



TOWN OF ARLINGTON
DEPARTMENT OF PLANNING and
COMMUNITY DEVELOPMENT

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MEMORANDUM

To: Arlington Redevelopment Board
From: Claire V. Ricker, AICP Director of Planning and Community Development
Date: September 14, 2023; Revised September 25, 2023
RE: ARB Draft Amendments for Fall 2023 Special Town Meeting

The ARB has proposed a number of adjustments in the Business Districts to encourage economic development by limiting or eliminating barriers to redevelopment, and by requiring new development to meet certain minimum requirements. The following warrant articles and draft amendments are proposed for the Fall 2023 Special Town Meeting. For discussion purposes, the proposed warrant articles are listed in this table:

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(Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.)

ADMINISTRATIVE CORRECTION

WARRANT ARTICLE

ARTICLE 3

ZONING BYLAW AMENDMENT / ADMINISTRATIVE CORRECTION

To see if the Town will vote to amend the Zoning Bylaw to make the following administrative correction:
Amend Section 5.9.2.C.(4), Accessory Dwelling Units Administration, to correct a reference it makes to a re-lettered subsection of Section 8.1.3; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 5.9.2.C.(4) as follows:

(4) In the event of any conflict or inconsistency between the provisions of this Section 5.9.2 or Section ~~8.1.3.E~~, 8.1.3.D, on the one hand, and any other provisions of this Bylaw, the provisions of this Section 5.9.2 and Section ~~8.1.3.E~~ 8.1.3.D shall govern and control.

REDUCED HEIGHT BUFFER AREA

WARRANT ARTICLE

ARTICLE 4 ZONING BYLAW AMENDMENT/REDUCED HEIGHT BUFFER AREA

To see if the Town will vote to amend the zoning bylaw to update Section 5.3.19 to define a “finding” by the Arlington Redevelopment Board and the Board of Appeals regarding reduced height buffer areas; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Section 5.3.19: Reduced Height Buffer Area

- A. When two different maximum height limits are specified for the same zoning district in any Table of Dimensional and Density Regulations in this Section 5, the lower limit shall apply to any lot or part of a lot located in a height buffer area unless a finding of the Board of Appeals or the Arlington Redevelopment Board, as applicable, determines that the location, based on site-specific factors, or if the Applicant demonstrates to the satisfaction of the Board of Appeals or the Arlington Redevelopment Board, as applicable, that proximity to it is determined as a specific finding of a special permit that the properties in the adjacent R0, R1, R2, or OS district would not be adversely affected due to existing use or topographic condition will not be detrimental based upon criteria established in Section 3.3.3 and Section 3.3.4. A height buffer area is defined as a lot or part of a lot which is located at a lesser distance from any land, not within a public way, in an R0, R1, R2 or OS district than the following:

Land in R0, R1, R2, OS is located	Lower height shall apply
Between northwest and northeast	Within 200 <u>50</u> feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 450 <u>35</u> feet
Southerly, between southeast and southwest	Within 400 <u>25</u> feet

OPEN SPACE IN BUSINESS DISTRICTS

WARRANT ARTICLE

ARTICLE 5 ZONING BYLAW AMENDMENT/ OPEN SPACE IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS, Section 5.3.21 SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, Section 5.3.22 GROSS FLOOR AREA, and Section 5.5.2 DIMENSIONAL AND DENSITY REQUIREMENTS to modify the requirements for landscaped and usable open space in the Business Zoning Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Section 2: Definitions

Open Space, Landscaped: Open space designed and developed for pleasant appearances in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8% and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C for how to calculate usable open space.

Section 5.3.21: Supplemental Requirements in the Business and Industrial Districts (paragraph d)

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

- (1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as follows:

I or B District	Abutting R District	Minimum Buffer
I, B5	R0 through R5	25 ft.
B3, B2A, B4	R0 through R5	15 ft.
I	R6 through R7	10 ft.
B1, B2	R0 through R5	10 ft.

