

## **Draft East Milton Square Zoning Text**

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### **Proposed new zoning Section 275-3.22 East Milton Square Mixed-Use Overlay District.**

#### **Draft Outline (modeled on Section 275-3.21)**

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Note: Draft language from Milton Village Mixed-use Planned Unit Development zoning (Section 275-3.21) where applicable

## **Draft Text (modeled on Section 275-3.21)**

### **Proposed new zoning Section 275-3.22 East Milton Square Mixed-Use Overlay District.**

In East Milton Square mixed residential and business use may be permitted by site plan review through the Planning Board for up to 3-stories and 45 feet subject to reasonable terms and conditions based on the standards set out herein. Mixed use residential and business use may be permitted by special permit through the Planning Board for up to 4-stories and 55 feet subject to reasonable terms and conditions based on the standards set out herein. The boundary of the East Milton Square Overlay District is shown on the current Milton Zoning Map.

- A. Purpose. This section's purpose is to allow high-quality mixed-use development that enhances East Milton Square. Successful mixed-use development shall:
  - a. Strengthen walkability and safe and convenient circulation for all travel in East Milton Square.
  - b. Proactively and intentionally guide commercial district investment
  - c. Enhance the sense of place and district identity
  - d. Leverage private investments to add community amenities while reducing impacts
  - e. Incentivize mixed-use redevelopment and an increased variety of housing options
  - f. Improve environmental sustainability and resilience in the area
- B. Allowable Uses.
  - a. Allowed Uses. All business uses otherwise permissible in the East Milton Square Business District shall be allowed, except drive-through food service facilities, filling stations, garages, sales rooms and repair shops for motor vehicles, storage warehouses, and undertakers.
  - b. Residential Uses. Residential use shall be permitted in conjunction with one or more business uses identified in Section B.a. The permissible residential use shall be multi-family housing, which is defined as having more than one housing unit in a building or in multiple buildings on a lot. A housing unit is defined as that portion of a building providing complete housekeeping and cooking facilities for one Family, as defined in § 275-1.1.
  - c. Ground Floor Uses. At least 50% of the usable ground floor area of the building must be designed for and occupied by business uses identified in Section B.a. Where possible, this area should be designed to accommodate individual business of 1,500 square feet or less. As used in this § 275-3.22, the "ground floor" shall be the story directly above the basement or, if there is no basement, the story directly above the foundation, which generally coincides with the elevation of the adjacent sidewalk at the frontage of the property.
- C. Dimensional Requirements.

a. Setbacks.

i. Front Yard Setbacks.

1. The primary frontage of new buildings and new additions to existing buildings shall be located no less than zero (0) feet and no more than ten (10) feet from the lot line.

ii. Side Yard Setbacks.

1. Side yard setbacks are not required when the abutting use is an existing business or mixed use. When the abutting use is an existing residential-only use, the minimum side yard setback is ten (10) feet.

iii. Rear Yard Setbacks.

1. The minimum rear yard setback is twelve (12) feet. When the abutting use is an existing residential-only use, the minimum rear yard setback is twenty (20) feet.

b. Building Height.

- i. Maximum Height. Except as otherwise permitted in this section, no building shall be erected or altered to exceed three (3) stories or forty-five (45) feet in height.

ii. Definitions.

1. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building at the property's street frontage, as such ground exists at the sidewalk elevation. Existing structures may retain their existing heights and number of stories.
2. The term "story," as used in this Paragraph C(b), shall not include a basement provided that the finished floor height of the ground story shall at no point be more than four (4) feet above the mean grade of the adjacent sidewalk and provided that convenient entry to commercial spaces be provided at the ground floor from the sidewalk. A basement may be used for parking, storage, utilities and commercial space, but not for residential units. If reasonably necessary and appropriate for good design or to address the existing conditions in historic buildings on site, the Planning Board can modify the requirements in this subparagraph.
3. 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. The Planning Board may permit protrusions of up to eight feet above the roofline, such as elevator shaft housings or chimneys, so long as the appearance of the

building remains architecturally coherent, visually attractive and appropriate to its setting. The Planning Board may allow a cupola or clock tower up to fifteen feet above the roofline so long as it has been shown to add significant merit to the building's design.

