

WARRANT ARTICLE.

To see if the Town will vote to amend the Zoning Bylaw by adding a following new Section 8.9, Multifamily Overlay District, or take any other action related thereto.

8.9. MULTIFAMILY OVERLAY DISTRICT

8.9.1 Purpose.

The purpose of the Multifamily Overlay District (MOD) is to foster a range of housing opportunities near retail sales and services, transportation options, employment centers, and civic and personal services. In addition, Section 8.9 is intended to:

1. Provide family housing in accordance with G.L. c. 40A, § 3A and the Section 3A Compliance Guidelines of the Executive Office of Housing and Livable Communities (EOHLC);
2. Provide opportunities for housing near public transportation such as the Town’s commuter rail stations and regional bus routes;
3. Encourage a mix of housing sizes and types in walkable areas to promote public health, reduce greenhouse gasses, improve air quality, and concentrate development where adequate facilities and services exist to support it;
4. Provide predictable permitting of new housing development;
5. Encourage residential and commercial uses to provide a customer base for local businesses;
6. Encourage economic investment in the redevelopment of properties;
7. Respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
8. Advance a number of land use, housing and mobility goals of the Andover Comprehensive Plan; Andover Housing Production Plan, Community Health Improvement Plan and the Climate Action and Substantiality Plan; and
9. Be consistent with the Town of Andover Complete Streets Policy.

8.9.2 Applicability.

1. The MOD includes all the lands designated on the map titled Multifamily Overlay District and Subdistricts, dated February 29, 2024 and prepared by Town of Andover, on file with the Town Clerk and hereby made part of the Zoning Map. The MOD shall include the following subdistricts:
 - a. Downtown
 - i. Transit (MODT)
 - ii. Downtown Residential (MODR)
 - b. Ballardvale (MODB)

- c. River Road (MODRR)
- 2. Underlying Zoning. At the option of the Applicant, development of land within the MOD may be undertaken subject to the requirements of this Section 8.9 or by complying with all applicable requirements of the underlying district. The requirements of the underlying zoning district(s) shall remain in full force and effect, except for a Project proposed for approval under this Section 8.9.

Developments proceeding under this Section 8.9 shall be governed solely by the provisions herein. When a building permit is issued for any Project approved under this Section 8.9, the provisions of the underlying district(s) shall no longer apply to the land shown on the site plan.

- 3. The Planning Board is the Site Plan Review and Special Permit granting authority for the MOD.

8.9.3 Permitted Uses

- 1. The following uses are permitted as of right in the MOD, subject to Site Plan Review under Section 9.5.
 - a. Multifamily housing
 - b. Residential accessory uses permitted in the underlying zoning district(s).
- 2. Special Permit Uses. In the MODT, MODRR and MODB, the Planning Board may grant a Special Permit for a Mixed-Use Structure in which multi-family housing is the principal use and any of the following nonresidential uses may be located on the ground floor, subject to any conditions that Planning Board deems appropriate:
 - a. Private club not conducted for profit
 - b. Personal service establishment
 - c. Establishment for the retail sale of merchandise
 - d. Convenience store
 - e. Non-exempt educational use
 - f. Medical center or clinic
 - g. Self-service laundry or dry-cleaning operation
 - h. Restaurant
 - i. Restaurant, sit-down
 - j. Restaurant, limited service
 - k. Shop for custom work involving the manufacture of articles to be sold on the premises

- l. Indoor commercial recreation establishment
- m. Business, professional or administrative office

8.9.4 Dimensional Regulations

- 1. Development in the MOD shall comply with the following dimensional and density regulations:

Table of MOD Dimensional and Density Regulations

Requirement	Downtown		Ballardvale	River Road
	Downtown Res	Transit		
Minimum lot area	N/A	N/A	N/A	N/A
Maximum lot coverage	50%	50%	30%	30%
Minimum Min. common open space	20 5%	5 20%	5 20%	1 20%
Maximum height				
Stories (maximum)	2.5	3	3	4
Feet (maximum)	35	45	45	55
Minimum frontage	0	0	0	50
Minimum required setbacks:				
Front	10 4	5 0	5	20
Side	10 5	5 0	5	5 0
Rear	10 0	5 0	5	5 0
Maximum units per acre	15	25	20	35
Maximum buildings on a lot	N/A	N/A	N/A	N/A

