

Draft East Milton Square Zoning Text

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Proposed new zoning Section 275-3.22 East Milton Square Mixed-Use Overlay District.

Draft Outline (modeled on Section 275-3.21)

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Note: Draft language matches Milton Village Mixed-use Planned Unit Development zoning (Section 275-3.21) where applicable.

Draft Text (modeled on Section 275-3.21)

Proposed new zoning Section 275-3.22 East Milton Square Mixed-Use Overlay District.

In East Milton Square, mixed residential and business uses may be permitted by right with site plan review through the Planning Board for up to 3-stories and 45 feet subject to reasonable terms and conditions based on the standards defined herein. The boundary of the East Milton Square Overlay District is shown on the current Milton Zoning Map.

- A. Purpose. This section's purpose is to allow high-quality mixed-use development that enhances East Milton Square. Successful mixed-use development shall:
 - a. Strengthen walkability and safe and convenient circulation for all travel in East Milton Square
 - b. Proactively and intentionally guide commercial district investment
 - c. Enhance the sense of place and district identity
 - d. Leverage private investments to add community amenities while reducing impacts
 - e. Encourage mixed-use redevelopment and an increased variety of housing options
 - f. Improve environmental sustainability and resilience in the district
 - g. Preserve and enhance historic character of East Milton
- B. Allowable Uses.
 - a. Allowed uses. Mixed-use development is required with non-residential and residential uses.
 - b. Non-residential uses. All business uses otherwise permissible in the East Milton Square Business District shall be allowed by-right with site plan review. Except for drive-through food service facilities, filling stations, garages, sales rooms and repair shops for motor vehicles, storage warehouses, and undertakers which are prohibited.
 - c. Residential uses. Residential use shall be allowed by-right with site plan review in conjunction with one or more Non-residential uses identified in Section B.b. The permissible residential use shall be multi-family housing, which is defined as having more than one housing unit in a building or in multiple buildings on a lot. A housing unit is defined as that portion of a building providing complete housekeeping and cooking facilities for one family, as defined in § 275-1.1.
 - d. Ground Floor Uses. At least 50% of the usable ground floor area of the building must be designed for and occupied by Non-residential uses identified in Section B.b. Where possible, this area should be designed to accommodate individual business of 1,500 square feet or less. As used in this Section § 275-3.22, the "ground floor" shall be the story directly above the basement or, if there is no

basement, the story directly above the foundation, which generally coincides with the elevation of the adjacent sidewalk at the frontage of the property.

C. Dimensional Requirements.

a. Setbacks.

- i. **Front Yard Setbacks.** The primary frontage of new buildings and new additions to existing buildings shall be located no less than zero (0) feet and no more than ten (10) feet from the lot line.
- ii. **Side Yard Setbacks.** Side yard setbacks are not required when the abutting use is an existing business or mixed-use. When the abutting use is an existing residential-only use, the minimum side yard setback is ten (10) feet.
- iii. **Rear Yard Setbacks.** The minimum rear yard setback is twelve (12) feet when the abutting use is an existing business or mixed-use. When the abutting use is an existing residential-only use, the minimum rear yard setback is twenty (20) feet.

b. Building Height.

- i. **Maximum Height.** No building shall be erected or altered to exceed three (3) stories and forty-five (45) feet in height.

ii. **Definitions.**

1. The height of any building shall be measured from the mean grade of the natural ground contiguous to the building at the property's street frontage, as such ground exists at the sidewalk elevation. Existing structures may retain their existing heights and number of stories.
2. The term "story," as used in this Paragraph C(b), shall not include a basement provided that the finished floor height of the ground story shall at no point be more than four (4) feet above the mean grade of the adjacent sidewalk and provided that convenient and accessible entry to commercial spaces be provided at the ground floor from the sidewalk. A basement may be used for parking, storage, utilities and commercial space, but not for residential units. If reasonably necessary and appropriate for good design or to address the existing conditions on site, the Planning Board can modify the requirements in this subparagraph.
3. Height shall be measured to the midpoint of the slope of a pitched roof, or the parapet of a flat roof, excluding the items specifically defined as allowable projections herein. The Planning Board may permit protrusions of up to eight feet above the roofline, such as elevator shaft housings or chimneys, so long as the appearance of the

building remains architecturally coherent, visually attractive, and appropriate to its context. The Planning Board may allow a cupola or clock tower up to fifteen feet above the roofline so long as it has been shown to add significant merit to the building's design.

