

Article 19: Amend The Zoning Bylaw Section 9.3, Section 2.3 Overlay and Special Districts, Zoning Map, Table 1: Table of Use Regulations; A. Residential Uses, D. Commercial Uses and Table 2: Table of Dimensional Regulations.

Sponsored by: Planning Board

To see if the Town will vote to amend Section 2.3 Overlay and Special Districts by deleting the words "Mixed-Use Overlay District and MUOD" and replacing them with "MBTA Communities Multi-Family and Mixed-Use Overlay District" and "MCMMOD", Section 9.3 of the Zoning By-laws of the Town of Sharon, by deleting the existing Mixed Use Overlay District Section (MUOD) 9.3 in its entirety and replacing it with MBTA Communities Multi-Family and Mixed-Use Overlay District (MCMMOD) Section 9.3, revise Town of Sharon Zoning Map by deleting existing MUOD layer and replacing it with new MCMMOD Zoning District layer that includes two subdistricts, Table 1: Table of Use Regulations; A. Residential Uses by adding "" in GR and BA column heading and adding a footnote saying "For filings under the MCMMOD follow the requirements of Section 9.3", D. Commercial Uses Regulations by adding "*" in GR and BA column heading and adding a footnote saying "For filings under the MCMMOD follow the requirements of Section 9.3" and Table 2 Table of Dimensional Regulations by adding "(7)" in the "ZONE" column for General Residence and Business A and adding a footnote saying "(7) For MCMMOD guidelines, see Section 9.3 of Zoning By-Laws", so that it reads as follows; or take any action relative thereto:*

2.3 OVERLAY AND SPECIAL DISTRICTS.

The following overlay and special districts are set forth in Section 9.0 of this Bylaw:

Flood Plain Overlay District	FPOD
Water Resource Protection District	WRPD
MBTA Communities Multi-Family and Mixed-Use Overlay District	MCMMOD
Smart Growth Overlay District	SGOD
Recreation and Residential Overlay District	RROD
Planned Development District	PDD

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9.3 MBTA COMMUNITIES MULTI-FAMILY AND MIXED-USE OVERLAY DISTRICT (MCMMOD).

9.3.1 Purpose. The purpose of this Section is:

1. To promote multi-family and mixed-use development in accordance with Section 3A of M.G.L. c. 40A.
2. To permit the use of new development standards which will promote the required changes in the Town Center.

9.3.2 Establishment and Applicability. The MCMMOD is an overlay district having a land area of approximately 67 acres in size that is superimposed over the underlying zoning district(s). The MCMMOD is hereby designated as including parts of the Business A and General Residence Districts.

1. **Applicability of MCMMOD.** An applicant may develop mixed use or multi-family housing located within the MCMMOD in accordance with the provisions of Section 9.3.
2. **Underlying Zoning.** The MCMMOD shall not restrict owners' rights relative to the underlying zoning district. However, if an owner elects to use the MCMMOD for development purposes, all development shall conform to the regulations outlined in this Section, as well as all other relevant provisions of the municipal and state bylaws.
3. **Subdistricts.** The MCMMOD contains the following sub-districts, all shown on the MCMMOD Boundary Map: Parts of the General Residence subdistrict and parts of Business A subdistrict.

9.3.3 Definitions.

1. Affordable unit, MCMMOD. 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 11.0.
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 Boston-Cambridge-Quincy metropolitan statistical region that includes the Town of Sharon, 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 the time of application without needing a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. 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.
7. EOHLC. The Massachusetts Executive Office of Housing and Livable Communities the Massachusetts Department of Housing and Community Development's successor agency.
8. Development standards. Developments shall follow the performance standards for multi-family or nonresidential uses in Section 6.5 of the Zoning Bylaws.
9. MBTA. Massachusetts Bay Transportation Authority.
10. 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.

11. 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.
12. 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.
13. Section 3A. Section 3A of the Zoning Act.
14. Site plan review authority. The Site Plan Review Authority shall be the Planning Board for the MCMMOD.
15. Sub-district. An area within the MCMMOD that is geographically smaller than the MCMMOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
16. Subsidized Housing Inventory (SHI). A list of qualified Affordable Housing Units maintained by DHCD used to measure a community's stock of low-or moderate-income housing for M.G.L. Chapter 40B, the Comprehensive Permit Law.
17. Transit station. An MBTA subway station, commuter rail station, or ferry terminal.

