



City of Somerville
ZONING OVERHAUL

www.somervillezoning.com

October 22, 2019

Public Comment open until November 1

Contact the the Planning Division with feedback at:

planning@somervillema.gov

TONIGHT'S AGENDA

- 1. Upcoming Meeting Schedule**
2. Backyard Cottages (ie. Carriage Houses)
3. Pervious Driveways & Parking Spaces
4. Building Types & ADUs
5. Open Discussion?



October 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

OCT 22

Backyard Cottages, Pervious, Building Types & ADUs

OCT 29

TBD

NOV 1

Public Comments Close

NOV 7

Earliest Planning Board Recommendation

Nov 19

Sustainability Night

TONIGHT'S AGENDA

1. Upcoming Meeting Schedule
- 2. Backyard Cottages (ie. Carriage Houses)**
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CARRIAGE HOUSE (v3)

An “accessory building” type permitted BY RIGHT

- Used as an Accessory Apartment, Home Occupation, Shed Storage, Playhouse, Vehicular Parking
- One (1) permitted per lot, excluding triple deckers
- Similar size to a Cottage “principle” building type
- Only 1 or 2 stories in height
- Must be setback 60 ft from the front lot line
- Must be separated from Principal Building by 10 ft
- Site planned and constructed with life safety considerations



CARRIAGE HOUSE (v3)

An “accessory building” type permitted by
SITE PLAN APPROVAL

- A **Dwelling Unit**, Home Occupation, Shed Storage, Playhouse, Vehicular Parking
- Permitted on any lot
- **Smaller** than a Cottage “principle” building type
- Only **1.5 stories** in height
- Must be setback 60 ft from the front lot line
- Must be separated from Principal Building by 10 ft
- Site planned and constructed with life safety considerations



3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Carriage House

A small FLOOR PLATE, detached, ACCESSORY BUILDING TYPE typically providing space for one (1) small DWELLING UNIT, a home occupation, creative studio space, shed storage, a playhouse for children, or vehicular parking.

The following images are examples from Somerville of the carriage house OUTBUILDING TYPE and are intended only for illustrative purposes.



08/22/19

SOMERVILLE ZONING ORDINANCE | 57

3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Backyard Cottage

A small FLOOR PLATE, detached, ACCESSORY BUILDING TYPE typically providing space for one (1) small DWELLING UNIT, a home occupation, creative studio space, shed storage, a playhouse for children, or vehicular parking on the same lot as a principal building type.

The following images are examples from Somerville of the backyard cottage OUTBUILDING ACCESSORY BUILDING TYPE and are intended only for illustrative purposes.



10/22/19

SOMERVILLE ZONING ORDINANCE | 57

3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Carriage House (continued)

a. Lot Standards

b. BUILDING Placement

Lot Dimensions	
A LOT WIDTH (min)	--
No Driveway ACCESS	32 ft
Side or Rear Driveway ACCESS	32 ft
Front Driveway ACCESS	34 ft
B LOT DEPTH (min)	80 ft

Lot Development	
C LOT COVERAGE (max)	per PRINCIPAL BUILDING
D GREEN SCORE (min)	per PRINCIPAL BUILDING

Building Setbacks	
A Primary Front SETBACK (min)	60 ft
B Secondary Front SETBACK (min)	10 ft
C Side SETBACK (min)	3 ft
E Rear SETBACK (min)	3 ft
ALLEY	3 or 20 ft
No ALLEY	3 ft
F Building Separation (min)	10 ft

3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Backyard Cottage (continued)

a. Lot Standards

b. BUILDING Placement

DRAFT

Lot Dimensions	
A LOT WIDTH (min)	--
No Driveway ACCESS	32 ft
Side or Rear Driveway ACCESS	32 ft
Front Driveway ACCESS	34 ft
B LOT DEPTH (min)	80 ft

Lot Development	
C LOT COVERAGE (max)	per PRINCIPAL BUILDING
D GREEN SCORE (min)	per PRINCIPAL BUILDING