The strip shall contain a screen of plantings of vertical habit not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or

trees shall be planted not more than 20 feet on center, and shall thereafter be maintained by the owner or occupants to maintain a dense screen year-round. At least 50% of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five to six feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 6.1 nor the minimum yard requirements of Sections 5.5 and 5.6. No screen shall be closer than 10 feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence. See Section 5.3.7 for screening and buffer requirements for Business districts, Industrial districts, and parking lots.

- (2) For any area used for the parking of more than five vehicles, the screening provisions of Section 6.1, Off-Street Parking, shall apply.
- B. Accessory Structures. Accessory structures must comply with the minimum yard, maximum height, and minimum open space requirements of the district in which they are located.
- C. Upper-Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See Section 5.3.17 for Upper Story Step Back requirements.
- D. ~~For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.~~

Section 5.3.22: Gross Floor Area

- A. For the purposes of this bylaw, the following areas of buildings are to be included in the calculation of Gross Floor Area:
 - (1) Elevator shafts and stairwells on each floor;
 - (2) Attic areas with headroom, measured from subfloor to the bottom of the roof structure, of seven feet, except as excluded in (4) below;
 - (3) Interior mezzanines;
 - (4) Penthouses;
 - (5) Basement areas except as excluded in (2) below;
 - (6) Cellars in residential uses;
 - (7) All-weather habitable porches and balconies; and
 - (8) Parking garages except as excluded in (1) below.
- B. For the purposes of this bylaw, the following areas of buildings are to be excluded from the calculation of Gross Floor Area:
 - (1) Areas used for accessory parking, or off-street loading purposes;
 - (2) Basement areas devoted exclusively to mechanical uses accessory to the operation of the building;
 - (3) Open or lattice enclosed exterior fire escapes;

- (4) Attic and other areas used for elevator machinery or mechanical equipment accessory to the operation of the building; and
 - (5) Unenclosed porches, balconies, and decks.
- C. For the purposes of this bylaw, the district dimensional requirements for Usable Open Space and Landscaped Open Space in all districts except the Business Districts are calculated based on Gross Floor Area. For calculating Usable Open Space and Landscaped Open Space in the Business Districts, see the note at the end of the B District Open Space and Lot Coverage table in Section 5.5.2.A., Tables of Dimensional and Density Regulations, in this Bylaw.

Section 5.5.2: Dimensional and Density Regulations

A. Tables of Dimensional and Density Regulations

B District Open Space and Lot Coverage

Use District	Minimum/Maximum Requirement		
	Landscaped Open Space	Usable Open Space	Maximum Lot Coverage
B1			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Mixed-use	20%	Sec. 5.3.21 -----	-----
Any other permitted use	20%	Sec. 5.3.21 -----	-----
B2			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use	10% 15%	Sec. 5.3.21 -----	-----
Any other permitted use	10% 15%	Sec. 5.3.21 -----	-----
B2A			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	25%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- 15%	Sec. 5.3.21 -----	-----
Mixed-use >20,000 sq. ft.	40% 15%		-----
Any other permitted use	20% 40% 15%	Sec. 5.3.21 -----	-----
B3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- 15%	Sec. 5.3.21 -----	-----
Mixed-use >20,000 sq. ft.	40% 15%		-----
Any other permitted use	20% 15%	Sec. 5.3.21 -----	-----
B4			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Apartments on street w/ ROW <=50 ft.	10%	30%	-----
Apartments on street w/ ROW >50 ft.	10%	20%	-----
Mixed-use <=20,000 sq. ft.	----- 15%	Sec. 5.3.21 -----	-----
Mixed-use >20,000 sq. ft.	40% 15%		-----
Any other permitted use		Sec. 5.3.21 -----	-----

B5	Minimum/Maximum Requirement		
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	10%	30%	-----
Townhouse or apartment building	10%	15%	-----
Mixed-use <= 20,000 sq. ft.	----- 15%	Sec. 5.3.21 -----	-----
Mixed-use > 20,000 sq. ft.	10% 15%		
Any other permitted use	10% 15%	(20% for residential use)	-----
On a lot >= 40,000 sq. ft.	10% 15%	Sec. 5.3.21	-----
On a lot >= 80,000 sq. ft.	10% 15%	Sec. 5.3.21	-----

Note: In the Business Districts, the district dimensional requirements for Landscaped Open Space and Usable Open Space and are calculated based on the lot area.

