

**everything you're just dying to  
know about *zoning***

**why is housing SO expensive?**

november 6, 2017



2

How many families live in this building?

Why is housing so expensive?

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3

How many families live in this building?



Why is housing so expensive?

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# overview

4

- What is zoning?
- Who/what/how?
- How does zoning work to include and exclude people?
- What is sprawl, and why do we have it?
- What you see is ... what you get?
- What does zoning have to do with housing prices?





# what is zoning?

(a brief and painless vocabulary lesson)

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# simple definition

6

Zoning is the division of a community into districts, the purpose of which is to regulate and restrict *uses*, the number and type of *structures*, and the placement of structures on a lot.

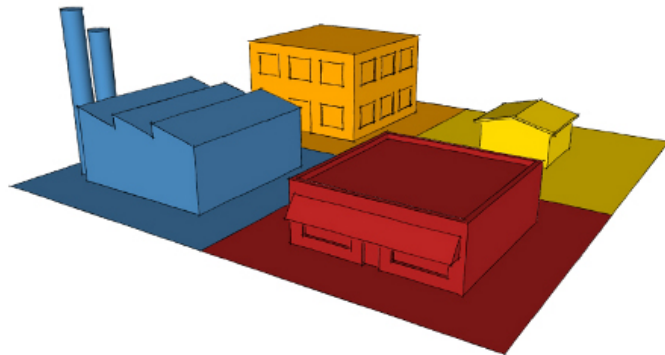








# districts

7

## EUCLIDEAN ZONING



-  MULTIFAMILY
-  SINGLE FAMILY
-  COMMERCIAL
-  INDUSTRIAL

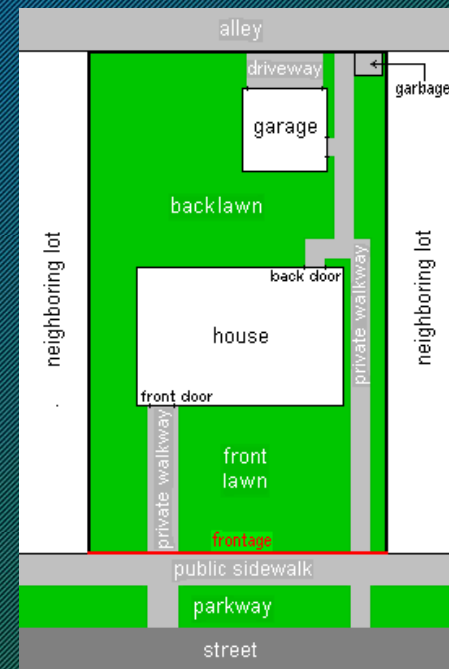
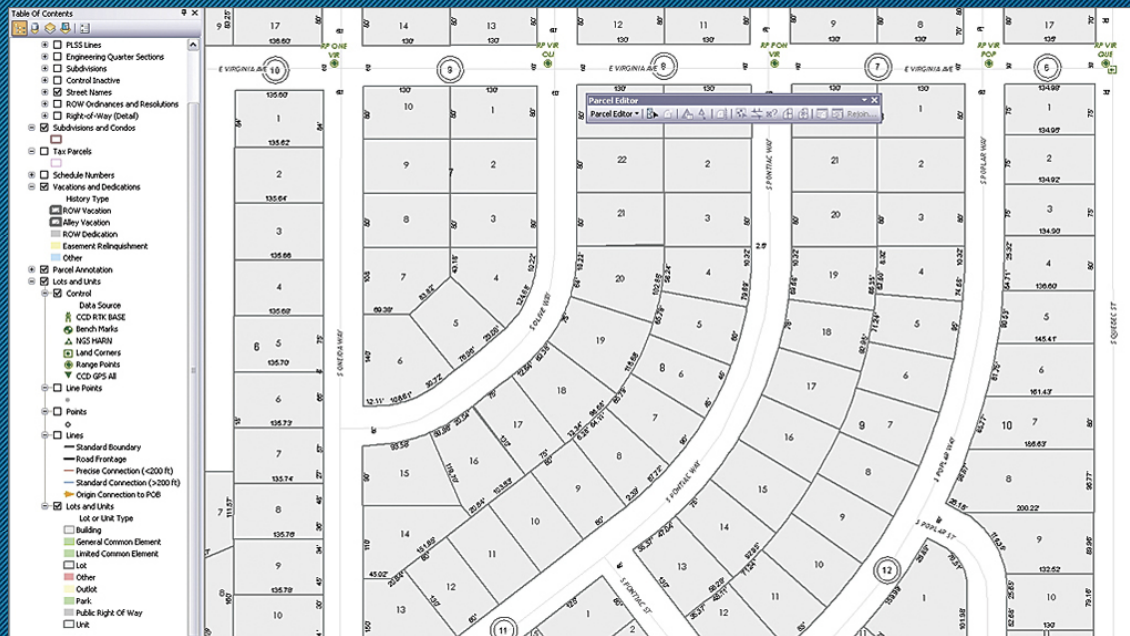
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# lot

