

## OVERVIEW OF AMENDMENTS TO ZONING BYLAW

The Planning Board is proposing six zoning articles to be considered at a Special Town Meeting scheduled for November 6 and 7, 2007. Article A – Large House Review, which involved considerable attention and deliberation in its development, addresses the issue of “mansionization,” which the Planning Board recognizes is a major concern of many Town residents. The remaining five articles had been deferred from the 2007 Annual Town Meeting convened last spring. They involve the restructuring and updating of certain provisions and elements of the Zoning Bylaw, namely project approval, off-street parking, inclusionary housing, definition of floor area ratio, and residential setbacks in commercial districts.

Complete drafts of each proposed zoning article are posted on the Town's web site.

### ARTICLE A – LARGE HOUSE REVIEW

This article would amend the Zoning Bylaw by adding a new section (Section XVID) requiring a review process for large residential construction projects.

The Planning Board proposes that large house projects, which are defined as those exceeding established thresholds for “Total Living Area (TLA) plus Garage Space,” would be subject to review and approval by the Design Review Board and the Planning Board. The TLA plus Garage Space thresholds would vary by residential district (i.e., higher thresholds for the larger-lot districts), and are based on twice the median TLAs currently observed in Town. TLA plus Garage Space includes all finished area above ground as measured by the Board of Assessors, garage space and storage buildings in excess of 600 square feet, and the portion of basement area that is above ground.

Proponents for such large house projects would be required to submit plans before applying for a building permit. The Design Review Board (DRB) and the Planning Board would evaluate the plans with regard to preservation of landscape and open space, the relationship of the proposed new/altered buildings to other structures in the neighborhood, building design and exterior lighting, changes in lot grading and similar criteria, as specified in the proposal. This review process takes into account that the impact of some new houses on neighborhood character is often a matter of design rather than simply bulk or size.

Based on DRB findings, the Planning Board would approve the project, approve the project subject to conditions or plan modifications, or deny the project. Planning Board approval would be required before a building permit could be issued.

It is important to understand that the thresholds are not “caps,” but merely triggers for further review. Large houses will continue to be built in Wellesley, but as proposed they would now be made subject to conditions to ensure they integrate better into their surrounding neighborhoods. Houses that are up to twice as large as the median for

existing homes would not be subject to review, provided they meet the complement of requirements of the Zoning Bylaw.

#### ARTICLE B - PROJECT APPROVAL

This article would amend Section XVIA of the Zoning Bylaw by updating the Project of Significant Impact (PSI) process related to evaluating traffic impact. New measures would be incorporated to reflect best and more current practices in evaluating traffic impact, such as “average daily traffic,” “design hourly volume,” “level of service,” and “peak-hour traffic.” In addition, the definition of “roadway impacted” is revised to provide the Town greater discretion in reviewing roadways for possible mitigation. The Planning Board also proposes a new requirement that traffic studies be completed *following* the completion of PSI projects to review the accuracy of PSI traffic projections and if necessary, require further action or mitigation. These changes were prompted by observations made during the review and approval of the Linden Square Project. The Town’s traffic engineer has contributed extensively and invaluablely to this proposal. The section has also benefited from input from the Linden Square developer’s traffic engineer.

The article also reorganizes Section XVIA to make it more understandable by incorporating consistent formatting and numbering schemes, as it covers three separate review processes (Design Review, Site Plan Review, and PSI).

#### ARTICLE C – OFF-STREET PARKING

This amendment would update the off-street parking requirements in Section XXI of the Zoning Bylaw by creating a new protocol for determining the number of required parking spaces and introducing new concepts such as “shared parking.”

Currently, the Town's parking requirements differ by zoning district. In the proposed amendment, parking requirements would be updated, standardized for the entire Town, and based primarily on use. This update would also clarify the parking requirements for mixed-use buildings, which the Town is trying to encourage as part of developing its commercial areas. The amendment would eliminate the provision for undersized parking spaces for compact cars.