Building Setbacks	
A Primary Front SETBACK (min)	60 ft
B Secondary Front SETBACK (min)	10 ft
C Side SETBACK (min)	3 ft
F Rear SETBACK (min)	3 ft
ALLEY	3 or 20 ft
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3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Carriage House (continued)

c. Massing & Height

d. Uses & Features

Main Massing	
A Width (min/max)	18 ft 36 ft
B Depth (min/max)	20 ft 30 ft
GROUND STORY Elevation (min)	0 ft
D STORY Height (min/max)	10 ft 12 ft
C Number of Stories (max)	2 stories
Roof Type	Any

Facade Composition	
A GROUND STORY FENESTRATION (min/max)	20% 50%
B UPPER STORY FENESTRATION (min/max)	20% 50%

Use & Occupancy	
DWELLING UNITS per LOT (max)	per PRINCIPAL BUILDING
DWELLING UNITS (max)	1

3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Backyard Cottage (continued)

c. Massing & Height

d. Uses & Features

DRAFT

Main Massing	
A Width (min/max)	18 ft 24 ft
B Depth (min/max)	20 ft 32 ft
C FLOOR PLATE (max)	576 sf
Ground-story Elevation (min)	0 ft
D STORY Height (min/max)	10 ft 12 ft
E Number of Stories (max)	1.5 stories
Roof Type	Flat, GABLE

Facade Composition	
A GROUND STORY FENESTRATION (min/max)	20% 50%
B UPPER STORY FENESTRATION (min/max)	20% 50%

Use & Occupancy	
DWELLING UNITS per LOT (max)	per PRINCIPAL BUILDING
DWELLING UNITS (max)	1



3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Carriage House (continued)

- e. Housing
 - i. Reserved
- f. DEVELOPMENT Benefits
 - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
 - ii. DEVELOPMENT of a Carriage House ACCESSORY BUILDING may or may not require a DWELLING UNIT to be an AFFORDABLE DWELLING UNIT based on the number DWELLING UNITS provided in the PRINCIPAL BUILDING on the same LOT. See the standards for each PRINCIPAL BUILDING TYPE for additional information.
 - iii. Required ADUs must be priced as a Tier 3 ADU.
- g. Design Standards
 - i. A three (3) foot wide paved walkway capable of allowing an ambulance cot to be wheeled to and from the carriage house is required.
 - ii. Utility services for the carriage house must be buried underground.
 - iii. By order of the Fire Prevention Bureau, carriage houses occupied by any permitted Residential PRINCIPAL USE must have an AUTOMATIC SPRINKLER SYSTEM unless they are on a CORNER LOT, a LOT with a driveway leading to the carriage house, or a LOT ABUTTING an ALLEY.

3. RESIDENTIAL DISTRICTS

Neighborhood Residence (NR)

3.1.12 Backyard Cottage (continued)

- e. Housing
 - i. Reserved
- f. DEVELOPMENT Benefits
 - i. DEVELOPMENT is subject to the provisions of Article 12: DEVELOPMENT Benefits of this Ordinance. Where the provisions of this section conflict with those of Article 12, the provisions of Article 12 apply.
 - ii. DEVELOPMENT of a Backyard Cottage ACCESSORY BUILDING may or may not require a DWELLING UNIT to be an AFFORDABLE DWELLING UNIT based on the combined number DWELLING UNITS provided in the principal building on the same lot and the backyard cottage. See the standards for each PRINCIPAL BUILDING TYPE for additional information.
 - iii. Required ADUs must be priced as a Tier 3 ADU.
- g. Design Standards
 - i. A three (3) foot wide paved walkway capable of allowing an ambulance cot to be wheeled to and from the Backyard Cottage is required.
 - ii. Utility services for the Backyard Cottage must be buried underground.
 - iii. By order of the Fire Prevention Bureau, Backyard Cottages occupied by any permitted Residential PRINCIPAL USE must have an AUTOMATIC SPRINKLER SYSTEM unless they are on a CORNER LOT, a LOT with a driveway leading to the Backyard Cottage, or a LOT ABUTTING an ALLEY.

