



OFFICE OF THE TOWN CLERK

72 East Main Street
Norton, MA 02766

Town of Norton
Jill Seppa

www.nortonma.org
townclerksoffice@nortonmaus.com

508-285-0230
508-285-0231 (fax)

ARTICLE 17 (Majority)

I, Sandra Ollerhead, MOVE to approve Article 17 as printed in the May 19, 2025, Annual Town Meeting Warrant.

ARTICLE 17 AS PRINTED IN THE WARRANT:

To see if the Town will vote to amend the Norton Zoning Bylaws, Chapter 175, Part II of the General Code, including Chapter 175, Part II, Article III, of the General Code: Zoning Map and Districts, for the purpose of adopting, ratifying, and incorporating therein the following new Bylaw entitled "Multi-Family Mixed-Use Overlay District (MMOD)" and by amending the Zoning Map to include the "Multi-Family Mixed-Use Overlay District" as follows, or take any other action relative thereto:

Article XXIII Multi-Family Mixed-Use Overlay District (MMOD).

§175-23.1 Purpose.

The purpose of the Multi-Family Mixed-Use Overlay District is to promote a lively, prosperous multi-family neighborhood close to existing municipal services and quality-of-life amenities that promotes community. This bylaw encourages residential and mixed-use developments while also providing new commercial and recreational opportunities. Specifically, this Bylaw is established to fulfill the following purposes:

1. To encourage smaller housing typologies and build a range of market-rate housing to meet the demands of young families, the senior population, and first-time homeowners;
2. Provide more affordable, income-restricted housing;
3. To encourage compact, neighborhood-scaled mixed-use development at key locations; and
4. To meet the requirements of M.G.L. c.40A § 3A.

§175-23.2 Establishment and Applicability.

The area known as the Multi-Family Mixed-Use Overlay District shall be established as an overlay district as shown on the official Town of Norton Zoning Map, as amended. Developments proceeding under this Section shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply. Where the MMOD provides for uses and dimensional controls not otherwise allowed in the underlying district and/or applicable overlay districts, the provisions of the MMOD shall control. Uses and dimensional controls of the MMOD are not

subject to any special permit requirements of the underlying district and/or applicable overlay districts. For all other uses, the underlying zoning shall remain in full force and effect. Multi-family development within the MMOD are not subject to § 175-6.7.A of this Bylaw.

§175-23.3 Definitions.

For the purposes of this Article XXIII, Multi-Family Mixed-Use Overlay District, the following definitions shall apply. Terms not defined herein shall have the meanings given under M.G.L. c. 40A, if not otherwise defined.

Accessory Use or Building: A use or a freestanding building customarily incidental and subordinate to the principal permitted use or building, located on the same lot as the principal permitted use or building and not prohibited by § 175-4.6 herein. Please see also “Accessory Use or Building,” as defined herein.

Affordable Housing Unit, MMOD: A dwelling 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 units may be, but are not required to be, eligible for inclusion on EOHLC’s Subsidized Housing Inventory. Nothing in 760 CMR 56.03(2) changes the Subsidized Housing Inventory eligibility criteria, and no affordable unit shall be counted on the Subsidized Housing Inventory unless it satisfies the requirements for inclusion under 760 CMR 56.03(2) or any other regulation or guidance issued by EOHLC.

Applicant: A person, business, or organization that applies for a building permit.

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

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. “As of right” uses may also be referred to as “by-right” uses.

Electric Vehicle Charging Station: An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

EOHLC: The Executive Office of Housing and Livable Communities.

Mixed-Use Development: A development or redevelopment that integrates two or more complementary land uses—such as residential, retail, office, service, entertainment, or civic—within a single parcel. Uses may be arranged horizontally across a site, with shared access, parking, and pedestrian connectivity. Mixed-use developments should be designed to enhance walkability, promote economic vitality, and contribute to a cohesive community character. Please also see “Mixed Use,” as defined in Article II, Definitions. Uses within “Mixed-Use Developments” shall be limited to only those allowed “as-of-right” or by special permit, as prescribed by the zoning district the development resides and shall not include any use not permitted by such district.

Section 3A: Section 3A of the Zoning Act.

Top-of-the-Shop Dwelling: Housing where residential uses are located in the same building as a non-residential use, where the non-residential use occupies the ground floor, and the residential use occupies the space above the ground floor. Please also see “Dwelling, Top-of-the-Shop,” herein. Uses within “Top-of-the-Shop” shall be limited to only those allowed “as-of-right” or by special permit, as prescribed by the zoning district the development resides and shall not include any use not permitted by such district

§175-23.4 Site Plan Approval.

As defined in Article XV, Site Plan Approval, the Planning Board is responsible for reviewing applications for site plan approval. All proposed projects within the Multi-Family Mixed-Use Overlay District shall require site plan approval and shall be subject to the provisions of Article XV. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and the EOHLC's current *Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as amended*. No provision of Article XV (Site Plan Approval) shall allow a denial or unreasonable conditioning of a multifamily use.