REAR YARD SETBACKS IN BUSINESS DISTRICTS

WARRANT ARTICLE

ARTICLE 6 ZONING BYLAW AMENDMENT/ REAR YARD SETBACKS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 5.5.2. DIMENSIONAL AND DENSITY REQUIREMENTS to reduce the rear yard setback or to allow for a variable rear yard setback and establish the criteria for such requirements for any use in the Business Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Section 5.5.2: Dimensional and Density Regulations

A. Tables of Dimensional and Density Regulations

B District Yard and Open Space Requirements

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
B1			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Mixed-use	20	10	20 *
Any other permitted use	20	10	20 *
B2			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	20	10	20 *
Mixed-use <=20,000 sq. ft.			10+(L/10) *
Mixed-use >20,000 sq. ft.	0	0	10+(L/10) *
Any other permitted use	-----	-----	10+(L/10) *
B2A			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW <=50 ft.	15	10+(L/10)	30 *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	
Mixed-use <=20,000 sq. ft.	0	0	10+(L/10) *
Mixed-use >20,000 sq. ft.	0	0	10+(L/10) *
Any other permitted use	-----	-----	10+(L/10) *
B3			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6	(H=L)/6 *
Mixed-use <=20,000 sq. ft.	0	0	(H=L)/6 *
Mixed-use >20,000 sq. ft.	0	0	(H=L)/6 *
Any other permitted use <20,000 sq. ft.			(H=L)/6 *
Any other permitted use >20,000 sq. ft.	-----	-----	(H=L)/6 *

District Use	Minimum Requirement		
	Front Yard (ft.)	Side Yard (ft.)	Rear Yard (ft.)
B4			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Apartments on street w/ ROW ≤50 ft.	15	10+(L/10)	30 *
Apartments on street w/ ROW >50 ft.	15+(H/10)	(H+L)/6	(H-L)/6 (at least 30 ft.) *
Mixed-use ≤20,000 sq. ft.	0	0	10+(L/10) *
Mixed-use >20,000 sq. ft.	0	0	10+(L/10) *
Any other permitted use	-----	-----	10+(L/10) *
B5			
Single-family detached dwelling, two-family dwelling, duplex dwelling, three-family dwelling	20	10	20
Townhouse or apartment building	15+(H/10)	(H+L)/6 (at least 20 ft.)	(H+L)/6 (at least 20 ft.) *
Mixed-use ≤20,000 sq. ft.	0	0	10+(L/10) *
Mixed-use >20,000 sq. ft.	0	0	10+(L/10) *
Any other permitted use			(H-L)/6 *
On a lot ≥40,000 sq. ft.	-----	-----	(H-L)/6 *
On a lot ≥80,000 sq. ft.	-----	-----	(H-L)/6 *

Note: L is the length of a wall parallel (or within 45 degrees of parallel) to lot line, measured parallel to lot line, subject to the provisions of Section 5.3.15 for buildings of uneven alignment or height. H is the height of that part of the building for which the setback or yard is to be calculated.

* 0 feet when abutting an alley or rear right-of-way of at least 10 feet of width

* 10 feet when abutting a non-residential district

* 20 feet for three or fewer stories when abutting a residential district

* 30 feet for four and more stories when abutting a residential district

* If the rear yard abuts both a residential and non-residential district, the minimum requirement for the residential district shall apply.

