### Newton Zoning 1<sup>st</sup> Draft Overview

Build Out Analysis 02.25.19



# Project Goals

### Themes from the 2011 Report

- Better organize the Ordinance for ease of use
- Simplify and streamline the permitting and review processes
- Recognize that each village center and commercial corridor is **unique**
- Encourage mixed-use residential redevelopment in village centers
- Create "soft transitions" between village centers and residential neighborhoods
- Allow moderate, flexible growth on commercial corridors
- Rationalize and streamline parking regulations
- Protect neighborhood character and scale
- Create more **diverse housing** opportunities
- Institute a better process for managing change of religious and educational institutions
- Improve natural resource conservation and sustainability

### Themes from the 2011 Report

- In short...
- Create a Zoning Ordinance that preserves and enhances what we love about Newton while modernizing and advancing issues we care about like addressing climate change and ensuring housing diversity.

# **Project Goals**

- Rules that match the city as it is (increase conformity)
- Rules that reduce the city's vulnerability to speculative teardown/replacements of homes
- Rules that advance the City on several key issues like climate change and housing affordability and diversity

# What is a model?

### What is a build out analysis model? A series of interrelated Excel tables

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The model tests two different scenarios:

- 1) Maximize the size of buildings (Bulk)
- 2) Maximize the number of lots (assume smallest possible buildings)



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- 1) Maximize the size of buildings (Bulk)
- 2) Maximize the number of lots (assume smallest possible buildings)



The model has to make assumptions about what theoretical property owner will choose to do.

#### It cannot account for:

- When/if an owner chooses to sell?
- What the "market," the possible new buyers will most value?
  - More square footage in one house?
  - Two smaller houses?
  - A big private yard?
  - Small yard?
  - Deck? Pool? Shed?

### What is a build out analysis model? The model says what <u>could</u> be built

# What couldNOTWhat is likelybe builtto be built

Willing Seller





- Location
  - Proximity to shops
  - Commute options
- Single-family
- Multi-family
- Size of home
- Size of yard
- On site Amenities
- Need for renovations
- Possibility for sweat equity
- Personal Priorities (kitchen design, layout preference)



- Does the zoning permit the project (expansion, modification, or new build)
- What costs are involved in getting permits and can the project return cover costs of construction and risk of disapproval or no buyer

Willing Seller

A Buyer (Market Demand for a type of development) Zoning permitting the type of development





The model is only looking at the zoning

The model can only compare the possible options

It cannot predict

### Assumptions in the Build Out Analysis Underlying Assumptions

 <u>By Right only</u> – test for the projects that follow only the written rules

 <u>Residence Districts only</u> – the complexities of lot an ownership patterns and layers of additional factors mean the village districts require a different type of analysis

### Assumptions in the Build Out Analysis

#### Maximum Possible Bulk (sq. footage)

- Model selects the largest building type that can fit on the lot using effective minimum lot sizes
- Model assumes the largest by right size of the building type would be built

#### **Maximum Possible Units**

- Model assumes the maximum number of units allowed are created in each building type
- In the R3 and N districts, any lot that can have multiple units is assumed to
- In the N district, it is assumed that no commercial is built

#### Maximum Possible Lot Splits & Maximum Possible Lots

- Lot splits are calculated as the lesser of the number of lots that could fit by frontage or by area
- For maximum possible lots, the smallest effective minimum lot size is calculated for buildings just 15 ft. deep

#### Speculative Teardown Vulnerability

- Speculative teardown is assumed to occur when:
  - Value of new construction exceeds
     2.4x the current assessed value
  - A new unit can be at least 3800 s.f.
- New construction value is estimated at \$600/s.f.

# **Results Overview**

# What did we learn

In the residence districts...the current ordinance allows bulkier buildings

• <u>Just over half of the square footage allowed</u> by the current ordinance has been built

So there could be 47% more square footage in neighborhoods

# What did we learn

The October Draft needs adjustments to meet the goals for zoning redesign:

- The October Draft allowed more bulk as compared to the Current Ordinance
- The October Draft resulted in higher teardown vulnerability than the Current Ordinance

# What did we learn

The October Draft needs adjustments to meet the goals for zoning redesign:

- The October Draft allowed more bulk as compared to the Current Ordinance
- The October Draft resulted in higher
   teardown vulnerability than the current
   Small Adjustments make a
   big difference



# Minimum Frontage



Frontage is the width of the lot along the street





If the min. is <u>50</u> ft...