§175-23.5 Permitted Uses.

1. **As of Right Uses.** The following uses are permitted as of right within the Multi-Family Mixed-Use Overlay District:
 - a. Duplexes.
 - b. Multifamily dwellings (excluding cluster development).
 - c. Top-of-the-Shop Housing.
 - d. Mixed-Use Development
2. The following restrictions pertain to all allowed non-residential uses allowed within Top-of-the-Shop and Mixed-Use developments:

Hours of Operation	Between 6:00 am and 10:00 pm
Size Limitation	A single commercial use shall not exceed 5,000 sf
Deliveries	Deliveries are restricted to 7:00 am and 6:00 pm.

3. **Accessory uses:** The following uses are considered accessory as of right to any permitted uses described in § 175-23.5 Permitted Uses:
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage.
 - b. Other accessory uses, provided they meet the definition of "accessory use," as defined in § 175-23.3 Definitions.

§175-23.6 Dimensional Standards.

Notwithstanding anything to the contrary in Article XXIII, the dimensional requirements applicable in the Multi-Family Mixed-Use Overlay District are defined within the Table of Dimensional Standards.

Table of Dimensional Standards	
Dimension	Standard
Minimum Lot Size (Square Feet)	5,000
Maximum Height (Stories)	3
Maximum Height (Feet)	35
Maximum Building + Parking Coverage (%): <i>Buildings with less than 10 units.</i>	70
Maximum Building + Parking Coverage (%):	60

<i>Buildings with 10 or more units.</i>	
Minimum Lot Frontage (Feet)	75
Minimum Front Yard Setback (Feet)	20
Minimum Side Yard Setback (Feet)	10
Minimum Rear Yard Setback (Feet)	10
Maximum Units per Acre (Residential and Top-of-the-Shop only)	16

1. **Multi-Building Lots.** In the Multi-Family Mixed-Use Overlay District, lots may have more than one principal building.
2. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
 - a. **Renewable Energy Installations.** The Planning Board may waive the height and setbacks in § 175-23.6. Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.
 - b. **Occupied Roofs:** Rooftop decks are permitted on rooftops and must comply with the most current International Building Code (IBC). These features are excluded from height calculations and shall not count as a story. Where an applicant chooses to include a rooftop deck, the roof shall contain sufficient space for future necessary operational installations such as mechanical equipment.

§175-23.7 Parking Requirements.

1. All proposed residential uses, including residential associated with top-of-the-shop uses, shall have 1 parking space per studio apartment or 1-bedroom unit, 2 parking spaces per 2-bedroom unit, and 3 parking spaces for units with 3 or more bedrooms.
2. Parking standards for commercial uses, including those associated with top-of-the-shop uses, shall conform to the parking standards set forth in Article VII, Off-Street Parking and Loading.
 - a. As a part of the Site Plan Approval process, parking standards for commercial uses may be reduced when an applicant demonstrates to the Planning Board the ability to share parking with an adjacent property within the development.
3. **Electric vehicle (EV) charging stations.** For all uses which require more than 20 parking spaces within the Multi-Family Mixed-Use Overlay District, electric vehicle charging stations are required at a ratio of one electric vehicle charging station for every 20 parking spaces, rounded up to the next highest number of EV charging stations.
4. **Bicycle parking.** All projects shall have a minimum of 1 secure bicycle parking space for every 12 parking spaces, rounded up to the next highest number of bicycle parking spaces.

§175-23.8 General Development Standards.

The following General Development Standards shall apply to all uses within the Multi-Family Mixed-Use Overlay District, unless otherwise stated.

1. **Signage.** Free-standing signs are limited in number to one per principal structure. All signage shall comply with the standards set in Article VIII, Signs.
2. **Pedestrian amenities.** Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. shall be provided and located along sidewalks, and in landscaped areas, open spaces, and plazas.
3. **Crosswalks.** All crosswalks shall be constructed to provide a change in color and/or-texture from the regular roadway surface. All crosswalks, sidewalks and walkways shall be ADA compliant.
4. **Lighting.** All proposed projects shall conform with the standards set forth in Article XX, Lighting.
5. **Landscaping.** All proposed projects shall conform with the standards set forth in Article XVIII, Landscaping.
6. **Utilities.** All new utilities shall be placed underground.
7. **Stormwater Management.** Applicants must submit an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements that demonstrate compliance with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and, the Norton Stormwater Bylaw (Chapter 133) and Regulations, the Norton MS4 Permit for projects that disturb more than one acre and discharge to Norton's municipal stormwater system.
8. **Buildings.**
 - a. **Facades.** Horizontal facades greater than one hundred (100') feet should incorporate recesses and projections at a minimum of (10') feet in width and two (2') feet in depth to limit massing.
 - b. **Fenestration.** Mixed-use and commercial buildings shall have a minimum fenestration of forty-five percent (45%) of the ground floor's street side facade(s).
9. **Buffers and Screening.**
 - a. Proposed projects abutting residential uses in existence prior to the effective date of this bylaw, shall provide a landscaped buffer pursuant to Article XVIII. The buffer area shall be landscaped and planted with grass, shrubs, trees, or other plants which may provide a visual screen, and may contain fences, ornamental and acoustic walls, driveways, and walkways. The buffer area shall not contain any part of a building, structure, or paved space intended or used as a parking area.
 - b. Exposed storage areas, machinery, dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting uses and streets using plantings, fences, and other methods compatible with the goals of this by-law.
10. **Waivers.** Upon the request of the applicant and subject to compliance with the Compliance Guidelines, the Planning Board may waive one or more requirements of this § 175-23.8, Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Multi-Family Mixed-Use Overlay District.

