



PLANNING BOARD Report to Town Council

Order: 2024-007

Petitioner: William Alexopoulos

Date referred: February 5, 2024

Date hearing opened: March 26, 2024

Date hearing closed: April 9, 2024

Date of report: April 10, 2024

PETITION

Chapter 200 of the General Code of the Town of Randolph, concerning mixed-use zoning and mixed-use affordable units, pursuant to M.G.L. chapter 40A, Section 5

BACKGROUND

The Zoning Ordinance chapters referenced in this petition contain a variety of references and regulations relative to the combination of residential and non-residential uses in the same structure or on the same lot.

AMENDMENTS TO ZONING ORDINANCE(S)

This petition suggests creation of a new sub-chapter regulating mixed-use and providing related definitions.

VOTING THRESHOLD

The Planning Board asserts a SIMPLE MAJORITY VOTE is required for the proposed amendment pursuant to Chapter 358 of the Acts of 2020, where changes to section 5 of the Zoning Act reduce the number of votes required to enact certain kinds of zoning ordinances and bylaws from a $\frac{2}{3}$ supermajority to a simple majority. The ordinance includes the following criteria making it eligible for a simple majority vote:

- *Reduces the parking requirements for residential or mixed-use development under a special permit*
- *Permits an increase in the permissible density of population or intensity of a particular use in a proposed multi-family or mixed-use development that requires a special permit.*
- *Changes dimensional standards such as lot coverage or floor area ratio, height, setbacks, minimum open space coverage, parking, building coverage to allow for the construction of additional residential units on a particular parcel or parcels of land.*

RECOMMENDATION

The Planning Board voted 4-0-0 to ***RECOMMEND ADOPTION WITH AMENDMENTS*** as outlined in this document.

DISCUSSION

The Planning Board acknowledges that the of lack of clear and consistent regulations in the Zoning Ordinance relative to mixed-use provides a challenge to developers, regulatory bodies and those charged with zoning enforcement and further agrees that a change to the Zoning Ordinance is required. The Board contends that a holistic approach to amending the ordinance during the 2024 recodification would be a more effective method to developing mixed-use regulations and reduce the opportunity for introducing more conflicts into the ordinance. However, since the petition for amendment was submitted pursuant to M.G.L. chapter 40A, Section 5, the Board must take action to evaluate the merits of the amendment and make a recommendation to the Town Council within the timeframe established by statute.

To that end, the Planning Director provided the Planning Board with a series of potential revisions to the petition for consideration. Such revisions were based on a review of the petition, additional sections of the Randolph Zoning Ordinance and similar bylaws/ordinances from other municipalities.

The goal of the revisions is to:

- Organize content in a manner similar to existing ordinances;
- Provide a sequence of content that facilitates understanding by end-users; and
- Eliminate inconsistencies and conflicts that would arise should the language in the petition be adopted “as is”;
- Provide a regulatory framework that balances the needs and desires of the Town with those of the landowner and developer.

The Planning Board recommends adoption of the following:

I. Amend section 200-3, concerning Word usage; definitions, as follows:

Delete the following language:

MIXED-USE DEVELOPMENT, MULTIFAMILY UNITS

A dwelling unit with not less than six hundred twenty-five (625) square feet of usable living area, not more than two (2) bedrooms, at least one (1) full bath and an individual laundry unit (no shared laundry facilities on the premises).

MIXED-USE DEVELOPMENT

The combination of residential and business uses on a single lot

Add the following terms:

AMENITY USES

Accessory communal areas, amenity areas, or services available to the building residents and their guests only.

BACK-LOT STRUCTURE

Any building that does not front a public way or public open space and which is not the most visually prominent building on a parcel when viewed from the primary public way or public open space adjacent to that parcel.

DWELLING UNIT, AFFORDABLE

A housing unit that is subject to a restriction 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. Affordable Dwelling Units must satisfy Subsidized Housing Inventory (SHI) eligibility criteria, such that it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by Executive Office of Housing and Livable Communities (EOHLC).

GROUND FLOOR

The lowest story of a building with a finished floor at or above the finished ground level.

MIXED-USE or MIXED USE

The combination of residential and non-residential uses on a single parcel of land.

PRINCIPAL STRUCTURE

The structure which fronts a public way or public open space and that is the most visually prominent building on a parcel when viewed from the primary public way or public open space adjacent to that parcel.