- c. **Ground Story Height.** The minimum ground story height in a new building shall be twelve (12) feet clear for properties with frontage on Adams Street, Granite Avenue, Bryant Avenue, and Bassett Street.
- d. **Open Space.** All properties must provide a minimum of 10% open space. Minimum open space may include hardscape pedestrian plazas, extensions of the sidewalk/public realm, planting of street trees, pocket parks, balconies, roof decks, or off-site improvements to existing open space amenities.

D. Historic Preservation. Buildings constructed in whole or substantial part before 1940 shall be preserved as part of an adaptive reuse mixed-use redevelopment.

- a. **Purpose.** The preservation of buildings of historical significance and an expansion of the economic options for historic properties in East Milton Square.
- b. **Definitions.** Preservation shall include preservation or restoration of a building's exterior appearance and may include renovation, rehabilitation, restoration or re-creation of features or elements of the building. The exterior elements of a building shall be historically compatible and appropriate to the preserved historic structure.
- c. **Guidance.** Preservation plans shall be guided by the Secretary of the Interior's Standards for the Treatment of Historic Properties and shall be submitted to the Historical Commission for comment. Notwithstanding the foregoing, a building constructed before 1940 need not be preserved if the Planning Board, after seeking the advice of the Historical Commission, determines that the building lacks substantial architectural significance and is not historically important or that the building is in an advanced stage of deterioration and is not able to be preserved at a reasonable financial cost. Buildings listed in the National and State Registers of Historic Places or identified in the Massachusetts Cultural Resource Information System shall be deemed historically important.
- d. **Approval.** If deemed historically important, project approval may require the restoration, rehabilitation, renovation, repair, adaptive reuse, or addition to historic structures in the district. In order to grant project approval, the proposed restoration, rehabilitation, renovation, repair, adaptive reuse, or addition shall preserve, to the maximum extent feasible, the historical and architectural features of the building, structure, or element.

- e. Waivers. At the discretion of the Planning Board through site plan review, relief from dimensional or parking requirements may be granted for good cause, to accommodate the preservation of a historic structure and property.
- E. Design Standards. Each building and site shall be designed to positively contribute to the legacy and character of East Milton Square while enhancing livability for surrounding residents. The building design and site layout shall define street frontage by occupying street edges with an active ground floor and filling gaps between existing buildings. The building design and site layout shall configure the building layout and building massing to shape outdoor spaces by placing buildings at the edges of the outdoor space and located active ground floor uses, and transparent ground floor facades at those locations. The building design and site layout shall also be used to define streets edges, corners, and intersections. Site layouts shall consolidate and share off-street parking efficiently across lot lines, improve streetscapes and walkability by minimizing curb cuts, and contribute to livability through the creation of pocket parks, additional outdoor spaces, and new outdoor amenities. The architectural design shall be composed to be visually attractive and compatible with the context of the East Milton Square Business District and nearby buildings.
 - a. In addition, each building shall meet the following design standards:
 - i. Context sensitive – New building and site layouts, including side and rear setbacks, shall respond to the context of neighboring properties. Buildings shall be positioned on their site to provide buffers for abutting existing single- and two-family residences.
 - ii. Public realm expansion – New building and site layouts, including front setbacks, shall respond to the context of the adjacent sidewalk. Where the sidewalk width is less than or equal to 6 feet at the building frontage, new buildings shall provide a setback within the build-to range defined in Section C.a. to expand the width of the sidewalk to a minimum of 10 feet to allow for additional outdoor amenities and activity.
 - iii. Historical context, heritage and legacy – The building form, scale, proportion, massing, roof lines, and architectural design shall recognize and complement the historic buildings and styles of the East Milton Square Business District and positively contribute to the district's character. Particular attention shall be paid to reinterpreting design elements found in the context of the district through façade design, proportion and location of windows, location and ornamentation of entrances, and complementary building materials and colors.