- All 3 lots are conforming
- Lot 1 can split
- Lot 3 cannot





If the min. is <u>70</u> ft...

- Lot 2 becomes nonconforming
- None of the lots can split





If the min. is <u>100</u> ft...

- Only Lot 1 is conforming
- None of the lots can split



#### **Minimum Frontage**

#### Tradeoff between:

- Amount of new infill lot creation
- Maintaining value for larger properties

#### IF frontage increases ...

- Fewer lot splits
- Possibly less value retention



# Minimum Setbacks





Setbacks: Front, Side, & Rear

Setbacks determine how far a building has to be from the neighbors or street





#### Minimum Setbacks

Setbacks: Front, Side, & Rear

Setbacks determine how far a building has to be from the neighbors or street




Setbacks: Front, Side, & Rear

Setbacks determine how far a building has to be from the neighbors or street

Combined with frontage buildout requirement and contextual front setback requirement, new buildings will need to be closer to the street





IF...min. side setback = 7.5 ft

 Both houses are conforming



Lot 3



IF...min. side setback = <u>12</u> ft

- Lot 2 is conforming
- Lot 3 is nonconforming







### What does conforming mean for a home addition?

- Lot 2 is conforming
  - Any expansion into the setbacks is off-limits
- Lot 3 is nonconforming
  - Section 6 Finding can grant further expansion into setback







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Lot 2



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### Minimum Setbacks

### Tradeoff between:

- More buildings that can expand closer to a neighbor
- New buildings being further from a neighbor

### IF the setback increases...

- New building needs to be more in the center of a lot
- More existing buildings can expand closer to neighbors





## Maximum Lot Coverage





### Maximum Lot Coverage

Lot coverage = the amount of the lot covered by "built" surfaces





Lot coverage = the amount of the lot covered by "built" surfaces





### Maximum Lot Coverage

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Lot coverage = the amount of the lot covered by "built" surfaces



### Maximum Lot Coverage

Lot 1 has a lot coverage of 35%

IF the maximum for the district is 40%...

- Lot 1 is conforming
  - Only 5% more can be built



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IF the maximum for the district is <u>35</u>%...
Lot 1 is conforming

 A by right home addition would have to replace some thing on site



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### Maximum Lot Coverage

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IF the maximum for the district is <u>30</u>%...

- Lot 1 is now <u>nonconforming</u>
  - Through a Section 6 Finding, the property owner can request to expand



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### Maximum Lot Coverage

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IF the maximum for the district is <u>30</u>%...

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### Maximum Lot Coverage

### Tradeoff between:

- More buildings being able to expand their coverage %
- Less lot coverage on newly constructed sites

#### IF coverage max. decreases ...

- New lots have to have more green
- Existing properties can possibly expand paved areas



## Minimum Lot Depth or Lot Size





### Effective Minimum Lot Size =

The lot size needed to build a "min" or "max" building type

#### **Residence 2 (R2) District Building Types**



#### House C



#### House D



### Min. Lot Depth or Size

#### Test #1: maximum bulk (max. sq. ft. on the lot)

- Assume maximum House B footprint (1600 sf)
- Assume House fills to the setbacks
  - Setbacks are specific to the district
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)





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Effective Min Lot Size = 5,725 sf. (October Draft)





### Min. Lot Depth or Size

#### Test #2: maximum lots (min. sq. ft. on the lot)

- Assume House fills to side setbacks and has a minimal depth (15 ft)
  - Resulting minimum House B footprint = 600 ft
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)





### Min. Lot Depth or Size

#### Test #2: maximum lots (min. sq. ft. on the lot)

- Assume House fills to side setbacks and has a minimal depth (15 ft)
  - Resulting minimum House B footprint = 600 ft
- Assume minimal additional lot features (+400 sf)
  - House + 400 sf cannot exceed max. lot coverage (35%)

