

## 4700C: MULTI-FAMILY OVERLAY DISTRICT

### A. PURPOSE.

The purpose of the Multi-family Overlay District (MFOD) is to allow multi-family and mixed use housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A) to accomplish the following purposes, to the maximum extent feasible:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels.
2. Locate housing within reasonable distance of public transit to promote general public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
3. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
4. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
5. Increase the municipal tax base through private investment in new residential developments.

### B. ESTABLISHMENT AND APPLICABILITY.

**Overlay District.** The MFOD is an overlay district is an area of land approximately 52 acres in size that superimposed over underlying zoning districts and overlay districts as shown on the Zoning Map. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning districts and overlay districts shall remain in full force, except for uses allowed as of right in the MFOD. Uses that are not identified in Section 4700C are governed by the requirements of the underlying zoning districts and overlay districts. Any MFOD project shall comply with Section 4200 Water Resource Protection Overlay District to the maximum extent practicable.

The MFOD shall consist of the following parcels of land:

Assessor Map K07, Parcel 0023  
Assessor Map K07, Parcels 0024  
Assessor Map C12, Parcel 0100

1. **Sub-districts.** The MFOD consists of the following sub-districts, all of which are shown on the MFOD Boundary Map- which can be found \_\_\_\_\_:
  - a. MFOD 1

b. MFOD 2

2. **Exclusions.** Non-applicable sections of the Zoning Bylaw. To comply with the requirements and guidelines for M.G.L. Chapter 40A Section 3A, the following sections of the zoning ordinance do not apply to any multi-family housing or mixed-use development uses allowed by right in the MFOD

a. Section 5600 Inclusion of Affordable Housing

**C. PERMITTED USES.**

1. **Uses Permitted as of Right.** The following uses are permitted as of right within the MFOD.

a. Multi-family residential

b. Mixed-use development as follows:

**Ground Floor**

Community space.

Educational uses.

Personal Service Establishment.

Retail Stores and service establishments not elsewhere set forth.

Restaurant.

Business or professional office.

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).

c. **Open Spaces Uses.**

i. All areas unoccupied by buildings or structures, may be used for the following uses on a temporary basis, including, without limitation, areas containing utilities and/or stormwater infrastructure; paths; outdoor ice rinks, farmers' markets, music festivals, and other seasonal outdoor uses and facilities; and green, landscaped, and open space areas. Parking areas are not considered open space.

2. **Accessory Uses.**

Parking, including surface and parking within the primary structure such as a first-floor or underground parking garage on the same lot as the principal use is an accessory use allowed by right in the MCOB.

3. **Prohibited Uses.** Any use(s) not expressly allowed either under Section 4700C or within the underlying zoning districts and overlay districts shall be prohibited.

**D. DIMENSIONAL STANDARDS AND OTHER REQUIREMENTS.**

**1. Table of Dimensional Standards.**

	<b>Multi-family Overlay District I</b>	<b>Multi-family Overlay District II</b>
<u>Maximum Lot Coverage (%)</u>	50	50
<u>Maximum Building Coverage (%)</u>	30	35
<u>Maximum Height</u>	3 stories, 45 feet	3 stories, 45 feet
	4 stories or 60 feet may be permitted by Planning Board	4 stories or 60 feet may be permitted by Planning Board
<u>Front Setback (feet)</u>	30	100
<u>Side Setback (feet)</u>	20	20
<u>Rear Setback (feet)</u>	30	30

**2. Density requirements.** New residential development or residential components of mixed-use development shall be constructed at a maximum density of 15 units per acre.

**3. Two or More Buildings on One Lot.** Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the MFOD.

**4.**

**E. OFF-STREET PARKING.**

These parking requirements are applicable to development in the MFOD.

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

Use	Required Spaces
Residential uses	A maximum of 2 spaces per dwelling unit
Non-residential uses	See Section 3100 Parking Standards

**2. Parking Calculation.** Developments in the MFOD may be approved to have a number of parking spaces less than the maximum, if the Site Plan Review Authority finds the proposed

parking to be adequate for the development's requirements. In making such a determination, the Site Plan Review Authority shall assess factors like complementary uses, transportation demand management (TDM) measures, shared parking arrangements, vehicle-share arrangements, the provision of a shuttle service, electric vehicle charging stations, and access to alternative modes of transportation.

