

ARTICLE 1 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by adding the following Section 275-3.23 MBTA Communities Multi-family Overlay District and to amend the Zoning Map to include the MBTA Communities Multi-family Overlay District, including the following subdistricts: Eliot Street Corridor Subdistrict, Milton/Central Avenue Station Subdistrict, Mattapan Station Subdistrict, Blue Hills Parkway Subdistrict, Granite Avenue Subdistrict, and East Milton Square Subdistrict as shown on the MBTA Communities Multi-family Overlay District Boundary Map.

Section 275-3.23 MBTA Communities Multi-family Overlay District

A. Purpose

The purpose of the MBTA Communities Multi-family Overlay District (MCMOD) 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. Meet local housing needs along the full range of incomes, promoting social and economic diversity and the stability of individuals and families living in Milton.
2. Ensure that new multi-family housing creation is harmonious with the existing community.
3. Provide a wide range of housing alternatives to meet Milton's diverse housing needs.
4. Promote smart growth development by siting multi-family housing adjacent to transit or in areas where existing commercial and civic amenities and infrastructure already exist.
5. Increase the municipal tax base through private investment in new residential development.

B. Establishment and Applicability

This MCMOD is an overlay district having a land area of approximately 158 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of MCMOD.** An applicant may develop multi-family housing located within a MCMOD in accordance with the provisions of this Section 275-3.23.
2. **Underlying Zoning.** The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the MCMOD. Uses that are not identified in Section 275-3.23 are governed by the requirements of the underlying zoning district(s).
3. **Sub-districts.** The MCMOD contains the following sub-districts, all of which are shown on the MCMOD Boundary Map: Eliot Street Corridor Subdistrict, Milton/Central Avenue Station Subdistrict, Mattapan Station Subdistrict, Granite Avenue Subdistrict, East Milton Square Subdistrict, and Blue Hills Parkway Corridor Subdistrict.

C. Definitions.

For purposes of this Section 275-3.23, the following definitions shall apply.

1. **Affordable unit.** A multi-family housing unit that is subject to a use 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.
2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section 275-3.23.
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Milton, as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Guidelines.** *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time.
8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
9. **Design Guidelines.** Design Standards made applicable to all rehabilitation, redevelopment, or new construction within the MCMOD.
10. **Development standards.** Provisions of **Section 275-3.23 J. General Development Standards** made applicable to projects within the MCMOD.
11. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
12. **Floor Area Ratio (FAR).** A measurement derived by dividing the total building area by the total lot area.
13. **Height, Feet.** Height shall be measured to the midpoint of the slope of a pitched roof, or the parapet of a flat roof, excluding the items specifically defined as allowable projections herein, from the average mean grade of the natural ground contiguous to the building.
14. **Height, Stories.** "Stories," as used in this section, shall not include a basement so long as the finished floor height of the first story is no more than four (4) feet above the average mean grade of the natural ground contiguous to the building.
15. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
16. **MBTA.** Massachusetts Bay Transportation Authority.
17. **Mixed-use development.** Development containing a mix of multi-family residential uses

and non- residential uses, including, commercial, institutional, industrial, or other uses.

18. **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.
19. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
20. **Open space.** For the purposes of this subsection, open space shall mean a portion of a lot or of adjacent lots in common ownership exclusive of any building or buildings and/or their associated driveways and parking areas and shall include parks, lawns, gardens, landscaped areas, community gardens, terraces, patios, areas left in their natural condition, athletic fields, open air athletic courts, playgrounds, open air swimming pools, and any open vegetated areas. Driveways and parking areas permanent or temporary, shall not be counted as open space.
21. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
22. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
23. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
24. **Rooftop Terrace.** A roofless, raised platform on the roof of a building that provides community gathering space, such as a deck, terrace, community garden, or other outdoor amenities.
25. **Section 3A.** Section 3A of the Zoning Act.
26. **Site plan review authority.** The Planning Board is the site plan review authority.
27. **Subdistrict.** An area within the MCMOD that is geographically smaller than the MCMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
28. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.
29. **Transit station.** An MBTA subway station, commuter rail station, or ferry terminal.
 - a. **Commuter rail station.** Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.
 - b. **Ferry terminal.** The location where passengers embark and disembark from regular, year-round MBTA ferry service.

- c. **Subway station.** Any of the stops along the MBTA Red Line, Green Line, Orange Line, or Blue Line.

D. Eliot Street Corridor Subdistrict

1. **Purpose**

The purpose of the Eliot Street Corridor Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods directly adjacent to the Mattapan Trolley line.

2. **Applicability**

An applicant may develop multifamily housing on certain parcels within a half mile of Mattapan, Capen Street, Valley Road, Central Avenue, and Milton stations, in accordance with the provisions of this subsection.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Eliot Street Corridor Subdistrict.