DRAFT



GARAGES & OTHER OUTBUILDINGS

“Outbuilding” (Version 2)

- Home Occupation, Shed Storage, Playhouse, Vehicular Parking

“Carriage House” (Version 3)

- An Accessory Apartment, Home Occupation, Shed Storage, Playhouse, Vehicular Parking

“Backyard Cottage” (Version 4)

- A Dwelling Unit, Home Occupation, Shed Storage, Playhouse, Vehicular Parking

How Many?

1,870 detached garages or other outbuildings that *could* be converted to a Backyard Cottage



QUESTION:

Does 40A permit a municipality to be stricter when it comes to modifying nonconforming properties?

Nonconforming Uses & Structures

M.G.L. 40A, Section 6

Pre-existing nonconforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the [review board] that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming [structure or] use to the neighborhood.



Nonconforming Uses & Structures

Blasco v. Board of Appeals of Wichendon (Appeals Court)

- “Does M.G.L. 40A, Section 6, require that municipalities allow changes [to nonconforming uses and structures]? **We think it does not** [].”
- “The legislative history [of Section 6] suggests **an intent to allow local zoning authorities**, through their by-laws, **to regulate and even prohibit changes in nonconforming uses [and structures]**.”
- “The 1975 revision of the Zoning Enabling Act resulted from a report [] titled “Report of the Department of Community Affairs Relative to Proposed Changes and Additions to the Zoning Enabling Act” []. In discussing changes in nonconforming uses, the report notes, at p.39, the unanimity of authoritative opinion that **“the ultimate objectives of zoning would be furthered by the eventual elimination of nonconformities** in most cases”

As a result of *Blasco*, nonconforming uses may be changed or extended and nonconforming structures may be reconstructed, extended, or structurally changed or altered for a different purpose only where the local ordinance specifically authorizes this practice.

Nonconforming Structures

Any modification to an existing principal building type, building component, or accessory building type that is not one of the building types permitted in a zoning district **is prohibited**, except as follows:

- a) Any conforming building component permitted within the same zoning district may be added to a nonconforming principal or accessory building type by Special Permit.
- b) Modifications to a nonconforming principal or accessory building type used for religious or educational activities per M.G.L. Chapter 40A, Section 3 are permitted in accordance with the largest permitted building type.

Any modification to a permitted principal building type, building component, or accessory building type that is nonconforming to any standard for that specific principal building type, building component, or accessory building type is permitted, subject to the following:

- a) The creation of any new nonconformity is prohibited.
- b) Any increase in an existing nonconformity is prohibited.

Accessory Structures

- a) Any modification that increases an existing nonconformity or creates a new nonconformity is prohibited.
- b) Any modification that results in greater conformance to this Ordinance is permitted.

Nonconforming Structures

Any MODIFICATION to a [**backyard cottage**] that is nonconforming to any standard for that specific ... accessory building type is permitted, subject to the following:

- a) The creation of any new nonconformity is **prohibited**.
 - b) Any increase in an existing nonconformity is **prohibited**.
- Addition of a half story to an existing 1 story backyard cottage that is nonconforming to any setback is **prohibited**.
 - Addition of a half story above an existing 1 story backyard cottage that is nonconforming to building separation is **prohibited**.
 - Expansion of the width, depth, floorplate, story height, or number of stories an existing backyard cottage that is nonconforming to the width, depth, floorplate, story height, or number of stories is **prohibited**.

The use of an existing backyard cottage as a dwelling unit when that backyard cottage is also nonconforming to any dimensional standard for a backyard cottage is **permitted**.

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Building Types that do not require ADUs

	Permitted Density
Cottage (NR)	1 Units
Duplex (NR)	1-2 Units
Semi-Detached Triple Decker (UR)	1-3 Units
Multiplex (UR)	4-6 Units

An Example from the Cape

1. Subdivision or Lots Splits that create 2 or more lots
 2. Development of any Dwelling Unit with a construction value over \$100,000
- Qualifying Subdivisions or Lot Splits < 10 ac. must pay \$500/Lot
 - For Qualifying Subdivisions of Lot Slots > 10 ac., at least 10% of lots must be deed restricted for ADUs
 - Qualifying Development of < 10 units must pay \$10 per \$1,000 of building permit value (residential portion only)
 - For Qualifying Development of >10 units, at least 10% units must be deed restricted ADUs

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