

**DRAFT ARTICLE E – YARDS**

To see it the Town will vote to substantially revise and modify yard regulations and to eliminate the so-called 500 foot rule governing front yard setbacks and substitute an increased front setback for new houses and houses that are reconstructed after removal of 50% or more of the building coverage;

by amending the Zoning Bylaw by striking the current SECTION XIX. YARD REGULATIONS and inserting in its place SECTION XIX. YARD REGULATIONS. to read substantially as follows:

**SECTION XIX. YARD REGULATIONS.**

**A. DEFINITIONS.**

Front Yard - An area, on the same lot with the building, measured from any street line on which the lot abuts to the building extending across the entire width of the lot.

Side Yard - An area, on the same lot with the building, measured from the side line of the lot to the building, extending from the front yard to the rear yard.

Rear Yard - An area, on the same lot with the building, measured from the rear line of the lot to the building, extending the full width of the lot.

Frontage - A lot boundary line which abuts

- (i) a public way;
- (ii) a way which the Town Clerk certifies is maintained and used as a public way;
- ~~(iii) a way which the Town Clerk does not certify is maintained and used as a public way (an unaccepted way); (recommend delete)~~
- ~~(iv)~~ a way shown on a plan approved and endorsed in accordance with the Subdivision Control Law; or
- ~~(v)~~ a way in existence when the Subdivision Control Law became effective in the Town of Wellesley having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve the land and the buildings erected or to be erected thereon and which is not certified by the Town Clerk as being maintained and used as a public way.

and across which line there is legal access.

Build Factor - A ratio of lot perimeter to lot area which limits the degree to which a lot may have an irregular shape according to the following formula:

$$\frac{\text{Lot Perimeter Squared}}{\text{Actual Lot Area}} \Bigg/ \frac{\text{Actual Lot Area}}{\text{Required Lot Area}}$$

B. REQUIREMENTS.

1. There shall be not more than one **One-Family Dwelling** erected on any lot.
2. Certification of the adequacy of a way by the Planning Board shall be required prior to the issuance of a building permit for:
  - (i) Construction of a new one or two-family dwelling;
  - (ii) Reconstruction of a one or two-family dwelling in conjunction with removal of 50% or more of the existing building coverage (footprint); or
  - (iii) Addition to a one or two-family dwelling where total building coverage (footprint) would be increased by 50% or more.
3. Subject to the exceptions and special rules provided in Section XIX(C) there shall be provided for every building or structure hereafter erected or placed upon a lot at least the minimum frontage, minimum front yard width, minimum front yard depth (setback), minimum side yard width, and minimum rear yard depth requirements hereinafter set in the following tables, and such minimum front yard width shall be provided for the entire depth of the front yard(s).

TABLE 1

Applicable to lots recorded or endorsed on or before January 24, 1985 and to lots in the 10,000 square foot Area Regulation District recorded or endorsed after January 24, 1985 and prior to January 19, 1989.

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. <sup>1</sup>	60 ft. <sup>1</sup>	60 ft. <sup>1</sup>	60 ft. <sup>1</sup>	60 ft. <sup>1</sup>
Minimum Front Yard Width	60 ft. <sup>2</sup>	60 ft. <sup>2</sup>	60 ft. <sup>2</sup>	60. ft. <sup>2</sup>	60 ft. <sup>2</sup>
Minimum Front Yard Depth (Street Setback)	30 ft.	30 ft.	30 ft. <sup>3</sup>	30 ft. <sup>3</sup>	30 ft. <sup>3</sup>
Minimum Side Yard Width (Side Line Setback)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Depth (Rear Line Setback)	10 ft.	15 ft.	20 ft.	20 ft.	20 ft.

<sup>1</sup> See **C. Exceptions and Special Rules (2.)**

<sup>2</sup> See **C. Exceptions and Special Rules (2.)**

<sup>3</sup> See **C. Exceptions and Special Rules (4.)**

TABLE 2

Applicable to lots recorded or endorsed after January 24, 1985 and to lots in the 10,000 square foot Area Regulation District, recorded or endorsed on or after January 19, 1989 and prior to April 9, 1997.

Area Regulation District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	75 ft. <sup>1</sup>	80 ft. <sup>1</sup>	100 ft. <sup>1</sup>	120 ft. <sup>1</sup>	140 ft. <sup>1</sup>
Minimum Front Yard Width	75 ft. <sup>2</sup>	80 ft. <sup>2</sup>	100 ft. <sup>2</sup>	120 ft. <sup>2</sup>	140 ft. <sup>2</sup>
Minimum Front Yard Depth (Street Setback)	30 ft.	30 ft.	30 ft. <sup>3</sup>	40 ft. <sup>3</sup>	40 ft. <sup>3</sup>
Minimum Side Yard Width (Side Line Setback)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Depth (Rear Line Setback)	10 ft.	15 ft.	20 ft.	20 ft.	20 ft.

<sup>1</sup> See C. Exceptions and Special Rules (3.)

<sup>2</sup> See C. Exceptions and Special Rules (3.)

<sup>3</sup> See C. Exceptions and Special Rules (4.)

TABLE 3

Applicable to lots recorded or endorsed on or after April 8, 1997.

