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DRAFT ZONING ARTICLE **HOUSEKEEPING – ZONING BYLAW**
(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

A. Amend section 2.2 by changing "January 2001" to "April 2005" in the first and fourth bullets.

B. Delete section 4.4.8.1 (local preference criteria for affordable housing) and replace it with a new section 4.4.8.1 as follows:

4.4.8.1 Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the AFFORDABLE DWELLING UNITS shall be initially offered to qualified LOW- and MODERATE-INCOME households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular AFFORDABLE DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the AFFORDABLE DWELLING UNIT who meet the local preference criteria and the applicable income requirements.

[Note – Section 4.4.8.1 currently reads:
4.4.8.1 Preference for Town residents and persons employed within the Town – Unless otherwise prohibited by a federal or state agency under a financing or other subsidy program, at least fifty percent (50%) of the AFFORDABLE DWELLING UNITS donated, rented, leased or sold shall be initially offered to Acton residents, to persons employed within the Town of Acton, and to former residents of the Town as follows:
a) Thirty percent (30%) shall be initially offered to current residents of the Town of Acton.
b) Ten percent (10%) shall be offered to persons employed within the Town of Acton;
c) Ten percent (10%) shall be offered to persons who, although not currently residents of the Town, resided in the Town of Acton for a minimum of five (5) years within the past fifteen (15) years.]

C. Amend section 5.3.3 (frontage exceptions) as follows:

a. In sub-section 5.3.3.1, change "Residential Districts" in the first line to "R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts".

[Note – sub-section 5.3.3.1 currently reads:
5.3.3.1 FRONTAGE Exception LOTS – In the Residential Districts, the minimum LOT FRONTAGE may be reduced by 50 feet per LOT provided that the minimum LOT area required for each such LOT is doubled.]

b. In sub-section 5.3.3.2, change "other Residential Districts" at the end of the sub-section to "R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts".

[Note – sub-section 5.3.3.2 currently reads:
5.3.3.2 Curved STREET Exception LOTS – Excluding a cul-de-sac, any LOT whose entire FRONTAGE is on the outside sideline of a curved STREET having the radius of 300 feet or less shall be permitted to reduce its minimum FRONTAGE to 125 feet for a

LOT located in the R-2 District and 150 feet for a LOT located in the other Residential Districts.]

D. Amend the first paragraph of section 5.3.4 by changing "Residential Districts" in the first line to "R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts,".

[Note –The first paragraph of section 5.3.4 currently reads:
5.3.4 Hammerhead LOTS – In the Residential Districts Hammerhead LOTS may be created subject to the following requirements:]

E. Amend section 5.5A.1 (maximum floor area of businesses and industries in village districts), by changing the entry in column EAV, line 3.5.14 – Building Trade Shop, from 5,000 *[5,000 square feet]* to NR *[No Regulation]*.

F. Amend section 5.5B.1 (design provisions for the East Acton Village (EAV) District), by deleting the last sentence of sub-section 5.5B.1.2.f)i. and replacing it with the following new sentences:

"No driveways or parking lots shall be located between a pedestrian plaza and a STREET, except for pedestrian plazas located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza."

[Note – sub-section 5.5B.1.2.f)i. currently reads:
i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.]

G. Renumber and relocate section 6.7.9 to become section 6.10 instead, and change its title from "Bonds, Securities –" to "Parking Lot Bonds and Securities –".

[Note – section 6.7.9 currently reads:
6.7.9 Bonds, Securities – The Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas) or their designee may require a bond or other form of security to ensure the satisfactory planting of required landscaping and to ensure the survival of such landscaping for up to two (2) years following such planting. All required landscaping and plantings must be maintained in a neat, attractive appearance as a condition of the continued PRINCIPAL USE of the LOT.]

H. Insert under section 6.9.2 (special provisions for parking in the North Acton Village (NAV) District) the following new section 6.9.2.4:

6.9.2.4 Except as stated in 6.9.2.1 through 6.9.2.3, the parking lot design requirements of Section 6.7 shall apply in the NAV District.

I. Insert under section 6.9.3 (special provisions for parking in the East Acton Village 2 (EAV-2) District), the following new sub-section c):

c) Otherwise, the parking lot design requirements of Section 6.7 shall apply in the EAV-2 District.

J. Amend section 6.9.4 (special provisions for parking in the West Acton Village (WAV) and South Acton Village (SAV) Districts) by inserting in the first paragraph of sub-section 6.9.4.6 after its title and before "Off-STREET parking …" the following new sentence:

"The parking lot design requirements of Section 6.7 shall not apply in the WAV and SAV Districts."

