MIDDLE TYPES LITTLE TO HOUSING



OVERVIEW AND HISTORY

Mixed-use neighborhoods have been common in urban areas for centuries. In its earliest forms, mixed-use most typically consisted of a workshop or merchant space with living space for the shop owner above or behind. In the nineteenth century, one or more stories of residential apartments above a retail space became the prevalent typology for main streets in towns and small cities across the country. However, with the advent of zoning in the 1920s, land use policies began to require separation of commercial, housing, and industrial uses to protect public health. This trend became more pronounced in the mid-twentieth century as new suburban neighborhoods on previously undeveloped land were able to more fully separate different land uses. These suburban zoning regulations heavily favored single-family homes and auto-centric communities, making it difficult to realize the town commons and centers typical of the traditional New England community.

Generally these same land use principles still form the foundation for most suburban communities' zoning bylaws today. However, as these communities continue to evolve, the separation of uses and the dominance of single-family zoning does not always align with town goals or residents' needs or desires. In particular, many households today are interested in living in a place where retail, entertainment, and other amenities are located close to where they live. Housing located near essential services such as markets or pharmacies is of particular importance to seniors who may no longer be comfortable driving.

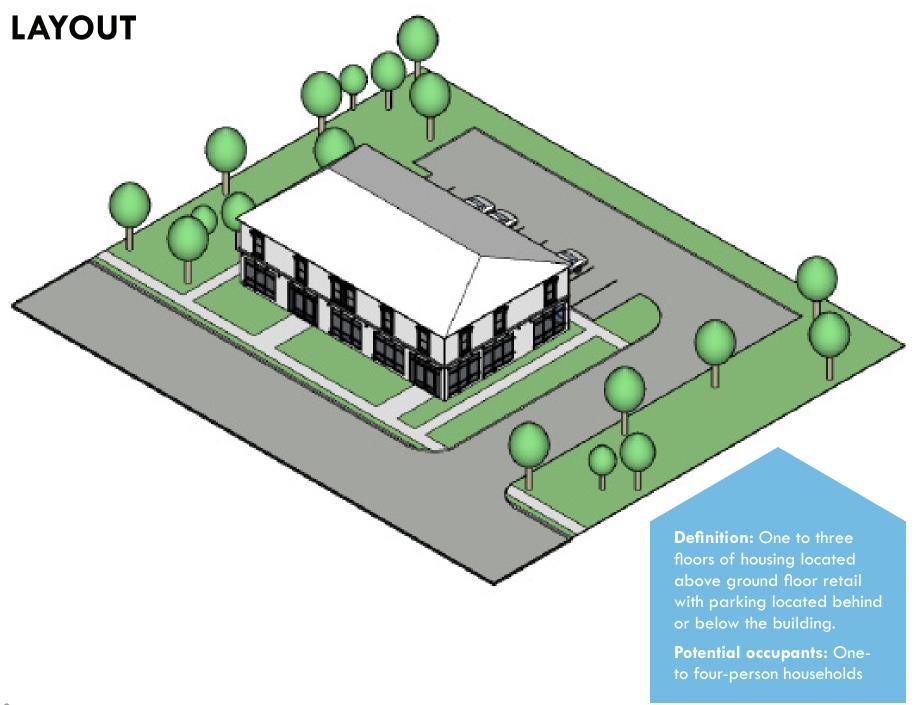
While the desire for integrated land uses has increased, many older strip malls and single-use commercial buildings are experiencing reduced demand. To respond to both trends, many towns in Massachusetts are utilizing mixed-use development to help revive these aging commercial areas. Local businesses often benefit from a reliable customer base and increased spending power offered by new households. Additionally, retrofitting these aging commercial areas can create an opportunity to make the area more attractive and pedestrian friendly.





