

## SECTION 3.2. RESIDENTIAL INCENTIVE OVERLAY (RIO)

### A. Purpose

To provide a residential reuse incentive for a parcel or parcels greater than one acre located in close proximity to the Town's Commercial Districts and public transportation.

### B. Applicability

The RIO shall be considered as overlaying other zoning districts **provided, however, that the RIO shall not be applied over any parcel located in any Single Residence District, Single Residence District A, Limited Apartment District, Planned Development District, Transportation District, or Parks, Recreation, and Conservation 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-Unit Dwelling Units, Assisted Elderly Living, Independent Elderly Housing, Nursing Homes and Skilled Nursing Facility.

### 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 45,000 square feet. 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 1.3 of 30 percent of the lot or development site area, one half of which shall be Enhanced Open Space as defined in Section 2.9, provided, however, that the amount of open space required for conversion projects shall be determined by the Planning Board under Section 3.2.O. 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-unit 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 5.3. RIO projects involving new construction shall provide the following:

Minimum Front Yard Depth: 25 feet

Minimum Side Yard Depth: 10 feet

Minimum Rear Yard Depth: 10feet

However, where the housing is not located in a residential zoning district but 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 5.4 for new construction shall be 4 stories and 45 feet for buildings used for assisted elderly living, independent elderly housing, and conventional multi-unit housing located in Business, Business A, Industrial, Industrial A, or Lower Falls Village Commercial Districts; new construction shall be 36 feet for buildings located in Single Residence Districts and General Residence Districts. 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 Section 5.18. For the purposes of Table 5.18.1 of Section 5.18, RIO projects shall comply with the signage allowances of Commercial Districts Fronting Streets Other Than Worcester Street, except that RIO projects located in underlying Single Residence or General Residence zoning districts shall comply with the following:

Number of Signs of Total Permanent Signage: 2 Permanent Signs per lot, consisting of no more than 1 Wall Sign or 1 Standing Sign

Maximum Total Area of Total Permanent Signage: 25 sq.ft.

Maximum Area of Standing Signs: 16 sq.ft.

Maximum Area of Wall Signs: 9 sq.ft.

Window Signs shall not be permitted  
Awning Signs shall not be permitted

L. Off-Street Parking

Off-street parking shall be provided in accordance with Section 5.17.

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 5.1 shall apply to the conversion project. In this instance application shall not be made to the Zoning Board of Appeals under Section 5.1 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 of the underlying district as applicable.

O. Project Approval/Special Permits **and Development Agreement**

The provisions of Section 5.6 shall apply in all respects to projects in the RIO. Application shall not be made under Section 5.6 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. The Planning Board shall receive a report from the Design Review Board finding that the proposed project is consistent with the Design Criteria listed in Section 5.5 and, for projects located in the Lower Falls RIO District, that 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.
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 nationally recognized and accepted standards.
3. The proposed project shall provide and/or contribute toward the improvement of pedestrian or public transit, and access to a river, open space, public trails or other public amenities.
4. The proposed project shall provide and/or contribute toward the creation of a village center, town green, or mini-park within or adjacent to the RIO.

**Prior to making application for the special permit required under this Section 3.2.O, the applicant shall execute a development agreement with the Town of Wellesley Select Board. A special permit application made under this Section shall not be deemed complete unless it includes a fully executed copy of the required development agreement. The development agreement shall include such terms as are acceptable to the Select Board, provided, however, that in negotiating the terms of such agreement, the applicant and the Select Board shall consider the following:**

- 1. Proposed project density;**
- 2. Public or private amenities, including pedestrian, traffic, and landscaping improvements; and**
- 3. Consistency of project designs with the applicant/owner’s presentation to Town Meeting at the time of the zoning map change to include the project site in the RIO.**

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