- a. Multi-family housing of up to three (3) units in a single building per lot on parcels 7,500 square feet or more.

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section D.3.

- a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Eliot Street Corridor Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	7,500
Height	
Stories (Maximum)	2.5
Feet (Maximum)	35
Minimum Open Space	40%
Maximum Units per Lot	3 on lots 7,500 sf or more

Standard	
Minimum Frontage (ft)	50
Front Yard Setback	
(ft.)	15

Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	20
Maximum Floor Area Ratio (FAR)	
Lots 7,500 to 9,999 square feet	0.7
Lots 10,000 to 14,999 square feet	0.52
Lots 15,000 square feet or more	0.35

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 D.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **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 space per Residential Dwelling Unit

E. Milton/Central Avenue Station Subdistrict

1. Purpose

The purpose of the Milton/Central Avenue Station Subdistrict is to allow for high quality mid-rise multi-family and mixed-use development while preserving the historic character of the Milton Village and Central Avenue business districts.

2. **Applicability**

An applicant may develop multi-family or mixed-use buildings up to 6 stories on certain large parcels in the area labeled East on the MCMOD Boundary Map, and up to 4.5 stories on certain large parcels in the area labeled West and Bridge on the MCMOD Boundary Map, in accordance with the provisions of this subsection.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Milton/Central Avenue Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section E.3.

- 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.

5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Milton/Central Avenue Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	None

Height (East)	
Stories (Maximum)	6
Feet (Maximum)	75
Height (West and Bridge)	
Stories (Maximum)	4.5
Feet (Maximum)	60
Minimum Open Space	40%
Maximum Units per Acre	40

Standard	
Minimum Frontage (ft)	none
Front Yard Setback ⁽⁷⁾	
(ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	30
Maximum Floor Area Ratio (FAR)	1.0

6. **Multi-Building Lots.** In the Milton/Central Avenue Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 E.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.

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

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of 10 units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements and electric vehicle charging stations.

F. Mattapan Station Subdistrict

1. **Purpose**

The purpose of the Mattapan Station Subdistrict is to provide high quality mid-rise multi-family housing on large sites in a transit-oriented district.

2. **Applicability**

An applicant may develop multi-family housing up to 6 stories on certain parcels of at least 5,000 square feet, with additional units for every 1,000 square feet of lot area, near the Neponset River across from Mattapan Square.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Mattapan Station Subdistrict.

a. Multi-family housing.

b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section F.3.
- 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.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Mattapan Station Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	5,000
Lot Area per Additional Unit (SF)	1,000
Height	
Stories (Maximum)	6
Feet (Maximum)	75
Minimum Open Space	40%
Maximum Units per Acre	45

Standard	
Minimum Frontage (ft)	none

Front Yard Setback	
(ft.)	15
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	30
Maximum Floor Area Ratio (FAR)	1.1

6. **Multi-Building Lots.** In the Mattapan Station Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 F.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements and electric vehicle charging stations.

G. Granite Avenue Subdistrict

1. Purpose

The purpose of the Granite Avenue Subdistrict is to provide high quality, higher density multifamily or mixed-use development on large commercial or underutilized parcels with good access to transit, shared use paths, and Interstate 93.

2. Applicability

An applicant may develop a multifamily or mixed-use project up to 6 stories on certain large parcels in the northern part of the district along the Neponset River and up to 4 stories on certain large parcels in the southern part of the district between Granite Avenue and Interstate 93.

3. Uses Permitted As of Right.

The following uses are permitted as of right within the Granite Avenue Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.

Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section G.3.
- 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.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Granite Avenue Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height (north)	
Stories (Maximum)	6
Feet (Maximum)	75
Height (south)	
Stories (Maximum)	4.5
Feet (Maximum)	60
Minimum Open Space	40%
Maximum Units per Acre	45

Standard	
Minimum Frontage (ft)	none
Front Yard Setback	
(ft.)	30
Side Yard Setback	
Minimum side setback (ft)	10
Minimum sum of both side setbacks (ft)	20

Rear Yard Setback	
(ft.)	20
Maximum Floor Area Ratio (FAR)	1.1

6. **Multi-Building Lots.** In the Granite Avenue Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 G.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1.5 spaces per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (10) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).
12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.

13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements, electric vehicle charging stations, and access to alternative modes of transportation.
14. **Granite Avenue Subdistrict Design.** The project design shall foster an appearance of a residential neighborhood, with multiple buildings of various sizes, scale, height and Building Types.
15. **Building Types.** Building types may include:
 - i. Duplexes
 - ii. Triplexes and Quadruplexes
 - iii. Townhouses
 - iv. Walk-up Multifamily (maximum of three floors and 12 units)
 - v. Elevator Multifamily (more than three floors and more than 12 units)
 - vi. Mixed-use buildings (ground floor active uses such as retail, services, community uses).
16. **Granite Avenue Subdistrict Site Planning.** Provide a pedestrian-oriented and human scaled environment where the automobile is accommodated but does not dominate. Utilize internal streets and sidewalks and design pedestrian connectivity between buildings and outdoor spaces.