POLICY EXAMPLES: BUILT EXAMPLES:

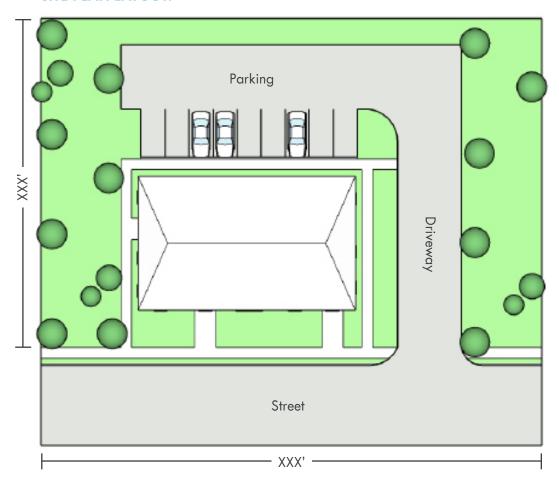
Ashland Beverly
Beverly Mashpee
Maynard Wayland



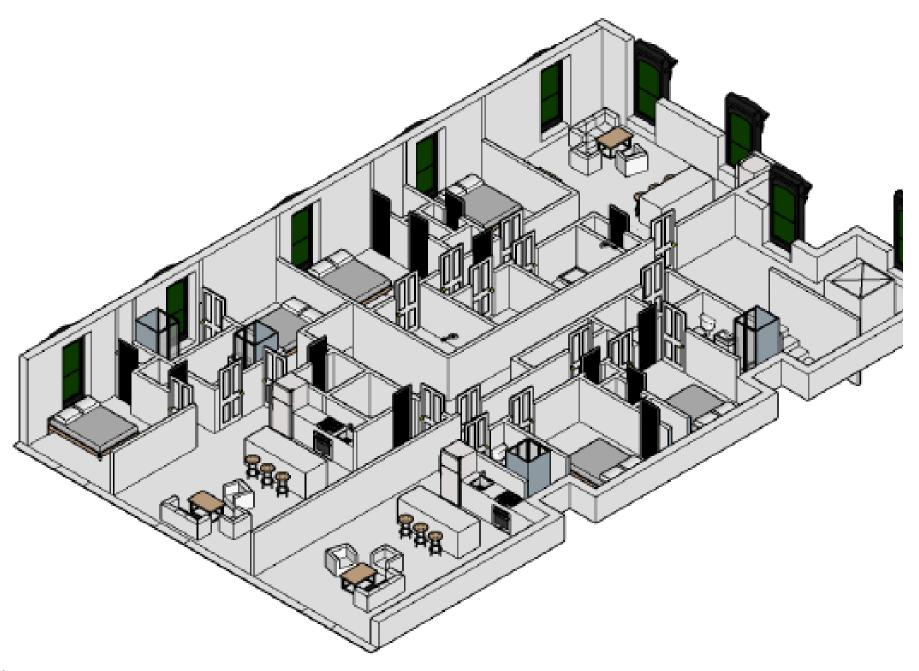
GENERAL LAYOUT:

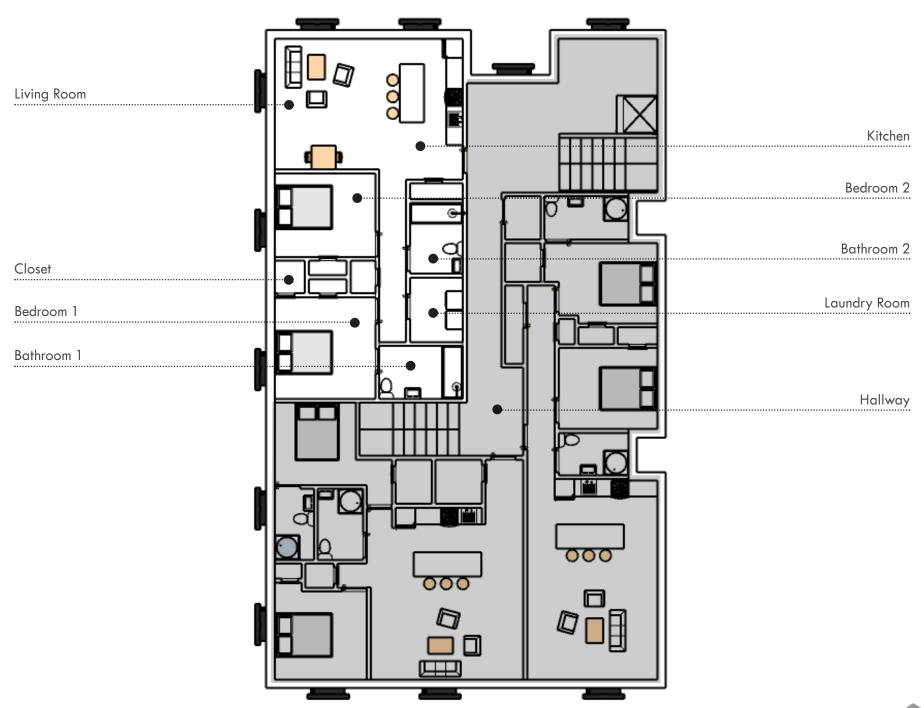
Unit Size	600-1,200 sf per unit
Lot Size	8,000 – 20,000 sf or larger
Height	2-4 stories
Setbacks	Front face of building 0-15' from sidewalk
Density	15+ units/acre; varies depending on dimensional and parking requirements
Unit Interior	Kitchen: 8'x8'
	Bathroom: 5'x8'
	Living Room: 12'x15'
	Bedrooms (1-3): 10'x12"

SITE PLAN LAYOUT:



FLOOR PLAN LAYOUT:





BARRIERS

Some of the challenges surrounding mixed-use development are due to, as the name suggests, its dual nature. Mixed-use developments must meet the often-high parking requirements for commercial uses while also managing the water and sewer requirements of residential uses. The differing timelines for residential development and commercial leasing can make financing difficult. When retrofitting existing strip malls, challenges also include dealing with outdated structures and pedestrian-unfriendly site plans. However, when these challenges are met, many residents look forward to the addition of small-scale, local-serving retail or revitalization of aging commercial centers.

BARRIERS BY STAKEHOLDER

Town Officials

- Zoning bylaws
- Parking
- Traffic and pedestrian safety
- Water + Sewer

Developers

- Zoning bylaws
- Parking
- Permitting process
- Market dynamics
- Financing

Community Concerns

- Traffic
- Parking
- Existing local businesses





BARRIERS FOR TOWN OFFICIALS

Zoning

In many suburban towns, zoning presents a substantial barrier to mixed-use development. Many zoning bylaws require a special permit for mixed-use development or prohibit it altogether, even in districts where commercial or multifamily uses are permitted as a single-use. Dimensional requirements further limit where and how mixed-use can be built. Allowing mixed uses in certain areas can represent a significant departure from decades of land use practice and may require strong advocates to communicate its potential. Some towns permit certain accessory uses or home-based businesses as a more incremental path to enabling mixed-use development.

Parking

Perhaps the greatest barrier to mixed-use development imposed by zoning is parking requirements. Often a mixed-use development must meet parking requirements for both retail and housing, which can be as high as one parking space per 500 square feet of retail space and two parking spaces per residential unit. When combined, these requirements can be difficult to meet. Even if the required parking can be accommodated, large parking areas can create an unfriendly environment for pedestrians, exacerbate heat islands on warm days, increase stormwater runoff, and be visually unattractive. Building parking spaces is also very expensive, costs which are usually passed on to future building residents. The latest phase of MAPC's Perfect Fit Parking Initiative estimated costs to be between \$5,000-\$10,000 per surface parking space and up to \$23,500 per garage parking space (MAPC Perfect Fit Parking Initiative Phase II, 2019).³ Of the suburban communities included in the report, the average cost of a parking space for residents ranged from \$8 - \$60 per month. The report also found that parking is oversupplied even in suburban communities where demand is perceived to be high. To encourage smaller mixed-use development, towns should allow residential and commercial uses which often require parking at different, complementary times of day—to share parking spaces and reduce the development's overall requirement.