- 2. Additional Requirements
 - a. When adjacent to or up to 10 feet from the property line of a lot on Essex Street, Pearson Street, or North Main Street, ~~Dale Street and Andover the~~Street, the maximum building height shall not be more than 35 feet above the adjacent public street.
 - b. When a building facade extends more than 100 feet across a grade equal to or greater than 10 feet in elevation differential, the maximum height of the building shall be determined from the average grade across each 100-foot increment.
- ~~3. —~~Exceptions to Maximum Building Height. The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings that are not used for living purposes and do not constitute more than 25 percent of the ground floor area of the building. Vertical projections or roof structures that house elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, or to fire or parapet walls, skylights, towers,

~~steeple, flagpole, chimney, smokestack, water tank, wireless, radio or television masts, silos, energy generation and conservation apparatus, or similar unoccupied features, may be erected above the height limits in this Section 16 provided the structures are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.~~

~~4.3.~~ More than one residential or accessory building or structure shall be allowed on a lot in the MOD. All structures must conform to the Massachusetts Building Code with respect to building separation and firewalls.

~~5.4.~~ In the MODRR subdistrict, the Planning Board may grant a Special Permit to authorize an increase in the maximum building height, up to 5 stories and 65 feet, for ~~multifamily housing or~~ a Mixed-Use Structure and increase the allowable density to 45 units per acre.

8.9.5 Development Standards.

1. Developments in the MOD shall conform to the standards in this Section 8.9 and the following:
 - a. Section 5.1, Off-Street Parking, subject to Subsection 4 below.
 - b. Section 5.3, Landscaping, Buffering, and Lighting, subject to Subsection 8 below
 - c. Section 8.3, Flood Hazard Overlay District
2. Setbacks and Buffers
 - a. No use other than landscaping, sidewalks, multi-use paths, street furniture, seating, and permitted signs shall be permitted in the front yard of any lot.
 - b. Where applicable, the front setback may be increased for purposes of amenities such as a courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, or façade offsets, but not for automobile use.
 - c. River Road Subdistrict
 - i. In the MOD River Road District Subdistrict, no multi-family structure shall be erected within 80 feet to the property line of any industrial use.
 - ii. There shall be a landscape buffer of at least 30 feet between any residential or mixed-use development in the MOD and any manufacturing and industrial uses. Landscaped screening shall meet the requirements set forth in Section 5.3.
3. Sidewalks, Internal Walkways, and Landscaping.
 - a. All developments shall provide accessible walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks and adjacent public features, such as parks and playgrounds, with minimal interruption by driveways.

- b. Parking lot aisles and access and interior driveways shall not count as walkways. The Planning Board may require benches, waiting areas, bicycle racks, stroller bays, and other sheltered spaces near building entrances.
 - c. To the maximum extent possible, walkways should have some degree of shelter achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means to delimit the pedestrian space.
 - d. Pedestrian and bicycle pathways shall be included within 100 feet of the Shawsheen River for public use and enjoyment if the Project includes frontage along the Shawsheen River. Said pedestrian pathway shall be publicly accessible via a public access easement or conveyance to the Town of Andover. The easement width for these pathways shall be not less than 20 feet, unless otherwise approved by the Planning Board.
 - e. Site landscaping shall not block a driver's view of oncoming traffic.
 - f. Compliance with these standards shall be demonstrated in site circulation and landscaping plans submitted with the MOD Development Plan Application.
4. Off-Street Parking. Development in the MOD shall be provided as required by Section 5.1.4 Appendix A, Table 3 Off-street parking requirements and shall comply with Section 5.1 of this Bylaw. Any conflict between 5.1 and 8.9 shall be resolved in favor of 8.9.
- a. The minimum number of parking spaces shall be 1.5 spaces per unit in the MODR, MODB, and MODRR subdistricts, and 1 space per unit in the MODT district.
 - b. No surface parking shall be located between the front building line of a residential building and the front lot line nor within any minimum setback under Section 8.9.4. Surface parking shall be located to the rear or side of the principal building.
 - c. Structured parking in a separate parking garage shall be located behind the front building line of the multi-family dwellings on the lot.
 - d. For structured parking that is located partially or entirely under a residential building, the vehicular entry to the parking area shall be subordinate in design and placement to the principal pedestrian entry into the building. For example, vehicle parking that is not underneath the multifamily building but is covered by it shall be effectively shielded from view from the street and sidewalks by any combination of the following methods: fence, trees, or building wall sufficiently articulated to avoid the appearance of a blank wall at the street level.
 - e. Shared Parking Facilities. The Planning Board may allow for shared parking facilities within the MOD for different buildings or uses subject to the following provisions: a. Up to 50 percent of the parking spaces serving a building may be used jointly for other uses not normally open, used, or operated during similar hours. The applicant must demonstrate to the Planning Board that the peak demand and principal operating hours for each use are suitable for a common parking facility. b. A written agreement defining the joint use of the common

parking facility acceptable to the Planning Board shall be executed by all parties concerned and approved by the Planning Board as part of the Site Plan permit process. This agreement shall be recorded with the Registry of Deeds.

