

TOWN OF WEYMOUTH

IN COUNCIL

ORDER NO. 13 127

NOVEMBER 7, 2013

INTRODUCED: MAYOR

AMENDMENT TO ZONING ORDINANCE – “EXCEPTIONS BY BOARD OF ZONING APPEALS”
SECTION

Upon request of her Honor, Mayor Kay the Town of Weymouth through the Weymouth Town Council approved the amendment to the Zoning Ordinance “Exceptions by Board of Zoning Appeals” as follows:

A. Delete the following under §120-53. *Exceptions by Board of Zoning Appeals.*

If adjoining areas have been developed to a substantial extent by the construction of dwellings on lots generally smaller than is prescribed by this article and the standard of the neighborhood so established does not reasonably require a subdivision of the applicant's land into lots as large as is hereby prescribed, the Board of Zoning Appeals, by special permit, may grant such relief by making exceptions to the forms of this article, subject to the conditions and requirements of Article XXV of this bylaw. See Table 1 for applicability.⁷

B. And replace under §120-53. *Exceptions by Board of Zoning Appeals.* with the following:

If the average size or area of residential lots in the surrounding neighborhood is nonconforming with respect to lot area and the new lots to be created are larger or of similar area as the surrounding lots, the Board of Zoning Appeals may consider granting a special permit if all of the following requirements have been met (*See Table 1 for applicability*):

A. A lot shall be in existence in its current configuration prior to December 1, 2013.

B. The lot to be subdivided shall be at least 40,000 square feet.

C. The proposed new lots shall meet frontage requirements.

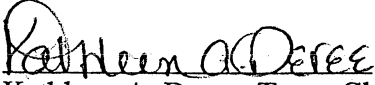
D. The proposed new lots shall not be less than 17,500 square feet in area.

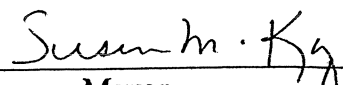
E. The Board of Zoning Appeals shall make a finding that the proposed lots are of a similar lot size configuration to lots in the surrounding neighborhood.

Or take any other action in relation thereto.

Passed in Council – -March 3, 2013
Presented to Mayor – March 4, 2013
A True Copy. Attest:

Approved 3/4/14
Date


Kathleen A. Deree, Town Clerk


Mayor

YEAS Conlon, DiFazio, Hackett, Harrington, Haugh, Lacey
 Mathews, McDonald, Molisse, O'Connor, Smart,

NAYS: Burke, Conlon, DiFazio, Hackett, Harrington, Lacey
 Mathews, McDonald, Molisse, O'Connor, Smart

ABSENT: DiFazio, McDonald

Table 1.