- iv. Context-sensitive height and scale – The building form shall provide step-backs in the facade that respond to the surrounding context, as the Planning Board deems appropriate. The step backs shall provide a vertical change in the plane of the facade to reduce the perceived building height. For example, if a 3-story building is adjacent to a 2-story existing building, the facade of the third story shall step back from the facade of the lower two stories to reduce the visual prominence of the upper floor.
- v. Context-sensitive width and scale – Buildings more than forty (40) feet wide shall be broken down into a series of smaller bays to evoke the rhythm of historic shop fronts, add visual character, and maintain the pedestrian scale of the streetscape. No uninterrupted length of any facade shall be permitted to exceed twenty (20) horizontal feet without incorporating at least one of the following massing elements: horizontal setbacks or vertical step-backs, architectural projections, recesses, and at least one of the following design elements: color change, material change, or texture change.
- vi. Active ground floor at active sidewalks – The building facade shall integrate a higher proportion of transparent glass in the ground level frontage oriented to Adams Street, Granite Avenue, Bryant Avenue, and Bassett Street including business and entryway storefronts, display windows, or other glazing elements.
- vii. Highlight windows and doors as design features – Windows and doors shall be integrated with appropriate architectural elements that highlight them as facade features. When integrated with the design of the facade, recessed doorways are preferred, to break up the building facade, provide a welcoming space, provide protection from sun and rain, and reduce conflict between an external door swing and sidewalk circulation. Where a recessed doorway is not used, an awning can have a similar effect.
- viii. Attractive from all sides – The back and sides of each building shall be given as much architectural care as the front. The building, whether observed from the front, rear, or sides shall present an attractive appearance and offer a unified architectural approach. Where windows are not possible or appropriate to the intended use on the side or rear, facade articulation in the form of raised or recessed surfaces shall be used to break up blank walls.
- ix. Integrate and conceal mechanical equipment – Mechanical equipment and other utilitarian features, including metal chimneys and elevator penthouses, shall be integrated into the overall architectural design of the

building by use of screening materials, placement, roof shape or form, or other means.

- x. Reduce visual impact of parking – If parking is provided on-site, it shall be to the rear of the primary building underneath the building. If a parking structure is provided it shall be unobtrusive and designed to integrate with the building and the district. Garage doors or other forms of vehicular access shall be integrated into the architectural design of the building. Surface parking areas shall be designed to be used as flexible plaza space that could be temporarily used for other private purposes or events. These parking areas shall use permeable pavers and shall include landscape islands, or other design features to add visual interest and flexibility to parking areas while enhancing stormwater mitigation and reducing the heat island effect.
- xi. Reduce impact of vehicular access – Vehicular access to the site shall be integrated with the design of the public realm and property frontage to minimize the access width and potential negative impacts on the pedestrian environment.
- xii. Integrate site landscape – Landscaping shall be used to enhance the building's design, strengthen attractive outdoor features, and to provide shade. Street trees shall be integrated with the design of sidewalk extensions or creation of pocket parks with flush tree grates or permeable pavers. Where space is limited, window boxes, trellises, green walls, or other compact landscape features shall be integrated with the building design.
- xiii. Integrate site and building lighting – Lighting fixtures shall be appropriate to the architecture and provide suitable lighting without detriment to nearby residences. Light fixtures including site and streetlights shall match existing standards in the Town, for example matching streetlights recently installed at Manning Community Park and related streetscape improvements.
- xiv. Integrate signs into building design – Signs shall be integrated with the building design and placed consistently on the building with a sign band integrated into the façade design of the ground floor and coordinated among multiple tenants. If illuminated, external gooseneck lighting is encouraged.

b. The Planning Board has the discretion to allow changes to one or more of the design standards if the project proponent can show that with such changes the project would remain architecturally coherent, well sited on its lot, visually attractive and compatible with the district and nearby context.