Traffic + Pedestrian Safety

Commercial zoning districts and older strip malls are often located in autocentric areas along arterial roadways that are uncomfortable or even dangerous for pedestrians. A successful mixed-use development needs the support of a planning process that considers these needs and transforms autocentric areas to be more walkable and inviting for households and patrons. Even if public transit isn't available or regulations for major state-owned roads limit potential traffic calming measures, sites themselves can be designed to promote walkability. For instance, shared parking areas located behind buildings can allow visitors to park in one place and visit multiple businesses and amenities by foot. Ample sidewalks, bicycle infrastructure, and amenities such as seating and plantings can encourage walking and a more vibrant street life.

Water + Sewer

While mixed-use development can serve as a vehicle for pedestrian-oriented public improvements, it may be constrained if a site does not have access to water and sewer lines. In the case of existing commercial uses, some infrastructure may already exist on-site. However, residential use is often more water-intensive than commercial use, and existing infrastructure may need to be upgraded. Larger redevelopment projects may be able to support the cost of on-site wastewater treatment, and smaller projects may be able to utilize a shared septic system. Communities planning for growth in particular areas can seek MassWorks funding to expand or upgrade its sewer and water infrastructure to support new development.

² Dain, Amy. "The State of Zoning for Multi-Family Housing In Greater Boston." The Massachusetts Smart Growth Alliance, June 2019. Accessed June 19, 2021. https://ma-smartgrowth.org/wp-content/uploads/2019/06/03/FINAL_Multi-Family_Housing_Report.pdf.

³ The MAPC Perfect Fit Parking Initiative is a multiple phase study to estimate the utilization and cost of parking with the goal of helping communities better understand their parking demand and how to set parking regulations to match demand and avoid contributing to unnecessary development costs. So far the two phases have included parking surveys in over 20 cities and towns, located mostly in the Inner Core Subregion. Future study will expand further into Greater Boston. For more information visit www.perfectfitparking.mapc.org.

PARTNER TOWNS ZONING

The participating South Shore communities each have at least one zoning district that can facilitate mixed-use at a variety of scales and intensities. However, minimum lot size and other dimensional requirements limit how mixed-use can be built, potentially encouraging development is not consistent with best practices for urban design and walkability, and in some cases may effectively deter it entirely. Generally, regulations that focus more on the form and intensity of a development are more flexible and more effective in encouraging mixed-use than regulations that focus on permitted uses with stringent dimensional, height, and parking requirements. Additionally, South Shore bylaws could do more to encourage mixed-use such as allowing this type of development by-right within parameters or design guidelines to ensure the development meets community standards and goals. Strategic relief from requirements could also be offered such as reducing parking requirements when the development is near transit or contributing to a shared parking arrangement.



Specifically:

- All five towns have at least one zoning district where mixed use is permitted;
 of these, three towns have at least one district where mixed use is permitted by right and
 two towns require a special permit for mixed use in any district. Even in towns that permit
 some mixed-use by right, opportunities may be limited; for example, Norwell allows
 mixed use by right in its Business A district, which covers a small area at the center
 of town, but mixed use is not permitted at all in other business areas where it may be
 appropriate. Scituate stands out for its multiple districts which allow mixed use by right.
- Scituate and Hingham's multiple districts with low or no minimum lot area
 most readily facilitate small-scale, more incremental development. In other
 towns, minimum lot size may be more prohibitive. For example, Cohasset's downtown
 business district requires a minimum parcel size of close to or above one acre depending
 on the number of units, which may make it more difficult to develop the sort of smallscale mixed use that would be well-suited to its compact, walkable downtown.
- Parking requirements may be the greatest impediment to mixed-use
 development, or at least the greatest driver of mixed-use that takes the form
 of isolated buildings surrounded by expansive parking lots. Between the
 participating towns, one and a half to two parking spaces are required per housing unit,
 though Scituate and Norwell's bylaws permit only one space for one-bedroom units.
 These are in addition to spaces required for commercial uses.
- Three of the towns' bylaws permit sufficient mixed use buildings up to 3 stories. Norwell permits mixed-use buildings two and a half stories tall; Duxbury's 30' height limit would likely only accommodate a 2-story building because retail floors are typically taller than residential floors. While 2- or 2.5-story mixed-use buildings are certainly possible, they may be less attractive for developers and, in areas where land costs are high, are less likely to be financially feasible.