Shared parking is when two or more users, especially users with different periods of peak demand for parking (e.g., a store, a bank or office, a restaurant, and a dental clinic), share the same parking spaces rather than each having their own dedicated parking spaces. Shared parking makes sense in the Town's growing, increasingly compact commercial areas where parking is a valued - and increasingly scarce - resource. Shared parking would encourage more efficient management of this resource by making full use of parking lots during more hours of the day and more days of the week.

The amendment also includes a provision authorizing the Planning Board to require mitigation payments to a Municipal Parking Fund when the required parking for a proposed project cannot be satisfied on-site. The parking fund would be used to expand and improve municipal parking, which is one of the more important instances of shared parking in Town.

#### ARTICLE D - INCLUSIONARY HOUSING EXEMPTION

This article would amend Section XVIB of the Zoning Bylaw by exempting affordable housing units produced as a requirement of the Inclusionary Zoning provisions from current zoning density limits. The Planning Board believes that by exempting the lower cost units from the density limits there will be greater incentive to locate affordable units in with market units and other uses on-site within mixed use developments. The adopted Inclusionary Zoning provisions provide that the required affordable units can be built on-site, off-site or that a payment in lieu can be made to the Town Housing Trust Fund. Provision of the affordable units on-site is the desired goal for several reasons. It is felt by the Planning Board as well as the Housing Development Corporation that these units should be integrated into a new development. These developments are located in Wellesley's commercial villages where there are pedestrian accessible amenities such as established sidewalk networks, public transportation, food service establishments and shops for necessities. If funds are contributed in lieu to the Housing Trust Fund then sites for affordable housing must be found. In a built-out community such as Wellesley this is difficult and expensive. Sites available may not be in the most advantageous locations to encourage pedestrian trips rather than more vehicle trips. Commercial zoning districts have specific density limits. Presently if the proponent agrees to locate the affordable units on site, that number of market rate units otherwise possible under zoning must be reduced. In working with the provision it is felt that this is an important adjustment to make in order to more effectively promote the Town's affordable housing goals. It should be noted that the exemption is limited to 20% of the housing units on a site. The overall density and total number of units are limited by the Planning Board under the Inclusionary Zoning regulations.

#### ARTICLE E - FLOOR AREA RATIO (FAR) DEFINITION

This article amends Section IA of the Zoning Bylaw by revising the definition of "Floor Area Ratio" (FAR) so that the exclusion for Assisted Units built for Inclusionary Zoning purposes are determined based on the entire development area (which may consist of several contiguous lots) rather than on a lot-by-lot basis. Sites of major developments reviewed recently by the Planning Board consist of multiple lots. (The Linden Square development consists of 11 lots.) The present language is inapplicable and imprecise and unreasonably constrains proper site planning. The Planning Board and the Housing Development Corporation believe that using the entire development area should be used as the basis for excluding the siting of assisted units from the FAR calculation would encourage the development of assisted units on-site within mixed-use developments.

## ARTICLE F- RESIDENTIAL SETBACKS IN COMMERCIAL DISTRICTS

This article would amend Section XIX of the Zoning Bylaw by eliminating the separate setback requirement for construction of residences in commercial districts. Currently there are separate setback requirements in commercial districts for commercial buildings and for residential buildings.

The Planning Board encourages mixed-use (commercial/residential) buildings. Current planning concepts and the new Comprehensive Plan promote mixed-use buildings in commercial areas. Doing so provides diversity of housing stock which in turn affords residents more housing options and it helps to maintain the health and vitality of the commercial village. Having different setback requirements complicates planning for mixed-use buildings and consequently discourages those buildings. The Planning Board also believes that the separate requirement was written into the Zoning Bylaw in a different era when single-family homes, for example, were still being built in commercial zones. Today construction of single-family homes in commercial zones is very unlikely.