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

Use	Minimum Spaces
Residential uses	1 space per every two (2) dwelling units
Non-residential uses	1 space for every 10 parking spaces

4. **Bicycle storage.** For a multi-family development of 10 units or more, or a mixed-use development of 25,000 square feet or more, required residential bicycle parking spaces shall be enclosed within the structure of the primary building(s).
5. **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.
6. **EV charging stations.** For all uses within the MFOD, at least 10% of the parking spaces shall be made EV-Ready, with Electric Vehicle Supply Equipment (EVSE) in place for future development of charging stations. The appropriate count and type(s) of charging stations shall be determined at the discretion of the Planning Board during the Site Plan Review Process.
7. **Transit/Shuttle Service** The site shall contain an appropriate number of locations for a bus and/or shuttle to stop, pick up/unload passengers, and not impede traffic and will provide a commuter shuttle from the development to the geographically closest Commuter Rail Station during peak AM and PM commuter hours.

a. These location(s) must:

1. Include a shelter structure with at least three (3) sides, large enough to provide coverage for a minimum of five (5) individuals.
2. Provide an accessible pedestrian access path from all adjacent buildings,
3. Be cleared of snow and ice during inclement weather, and
4. Be maintained for the life of the development.

## F. GENERAL DEVELOPMENT STANDARDS

1. These standards are components of the Site Plan Review process for development permitted under Section 4700C.
2. **Site Design.**
  - a. **Connections.** Sidewalks shall provide a direct connections among building entrances, the public sidewalk or right-of-way, bicycle storage, and parking.
  - b. **Vehicular access.** Curb cuts shall be minimized and driveways shared, where feasible.
  - c. **Open Space.** Open space uses include parks, playgrounds, landscaped areas, athletic fields, and areas left in their natural condition.
  - d. **Screening for Parking.** Surface parking adjacent to a public sidewalk or residential use shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than six (6) 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.
  - e. **Plantings.** Plantings will be only species native to this region. Those plants listed on the Massachusetts Prohibited Plant List, as amended, will be prohibited.
  - f. **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. Where applicable, lighting shall be Dark Sky compliant (directed downward and using full cut-off fixtures).
  - g. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and evergreen plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
  - h. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and evergreen plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
  - i. **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, Article V(F) of Sudbury's General Bylaws, and, if applicable, additional requirements under the Sudbury MS4 Permit for

projects that disturb more than one acre, 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. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
- c. Materials for non-residential uses shall be stored inside or outside within an enclosure, screened from view, and secured.

- d. 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 serving more than one story shall not be located on either of the street-facing façades.
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 Section 4700C Subsection D. Dimensional Standards and Other Requirements. 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 within a building: Buildings with parking within the building envelope shall have shall have programed screening on the primary façade and architectural screening on the remaining sides.
10. **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 4700C Subsection F. 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 MFOD, the Sudbury Master Plan as amended, and the overall benefit of the residents of the Town of Sudbury.

## **G. SITE PLAN REVIEW.**

1. **Applicability.** All projects developed using the MFOD shall be subject to the Site Plan Review procedures as detailed in Section 6300. The Site Plan Review and Approval Authority for the MFOD shall be the Planning Board.
  - a. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the 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 4700C Subsection H. Affordability Requirements, or any other local, state, or federal permitting process.
  - b. **Issuance of Building Permit.** Following the issuance of a site plan review approval, the Applicant shall submit a building permit application and such other materials and fees as may be required to the Building Inspector and a building permit may thereafter be issued for the approved project or any individual component thereof. Building permits may be sought and issued for individual components of an approved project.
  - c. **Water Resources Protection District.** Any MFOD project shall comply with Section 4200 Water Resource Protection Overlay District to the maximum extent practicable. The Planning Board shall review for such compliance through site plan review. Projects in the MFOD are exempt from any Special Permitting processes required in Section 4200.

## **H. AFFORDABILITY REQUIREMENTS.**

1. **Purpose.**
  - a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
  - b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
  - c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
  - d. Work to overcome economic segregation allowing Sudbury 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 multi-family and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects) in the MFOD. No project may be divided or phased to avoid the requirements of this section.



3. **Affordability requirements.** All units affordable to Eligible Households earning 80% or less of AMI created in the MFOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory. The affordability of such units shall be assured in perpetuity, or to the extent allowed by law, by an affordable housing restriction.
4. **Provision of Affordable Housing.** In Applicable Projects, 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 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 equitably throughout the development;
  - c. Located such that the units have equal access to shared amenities, including light and air, utilities (including any bicycle storage and/or Electric Vehicle charging stations), storage, and views 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.

**I. SEVERABILITY.**

1. If any provision of this Section 4700C is found to be invalid by a court of competent jurisdiction, the remainder of Section 4700C shall not be affected but shall remain in full force. The invalidity of any provision of this Section 4700C shall not affect the validity of the remainder of the Town of Sudbury's Zoning.

## **OTHER SECTIONS TO AMEND WITHIN SUDBURY’S ZONING CODE**

Add the following definitions to “Section 7000. Definitions”

**Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, variance or Special Permit or who files an administrative appeal.

**As of right.** Development that may proceed under the Zoning Bylaw without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

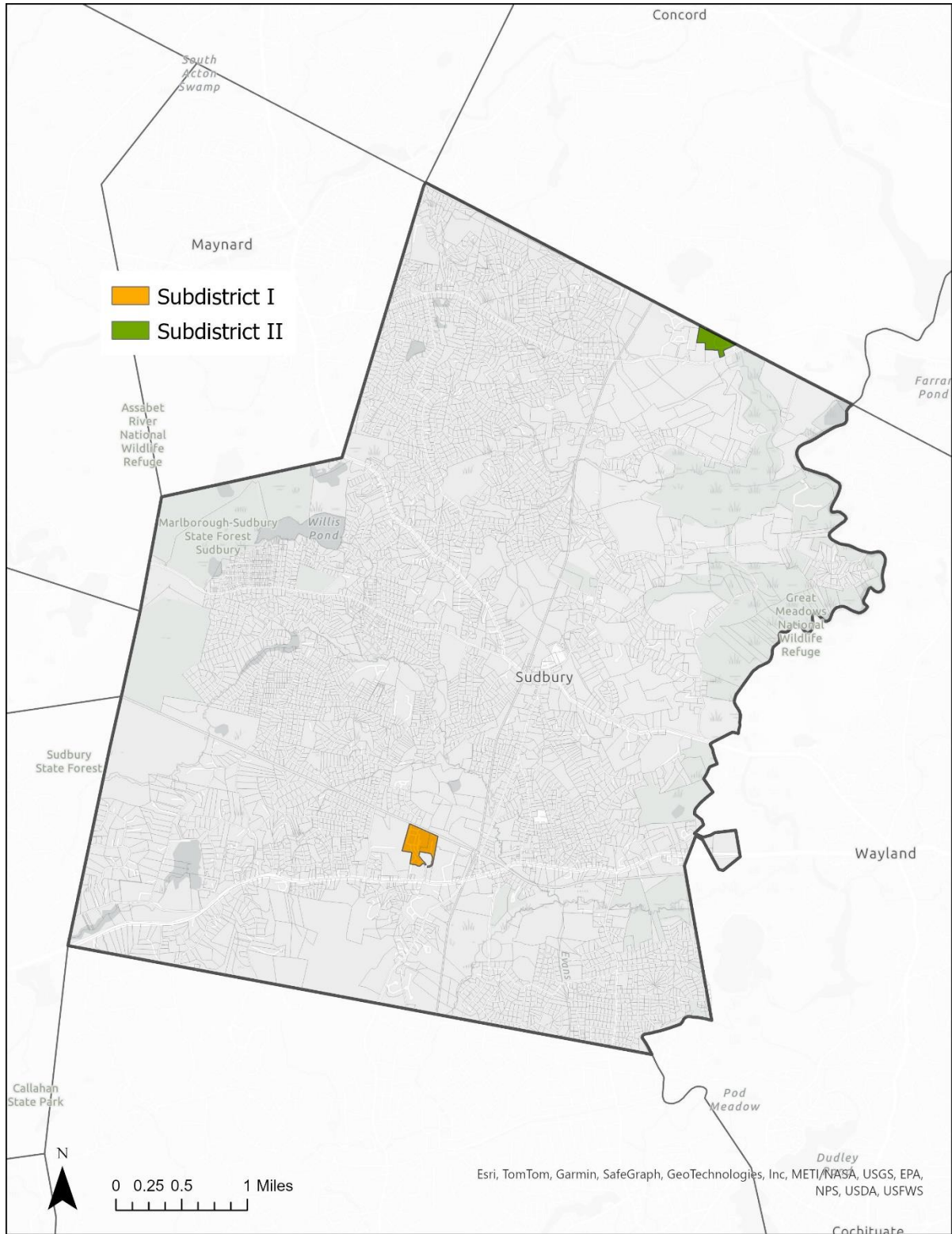
**Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.