II. Amend the Table of Allowable Activity

Amend the language by deleting text in ~~strike through~~ and adding text in ***bold italics***
AND adding a new line item by adding text in ***bold italics***

	CSBD	NRBD	WCBD	GPCCOD	BRHD	GBHD	BD	BP	OSBD	ID	RSHDD	RSMD	RMFD	R2FD	RMF55+D	BHAD	SFD
Residential																	
Three or more to 24 dwelling units in combination with store or other permitted use <i>a non-residential use (mixed-use)</i>	SPPB	N	N	N	SPPB	SPPB	N	N	N	N	N	N	N	N	N	N	N
25 or more dwelling units in combination with a non-residential use <i>(mixed-use)</i>	SPTC	N	N	N	SPTC	SPTC	N	N	N	N	N	N	N	N	N	N	N

III. Amend section 200-11.C

Delete the following text in section 200-11.C.1.b

200-11.C.1.b Mixed-use development multiple units. The combination of residential and business uses on a single lot shall be permitted within the Crawford Square Business District in order to promote the general welfare of the community by assuring the economic vitality of its downtown business area while minimizing potential adverse impacts upon nearby neighborhoods and other premises. This purpose is to be achieved through the establishment of controls specifically for mixed business and residential uses at locations where either such uses already exist or they would be appropriate because of access and other geographical considerations.

- [1] Mixed-use development multifamily units. Any dwelling unit located within a multifamily mixed-use development within the Crawford Square Business District must meet minimum requirements; such unit shall have:
- [a] Not less than six hundred twenty-five (625) square feet of usable living area;
 - [b] Not more than two (2) bedrooms;
 - [c] At least one (1) full bath; and
 - [d] Its own laundry hook-ups. There shall be no shared laundry facilities on premises.

Replace with the following text in section 200-11.C.1.b

Mixed-Use is permitted subject to the requirements of section 200-11.2 Mixed-Use

IV. Add new section 200-11.2 Mixed-Use

§ 200-11.2 Mixed-use.

In each district in which Mixed-Use is permitted, a development shall comply with the following minimum requirements. Unless otherwise stated, the requirements of this section shall apply to uses and structures permitted under the regulations of this section. In the event of a conflict, the regulations of this section shall apply.

. A. Exceptions

- (1) This section, Mixed-Use, shall not apply to any overlay district.

B. Applicability

- (1) Only uses that are permitted by right or special permit in the zoning district may be included in the mixed-use development.
 - (a) Neither drive-through windows, accessory uses with a drive-up/drive through function nor 24-hour business operations are permitted in a Mixed-Use development.
- (2) Notwithstanding the other provisions contained in this Town of Randolph Zoning Ordinance, the Planning Board shall be the Special Permit Granting Authority (SPGA) for a Mixed-Use Development when there are fewer than twenty-five (25) dwelling units (existing or new) proposed.
- (3) Notwithstanding the other provisions contained in this Town of Randolph Zoning Ordinance, the Town Council shall be the Special Permit Granting Authority for any Mixed-Use development when there are twenty-five (25) or greater dwelling units (existing or new) proposed.
- (4) If a non-residential use in a Mixed-Use development requires a Special Permit, the SPGA issuing the special permit for the Mixed-Use development shall also be the SPGA for the non-residential use superseding any other section of this Town of Randolph Zoning Ordinance.
- (5) Site Plan Design Review shall be conducted by the applicable SPGA.

C. Dimensions

- (1) The dimensional standards generally applicable in the district as set forth in the Table of Dimensional Requirements shall apply.

- (2) The SPGA may waive dimensional requirements when a Mixed-Use development includes the redevelopment of an existing structure.
- (3) More than one structure on a parcel is permitted upon review and decision of the SPGA.
- (4) Any Back-Lot Structure(s) may not be taller than the principal structure.