H. East Milton Square Subdistrict

1. **Purpose**
The purpose of the East Milton Square Subdistrict is to provide high quality multifamily and mixed-use development that bolsters the Town's largest business district and maintains East Milton Square's historic village downtown character.
2. **Applicability**
An applicant may develop a multifamily or mixed-use project up to 2.5 stories on parcels largely corresponding with the existing East Milton Square business district, as well as certain adjacent parcels in residential zones.
3. **Uses Permitted As of Right.** The following uses are permitted as of right within the East Milton Square Subdistrict.
 - a. Multi-family housing.
 - b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor
Community space.

Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

4. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section H.3.
- 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.
5. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the East Milton Square Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	none
Height	
Stories (Maximum)	2.5
Feet (Maximum)	42
Minimum Open Space	40%
Maximum Units per Acre	30

Standard	
Minimum Frontage (ft)	none
Front Yard Setback	
(ft.)	15

Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	30

6. **Multi-Building Lots.** In the East Milton Square Subdistrict, lots may have more than one principal building.
7. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
8. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 H.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.
9. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	1 space per 1,500 SF of commercial space

10. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit
Non-residential component in a mixed-use development	1 space per 500 SF of commercial space

11. **Bicycle storage.** For a multi-family development of ten (ten) units or more, or a mixed-use development of 10,000 square feet or more, covered, secure bicycle parking spaces shall be integrated into the structure of the building(s).

12. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
13. **Parking Reduction.** Developments under this subsection may provide fewer parking spaces where, in the determination of the Site Plan Review Authority, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination, the authority shall consider complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements, electric vehicle charging stations, and access to alternative modes of transportation.

I. Blue Hills Parkway Corridor Subdistrict

1. Purpose

The purpose of the Blue Hills Parkway Corridor Subdistrict is to provide opportunities for lower density, high quality multi-family housing that helps preserve the existing physical context of the one- and two-unit neighborhoods adjacent to Blue Hills Parkway near Mattapan Station.

2. Applicability

An applicant may develop multifamily housing on certain parcels within a half mile of Mattapan Station along or adjacent to Blue Hills Parkway, in accordance with the provisions of this subsection.

3. Uses Permitted As of Right. The following uses are permitted as of right within the Blue Hills Parkway Corridor Subdistrict.

- a. Multi-family housing of up to 30 units per acre on parcels 7,500 square feet or more.

4. Accessory Uses. The following uses are considered accessory as of right to any of the permitted uses in Section D.3.

- a. Parking, including surface parking and parking within a structure such as a garage or other building on the same lot as the principal use.

5. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the Eliot Street Corridor Subdistrict are as follows:

Standard	
Lot Size	
Minimum (SF)	7,500
Height	
Stories (Maximum)	2.5
Feet (Maximum)	35

Minimum Open Space	50%
Acre	30

Standard	
Minimum Frontage (ft)	50
Front Yard Setback	
(ft.)	20
Side Yard Setback	
Minimum side setback (ft)	5
Minimum sum of both side setbacks (ft)	20
Rear Yard Setback	
(ft.)	20
Maximum Floor Area Ratio (FAR)	0.7

6. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
7. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section 275-3.23 I.5 Table of 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 and the layout of the site. The installations shall not provide additional habitable space within the development.
8. **Number of parking spaces.** The following numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit

9. **Number of bicycle parking spaces.** The following **minimum** numbers of bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per Residential Dwelling Unit

