

# Proposed Amendments to Existing Code

## THIRD DRAFT for Planning Board Review

2025-05-06

The following sections of the existing code will be re-written as follows. Additions are underlined, deletions are ~~struck through~~, and additional instructions are *italicized*.

## *HAMILTON ZONING BYLAW TABLE OF CONTENTS*

*Insert the following to the Table of Contents under Section 9.0 Special District Regulations after 9.5:*

### **9.7 3A Multi-family Overlay District (3A-MFOD)**

- 9.7.1 Purpose
- 9.7.2 Applicability
- 9.7.3 Permitted Uses
- 9.7.4 Dimensional Standards
- 9.7.5 Severability
- 9.7.7 Sunset Clause

### **9.8 Hamilton Town Center Districts**

- 9.8.1 Purpose and Intent
- 9.8.2 Interpretation
- 9.8.3 Town Center Districts
- 9.8.4 Dimensional Standards
- 9.8.5 Use Provisions
- 9.8.6 Site Standards
- 9.8.7 Administration

## **2.1 CLASSES OF DISTRICTS.**

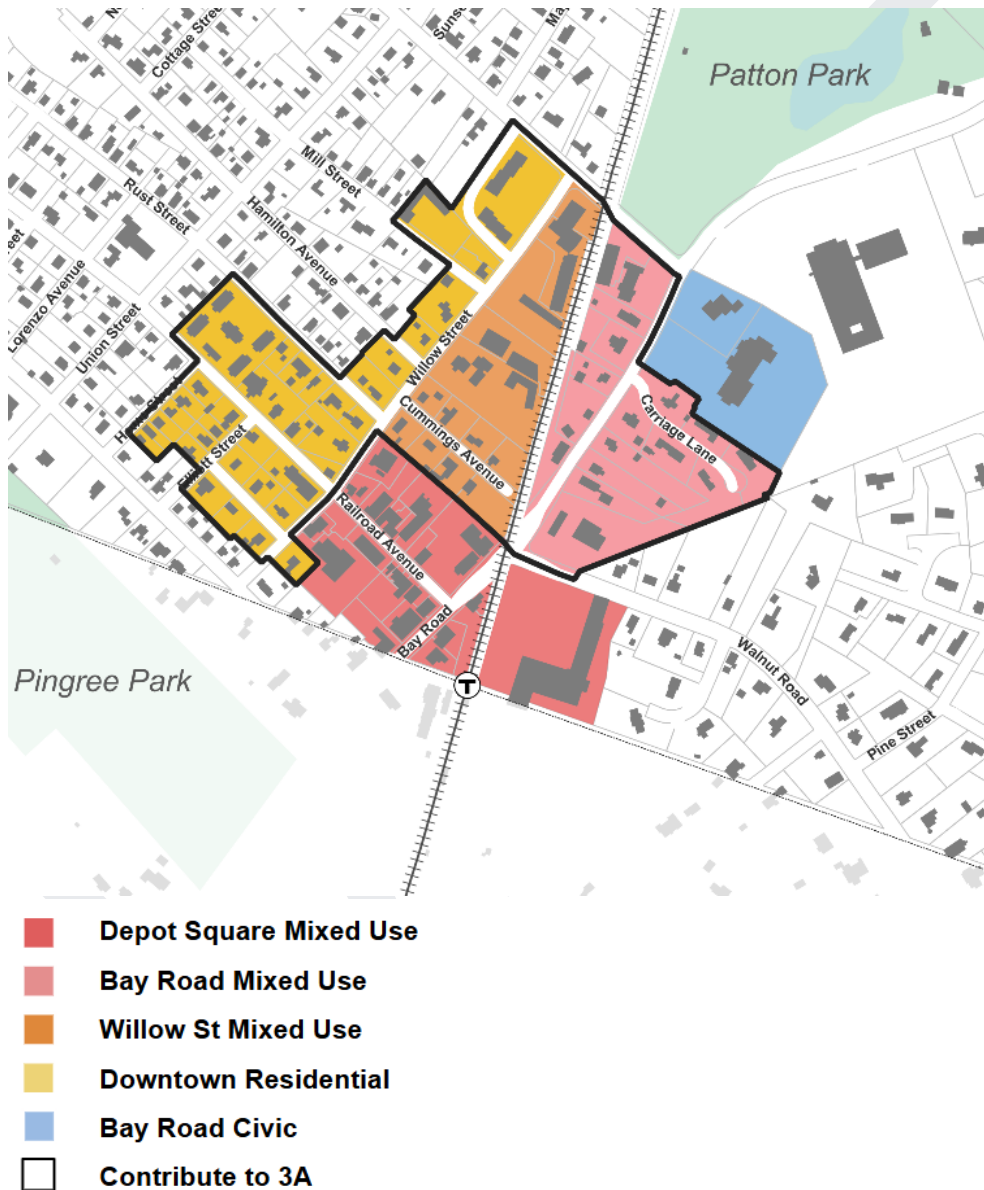
The Town of Hamilton is hereby divided into the following districts:

