

ZONING 101

WHAT IS ZONING?

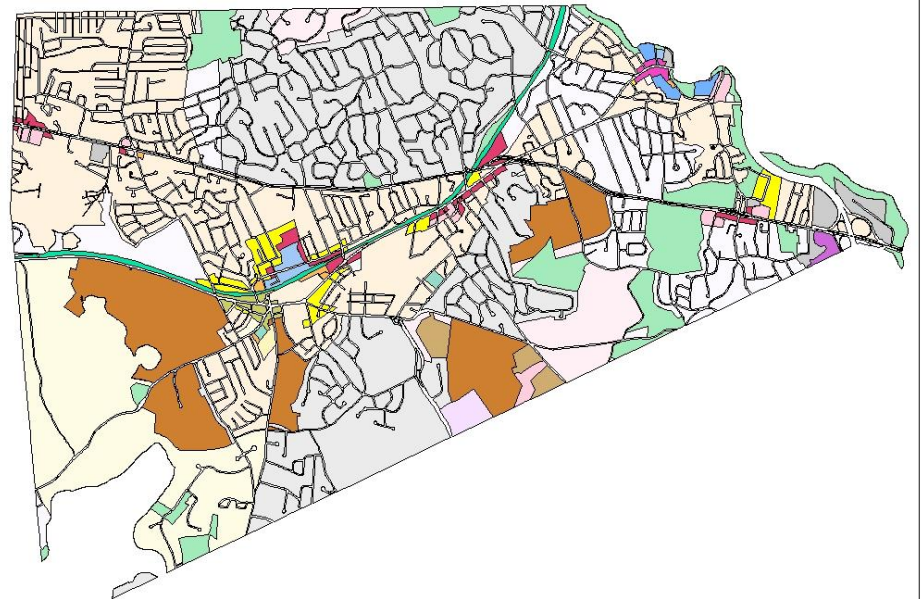
Planning Board Presentation
League of Women Voters

What is zoning?

- Regulation of structures and uses on property including:
 - Use of land
 - Types of structures permitted
 - Building dimensional requirements (height, setback, lot coverage)
 - Density

What is zoning?

- Zoning Map
 - Designates permitted uses of land geographically
 - Purpose is to separate incompatible uses



Origins and History

- New York City adopted first Zoning in 1916
- Most of US developed zoning in 1920s
- Wellesley adopted zoning in 1925

Types of zoning regulations

- Euclidean
- Performance
- Incentive
- Form Based

Euclidean

- Wellesley zoning is mostly Euclidean and Cumulative
- Separates land into districts
- Limits development in each district
- Not flexible

Performance

- Wellesley uses performance zoning in commercial and multi-unit residential projects (PSI, Site Plan Review)
- Effects – based planning
- Must meet desired zoning goals through mitigation
- Discretionary to allow for flexibility, rationality, transparency and accountability

Incentive

- Wellesley has incentives for housing density in General Residence Districts and Cluster Developments (never used)
- Reward based system to encourage urban development goals
- Extensive list of criteria must be completed for bonus

Form- based

- Wellesley has form based zoning in the Village Districts: Lower Falls, Linden Square, Wellesley Square
- Design based zoning
- Offers flexibility in uses, but has varying design requirements for each district
- Used to maintain or create “character”

How is zoning enacted in town?

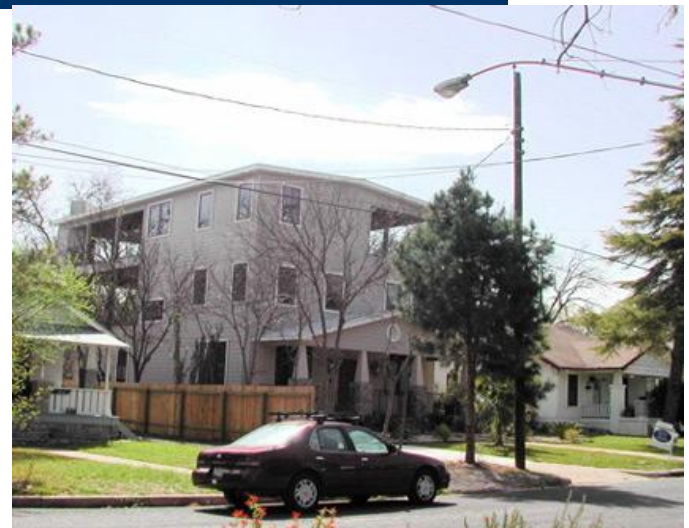
- Planning Board is zoning “steward” – Comprehensive Plan lays out goals and objectives for land use
- Planning Board formulates changes, holds public hearings, makes recommendations to Town Meeting
- Town Meeting votes on proposed Bylaw changes
- Zoning changes require 2/3 vote at Town Meeting
- Must be reviewed and approved by the Attorney General