§175-23.9 Affordability Requirements.

The purpose of this section is to provide housing that is affordable to low- or moderate-income households. It is intended that the affordable housing units that result from this section shall qualify as local action units (LAUs) under the Local Initiative Program (LIP), with requirements as defined in 760 CMR 56.00 and the LIP Guidelines. Said units shall count towards the Town's requirement under M.G.L. c. 40B §§ 20 through 23 and will be eligible for inclusion on

the Subsidized Housing Inventory (SHI). For the purposes of this Bylaw, the requirements of Article XIX, Affordable Housing shall not apply.

1. **Applicability.** This requirement is applicable to all proposed residential and mixed-use projects with 10 or more dwelling units, whether new construction, substantial rehabilitation, expansion, or reconstruction. No project may be divided or phased to avoid the requirements of this section.
2. **Provision of Affordable Housing.** For all applicable projects, not fewer than 10% of housing units constructed shall be Affordable Housing Units. For the purposes of calculating the number of units of Affordable Housing required within a proposed project, a fractional unit shall be rounded down to the nearest whole number. The Affordable Housing Units shall be available to households earning incomes up to 80% of the Area Median Income (AMI).
3. **Development Standards.** Affordable Housing Units shall be:
 - a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
 - b. Dispersed throughout the development;
 - c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage or electric vehicle charging stations) within the development;
 - d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
 - e. Distributed proportionally among unit sizes; and
 - f. Distributed proportionally across each phase of a phased development.
4. **Local Preference.** The Planning Board shall require the applicant to comply with the local preference requirements, if any, as established by the Select Board and to the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations.
5. **Affirmative Fair Housing Marketing Plan.** The applicant shall submit a marketing plan or other method approved by the Planning Board, which describes how the units will be marketed to potential tenants or homebuyers. This plan shall include a description of the lottery or other process to be used for selecting tenants or buyers. The plan shall be in conformance with the Executive Office of Housing and Livable Communities' rules and regulations.
6. **Maximum Income and Selling Price at Initial Sale.**
 - a. To ensure that only eligible households purchase affordable housing units, the purchaser of an affordable unit shall be required to submit copies of the last three years' federal and state tax returns for the household and certify, in writing and prior to transfer of title, to the developer of the housing units or their agent, and within 30 days following transfer of title, to the Norton Local Housing Partnership, that their annual household income level does not exceed the maximum level as established by EOHLC and, as such, may be revised from time to time.
 - b. The maximum price or rent of the affordable units created under this bylaw is established by EOHLC.
7. **Preservation of affordability and restrictions on resale.** Each affordable unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a deed restriction on the property

acceptable to EOHLC, recorded in the Bristol County Northern Registry of Deeds and shall be in force in perpetuity, or as long a period as is lawful.

- a. **Resale price.** Sales beyond the initial sale to a qualified purchaser shall not exceed the maximum sales price as determined by EOHLC for affordability within the Town of Norton at the time of resale.
- b. **Right of first refusal to purchase.** The purchaser of an affordable housing unit developed through this bylaw shall agree to execute a deed rider prepared by the Town, among other things, the Town of Norton's right of first refusal for a period of not less than 180 days to purchase the property of assignment, thereof, if a subsequent qualified purchaser cannot be located.

8. **Administration.** The Building Commissioner shall be responsible for administering the enforcement of this section.

§175-23.10. Invalidity and Severability.

The invalidity of any section or provision of this Bylaw shall not affect the validity of any other provision thereof and said section or provision shall be deemed severable.

§175-23.11. Exemptions.

The Planning Board shall have the right to waive strict compliance with the provisions of this by-law for municipal uses proposed within the Multi-Family Mixed-Use Overlay District.

ARTICLE PASSES BY MAJORITY VOTE AS DECLARED BY THE
MODERATOR

I hereby certify that the above article was voted and declared voted by the Moderator at the Town Meeting May 19, 2025.

True Copy Attest:


Jill K. Seppa