J. General Development Standards

1. Development standards in the MCMOD are applicable to all subdistricts within the MCMOD. These standards are components of the Site Plan Review process in **Section 275-3.23 M. Site Plan and Design Review.**
2. **Site Design.**
 - a. **Connections.** Sidewalks shall provide a direct connections 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. Maximum driveway width in the Eliot Street Corridor and Blue Hills Parkway Corridor subdistricts is 12 feet and maximum driveway width in the Mattapan Station, Milton/Central Avenue Station, East Milton Square and Granite Avenue subdistricts is 24 feet.
 - c. **Open Space.** Acceptable activities within the minimum required Open Space include natural areas (including wetlands and surface waters), wildlife and native plant habitat, landscape plantings, agricultural activities, low-impact design stormwater management, non-motorized trails, courtyards, patios, decks, play areas and other low-impact recreational activities. Open Space shall not contain habitable structures, streets, driveways, or surface parking.
 - d. **Playground and Recreation Areas.** Any development containing forty (40) or more units shall provide an outdoor play area or common space for use by families with children.
 - e. **Setbacks.** No structure shall be erected within the required setbacks as specified in the Table of Dimensional Standards for each subdistrict. Driveways may be located within required setbacks provided that no more than 30 percent of the setback area shall be paved.
 - f. **Parking location.** Surface parking shall be located to the sides and rear to the greatest extent possible.
 - g. **Landscaping at parking perimeter.** A landscape buffer shall be provided at the parking perimeter. Shade trees, ornamental trees, shrubs, and other plant materials shall be included in the buffer. The minimum width of the buffer shall be 5 feet in the Eliot Street Corridor, Blue Hills Parkway Corridor, East Milton Square, Mattapan Station, and Milton/Central Station subdistricts and 10 feet in the Granite Avenue subdistrict.
 - h. **Landscaping at parking interior.** A minimum of a five-foot wide landscape divider shall be provided between every 10 parking spaces and a shade tree shall be planted between every 20 parking spaces. A minimum of a five feet wide terminus landscape island shall be provided at the beginning and end of each row, and a shade tree shall be planted in each terminus island.
 - i. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.

- j. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.
- k. **Existing landscape.** Incorporate significant existing site features, such as trees of 12 inches caliper or more located within setbacks, stone walls, and historic fences into new development to the greatest extent possible.
- l. **Landscaping.** Use landscape design as a placemaking feature and not exclusively as a buffer.
- m. **Plantings.** Plantings shall include species that are native or adapted to the region and shall include shade trees. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
- n. **Lighting.** Light levels shall not exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow. Light fixtures shall be Dark-Sky compliant and meet International Dark Sky Association certification requirements.
- o. **Mechanicals.** Mechanical equipment at ground level shall not be located in the Front Yard Setback nor in Open Space and shall be screened by a combination of fencing and evergreen plantings. Rooftop mechanical equipment shall be screened and incorporated into the architectural design.
- p. **Electrical Transformers and generators.** Electrical transformers and generators shall not be located at grade within the required setbacks to the extent allowed by utility company. Applicants shall consider locating transformers within buildings or within below grade vaults and locating generators on roofs. Transformers generators located at grade shall be screened by a combination of fencing and evergreen plantings to the extent allowed by utility company.
- q. **Utilities.** Locate utility meters to minimize their visibility. Integrate them into the building and site design. Minimize the visibility of utility connections.
- r. **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.
- s. **Resiliency and Sustainability.** Consider present and future climate conditions in assessing project environmental impacts, including carbon emissions, extreme precipitation, extreme heat, and sea level rise. Projects must identify site and building strategies that eliminate, reduce, and mitigate adverse impacts including those due to changing climate conditions.
- t. **Renewable Energy.** Projects shall consider access to solar energy in building placement, orientation and design.
- u. **Low Impact Development (LID).** Projects shall utilize low impact development strategies to the greatest extent possible, such as limiting the amount of impervious area, preserving and creating connected natural spaces,

and using green infrastructure techniques such as rainwater harvesting, rain gardens, bioswales, permeable pavement, green roofs and tree canopy.

- v. **Stormwater management.** Strategies that demonstrate compliance of the construction activities and the proposed project 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, if applicable, additional requirements under the Milton MS4 Permit for projects that disturb more than one acre and discharge to the Town's municipal stormwater system, and an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.

3. **Buildings: General.**

- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
- b. **Entries.** Entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

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

- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
- b. 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.
- c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
- d. 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.
- e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.

5. **Buildings: Mixed-use development.**

- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
- b. Retail facades shall have a greater proportion of transparency than solids.
- c. Retail facades shall include small setbacks at street level to incorporate seating, displays and rain cover.
- d. Sidewalk width at retail facades shall be a minimum of 10 feet.

- e. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
 - f. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
 - g. 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.
6. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
7. **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 should be integrated into the building architecture.
8. **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 each subdistrict's 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.
9. **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 or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
10. **Building Design.**
- a) Buildings greater than forty (40) feet in length, measured horizontally, shall incorporate wall plane recesses or projections having a depth not less than four (4) feet and extending at least twenty percent (20%) of the length of the façade. No uninterrupted length of façade shall exceed forty (40) horizontal feet. No projection shall extend into a required setback.