9.3.4 Permitted Uses. Multi-family housing is allowed as of right in the MCMMOD. Mixed-use development is allowed as of right in the MCMMOD Business District A only. Refer to Table 1: Table of Use Regulations for retail and business uses currently permitted in the underlying zones and residential apartments of the appropriate density shall be permitted in the MCMMOD.

9.3.5 Minimum Lot Dimensions. MCMMOD filing in Business District A shall follow the dimensional requirements of the underlying zoning. MCMMOD filing in General Residence District shall follow the dimensional requirements of the underlying zoning, except the lot area, lot width, and the lot frontage requirements shall follow the Business District A dimensional requirements. If located between two underlying zones, the more restrictive dimensional requirements shall govern.

1. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MCMMOD shall be the same as the underlying district.
2. **Multi-Building Lots.** In the MCMMOD, lots may have more than one principal building.
3. **Exceptions Height.** The limitation on the height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which are in no way used for living and commercial purposes and do not constitute more than 25% of the ground floor of the building. Limit the overall building height including accessories to 50' in Business District A and 40' in General Residence District.
4. **Exceptions: Renewable Energy Installations.** The Planning Board may waive the height and setbacks in Section 9.3.5 Minimum Lot Dimensions 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. They 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.

9.3.6 Density. The minimum density for MCMMOD developments shall be 15 units per acre,

provided the development has access to or creates a shared system and treatment works as defined by 310 CMR 15.00. Minimum density can be waived subject to Title 5 compliance requirements. The maximum number of units shall be limited by the more restrictive of the following factors: the number of full-sized parking spaces which could be provided, full compliance with the Board of Health and zoning wastewater management regulations, or Conservation Commission Wetlands Regulations.

9.3.7 Wastewater. A plan for wastewater treatment from a proposed development in the MCMMOD must be approved by the Board of Health in accordance with all applicable regulations.

9.3.8 Off-Street Parking Regulations. A minimum of one space for a studio or one bedroom unit and two spaces for 2 or more bedroom residential units shall be provided, in addition to the parking required for retail and business uses pursuant to Section 6.1. With the approval of the Planning Board, up to 25% of the total number of residential parking spaces for a development located within a 1/2 mile of the train station may be used to meet the required parking for retail and business uses. Up to 50% of the total number of residential parking spaces for a development located more than 1/2 mile from the train station may be used to meet the required parking for retail and business uses, where it can be demonstrated that the hours of operation for retail and business uses at the development will be during daytime hours only.

1. To provide for better site design, up to 25% of the total number of parking spaces may, at the discretion of the Planning Board, be allocated for compact cars with dimensions of eight feet by 18 feet. Such spaces shall be designated for compact cars only. Compact spaces cannot be applied in calculating the density of residential units. Still, they may be used to meet minimum open space requirements and provide for site design and stormwater drainage.
2. Off-site parking may not be counted toward the requirements for residential units but may be counted toward nonresidential parking requirements. Street parking, as with other publicly owned parking spaces within 400 feet of the site, may be counted toward the nonresidential parking requirements.
3. Multi-level parking may be allowed to be at most two levels if determined by the Planning Board to be appropriate. Such parking may be shared with others off-site, provided it is within 400 feet of the site, and the Planning Board is provided with acceptable written proof.
4. Bicycle Storage. For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered bicycle parking spaces shall be integrated into the structure of the building(s). In multi-family developments, one bicycle parking space per dwelling unit shall be provided. Mixed-use (Non-residential)/Commercial developments shall provide one bicycle storage space for every five parking spaces.
5. Development should be EV ready as per the regulations of Stretch Energy Code plus format of International Energy Conservation Code.

9.3.9. Performance Standards for Multifamily or Nonresidential Uses. Developments shall follow the performance standards for multi-family or nonresidential uses in Section 6.5 of the Zoning Bylaws.

9.3.10. Affordable Housing. This requirement applies 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. 10% of housing units in a development in the MCMMOD must be affordable to households earning 80% or less of AMI and be eligible for inclusion on the EOHLC Subsidized Housing Inventory (SHI). The affordability of such units shall be assured in perpetuity by an affordable housing restriction. A fractional unit shall be rounded down to the next whole number.