PARTNER TOWNS ZONING

	COHASSET					DUX	DUXBURY		HINGHAM			
Zoning District	Harbor Village Business Overlay	Downtown	Business	Highway Bu	usiness	Neighborhood Business Light	Neighborhood Business Light 1 and 2	Downtown Hingham Overlay	Business A	Business B	Industrial	
Special Permit	Х	Х		Х		Х	Х	Х	Х	Х	Х	
Min. Lot Area (sf)	Single-unit	Single-unit	Multi-unit	Single-unit	Multi-unit	30,000	15,000	SP	NA	NA	100 acres	
	5,000	5,000	40,000 + 4,000 per family more than two	10,000	88,000						FAR 1 to 1	
Min. Lot Frontage (ft)	50	50	20	50	200	200	100	SP	20	100	SP	
Min. Lot Width (ft)	50	50	20	100	200	100 (Depth)	100 (Depth)	SP	NA	NA	SP	
Min. Front Yard (ft)	15*	15	15	50	100	25	10	SP	10	40	SP	
Min. Side Yard (ft) (j)	10**	10	10	20	50	25 to Residential 0 to NB-1 or NB-2	0	SP	NA	25	SP	
Min. Rear Yard (ft) (j)	15	15	15	20	50	15 to Residential 0 to NB-1 or NB-2	0	SP	NA	25	SP	
Max Coverage	80%	80%	20%	60% (25% structures)	60%	50%	50%	SP	NA	25% (buildings)	SP	
Min. Open Area	NA	NA	NA	NA	NA	NA	NA	80% (buildings)	80% (buildings)	80% (buildings)	15%	
Max. Height ft, (Stories)	35		35 (NA)	35 (NA)	35 (NA)	30	30	SP	35 (3)	35 (3)	40	
Bedroom Limitations						2	2	2	3 – 15%	3 – 15%	3 – 15%	
Bedroom Size Requirements									One-bed: 575 sq. ft. min Two-bed: 750 sq. ft. min			
Parking	1.5 per DU	J 2 per DU					2 per DU					
IZ Threshold/Requirement	5/fee-in-lieu				6/10%	I.	6 or less DU per acre/10%, More than 6 DU per acre/15%					

PARTNER TOWNS ZONING CONTINUED

	NORWELL	SCITUATE								
Zoning District	Business A	General Business	Harbor Business	Commercial	Greenbush Village Center Sub-district	Gateway Business Subdistrict	New Driftway Transit Village Center Subdistrict	Vertical Mixed- use Design Standards		
Special Permit				Х	Х	Х				
Min. Lot Area (sf)	1 acre (all districts)	10,000	10,000	10,000	NA	NA	NA	NA		
Min. Lot Frontage (ft)	80 (all districts)	100	100	100	NA	NA	NA	50		
Min. Lot Width (ft)	125 at setback	SP		NA		NA		SP		
Min. Front Yard (ft)	50				5 min/30 max	5 min/ 40 max	5 min/40 max	0 min/20 max		
Min. Side Yard (ft) (j)	10	8	8	8	10 min; 0 feet if common wall	10 min; 0 feet if common wall	10 min; 0 feet if common wall	10 min; 0 feet if common wall		
Min. Rear Yard (ft) (j)	20	20 (res)		NA		25		SP		
Max Coverage	NA				80%	60%	80%	NA		
Min. Open Areα	NA				15%	15%	15%	15%		
Max. Height ft, (Stories)	34 (2.5)	40 (3)	40 (3)	40 (3)	14 min/35 max	14 min/ 35 max	18 min/45 max	30 (2.5)		
Bedroom Limitations	2	2		3 – 15%		3 – 15%		3 – 15%		
Bedroom Size Requirements				One-bed: 575 sq. ft. min Two-bed: 750 sq. ft. min						
Parking	1 per one-bed, 2 per two-bed+	Planning Board can re	Planning Board can reduce to 1 per one-bed, 1.5 per two-bed, and 2 per three-bed							
IZ Threshold/Requirement	No requirement	8-40+/10-15% (slidi	8-40+/10-15% (sliding scale)							