- c. In addition to the required Design Standards in this Section, the Milton Planning Board may adopt additional design guidelines for development in the East Milton Square Mixed-use Overlay District.
- F. Sign Approval. Sign approval shall be determined as provided in § 275-3.3.
- G. Affordable Housing Units.
 - a. In the East Milton Square Mixed-use Overlay District, twelve (12) percent of the total housing units for a project with less than 25 units, or fifteen (15) percent of the total housing units for a project with 25 units or more (computed to the nearest whole number) shall be affordable housing units, subject to perpetual deed restrictions, and if applicable, a regulatory agreement ensuring permanent affordability. Should the calculation result in a remainder of 0.5 or above an additional on-site unit shall be required. Should the remainder be below 0.5 a contribution to the Affordable Housing Trust shall be required in an amount to be determined by the Planning Board. These units shall be affordable to households whose annual income shall not exceed 80% of the then current Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area as determined by the United States Department of Housing and Urban Development ("HUD") adjusted for household size and these units shall qualify for inclusion in the Subsidized Housing Inventory (SHI) maintained by the Massachusetts Executive Office of Housing and Livable Communities ("EOHLC").
 - b. All affordable units shall be integrated with and distributed throughout the development and shall be comparable in design, floor area, number of bedrooms, appearance, construction and quality of materials with market rate units.
 - c. To the maximum extent permissible, preference shall be given to Milton residents and employees of the Town of Milton in the rental or purchase of affordable units. A site plan approval issued under this section shall state that final occupancy permits shall not be issued until the affordable housing restrictions, and, if applicable, the regulatory agreements have been recorded with the Registry of Deeds and copies of the recorded documents have been provided to the Planning Board and the Building Commissioner.
- H. Parking.
 - a. Business Parking. In the East Milton Square Mixed-use Overlay District, minimum parking requirements for business uses shall follow Parking Requirements in Business Districts § 275-11.3 provided that, upon a determination that a greater or lesser number of parking spaces would be reasonably necessary so as to be adequate for the business use in a particular project, the Planning Board may increase or decrease the minimum number of business parking spaces required for

the project. In the event of a restaurant use, at least one parking space shall be provided for each four patron seats provided that, upon an applicant showing that a lesser number of spaces would be adequate for the restaurant use, the Planning Board may reduce the required amount of parking.

- b. Residence Parking. There shall be a minimum of one parking space for each residential unit.
- c. Off-Site Parking. Safe and convenient parking may be provided off-site within or adjacent to the East Milton Square Business District for the parking required to support business uses at other properties in the East Milton Square Business District. Off-site spaces used to fulfill parking requirements shall be associated with a parking agreement between the applicant and the owner of the property where the off-site spaces are proposed to be located. The parking agreement shall be submitted as part of the application.
- d. Shared Parking Reductions. Off-street parking requirements may be reduced if they collectively serve different uses within the same mixed-use development or collectively serve multiple uses across multiple sites, where such collective use of the parking facilities is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating use and the anticipated peak parking demand days and times for such uses; and 3) assures access to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required parking spaces as approved by the Planning Board.
- e. Other Parking Reductions. A reduction in the calculated parking requirement may be allowed as deemed appropriate by the Planning Board through a special permit upon demonstration of the features of the project that reduces automobile dependence for the development. These features may include the provision of on-site dedicated parking space(s) to car-share vehicles, increased bicycle parking and amenities beyond the requirements of § 275-11.12, on-demand shuttle services, or other transportation demand management techniques, and shall be appropriately scaled to the scale of the development and the requested reduction in parking.
- f. Bicycle Parking. § 275-11.12 applies to residential components of projects. Projects involving business uses shall also provide adequate exterior parking of bicycles for customers and employees.