9.3.11 Site Plan Review. All projects developed using the MCMMOD shall be subject to the site plan review procedures as provided in Section 10.6, as well as the Town's Stormwater Discharges Generated by Construction Activity General Bylaw, Ch. 230, Stormwater Management, Art. II, Construction Activity Discharges. The Site Plan Review and Approval Authority for the MCMMOD shall be the Planning Board.

9.3.12. Post Office Square Design Guidelines. Projects undergoing Post Office Square design review shall submit to the Planning Board the basic site plan contents. They are required to provide rendering at an appropriate scale and coverage determined by the Planning Board. The elements highlighted in the Post Office Square Design Guidelines as enumerated in the site plan review, including pathways connecting to adjacent sidewalks, parking areas, sitting areas, a plan for storage areas, lighting, shade trees, and other landscaping, shall be provided for review by the Planning Board. Developers are encouraged to meet with the Planning Board to discuss their projects with respect to the Post Office Square Design Guidelines.

9.3.13 Severability. If any provision of Section 9.3 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.3 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 9.3 shall not affect the validity of the remainder of the Town of Sharon's Zoning Bylaw. Also see Section 1.6 Severability of the Sharon Zoning Bylaw.

TABLE 1: TABLE OF USE REGULATIONS

Y = Yes

N = No

BA = Special permit, Zoning Board of Appeals

PB = Special Permit, Planning Board

SB = Special Permit, Select Board

	R1	R2	Sub A	Sub B	SRA	SRB	GR*	BA*	BB	BC	BD	LI	Pro A	Pro B
A. RESIDENTIAL USES														
1. Single-family residence	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
2. Two-family residence	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
3. Dwelling units over nonresidential first floor uses (see Section 8.5)	N	N	N	N	N	N	N	N	BA	BA	N	N	N	N
4. Multifamily or mixed-use buildings (see Section 8.5)	N	N	N	N	N	N	N	BA	N	N	BA	N	N	N
5. Conversion to create one or more dwelling units (see Section 8.4)	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N	N
6. Conversion of municipal building (see Section 8.4)	SB	SB	SB	SB	SB	SB	N	N	N	SB	N	N	N	N
7. Open Space Residential Development (see Section 8.3)	PB	PB	PB	PB	PB	PB	PB	N	N	N	N	N	N	N
8. Senior Housing Facility (see Section 8.2)	PB	PB	PB	PB	PB	PB	PB	N	N	N	BA	Y	N	Y

* For filings under the MCMMOD follow the requirements of Section 9.3

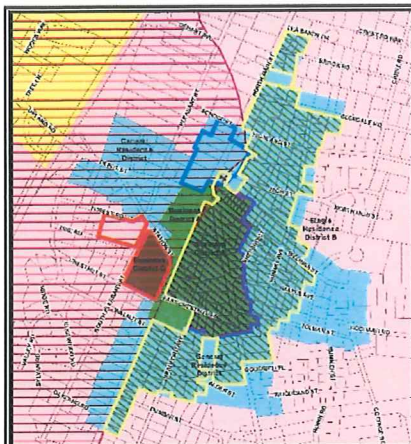
	R1	R2	Sub A	Sub B	SRA	SRB	GR*	BA*	BB	BC	BD	LI	Pro A	Pro B
D. COMMERCIAL USES														
1. Wellness center or health club	N	N	N	N	N	N	N	Y	Y	N	Y	Y	N	N
2. Club operated as a business	N	N	N	N	N	N	N	BA	BA	N	BA	N	N	N
3. Private nonprofit club or lodge	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N	N
4. Trade, professional, or other school operated for profit	N	N	N	N	N	N	N	N	N	N	BA	N	N	N
5. Training or conference center	N	N	N	N	N	N	N	N	N	N	BA	N	N	N
6. Hotel	N	BA	N	N	N	N	Y	N	N	N	Y	Y	N	N
7. Retail delivery service or postal boxes	N	N	N	N	N	N	N	N	N	N	BA	N	N	N
8. Mortuary, undertaking or funeral establishment	N	N	N	N	N	N	N	N	BA	N	BA	Y	N	N
9. Adult use	N	N	N	N	N	N	N	N	N	N	N	BA	N	N
9. Bed and breakfast facilities	BA	BA	BA	BA	BA	BA	BA	N	N	N	N	N	N	N
10. Major Nonresidential and Mixed-Use Development	N	N	N	N	N	N	PB	PB	PB	PB	PB	PB	PB	PB

