

MBTA COMMUNITIES OVERLAY DISTRICT

WARRANT ARTICLE

ARTICLE 12

ZONING BYLAW AMENDMENT/MBTA COMMUNITIES OVERLAY DISTRICT

To see if the Town will vote to amend the Zoning Bylaw to adopt an MBTA COMMUNITIES OVERLAY DISTRICT or DISTRICTS of reasonable size where multi-family housing may be constructed as of right per the terms of MGL Chapter 40A Section 3A.; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

DRAFT AMENDMENTS

Proposed additions are underlined. Proposed deletions are in ~~strikeout~~.

Section 2: Definitions

Add the following definition:

As of Right Development: A development that may proceed under this Bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. It may, however, be subject to site plan review.

Add the following definition to the Definitions Associated with Dwelling:

Multi-family Housing: 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, excluding Accessory Dwelling Units.

Add the following definition:

Overlay District: A zoning district that is applied over one or more previously established zoning districts. An Overlay District may establish additional or alternative requirements for properties in the Overlay District that are different than the requirements in the underlying zoning district.

Add the following definition:

Site Plan Review: A process established by this Bylaw by which the Arlington Redevelopment Board reviews and potentially imposes conditions on an As of Right Development that may include, but not be limited to, matters such as vehicle access and circulation on a site, architectural design of a building, and screening of adjacent properties, prior to the issuance of a building permit.

Section 5: District Regulations

Renumber Section 5.9 as Section 5.10 and add a new Section 5.9 as follows:

Section 5.9 Multi-Family Housing Overlay Districts Established Under Massachusetts General Laws Chapter 40, Section 3A

5.9.1. Multi-Family Housing Overlay Districts

- A. The Multi-Family Housing Overlay Districts consist of two districts: the Massachusetts Avenue/Broadway Multi-Family (MBMF) Overlay District and the Neighborhood Multi-Family (NMF) Overlay District.
- B. The MBMF and NMF Overlay Districts do not replace existing underlying zoning districts but are superimposed over them. The provisions of Section 5.9 of this Bylaw apply to developments on parcels located within the MBMF and NMF Overlay Districts when the property owner has elected to comply with the requirements of the MBMF Overlay or NMF Overlay District, as applicable, rather than comply with those of the existing underlying zoning district. In other words, a development may comply with either the existing underlying zoning or the zoning within the applicable Overlay District, but not both on the same parcel or parcels.
- C. If a proposed development is located on a parcel or parcels within both the MBMF and the NMF Overlay Districts, the provisions of the MBMF District shall apply. If a proposed development is located on a parcel or parcels only partially within the MBMF or MNF Overlay Districts, the provisions of the existing underlying zoning shall apply and not of the Overlay Districts.

5.9.2. Purposes

The purposes of the Multi-Family Housing Overlay Districts are:

- A. To respond to the local and regional need for housing by enabling development of a variety of housing types,
- B. To promote multi-family housing near retail services, offices, civic, and personal service uses,
- C. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation,
- D. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services,
- E. To respond to the local and regional need for affordable housing by allowing for a variety of housing types with affordable housing requirements,
- F. To encourage economic investment in the redevelopment of properties,
- G. To encourage residential uses to provide a customer base for local businesses, and
- H. To ensure compliance with MGL c. 40A § 3A.

5.9.3 Site Plan Review

Development under Section 5.9 of this Bylaw requires Site Plan Review by the Arlington Redevelopment Board (ARB). The ARB shall provide site plan review for projects using the Environmental Design Review standards set forth in Section 3.4.4. of this Bylaw, the Residential Design Guidelines, and other Guidelines that may be adopted. Site plan review may include, but not be limited to, site layout, including lighting, landscaping and buffers, architectural style, outdoor amenities, and open spaces. All site plan reviews applicable to developments under this section shall be consistent with the purposes of this section and MGL c.40A § 3A, and any Compliance Guidelines issued thereunder, as amended.