I. Application Requirements.

- a. An application shall include a plan meeting the requirements for site plan specified in § 275-12.4 and such other requirements as may be specified by the Planning

Board. The plan shall be contained in various sheets, all of which, after approval, shall contain the written approval of the Planning Board and shall be recorded with the Norfolk County Registry of Deeds or Registry District of the Land Court, as applicable, at the applicant's expense. Any relevant special permits shall also be recorded with the plan at the applicant's expense. The recorded plan shall be a part of the site plan approval. The plan shall show the development in all material detail. Any amendments or modifications to the plan shall be approved by the Planning Board and recorded or filed with said Registry at the applicant's expense. The applicant shall promptly provide to the Planning Board evidence of recording of each approved plan, amendment, or modification. The applicant shall promptly provide a copy of all recorded or filed documents to the Planning Board, showing the book and page or document number.

- b. If applicable, an application involving a property, on which there is a building constructed in or before 1940, shall be referred to the Milton Historical Commission for consideration of its historical and architectural significance and of the desirability and feasibility of its preservation, rehabilitation, or restoration in the proposed development. After consideration, the Milton Historical Commission may issue a report, which may include comments and suggestions, to the Planning Board on these matters and any associated matters pertinent to the Commission's responsibilities, and the Planning Board shall consider any such report in its evaluation of the application.
- c. If applicable, an application involving a property, on which there is a building constructed in or before 1940, shall include a narrative describing compliance with the Secretary of the Interior Standards with the application materials. The application shall include a narrative prepared by the project architect describing the project relative to the historic context of East Milton Square including a statement of the positive contributions the project will make to the character of the East Milton Square Business District by preserving its history and strengthening its streetscape and vitality.
- d. The application shall include professional studies calculating the impact of the development on town services, on parking in the East Milton Square Business District and adjacent neighborhood streets, on traffic in district and surrounding areas of the town, on existing nearby businesses, and on future business development. If there is a material adverse impact projected, mitigating strategies shall be proposed.
- e. The application shall include a narrative describing the parking, ride sharing, bicycle storage, and other similar transportation infrastructure elements integrated with

the project. This narrative shall include discussion of off-site transportation impacts, including a district parking impact analysis and traffic impact analysis for the proposed project. The narrative shall describe potential district mitigation that may be proposed to address the impacts identified.

- f. The application shall include a narrative describing compliance with the Design Standards.
- g. The application shall include architectural renderings, building elevations, an existing conditions survey with structures, retaining walls, parking areas, trees and topography, existing condition photos of the site and adjacent properties, proposed site plan with structures, retaining walls, parking areas, topography, landscape plan and details, site/building sections with accurate topographic depiction, building material specifications and other pertinent details regarding the project architecture and site plan.

J. Application Review Fees. When reviewing an application for a site plan review or special permit, the Planning Board may determine that the assistance of outside consultants is warranted due to the size, scale, or complexity of the proposed project or due to the project's potential impacts. The Planning Board may require that an applicant pay a review fee, consisting of the reasonable costs incurred by the Planning Board for employment of outside consultants engaged by the Planning Board to assist in the review of an application. In hiring outside consultants, the Planning Board may engage disinterested engineers, planners, architects, urban designers, or other appropriate professionals who can assist the Planning Board in analyzing a project to ensure compliance with this section and with other Town of Milton bylaws, regulations and requirements. Expenditures may be made at the direction of the Planning Board and shall be made only in connection with the review of the specific project for which the review fee has been collected from the applicant. Failure of an applicant to pay a review fee shall be grounds for denial of the application. At the completion of the Planning Board's review of a project, any excess amount of the review fee shall be repaid to the applicant. A final report of expenditures shall be provided to the applicant.

K. Notice, Procedures and Standard for Decision. The notice and procedural requirements set out in § 275-13.2 and § 275-13.3 and the standard to be used in rendering a decision set out in § 275-13.3 shall apply to site plan review for mixed-use development under this section.