8



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# RULES AND REGULATIONS



# regulations

10

- Use regulation
- Density regulation
- Design regulation
- Preservation regulation
- Process regulation
- Quality regulation

**Not every community  
has all of these kinds  
of regulations!**



# Use regulation

11

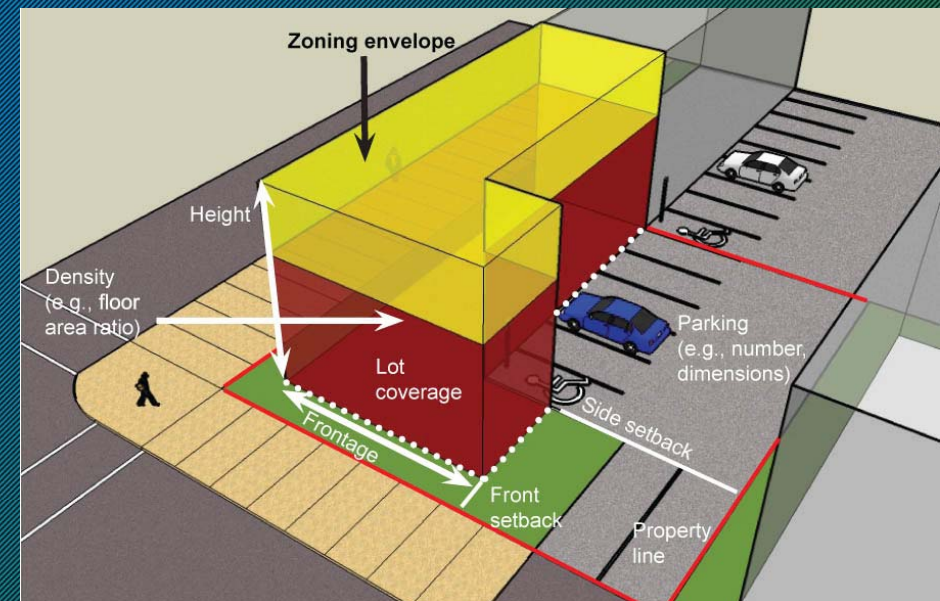
- Controls the type of developments permitted on a given property. Three types of uses: “by right,” special permit (discretionary), and prohibited.
- In many Massachusetts suburbs, use regulations discourage or prohibit multifamily housing.
- Use regulations may prohibit a property owner from building a home in favor of other types of development or in favor of no development at all.



# Density regulation

12

- Limits the height of a building, which has the effect of limiting the number of housing units in a development.
- Density regulations also set minimum lot sizes, which in turn limit the number of housing units that can be built.



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# Design regulation

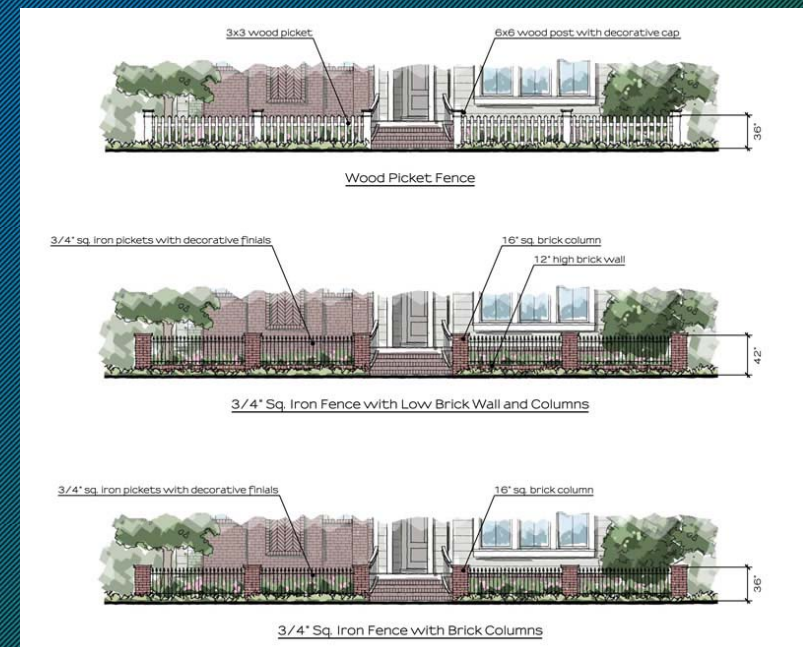
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Governs everything from the color of building materials to architectural features and landscaping.