[Note – sub-section 6.9.4.6 currently reads:
6.9.4.6 Design Requirements – Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements.]

K. Amend section 6.9 (special provisions for parking in the Village, Kelley's Corner, and Powder Mill Districts) as follows:

a. In sub-section 6.9.4.4, change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

b. In sub-section 6.9.4.5, change the reference to section 6.9.2.4 to refer to section 6.9.4.4 instead.

c. In sub-section 6.9.4.6.a), change the reference to section 6.9.2.7 to refer to section 6.9.4.7 instead.

d. In sub-section 6.9.4.6.c), change the reference to section 6.9.2.5 to refer to section 6.9.4.5 instead.

e. In sub-section 6.9.5.3, change the reference to section 6.9.3.4 to refer to section 6.9.5.4 instead.

f. In sub-section 6.9.5.4, change the reference to section 6.9.3.3 to refer to section 6.9.5.3 instead.

g. In sub-section 6.9.6.3, change the reference to section 6.9.4.4 to refer to section 6.9.6.4 instead.

h. In sub-section 6.9.6.4, change the reference to section 6.9.4.3 to refer to section 6.9.6.3 instead.

L. Amend section 8.3 (nonconforming structures) by deleting the word "minimum" from the first line in subsection 8.3.3.

[Note – section 8.3.3 currently reads:
8.3.3 A BUILDING, which is nonconforming with regard to any minimum yard requirement may be extended horizontally within the dimension of its existing nonconformity by special permit from the Board of Appeals, provided that the extension otherwise conforms to all the dimensional requirements of this Bylaw, and provided further that the Board of Appeals finds that such an extension is not substantially more detrimental to the neighborhood than the existing nonconforming condition of the BUILDING.]

Or take any other action relative thereto.

SUMMARY

This article makes corrections, clarifications, updates, and minor changes to the zoning bylaw.

Part A updates the zoning map references in the zoning bylaw to the current year.

Part B updates the local preference criteria for purchasers and renters of affordable housing units produced in the Affordable Housing Overlay District to be consistent with recent policy changes of the Acton Community Housing Corporation (ACHC). The ACHC administers the sale and rental of new affordable housing in Acton to eligible households. The proposed new text is identical to the wording that the 2004 Annual Town Meeting adopted for affordable housing in the East Acton Village Zoning District.

Parts C and D modify the applicability of rules for frontage exception lots and hammerhead lots. The "Residential District" references in the relevant sections of the current bylaw include the R-2, R-4, R-8/4, R-8, R-10/8, and R-10 Districts, as well as the Village Residential (VR) District in West Acton. Standard minimum frontage requirements are 150 to 250 feet in the R-2 to R-10 Districts, and 50 feet in the VR District. The frontage exception rules allow a reduction of the standard minimum frontages by 25 to 150 feet subject to a variety of conditions and circumstances. Such reductions are not practical in the VR District. With this change the rules for frontage exception lots will no longer apply in the VR District.

Part E corrects the regulations for maximum business floor areas in the East Acton Village (EAV) District. The change reflects the fact that building trade shops are not allowed in the EAV District.

Part F resolves a design conflict for the placement of driveways and required pedestrian amenities for new developments in the EAV District.

Part G amends the zoning bylaw to clarify that the existing section on parking lot construction performance bonds applies to parking lots in all zoning districts. This section authorizes Special Permit Granting Authorities and the Building Commissioner to require bonds or other securities to ensure the completion of parking lots, including the landscaping, in accordance with an approved plan.

Parts H, I and J specify more clearly, which parking lot design standards apply in the various Village Districts. This clarification is consistent with the original intent of the zoning bylaw and the various village plans, which developed village parking standards that are different from parking requirements in other commercial districts. A recent review of the zoning bylaw made it apparent that this clarification would be helpful in order to eliminate inadvertent ambiguities.

Part K corrects section numbering references that were overlooked in zoning changes made at the 2004 Annual Town Meeting.

Part L modifies how the zoning bylaw addresses the expansion of buildings with nonconforming setbacks to lot lines. Section 8.3.3 allows that buildings, which are nonconforming to the minimum setback or "yard" requirement, may be expanded within their present nonconforming setback dimension by special permit from the Board of Appeals. When this section was written, the zoning bylaw required only minimum setbacks. Since then, several zoning amendments for village districts introduced maximum front yard setbacks. The proposed change will allow the Board of Appeals during its special permit review to consider proposed expansions relative to minimum and maximum nonconforming setbacks.

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Board of Selectmen:
Finance Committee:
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