* For filings under the MCMMOD follow the requirements of Section 9.3

Zoning

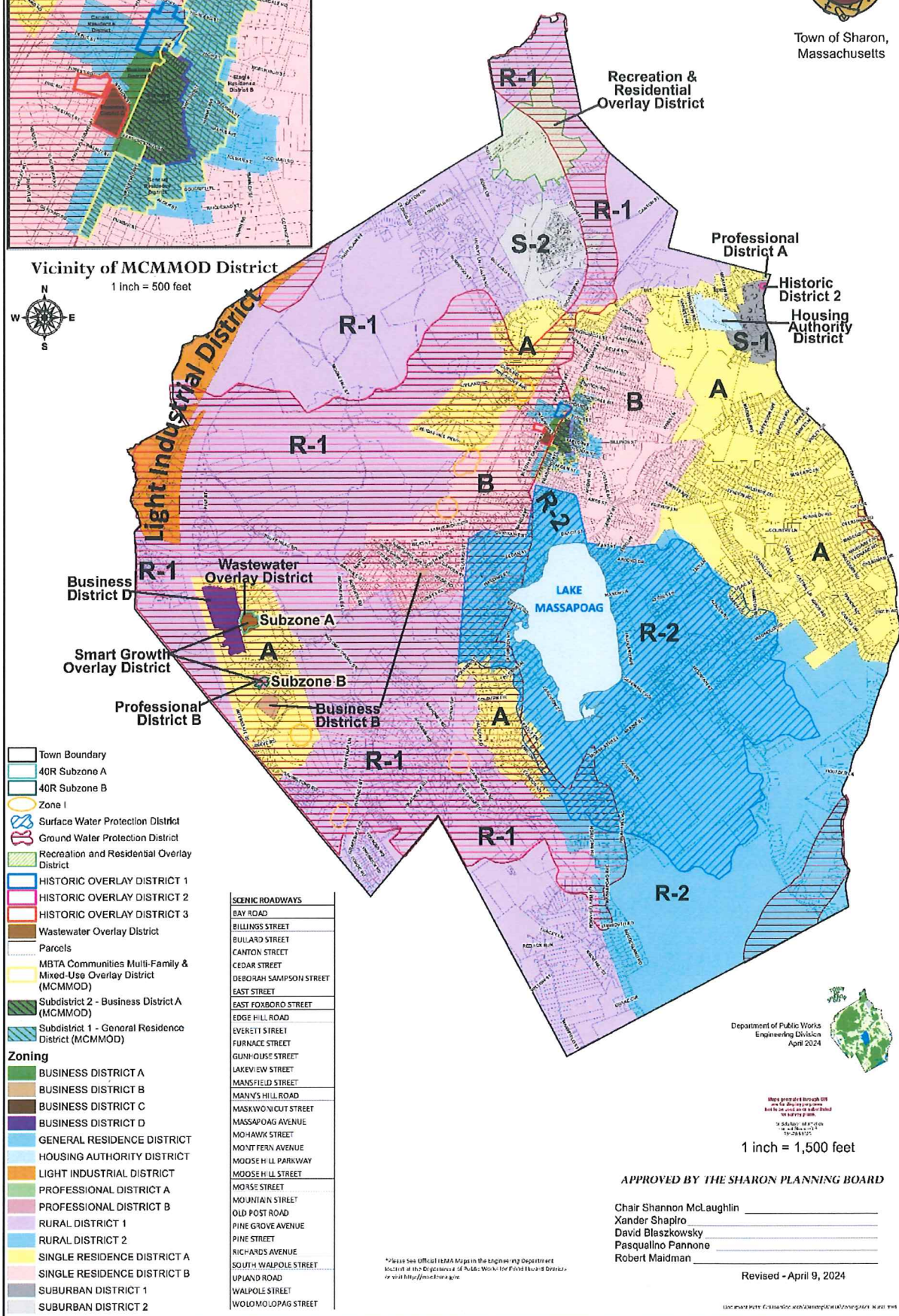


Town of Sharon,
Massachusetts



Vicinity of MCMMOD District

1 inch = 500 feet



*Please See Official ZEMA Maps in the Engineering Department
located at the Department of Public Works for Final Board Review
or visit <http://planning.sharon.ma.gov>

Use map with caution. Not for navigation. Not for legal purposes.

