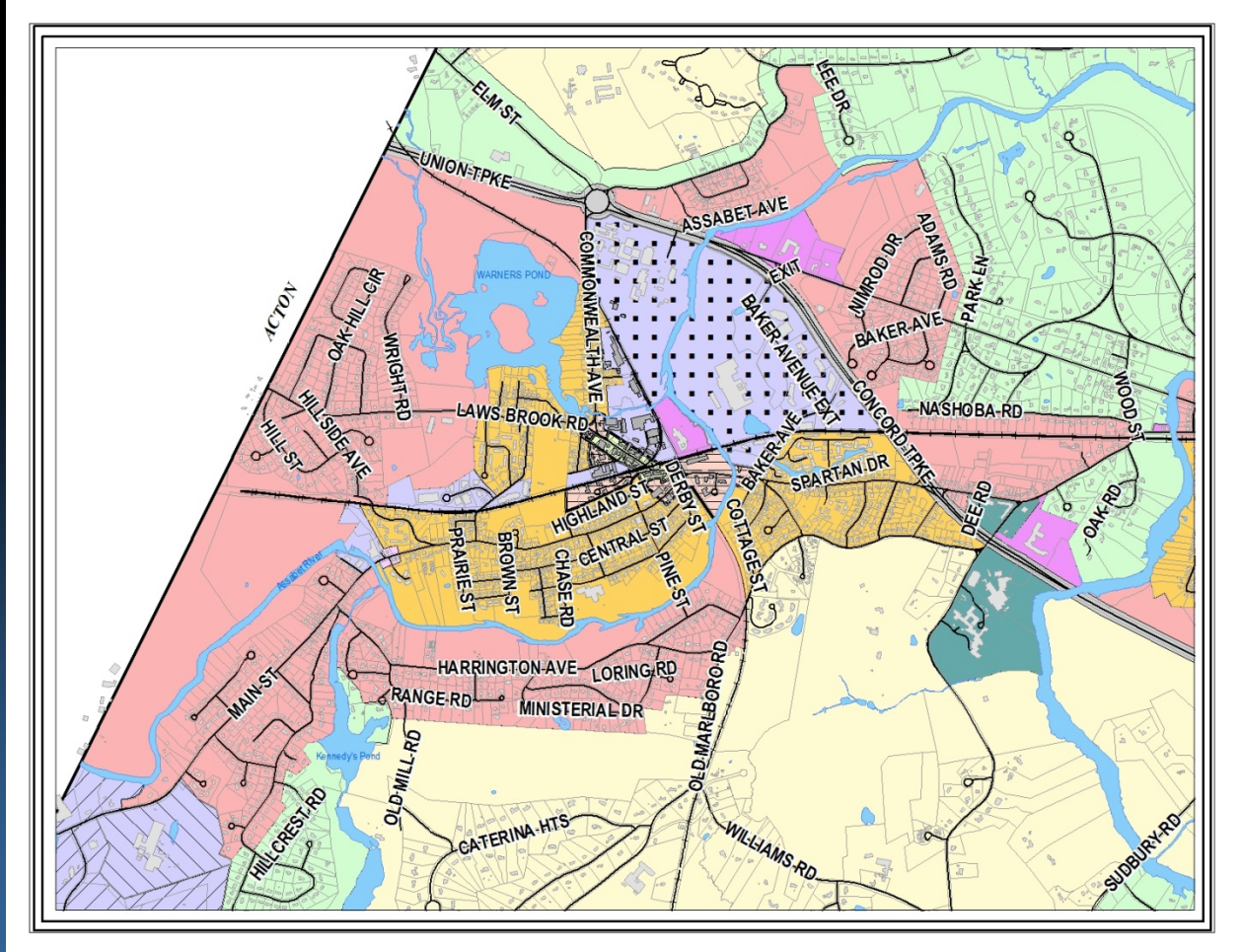
- Preserve neighborhood character
- Reduce building massing
- Prevent potential impacts on abutting properties

