

## **6.17.0 – MULTI-FAMILY OVERLAY DISTRICT**

### **6.17.1 Purpose**

The purpose of the Multi-family Overlay District (MFOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

- A. 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;
- B. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services.
- C. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
- D. Support public investment in public transit and pedestrian- and bike-friendly infrastructure.
- E. Increase the municipal tax base through private investment in new residential developments.

### 6.17.2 Establishment and Applicability

This MFOD is an overlay district having a land area of approximately 71 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map.

- A. **Applicability of MFOD.** An applicant may develop multi-family housing located within a MFOD in accordance with the provisions of this Section 6.17.0.
- B. **Overlay District.** The MFOD is an overlay district superimposed on the underlying zoning district(s) and overlay district(s). The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district shall remain in full force, except for uses allowed as of right or by special permit in the MFOD. Uses that are not identified in Section 6.17.0 are governed by the requirements of the underlying zoning district(s). Any MFOD project shall comply with Section 6.800 Water Resource Protection District consisting of several Well Protection Zones and an Aquifer Protection Zone.

The MFOD shall consist of the following parcels of land:

1775 Washington Street, Parcel 18-7

The alteration of MFOD sub-district boundaries must be approved at Town Meeting by an amendment to this Zoning Bylaw and the Zoning Map.

### 6.17.3 Applicability of Water Resource Protection District

- A. **Water Resources Protection District.** Any MFOD project shall comply with Section 6.800 Water Resource Protection Overlay District (consisting of several Well Protection Zones and an Aquifer Protection Zone).

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#### 6.17.4 Definitions

For purposes of this Section 6.17.0, the following definitions shall apply.

- A. **Affordable unit.** A multi-family 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.** Housing that contains Affordable Units as defined by this Section 6.17.0.
- C. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.
- D. **Area Median Income (AMI).** The median family income for the metropolitan statistical region that includes the Town of Hanover, as defined by the U.S. Department of Housing and Urban Development (HUD).
- E. **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.
- F. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
- G. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
- H. **DHCD.** The Massachusetts Department of Housing and Community Development, or any successor agency.
- I. **EOHLC.** The Massachusetts Executive Office of Housing and Livable Communities, DHCD's successor agency.
- J. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
- K. **Mixed-use development.** Development containing a mix of residential uses and non-residential uses, including, commercial, institutional, industrial, or other uses.
- L. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
- M. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
- N. **Open space.** Contiguous undeveloped land within a parcel boundary.

- O. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
- P. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- Q. **Section 3A.** Section 3A of the Zoning Act.
- R. **Site Plan Review Authority.** The Site Plan Review Authority shall be the Planning Board.
- S. **Special Permit Granting Authority.** The Special Permit Granting Authority shall be the Planning Board.
- T. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by EOHLC used to measure a community's stock of low-or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

#### 6.17.5 Permitted Uses

A. **Uses Permitted as of Right.** The following uses are permitted as of right within the MCMOD.

1. Multi-family residential of 15 units per acre.

B. **Uses Permitted by Special Permit.** The following uses require a Special Permit from the Special Permit Granting Authority.

1. Mixed-use development. As of right uses in a mixed-use development are as follows:

##### **Ground Floor**

Community space.

Educational uses.

Personal services.

Retail.

Experiential retail, including retail associated with dance or exercise studios, music studios, photography studios, or other combination of education, services, and retail.

Restaurant, café, and other eating establishments without a drive-through.

Office, professional office, and co-working space

Artists' studios, maker space, and small-scale food production no more than 5,000 SF, and retail associated with each use.

##### **Any Floor**

Residential (required component).

C. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in subsection 1.

1. Parking, including surface and structure parking such as an above ground or underground parking garage on the same lot as the principal use.

D. **Prohibited Uses.** Any use(s) not expressly allowed either under subsection 1 or within the underlying zoning districts and overlay districts shall be prohibited unless the Building Inspector determines that such use is substantially similar in both its characteristics and its impact on abutting properties to a use listed as permitted as of right under subsection 1 or within the underlying zoning district(s).