- b) Buildings shall have a clearly defined base and roof edge so that the façade has a distinct base, middle, and top.
 - c) All sides of buildings shall be given as much architectural detail as the front. The building shall present a unified architectural design approach. Where windows are not possible or appropriate for the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
 - d) Change in material shall accompany a change in form or plane and shall not be used within the same plane to reduce perceived bulk.
 - e) Use durable materials that convey scale in their proportion, texture, finish and detailing and that contribute to the visual continuity of existing historic neighborhoods. Windows and doors shall have low reflectivity glass.
 - f) Locate an addition to the side or rear of the existing building to the greatest extent possible.
 - g) Entrances, exits, windows and doors shall be surrounded by architectural detail that highlights these features of the façade.
 - h) In general, all windows shall be taller than they are wide. This requirement shall apply to windows on the first floor as well as upper floors. Windows that are horizontally oriented may be broken up with the use of mullions.
 - i) All stairways to upper floors shall be enclosed within the exterior walls of buildings.
 - j) Garage entrances and service and loading areas shall not face an open space or street directly unless no other location is feasible.
 - k) Rooftop terraces shall be set back a minimum of ten (10) feet from any façade wall and secured by a perimeter fence at least four (4) feet in height.
11. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this **Section 275-3.23 J. 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 MCMOD.

K. Design Guidelines. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction within the MCMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

L. 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 Milton to continue 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 and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.

3. Affordability requirements.

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

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

5. 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.
6. **Administration.** The Zoning Enforcement Officer shall be responsible for administering and enforcing the requirements in this section.

M. Site Plan and Design Review

- 1. **Applicability.** Site Plan and Design Review is required for all projects in all subdistricts. An application for Site Plan Review shall be reviewed by the Permitting Authority for consistency with the purpose and intent of Sections 275-3.23 D through 275-3.23 I.
- 2. **Submission Requirements.** As part of any application for Site Plan and Design Review for a project within the MCMOD submitted under Sections 275-3.23 D through Section 275-3.23 I the Applicant must submit the following documents in electronic format to the Department of Planning and Community Development. Physical copies may be requested by the Permitting Authority:
 - a. Application and fee for Site Plan and Design Review.
 - b. Existing conditions survey that shows existing structures, parking areas, open space features, walls, fences, trees of 12 inches caliper or more, utilities, easements, wetlands and wetlands buffer zones, and topography with contours at 1-foot intervals. The survey shall include contours, buildings, and trees of 12 inches caliper or more on adjacent properties within thirty (30) feet of lot boundaries.
 - c. Existing conditions narrative, including adjacent neighborhood and historic context, with photographs and diagrams as appropriate.
 - d. Site plans that show required setbacks, the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, parking areas, open space areas, stormwater management, utilities, dimensions of building(s) and parking areas, setback dimensions, proposed grading, retaining walls and other information commonly required by Municipality for Site Plan Review. Where a portion of the site is to remain undisturbed by the proposed work, such area shall be so indicated on the plan.
 - e. Landscape plan that shows layout, species, spacing, sizes, quantities and details for all plant materials, and locations and details of fencing and landscape walls. Architectural plans, elevations, sections, three dimensional views and renderings of the building(s)

showing the architectural design of the building(s) in context. Drawings shall indicate proposed materials and colors.

- f. Lighting plan that shows locations and specifications for all exterior lighting fixtures for Eliot Street Corridor and Blue Hills Parkway Corridor subdistrict.
- g. Photometric plan that shows locations and specifications for all exterior lighting fixtures and lighting photometrics for Mattapan Station, Milton/Central Station, East Milton Square and Granite Avenue subdistricts.
- h. Traffic impact analysis for Mattapan Station, Milton/Central Avenue Station, East Milton Square, and Granite Avenue subdistricts.
- i. Shadow study for Mattapan Station, Milton/Central Avenue Station, East Milton Square, and Granite Avenue subdistricts.
- j. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
- k. Narrative of compliance with the applicable design standards of this Section 275-3.23.
- l. A copy, if any, of the determination of applicability issued by or the notice of intent filed with the Conservation Commission of the Town of Milton under MGL c. 131, § 40, or Chapter 15 of the General Bylaws of the Town of Milton.
- m. Upon written request, the Site Plan Review Authority may, at its discretion, waive the submission by the applicant of any of the required information.

3. Procedures.

- a) Upon receipt of a complete application to the Department of Planning and Community Development, the application shall be circulated, as appropriate, to the Building Commissioner, Fire Department, Police Department, Historical Commission, and Engineering Department, requesting comments by the first public hearing. For development applications within a Local Historic District, the Site Plan Review Authority shall seek comments from the Historical Commission before the first public hearing; filing with the Historical Commission is recommended prior to submission to the Site Plan Review Authority.
- b) The Site Plan Review Authority shall conduct a public hearing. Subsequent changes and revisions to application materials shall be submitted with a narrative summarizing the changes in the new submittal.

- 4. **Outside Consultants.** When reviewing an application, the Site Plan Review Authority may determine that the assistance of outside consultants is warranted due to the size or complexity of a proposed project or because of the project's potential impacts. The authority may require that applicants pay a review fee consisting of the reasonable costs incurred by the authority to assist in the review of applications. The authority may engage engineers, architects, landscape architects, planners, or other appropriate

professionals who can assist the authority in analyzing an application to ensure compliance with all relevant laws, bylaws and regulations.