# Where is Residence B?

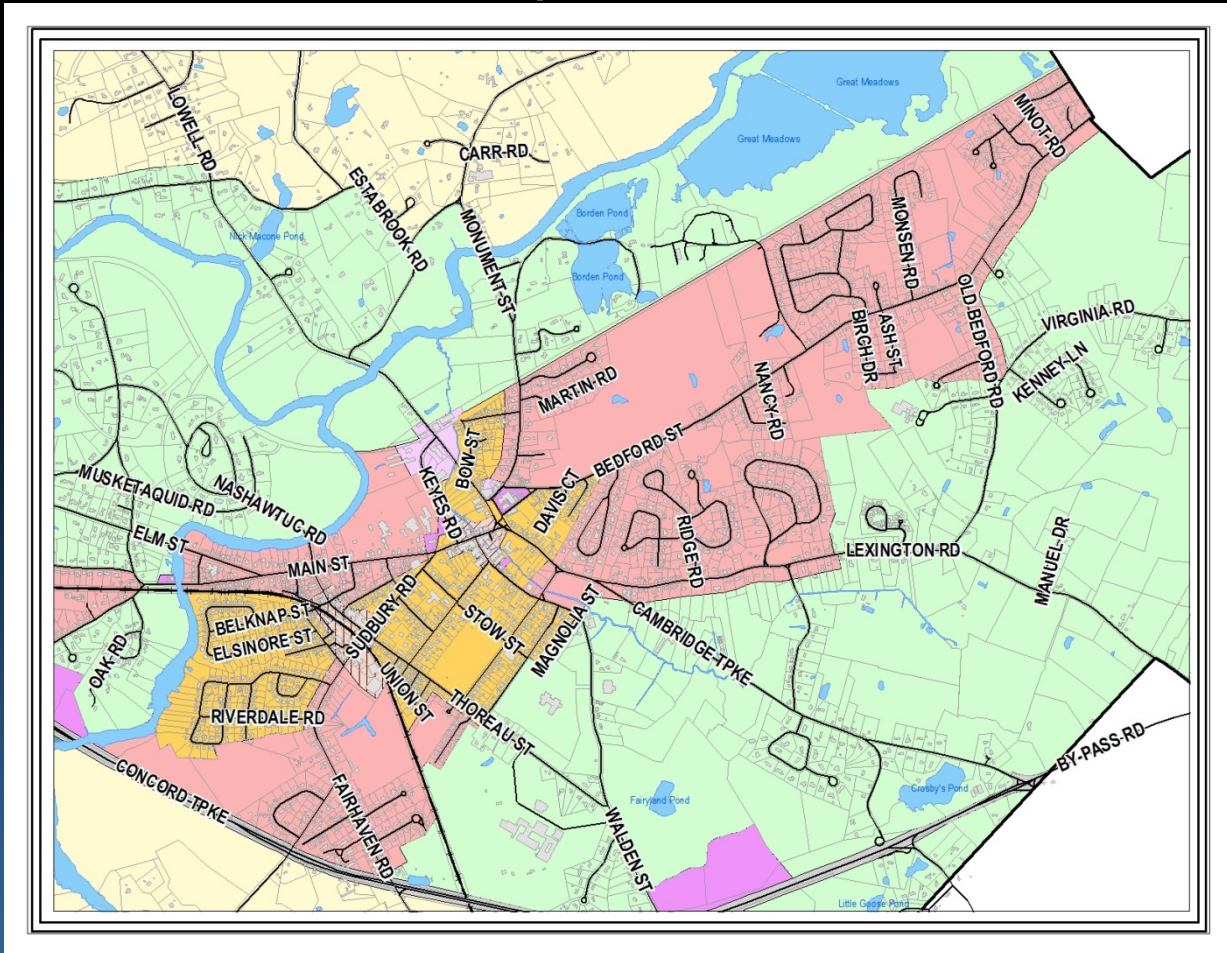
Primarily along  
the Route 62 /  
Main Street  
corridor that  
runs from the  
Acton town line  
to the Bedford  
town line.