How is zoning enforced?

- The Building Inspector is the Zoning Enforcement Officer
 - Approval of building permits
 - Inspection of construction projects
 - Responds to individual complaints from residents
 - Ability to fine up to \$300 a day for zoning violations
- ZBA is the ultimate authority for zoning enforcement

What is mansionization?

- Removal of an older, smaller home and replacement with a much larger home.
- Construction of a home that is too large for the lot and is seen to crowd neighbors.



What regulation is there for single residences now?

- Strictly Euclidean
- Lot Coverage
- Yard Regulations
- Building Height
- Frontage

Residential Regulations

Sample of Dimensional Requirements – Table 1

District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Minimum Front Yard Width	60 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Minimum Front Yard Depth (Setback)	30 ft.*	30 ft.*	30 ft.*	30 ft.*	30 ft.*
Minimum Side Yard Width	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Depth	10 ft.	15 ft.	20 ft.	20 ft.	20 ft.

Special rules for older homes

- Land and lots run separate
- Zoning is not retroactive
- “Grandfathering”
- Alterations or replacement of existing structures must meet current regulations
- The current regulations would be based on when lot was established in terms of setbacks.

Why does Wellesley need mansionization regulation?

- Wellesley Residents have asked for it
- Seeing 48 teardowns in 2006 and 43 in 2007
- Accelerating trend to replace/enlarge homes to ever increasing sizes
- Town might look very different in 10 years
- Mansionization impacts neighbors
- Growing pressure from national developers, e.g., Toll Bros.

Can I avoid regulation with a Variance

- Probably not
- Variances are exceptions and only granted if a substantial hardship exists relating to one of three conditions:
 - Odd shaped lot
 - Soil Conditions
 - Topography

Can we control size without LHR?

- Planning Board has tried various approaches and several proposals have been enacted:
 - Increased frontage requirements
 - Height reduction
 - Setback changes
 - Prohibition on clearing lots
 - Lot coverage requirements

Planning Board Scorecard

Date	Action	Vote
1988	Proposed to reduce lot coverage town wide from 25% to 18%	Lost on voice vote
1989	Proposed to increase frontage in SRD10 to 75'	Adopted 159-44
1989	Proposed to increase side yards in SRD30 and 40	Lost on reconsideration
1989	Proposed to increase rear yard in SRD 10 & SRD15	Lost on voice vote
1989	Proposed to reduce SF building height to 40'	Adopted 134-66
1991	Historic Demo Delay Proposed	Lost 78-117
1995	Proposed to clarify building height "necessary projections"	Lost 79-95
1996	Proposed new dimensional requirements (Table 3)	Lost 104-109
1996	Proposed 0.30 FAR for SF residences	Lost 76-134
1997	Proposed to further reduce building height to 36'	Adopted 149-21
1997	Proposed new dimensional requirements (Table 3)	Adopted 170-5
1999	Proposed lot grading bylaw	Lost on voice vote
2000	Proposed lot grading bylaw	No motion
2000	Proposed increase setback for corner lots in SRD 10 & 15	Adopted on voice vote
2001	Proposed temporary moratorium on tear downs	No motion
2002	Proposed to limit soffit height	Lost 96-114
2002	Proposed to further modify lot coverage	Lost 121-78
2002	Proposed requiring a landscape plan for homes >3,000 sf	Lost on voice vote
2002	Proposed prohibition of ac units and equipment in setback	Adopted on voice vote
2002	Proposed side facing garages to have 30' side setbacks	Adopted on voice vote
2003	Proposed prohibition on clearing and grading of lots prior to building permits being issued	Adopted on voice vote
2003	Proposed correction of lot coverage	Adopted on voice vote
2003	Proposed review of unaccepted street projects with increase or demolition of 50% of existing home	Adopted 128-56
2007	Proposal to define retaining walls as structures	Lost 126-68

What is Large House Review?