Residence District R-1A  
Residence District R-1B  
Residence-Agricultural District RA  
~~Business District B~~  
Depot Square  
Bay Road Mixed-Use  
Willow Street Mixed-Use  
Downtown Residential  
Bay Road Civic

## 2.2 ZONING MAP.

The Zoning Map dated December 28, 1964, filed with the Town Clerk, as amended by the Zoning Map, dated February 1, 1971, and further amended May 7, 1974, May 14, 1979, May 13, 1985, November 14, 1999, and May 5, 2009, and June 26, 2025 ("Zoning Map") is hereby made a part of this Bylaw.

*In the Downtown, add the following districts to the Town Zoning Map to replace the underlying existing portions of the B and R-1A districts in the current map. Remove key references to the Business District which is removed entirely. Extend the R-1A district southeast along Linden Street to include any parcels currently within the Business District and not included in the proposed Depot Square Mixed-Use District.*



TOWN CENTER DISTRICTS



3A-MFOD

## 2.3 OVERLAY DISTRICTS.

The following Overlay Districts are also established, as set forth in Section 8.0, herein.

Groundwater Protection Overlay District	GPOD
Flood Plain Overlay District	FPOD
Estate Overlay District	EOD
<del>Willow Street Overlay District</del>	<del>WSOD</del>
Commercial Overlay District	COD
<u>3A Multi-family Overlay District</u>	<u>3A-MFOD</u>

## 2.5 SPLIT LOTS.

**2.5.2 By District Boundary.** Where a district boundary line between ~~a residential and a business district~~ an R District and a Town Center District divides any Lot existing at the time such line is adopted, the regulations for the less restricted portions of such lots shall extend no more than thirty (30) feet into the more restricted portion, provided the lot has lot frontage on a public way in the less restricted district.

### 3.1 PRINCIPAL USES.

#### TABLE OF USE REGULATIONS

Delete the last Column "B" Business District from the Table

Add the following uses under residential: A8 - Two Family Dwelling, A9 - Multi Family Dwelling.

Indicate in the table that A8 and A9 uses are not allowed ("N") in the R-1A, R-1B and RA districts

Add 5 additional columns to include Depot Square, Bay Road Scenic, Willow Street Mixed Use and Downtown Residential Districts as follows:

<b>A. Residential</b>	<b>Depot Square</b>	<b>Bay Road Mixed-Use</b>	<b>Willow Street Mixed-Use</b>	<b>Downtown Residential</b>	<b>Bay Road Civic</b>
<b>1. One Single Family Dwelling</b>	N	Y	Y	Y	N
<b>2. Conversion of a Single Family Dwelling existing at the time of the adoption of the ordinance (1954) into a Two Family Dwelling (see Section 3.5)</b>	Y	Y	Y	Y	N
<b>3. Open Space and Farmland Preservation Development (see Section 8.1)</b>	N	N	N	N	N
<b>4. Senior Housing (see Section 8.2)</b>	N	N	N	N	N
<b>5. Long Term Care Facility</b>	ZBA	ZBA	ZBA	ZBA	ZBA
<b>6. Garage with more than 4 motor vehicle spaces</b>	ZBA	Y	Y	ZBA	ZBA
<b>7. Two or more dwelling units, second floor and above when part of a mixed-use building or development</b>	Y	Y	Y	N	Y
<b><u>8. Two-Family Dwelling</u></b>	N	Y	Y	Y	N
<b><u>9. Multi-Family Dwelling</u></b>	N	Y	Y	Y	N

<b>B. Community Facilities</b>	<b>Depot Square</b>	<b>Bay Road Mixed-Use</b>	<b>Willow Street Mixed-Use</b>	<b>Downtown Residential</b>	<b>Bay Road Civic</b>
<b>1. Use of land or Structures for religious purposes</b>	Y	Y	Y	Y	N
<b>2. Museums, libraries and parks, playgrounds, conservation areas, water supply areas and other land owned and operated for the public enjoyment or service by a public or semi-public agency</b>	Y	Y	Y	Y	Y
<b>3. Use of land or Structures for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation</b>	Y	Y	Y	Y	Y
<b>4. Hospital, Medical Clinic, cemetery, and camps of educational and charitable institutions</b>	ZBA	ZBA	ZBA	N	N
<b>5. Community or private club, not conducted for profit</b>	ZBA	ZBA	ZBA	N	ZBA
<b>6. Nonprofit civic or fraternal building</b>	N	N	N	N	N
<b>7. Child Care Center or School Aged Child Care Program</b>	Y	Y	Y	Y	Y
<b>8. Commercial Recreation, Outdoors</b>	N	N	N	N	SB
<b>9. Temporary use for amusements and recreation</b>	SB	SB	SB	N	SB
<b>10. Municipal Buildings or facilities</b>	Y	ZBA	ZBA	ZBA	Y
<b>11. Essential Services</b>	Y	N	N	N	Y

<b>C. Agricultural</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. On parcels five (5) acres or more, or two (2) Qualified Acres or more: agriculture, horticulture and floriculture	N	N	N	N	N
2. Gardens; riding stables; growing and storing of fruits, berries, vegetables, hay, fodder and ensilage; woodlots; forestry; and greenhouses	N	N	N	N	N
3. The raising or keeping of poultry, horses, or cows for other than the use of the occupants of the residence	N	N	N	N	N
<b>D. Commercial</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
1. Adult Entertainment Uses	ZBA	N	N	N	N
2. Motor Vehicle and/or Boat Sales and/or Leasing Shop	N	N	N	N	N
3. Business or Professional Office; bank; financial institution	Y	Y	Y	N	Y
4. Communication Towers and Telecommunication Antenna Facilities (see Section 7.2)	PB	PB	PB	PB	PB
5. Kennel	ZBA	ZBA	ZBA	N	N
6. Funeral homes	ZBA	N	N	N	N
7. Garage with more than four automobile/truck spaces	N	N	N	N	N
8. Motor Vehicle Light Service Station	ZBA	N	N	N	N
9. Manufacturing of products sold on the premises at retail, where no more than five operators are employed in such manufacture	ZBA	N	N	N	N