Effective Min Lot Size = 2,700 sf. (October Draft)





### Min. Lot Depth or Size

|                         | House B  | House C  | House D   |
|-------------------------|----------|----------|-----------|
| #1. Maximum<br>Building | 5,725 sf | 5,500 sf | 11,150 sf |
| #2. Minimum<br>Building | 2,700 sf | 2,700 sf | 2,700 sf  |

#### **Residence 2 (R2) District Building Types**







House D



### Min. Lot Depth or Size

### Finding:

<u>2%</u> more lots result if the model looks for tiny house lots creation

Meaning – frontage drives 98% of the lot splits



# Building Types & Building Type Standards

### **Building Types & their standards**

### Only building types allowed in the district can be used



### **Building Types & their standards**

### Only building types allowed in the district can be used



House **D** 

### **Building Types & their standards**

### The list of allowed building types can be changed



### **Building Types & their standards**

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#### **Building Types & their standards**

#### The standards of the building types can also be changed



## Special Permits & Administrative Site Plan Approval

#### Special Permit & Admin. Site Plan Approval

#### Special Permits & Design Review

- Building Types allow a range of special permit options, all with design review required
- Large House Review: What is large?
  - Lowering the by right standards, shifts more projects into the special permit with design review



#### Special Permit & Admin. Site Plan Approval

#### Administrative Site Plan Approval

- Building Types or Site Features that are essentially by-right, but need more specific staff review
- Proximity Rule is an example





# District by District Discussion

# **Residence 2**

| LOT<br>STANDARDS     | October<br>Draft | February<br>Draft |
|----------------------|------------------|-------------------|
| Min.<br>Frontage     | 60 ft            | 60 ft             |
| Min. Lot<br>Depth    | n/a              | n/a               |
| Max. Lot<br>Coverage | 35%              | 30%               |
| Min. Setbacks        |                  |                   |
| Front                | 15 ft            | 20 ft             |
| Side                 | 10 ft            | 12.5 ft           |
| Rear                 | 20 ft            | 30 ft             |



| BUILDING <sup>•</sup><br>modification | <b>TYPE</b><br>s                 | October<br>Draft | February<br>Draft |
|---------------------------------------|----------------------------------|------------------|-------------------|
| House B                               | Max. By Right Footprint          | 1,600 sf         | 1,400 sf          |
|                                       | Max. Special Permit<br>Footprint | 2,200 sf         | 2,000 sf          |
| House C                               | Max. By Right Footprint          | 1,400 sf         | 1,200 sf          |
|                                       | Max. Special Permit<br>Footprint | 1,800 sf         | 1,800 sf          |
| House D                               | No changes                       |                  |                   |

| R2<br>District       | Total<br>Existing<br>Buildable<br>Lots | Max.<br>Possible<br>Lots that<br>can be<br>split | Max.<br>Possible<br>Net New<br>Lots | Max.<br>Possible<br>Buildable<br>Lots after<br>splits | Max.<br>Possible<br>Units* | Max.<br>Possible<br>Bulk (sf) | Max. Possible<br>Existing Lots<br>Vulnerable to<br>Speculative<br>Teardown | Max. % at<br>risk of<br>speculative<br>teardowns |
|----------------------|--|--|-------------------------------------|---|----------------------------|-------------------------------|--|--|
| Current<br>Ordinance | 11,964                                 | 32   | 78                                  | 12,010  | 12,784                     | 49,689,010                    | 4,161  | 33%  |
| October              | 12,148                                 | 604  | 1,282                               | 12,826  | 13,326                     | 49,207,500                    | 7,696  | 62%  |
| Draft                |  | 771  | 1,634                               | 13,011  | 13,509                     | 52,005,500                    | 8,808  | 71%  |
| February             | 12,148                                 | 635  | 1,345                               | 12,858  | 13,358                     | 42,373,100                    | 476  | 4%   |
| Draft                |  | 747  | 1,579                               | 12,980  | 13,478                     | 45,195,400                    | 629  | 5%   |