- Sets a threshold or Total Living Area plus Garage Space for garages that have more than two bays
- Process applies to new single family dwellings and alterations over 10% of TLA if then over threshold
- If over threshold, project must go through review with DRB and Planning Board

What is Large House Review?

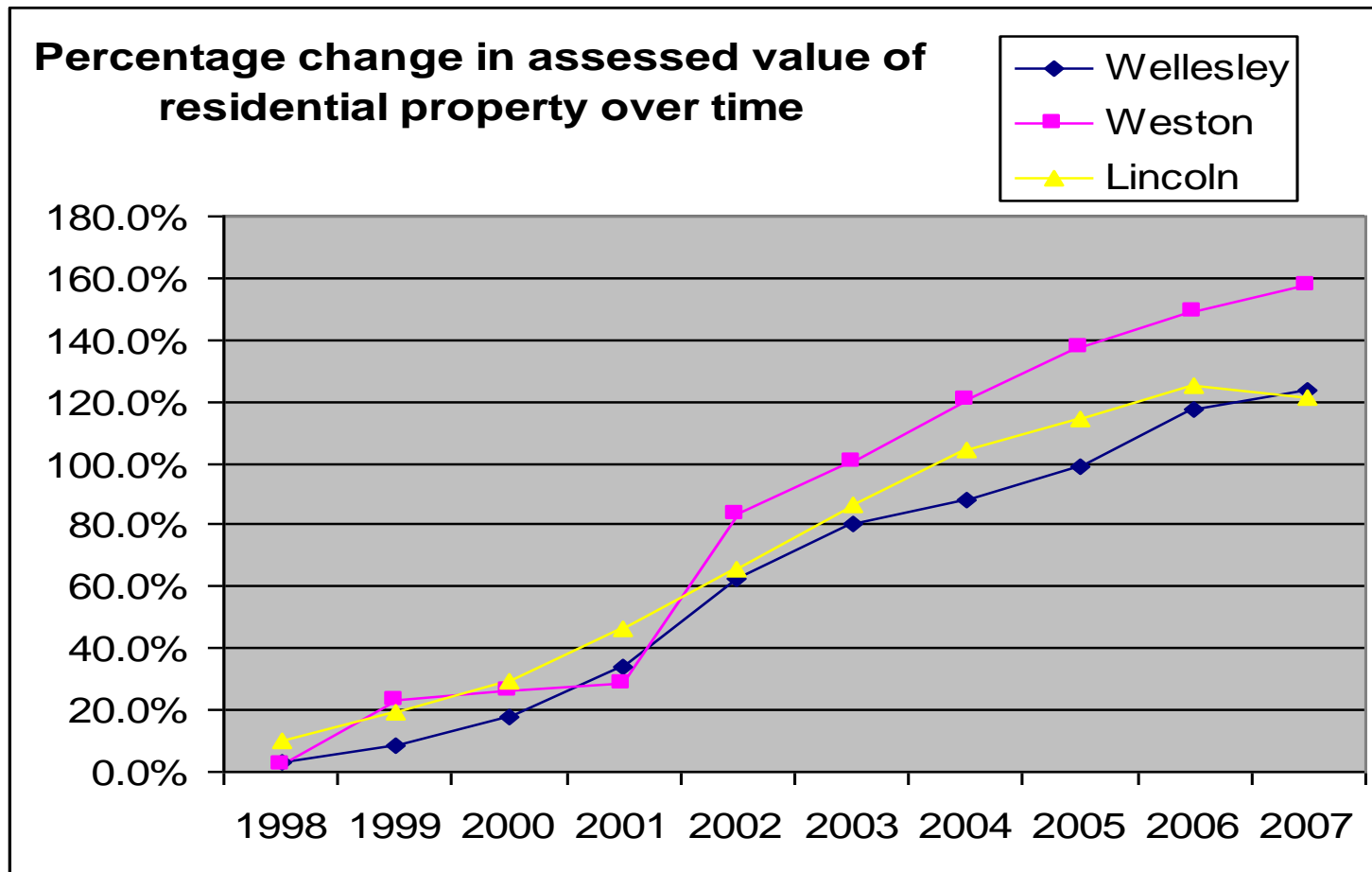
- DRB and Planning would look at
 - Preservation of landscaping, grade changes, and vegetation removal
 - Relationship of the proposal to other structures in the neighborhood
 - Building design and lighting
 - Preservation of open space consistent with the neighborhood
 - Safe and convenient circulation of drives, walkways, and parking