TOWN OF WEYMOUTH, MASSACHUSETTS
TABLE 1
SCHEDULE OF DISTRICT REGULATIONS

District	Type of Use	Minimum Lot Size (square feet)	Minimum Lot Area (square feet per dwelling unit)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Depth (feet)	Minimum Rear Yard Depth (feet)	Maximum Lot Coverage (percent of lot area)	Maximum Height
R-1 ¹⁹	One-family	25,000 (See §§ 120-51, 120-52, 120-53 and 120-53.1) ^{19,20}	25,000 ¹⁹	120 (See §§ 120-51, 120-52, 120-53, 120-56, and 120-59.1) ¹⁹	18 (See § 120-54.)	10; 20 feet of any dwelling (See § 120-55.)	24 or 1/5 of depth of lot, whichever is less (See § 120-55.)	30	2 1/2 stories, not to exceed 35 feet ¹
R-2	Mixed residential		10,000 for single-family and nonresidential, plus 5,000 per each additional residential unit	75; 75 feet of frontage	18 (See § 120-54.)	10 (See §§ 120-54, 120-55 and 120-59.)	10; 20 feet from any other dwelling (See § 120-55.) ⁴	30 for building; 25 minimum for landscaping (See § 120-62.2) ¹⁷	3 stories, not to exceed 35 feet
R-3	Garden-type multiple	15,000 (See § 120-52.)	One- to two-unit residence buildings; 15,000 All 3- or more-unit buildings for multiple-family residential use based on FAR 25 (See § 120-6.) ⁴	20 (See §§ 120-52, 120-56 and 120-59.1) ¹⁹	20 (See § 120-54.)	20 (See § 120-55.) ⁴	20 (See § 120-55.) ⁴	Minimum 15 landscaped area (See § 120-62.1) ¹⁷	3 stories, not to exceed 35 feet
R-4	Multiple	15,000	All units in all multiple-family residential building based on FAR 30. (See § 120-6, FLOOR AREA RATIO.) ¹²	120 (See §§ 120-56 and 120-59.1) ¹⁹	40 plus 5 feet for each setback for each story above 3 rd floor (See § 120-54.) ⁶	20 plus 2 feet for each story above the 3 rd floor (See § 120-54.) ⁶	30 or 1/5 the building height, whichever is greater (See § 120-54.) ⁴	Minimum 15 landscaped area (See § 120-62.1) ¹⁷	6 stories, not to exceed 80 feet (See § 120-57.) ³
NCD	Neighborhood center	7,500 (See § 120-58.)	(See § 120-22.3.)	50 (See §§ 120-52 and 120-56.)	18 (See § 120-56B.)	10 (See §§ 120-55 and 120-59.)	10 (See §§ 120-55 and 120-59.)	None	2 1/2 stories, not to exceed 35 feet ⁸
HT	Highway transition; residential office and small-scale commercial		15,000; FAR 25	75; 60 feet of frontage	20	10 (See § 120-59.)	10 (See § 120-59.)	50; 25 minimum for landscaping (See § 120-62.1) ¹⁷	3 stories or 45 feet, whichever is less
MS	Medical-related services		15,000;	60; 60 feet of frontage (See § 120-56.)	20	10, inclusive of walkways and driveways, 5 feet of which shall be landscaped (See § 120-59.)	10, inclusive of walkways and driveways, 5 feet of which shall be landscaped (See § 120-59.)	75 for building and paved areas; 25 minimum for landscaping (See § 120-62.1) ¹⁷	3 stories or 45 feet, whichever is less; 6 stories or 80 feet, whichever is less, by special permit by the Planning Board
B-1	Limited business	10,000 (See § 120-58.)	All units in multiple family residential buildings based on FAR 20. (See § 120-6, FLOOR AREA RATIO.) ¹²	100 (See § 120-56 and 120-58.) ¹	30, excluding signs	10 (See § 120-59.) ¹⁶	10 (See § 120-59.)	50 and minimum 15 landscaped area (See § 120-62.1) ¹⁷	6 stories, not to exceed 80 feet (See § 120-57.) ³
B-2	General business	None		None	None	None (See § 120-59.)	None (See § 120-59.)	None	6 stories, not to exceed 80 feet (See § 120-57.) ³
I-1	Industrial park	20,000		100 (See §§ 120-56 and 120-60.) ¹	40	25 (See §§ 120-61 and 120-62.)	None (See § 120-62.)	80 and minimum 10 landscaped area (See § 12-62.2) ¹⁷	6 stories, not to exceed 80 feet (See § 120-57.) ³
PIP	Planned industrial park	43,560 (1 acre)		150 (See §§ 120-56 and 120-60.) ¹	40 plus 5 feet setback for each story above 3 rd floor (See §§ 120-34H, 120-61 and 120-62.) ¹⁷	25 (See §§ 120-34H, 120-61 and 120-62.)	25 (See §§ 120-34H and 120-62.)	60, paved and buildings, landscaped (See § 120-62.1) ¹⁷	3 stories, not to exceed 35 feet; up to 6 stories, not to exceed 80 feet, by special permit from the Planning Board
I-2	General industrial	None		None	None	None (See § 120-62.)	None (See § 120-62.)	None	6 stories, not to exceed 80 feet (See § 120-57.) ³
POS	Public facilities and open space		None	40 feet, 40 feet frontage	20	10 (See § 120-59.)	10 (See § 120-59.)	75 for building and paved areas; 25 for landscaping	3 stories or 35 feet, whichever is less

NOTES:

- ¹ [Amended April 1971 ATM by Art. 47, approved 8-24-1971]
- ² [Amended February 1972 STM by Art. 6, approved 5-8-1972]
- ³ [Amended October 1972 STM by Art. 8, approved 12-6-1972]
- ⁴ [Amended June 1976 STM by Art. 26, approved 10-18-1976]
- ⁵ [Amended April 1971 ATM by Art. 47, approved 8-24-1971]
- ⁶ [Amended April 1971 ATM by Art. 47, approved 8-24-1971]
- ⁷ [Amended February 1972 STM by Art. 6, approved 5-8-1972]
- ⁸ [Amended February 1972 STM by Art. 6, approved 5-8-1972]
- ⁹ [Amended May 1983 ATM by Art. 48, approved 8-26-1983]
- ¹⁰ [Amended February 1985 STM by Art. 7, approved 6-3-1985]
- ¹¹ [Amended May 1987 ATM by Art. 51, approved 8-27-1987]
- ¹² [Amended February 1979 STM by Art. 1, approved 4-19-1979]
- ¹³ [Amended May 1990 STM by Art. 1, approved 8-29-1990]
- ¹⁴ [Amended May 1990 STM by Art. 2, approved 8-29-1990]
- ¹⁵ [Amended May 1990 STM by Art. 3, approved 8-29-1990]
- ¹⁶ [Amended May 1990 STM by Art. 52, approved 9-13-1990]
- ¹⁷ [Amended May 1992 ATM by Art. 37, approved 10-1-1992]
- ¹⁸ [Amended May 1992 ATM by Art. 34, approved 10-1-1992]
- ¹⁹ [Amended May 1997 ATM by Art. 40, approved 8-11-1997]
- ²⁰ [Amended May 1998 ATM by Art. 43, approved 10-23-1998]