# Where is Residence B in the western portion of Concord?



# Where is Residence B in the eastern portion of Concord?



# **Article 36**

## **Zoning Bylaw Amendment**

### **Side Yards**

### **(Residence B Zoning District)**

ARTICLE 36. ZONING BYLAW AMENDMENT  
SIDE YARDS IN RESIDENCE B ZONING DISTRICT

Amend subsection 6.2.7 by **deleting** the word “**District**” and **replacing** it with the words “**and Residence B Districts**” as follows:

ARTICLE 36. ZONING BYLAW AMENDMENT  
SIDE YARDS IN RESIDENCE B ZONING DISTRICT

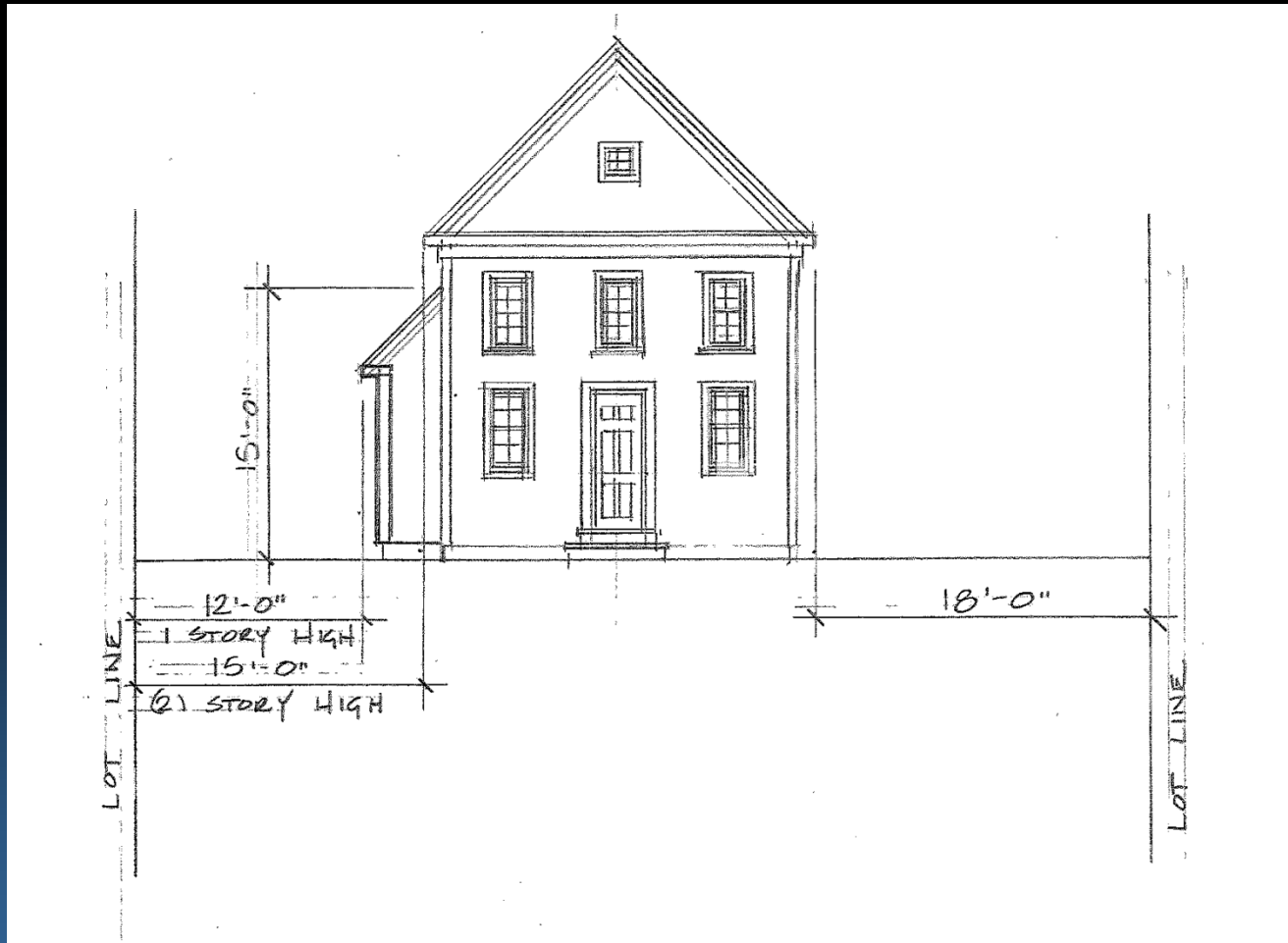
“In the Residence C and Residence B  
Districts, **any part of the principal**  
**structure that extends into the three (3)**  
**foot side yard exception area shall be**  
**no greater than fifteen (15) feet in**  
**height** as defined in subsection 6.2.11.”