Area Regulation District	10,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.	30,000 sq. ft.	40,000 sq. ft.
Minimum Frontage	90 ft. <sup>1</sup>	100 ft. <sup>1</sup>	110 ft. <sup>1</sup>	175 ft. <sup>1</sup>	200 ft. <sup>1</sup>
Minimum Front Yard Width	90 ft. <sup>2</sup>	100 ft. <sup>2</sup>	110 ft. <sup>2</sup>	175 ft. <sup>2</sup>	200 ft. <sup>2</sup>
Minimum Front Yard Depth (Street Setback)	30 ft.	30 ft.	35 ft. <sup>3</sup>	40 ft. <sup>3</sup>	40 ft. <sup>3</sup>
Minimum Side Yard Width (Side Line Setback)	20 ft.	20 ft.	20 ft.	30 ft.	40 ft.
Minimum Rear Yard Depth (Rear Line Setback)	18 ft.	20 ft.	20 ft.	30 ft.	40 ft.

<sup>1</sup> See **C. Exceptions and Special Rules (3.)**

<sup>2</sup> See **C. Exceptions and Special Rules (3.)**

<sup>3</sup> See **C. Exceptions and Special Rules (4.)**

C. EXCEPTIONS AND SPECIAL RULES

1. In the 10,000 and 15,000 square foot Area Regulation Districts when a rear yard of a lot abuts the side yard of the next lot the minimum rear yard depth shall be not less than the minimum side yard depth.
2. A lot having its only frontage on a curved street line having a sideline radius of less than 100 feet may have a reduced frontage upon the granting of a special permit in accordance with SECTION XXV, and provided:
  - (i) The minimum frontage shall be 50 ft.;
  - (ii) The minimum front yard width is maintained at the street setback line (house line), and
  - (iii) All other dimensional zoning requirements are satisfied.
3. A lot having its only frontage on the curved sideline of a cul-de-sac bulb having a sideline radius of less than 100 feet may have a reduced frontage provided:
  - (i) The minimum frontage shall be 50 feet;
  - (ii) The minimum front yard width is maintained at the street setback line (house line);
  - (iii) The maximum number of lots with frontage exclusively on the bulb of any cul-de-sac shall be three;
  - (iv) All other dimensional zoning requirements are satisfied.
4. The minimum front yard depth (street setback) shall be 35 feet, 40 feet, and 40 feet for the 20,000-square foot, 30,000-square foot, and 40,000-square foot Area Regulation Districts, respectively, for:
  - (i) Construction of a new one or two-family dwelling; or
  - (ii) Reconstruction of a one or two-family dwelling in conjunction with removal of 50% or more of the existing building coverage (footprint).
5. Where the entrance of an attached or detached garage, built in conjunction with a one-family dwelling faces a property boundary line other than the street line there shall be a minimum distance of 30 feet from the garage entrance to that line. The intent of this requirement is to ensure adequate area for vehicles entering and exiting the garage.

6. Lots recorded or endorsed after January 24, 1985 also shall be subject to a maximum Build Factor of 20.
7. The requirements of Section XIX (b)(3) shall not apply to lots in districts zoned as Lower Falls Village Commercial, Wellesley Square Commercial, Business, Business A, Industrial, or Industrial A except that the minimum front yard depth shall be five (5) feet unless otherwise specified and excepting further that no building shall hereafter be constructed closer than 30 feet to Worcester Street.
8. For exemptions for pre-existing non-conforming lots refer to SECTION XVII of this Zoning Bylaw.

D. GENERAL.

1. No building or lot shall be so altered as to reduce the size of the then existing yard unless the resulting yard complies with the requirements of this Section, except by taking by eminent domain or by a conveyance for a public purpose.
2. No yard or other open space shall at any time be considered as appurtenant to more than one building in computing the requirement for yards under this Bylaw.
3. No building or structure shall hereafter be erected or placed nearer than ten (10) feet to any public land held or in use for a park, playground or recreational purpose and no existing building or structure shall be so altered as to result in the said building or structure being nearer than ten (10) feet to such public land.
4. Free standing heating, ventilation, air conditioning, swimming pool, electric generating, or other noise emitting equipment shall not be located in required side or rear setback areas.
5. The requirements of this Section XIX for side and rear yards shall apply to all accessory buildings over one hundred square feet in area. For purposes of this Section, an accessory building shall mean a detached subordinate building located on the same lot with the main building, the use of which is customarily incidental to that of the main building or to the use of the land.
6. The requirements of this Section XIX shall not apply to
  - (i) uncovered steps;
  - (ii) eaves projecting not more than 2 feet from the wall of the building;
  - (iii) bay windows that do not have a foundation and do not extend more than two feet from the wall of the building;

- (iv) in front yards, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which neither exceeds a total area of 50 square feet nor projects more than five feet from the face of the building nor extends nearer than 25 feet to the street line;
  - (v) in side or rear yards, covered basement entrances not over four feet in height and not over 35 square feet in area;
  - (vi) in side or rear yards, attached chimneys projecting not more than 2 feet from the wall of the building;
  - (vii) in side or rear yards, stair landings not over 25 square feet in area; or
  - (viii) in rear yards, covered or uncovered, enclosed or unenclosed, entrance porches on the first floor which do not exceed a total area of 50 square feet
7. The requirements for front, side and rear yards shall not apply to the construction or enlargement of dormers on pre-existing non-conforming dwellings provided that the highest point of the existing roof is not exceeded and there is no further encroachment on the lot lines.

or take any other action relative thereto.

(Planning Board)

8/7/07