

ARTICLE GGG
MBTA COMMUNITIES MULTIFAMILY HOUSING

That the Town amend the Zoning By-Law of the Town of Hingham, adopted March 10, 1941, as heretofore amended, as follows:

Item 1 Amend Section II-B by inserting a new item 7. Multifamily Overlay District.

Item 2 Amend Section II-C to adopt a new zoning map as follows:

“3. Multi-Family Overlay District
Zoning Map Part C Multifamily Overlay District, filed in the office of the Town Clerk, is made a part of this Zoning By-Law, and locations and boundaries of the several sub-districts shall be as indicated, respectively, on said Zoning Map.”

The location of said overlay district and its sub-districts to be shown on said Zoning Map Part C is shown on the maps on file with the Town Clerk and shall include the following parcels and all interior roadways within such sub-districts:

- Sub-district 1 36-0-104 and 36-0-108
- Sub-district 2 36-0-160
- Sub-district 3 46-0-17
- Sub-district 4 36-0-159
- Sub-district 5 97-0-2

Item 3. Insert a new section “Section III-K. Multifamily Overlay District”

1. Purpose

The purpose of the Multifamily Overlay District (MOD) is to allow multifamily housing as of right in fulfillment of the following objectives:

- a. To ensure compliance with the requirements of MGL c. 40A, § 3A and the Compliance Guidelines;
- b. To encourage mixed-income, multifamily housing in appropriate locations, near retail, restaurants, civic, and recreational uses; and
- c. To reduce dependency on automobiles by creating housing opportunities within walking distance to public transportation.

2. Establishment and Applicability

This MOD is an overlay district that is superimposed over the underlying zoning districts and is shown on the Zoning Map, Part C.

- a. Applicability of MOD. An applicant may develop Multifamily Housing located within a MOD in accordance with the provisions of this Section III-K.

- b. Underlying Zoning. The regulations for use, dimensions, and all other provisions of the Zoning By-Law governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MOD. Uses that are not expressly permitted in this Section III-K are governed by the requirements of the underlying zoning district(s).
 - c. Sub-districts. The MOD contains the following sub-districts, all of which are shown on Zoning Part C: Multifamily Overlay District:
 - Sub-district 1,
 - Sub-district 2,
 - Sub-district 3,
 - Sub-district 4, and
 - Sub-district 5.
3. Definitions

Capitalized terms used herein and not otherwise defined herein shall have the same meanings ascribed to such terms in Section VI of the By-Law. For purposes of this Section III-K, the following definitions shall apply.

 - a. Affordable Housing Unit. A Multifamily Housing unit that is subject to a use restriction recorded 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.
 - b. Affordable Housing. Multifamily Housing that contains Affordable Housing Units as defined by this Section III-K.
 - c. Area Median Income (AMI). The median family income for the metropolitan statistical region that includes the Town of Hingham, as defined by the U.S. Department of Housing and Urban Development (HUD).
 - d. Compliance Guidelines. Compliance Guidelines for Multifamily Zoning Districts adopted pursuant to MGL c. 40A, Section 3A, as further revised or amended from time to time.
 - e. EOHLIC. The Massachusetts Executive Office of Housing and Livable Communities.
 - f. MBTA. Massachusetts Bay Transportation Authority.
 - g. Multifamily Housing. A building with three or more dwelling units or two or more buildings on the same lot with more than one dwelling unit in each building.
 - h. Multifamily Housing Unit. A dwelling unit within a Multifamily Housing development.
 - i. Sub-district. An area within the MOD that is geographically smaller than the MOD district and differentiated from the rest of the district by use, dimensional standards, or development standards.
 - j. Transit station. An MBTA subway station, commuter rail station, or ferry terminal.

4. Permitted Uses

a. The following forms of Multifamily Housing are permitted as of right subject to Site Plan Review under Section I-I of the By-Law within Sub-districts 1, 2, 3, and 4 of the MOD:

(i) Two-Family Dwelling

(ii) Multi-Unit Dwelling, including Town Houses, but not more than ten connected dwelling units

(iii) Garden Apartment

(iv) Apartment House

b. The following forms of Multifamily Housing are permitted as of right subject to Site Plan Review under Section I-I of the By-Law within Sub-district 5 of the MOD:

(i) Two-Family Dwelling

(ii) Multi-Unit Dwelling not to exceed ten connected dwelling units and provided that all such dwelling units are in the Town House style

c. Accessory Uses.

The following uses are allowed by right as accessory uses to any of the permitted uses in subsections 4.a. and b. above:

(i) Accessory uses specified in subsections 1.8.4, 1.8.5, and 1.8.6 in Section III-A.

(ii) Community rooms and shared amenities, including pools, playgrounds, and other recreational uses limited to use by the residents of the Multifamily Housing development and their guests.

d. Dwelling units within the MOD shall be subject to the limitation set forth in Section III-B,4.

