

Proposed Zoning Bylaw Change for Spring 2021 Town Meeting

12-22-20

Basis in Arlington's Clean Energy Future Committee's Net Zero Roadmap:

Net Zero Buildings measure NZB3: "Change zoning or other bylaws that hinder the renovation or construction of net zero energy capable homes. Create incentives to encourage renovation and new construction projects to result in net zero energy capable buildings."

Background and the reason for the proposed bylaw change:

The current Arlington zoning bylaw enables replacement homes to be built on non-conforming lots only if the replacement homes are built on top of the existing foundation and two walls of the existing building are left standing. On the other hand, existing conforming lots, for example typical R1 zoned lots with at least 50 feet of frontage and 5,000 square feet of area, do not have such a restriction and an old building can be replaced with a new building from the ground up. Because the frontage and size requirements vary between the R0, R1 and R2, the following will simply refer to conforming and non-conforming parcels rather than specify the differences between them.

Therefore, while the current bylaw allows new replacement homes to be built on non-conforming lots, it has effectively prohibited new insulated foundations on new replacement homes, and therefore prohibited the most energy efficient homes to be built because they require basements to be insulated from the exterior and from underneath.

The proposal below would change the bylaw to address this by allowing new replacement homes to be built on non-conforming lots as long as they meet very high energy efficiency standards (e.g. PHIUS+ 2015 Passive Building Standard). The proposed change would only affect existing residential buildings and would not enable any new lots to be created nor would it allow homes to be built if a lot currently does not have a principal building. In other words, it would not create smaller lots nor create more buildings in town. It would only allow existing buildings to be replaced with high efficiency buildings. The proposed change would also make Arlington homeowners on non-conforming lots equally eligible to conforming lot owners for certain federal and state incentives and tax credits that are only available for those who build high efficiency homes.

The proposed change is in line with previous precedent and there are two Arlington-specific amendments that relax the conforming lot definitions in the Arlington Zoning Bylaw. First, lots on certain streets are exempted from dimensional requirements even if they have just 2,400 square feet of area. Second, a new home can be built on empty non-conforming lots in the R0 district if those lots were registered on or before February 21, 1991. In addition, this proposal complements the recently adopted Fossil Fuel bylaw by including more buildings under its purview that would otherwise be exempted because many homes that are rebuilt on top of an existing foundation are currently exempted from the Fossil Fuel bylaw.

This proposed amendment is one of the most impactful carbon emissions reduction bylaw changes that The Town Meeting can pass because the current zoning bylaw prohibits very high efficiency buildings from being built on 30% to 40% of Arlington lots. Without this enabling legislation, The Town cannot meet its 2050 net zero carbon emission goal.

New zero emission zoning bylaw concept:

Under section 5-18 / B. Exceptions to Minimum Lot Area, Minimum Front Yard Lot Width, Frontage, Open Space, Side Yard, and Height Requirements in the R0, R1, and R2 Districts.

Proposed new exemption concept (e.g. 5-18/ B(8)):

Exemption for energy efficient homes on R0, R1 or R2 lots with an existing principal building. The lot minimum frontage and lot area requirements shall not apply to homes that are constructed to the higher efficiency standard of either PHIUS+ or the International Energy Conservation Code as adopted and amended by Massachusetts, and;

1. The new building is built within the existing foundation footprint, or with an addition that is not a Large Addition (as defined in 5-18/B.6), or
2. The lot has at least 6,000 square feet of area, or
3. By special permit.