

Hamilton 3A Multifamily Overlay District

SECOND DRAFT for Planning Board Review
2025-04-24

NOTE: proposed amendments to existing code have been separated into their own standalone document.

9.6. 3A MULTIFAMILY OVERLAY DISTRICT (3A-MFOD).

9.6.1 Purpose. The purpose of the 3A-Multifamily Overlay District (3A-MFOD) is to allow multifamily housing development as of right in accordance with G.L. c. 40A, § 3A and the Regulations issued by the Executive Office of Housing and Livable Communities (HLC), as may be amended from time to time. This overlay district, in combination with the Town Center base zoning subdistricts Downtown Residential, Willow Street Mixed Use, and Bay Road Mixed Use as described in **Section 9.7**, together comprise the Town-wide compliance with the requirements of G.L. c. 40A, § 3A. In addition, **Section 9.6** is intended to:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels
2. Increase the municipal tax base through private investment in new residential developments.
3. Develop affordable housing in support of the Town’s inclusionary housing goals as outlined in Section 8.3.

9.6.2 Applicability. The 3A-MFOD shall be superimposed over underlying zoning district(s). The 3A-MFOD shall not replace any underlying zoning district(s). The regulations for use, dimension, and all other underlying provisions of the Zoning Bylaw(s) governing the respective underlying zoning district(s) shall remain in full force, except for uses and dimensions allowed as of right in the 3A-MFOD. Uses that are not identified in **Section 9.6.3** are governed by the requirements of the underlying zoning district(s).

The 3A-MFOD contains the following sub-districts as shown on the 3A-MFOD boundary map, which can be found in the official Town of Hamilton Official Zoning Map dated **xxxx**. If an applicant’s property sits entirely within a 3A-MFOD sub-district, then they may elect to use the zoning provisions of the applicable 3A-MFOD sub-district as described in **Section 9.6.3 and 9.6.4**.

If the applicant elects to proceed under the zoning provisions of the underlying district, the Zoning Bylaws applicable in the underlying district shall control and the provisions of the 3A-MFOD shall not apply. If the applicant elects to proceed under the zoning provisions of the 3A-MFOD, they may develop multi-family housing within the district in accordance with the provisions for the 3A-MFOD subdistrict their property falls within, as described in **Section 9.6.3 and 9.6.4**.

9.6.3 Permitted Uses. Multi-family housing is allowed by-right for all parcels within the 3A-MFOD. Where the underlying zoning allows for other uses, the 3A-MFOD also allows those uses.

9.6.4 Dimensional Standards. The table of dimensions below determines the dimensional requirements for land within the 3A-MFOD.

Minimum Lot Size (ft.)	80,000
Minimum Lot Frontage (ft.)	175
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building
Maximum Building Height (ft.)	35
Maximum Number of Stories	3.0
Maximum Building Coverage (%)	20
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 (note 1)
Minimum Side Yard and Rear Yard (ft.)	15
Maximum Floor Area Ratio (FAR)	0.45
Maximum Building Footprint (ft.)	8,000 (note 2)

Note 1: Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater

Note 2: As defined in Section 9.7.2. Applies to any single building. Multiple buildings on one lot are permitted.

9.6.5 Design and Building Standards.

1. *Roof Form.* All buildings shall have pitched roofs, or the appearance of pitched roofs, with a steepness no less than 9:12 and not greater than 14:12.
2. *Allowed Building Materials.* Refer to Section 9.7.XXXX for applicability and permitted material.

9.6.6 Severability. If any provision of Section 9.6 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.6 shall not be affected but shall remain in full force. The invalidity of any provision of Section 9.6 shall not affect the validity of the remainder of Hamilton’s Zoning Bylaw.

9.6.7 Sunset Clause. If, for any reason, G.L. Chapter 40A Sec 3A, and/or the associated Regulations, 760 CMR 72, shall be (1) deemed ineffective, unenforceable, or invalid, in whole or in part, by a judgment of the courts of the Commonwealth, or (2) repealed, rescinded, changed, or amended in such manner as to alter the metrics in the regulations concerning unit capacity requirements as

applied to the Town of Hamilton, i.e., requiring other than 731 units for Hamilton to be deemed in compliance, Section 9.6 of the Zoning Bylaw, shall be voided, of no legal effect, and immediately rescinded without further action required from the Town.

Notwithstanding paragraph CC above, this provision shall not be severable.

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