

Informational Handout

Amend Zoning Bylaw - 3A Multi-Family Overlay District

To see if the Town will vote to amend the Zoning Bylaw and map to adopt a 3A Multi-Family Overlay District by adding a new provision which reads as follows:

ARTICLE 200-43.

A. Purpose. The purposes of 3A Multi-family Overlay District (3A) are:

- (1) To lower the permitting barrier for multi-family housing and to ensure compliance with the MBTA Communities Act, MGL c. 40A § 3A;
- (2) To allow as of right multi-family housing types in a variety of overlay zoning districts; and
- (3) To ensure high-quality site planning, architecture and landscape design that is consistent with the visual character and identity of the Town of Marblehead.

B. Scope and authority. 3A Districts, pursuant to MGL Ch. 40A sec 3A, shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Marblehead, as amended. At the option of the owner, development of land within a 3A District may be undertaken by means of a plan approval pursuant to the zoning controls set forth in this § 200-43 or by complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Marblehead (underlying zoning). Development projects proposed pursuant to § 200-43 shall be subject to all other applicable local, state, and federal regulations.

C. Establishment and delineation of Multifamily Overlay Districts (3A). There are three districts identified as 3A Overlay Districts: Pleasant Street District, Broughton Road District and Tioga Way District. The boundaries of the three districts are delineated as 3A Pleasant Street District, 3A Broughton Road District and 3A Tioga Way District on the Zoning Map.

D. Definitions. All definitions are as they appear in § 200-7 and § 20-44D of the Marblehead Zoning Bylaw in effect as of the date of the adoption of this bylaw. To the extent that there is any conflict between § 200-44 and MGL section 3A the latter shall control.

E. Permitted uses. The following uses shall be permitted in the following districts as-of-right upon plan approval as set forth in section 200-44-K(5), and at residential densities specified in Table E, Table of Dimensional and Density Requirements:

TABLE E

Permitted Uses

Residence Uses	3A Broughton Road District	3A Tioga Way District	3A Pleasant Street District
Multifamily project	Yes	Yes	Yes
Mixed-use project	No	Yes	Yes

1. Nonresidential uses permitted as-of-right pursuant to the underlying zoning are permitted pursuant to this Bylaw as part of a mixed-use development project.

F. Prohibited uses or activities in the 3A.

- (1) Any use prohibited by the underlying zoning in effect as of the date of adoption of this Bylaw.
- (2) Any use not listed in § 200-43E of this Bylaw is expressly prohibited.
- (3) Age restricted housing.
- (4) Any unit smaller than 900 square feet in size unless approved as an Accessory Dwelling Unit.

G. Dimensional and other requirements.

- (1) New buildings within the 3A shall be subject to the bulk, dimensional and density requirements in Table G, Table of Dimensional and Density Requirements:

Table G

District	Min. Lot Area (sq. ft.)	Max. Residential Density (units/ acre)	Min. Frontage (Linear ft.)	Min. Front Setback (Linear ft.)	Min. Side Setback (Linear ft.)	Min. Rear Setback (linear ft.)	Min. Open Area (%)	Max. Height (ft.)
3A Broughton Rd	7500	20	35	6	(1)	(1)	(2)	35
3A Tioga Way	6000	20	35	6	(1)	(1)	(2)	35
3A Pleasant Street	5400	20	35	N	(1)	(1)	(2)	35
NOTES: N — None (1) Except as to any boundary abutting any other business district, six feet; as to any boundary abutting any residential district, nine feet. May be reduced at the discretion of the approving authority. (2) One square foot of open land area (in addition to the areas of required parking spaces for such lot) for each two square feet of gross floor area.								

- (2) Building renovation. Renovation of existing buildings may maintain existing building footprints and may only expand such footprints insofar as such expansion is in compliance with the required dimensional requirements for new buildings.
- (3) Fractional units. When the application of the allowable densities specified in Table G, Table of Dimensional and Density Requirements, results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (4) Signage. Commercial signage proposed within a mixed-use development project shall be subject to the procedures and requirements of the Marblehead Sign Bylaw, Chapter 148 of the Marblehead General Bylaws, in effect as of the date of adoption of this Bylaw.

H. Off-Street parking.

- (1) Off-street parking in the districts shall be provided to meet or exceed the following minimum requirements:

Table H

Off Street Parking Requirements

Use	Pleasant 3A	Broughton	Tioga
Dwelling unit (2 bedrooms)	2.0 spaces	2.0	2.0
Dwelling unit (3 or more bedrooms)	2.0 spaces	2.0	2.0
Nonresidential use	1.0 space/500 square feet	n/a	1.0 space/ 300 square feet

- (2) Fractional spaces. When the application of the minimum required parking standards in this § 200-44H results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (3) Location of parking. Any surface parking lot shall be located at the side or rear of a building, relative to any public right-of-way or public open space. Subsurface parking that requires blasting may be disallowed if the approving authority finds, based on the results of a geotechnical analysis, that it is not possible to mitigate any extraordinary adverse impact of blasting on nearby properties.
- (4) The approving authority may grant a plan approval making such modifications in the parking standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in or in proximity to the 3A. The approving authority may impose conditions of use or occupancy appropriate to such modifications.
- (5) The approving authority may require additional visitor parking beyond the maximum required spaces per unit if deemed appropriate given the design, layout, use and/or density of the proposed development project.
- (6) Construction standards. Each parking space shall be at least nine feet wide and 18 feet long and shall be designed with appropriate means of vehicular access to a street as well as maneuvering areas. Access and maneuvering areas shall not be obstructed or used for the parking of motor vehicles. Parking shall be designed and constructed to comply with all applicable disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB).

I. Design standards. To ensure that new development shall be of high quality, all applications shall comply with the Town of Marblehead Smart Growth Overlay District design standards as approved by DHCD on May 1, 2009. The design standards shall govern the issuance of plan approvals for development projects within the 3A Districts. All applicants shall file an application with the plan approval authority for development projects within 3A Districts. The physical character of development within the 3A Districts shall comply with such design standards. In the event of any conflict between this Bylaw and the design standards, this Bylaw shall govern and prevail.

J. Affordable housing. Affordable Housing Requirements shall apply to any development under § 200-43 of this Bylaw. The affordability requirements are those allowed in the Compliance Guidelines for Chapter 40A, Section 3A: For all developments of more than six units, a minimum of ten percent (10%) of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

K. Administration. The Planning Board shall act as the approving authority and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for plan review. The plan review process encompasses the following, as may be supplemented by the administrative rules in paragraph K Administration § 200-44 Smart Growth of this zoning bylaw.

L. Date of effect. The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of MGL c. 40A § 3A provided, however, that an applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by the Office of the Massachusetts Attorney General.

M. Severability. The provisions of this section are severable. If any provision of this section is held invalid, the other provisions shall not be affected but shall remain in full force.

And

To amend the Marblehead zoning map by adding three Multifamily Overlay Districts (3A). There are three districts identified as 3A; Pleasant Street District; Broughton Road District and Tioga Way District. The boundaries of the three districts are delineated as 3A Pleasant Street District, 3A Broughton Road District and 3A Tioga Way District as show below:

