**Article X (Special Regulations)**

**Section X – Multi-Family Overlay District (MFOD)**

**A. Purpose**

The purpose of the MFOD is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (MGL Chapter 40A). This zoning allows for as of right multi-family housing in an attempt to encourage the production of a variety of housing types that will provide equal access to new housing for people with a variety of needs and income levels.

**B. Establishment and Applicability**

The MFOD is an overlay zoning district having a land area of approximately X acres that is superimposed over the Residential A and Residential B District(s) (RA & RB) as shown on the Town’s official Zoning Map.

B.1 **Applicability of MFOD.** An applicant may develop multi-family housing located within the MFOD in accordance with the provisions of this section (4.10).

B.2 **Underlying Zoning.** The MFOD is an overlay zoning district superimposed on the underlying Residential A and Residential B District(s) (RA & RB). The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the Residential District(s) shall remain in effect. Uses that are not identified in this Section are governed by the requirements of the underlying zoning district (RA & RB).

**C. Definitions**

For purposes of this Section[x], the following definitions shall apply.

C.1. **Affordable unit.** 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.

C.2. **Affordable housing.** Housing that contains Affordable Units as defined by this Section [x].

C.3. **Applicant.** A person, business, or organization that applies for a Building Permit, Site Plan Review, or Special Permit.

C.4. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Townsend, as defined by the U.S. Department of Housing and Urban Development (HUD).

C.5. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.

C.6. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.

C.7. **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.

C.8. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.

C.9. **Development standards.** Prior to the issuance of a permit, the applicant shall submit the information necessary to demonstrate that the following development standards have been met:

(a) The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the development and will comply with Town standards for parking, access, road design and construction.

(b) The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.

(c) The nature of the soils and subsoils shall be suited for the intended purposes. This determination shall focus upon, but shall not be limited to, the location, design and construction of roadways, buildings, septic systems and surface water drainage systems. Soil borings or test pits may be made to provide information on soil texture, color, percolation rates and depth to the groundwater table at its maximum elevation.

(d) Anticipated stormwater runoff from the site shall not exceed peak runoff from the site prior to development. The applicant shall submit formal drainage calculations by a registered professional engineer for this purpose.

C.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.

C.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.

C.12. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.

C.13. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.

C.14. **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.

C.15. **Section 3A.** Section 3A of the Zoning Act.

C.16. **Site Plan Review Authority.** The Planning Board is the Site Plan Review authority.

C.17. **Special Permit Granting Authority.** The Special Permit Granting Authority for multi-family housing projects proposed within the MFOD shall be the Planning Board.

C.18. **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 the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

**D. Permitted Uses**

In addition to all other uses allowed by right in the Residential District(s), multi-family housing shall also be allowed by right in the MFOD.

**E. Dimensional Standards**

The following dimensional standards shall apply to the MFOD:

E.1. The minimum lot size shall be X acres.

E.2. The minimum density shall be no less than 15 units per acre.

E.3. The maximum height for all residential structures shall be no more than 3 stories (38 feet).

E.4. The minimum frontage requirement shall be 200 feet.

E.5. All residential structures shall be located a minimum of 100 feet from adjacent properties and public ways.

E.6. Side yard setbacks shall be a minimum of 60 feet.

E.7. Rear yard setbacks shall be a minimum of 60 feet.

E.8. The minimum lot width shall be 200 feet.

E.9. The minimum setback distance for freestanding accessory buildings shall be 10 feet from all lot lines.

E.10 Structure size: not to contain less than X number of units per each detached structure.

E.11 Maximum lot coverage: by buildings and pavement: 30% of gross upland land area.

**F. Parking**

The following parking standards shall apply to the MFOD:

F.1. One parking space shall be provided for each dwelling unit.

F.2. No parking area shall contain more than X parking spaces. All parking areas shall be connected to the structures by walkways.

F.3. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible.

F.4 Buffers for parking areas shall be at least 60 feet in width.

F.5. All buffer areas and open spaces shall have appropriate vegetative screening and landscaping so as to meet development standards and design requirements.

F.6. Any road or driveway serving 12 or more dwelling units shall have at least 250 feet visibility in each travel direction and shall be separated from all other driveways or intersecting streets by at least 150 feet.

F.7. Interior roads and utilities shall provide service functionally equivalent to that assured individual lots under the Planning Board's Subdivision Rules and Regulations.

**G. Exterior Lighting**

G.1. Outdoor lighting fixtures shall be cut-off type, mounted no higher than 15 feet, and oriented and shielded to avoid glare on adjoining properties.

G.2. Planting or other screening shall be used to block headlight glare from drives and parking lots onto adjoining premises.

G.3. No buildings shall be floodlit.

**H. Site Plan Review**

All development plans proposed for the MFOD shall be subject to Site Plan Review and Approval by the Planning Board.