Administration and procedures vary widely from town to town.

Design regulations sometimes (often) stray into minutiae.

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# Process regulation

- Subjects development to an approval process wherein planning officials scrutinize property owners' plans, usually for conformity to the zoning ordinance and adjacent development.
- Often discretionary (special permit).
- Some cities and towns also cap annual building permits.

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**RED TAPE**



# Preservation regulation

15

- Limits updates or enlargements of existing development. The goal is usually to preserve historical or notable architectural characteristics.
- Examples: local historic district (not a zoning district), demolition delay (may be zoning or general ordinance), architectural or neighborhood conservation district,



# quality regulation

16



- Limits the supply of older or defective housing, which raises the quality of housing stock overall.
- Legitimate reasons for quality regulations, but taken to the extreme, they can be disadvantageous as well.





## Who/what/how

Where does zoning come from, and how?

17



# Basics

- Constitution
- State laws
- Local ordinances and bylaws
- Judicial decisions

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# What is home rule?

19



JOHN  
FORREST  
DILLON

- The power of a city or town to set up its own system of self-government without receiving a charter from the state.
- Whatever is not barred by the constitution and not reserved as exclusive jurisdiction of the state may be regulated and controlled by cities and towns.



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# Implications for zoning

20

In home rule states, land uses not directly controlled by the state can be regulated by communities as long as their method of doing so does not violate the Constitution or other state laws.





# Ambiguity

21

At what point does a strong regulatory preference for senior housing (allowed by law) become discrimination against young families? (prohibited by law)

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How many families live in this building?



# “Protected” uses



- Farms
- Religious uses, public and non-profit schools and colleges
- Child care centers
- Accessibility modifications to buildings
- Temporary use of mobile home while reconstructing a house destroyed by fire
- Amateur radio operators



# The players

23



- Planning Board
- Board of Appeals
- Property Owners
- 10 Citizens (city) or 200 voters (town)
- Regional Planning Agency (RPA)
- Abutting Cities and Towns
- City Council or Town Meeting

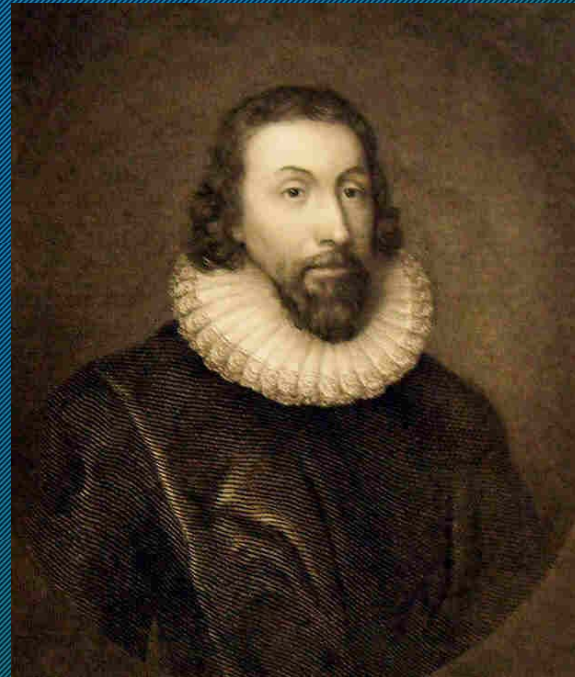


# How are we different?

24

Massachusetts v. New England

New England v. the U.S.



*"We shall be  
as a city  
upon a hill,  
the eyes of all  
people are  
upon us."*

