

Local Housing Regulation Database

Summary of Zoning Survey Questions

This document summarizes some commonly used regulatory practices in zoning bylaws/ordinances adopted by Massachusetts cities and towns. The information provided is a sample of data from the Local Housing Regulation Database; the entire database can be downloaded at www.pioneerinstitute/municipalregs. Documentation on the database, including variable definitions, descriptions of how the data were collected, and discussions of the land use issues, can be found on the same website.

General

What is the average number of regular zoning districts established in the bylaw?

Zoning districts are geographic areas defined by the zoning map in the bylaw or ordinance; permitted uses and dimensional requirements are assigned by district.

Mean: 9.93
St. dev: 5.04

What is the average number of overlay zoning districts established in the bylaws?

Overlay districts can be used to allow different land uses and dimensional requirements than are permitted in regular zoning districts, without redefining the underlying districts. The boundaries of an overlay district may or may not coincide with the boundaries of regular zoning districts.

Mean: 3.21
St. dev: 1.89

What is the mean number of primarily residential zoning districts established in the bylaws?

Non-overlay zoning districts in which residential development is the primary allowed use were identified based on the district name. In municipalities with a single district, that district is classified as residential.

Mean: 4.35
St. dev: 2.45

Multifamily zoning

How many municipalities allow multifamily housing, and by what process?

Is new construction of free-standing buildings with 3 or more units per building is allowed in any district, and by what process.

<u>Process</u>	<u>Municipalities</u>
Not permitted	19
By right only	18
By special permit only	62
By cluster/planned development only	8
By right and special permit	17
By right and cluster	10
By special permit and cluster	33
By right, special permit and cluster	20

Which entity acts as the special permit granting authority for special permits related to multifamily housing?

If multifamily housing in some part of the municipality requires a special permit, then one or more entities will be designated in the zoning bylaw as having the authority to grant those special permits.

<u>Board/Agency Name</u>	<u>Municipalities</u>
Planning Board	64
Zoning Board of Appeals	43
Council/Selectmen	10
Planning Board & Zoning Board of Appeals	41
Zoning Board of Appeals & Council	4
Planning Board & Council	0
Planning Board, Zoning Board of Appeals & Council	3

Are apartments above ground-floor commercial uses allowed?

For most municipalities that allow apartments above ground-floor commercial uses, it is impossible to determine whether how many housing units can be built, thus it is unclear whether the structure meets the definition of multifamily (3 or more units per structure).

<u>Process</u>	<u>Municipalities</u>
Not permitted	102
Some by right	34
By special permit	51

Is multifamily housing allowed through conversion or reuse of existing structures?

Development of multifamily housing through conversion of existing structures falls into two general types: single-family or two-family houses may be reconfigured to contain three or more units, or reuse of non-residential structures.

<u>Process</u>	<u>Municipalities</u>
Not permitted	103
Some by right	15
By special permit	69

Are attached single-family houses or townhouses allowed in any district?

<u>Process</u>	<u>Municipalities</u>
Not permitted	58
Some by right	29
By special permit	100

Does the zoning bylaw or ordinance impose age restrictions on multifamily housing in any district?

Some municipalities permit development of multifamily that is restricted by both age and income and must be owned or managed by a public and non-profit agency. Many municipalities have also adopted provisions for age-restricted market-rate multifamily housing, often as part of planned retirement communities.

<u>Permitted</u>	<u>Municipalities</u>
Yes	123
No	64

Is multifamily housing only permitted in the municipality if it is restricted to seniors?

Coded as “Yes” if all multifamily housing permitted in the town has age-restrictions; no multifamily housing can be built for occupancy by residents under a certain age limit.

<u>Restricted only</u>	<u>Municipalities</u>
Yes	7
No	180

Are there provisions for age restricted housing of any structure type?

Coded “Yes” if provisions exist for any age-restricted housing regardless of structure type: single-family, townhouse, duplex, multifamily or accessory apartments.

<u>Permitted</u>	<u>Municipalities</u>
Yes	91
No	96

Accessory apartments

Are accessory apartments allowed by right or by special permit in any district?

Accessory apartments, self-contained dwelling units with separate kitchen and bathroom facilities, may be allowed on the same lot with a single-family dwelling.

<u>Process</u>	<u>Municipalities</u>
Not permitted	80
Some by right	17
By special permit	90

If accessory apartments are allowed by special permit, what entity is the special permit granting authority?

<u>Board/Entity</u>	<u>Municipalities</u>
Planning Board	14
Zoning Board of Appeals	81
City Council/Selectmen	2

Is residence in accessory apartments restricted to family members of the primary unit's occupants?