- c. Ground Story Height. The minimum ground story height in a new building in Subdistrict A shall be twelve (12) feet clear and the minimum ground story height in a new building elsewhere in the district shall be ten (10) feet clear.
  - d. Open Space. All properties must provide a minimum of 10% open space. Minimum open space may include hardscape pedestrian plazas, extensions of the sidewalk/public realm, planting of street trees, pocket parks, balconies, roof decks, or off-site improvements to existing open space amenities.
- D. Historic Preservation. Buildings constructed in whole or substantial part before 1940 shall be preserved as part of an adaptive reuse mixed-use redevelopment.
- a. Purpose. The preservation of buildings, structures, sites, settings, and elements of historical or architectural significance and an expansion of the economic options for historic properties in East Milton Square.
  - b. Definitions. Preservation shall include preservation or restoration of a building's exterior appearance and may include renovation, rehabilitation, restoration or re-creation of features or elements of the building. The exterior elements of a building, once preserved, shall be historically compatible and appropriate.
  - c. Guidance. Preservation plans shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall be submitted to the Historical Commission for comment. Notwithstanding the foregoing, a building constructed before 1940 need not be preserved if the Planning Board, after seeking the advice of the Historical Commission, determines that the building lacks substantial architectural significance and is not historically important or that the building is in an advanced stage of deterioration and is not able to be preserved at a reasonable financial cost. Buildings listed in the National and State Registers of Historic Places or identified in the Massachusetts Cultural Resource Information System shall be deemed historically important.
  - d. Approval. Project approval may allow the restoration, rehabilitation, renovation, repair, adaptive reuse, or addition to historic structures in the district. In order to grant project approval, the proposed restoration, rehabilitation, renovation, repair, adaptive reuse, or addition shall preserve, to the maximum extent feasible, the historical and architectural features of the building, structure, or element. Historic buildings, structures and elements shall be kept in place and not moved to other locations unless the Planning Board determines that no other preservation

measures are practical or reasonable on the existing site, or if the proposed removal will return a building, structure, or element to an original or more historically accurate location.

- e. **Waivers.** At the discretion of the Planning Board through site plan review, relief from dimensional or parking requirements may be granted for good cause, to accommodate the preservation of a historic structure and property.
- E. **Design Standards.** Each building shall be designed to contribute to the architectural character of East Milton Square, define street frontage with an active ground floor, present as visually attractive and compatible with the East Milton Square Business District and nearby buildings. Design Principles for redevelopment in East Milton Square include enhancing the diversity, flexibility and resilience of uses, spaces, and people living in East Milton Square, filling gaps between existing buildings to create a more consistent and lively edge along sidewalks, using building massing to shape outdoor spaces, placing buildings at corners to define streets and intersections, consolidating and sharing off-street parking across lot lines, improving streetscapes and enhance livability by minimizing curb cuts, build pocket parks and other small green spaces.
  - a. In addition, each building shall meet the following design standards:
    - i. New buildings shall be positioned on their sites to provide horizontal setback buffers for abutting existing single- and two-family residences. Additionally, the building form, massing or roofline shall provide a vertical step-back to provide transition in scale to those abutting structures.
    - ii. Where the sidewalk width is less than 6 feet at the building frontage, new buildings shall provide a setback within the build-to range defined in Section C.a. for expansion of the sidewalk width to a minimum of 10 feet to allow for additional sidewalk seating or activity.
    - iii. The building form, massing and roof lines shall reflect and reinforce the historic buildings and styles of the East Milton Square district and complement the district's character. Particular attention should be paid to the design elements of scale, proportion, overall style, façade design, windows, entrances, and building materials and color.
    - iv. The building form shall provide step-backs in the facades that respond to the surrounding context as the Planning Board deems appropriate. The step-backs shall provide a change in the plane of the facade to reduce the perceived building height. For example, if a 4-story building, after building height incentive, is adjacent to a 3-story existing building, the facade of the fourth story shall step back from the facade of the lower three stories to reduce the visual prominence of the upper floor.

- v. Buildings more than forty (40) feet wide shall be broken down into a series of smaller bays to evoke the rhythm of historic shop fronts and mixed-use town centers, add visual character, and maintain the pedestrian scale of the streetscape. No uninterrupted length of any facade shall be permitted to exceed twenty (20) horizontal feet without incorporating at least one of the following massing elements: horizontal setbacks or vertical step-backs, architectural projections, recesses, or arcades, and at least one of the following design elements: color change, material change, or texture change.
- vi. The building facade shall integrate a higher proportion of transparent glass in the ground level frontage oriented to Adams Street, Granite Avenue, and Bryant Avenue including business and entryway storefronts, display windows, or other glazing elements.
- vii. Recessed doorways are preferred, in order to break up the building facade, provide a welcoming space, provide protection from sun and rain, and reduce conflict between an external door swing and sidewalk circulation. Where a recessed doorway is not used, an awning can have a similar effect.
- viii. Windows and doors shall be integrated with appropriate architectural elements that highlight them as facade features.
- ix. The back and sides of each building shall be given as much architectural care as the front. The building, whether observed from the front, rear or sides, shall present an attractive appearance and offer a unified architectural approach. Where windows are not possible or appropriate to the intended use, vertical articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- x. Mechanical equipment, including metal chimneys and elevator penthouses, shall be screened from view from streets; or shall be integrated into the overall design of the building by use of materials, placement, roof shape or form, or other means.
- xi. If parking is provided on-site, it shall be located behind or underneath the primary building.
- xii. Parking structures shall be unobtrusive and designed to blend with the building and the neighborhood. There shall be convenient access from a parking structure to the business and residential uses which it serves.
- xiii. Surface parking areas shall be designed to be used as flexible plaza space that could be temporarily used for other private purposes or events. These parking areas shall use permeable pavers and shall include landscape