ARTICLE 36. ZONING BYLAW AMENDMENT  
SIDE YARDS IN RESIDENCE B ZONING DISTRICT

**Purpose of this Bylaw Amendment:**

This Bylaw amendment will **limit the height of portions of structures within the 3-foot side yard exception area to no greater than 15 feet** in the Residence B Zoning District.

# What does this mean?



ARTICLE 36. ZONING BYLAW AMENDMENT  
SIDE YARDS IN RESIDENCE B ZONING DISTRICT

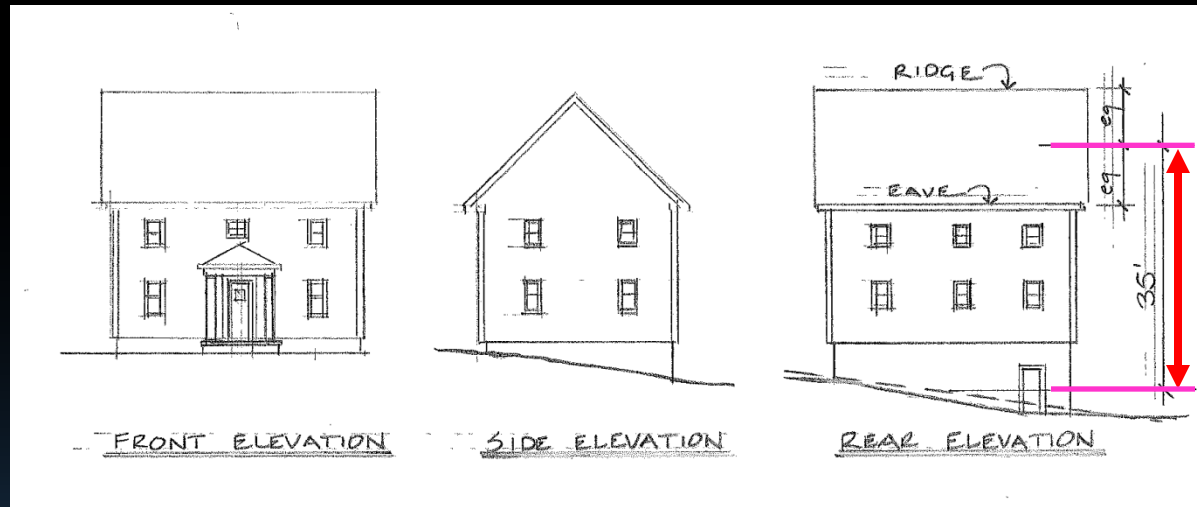
**“The Board may grant relief** from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”

# **Article 37**

## **Zoning Bylaw Amendment**

### **Definition of Height (Residence B Zoning District)**

## How is Height measured in the current Bylaw?



The vertical distance from the mean ground level of each side of the building to either:

a) Flat roof: the highest point of the exterior

Or...