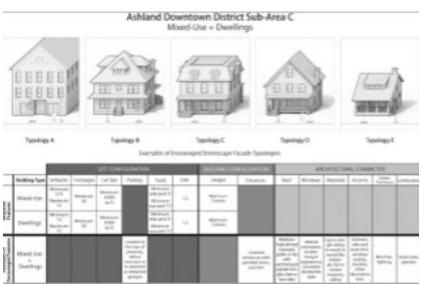
PROGRESSIVE BYLAWS

Progressive bylaws for small-scale mixed-use tend to focus more on the form and design of the building rather than the use or density. The greater the flexibility of the setback, height, and density requirements, the better opportunity these bylaws have to facilitate mixed-use development in various contexts. Mixed-use bylaws should have a small front yard setback requirement or a build to line and should require parking to be located in the rear to foster a more pedestrian-friendly and engaging environment. Shared parking arrangements are also key to satisfying parking demand for a range of different uses. Finally, allowing mixed-use by-right (subject to design and other criteria) can also incentivize this type of development.

Examples of progressive small-scale mixed-use bylaws are in the chart below, with key elements highlighted in [green].

- Each of the examples make it easy to permit smaller mixed-use by providing a by-right option rather than a special permitting process. The Maynard Downtown Mixed-use Overlay District encourages smaller mixed-use developments by allowing developments of six or fewer housing units by-right, but also gives the planning board oversight of developments with more than six housing units through a special permitting process. Beverly's Central Business District uses a similar approach to provide flexibility for building height, allowing up to 55 feet by-right and up to 75 feet by special permit.
- Several zoning districts have small and flexible lot size, frontage, and setback requirements, which all contribute to a more walkable and cohesive downtown or village center district.
- Several of the examples direct parking to the rear to create a pedestrian friendly environment. These zoning examples also offer opportunities to reduce parking requirements based on site conditions.
- The Ashland Downtown District breaks down mixed-use into various scales and intensities by utilizing form-based code. This district has three sub-areas that facilitate larger, medium, and small-scale mixed-use by differentiating minimum lot area, frontage, height, and floor area ratio. As seen in the chart on the right, the bylaws also provide visual examples of façade types and other architectural details that are encouraged (but not required). Visually articulating desired design features ensures that by-right development is consistent with town goals without forcing developers to use specific building materials.





PROGRESSIVE ZONING EXAMPLES

	ASHLAND, MA	BEVERLY, MA	MAYNARD, MA	MILLIS, MA
Zoning District	Ashland Downtown District (Form-based Code)	Central Business District	Downtown Mixed-Use Overlay District	Economic Overlay District
By-right	By-right and special permit vary by sub- district, density, and housing type.	Y	Mixed-use with 6 or fewer dwelling units (by-right) Mixed-use with more than 6 dwelling units (special permit)	All uses in underlying zoning district, apartment houses, and residential uses restricted to second floor and above (where facing Main Street/Route 109)
Vertical mixed residential and commercial	Υ	Υ		Υ
Min. Lot Area (sf)	Sub-area A: 35,000 Sub-area B: 20,000 Sub-area C: 8,000	None for commercial and mixed-use development	30,000	30,000
Min. Lot Frontage (ft)	Sub-area A: 100 Sub-area B: 75 Sub-area C: 50	None (Unless abutting a residential zone -15 ft)	20	120
Min. Lot Width (ft)				
Min. Front Yard (ft)	0-15	None (If abutting a residential zone, setbacks are the same as that zone)	10	5-15
Min. Side Yard (ft) (j)	0	None (If abutting a residential zone, setbacks are the same as that zone)	0 (15 if abutting a residential lot)	0
Min. Rear Yard (ft) (j)	12	None (If abutting a residential zone, setbacks are the same as that zone)	0 (15 if abutting a residential lot)	25
Floor Area Ratio (FAR)	Sub-area A: 2 Sub-area B: 1.5 Sub-area C: 1.5			
Max. Height ft, (Stories)	Sub-area A: 4 Sub-area B: 4 Sub-area C: 3	55 (by-right) — 75 (special permit)	45	35 ft, 2.5 stories (whichever is lower)
Parking	75% of general parking requirements for each use. Parking lots within the Downtown District must be connected unless there are physical constraints and that prevent their connection	Within the deport parking overlay district – one space per dwelling unit	2 spaces per dwelling unit The planning board may allow shared parking and reduce parking requirements during the special permit process	1 space per dwelling unit and 2 spaces per two- bedroom unit or greater The planning board may allow shared parking and reduce parking requirements by special permit
Additional attributes	Form-based approach provides visual examples of preferred design features.	Special permit can be pursued if dimensional and design standards aren't met. 100% of the ground floor must be commercial or office as defined by a special use table of by-right and special permit uses	More than 50% of ground floor space must be used for retail, restaurant, office and/or medical office use Density bonus of 800 sq. ft. per dwelling unit can be granted by PB under a development agreement if number of affordable units is equal to or greater than 15% of total units in the development or equivalent donation to Maynard Affordable Housing Trust	The planning board may permit a density bonus of 1 dwelling unit per 2,000 square feet of open land, provided the open land is equal to at least 15 percent of the total area