islands, or other design features to add visual interest and flexibility to parking areas.

- xiv. Vehicular access to the site shall be integrated with the design of the public realm and property frontage to minimize the access width and potential negative impacts on the pedestrian environment.
- xv. Landscaping shall be used to enhance the building's design, provide attractive outdoor features, and to provide shade. Street trees shall be integrated with the design of sidewalk extensions or creation of pocket parks with flush tree grates or permeable pavers. Where space is limited, window boxes, trellises, green walls, or other compact landscape features shall be integrated with the building design.
- xvi. Lighting fixtures shall be appropriate to the architecture and provide suitable lighting without detriment to nearby residences. Light fixtures including site and streetlights shall match existing standards in the Town, for example matching streetlights recently installed.
- xvii. Signs shall be integrated with the building design and placed consistently on the building at the top of the ground floor and coordinated among multiple tenants.
- xviii. The Planning Board has the discretion to allow changes to one or more design standards if the project proponent can show that with such changes the project would remain architecturally coherent, well sited on its lot, visually attractive and compatible with its neighborhood and nearby buildings.
- xix. In addition to the required Design Standards in this Section, the Milton Planning Board may sometimes adopt additional design guidelines for development in the East Milton Square Mixed-use Overlay District.

F. Sign Approval. Sign approval shall be determined as provided in § 275-3.3.

G. Affordable Housing Units.

- a. In the East Milton Square Mixed-use Overlay District, twelve (12) percent of the total housing units for a project with less than 25 units or fifteen (15) percent of the total housing units for a project with 25 units or more (computed to the nearest whole number) shall be affordable housing units, subject to perpetual deed restrictions, and if applicable, a regulatory agreement ensuring permanent affordability. Should the calculation result in a remainder of 0.5 or above an additional on-site unit shall be required. Should the remainder be below 0.5 a contribution to the Affordable Housing Trust shall be required in an amount to be determined by the Planning Board. These units shall be affordable to households whose annual income shall

not exceed 80% of the then current Area Median Income (AMI) for the Boston Cambridge - Quincy Metro Area as determined by the United States Department of Housing and Urban Development ("HUD") adjusted for household size and these units shall qualify for inclusion in the Subsidized Housing Inventory (SHI) maintained by the Massachusetts Executive Office of Housing and Livable Communities ("EOHLC").

- b. All affordable units shall be integrated with and distributed throughout the development and shall be comparable in design, floor area, number of bedrooms, appearance, construction and quality of materials with market rate units.
- c. To the maximum extent permissible, preference shall be given to Milton residents and employees of the Town of Milton in the rental or purchase of affordable units. A special permit issued under this section shall state that final occupancy permits shall not be issued until the affordable housing restrictions, and, if applicable, the regulatory agreements have been recorded with the Registry of Deeds and copies of the recorded documents have been provided to the Planning Board and the Building Commissioner.

#### H. Parking.

- a. **Business Parking.** In the East Milton Square Mixed-use Overlay District, minimum parking requirements for business uses shall follow Parking Requirements in Business Districts § 275-11.3 provided that, upon a determination that a greater or lesser number of parking spaces would be reasonably necessary so as to be adequate for the business use in a particular project, the Planning Board may increase or decrease the minimum number of business parking spaces required for the project. In the event of a restaurant use at least one parking space shall be provided for each four patron seats provided that, upon a showing that a lesser number of spaces would be adequate for the restaurant use, the Planning Board may reduce the required amount of parking.
- b. **Residence Parking.** There shall be a minimum of one parking space for each residential unit.
- c. **Off-Site Parking.** Safe and convenient parking may be provided off-site within or adjacent to the East Milton Square Business District for the parking required to support business uses at other properties in the East Milton Square Business District. Off-site spaces used to fulfill parking requirements shall be associated with a parking agreement between the project proponent and the owner of the property where the off-site spaces are proposed to be located. The parking agreement shall be submitted as part of the application.