5.9.4. Development Standards

- A. Development meeting the requirements of Section 5.9 of this Bylaw is As of Right Development.
- B. Development under Section 5.9 of this Bylaw shall be only Multi-family Housing except for the mixed-use bonus option in Section 5.9.4.E.(1) of this Bylaw.
- C. Accessory uses for residential uses are permitted to the same extent they would be permitted in the underlying district.
- D. Dimensional controls. The dimensional requirements of this Bylaw are modified as follows for developments under Section 5.9 of this Bylaw:
 - 1) Section 5.3.1 Lot Area Per Dwelling Unit does not apply.
 - 2) Section 5.3.3 Spacing of Residential and Other Buildings on One Lot does not apply.
 - 3) Section 5.3.8 Corner Lots and Through Lots does not apply.
 - 4) Section 5.3.11 Dimensional Requirements for Courts does not apply.
 - 5) Section 5.3.12(A) Traffic Visibility Across Street Corners does not apply in the MBMF district.
 - 6) Section 5.3.14 Townhouse Structures does not apply.
 - 7) Section 5.3.1.7 Upper-Story Building Step Backs are required on all street frontages. Step Backs shall be 7.5' from the property line, starting on the fifth floor.
 - 8) Section 5.3.19 Height Buffer Area shall not apply.
 - 9) There are no requirements for minimum lot size, lot area per dwelling unit, lot frontage, landscaped or usable open space, Floor Area Ratio, or lot coverage.
 - 10) The minimum required front setback is 15 feet, except that in the MBMF district where the ground floor façade facing the public way is occupied by nonresidential uses, no front setback is required. Minimum required front setback areas shall be available for uses such as trees, landscaping, benches, tables, chairs, play areas, public art, or similar features. Parking spaces are not permitted in the minimum required front setback.
 - 11) § 5.3.10, Average Setback Exception to Minimum Front Yard: All R Districts, shall be applied in the NMF District.

12) Except as noted below, in Section E. Bonuses, the dimensional regulations are as follows:

<u>District</u>	<u>MBMF – Mass. Ave</u>	<u>MBMF – Broadway</u>	<u>NMF</u>
<u>Max. Height in Stories</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>Max. Height in Feet</u>	<u>52'</u>	<u>52'</u>	<u>46'</u>
<u>Front Setback</u>	<u>15'</u>	<u>15'</u>	<u>15'</u>
<u>Side Setback</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
<u>Rear Setback</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>

E. Bonuses

- 1) In the MBMF District, for properties abutting Massachusetts Avenue, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 6 stories and 78 feet, and the front yard setback requirement is reduced to 0 feet. In the MBMF District, for properties abutting Broadway, where the ground floor at street level is at least 60% occupied by business uses, and the frontage is at least 80% occupied by business uses, the maximum height is 5 stories and 65 feet, and the front yard setback requirement is reduced to 0 feet.
- 2) In the MBMF District, one additional story may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements for a total of at least 22.5% of all units. In the MBMF District for properties facing Massachusetts Avenue, a second additional may be added if the total percentage of affordable units exceeds the requirements in Section 8.2.3 Requirements for a total of at least 25% of all units.
- 3) In the MBMF District, one additional story is allowed for projects that are SITES certifiable, which encourages high quality design, construction and maintenance of outdoor spaces.
- 4) The height with all bonuses shall not exceed 6 stories, 78 feet in the MBMF District on Massachusetts Avenue, 5 stories, 65 feet in the MBMF District on Broadway, and 4 stories, 46 feet in the NMF District.

F. Off-Street Parking and Bicycle Parking

- 1) The minimum parking requirement for dwelling and rooming units is 0 parking spaces per unit, and the maximum parking allowed is one parking space per dwelling or rooming unit. For business uses, no off-street parking is required for the non-residential space.
- 2) Up to 50% of parking spaces may be sized for compact cars (as described in Section 6.1.11. Parking and Loading Space Standards)
- 3) Bicycle parking requirements as set forth in Section 6.1.12 shall apply.
- 4) Developments under this section may provide fewer parking spaces under the provisions of Section 6.1.5 Parking Reduction in Business, Industrial, and Multi-Family Residential Zones.
- 5) All other parking provisions in Section 6.1 OFF STREET PARKING shall apply.

G. Affordable Housing

Section 8.2 Affordable Housing Requirements of this Bylaw shall apply to any development under Section 5.9 of this Bylaw containing six or more dwelling units. Until the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) approves using the requirements of Section 8.2 for housing built under Section 5.9 of this Bylaw, the affordability requirements are that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income or such other guideline as EOHLC shall issue.

Need to include the proposed overlay zoning map and parcels list here.