Why Not Large House Review

- Planning Board has heard arguments against LHR including:
 - Too subjective
 - Similar to grandfathering review at ZBA
 - Too costly
 - These are already expensive homes, marginal increase in engineering and architecture costs
 - Too time consuming
 - Has a 90 day time limit for action
 - Hostile neighbors
 - Many years of experience with ZBA
 - Will lower property values
 - No basis to believe this – empirical studies show otherwise – experience in Lincoln and Weston completely different

Assessed Values from 1997: Wellesley, Weston, Lincoln

Wellesley up 123% ~ Weston up 157% ~ Lincoln up 121%



<u>Municipality</u>	<u>FY</u>	<u>Total Assessed Value of Residential Properties (\$)</u>	<u>Percentage change from preceding year</u>	<u>Percentage change from 1997</u>
WELLESLEY	1997	3,558,431,000		
WELLESLEY	1998	3,677,517,000	3.3%	3.3%
WELLESLEY	1999	3,864,867,000	5.1%	8.6%
WELLESLEY	2000	4,198,292,000	8.6%	18.0%
WELLESLEY	2001	4,757,723,000	13.3%	33.7%
WELLESLEY	2002	5,776,391,000	21.4%	62.3%
WELLESLEY	2003	6,406,545,000	10.9%	80.0%
WELLESLEY	2004	6,687,379,000	4.4%	87.9%
WELLESLEY	2005	7,073,527,000	5.8%	98.8%
WELLESLEY	2006	7,743,110,000	9.5%	117.6%
WELLESLEY	2007	7,946,702,000	2.6%	123.3%
Weston adopted site review for large homes in 1997				
WESTON	1997	1,880,827,300		
WESTON	1998	1,926,785,900	2.4%	2.4%
WESTON	1999	2,319,265,000	20.4%	23.3%
WESTON	2000	2,369,593,300	2.2%	26.0%
WESTON	2001	2,416,227,900	2.0%	28.5%
WESTON	2002	3,451,289,300	42.8%	83.5%
WESTON	2003	3,774,440,900	9.4%	100.7%
WESTON	2004	4,150,331,500	10.0%	120.7%
WESTON	2005	4,466,991,720	7.6%	137.5%
WESTON	2006	4,692,338,160	5.0%	149.5%
WESTON	2007	4,848,039,530	3.3%	157.8%
Lincoln adopted site review for large homes in 1999				
LINCOLN	1997	864,792,910		
LINCOLN	1998	948,760,135	9.7%	9.7%
LINCOLN	1999	1,032,197,920	8.8%	19.4%
LINCOLN	2000	1,121,711,730	8.7%	29.7%
LINCOLN	2001	1,268,575,850	13.1%	46.7%
LINCOLN	2002	1,430,215,820	12.7%	65.4%
LINCOLN	2003	1,614,056,400	12.9%	86.6%
LINCOLN	2004	1,769,018,160	9.6%	104.6%
LINCOLN	2005	1,851,202,330	4.6%	114.1%
LINCOLN	2006	1,946,214,160	5.1%	125.0%
LINCOLN	2007	1,911,152,669	-1.8%	121.0%

Planning Board Articles STM

Article 3	Large House Review	
Article 4	Project Approval	
Article 5	Inclusionary Zoning Density Exemption	No Motion
Article 6	Off Street Parking	
Article 7	Floor Area Ratio Definition Change	
Article 8	Residential Setbacks in Commercial Zones	