- d. Shared Parking Reductions. Off-street parking requirements may be reduced if they collectively serve different uses within the same mixed-use development or collectively serve multiple uses across multiple sites, where such collective use of the parking facilities is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking space allocated to each participating use and the anticipated peak parking demand days and times for such uses; and 3) assures access to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required parking spaces as approved by the Planning Board.
  - e. Other Parking Reductions. A reduction in the calculated parking requirement may be allowed as deemed appropriate by the Planning Board through a special permit upon demonstration of the features of the project that reduces automobile dependence for the development. These features may include the provision of on-site dedicated parking space(s) to car-share vehicles, increased bicycle parking and amenities beyond the requirements of § 275-11.12, on-demand shuttle services, or other transportation demand management techniques and shall be appropriately scaled to the scale of the development and the requested reduction in parking.
  - f. Bicycle Parking. § 275-11.12 applies to residential components of projects. Projects involving business uses shall also provide adequate exterior parking of bicycles for customers and employees.
- I. Application Requirements.
- a. An application shall include a plan meeting the requirements for site plan specified in § 275-12.4 and such other requirements as may be specified by the Planning Board. The plan shall be contained in various sheets, all of which, after approval, shall contain the written approval of the Planning Board and shall be recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court, as applicable, at the applicant's expense. Any relevant special permits shall also be recorded with the plan at the applicant's expense. The recorded plan shall be a part of the special permit. The plan shall show the development in all material detail. Any amendments or modifications to the plan shall be approved by the Planning Board and recorded or filed with said Registry at the applicant's expense. The applicant shall promptly provide to the Planning Board evidence of recording of each approved plan, amendment, or modification. The applicant shall promptly provide a copy of all recorded or filed documents to the Planning Board, showing the book and page or document number.
  - b. An application involving a property, on which there is a building constructed in or before 1940, shall be referred to the Milton Historical Commission for consideration

- of its historical and architectural significance and of the desirability and feasibility of its preservation, rehabilitation, or restoration in the proposed development. After consideration, the Milton Historical Commission may issue a report, which may include comments and suggestions, to the Planning Board on these matters and any associated matters pertinent to the Commission's responsibilities, and the Planning Board shall consider any such report in its evaluation of the application.
- c. An application involving a property, on which there is a building constructed in or before 1940, shall include a narrative describing compliance with the Secretary of the Interior Standards with the application materials. The application shall include a narrative prepared by the project architect describing the project relative to the historic context of East Milton Square including a statement of the positive contributions the project will make to the character of the East Milton Square Business District by preserving its history and strengthening its streetscape and vitality.
  - d. The application shall include professional studies calculating the impact of the development on town services, on parking in the East Milton Square Business District and adjacent neighborhood streets, on traffic in the town, on existing nearby businesses, and on future business development. If there is a material adverse impact projected, mitigating strategies shall be proposed.
  - e. The application shall include a narrative describing the parking, ride sharing, bicycle storage, and other similar transportation infrastructure elements integrated with the project. This narrative shall include discussion of off-site transportation impacts, including a district parking impact analysis and traffic impact analysis for the proposed project. The narrative shall describe potential district mitigation that may be proposed to address the impacts identified.
  - f. The application shall include a narrative describing compliance with the Design Standards.
  - g. The application shall include architectural renderings, building elevations, an existing conditions survey with structures, retaining walls, parking areas, trees and topography, existing condition photos of the site and adjacent properties, proposed site plan with structures, retaining walls, parking areas, topography, landscape plan and details, site/building sections with accurate topographic depiction, building material specifications and other pertinent details regarding the project architecture and site plan.
  - h. Proposals seeking a District Improvement Incentive shall submit detailed plans and supporting information on the proposed public improvements that support granting the bonus.

- i. Proposals seeking an Affordable Housing Incentive shall submit a narrative describing the additional affordability provisions included in the project and supporting information that supports granting the bonus.
  - j. Proposal seeking a Sustainability Incentive shall submit a narrative describing the details and supporting information that supports granting the bonus.
- J. Application Review Fees. When reviewing an application for a site plan review or special permit, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of the proposed project or due to the project's potential impacts. The Planning Board may require that an applicant pay a review fee, consisting of the reasonable costs incurred by the Planning Board for employment of outside consultants engaged by the Planning Board to assist in the review of an application. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with this section and with other Town of Milton bylaws, regulations and requirements. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of a project, any excess amount of the review fee shall be repaid to the applicant. A final report of expenditures shall be provided to the applicant.
- K. Notice, Procedures and Standard for Decision. The notice and procedural requirements set out in § 275-13.2 and § 275-13.3 and the standard to be used in rendering a decision set out in § 275-13.3 shall apply to site plan review and special permit for mixed-use development under this section.