\*Includes existing non-conforming units

4% change in number of possible units

### Neighborhood General

#### District by District Neighborhood General

| LOT<br>STANDARDS     | October<br>Draft | February<br>Draft |  |  |
|----------------------|------------------|-------------------|--|--|
| Min.<br>Frontage     | 30 ft            | 50 ft             |  |  |
| Min. Lot<br>Depth    | n/a              | n/a               |  |  |
| Max. Lot<br>Coverage | 65%              | 70%               |  |  |
| Min. Setbacks        |                  |                   |  |  |
| Front                | 0 ft             | 5 ft              |  |  |
| Side                 | 7.5 ft           | 10 ft             |  |  |
| Rear                 | 15 ft            | 20 ft             |  |  |

| BUILDING <sup>-</sup><br>modification      | <b>TYPE</b><br>s   | October<br>Draft          | February<br>Draft         |
|--|--------------------|---------------------------|---------------------------|
|  | Footprint          |                           | Same as R2                |
| House B                                    | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by SP    |
| House C                                    | Footprint          | Same as R2                |                           |
|  | Footprint          | 2,000 sf<br>2,200 by S.P. | 1,400 sf<br>1,600 by S.P. |
| Iwo-Unit                                   | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by SP    |
| Apartment                                  | Building Footprint | 2,500 sf                  | 1,600 sf<br>1,800 by S.P. |
| House<br>Three-Unit                        | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by S.P.  |
|  | Number of Units    | 3-6 units                 | 3 units                   |
| Small<br>Apartment<br>Building<br>4-8 Unit | Building Footprint | 4,200 sf                  | 2,500 sf                  |
|  | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by S.P.  |
|  | Number of Units    | 3-10 units                | 4-8 units                 |

#### **District by District** Neighborhood General

| <b>N</b><br>District | Total<br>Existing<br>Buildable<br>Lots | Max.<br>Possible<br>Lots that<br>can be<br>split | Max.<br>Possible<br>Net New<br>Lots | Max.<br>Possible<br>Buildable<br>Lots after<br>splits | Max.<br>Possible<br>Units* | Max.<br>Possible<br>Bulk (sf) | Max. Possible<br>Lots Vulnerable<br>to Speculative<br>Teardown | Max. % at<br>risk of<br>speculative<br>teardowns |
|----------------------|--|--|-------------------------------------|---|----------------------------|-------------------------------|--|--|
| Current<br>Ordinance | 207                                    | 29   | 66                                  | 244   | 1,150                      | 1,592,282                     | 116  | 25%  |
| October              | 455                                    | 138  | 270                                 | 725   | 5,805                      | 7,328,850                     | 365  | 78%  |
| Draft                |  | 167  | 322                                 | 777   | 7,519                      | 9,400,050                     | 397  | 84%  |
| February             | 455                                    | 395  | 258                                 | 714   | 4,952                      | 4,772,400                     | 352  | 75%  |
| Draft                |  | 407  | 267                                 | 722   | 5,691                      | 5,260,500                     | 381  | 81%  |

\*Includes existing non-conforming units

# **Residence 3**

| LOT<br>STANDARDS     | October<br>Draft | February<br>Draft |  |  |
|----------------------|------------------|-------------------|--|--|
| Min.<br>Frontage     | 40 ft            | 50 ft             |  |  |
| Min. Lot<br>Depth    | n/a              | n/a               |  |  |
| Max. Lot<br>Coverage | 60%              | 50%               |  |  |
| Min. Setbacks        |                  |                   |  |  |
| Front                | 5 ft             | 10 ft             |  |  |
| Side                 | 7.5 ft           | 10 ft             |  |  |
| Rear                 | 15 ft            | 20 ft             |  |  |