JOHN WINTHROP

11/6/2017

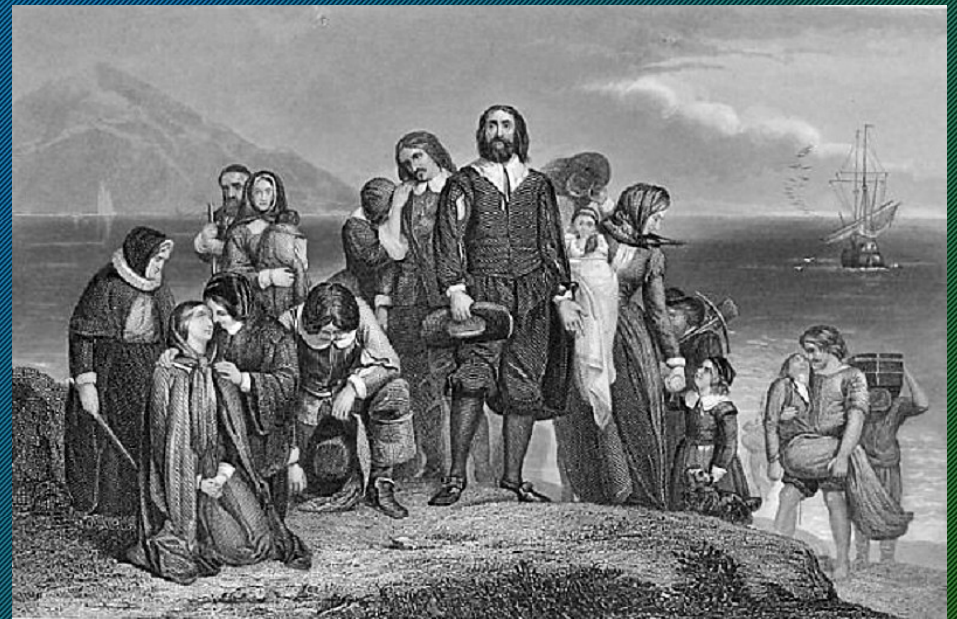
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# What is town meeting?

25

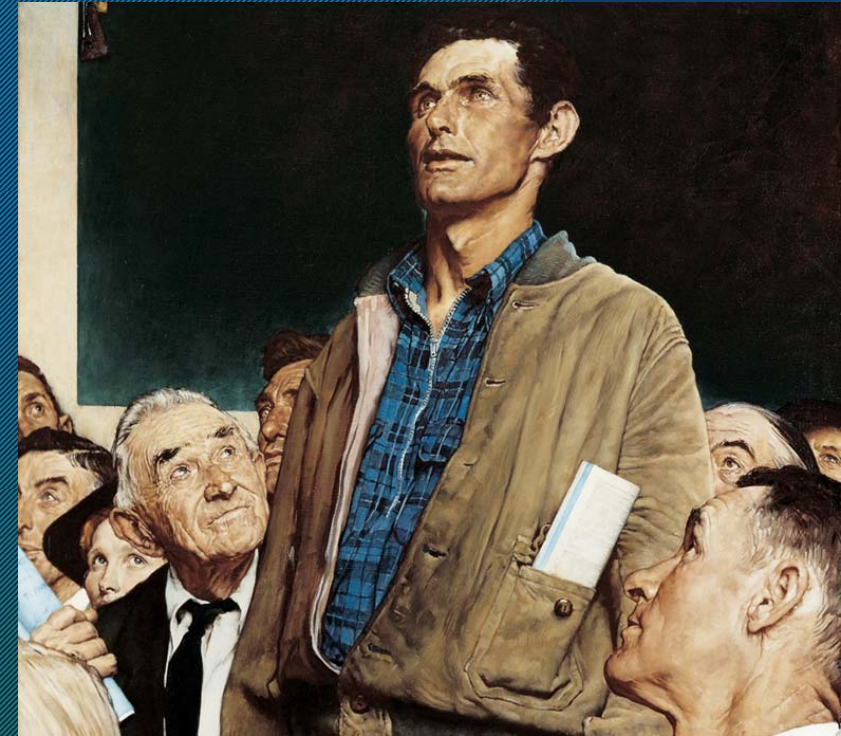
- Legislative body in most Massachusetts towns
- Open v. representative
- Authority to:
  - Set elected official salaries
  - Approve budget
  - Enact bylaws (including zoning)



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## A Tale of Two Town Meetings

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# Enacting Zoning in Massachusetts

27

## 2/3 Vote!

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### Methods of Voting

- ✓ There are 4 common methods of voting:
  - ✓ Voice Vote
  - ✓ Rising Vote
  - ✓ Secret Ballot
  - ✓ Roll Call
- ✓ Quorum
- ✓ Simple Majority
- ✓ Two-thirds Vote











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# AGENDA 21 IS EVIL



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# Sprawl, anyone?

31

Expansion of development away from cities into low-density, usually car-dependent communities.  
(A-K-A suburbanization.)







**It isn't pretty  
at 5 pm.**

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# Housing prices

33

- Zoning
  - Low-density development regulations
  - Procedural complexity
  - Limited residential use options
- Also ...
  - Open space acquisitions
  - Non-zoning regulations
  - Lack of infrastructure and utilities

**It's all about the  
land supply -  
almost**



# Can all of this be changed?

34



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