<b>10.</b> Rail or bus station or terminal	ZBA	N	N	N	N
<b>11.</b> Motor Vehicle Repair Shop	N	N	N	N	N
<b>12.</b> General Service Establishment	Y	N	N	N	N
<b>13.</b> Personal Service Establishment	Y	Y	Y	N	Y
<b>14.</b> Restaurant	Y	Y	Y	N	Y
<b>15.</b> Restaurant, Fast Food	ZBA	N	N	N	N
<b>16.</b> Retail Store	Y	Y	Y	N	Y
<b>17.</b> Veterinary Facility or Clinic	ZBA	ZBA	ZBA	N	ZBA
<b>18.</b> Wind Energy Facility in COD, subject to site plan approval (see Section 7.3)	N	N	N	N	N
<b>19.</b> Wind Energy Facility (not in COD) (see Section 7.3)	ZBA	ZBA	ZBA	ZBA	ZBA
<b>20.</b> Communications Tower and Telecommunication Antenna Facilities (see Section 7.2)	Y	Y	Y	Y	Y
<b>D21.</b> Mixed Use <u>Development</u> , subject to site plan approval	Y	Y	Y	N	Y
<b>D22.</b> Drive-In or Drive-Through Establishment	N	N	N	N	N
<b>D23.</b> For Profit Educational Facility	ZBA	ZBA	ZBA	N	ZBA
<b>D24.</b> Marijuana Establishment	N	N	N	N	N
<b>E. Accessory</b>	Depot Square	Bay Road Mixed-Use	Willow Street Mixed-Use	Downtown Residential	Bay Road Civic
<b>1.</b> Up to three boarders in a Single Family Dwelling	N	Y	Y	Y	N

<b>2. Accessory Dwelling Unit</b> (see Section 3.6)	Y	Y	Y	Y	Y
<b>3. Large Accessory Dwelling Unit</b> (See Section 11.0)	PB	PB	PB	PB	PB
<b>4. Customary home occupation conducted in a Dwelling or Building accessory thereto by a person residing on the premises</b> (see Section 3.3)	Y	Y	Y	Y	Y
<b>5. Accessory Uses or Building on the same Lot with and customarily incidental to a permitted main use on the same premises</b>	Y	Y	Y	Y	Y
<b>6. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are both: (a) accessory to activities permitted as a matter of right, and (b) necessary in connection with scientific research or scientific development or related production</b> (see Section 3.2.1.2)	ZBA	ZBA	ZBA	ZBA	ZBA
<b>7. Parking area or garage for use of employees, customers or visitors</b>	Y	Y	Y	N	Y
<b>8. Level Two Electric Charging Station</b>	Y	Y	Y	Y	Y
<b>9. Large Family Child Care Home</b>	ZBA	ZBA	ZBA	ZBA	ZBA
<b>10. Small Family Child Care Home</b>	Y	Y	Y	Y	Y
<b>11. Adult Social Day Care</b>	ZBA	ZBA	ZBA	ZBA	ZBA
<b>12. Marijuana Establishment</b>	N	N	N	N	N



## 3.2 ACCESSORY USES.

### 3.2.2 Accessory Uses and Structures in the ~~Residence Districts~~ R1-A, R1-B, RA, Bay Road Mixed-Use, Willow Street Mixed-Use and Downtown Residential Districts.

### 3.2.3 Accessory Uses in the ~~Business~~ Town Center Districts.

In the ~~Business~~ Depot Square Mixed Use, Bay Road Mixed Use and Willow Street Mixed Use Districts any use permitted as a Principal Use is also permitted as an Accessory Use provided such use is customarily incidental to the main or principal building or use of the land.

4.1.2 Table of Dimensional Regulations. The Table of Dimensional Regulations is hereby declared to be a part of this By-law.

