

ARTICLE 3: AMEND ZONING BY-LAW – DEFINITION OF HEIGHT HALF-STORY AND DORMER

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

- (a) Amend Section 1.3 Definitions, by revising the existing definition of the term “Half-story”, so that the entire definition shall now read as follows: (new language underlined):

Half-Story or ½ Story – For all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor, that portion of a building included between the upper surface of a floor and the lower surface of a sloping roof next above where the area contained therein has a finished ceiling height exceeding 5’-0”. Dormers installed in a sloping roof directly above the second story of a structure shall be limited in size as follows: (1) The total length of the front wall(s) of a dormer(s) shall not exceed fifty percent (50%) of the eave length of the portion of the roof in which the dormer is built. In no case shall a singular dormer exceed twenty feet (20’) in width. (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. (3) The vertical plane of the side wall of any dormer shall not be closer than eighteen inches (18”) from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. (4) No dormer may project above the main ridgeline of the building. There are no restrictions on dormers installed in a sloping roof directly above the first story of a structure. This definition shall apply to all single-family detached dwellings, two-family detached dwellings, and apartment and multi-family dwelling units permitted by Special Permit in the Center Business District and located in the half-story directly above the second floor. For all other buildings the definition is, that part of a building under a sloping roof where the full-length rafters rest on the top beam of the story below.

- (b) Amend Section 1.3 Definitions, by adding the following term and definition in the appropriate alphabetical location as follows:

“Dormer – A projection built out from a sloping roof, usually containing a window or vent.”

Or take any other action relative thereto.

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- (b) It exists at the ground story level and is at least one (1) story in height;
- (c) It separates enclosed interior space(s) in each of the dwelling units;
- (d) It is designed to give the appearance that it connects the two dwelling units to each other.

Community Use Space: Space that is open to the public and used for, but not limited to, ball courts, gymnasias, play areas, community meeting rooms, community gardens, social services, outdoor play areas, playgrounds, related seating areas, and similar uses.

Congregate living facility: An association of persons living together in a shared living environment which integrates shelter and service needs of elderly, functionally impaired and/or functionally isolated persons who are otherwise in good health and can maintain a semi-independent lifestyle and who do not require constant supervision or intensive health care as provided by an institution. Each resident may have a separate bedroom, living room, kitchen, dining area or bathroom, or may share living, dining, and bathroom facilities with other persons. Such facility shall be deemed an association of persons living together in a single dwelling and not a lodging house.

Corner lot: See Lot, corner.

Day care center: As defined and licensed under G.L. c. 28A, a facility which on a regular basis receives for temporary custody and care more than ten (10) children at a time.

Development Parcel: The real property on which a Planned Multi-Use Business Development or a Mixed-Use Development (including any appurtenant easement areas benefiting a Mixed-Use Development) is located in connection with a special permit under Section 30-15(s) or 30-13(g).

Dormer: A projection built out from a sloping roof, usually containing a window or vent.

Dormitory: A building owned or controlled directly or indirectly by a religious or educational non-profit institution (excepting a nonprofit hospital) providing sleeping quarters for five (5) or more unrelated persons.

Drive-in business: A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle.

Drive-in food service establishment: A fast food establishment which provides convenient vehicular access and may provide service to customers while in their vehicles.

Driveway: An area on a lot which is designed or used to provide for the passage of motor vehicles to and from a street or way.

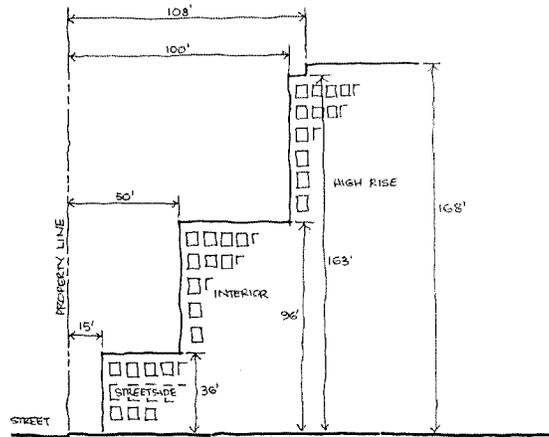
Dwelling: A building or structure used for human habitation.

Dwelling, attached: A building or structure that either:

- (a) contains three (3) or more dwelling units, attached to one another at the ground level and each having a separate primary and secondary access at ground level; or
- (b) contains two (2) dwelling units and is not a “dwelling, two family,” as defined in section 30-1.