TABLE 2: TABLE OF DIMENSIONAL REGULATIONS

ZONE	LOT AREA (Sq. Ft.)	LOT WIDTH	FRONTAGE	FRONT SET-BACK (from sideline)	REAR/SIDE SET-BACK	MAXIMUM HEIGHT	MAXIMUM STORIES	PERCENT OF LOT COVERAGE	PERCENT OF NATURAL COVERAGE
Rural District 1	60,000	175'	116'-8"	50'	30' (principal building) 10' (accessory building)	35'	-	15% (2)	50%
Rural District 2	80,000	175'	116'-8"	50'	30' (principal building) 10' (accessory building)	35'	-	15% (2)	50%
Suburban District 1	40,000	125'	82'-6"	30'	20' residential 10' all other	35'	-	25%	no requirement
Suburban District 2	60,000	175'	116'-8"	50'	30' (principal building) 10' (accessory building)	35'	-	15% (2)	50%
Single Residence District A	40,000	150'	100'	30'	15' residential 10' all other	35'	-	25%	no requirement
Single Residence District B	20,000	100'	66'-8"	30'	15' residential 10' all other	35'	-	25%	no requirement
General Residence (7)	8,000 10,000 two family	70' 80' two family	46'-8" single fam. 53'-4" two family	30'	15' residential 10' all other	35'	-	40%	no requirement
Business District A (7)	10,000 for single or two family	80' one family and two family	70'	20' max 1&2 family 10' max all other	20' residential 10' all other	other uses 45' 40' residential	3	25% 1 and 2 family 60% all other	20%
Business District B	8,00010,000 two family	80' two family (4)	70'	10'	20' residential 10' all other	60' commercial 40' residential	4 commercial 3 residential	25% residential 20% all other	n/a
Business District C	8,00010,000 two family	80' two family (4)	70'	20' max 1&2 family 10' max all other	20' residential 10' all other	45' commercial 40' residential	3	25% 1 and 2 family 35% multi family 50% all other	30%
Business District D Development	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.4	See Section 4.3.8.4	See Section 4.3.8.1	See Section 4.3.8.1
Lot Within Business District D but Not Within a Business District D Development	53 acres	1,000'	1,000'	10' from I-95, 50' from Old Post Rd., 100' from all other streets	100' (6)	See Section 4.3.8.4	See Section 4.3.8.4	55%	33%
Lot Within a Business District D Development	60,000	25'	25'	10' from I-95, 50' from Old Post Rd., 100' from all other streets	No requirements from lots within Business District D 100' from lots outside Business District D (6)	See Section 4.3.8.4	See Section 4.3.8.4	No Requirements	No Requirements
Lot Not Within a Business District D Development	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.1	See Section 4.3.8.4	See Section 4.3.8.4	See Section 4.3.8.1	See Section 4.3.8.1

Professional District A	20,000	80' two family (4) 150' all other	100'	n/a'	20' residential 10' all other	40'	3	n/a	n/a
Professional District B	60,000	80' two family (4) 150' all other	100'	40'	20' residential 10' all other	40'	3	20%	30%
Light Industrial District	40,000	150'	100'	75'	100' residential 30' all other	100'	5	60% including 75% parking structures 25%	20% (landscaped or open space) no requirement
Housing Authority District	40,000 [5,000](1)	no requirement	no requirement	30' and 50'	20' residential 10' all other	35'	-		
NOTES:					Note: Lots located within Groundwater Protection District have a minimum lot size of 60,000 sf.				
(1) Per dwelling unit (4 persons in a group arrangement = dwelling unit)					Note: Lots located within Surface Water Protection District have a minimum lot size of 80,000 sf.				
(2) Includes paving and walks									
(3) Excluding parking decks									
(4) All other uses, see Section 4.1.3 of Zoning By-Laws									
(5) See §4.3.8 Business District D Dimensional Requirements					Note: Lot Width is measured as set forth in Section 4.1.3.				
(6) Setbacks from Route 1-95 are considered as front setbacks as set forth above) and N/A from lots within Business District D.									
(7) For MCMMOD guidelines, see Section 9.3 of Zoning By-Laws					Note: See Section 4.1.3 for Shape Factor When Calculating Lot Area.				