#### 6.17.6 Dimensional Standards and Other Requirements

- A. **Table of Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MFOD are as follows:

<u>Maximum Lot Coverage</u>	40%
<u>Maximum Building Coverage</u>	25%
<u>Minimum Open Space</u>	60%
<u>Maximum Height</u>	3 stories (35 feet)
<u>Front Setback</u>	75 feet
<u>Side Setback</u>	15 feet
<u>Rear Setback</u>	25 feet

- B. **Density requirements.** New residential development or residential components of mixed-use development shall be constructed at a density of 15 units per acre.
- C. **Two or More Buildings on One Lot.** Notwithstanding anything to the contrary in this Zoning Bylaw, more than one (1) building or structure, including those intended solely for use as residential dwellings, shall be permitted on any lot within the MFOD.

### 6.17.7 Off-Street Parking

These parking requirements are applicable to development in the MFOD.

- A. **Number of parking spaces.** The following **maximum** numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Maximum Spaces
Multi-family	2 spaces per dwelling unit
Non-residential uses	See Section 9.000 "Parking and Loading Requirements"

- B. **Number of bicycle parking spaces.** The following **minimum** numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per dwelling unit
Non-residential uses	1 space for every 10 parking spaces

- C. **Bicycle storage.** For a multi-family development of 25 units or more, or a mixed-use development of 25,000 square feet or more, covered parking bicycle parking spaces shall be integrated into the structure of the building(s).
- D. **Shared Parking within a Mixed-Use Development.** Parking requirements for a mix of uses on a single site may be adjusted through the Site Plan Review process, if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies.
- E. **EV charging stations.** For all uses within the MCMOD, electric charging stations are required with one EV space required for every twenty (20) parking spaces, rounded up to the next highest number of EV stations.



#### 6.17.8 Site Plan Review

- A. **Applicability.** All projects developed using the MFOD shall be subject to the Site Plan Review procedures as detailed in Section 10.000. The Site Plan Review and Approval Authority for the MFOD shall be the Planning Board.

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### 6.17.9 Affordability Requirements

A. **Purpose.**

1. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes; and
3. Increase the production of affordable housing units to meet existing and anticipated housing needs.

B. **Applicability.** This requirement is applicable to all residential and mixed-use developments with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion (Applicable Projects). No project may be divided or phased to avoid the requirements of this section.

C. **Affordability requirements.** All units affordable to households earning 80% or less of AMI created in the MFOD under this section must be eligible for listing on EOHLC's Subsidized Housing Inventory.

D. **Provision of Affordable Housing.** In Applicable Projects, not fewer than ten percent (10%) of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to eighty percent (80%) of the AMI.

E. **Development Standards.** Affordable Units shall be:

1. 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;
2. Dispersed throughout the development;
3. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
4. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
5. Distributed proportionately among unit sizes; and
6. Distributed proportionately across each phase of a phased development.

7. 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 Units are issued simultaneously on a pro rata basis.

**F. Administration.**

1. The Community Development & Municipal Inspections shall be responsible for administering and enforcing the requirements in this section.

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#### **6.17.10 Severability**

- A. If any provision of this Section 16.17.0 is found to be invalid by a court of competent jurisdiction, the remainder of Section 16.17.0 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 16.17.0 shall not affect the validity of the remainder of the Town of Hanover's Zoning.

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## **OTHER SECTIONS TO AMEND WITHIN HANOVER'S ZONING CODE**

### **Addition to 10.000 PURPOSE AND APPLICABILITY**

10.020

N. Development in the Multi-family Overlay District in accordance with the provisions of Section 6.17.0 of this Zoning Bylaw.

### **Addition to TABLE 7-1**

Good practice to include dimensional requirements of overlays in this table.

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## MAPS