| BUILDING <sup>•</sup><br>modification      | <b>TYPE</b><br>s   | October<br>Draft          | February<br>Draft         |
|--|--------------------|---------------------------|---------------------------|
|  | Footprint          |                           | Same as R2                |
| House B                                    | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by SP    |
| House C                                    | Footprint          | Same as R2                |                           |
| Two-Unit                                   | Footprint          | 2,000 sf<br>2,200 by S.P. | 1,400 sf<br>1,600 by S.P. |
|  | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by SP    |
| Apartment                                  | Building Footprint | 2,500 sf                  | 1,600 sf<br>1,800 by S.P. |
| House<br>Three-Unit                        | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by S.P.  |
|  | Number of Units    | 3-6 units                 | 3 units                   |
| Small<br>Apartment<br>Building<br>4-8 Unit | Building Footprint | 4,200 sf                  | 2,500 sf                  |
|  | Number of Stories  | 3 stories                 | 2.5 stories<br>3 by S.P.  |
|  | Number of Units    | 3-10 units                | 4-8 units                 |

| R3<br>District       | Total<br>Existing<br>Buildable<br>Lots | Max.<br>Possible<br>Lots that<br>can be<br>split | Max.<br>Possible<br>Net New<br>Lots | Max.<br>Possible<br>Buildable<br>Lots after<br>splits | Max.<br>Possible<br>Units* | Max.<br>Possible<br>Bulk (sf) | Max. Possible<br>Lots Vulnerable<br>to Speculative<br>Teardown | Max. % at<br>risk of<br>speculative<br>teardowns |
|----------------------|--|--|-------------------------------------|---|----------------------------|-------------------------------|--|--|
| Current<br>Ordinance | 5,728                                  | 41   | 62                                  | 5,790   | 12,065                     | 24,932,602                    | 2,691  | 44%  |
| October              | 6,040                                  | 1,697  | 2,011                               | 8,051   | 15,755                     | 46,228,200                    | 5,595  | 90%  |
| Draft                |  | 1,847  | 2,244                               | 8,284   | 16,976                     | 49,632,750                    | 5,821  | 94%  |
| February             | 6,040                                  | 724  | 1,029                               | 7,880   | 12,557                     | 21,139,700                    | 681  | 11%  |
| Draft                |  | 764  | 1,148                               | 8,249   | 12,476                     | 21,283,000                    | 717  | 12%  |

\*Includes existing non-conforming units

# **Residence 1**

| LOT<br>STANDARDS     | October<br>Draft | February<br>Draft |
|----------------------|------------------|-------------------|
| Min.<br>Frontage     | 80 ft            | 80 ft             |
| Min. Lot<br>Depth    | n/a              | n/a               |
| Max. Lot<br>Coverage | 30%              | 25%               |
| Min. Setbacks        |                  |                   |
| Front                | 20 ft            | 25 ft             |
| Side                 | 15 ft            | 20 ft             |
| Rear                 | 30 ft            | 40 ft             |

| BUILDING The modification | <b>TYPE</b><br>s                 | October<br>Draft | February<br>Draft |
|---------------------------|----------------------------------|------------------|-------------------|
|                           | Max. By Right Footprint          | 2,500 sf         | 2,400 sf          |
| House A                   | Max. Special Permit<br>Footprint | 3,000 sf         | 3,000 sf          |
| House B                   | Max. By Right Footprint          | 1,600 sf         | 1,400 sf          |
|                           | Max. Special Permit<br>Footprint | 2,200 sf         | 2,000 sf          |
|                           | Max. By Right Footprint          | 1,400 sf         | 1,200 sf          |
| House C                   | Max. Special Permit<br>Footprint | 1,800 sf         | 1,800 sf          |
| House D                   | No changes                       |                  |                   |

