

Arlington Town Meeting – Substitute Motion

ARTICLE NO. 49

Dated: April 20, 2021

I, Ted Fields, do hereby submit the following SUBSTITUTE Motion:

VOTED:

That the Arlington Zoning Bylaw be and hereby is amended to add in Section 5.3, by inserting, at the end thereof, a new Section 5.3.23 “Side Yard Sky Exposure Planes” with the following words:

5.3.23 SIDE YARD SKY EXPOSURE PLANES

- A. Purpose and intent. This Section is to accommodate new construction in residential zoning districts R0, R1, and R2 while protecting the health, safety and general welfare of the community and further:
 - (1) Protect the right of neighboring property owners to the use of their property within other zoning restrictions;
 - (2) Preserve views;
 - (3) Promote privacy;
 - (4) Encourage the use of solar energy systems and protect solar access
- B. Applicability. The sky exposure plane standards in this section shall apply to one-family dwellings and accessory buildings or structures exceeding 100 square feet in building area, erected under a Building Permit for New Construction issued after January 1, 2022, or as may otherwise be specified in these Bylaws.
- C. Definitions.
 - (1) Side Yard Sky Exposure Plane: A plane that begins on a side yard lot line of a parcel at a specified starting elevation (based on the average finished grade of the ground adjoining that lot line), then extends vertically and horizontally toward the center of the lot along a slope perpendicular to that lot line until it reaches the maximum permitted height in the underlying zoning district or intersects with a Side Yard Sky Exposure Plane from another of the parcel’s lot lines. The Slope and the Starting Elevation for the Side Yard Sky Exposure Plane may vary for separate lot lines of a lot.
 - (2) Slope: The vertical rise of a Side Yard Sky Exposure Plane above the horizontal, expressed as a ratio of **Rise** (Vertical distance) to **Run** (Horizontal distance).

- i. A Side Yard Sky Exposure Plane with a slope of 2.5:1 rises two and one half (2.5) feet vertically for every one (1) foot of horizontal distance away from its starting point.
 - ii. A Side Yard Sky Exposure Plane with a slope of 2:1 rises two (2) feet vertically for every one (1) foot of horizontal distance away from its starting point.
 - (3) Starting Elevation: The vertical distance at or above the average finished grade of the ground adjoining a side lot line, specified in Section 5.3.23, Table 1: Dimensional and Density Regulations, which marks the starting point of a Side Yard Sky Exposure Plane.
 - (4) *Measurement (Parallel Points method): Side Yard Sky Exposure Planes shall be measured from a series of measurement points that are separated horizontally by ten (10) feet along the side yard property line. Measurement shall start at the point where the side yard and front yard property lines intersect, and terminate at the point where the side yard and rear yard property lines intersect. The measurement points shall be as close as possible to the natural grade, and in case a retaining wall is located on the side property line, the measurement point shall be taken from the base of the wall.*
 - (5) *Irregularly Shaped Lots: An applicant may request that the Building Inspector determine the location of side yard measurement points and corresponding Side Yard Sky Exposure Plane for irregularly shaped lots or parcels.*
- D. Standards by district.
- (1) No building or structure; or portion thereof; shall be constructed or maintained beyond the Side Yard Side Yard sky exposure plane set forth in Section 5.3.23 Table 1, except as provided for Section 5.3.23 (F).
 - (2) Where a building or structure is subject to a Side Yard Sky Exposure Plane begins at a lot line bordering or within a different district, the stricter limitation shall apply.
- E. Dimensional and Density Regulations Table revisions:

Section 5.3.23 TABLE 1: DIMENSIONAL AND DENSITY REGULATIONS - SIDE YARD SKY EXPOSURE PLANES

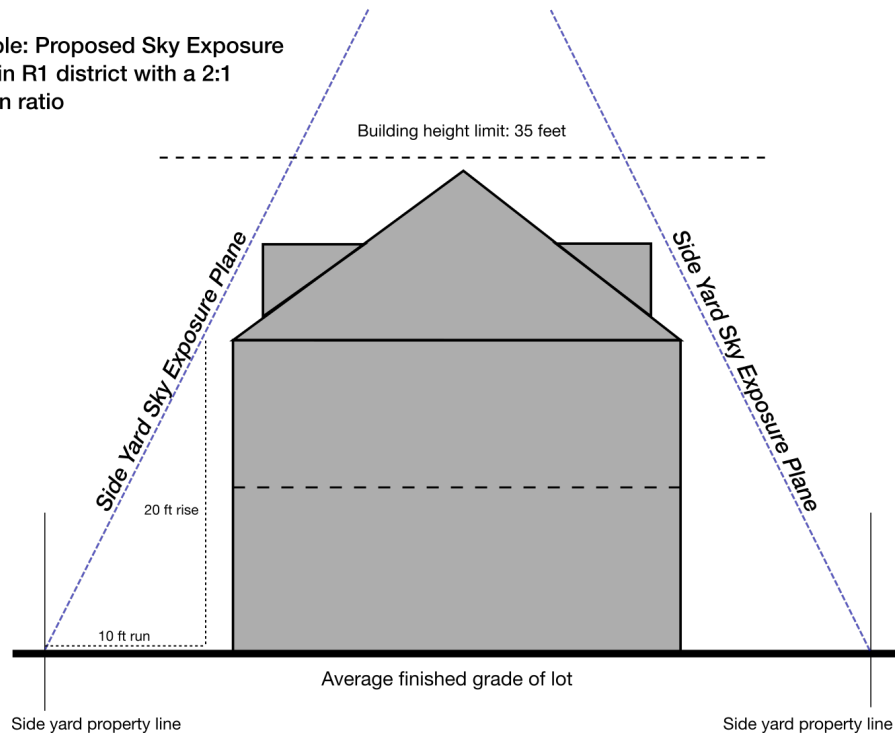
District Designation	Side Lot Line Slope (Rise / Run)	Side Lot Line Starting Elevation
R0	2 ft: 1 ft	0 feet above side lot line
R1	2 ft: 1 ft	0 feet above side lot line
R2	2.5 ft: 1 ft	0 feet above side lot line

F. Exceptions to Side Yard Sky Exposure Planes in R0, R1 and R2 districts.

- (1) The following structural elements may encroach beyond the Side Yard Sky Exposure Plane as specified below:
 - II. Roof overhangs or eaves that extend horizontally no more than two feet (24") beyond the Side Yard Sky Exposure Plane;
 - III. Roof-mounted solar energy systems mounted flush to the roof surface, or at an angle measured from a horizontal plane of no more than 15 degrees, provided that no supporting structure or equipment extends beyond the Side Yard Sky Exposure Plane;
 - IV. Gable roof-ends that extend no more than five (5) feet vertically or horizontally beyond the Side Yard Sky Exposure Plane, including any roof overhang;
 - V. Dormers, provided that:
 - a. The highest point of any dormer does not exceed the height of the primary roof ridge;
 - b. All dormers extend no more than three (3) feet horizontally and three (3) feet vertically beyond the Side Yard Sky Exposure Plane, including any roof overhang;
 - c. The combined width for all dormers encroaching beyond the Side Yard Sky Exposure Plane does not exceed fifty percent (50%) of the length of roof on which they are located;
- (2) The Side Yard Sky Exposure Plane regulations set forth in Section 5.3.23 shall not apply to the structural elements described in Section 5.3 as in *Section 5.3.9 (Projection into Minimum Yards)* and *Section 5.3.20 (Exceptions to Height Limitations)*.
- (3) Side Yard Sky Exposure Planes in R0, R1 and R2 districts are not applicable to single or two-family dwellings erected under a building permit issued after January 1, 2022 which meet the definition of Affordable Units as defined in Section 2 and are rented or sold to Eligible Households as defined in Section 2.
- (4) Side Yard Sky Exposure Planes are not applicable to lots meeting the provisions of Section 5.4.2 (B)(2) (Exemption for Particular Streets).

Illustration A. Side Yard Sky Exposure Plane

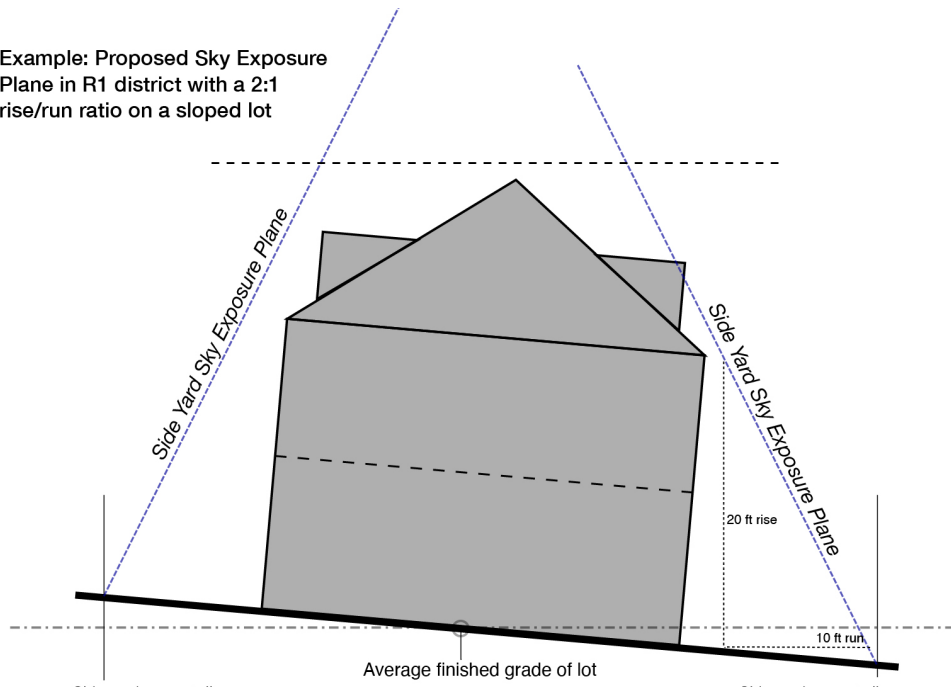
Example: Proposed Sky Exposure Plane in R1 district with a 2:1 rise/run ratio