STEP BACK REQUIREMENTS IN BUSINESS DISTRICTS

WARRANT ARTICLE

ARTICLE 7 ZONING BYLAW AMENDMENT/ STEP BACK REQUIREMENTS IN BUSINESS DISTRICTS

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS and Section 5 DISTRICT REGULATIONS to clarify and adjust the upper-story building step back to begin at a higher story, clarify the measurement shall be from the principal property line, specify the applicable façades of a building for which the step back is required, and allow for an exemption for smaller parcels for buildings subject to Environmental Design Review with certain exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 2, Definitions, as follows:

Building Step Back: ~~An upper~~ Upper story building setback provided along ~~all building elevations the entire principal façade of a building~~ with street frontage. ~~excluding alleys.~~

Amend Section 5.3.17, Upper-Story Building Step Backs, as follows:

For buildings in excess of three (3) stories in height, ~~an additional~~ a seven and one-half (7.5) foot step back (upper story building setback) shall be provided beginning at the fourth (4th) story on the entire principal façade of the building. For a building with street frontage on Massachusetts Avenue or Broadway, the principal façade and principal property line are presumed to be facing Massachusetts Avenue or Broadway, respectively, unless the Arlington Redevelopment Board determines otherwise. ~~The upper story step back shall be provided along all building elevations with street frontage, excluding alleys. This requirement~~ Step back requirements shall not apply to buildings in the Industrial District.

The upper-story step back shall be measured from the principal property line for the building and may be on the fourth story or may be a combination of various story setbacks so that the fourth story is setback the required amount from the principal property line.

Amend Sections 5.3.21.C., D., and E, Supplemental Requirements in the Business and Industrial Districts, as follows:

~~C. Upper Story Setbacks. In any district where the maximum building height exceeds three stories, upper-story building setbacks shall be required. See 5.3.17 for Upper Story Step Back requirements.~~

~~D. C.~~ For mixed uses and any permitted residential use not specifically identified in the tables in Section 5.5.2(A), the minimum open space requirements (computed from the residential floor area only) shall be 10% landscaped and 20% usable in the B1, B2, B2A, B3, and B4 districts, and 15 percent usable in the B5 district.

~~E. D.~~ Minimum side and rear yards in Industrial Districts and minimum front, side, and rear yard are not required when abutting railroad track or railroad right-of-way if railroad is utilized for loading or unloading.

HEIGHT AND STORY MINIMUMS IN BUSINESS DISTRICTS

WARRANT ARTICLE

ARTICLE 8 ZONING BYLAW AMENDMENT/ HEIGHT AND STORY MINIMUMS IN BUSINESS DISTRICTS

To see if the Town will vote to amend Section 5.5.2 DIMENSIONAL AND DENSITY REGULATIONS to add a requirement for a minimum height and number of stories in all Business Districts with exceptions; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Section 5.5.2 by adding Section 5.5.2.C. Minimum Height and Story Requirements for the Business Districts

C. Minimum Height and Story Requirements for the Business Districts

In the Business Districts, buildings shall be a minimum of two stories and twenty-six feet in height. Both stories shall be usable. The requirement shall not apply to single family residential buildings. The Arlington Redevelopment Board may waive or modify the minimum height and story requirement if it finds that the requirement is infeasible for the property or project.

CORNER LOT REQUIREMENTS

WARRANT ARTICLE

ARTICLE 9

ZONING BYLAW AMENDMENT/CORNER LOT REQUIREMENTS

To see if the Town will vote to amend Section 5.3.8 CORNER LOTS AND THROUGH LOTS to amend the requirement for corner lots in all Business Districts which requires the minimum street yard to be equal to the required front yard depth; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Section 5.3.8: Corner Lots and Through Lots

Amend Section 5.3.8.A. as follows:

- A. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots, except in the Business Districts a corner lot shall have the minimum street yards with depth for its front and side yard as required by the front and side yard setback requirements, as applicable, for the district in which it is located.