5. **Timeline.** Site Plan and Design Review should be commenced no later than 30 days of the submission of a complete application and should be completed expeditiously. In general, site plan review should be completed no more than 6 months after the submission of the application.
6. **Site Plan Approval.** Site Plan Approval may reasonably regulate matters such as vehicular access and circulation on site, architectural design of buildings, site design and screening for adjacent properties. Site Plan approval for uses listed in the Permitted Uses subsection of Sections 275-3.23 D through I shall be granted upon determination by the Site Plan Review Authority that the following conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied.
 - a. the Applicant has submitted the required fees and information as set forth in Municipality'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 Section 275-3.23 J. General Development Standards.
 - c. The project as described in the application meets design guidelines as may be adopted by the Site Plan Review Authority.
7. **Decision.** The decision of the Site Plan Review Authority shall be by a majority vote of the board as constituted (i.e., three affirmative votes).
8. **Project Phasing.** An Applicant may propose, in a Site Plan and Design Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, 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 Section 275-3.23 L. Affordability Requirements.
9. **Appeal.** Any person aggrieved by a decision of the Site Plan Review Authority made under this Section [Section TK] may appeal said decision to a court of competent jurisdiction under MGL c. 40A, § 17.

N. Severability.

If any provision of this Section 275-3.23 is found to be invalid by a court of competent jurisdiction, the remainder of Section 275-3.23 shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Section 275-3.23 shall not affect the validity of the remainder of Milton's Zoning Bylaw.

And to authorize the Town Clerk to make clerical revisions to section numbers and headings.

And to act on anything relating thereto.