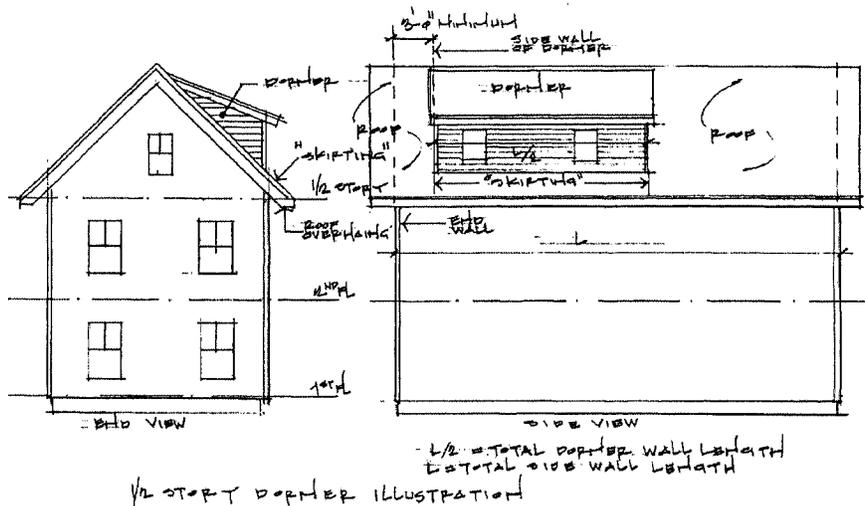
Dwelling, multi-family: A building or structure containing three (3) or more dwelling units.

Dwelling, two-family: A building or structure that meets all of the following requirements:



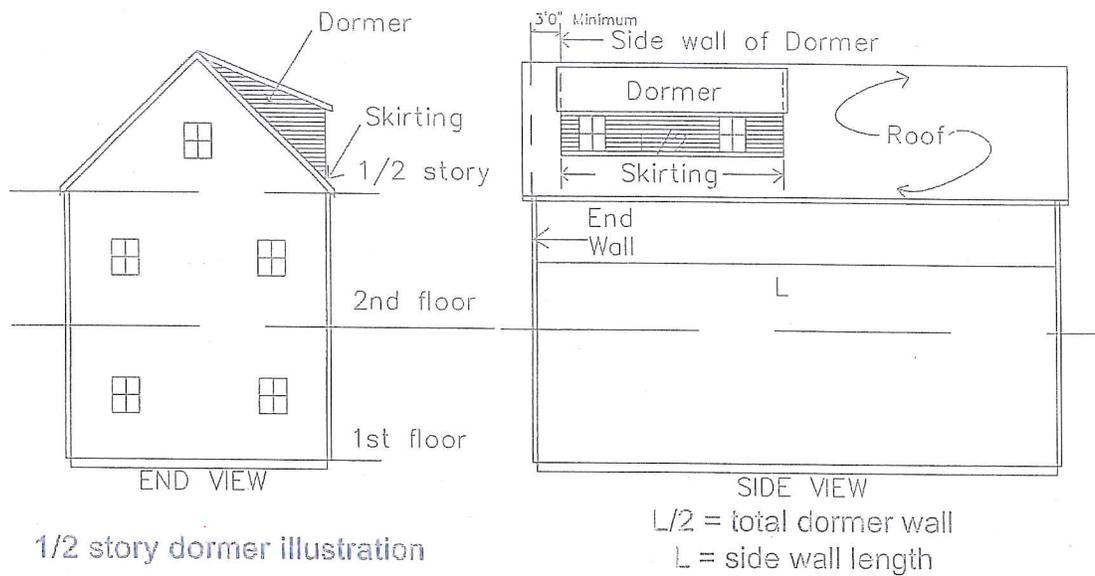
(t) **Dormers.** Except as may be allowed by special permit in accordance with Section 30-24, the following restrictions shall apply to dormers above the second story in single and two family dwellings and to dormers in accessory structures.

- (1) A dormer may be no wider than fifty percent (50%) of the length of the exterior wall of the story next below. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed fifty percent (50%) of the length of the exterior wall next below. See illustrations below.
- (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. See illustrations below.
- (3) The vertical plane of the side wall of any dormer shall not be closer than three feet (3') from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. See illustrations below.
- (4) No dormer may project above the main ridgeline of the single or two family dwelling or the accessory structure. See illustration below. (Ord. Z-20, 04-07-08; Ord. Z-34, 11-03-08)



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- (2) A roof line overhang shall be continued between the dormer and the story next below so as to avoid the appearance of an uninterrupted wall plane extending beyond two stories. See illustrations below.



(3) The vertical plane of the side wall of any dormer shall not be closer than three feet (3') from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. See illustrations below.

(4) No dormer may project above the main ridgeline of the single or two family dwelling or the accessory structure. See illustration below. (Ord. Z-20, 04-07-08; Ord. Z-34, 11-03-08)

(u) **The floor area ratio (FAR)** shall apply to all one and two family structures, except on rear lots created under the provisions of section 30-15(r), whether new or existing, according to the FAR limits contained in Table A below. The following exceptions shall apply:

- (1) For construction on lots created before 12/7/1953, an additional increase in FAR of .02 above the amount shown in Table A shall be allowed, provided that new construction proposed using additional FAR granted under this paragraph shall comply with setback requirements for post-1953 lots. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage or open space and may not be used in conjunction with section 30-21(c).