STREET TREES

WARRANT ARTICLE

ARTICLE 10

ZONING BYLAW AMENDMENT / STREET TREES

To see if the Town will vote to amend the zoning bylaw to require a street tree to be planted for every 25 feet of street frontage for all developments; or take any action related thereto.

(Inserted at the Request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Sections 6.3.2, 6.3.3, and 6.3.4 as follows:

6.3.2. Applicability

In the Business and Residential Districts, new construction, additions over 50% of the existing footprint, or redevelopment subject to review by the Arlington Redevelopment Board or Zoning Board of Appeals shall provide one public shade tree every 25 linear feet of lot frontage along the public way where there is not already a public shade tree.

6.3.3. Administration

A. This Section 6.3 shall be administered subject to Sections 3.3, Special Permits, ~~and~~ 3.4, Environmental Design Review, and Section 9.x by the Arlington Redevelopment Board. It shall be administered by the Zoning Board of Appeal for projects under its review. It shall be administered by the Department of Planning and Community Development if the project is not subject to review by the Arlington Redevelopment Board or Zoning Board of Appeals.

B. ~~After the effective date of this Bylaw,~~ Public shade trees shall be provided for any applicable use above ~~and subject to Section 3.4, Environmental Design Review,~~ and in accordance with the Standards established in this Section 6.3.

6.3.4. Standards

A. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips.

B. Trees shall be selected from the approved tree list set forth by the Tree Committee and approved by the Tree Warden.

C. When planted, trees must be a minimum height of ten (10) feet or two (2) inches in caliper.

D. All new trees shall be maintained in accordance with American Standard for Nursery Stock standards for a period of no less than 36 months from the date of planting, or other standards the Arlington Redevelopment Board may designate. Properties in which there are preexisting public shade trees at the required spacing along the public way are exempt.

E. Where there is no other suitable location within the public way, shade trees may be proposed in locations within the lot, or in exceptional circumstances the Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may allow the owner to make a financial contribution to the Arlington

Tree Fund. The Department of Planning and Community Development may make such allowance for projects not subject to review by the Arlington Redevelopment Board or Zoning Board of Appeals.

The Arlington Redevelopment Board or Zoning Board of Appeals, as applicable, may grant an increase in spacing between plantings where a new planting would conflict with existing trees, retaining walls, utilities, and similar physical barriers, or other curbside uses. The Department of Planning and Community Development may grant such increase for projects not subject to review by the Arlington Redevelopment Board or Zoning Board of Appeals.

RESIDENTIAL USES IN BUSINESS DISTRICTS

WARRANT ARTICLE

ARTICLE 11 ZONING BYLAW AMENDMENT / RESIDENTIAL USES IN BUSINESS DISTRICTS

To see if the Town will vote to amend the zoning bylaw to alter the use categories of a residential single-family home, duplex, or two family home in any of the Business Districts; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENT

Amend Sections 5.5.1. and 5.5.3. as follows:

Section 5.5.1. Districts and Purposes

- A. B1: Neighborhood Office District. In the Neighborhood Office District, the predominant uses include ~~one and two~~ three-family dwellings, houses with offices on the ground floor, or office structures which are in keeping with the scale of adjacent houses. Primarily located on or adjacent to Massachusetts Avenue, this district is intended to encourage preservation of small-scale structures to provide contrast and set off the higher-density, more active areas along the Avenue. Mixed-use buildings without retail space are allowed in this district. The Town discourages uses that would detract from the desired low level of activity, consume large amounts of land, or otherwise interfere with the intent of this Bylaw.

Section 5.5.3. Use Regulations for Business Districts

	B1	B2	B2A	B3	B4	B5
Class of Use						
Residential						
Single-family detached dwelling	¥	¥	¥	¥	¥	¥
Two-family dwelling, duplex dwelling	¥	¥	¥	¥	¥	¥