5. Dimensional Requirements

Table of Dimensional Requirements. Notwithstanding anything to the contrary in Sections IV-A, IV-B and IV-C of this By-Law, the dimensional requirements applicable in the MOD are as follows:

Minimum Lot Size		Maximum Height		Floor Area Ratio	Maximum Density	Minimum Yard Dimensions		
Area	Frontage	Feet	Stories			Units/Acre	Front	Side
Sub-district 1								
3 acres	150'	45'	4	0.95	40	40'	25'	25'
Sub-district 2								
2.5 acres	20'	35'	3	0.85	25	20'	20'	20'
Sub-district 3								

5 acres	200'	35'	2.5	0.85	18	50'	20'	20'
Sub-district 4								
2 acres	150'	35'	2.5	0.85	15	20'	20'	20'
Sub-district 5								
5 acres	200'	35'	2.5	0.35	8	50'	20'	20'

6. Off-Street Parking

The parking requirements under Section V-A shall apply to Multifamily Housing in the MOD with the exception of the following:

- a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage or other building on the same lot as the principal use, shall be permitted as of right.
- b. Number of spaces. The number of parking spaces required shall be reduced from 2 spaces/unit to 1.5 spaces/unit for any Multifamily Housing consisting of 10 or more units.
- c. Surface parking. Surface parking shall be located to the rear or side of the principal building. Parking shall not be located in the setback between the building and any lot line adjacent to a Street.
- d. Integrated garages. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- e. Parking structures. Building(s) dedicated to structured parking on the same lot as one or more Multifamily Housing buildings shall be subordinate in design and placement to the Multifamily Housing buildings on the lot.

7. Development Standards Applicable to All Sub-districts

Development standards in the MOD are applicable to all Multifamily Housing within the MOD. These standards are in addition to the Site Plan Review Design and Performance Standards under Section I-I.6.

- a. Sidewalks. Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
- b. Dumpsters. Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
- c. Building Location and Design.
 - (i) Multiple buildings on a lot. Multifamily Housing may include multiple buildings on a single lot, provided that no less than 20' of separation is provided between individual buildings.
 - (ii) Position relative to principal street. Each Multifamily Housing building shall have its principal façade and entrance oriented toward the primary front lot line along a

Street or shared drive. All building(s) adjacent to a Street shall have a pedestrian entry facing the Street.

(iii) Entrances. Where applicable, entrances shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.

d. Shared Outdoor Space. Multifamily Housing consisting of 25 or more dwelling units shall have common outdoor space that all residents can access. Such space may be located in any combination of ground floor, courtyard, rooftop, or terrace.

8. Development Standards Applicable to Sub-district 5

a. Building Location and Design. The area between the 50-foot front yard setback and 150-foot shall be limited to Two-Family Dwellings and Multi-Unit Dwellings consisting of three units.

b. Parking Structures. Parking structures are not permitted in sub-district 5.

9. Affordable Housing Requirements

a. Provision of Affordable Housing Units. In any Multifamily Housing development containing ten (10) or more dwelling units, at least 15% of the dwelling units shall be Affordable Housing Units with household income limited to 80% of the Area Median Income. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down. If EOHLC determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units shall be Affordable Housing Units with household income limited to 80% of the Area Median Income. No project may be divided or phased to avoid the requirements of this section.

b. Subsidized Housing Inventory. All Affordable Housing Units created in the MOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

c. Affordable Housing Unit Development Standards. Affordable Housing Units shall be:

(i) 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;

(ii) Dispersed throughout the development;

(iii) Located such that the Affordable Housing Units have equal access to shared amenities, including light and air, and utilities within the development;

(iv) Located such that the Affordable Housing Units have equal avoidance of any potential nuisances as market-rate units within the development;

- (v) Distributed proportionately among unit sizes;
 - (vi) Distributed proportionately across each phase of a phased development.
 - d. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Housing Units are issued simultaneously on a pro rata basis.
9. Modifications and Exemptions
- a. A request pursuant to Section I-C,2.b. of the By-Law shall not require a special permit and may be requested as a minor modification pursuant to Section I-I,9.b. of this By-Law.
 - b. For the purpose of this Section III-K, Section I-I is hereby modified as follows:
 - (i) References in Section I-I,4.d. to additional information or submittals that may be required from the applicant shall be deemed to refer to missing or incomplete submittal requirements under Section I-I,5 and this Section V-K,9.
 - (ii) Section I-I,5.k shall not apply.
 - (iii) A project which is designed in accordance with the applicable provisions of this Section V-K shall be deemed to comply with Section I-I,6.c.
 - (iv) The second and third sentences in the introductory paragraph of Section I-I,8. shall not apply.
 - c. To the extent any portion of a lot within the MOD is subject to Section III-C (Floodplain Protection Overlay) of this By-Law, no special permit shall be required, but the submission requirements of said Section shall apply and review pursuant to said Section shall be undertaken as part of Site Plan Review under this Section III-K.
 - d. Section IV-E (Residential Multi-Unit Development) and Section IV-F (Residential Multi-Unit Development in Residence District D) of this By-Law shall not apply to Multifamily Housing under this Section III-K.
 - e. Multifamily Housing shall be exempt from Section V-C (Earth Removal Regulations) in accordance with subsection 5.c. thereof.

Item 4 Amend Section VI (Definitions) to replace the following definitions in their entirety:

Apartment House

A structure utilized wholly for residential dwelling units and containing four or more dwelling units.

Garden Apartment

A building consisting of not less than four nor more than ten connected dwelling units, with each entrance serving not more than four dwelling units, each of which extends through the building from front to rear.

Two-Family Dwelling

A dwelling intended and designed to be occupied as two separate dwelling units. For all purposes in the By-law, two-family dwellings shall include attached garages, or other fully enclosed, attached structures, whether heated or unheated, connected to the primary structure.

Item 5 Replace Section I-L in its entirety as follows:

I-L Effective Date

The effective date of an amendment to this By-Law shall be the date on which such amendment was adopted in accordance with MGL c. 40A, s. 5 by a favorable vote of Town Meeting subject to its publication in a Town bulletin or pamphlet and posting or publication in a newspaper as provided in MGL c. 40, s. 32.