b) Pitched roof: the mean average finished grade between the plate and the ridge

ARTICLE 37. ZONING BYLAW AMENDMENT  
DEFINITION OF HEIGHT IN RESIDENCE B  
ZONING DISTRICT

Amend subsection 6.2.11 by **deleting the word “District” and replacing it with the words “and Residence B Districts”** as follows:

ARTICLE 37. ZONING BYLAW AMENDMENT  
DEFINITION OF HEIGHT IN RESIDENCE B  
ZONING DISTRICT

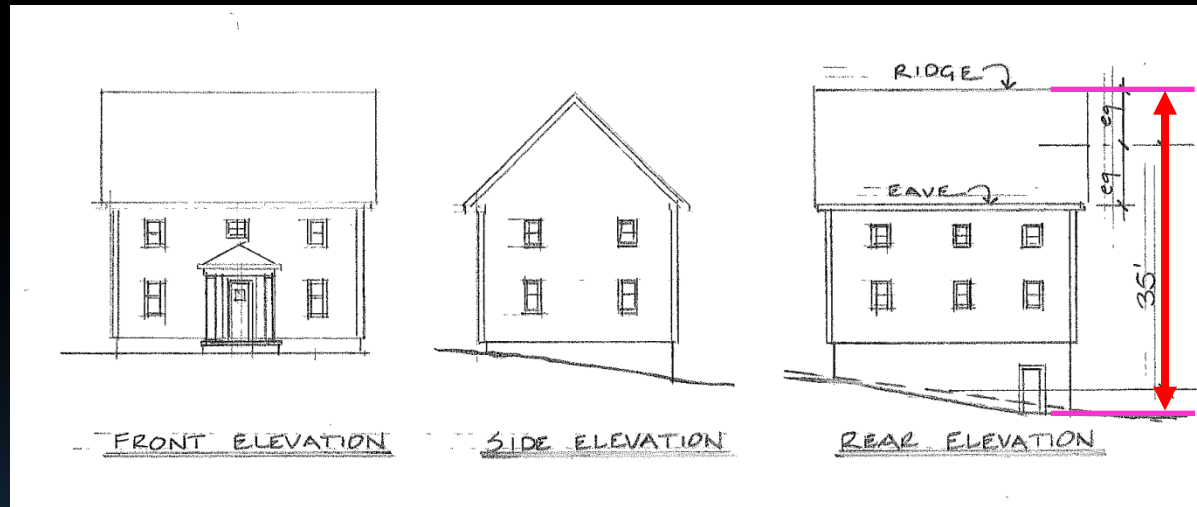
“In the Residence C and Residence B  
Districts, **the height of a building shall**  
**be measured as the vertical distance**  
**from the ‘base elevation’ to the peak of**  
**the roof**, or the highest point of the  
exterior in the case of a flat roof.”

ARTICLE 37. ZONING BYLAW AMENDMENT  
DEFINITION OF HEIGHT IN RESIDENCE B  
ZONING DISTRICT

“The **‘base elevation’** is the **average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground.**

In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.”

# What does this mean?



## What will change?

### Vertical Distance:

*Proposed* = measured to the ridge NOT the midpoint of the roof

### Mean Grade:

*Proposed* = the grade before construction

ARTICLE 37. ZONING BYLAW AMENDMENT  
DEFINITION OF HEIGHT IN RESIDENCE B  
ZONING DISTRICT

**“The Board may grant relief** from the above definition for the height of a building in the Residence C and Residence B Zoning Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.”

## SUMMARY

- To preserve neighborhood character;
- To limit height in general and relative to setbacks near a side property line;
- The Board of Appeals may grant relief from BOTH the 15-foot height limitation in the 3-foot side yard exception area AND the measurement of height;
- The same changes were made for the Residence C Zoning District in 2011.