

Summary of Relevant Zoning Bylaws for Hotel Lexington Proposal

Section 2 Definitions

Gross Floor Area: The sum of the horizontal areas of all stories of a building or buildings on a lot, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall as regulated under Section 5.3.22.

Relevance: Applicant is arguing that that the front and rear projecting facades are 'bay windows' and do not count towards gross Floor Area. Applicant is also ignoring areas in the basement or cellar area.

5.3.8. Corner Lots and Through Lots

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.

Relevance: Applicant is asking for relief from this requirement under 5.3.16, which requires specific conditions unique to the proposal. Applicant has also cited 5.3.10 for an exception, which only applies to R districts. Furthermore, 5.3.10 only applies to development of a vacant lot.

5.3.10. Average Setback Exception to Minimum Front Yard; All R Districts

Where the required lot frontage of developed residential lots along a block amounts to more than 50% of the block frontage, and where said development has an average setback less than that required by this bylaw, then any vacant lot setback for a residential use may be reduced to said average of the existing development.

5.3.16. Yards or Setbacks for Lots Adjoining a Street or Public Open Space

In cases subject to Section 3.4, Environmental Design Review, the Arlington Redevelopment Board in evaluating the proposal may grant a special permit to adjust

the required setbacks set forth elsewhere in this Bylaw to account for **specific conditions unique to the proposal**.

5.3.17. Upper-Story Building Step Backs

For buildings more than three stories in height, an additional 7.5-foot step-back (upper story building setback) shall be provided beginning at the third story level or 30 feet above grade, whichever is less. **The upper story step-back shall be provided along all building elevations with street frontage, excluding alleys.**

5.2.4. Multiple Principal Uses

A lot or structure located in the R6, R7, B1, B2, B2A, B3, B4, B5, PUD, I, MU, and T districts may contain more than one principal use as listed in Section 5.4.3 Use Regulations for Residential Districts, Section 5.5.3 Use Regulations for Business Districts, or Section 5.6.3 Use Regulations for MU, PUD, I, T, and OS Districts. **For the purposes of interpretation of this Bylaw, the use containing the largest floor area shall be deemed the principal use and all other uses shall be classified as accessory uses.** In the case of an existing commercial use, the addition or expansion of residential use within the building footprint shall not require adherence to setback regulations for residential uses even if the residential use becomes the principal use of the property.

5.5.3. Use Regulations for Business Districts

Class of Use	B1	B2	B2A	B3	B4	B5
Residential						
Single-family detached dwelling	Y	Y	Y	Y	Y	Y
Two-family dwelling, duplex dwelling	Y	Y	Y	Y	Y	Y
Six or more single-family dwellings or six or more units in two-family dwellings or duplex dwellings on one or more contiguous lots	SP	SP	SP	SP	SP	SP
Three-family dwelling	SP	SP	SP	SP	SP	SP
Townhouse	SP	SP	DP	SP		SP
Apartment building		SP	SP	SP	SP	SP
Conversion to apartments, up to 18 units per acre, with no alteration to the exterior of the building	SP					
Single-room occupancy building	SP					SP
Group home	Y	Y	Y	Y	Y	Y
Hotel/Motel			SP	SP	SP	SP
Conversion of one or two-family dwelling to bed and breakfast	SP	SP	SP	SP	SP	SP
Assisted living residence				SP		
Dormitory (Note: permitted if use is for educational or religious purposes.)	Y	Y	Y	Y	Y	Y

Relevance: Applicant is arguing that the principal use is not residential, despite the table in 5.5.3 listing hotel as a residential use. This distinction is important because the applicant is asking for relief under 5.3.6 which is not allowed for lots under 20,000 sf when the principal use is residential. The principal use is clearly hotel residential, and the accessory use is restaurant.

5.3.6. Exceptions to Maximum Floor Area Ratio Regulations (Bonus Provisions)

A. The Board of Appeals or the Arlington Redevelopment Board, as applicable, may grant a special permit subject to the standards in Section 3.3 or 3.4, as appropriate, to allow a maximum gross floor area higher than is permitted in the district, subject to the procedures, limitations, and conditions specified below, for a lot (or part of a lot) which meets the following basic requirements:

- (1) The lot (or part of a lot) is in a district with a floor area ratio of 1.2 or greater.
- (2) The lot (or part of a lot) **is not less than 20,000 square feet when the principal use is residential**. When the principal use is non-residential, no minimum lot size is required provided all other provisions of this Section 5.3.6 are satisfied.

C. Further restricts this bonus exception to just the B2A, B4, B5, R6, and R7 districts. There is no allowable bonus for B2.

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 three inches or more, 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 follow 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.

Relevance: Applicant is undercounting Gross Floor Area

5.3.12. Traffic Visibility

- **Visibility for Driveways.** A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over two and one-half feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that the vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

Relevance: Visibility on one side of the rear driveway is severely limited by a 6 foot retaining wall topped by vegetation.

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 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. 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 feet
Easterly, between northeast and southeast, or westerly between northwest and southwest	Within 150 feet
Southerly, between southeast and southwest	Within 100 feet

Relevance: For the B4 section of the lot, the applicable height limits are 50 feet and 4 stories. For the B2 section of the lot, the applicable limits are 40 feet and 3 stories.