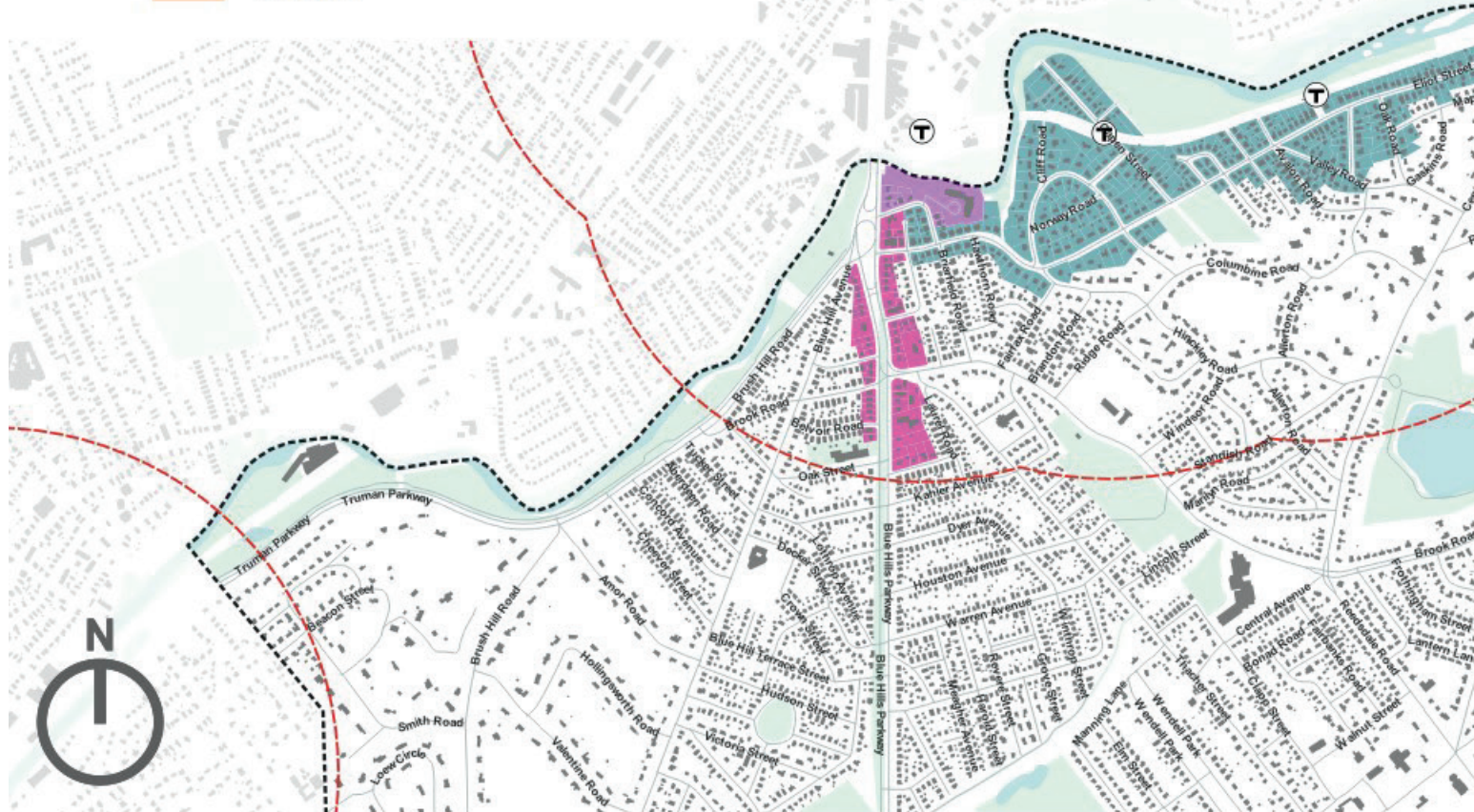
Submitted by the Select Board

RECOMMENDED that the Town vote refer the proposed zoning bylaw back to the Select Board for further study.

MBTA Communities Multi-family

Milton 3A & MMU Districts

-  Within Half Mile of Transit Stops
-  East Milton Square
-  Blue Hills Parkway Corridor
-  Mattapan Station
-  Eliot Street Corridor
-  **Milton/Central Avenue Station**
-  East (MMU)
-  Bridge
-  West (MMU)
-  **Granite Avenue**
-  North
-  South



Overlay District Boundary Map



COMMENT: In January 2021, the Massachusetts Legislature adopted an Economic Development Bond Bill (H.5250) that requires each municipality in the Massachusetts Bay Transportation Authority (MBTA) service area to zone for multi-family housing as of right. Further, the law authorized the Executive Office of Housing & Livable Communities (EOHLC) to develop implementation guidelines for these municipalities (MBTA Communities).

On August 10, 2022, the EOHLC issued Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act (the “Guidelines”). They were revised on October 21, 2022, and again on August 17, 2023. The Guidelines require Towns that the EOHLC has designated as a “rapid transit community” to submit zoning that is in accord with the Guidelines to the EOHLC by December 31, 2023. According to the EOHLC, Milton is a rapid transit community, and the Guidelines therefore gave the Town approximately 16 months to zone for a 25% increase in total housing units, the most comprehensive zoning that the Town has contemplated in almost 100 years.

Since the Guidelines were released, the Planning Board and the Department of Planning and Community Development worked closely to develop zoning that complies with this new law. The Planning Board hired consultants: Utile to perform compliance modeling of districts, and RKG to perform a fiscal impact analysis. Unfortunately, given the timeline, the Planning Board received its first modeling of districts from Utile in June 2023 and, at the time of the drafting of this Warrant, has not yet received a final report from RKG with regard to fiscal impact for the Town.

In anticipation of this Special Town Meeting, the Select Board put forward this Article with regard to MBTA Communities Zoning as of right based upon the work performed to date by the Planning Board and the Department of Planning and Community Development.

The Planning Board does not support the Select Board’s Article and is seeking additional time to prepare their own zoning Article. The Warrant Committee recommends that the Planning Board be given the time it is asking for in order to draft its own zoning Article that is both compliant with the new law and zoning with which the Planning Board is comfortable.

Areas of concerns with the Select Board’s Article that have been voiced by several members of the Warrant Committee and in part echoed by some members of the Planning Board include: the disproportionate burden placed upon the residents of Granite Ave. and East Milton, lack of new units within ½ mile of the Eliot Street Corridor, that the fiscal cost to the Town has not been established (school budget, services such as fire and police and the capital needs associated with those functions, and significant infrastructure upgrades necessary for water, sewer, and public ways), and the effect on traffic and parking.

Work that the Planning Board would like additional time to perform includes: to further refine and improve the district model specifically with regard to East Milton Square and the Eliot Street Corridor, to further refine and improve design standards and guidelines and site plan approval, to perform an economic feasibility study for the purpose of increasing the percentage of affordability in new multi-family housing and to obtain a buildout analysis to provide a visual aid to residents and developers. On September 18, 2023, the Planning Board formally requested an extension for more time of the EOHLC and as of the writing of this Article comment they have not received a response.

To those ends, the Planning Board has set a goal for itself to have an Article ready for the Annual Town Meeting in May 2024. We therefore suggest to Town Meeting that the Planning Board be allowed to

complete their work and further collaborate with the Select Board to do what is in the best interest of Milton.

Of note, the Commonwealth has established penalties for non-compliance with the MBTA Communities statute. It is unclear, however, as to what form this legal action might actually take – the Office of the Attorney General has advised that communities that fail to comply with the state mandate may be subject to “civil enforcement action,” be subject to the administrative consequence of being rendered ineligible to receive certain forms of state funding, and risk liability under federal and state fair housing law. Because litigation is a lengthy and expensive process for all parties, it is the hope of the Warrant Committee that a compliant Planning Board Article enacted by the citizens of the Town at the Annual Town Meeting would mitigate, if not remove, the threats that the Commonwealth is making.

