

Section 6.12 **MBTA Communities Multi-family Overlay District**

6.12.1 Purpose.

The purpose of the MBTA Communities Multi-family Overlay District (“MOD”) is to allow multifamily housing as-of-right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A).

6.12.2 Establishment and Applicability.

This MOD is an overlay district having a land area of approximately 65 acres in size that is superimposed over the underlying zoning districts and is shown on the Zoning Map.

6.12.2.1. Applicability of MOD. An applicant may construct multi-family housing and mixed-use development within the MOD in accordance with the provisions of this Section 6.12.

6.12.2.2. Underlying Zoning. The MOD is an overlay district superimposed on underlying zoning districts as shown on the Town’s zoning map. The provisions of the Zoning Bylaw relative to use, dimensional requirements, and all other provisions of the Zoning Bylaw governing the respective underlying zoning districts shall remain in full force, except for uses allowed as of right in the MOD as established in Section 6.12.4, which shall be subject to the dimensional requirements set forth in Section 6.12.5. Uses that are not identified in Section 6.12.4.1 are governed by the requirements of the underlying zoning districts.

6.12.2.3. Sub-districts. The MOD contains the following sub-districts, all of which are shown on the Zoning Map: Main Street Mixed Use Sub-District, Burlington Avenue Sub-District, Deming Way Sub-District, and West Street Sub-District.

6.12.3 Definitions.

The following definitions apply to Section 6.12:

6.12.3.1 MBTA. Massachusetts Bay Transportation Authority.

6.12.3.2 Mixed-use development. Development containing a mix of residential uses and nonresidential uses, including, but not limited to the commercial and/or educational uses described in Section 6.12.4.1.2.

6.12.3.3 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.

6.12.3.4 Sub-district. An area within the MOD that is geographically smaller than the MOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.

6.12.4 Permitted Uses

6.12.4.1. Uses Permitted As-of-Right. The following uses are permitted as-of-right within the MOD.

6.12.4.1.1 Multi-family housing is permitted as-of-right in all sub-districts.

6.12.4.1.2 Mixed-use development is permitted as-of-right in the Main Street Mixed Use Sub-district, Burlington Avenue Sub-district, and West Street Sub-district. Residential use is a required component and is allowed on any floor. Ground Floor as-of-right commercial uses in a mixed-use development are as follows:

Retail store under 30,000 s.f., personal service shop, limited-service restaurant without a drive through, general service restaurant without a drive through, business/professional office, and/or educational uses.

6.12.4.2. Main Street Mixed Use Sub-district. Within the Main Street Mixed Use Sub-District, mixed-use development with a ground floor commercial use consistent with Section 6.12.4.1.2. is allowed as-of-right and encouraged to preserve the commercial, active nature of Main Street and maintain a pedestrian friendly streetscape. A height increase from two (2) to three (3) stories is allowed per Section 6.12.5.9 when the ground floor is dedicated exclusively to commercial uses per Section 6.12.4.1.2.

6.12.5 Dimensional Standards

The following dimensional standards apply to development within the MOD:

6.12.5.1 Minimum Lot Area = None

6.12.5.2 Minimum Lot Frontage in FT = None

6.12.5.3 Minimum Lot Width = None

6.12.5.4 Minimum Front Yard Setback = 20'

6.12.5.5 Minimum Side and Rear Yard Setbacks = 20'

6.12.5.6 Minimum Open Space = 20% of lot area

6.12.5.7 Maximum Building Cover = None

6.12.5.8 Maximum Height in FT = 35' in the Burlington Avenue Sub-District and Deming Way Sub-District; 40' in the Main Street Mixed Use Sub-District and West Street Sub-District.

6.12.5.9 Maximum Height in Stories = 3 stories in the Burlington Avenue Sub-District, Deming Way Sub-District and West Street Sub-District.; 2 stories in the Main Street Mixed Use Sub-District with residential only use and 3 stories in the Main Street Mixed Use Sub-District with mixed-use development when the ground floor is dedicated exclusively to commercial uses per Section 6.12.4.2.

6.12.6 Off- Street Parking Requirements and Design

The following parking requirements apply to multi-family housing and mixed-use development in the MOD.

6.12.6.1. Parking Requirements and Design Standards. The parking requirements and parking design standards of Section 6.4.1, Section 6.4.2, and Section 6.4.3 shall apply to development in the MOD except as otherwise specified below.

6.12.6.2. Main Street Mixed Use Sub-District. Multi-family housing requires one and one-half (1.5) spaces per dwelling unit, rounding up to the nearest whole number. Ground floor commercial uses per Section 6.12.4.2 have no minimum parking requirement.

6.12.6.3 Burlington Avenue Sub-District. Multi-family housing requires one and one-half (1.5) spaces per dwelling unit, rounding up to the nearest whole number. Ground floor commercial uses per Section 6.12.4.1.2 shall follow the minimum parking requirements in Section 6.4.1.1.

6.12.6.3 Deming Way Sub-District. Multi-family housing requires one and one-quarter (1.25) spaces per dwelling unit, rounding to the nearest whole number.

6.12.6.4 West Street Sub-District. Multi-family housing requires two (2) parking spaces per dwelling unit. Ground floor commercial uses per Section 6.12.4.1.2 shall follow the minimum parking requirements in Section 6.4.1.1.

6.12.7 Site Plan Review and General Development Standards

6.12.7.1 Applicability of Site Plan Review. All development within the MOD shall be subject to Site Plan Review in accordance with Section 6.5.

6.12.7.2 General Development Standards. All development within the MOD shall be subject to the following development standards.

6.12.7.2.1 Connections. Site Design shall focus on optimizing pedestrian experience. Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.

6.12.7.2.2 Vehicular access. Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

6.12.7.2.3 Streetscape. Buildings shall be oriented toward the street, creating pedestrian focused frontage with amenities, and a public facing façade with primary entrances.

6.12.7.2.4 Parking. Surface parking shall be located to the rear or side of buildings. Parking shall not be located in the setback between the building and any lot line adjacent to the public right-of-way. Parking shall be designed in accordance with Section 6.4.2 and Section 6.12.6 as applicable.

6.12.7.2.5 Plantings. Plantings shall include species that are native or adapted to the region, and preferably drought tolerant. Shade trees shall be provided in parking areas to combat heat island effect.

6.12.7.2.6 Lighting. Light levels shall meet or 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.

6.12.7.2.7 Mechanicals. Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.

6.12.7.2.8 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.

6.12.7.2.9 Waivers. Upon the request of the Applicant, the Planning Board may waive the requirements of this Section 6.12.7.2 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 MOD.

6.12.8 Affordability Requirement

6.12.8.1 Affordability Requirement. All development within the MOD shall comply with Section 6.11.

6.12.9 Severability

If any provision of this Section 6.12 is found to be invalid by a court of competent jurisdiction, the remainder of Section 6.12 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 6.12 shall not affect the validity of the remainder of the Town of Wilmington Zoning Bylaw.