Coded as "Yes" if the municipality allows accessory apartments to be built only under the condition that residents are "related by blood, marriage or adoption" to the owner-occupant of the principal residence.

<u>Restricted</u>	<u>Municipalities</u>
Yes	61
No	46

Cluster development

Does the zoning bylaw or ordinance have provisions to allow flexible or cluster zoning for residential development?

Cluster zoning provisions allow residential development under more flexible development standards than would be permitted through conventional zoning, typically granting a reduction of minimum lot sizes in exchange for setting aside some land as permanent open space.

<u>Process</u>	<u>Municipalities</u>
Not permitted	37
By right only	1
By special permit only	145
By right and special permit	4

Has any development been approved under the flexible development provisions?

Municipal staff were asked whether any development has been done under the flexible development provisions; these answers are self-reported and cannot be independently verified.

<u>Answer</u>	<u>Municipalities</u>
Yes	96
No	16

Can more units be built under flexible development than would be allowed by underlying zoning?

Some bylaws explicitly state that no more units can be built under flexible provisions than would be permitted under conventional zoning; others include provisions for additional or “bonus” units in exchange for meeting certain goals, such as including affordable or age-restricted units.

<u>Answer</u>	<u>Municipalities</u>
Yes	67
No	57

Inclusionary zoning

Does the bylaw include any provisions for inclusionary zoning?

Inclusionary zoning is defined as any program that requires or provides incentives for developers to designate some housing units within a development as “affordable” to low- or moderate-income households, not counting subsidized housing development by public or non-profit corporations (i.e. public housing or Low Income Housing Tax Credit projects).

<u>Answer</u>	<u>Municipalities</u>
No inclusionary	88
Optional	39
Mandatory	36
Both optional and mandatory	24

Do developers have alternatives to building affordable units on site?

Some inclusionary provisions allow developers to build affordable units at a different location or donate land or cash equivalents to the town in lieu of building affordable units within the development.

<u>Answer</u>	<u>Municipalities</u>
Yes	38
No	61

Does town offer additional "bonus" units as part of inclusionary zoning program?

<u>Answer</u>	<u>Municipalities</u>
No bonus	29
Optional	58
Guaranteed	9
Optional & guaranteed	3

According to the town planner or other municipal official, have any affordable units been built under the inclusionary zoning provisions?

Municipal officials were asked about the results of the inclusionary zoning program; these answers have not been independently verified.

<u>Answer</u>	<u>Municipalities</u>
Yes	21
No	43

Growth management

Does the zoning bylaw indicate a planned or targeted growth rate that limits the annual number of residential permits issued in the municipality?

<u>Answer</u>	<u>Municipalities</u>
Yes	33
No	154

Do the zoning bylaws or subdivision regulations require phased or scheduled development?

Phased or scheduled development limits the number of residential permits that can be issued to any one development in a single year.

<u>Answer</u>	<u>Municipalities</u>
Yes	50
No	137

Is the targeted growth rate temporary?

Often municipalities adopt targeted growth rates or phasing schedules as temporary measures after which the provisions expire or can be renewed.

<u>Answer</u>	<u>Municipalities</u>
Yes	30
No	9

Does the zoning bylaw or ordinance restrict the number of permits a single firm can obtain in a year?

<u>Answer</u>	<u>Municipalities</u>
Yes	17
No	170

Zoning – Other

Does the city/town exclude wetlands, easements, or sloped land from calculations of minimum land area requirements?

<u>Answer</u>	<u>Municipalities</u>
Yes	117
No	70

Does the zoning bylaw require some portion of the minimum lot area to be Contiguous Buildable Areas?

A subset of the municipalities that exclude some land from minimum lot area calculations require that some percent of the non-excluded land (i.e. uplands or non-sloped land) be contiguous.

<u>Answer</u>	<u>Municipalities</u>
Yes	56
No	131

If the bylaw imposes any constraints on lot shape, what type of rule is used?

In the equations given for perimeter-area ratios, “a” is the actual lot area (square feet), “p” is lot perimeter (feet) and “r” is required lot area (square feet). “Circle test” is another requirement that enforces greater lot regularity.

<u>Answer</u>	<u>Municipalities</u>
No shape rule	106
P-A ratio: $\frac{p^2}{a} \leq X$	26
P-A ratio: $\frac{p}{a} \leq X$	7
P-A ratio: $\frac{p^2}{a} \div \frac{a}{r} \leq X$	6
Circle test	24
Other	18

According to the zoning bylaw, what grade is used to calculate building height?

<u>Answer</u>	<u>Municipalities</u>
Mean finished grade, all sides	111
Natural grade	13
Front/street side only	29
Curb/street level	8
Other	14