ARTICLE 2 To see if the Town will vote to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by changing the following subsections of Section 275-3.23E. Milton/Central Avenue Station Subdistrict of Section 275-3.23: MBTA Communities Multi-family Overlay District.

2. **Applicability**

An applicant may develop mixed-use buildings up to 6 stories on certain large parcels in the area labeled East on the MCMOD Boundary Map, and up to 4.5 stories on certain large parcels in the area labeled West on the MCMOD Boundary Map, in accordance with the provisions of this subsection. An applicant may develop multi-family or mixed-use buildings up to 4.5 stories in the area labeled Bridge on the MCMOD Boundary Map, in accordance with the provisions of this subsection. Developments in the East and West areas of the Milton/Central Avenue Station Subdistrict require a multi-family component and a ground-floor non-residential component.

3. **Uses Permitted As of Right.** The following uses are permitted as of right within the Milton/Central Station Subdistrict.

- a. Multi-family housing.
- b. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor (required component in East and West areas)
Community space.
Educational uses.
Personal services.
Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists’ studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

- i. Non-residential use shall not exceed a maximum of 33 percent of the total area of a building or lot.
- ii. Non-residential uses shall be required in at least half of the ground floor of the building, provided the non-residential use does not exceed 33 percent of the total area of the building or lot. The ground floor may also include separate entrances for upper level uses, common areas, or lobbies.

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

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	No minimum

And to authorize the Town Clerk to make clerical revisions to section numbers and headings.

And to act on anything relating thereto.

Submitted by the Select Board

RECOMMENDED that if the Town votes, pursuant to Article 1 of this Warrant, to amend the Zoning Bylaw and Zoning Map Amendment for Compliance with M.G.L. c. 40A §3A Multi-family zoning as-of-right in MBTA Communities, that the Town then vote, under Article 2, to amend Chapter 275 of the General Bylaws, known as the Zoning Bylaw, by changing the following subsections of Section 275-3.23E. Milton/Central Avenue Station Subdistrict of Section 275-3.23: MBTA Communities Multi-family Overlay District.

3. **Applicability**

An applicant may develop mixed-use buildings up to 6 stories on certain large parcels in the area labeled East on the MCMOD Boundary Map, and up to 4.5 stories on certain large parcels in the area labeled West on the MCMOD Boundary Map, in accordance with the provisions of this subsection. An applicant may develop multi-family or mixed-use buildings up to 4.5 stories in the area labeled Bridge on the MCMOD Boundary Map, in accordance with the provisions of this subsection. Developments in the East and West areas of the Milton/Central Avenue Station Subdistrict require a multi-family component and a ground-floor non-residential component.

4. **Uses Permitted As of Right.** The following uses are permitted as of right within the Milton/Central Station Subdistrict.

c. **Multi-family housing.**

d. **Mixed-use development.** As of right uses in a mixed-use development are as follows:

Ground Floor (required component in East and West areas)
Community space.
Educational uses.
Personal services.

Retail.
Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.
Restaurant, café, and other eating establishments without a drive-through.
Office, professional office, medical and dental offices, and co-working space
Artists' studios, maker space, and small-scale food production [no more than 5,000 SF], and retail associated with each use.
Any Floor
Residential (required component).

- iii. **Non-residential use shall not exceed a maximum of 33 percent of the total area of a building or lot.**
- iv. **Non-residential uses shall be required in at least half of the ground floor of the building, provided the non-residential use does not exceed 33 percent of the total area of the building or lot. The ground floor may also include separate entrances for upper level uses, common areas, or lobbies.**

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

Use	Maximum Spaces
Multi-family	1 space per Residential Dwelling Unit
	Minimum Spaces
Non-residential component in a mixed-use development	No minimum

And to authorize the Town Clerk to make clerical revisions to section numbers and headings.

COMMENT: The Warrant Committee voted to recommend requiring mixed use in the Milton/Central Station Subdistrict only in such case and conditioned upon Town Meeting first voting “yes” to approve Article 1 of the 2023 Special Town Meeting Warrant. As stated above, that article would approve a Zoning Bylaw Amendment for Compliance with M.G.L. c.40A §3A Multi-family zoning as-of-right in MBTA Communities. The Warrant Committee recommends that Town Meeting vote to refer Article 1 back to the Select Board for further study, but in the case that the Town does vote “yes”, the Warrant Committee would recommend that the Town zone for a requirement of mixed use in the Milton/Central Station Subdistrict in order to preserve and expand the Town’s commercial property base of which there is comparatively (to the residential property base) little and a pressing need for more.