5. **Bicycle Parking.** The following requirements shall apply to bicycle parking:
 - a. In any development of ten or more multifamily units, the minimum number of covered bicycle parking spaces shall be one space per two units.
 - b. For purposes of this bylaw, a bicycle parking space is an area within which one intact bicycle may be conveniently and securely stored and removed in an upright position with both wheels resting on a stable surface without requiring the use of a kickstand, and without requiring the movement of other parked bicycles, vehicles, or other objects to access the space.
 - c. Long-term bicycle parking is intended primarily to serve residents, employees, or other people who would require storage of a bicycle for a substantial portion of the day, for an overnight period, or for multiple days. Short-term bicycle parking is intended primarily to serve visitors, such as retail patrons making trips of up to a few hours to a particular use.
 - d. The Planning Board may adopt rules and regulations and guidelines for the design and placement of bicycle racks for long-term and short-term bicycle parking.
6. **Buildings.**
 - a. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building materials on the primary, public facing façade(s) (front, side, and rear) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - b. Building(s) adjacent to a principal access drive shall have a pedestrian entry facing that access drive.
 - c. To encourage clustering of buildings and provide for common open space and amenities on the lot, no building may be more than 90 feet from the nearest adjacent building unless approved by the Planning Board.
7. **Shared outdoor space.** Multi-family housing shall have common outdoor space that all residents can access. The outdoor space may be located in any combination of ground floor, courtyard, rooftop, or terrace.
8. **Exterior Lighting.** Throughout the MOD district, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. To this end, exterior lighting in the MOD shall conform to the following standards and shall be in accordance with a lighting plan approved by the Planning Board.
 - a. **Pedestrian Lighting**
 - i. Pedestrian lighting shall complement the character, aesthetic appeal, and safety of a development and promote greater pedestrian activity.

- ii. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, developments shall be equipped with downcast or full-cutoff fixtures.
 - iii. When pedestrian lighting is used in conjunction with street lighting, the illumination provided by the former shall be distinguishable from the illumination provided by the latter to clearly define the pedestrian path of travel.
 - b. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the continuity of the streetscape. Where possible, the Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern rather than fewer, taller fixtures.
 - c. Parking Areas
 - i. Within parking areas, there shall be a unified system that provides attractive lighting throughout the lot.
 - ii. Fixtures shall minimize spill light and glare onto adjacent properties. Fixtures adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.
 - iii. Lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to walkways, parking area lighting shall not overpower the quality of pedestrian area lighting.
- 9. Waivers. Upon the request of the Applicant, the Planning Board may waive by majority vote the requirements of this Section 8.9.5(1) through (8) above in the interests of design flexibility and overall project quality, and upon a finding that the proposed variation is consistent with the overall purpose and objectives of the MOD.
- 10. Affordability. Development in the MOD shall comply with 7.8.4 except as follows:
 - a. All residential developments consisting of 10 or more units shall have at least 15% of the dwelling units (and no fewer than one unit) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized Housing Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.
 - b. If EOHLIC determines in writing that the Town has not shown this 15% requirement to be economically feasible, at least 10% of the dwelling units in any development in the MOD shall be affordable units with household income limited to 80% of AMI and eligible for inclusion on the Subsidized Housing Inventory. For purposes of calculating the number of affordable units required, the unit requirement shall round down to a whole number in the instances of a fraction.
 - c. The applicant may, with the permission of the Planning Board, in lieu of one or more affordable unit(s) contribute to the Town of Andover Municipal Affordable

Housing Trust Fund, a cash contribution determined by the Planning Board in consultation with the Housing Trust Fund Board of Trustees.

8.9.6 Procedure

1. Development within the MOD shall be subject to Site Plan Review under Section 9.5 of this Bylaw.
2. The Planning Board may adopt advisory design guidelines to assist applicants in building design and site planning for a Project.
3. The Design Review Board shall review developments proposed in the MOD and provide advisory recommendations to the Planning Board.
4. The Planning Board may adopt advisory regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and EOHLC's current Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act, as amended.

8.9.7 Severability

The invalidity of any section or provision of this Section 8.9 shall not invalidate any other section or provision herein.