This image is for illustrative purposes only. It is not part of the Arlington Zoning Bylaw

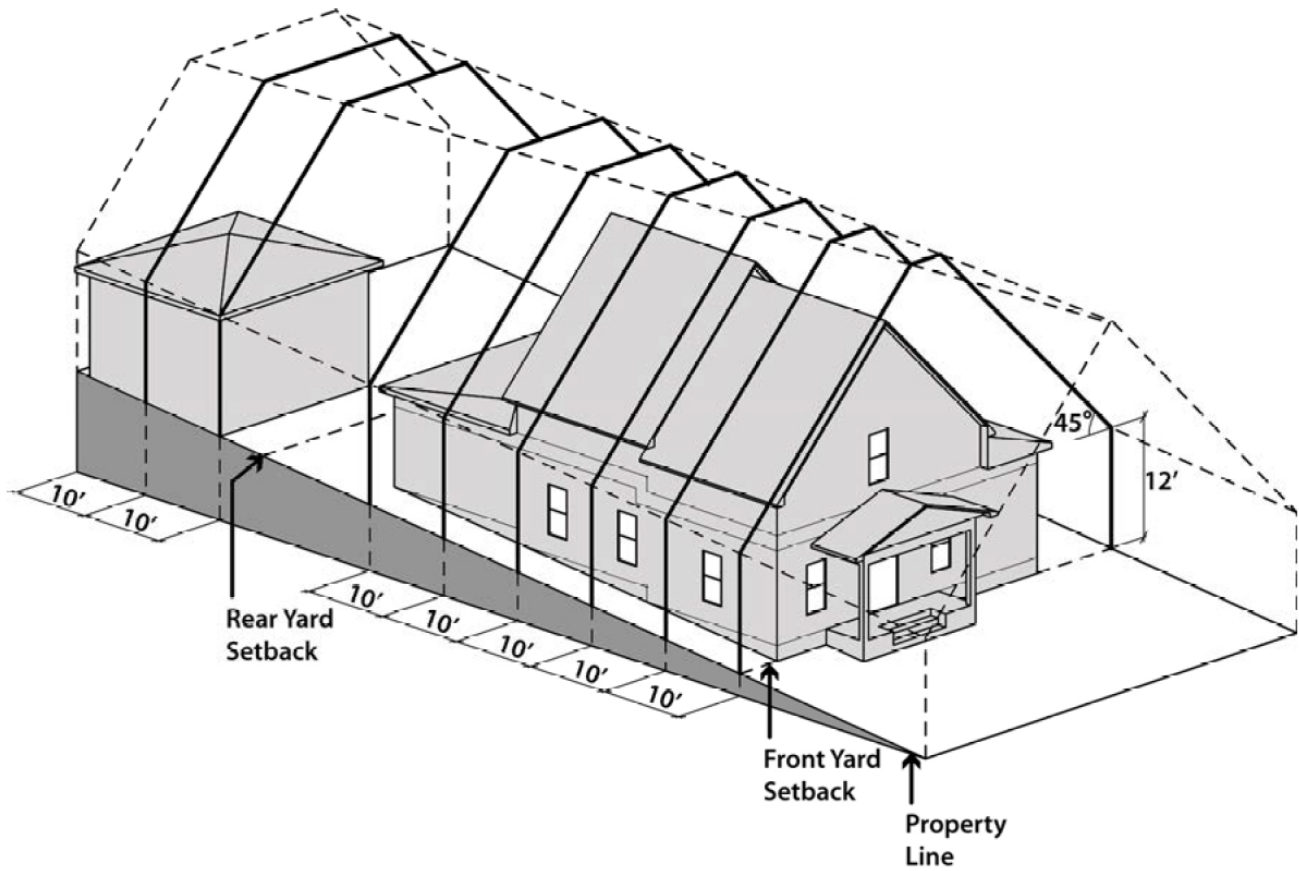
Illustration B. Side Yard Sky Exposure Plane (sloping site)

Example: Proposed Sky Exposure Plane in R1 district with a 2:1 rise/run ratio on a sloped lot



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Illustration C. Side Yard Sky Exposure Planes, Measurement by Parallel Point Method



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Signed:

Ted Fields

Ted Fields, Precinct 18,

Date Voted: _____

Action Taken: _____