

SECTION XIVF. RESIDENTIAL INCENTIVE OVERLAY (RIO)

- A. Purpose: To provide a residential reuse incentive for parcels where one or more of the following conditions apply:
1. general site conditions and access constraints impede long term successful commercial or industrial use;
 2. the parcels that border the residential districts and their residential re-use would extend and complement the character and function of the existing surrounding neighborhood;
 3. the parcels border unique natural features, open space, or historic resources which would be better preserved and enjoyed by the public over the long term through residential rather than commercial or industrial uses.
- B. Applicability: The RIO shall be considered as overlaying other zoning districts. Specifically the RIO may be applied over any Business District, Business District A, Industrial District, Industrial District A, Transportation District and the Lower Falls village Commercial District
- C. Underlying Zoning Districts: The RIO confers additional development options to be employed at the discretion of the property owner. The RIO does not in any manner remove or alter the zoning rights permitted by the underlying zoning district. However, use of one or more of the RIO development options requires consistency with all RIO requirements.
- D. Permitted Uses: Conventional multi-family dwelling units, assisted elderly living, independent elderly housing, nursing homes and skilled nursing facilities.
- E. Minimum Lot or Building Site Area: No building or group of buildings shall be constructed on a lot or development site containing less than two acres. No building conversion shall be approved on a lot or development site containing less than 25,000 square feet.
- F. Minimum Open Space: There shall be provided a minimum open space as defined in Section IA. of 30 percent of the lot or development site area one half of which shall enhanced open space as defined in Section IX., provided, however, that the amount of open space required for conversion projects shall be determined by the Planning Board under the project approval/special permit paragraph below.
- G. Floor Area Ratio: Building floor area devoted to residential uses including conventional market-rate housing, assisted elderly living, independent elderly housing, nursing home and/or skilled nursing facilities shall not be subject to floor area ratio requirements notwithstanding other provisions of this Zoning Bylaw to the contrary.

H. Maximum Development Density: There shall be provided for each dwelling unit of assisted elderly living or independent elderly living a lot area of not less than fourteen hundred (1,400) square feet and the number of dwelling units on a lot or development site shall not exceed 150 units. There shall be provided for each dwelling unit of conventional multi-family housing a lot area of not less than eighteen hundred (1,800) square feet. A nursing home or skilled nursing facility on a lot or development site shall not exceed 250 beds.

I. Building Setbacks: Yard definitions shall be as specified in Section XIX. RIO projects involving new construction shall provide the following:

Minimum Front Yard Depth	25 feet
Minimum Side Yard Depth	40 feet
Minimum Rear Yard Depth	40 feet

However, where the housing abuts a residential zoning district, the setback shall be 60 feet and a buffer of natural material and/or an earthen berm shall be installed to provide screening on a year-round basis.

J. Building Height: Maximum building height as defined in Section XX for new construction shall be 4 stories and 45 feet for buildings used for assisted elderly living, independent elderly housing, and conventional multi-family housing. The maximum building height for nursing homes and skilled nursing facilities shall be three stories and 36 feet. See Building Conversion paragraph below for height restrictions for conversion of existing buildings to these uses.

K. Signs: Signs shall comply with the sign requirements of the underlying district.

L. Off-Street Parking: Off-street parking shall be provided in accordance with Section XXI.

M. Building Conversion: An existing building may be converted to uses allowed in the RIO subject to the terms of a special permit granted by the Planning Board. In no instance shall the building be expanded to exceed the height limitations specified below or the current height of the building if said height is greater than 45 feet. There shall be no maximum residential density. However, if the building proposed for conversion presently does not conform to the requirements of the underlying zoning district the provisions of Section XVII. shall apply to the conversion project. In this instance application shall not be made to the Zoning Board of Appeals under Section XVII. prior to the issuance of a special permit by the Planning Board under this Section.

N. Mixed Use Projects: Any combination of conventional housing types is permitted up to a maximum density of 24 units per acre. Further, up to 75 conventional units of any type of housing shall be permitted in conjunction with development of a

facility providing at least 100 nursing home beds, 100 beds associated with a skilled nursing facility, or at least 80 assisted living or independent elderly housing units. A mix of residential units comprising independent elderly housing, assisted elderly living, skilled nursing, nursing homes, and any type of conventional housing shall also be allowed, consistent with the dimensional regulations of the RIO.

In RIO projects that provide at least 100 elderly dwelling units of any type, including skilled nursing facilities, or at least 50 conventional housing units of any type, up to 10,000 sq. ft. of retail space in a structure or structures separate from the residential units or nursing facility shall be permitted. All such developments shall be consistent with the dimensional and parking requirements for retail business in the Lower Falls Commercial District.

- O. Project Approval/Special Permits: The provisions of Section XVIA. shall apply in all respects to projects in the RIO. Application shall not be made under Section XVIA. prior to the issuance of a special use permit by the Planning Board under this section. A special use permit shall be required from the Planning Board in conjunction with all projects employing RIO development options for building conversion or new construction and the Planning Board may waive specific dimensional requirements in accordance with the following:
1. A report shall have been received from the Design Review Board finding that
 - a. the proposed project is consistent with the Wellesley Lower Falls Plan, Zoning, Urban Design and Landscape Guidelines ("Lower Falls Guidelines") adopted and from time to time amended by the Planning Board which guidelines encourage retail activities at the street edge, pedestrian-oriented uses, improvement of building facades to enhance the pedestrian experience, improving the landscape and facilitating pedestrian access to and use of the river;
 - b. the proposed project is consistent with the design criteria listed in Section XXII.;
 2. The proposed project shall provide and/or contribute toward pedestrian and bicycle amenities and shall, as applicable, accommodate pedestrian and bicycle circulation and safety in accordance with the Lower Falls Guidelines and nationally recognized and accepted standards.
 3. The proposed project shall provide and/or contribute toward the improvement of pedestrian access to the river; and
 4. The proposed project shall provide and/or contribute toward the creation of a village center, town green or mini-park to further enhance the pedestrian experience in Lower Falls.

