

Article 8

To see if the Town will vote to add a new **§174-10.3 MBTA Communities Overlay District (MCOD)** to the Town of Southborough's Zoning Bylaws, amend the zoning map, amend certain other sections to integrate the new section into the current zoning bylaw, and make any minor modifications to the text required for consistency with the existing format of the bylaws or take any other action relative thereto.

Please note that text to be added is in **bold**, other than §174-10.3, where the proposed change is the addition of the entire section; deleted language is shown with ~~strikethrough~~.

Add the following definitions to §174-2. Definitions:

B. Definitions

AFFORDABLE UNIT

A multi-family housing unit that is subject to a restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

AFFORDABLE HOUSING

Housing that contains Affordable Units as defined by §174-2.

AREA MEDIAN INCOME (AMI)

The median family income for the metropolitan statistical region that includes the Town of Southborough, as defined by the U.S. Department of Housing and Urban Development (HUD).

MULTIFAMILY HOUSING (WITHIN THE MCOD)

A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.

Modify the following existing definitions in §174-2. Definitions:

B. Definitions

DWELLING UNIT

Living quarters for a single family.

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Add the following text to: §174-3. Districts enumerated:

N. MBTA Communities Overlay District, referred to as MCOD.

Add the following text to Article III. Use Regulations:

§174-8.13 MCOD MBTA Communities Overlay District

A. See §174-10.3

Add the following text to §174-10. A:

(6) **All multi-family development within the MCOD (§174-10.3). The provisions of §174-11 Signs, §174-12 Parking and Loading, §174-12.1 Outdoor Illumination, §174-13 Landscaping, §174-13.3 Lower Impact Development, §174-13.4 Water Resource Protection, and §154 Stormwater and Erosion Control shall be included as a part of the MCOD site plan review process.**

Add the following text to §174-12.1. Outdoor Illumination:

E. (2) LZ-1: low ambient lighting

(b) Zoning Districts: Residence A, Residence B, **and MCOD.**

F. Table 1 – under the column LZ-1, add “**MCOD**” below Residential B.

Add the following new section under Article III. Use Regulations:

§174-10.3: MBTA Communities Overlay District.

A. Purpose.

The purpose of the MBTA Communities Overlay District (MCOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- (1) Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels;
- (2) Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.
- (3) Locate housing within walking distance of public transit to promote general public health, reduce the number of vehicular miles traveled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
- (4) Support public investment in public transit and pedestrian- and bike-friendly infrastructure.

B. Establishment and Applicability.

This MCOD is an overlay district having a land area of approximately 59.2 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

- (1) **Applicability of MCOD.** An applicant may develop multi-family housing within the MCOD as of right in accordance with the provisions of this §174-10.3. The MCOD shall be exempt from the requirement of §174-8. C. (2) to obtain a special permit for 2 buildings on one lot.
- (2) **Underlying Zoning.** The MCOD is an overlay district superimposed over underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Town of Southborough's Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MCOD. Uses that are not identified in §174-10.3 are governed by the requirements of the underlying zoning district(s).
 - (a) The requirements of §174-13.2 Major Residential Development do not apply to the MCOD.
 - (b) The requirements of §174-13.3. E, Lower Impact Development for a special permit application and process shall not apply to a multifamily use within the MCOD, but the performance standards of §174-13.3. I, Lower Impact Development, Performance Standards: LID Criteria, shall be considered during site plan review.
 - (c) The requirements of §174-13.4.C, Water Resource Protection related to the special permit process shall not apply to a multifamily use within the MCOD, but compliance with the Massachusetts Surface Water Quality Standards (314 CMR 4.00) shall be considered during site plan review.
- (3) **Subdistricts:** The MCOD contains the following subdistricts, all of which are shown on the Zoning Map:
 - (a) MCOD Subdistricts #1a and 1b (Residence B Dimensional Standards)
 - (b) MCOD Subdistrict #2 (Industrial Park Dimensional Standards)
 - (c) MCOD Subdistrict #3 (Industrial Park Dimensional Standards)For subdistrict dimensional standards, see §174-10.3. E. (1) Table of Dimensional Standards. For Sign regulations, see §174-11, and for provisions of Outdoor Illumination, see §174-12.1.

C. Definitions.

Terms used in this section but not otherwise defined herein or under §174-2 of the Zoning Bylaw shall be as defined in the Zoning Act.

D. Permitted Uses.

(1) **Permitted Uses are as follows:** The following uses are permitted as of right within the MCOD.

(a) Multi-family housing

(2) **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.1. above.

(a) Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use.

(3) **Prohibited uses.** All uses which are not listed above, legally nonconforming, or otherwise allowable by the provisions of the underlying zoning regulations, are prohibited.

E. Dimensional standards are as follows:

(1) **Table of Dimensional Standards.** The dimensional requirements applicable in the MCOD are as follows:

Dimensional Standards	MCOD Subdistricts #1a & 1b (Residence B Dimensional Standards)	MCOD Subdistrict #2 (Industrial Park Dimensional Standards)	MCOD Subdistrict #3 (Industrial Park Dimensional Standards)
(a) Minimum lot area (sq ft)	25,000	43,560	43,560
(b) Minimum frontage (ft)	125	200	200
(c) Minimum setbacks (ft)			
(i) Front	30	75*	50
(ii) Rear	35	50	50
(iii) Side	15	50	50
(d) Maximum height	2.5 stories or 35 feet	3 stories or 45 feet	3 stories or 45 feet
(e) Maximum floor area ratio (%)	0.3	0.6	.6
(f) Maximum dwelling units per acre	15.0	16.0	15.0

*A 75-foot setback is required for buildings on Route 9.