D. Site Design Standards

- (1) All permitted non-residential uses shall be limited to the ground floor and basement of the principal structure. The SPGA may permit non-residential uses to occupy other floors of the principal structure only after determining that the location and design of such spaces, including access and egress, will not impact the privacy or security of residential occupants.
- (2) If the Mixed-Use Development includes multiple structures, any Back-Lot Structure(s) may contain either a mix of non-residential uses and dwelling units or only dwelling units.
- (3) The non-residential uses in a Mixed-Use development shall be developed prior to or concurrently with residential uses. Concurrency shall be established by approval of a Master Plan that provides a mix of uses that includes all proposed uses.
- (4) A minimum of 25% and a maximum of 75% of the total square footage of all structures contained in a Mixed-Use Development shall be devoted to dwelling units.
- (5) Minimum residential densities for a Mixed-Use development shall be 12 units per gross acre.
 - (a) Density shall be calculated as the total area of the parcel less any land which is part of a Wetland Resource Area as specified in 310 CMR 10.02 (1)(a) subject to protection under the Massachusetts Wetlands Protection Act, MGL, c. 131, Section 40, nor any land within 75 feet of such Wetland Resource Area.
 - (b) When a development site is composed of 2 or more phases, each phase shall also meet this standard.
- (6) Dwelling units must contain a minimum of 625 square feet of usable living area.
- (7) In any Principal Structure, entry to the dwelling units must be from the side or back of the structure; not on the street frontage or any open public space.

- (8) At least one designated entrance for non-residential uses shall be provided on each floor of a structure that contains a non-residential use.
- (9) Areas of a structure intended for non-residential use must be constructed such that there is no direct access to areas of the structure intended for dwelling units except as necessary in an emergency.
- (10) Ground level frontage of the Principal Structure shall be devoted to non-residential entrances, windows and public open space amenities.
- (11) In newly constructed Principal Structures in a Mixed-Use Development, ground floors shall be a minimum of eleven (11) feet from floor to ceiling to enhance the pedestrian streetscape regardless of the overall building height.
- (12) Clear pedestrian pathways shall be provided between structures on the same parcel and, to the extent practicable, between buildings on adjacent parcels to ensure continuous safe pedestrian access.
- (13) A Mixed-Use development must provide a sign plan to the SPGA at the time of application.
 - (a) Wall signs for non-residential uses may be illuminated with exterior lighting or by reverse channel letters only.
- (14) Where any Mixed-Use development abuts a residentially zoned parcel(s), there shall be adequate transition between the Mixed-Use development and adjacent residentially zoned parcel(s). Fencing, landscaping and similar items may be used to accomplish this.

E. Parking

- (1) Parking areas, including below or at-grade structures, for a Mixed-Use development shall be located to the side and/or rear of the parcel; parking is prohibited in the front yard.
 - (a) Parking areas that abut any public right-of-way or any at-grade parking structure shall require screening.
 - (b) Where locating parking according to the terms of this zoning ordinance is not feasible due to existing structures, topography, alternative locations shall be considered by the SPGA.
- (2) There shall be a minimum of one and one-quarter (1.25) parking spaces for each dwelling unit (rounded up).
- (3) There shall be a minimum of one (1) space per 1,000 square feet of non-residential floor area.

- (4) In the event of a restaurant one (1) parking space shall be provided for every four (4) patron seats.
- (5) A lesser number of parking spaces may be permitted by the SPGA upon determination that the Special Permit applicant has demonstrated, through methods acceptable to the SPGA, that parking demand will not exceed what can be met by the minimum required parking.
- (6) Bicycle parking shall be provided as follows:
 - (a) A minimum of one (1) space per every ten (10) dwelling units (rounded up) located indoors near the primary entrance to the development's dwelling units.
 - (b) A minimum of one (1) space for every five thousand (5000) square feet of non-residential floor area (rounded down) located near the primary entrance to ground floor non-residential units.

F. Affordable Dwelling Units - Subsidized Housing Inventory

Any Mixed-Use development, whether through conversion or new construction, that includes greater than 10 dwelling units, must include dwelling units that comply with the requirements and regulations of the Executive Office of Housing and Livable Communities (EOHLC) as Local Action Units (LAU) through a Local Initiative Program (LIP) as specified below:

- (1) Ownership units. For all Mixed-Use developments where the Affordable Dwelling Units proposed are Homeownership Units, not less than twenty percent (20%) of the total dwelling units constructed in the mixed-use development shall be Affordable Dwelling Units.
- (2) Rental Units. For all Mixed-Use developments where the Affordable Dwelling Units proposed are Rental Units, not less than twenty five percent (25%) of the total housing units in any building containing rental units shall be Affordable Dwelling Units.
- (3) For purposes of calculating the number of Affordable Dwelling Units required within a Mixed-Use Development, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.
- (4) All Affordable Dwelling Units shall be integrated within the Mixed-Use development and shall be comparable in design, floor area, number of bedrooms, appearance, construction and quality of materials with market rate units.
- (5) Occupancy permits for dwelling units in a Mixed-Use development shall not be issued without confirmation that a LIP/LAU has been submitted to EOHLC.