| <b>R1</b><br>District | Total<br>Existing<br>Buildable<br>Lots | Max.<br>Possible<br>Lots that<br>can be<br>split | Max.<br>Possible<br>Net New<br>Lots | Max.<br>Possible<br>Buildable<br>Lots after<br>splits | Max.<br>Possible<br>Units* | Max.<br>Possible<br>Bulk (sf) | Max. Possible<br>Lots Vulnerable<br>to Speculative<br>Teardown | Max. % at<br>risk of<br>speculative<br>teardowns |
|-----------------------|--|--|-------------------------------------|---|----------------------------|-------------------------------|--|--|
| Current<br>Ordinance  | 3,541                                  | 48   | 59                                  | 3,600   | 3,677                      | 22,951,033                    | 1,565  | 42%  |
| October               | 3,594                                  | 401  | 486                                 | 4,080   | 4,080                      | 24,760,500                    | 2,241  | 61%  |
| Draft                 |  | 413  | 501                                 | 4,095   | 4,095                      | 25,585,750                    | 2,365  | 64%  |
| February              | 3,594                                  | 386  | 469                                 | 4,064   | 4,063                      | 22,473,700                    | 1,679  | 46%  |
| Draft                 |  | 407  | 494                                 | 4,088   | 4,088                      | 25,461,000                    | 2,349  | 64%  |

\*Includes existing non-conforming units

#### **Take Home Material**

### **Conformity Tables**

#### **Minimum Rear Setbacks**

| 1 <sup>st</sup> Draft<br>District | The <u>Real World</u> Deciles<br>We'd have X% conforming if<br>the minimum was set at   | Current<br>Ordinance Rules<br>and conformance<br>estimate                                       | October Draft<br>Rear Setback &<br>conformance    | Proposed<br>Adjustments<br>Rear Setback @<br>60% conformance |
|-----------------------------------|---|---|---|--|
| <b>R1</b><br>3688 lots            | 10% conforming - 99.0 ft<br>20% conforming - 78.21 ft<br>30% conforming - 66.12 ft<br>40% conforming - 56.99 ft<br>50% conforming - 48.26 ft<br>60% conforming - 40.8 ft<br>70% conforming - 31.45 ft<br>80% conforming - 20.9 ft<br>90% conforming - 0.9 ft<br>(range 0 - 765.31 ft) | SR1 old = 25 ft<br>SR1 new = 25 ft<br>~75%<br>conformance                                       | 30 ft min. rear<br>setback<br>~70%<br>conformance | 40 ft min. rear<br>setback<br>60% conformance                |
| R2<br>12455<br>lots               | 10% conforming - 75.91 ft<br>20% conforming - 58.61 ft<br>30% conforming - 48.9 ft<br>40% conforming - 41.97 ft<br>50% conforming - 36.15 ft<br>60% conforming - 30.62 ft<br>70% conforming - 24.18 ft<br>80% conforming - 16.23 ft<br>90% conforming - 0 ft<br>(range 0 - 510.01 ft) | R2 old = 15 ft<br>SR2 new = 15 ft<br>SR3 old = 15 ft<br>SR3 new = 15 ft<br>~82%<br>conformance  | 20 ft min. rear<br>setback<br>~75%<br>conformance | 30 ft min. rear<br>setback<br>60% conformance                |
| <b>R3</b><br>6189 lots            | 10% conforming - 69.81 ft<br>20% conforming - 51.8 ft<br>30% conforming - 42.33 ft<br>40% conforming - 34.85 ft<br>50% conforming - 27.86 ft<br>60% conforming - 21.95 ft<br>70% conforming - 15.52 ft<br>80% conforming - 9.08 ft<br>90% conforming - 0 ft<br>(range 0 - 254.23 ft)  | MR1 old = 15 ft<br>MR1 new = 15 ft<br>MR2 old = 15 ft<br>MR2 new = 15 ft<br>~70%<br>conformance | 15 ft min. rear<br>setback<br>~70%<br>conformance | 20 ft min. rear<br>setback<br>~62%<br>conformance            |
| N                                 | 10% conforming - 74.55 ft<br>20% conforming - 53.78 ft<br>30% conforming - 42.43 ft<br>40% conforming - 32.61 ft<br>50% conforming - 23.11 ft   | MR2 old = 15 ft<br>MR2 new = 15 ft<br>BU2 = 0 ft or<br>abutting<br>residential/ public          | 15 ft min. rear<br>setback                        | 20 ft min. rear<br>setback                                   |

Conformity Tables show the real world setbacks and how they relate to the current ordinance, October Draft, and February Draft

### Thank You!