(2) **Multi-Building Lots.** In the MCOD, lots may have more than one principal building. A minimum distance of ten (10) feet is required between principal

buildings.

- (3) **Exceptions:** (refer to §174-15).
- (4) **Exceptions: Renewable Energy Installations.** The Planning Board may waive the height and setbacks in §174-10.3. E. (1) Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building, as applicable, and the layout of the site. The installations shall not provide additional habitable space within the development.

F. Off-Street Parking.

These parking requirements are applicable to development in the MCOD.

- (1) **Number of parking spaces.** The following **minimum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces
Multi-family	1.5 per unit

- (2) **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 per unit

- (3) **Bicycle storage.** For a multi-family development of 15 units or more, covered parking bicycle parking spaces of no less than 25% of the total required spaces shall be integrated into the structure of the building(s).

G. General Development Standards.

- (1) Development standards are applicable to all multi-family development within the MCOD. These standards are components of the Site Plan Review process in §174-10.3.l. Site Plan Review.

(2) Site Design.

- (a) **Connections.** Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

- (b) **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
- (c) **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
- (d) **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- (e) **Stormwater management.** Stormwater Management shall comply with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, the provisions under Town Code §154, Stormwater and Erosion Control. Provisions under Stormwater and Erosion Control shall be included as part of the Site Plan Review process but shall not supersede the requirements of §154.
- (f) The following provisions shall be considered during site plan review:
 - (1) Screening for Parking (refer to Landscaping §174-13).
 - (2) Parking and Loading (refer to Parking and Loading §174-12, provided the required number of spaces shall be reduced as provided in F, above).
 - (3) Landscape and Plantings (refer to Landscaping §174-13).
 - (4) Lighting (refer to §174-12.1 Outdoor illumination).
 - (5) Signs (refer to §174-11).
 - (6) Lower Impact Development (refer to §174-13.3, provided section E shall not apply).
 - (7) Water Resource Protections (refer to §174-13.4, provided section C shall not apply).
 - (8) Stormwater and Erosion Control (refer to §154).

(3) **Buildings: General.**

- (a) **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also §174-10.3. G.6. Buildings: Corner Lots.
- (b) **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
- (c) **Exterior Design.** The building(s) shall have an exterior design that is consistent with the styles of the surrounding residential neighborhood and the Town of Southborough in general.

(4) **Buildings: Multiple buildings on a lot.**

- (a) Parking and circulation on the site shall be organized so as to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
- (b) A paved pedestrian network shall connect parking to the entries of all buildings and the buildings to each other.
- (c) The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
- (d) The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

(5) **Buildings: Shared Outdoor Space.** Multi-family housing shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard or terrace.

(6) **Buildings: Corner Lots.** A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.

- (a) Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
- (b) All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
- (c) Fire exits serving more than one story shall not be located on either of the street-facing façades.

(7) **Buildings: Infill Lots.** If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of §174-10.3.E.(1) Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.

(8) **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

- (a) **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way.
- (b) **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- (c) **Parking structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings shall be subordinate in design and placement to the multi-family building(s) on the lot.

(9) **Waivers.** Upon the request of the Applicant and subject to compliance with the Executive Office of Housing and Livable Communities' (EOHLC's) Compliance Guidelines, the Planning Board may waive the requirements of this §174-10.3.G. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MCOD.

H. **Affordability Requirements.**

(1) **Purpose.**

- (a) Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
- (b) Provide for a full range of housing choices for households of all incomes, ages, and sizes;
- (c) Increase the production of affordable housing units to meet existing and anticipated housing needs; and
- (d) Work to overcome economic segregation, allowing the Town of Southborough to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.

(2) **Applicability.** This requirement is applicable to all residential developments with five (5) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

(3) **Subsidized Housing Inventory.** All units affordable to households earning 80% or less of AMI created in the MCOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory (SHI).

(4) **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For the purpose of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded up to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

(5) **Alternative Methods.**

- (a) As an alternative to the requirements of paragraph (3) of this section, and in certain exceptional circumstances, the Planning Board may, at the formal written request of the developer, consider an alternative method of compliance, as provided for in §174-13.2.E.(5).

(6) **Affordability Development Standards.** Affordable Units shall be:

- (a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- (b) Dispersed throughout the development;
- (c) Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
- (d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- (e) Distributed proportionately among unit sizes; and
- (f) Distributed proportionately across each phase of a phased development.
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.

(7) Administration.

- (a) The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

I. Site Plan Review.

- (1) **Applicability.** The requirements of §174.10 Site Plan Approval are applicable to any multi-family development within the MCOD, unless modified herein. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of this §174-10.3.
- (2) **Site Plan Approval.** Site Plan approval for uses listed in §174-10.3(D) Permitted Uses shall be granted upon determination by the Planning Board that the following requirements have been satisfied. The Planning Board may impose reasonable conditions, at the expense of the applicant, to ensure that these requirements are satisfied.
 - (a) the Applicant has submitted the required fees and information as set forth in the Town of Southborough's requirements for a Building Permit and Site Plan Review; and
 - (b) the project as described in the application meets the development standards set forth in §174-10.3.G General Development Standards and the requirements of §174-10.3.D.(1) and §174-10 or has received waiver(s) from the requirements therein.
- (3) **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Planning Board, provided that the submission shows the full buildout of the project and all

associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of §174-10.3.H Affordability Requirements.

J. Severability.

If any provision of this §174-10.3 is found to be invalid by a court of competent jurisdiction, the remainder of §174-10.3 shall not be affected but shall remain in full force. The invalidity of any provision of this §174-10.3 shall not affect the validity of the remainder of the Town of Southborough's Zoning Bylaw.