BARRIERS FOR DEVELOPERS

In towns where mixed-use is not permitted by right, the special permit process can lengthen the development timeline and can increase risk due to the uncertainty of the permitting process. It can also result in conditions placed on the development during the review process; while these conditions are in service of public benefit and may result in a better project, they can also increase development costs. By-right zoning for development that a town would like to encourage, accompanied by clear design guidelines and expectations for public benefits, can reduce the unpredictability of the approvals process.

Beyond regulatory constraints, mixed-use redevelopment is challenging because it requires expertise in multiple markets. Residential developers are often unfamiliar with commercial development and may be wary of taking on the risk of building commercial space that they may have trouble leasing. On the other hand, commercial developers may be put off by the longer development timeline associated with residential development. Banks may be reluctant to finance a project without a confirmed retail tenant, but many retailers are not interested in signing a lease for a space that cannot be occupied for months or years. Delays in the approvals process can exacerbate these challenges.

Retrofitting aging single-use commercial buildings can pose additional challenges. Strip malls are often under local ownership; these small-scale property owners may have less development capacity and access to capital than larger-scale regional developers. Strip malls can span multiple parcels controlled by several different property owners, making it challenging to collaborate on a redevelopment proposal. Finally, strip malls can still be profitable even if they appear to be in decline; in these cases, property owners may have little incentive to embark on a complicated redevelopment process. Strong partnerships and dedicated proponents are critical to a successful strip mall redevelopment.

COMMUNITY CONCERNS

Residents are often concerned that new housing will increase traffic, particularly if it is located on an already-busy arterial street. Although every development is different, typically a residential unit, whose occupants may take a few trips each day, has minimal traffic impact when compared to commercial uses, which may see dozens of visitors each hour. If a project satisfies parking requirements through an alternative method such as shared parking, community members may worry that parking will be insufficient, particularly in autocentric areas where most trips occur via car. A traffic impact study and a parking analysis, conducted by the developer for projects above a certain size, can identify potential impacts; towns can then use this information to require mitigation.

In the case of aging strip malls, many have been around for so long that it can be difficult for long-time residents to imagine something different, particularly if that involves an increase in height or density. Additionally, strip malls often have local tenants whose businesses depend on the less expensive rents found in older buildings. Redevelopment of a strip mall must engage these stakeholders to ensure that local businesses are not displaced.