'Multi-family housing', a building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

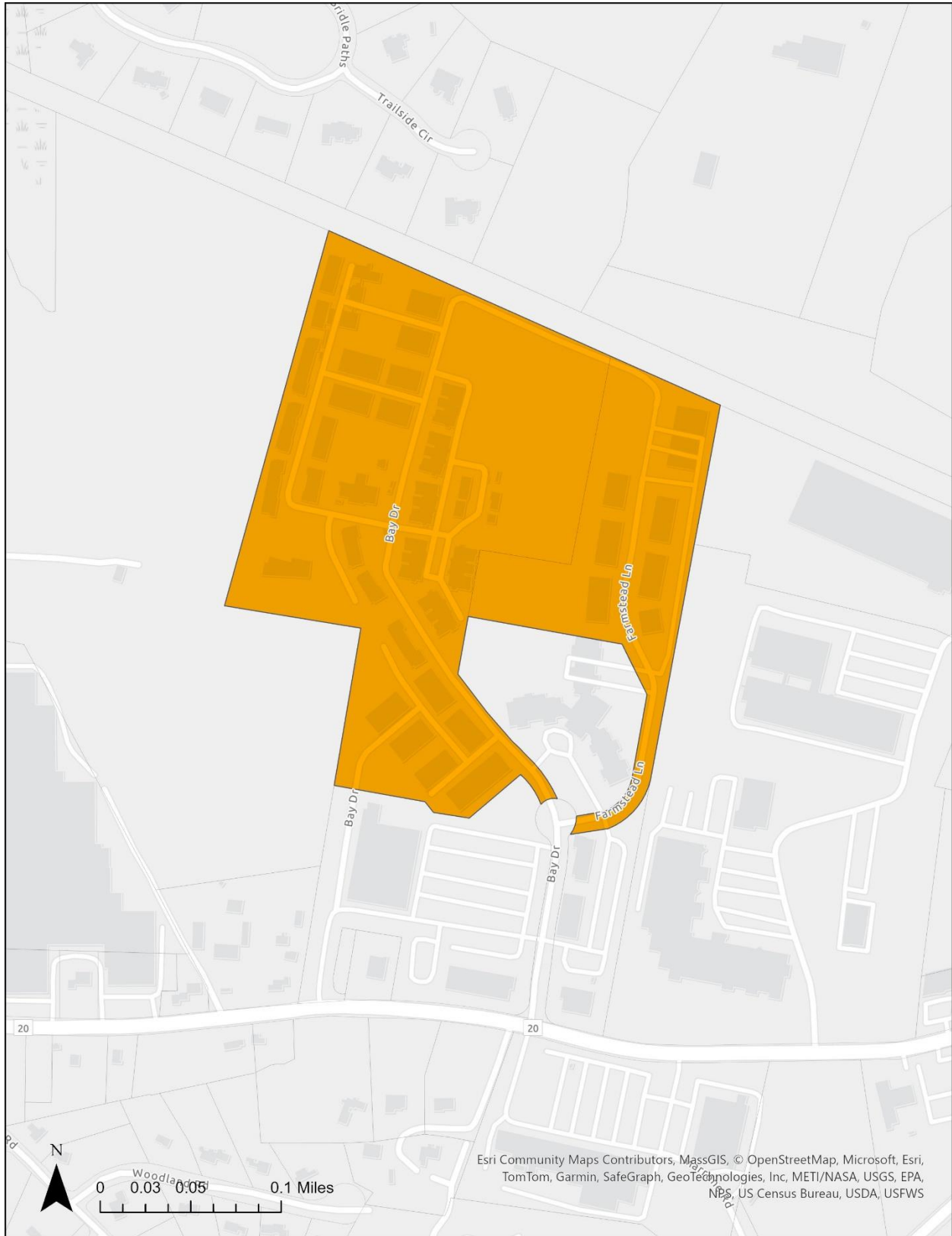
**Section 3A. Section 3A of the Zoning Act.**

# MAPS

## Multi-family Overlay District



Multi-family Overlay District (Sub-District I)



Multi-family Overlay District (Sub-District II)