CABOT STREET APARTMENTS, BEVERLY MA

Town Population 42,312 (ACS, 2014-2018)

Households 16,687 (ACS, 2014-2018)

Year built 2015

Housing Units

Affordability

2 deed-restricted units

Tenure

Zoning

Central Business District (CC)

Beverly has been working to encourage small-scale mixed-use development along Cabot Street and Rantoul Street with the goal to bring walkers and shoppers to the areas near its downtown. Following the completion of a housing production plan, the City established the Central Business District (CC). This new district allows mixed-use by-right for projects up to 55 feet with no setback requirements unless the project abuts a residential zone. A special permitting process is also offered for development proposals that would like to consider aspects outside of the zone's dimensional and design standards, including a height of up to 75 feet.

Beverly's CC District and the Cabot Street apartments show how flexible zoning focused on form and design can result in mixed-use housing development that helps activate local commercial streets and add vibrancy to neighborhoods. Utilizing the new zoning, the Cabot Street Apartments were built in 2015 resulting in 13 total rental housing units, including two Affordable Housing units to satisfy the town's inclusionary zoning requirements. The 3-story project was within the 55-ft. height permitted by right for mixed use in the CC District. Following the CC Zone's direction, the Cabot Street apartments locate parking in the rear of the building and keep the building close to the sidewalk which fosters an inviting and walkable sidewalk environment.

MASHPEE COMMONS

Population 14,180 (ACS, 2014-2018)

Households 6,240 (ACS, 2014-2018)

Year(s) built Phased, 1993 to 2006

Housing Units [382]

Commercial area 350,000 square feet

Zoning M.G.L. Chapter 40B

Mashpee Commons is one of the country's most well-known examples of a transformational suburban retrofit. Although larger than the small-scale mixed use described in this section, the project offers lessons for mixed-use redevelopment at any scale. What started out in 1968 as a sprawling strip mall of 75,000 square feet has since been transformed into a popular mixed-use neighborhood and shopping center that conveys a traditional New England town center feel. After a decline in activity during the 1980s, Arnold Bluff, the single property owner of the site, partnered with local planners to re-envision the site during a series of charrettes. They eventually won public support for creating a mixed-use walkable district with a gridded network of internal streets rather than arterial roadways as originally expected.

Mashpee Commons was developed through the Chapter 40B Comprehensive Permitting Process, a state statue that enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions. The flexibility of Chapter 40B enabled the project to avoid many of the dimensional restrictions in the Town's zoning bylaw and was key to the success of the project. Additional flexibility was gained by defining the streets as driveways and alleyways to avoid regulations that would have required large setbacks.

The project was constructed in two phases occurring in 1993 and 2006. It includes 350,000 sf of commercial space, one third of which is occupied by local businesses, one third by regional chains, and one third by national chains, offering a variety of eclectic shopping options that draws visitors from all around Cape Cod. Residential units are located above and behind the commercial spaces, and because of Chapter 40B's mixed-income requirement 25% of these housing units are deed-restricted Affordable Housing. Today, planners and partner developers are hoping to expand Mashpee Commons and add more deeply affordable housing and have proposed utilizing form-based code to direct future development plans on the site.

WAYLAND COMMONS

Population 13,882 (ACS, 2014-2018)

Households 4,943 (ACS, 2014-2018)

Total Housing Units 54

Housing Types
Mixed-use and townhouses

Commercial Area 159,000 square feet

ZoningMixed-use Overlay District

Wayland Commons, a redevelopment of a Raytheon facility near downtown Wayland that was formerly used for weapons research and design, demonstrates that mixed-use suburban retrofits need not be limited to strip malls. In preparation for redevelopment, the Town worked with Raytheon to create a public involvement plan for remediating the site and held annual public meetings to update residents on the progress. After the site was remediated, the Town adopted its Mixed-Use Overlay District to facilitate development on the site.

The standards of the overlay district were helpful in guiding the design of the development and providing a basis for the Planning Board, which served as the special permit granting authority, to review the development. However, the Planning Board also had the ability to discuss the project with the developer throughout the special permitting process, providing the flexibility to accommodate unique aspects of the development. Ultimately the site was transformed into a vibrant mixed-use neighborhood with 159,000 square feet of commercial space, 12 rental housing units located above store fronts, and 42 condominium townhouses. The development also includes open spaces and recreational opportunities with direct access to the Massachusetts Rail Trail.