**TABLE OF DIMENSIONAL REGULATIONS<sup>1</sup>**

	<b>R-1a</b>	<b>R-1b</b>	<b>RA</b>	<b>B</b>
Minimum Lot Area per Dwelling Unit (sq. ft.)	20,000	40,000	80,000	<del>ZBA</del> <sub>1</sub>
Minimum Lot Frontage (ft.)	125	175	175	<del>ZBA</del> <sub>2</sub>
Minimum Lot width and depth (ft.) (for Dwellings, see also Sections 4.2.2, 4.2.6 and 4.3)	100 at building	100 at building	100 at building	<del>ZBA</del> <sub>3</sub>
Maximum Building Height (ft.)	35	35	35	<del>35</del>
Maximum number of Stories	3	3	3	<del>3</del>
Maximum Building coverage of Lot (%)	25	25	25	<del>75</del> <sub>4</sub>
Minimum Front Yard (ft.) (See also Section 4.2.4)	25/50 <sub>5</sub>	25/50 <sub>5</sub>	25/50 <sub>5</sub>	<del>25/50</del> <sub>5</sub>
Minimum Side Yard and Rear Yard (ft.)	15	15	15	<del>ZBA</del> <sub>6</sub>

1. Dimensional Requirements for the Hamilton Town Center Districts are found in Section 9.8 of the Zoning Bylaw.
- ~~1. For each Dwelling Unit, minimum lot area is twenty thousand (20,000) square feet or as determined by the SPGA. For other uses, to be determined during site plan review.~~
- ~~2. For a Building that contains a Dwelling Unit, 125 feet. For all other uses, to be determined during site plan review.~~
- ~~3. To be determined during site plan review.~~
- ~~4. Or as determined during site plan review.~~
- ~~5. Twenty-five (25) feet from the Street line, or fifty (50) feet from the Street center line, whichever is greater.~~
- ~~6. For a Dwelling Unit, 15 feet. For all other uses, to be determined during site plan review.~~

## 6.1 OFF-STREET PARKING AND LOADING AREAS.

6.1.3 No Reduction. Required off-street parking and loading spaces shall not hereafter be reduced, except at the discretionary review of the Planning Board pursuant to Section 6.1.6, nor any loading space counted as or substituted for a parking space.

**6.1.6 Shared Parking.** ~~No part of an off-street parking or loading space required for any Building or use shall be included as a part of an off-street parking area required for another Building or use unless a determination is made by the Board of Appeals to the effect that the period of usage of such structure or uses will not be simultaneous.~~ In the Hamilton Town Center Districts, shared parking may be permitted by the Planning Board for a mix of uses on a single site or between sites during the Site Plan Review process, if the applicant can demonstrate that shared spaces will adequately meet parking demands because uses have varying peak parking demands, will reduce excess parking, and if the Planning Board determines shared parking will serve as a benefit to the Town Center. The minimum number of parking spaces for a mixed-use development or between sites where shared parking is proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other professionally accepted procedures.

**6.1.9 Site Plan.** Parking areas and loading areas in the ~~Business~~ Depot Square District shall be shown on a site plan, as provided in Section 10.6.

## 6.3 SIGNS.

**6.3.2 ~~Residence R-1A, R1-B, RA, and Downtown Residential~~ Districts**

**6.3.3 ~~Business~~ Depot Square, Bay Road Mixed Use and Willow Street Mixed Use Districts.**

1. No more than three (3) signs are permitted per business establishment.
  - a. A-frame or sandwich board signs, whether temporary or permanent, shall only be permitted by special permit.
  - b. Only one sign may project from the exterior wall surface of the business establishment. Any sign projecting over a pedestrian path shall have a clear space of not less than 12 feet below all parts of such signs. Projecting signs are not allowed over vehicular pathways except by Special Permit.
  - c. Signs that are inside the business establishment but legible from the exterior shall be counted as one of the three permitted signs.

### 6.3.4 Standards

8. A sign in the ~~business~~ Depot Square, Bay Road Mixed Use, Willow Street Mixed Use, and Bay Road Civic Districts shall not exceed a total area of (6) square feet.

**6.3.6 Special Permit Granting Authority:** The Special Permit Granting Authority for this Section 6.3 is the Planning Board.

1. ~~Other and larger signs may be allowed by Special Permit in any district provided such signage is for a specified period not to exceed one year.~~ Proposed signage that deviates from these requirements may be permitted by Special Permit.

## 8.2 SENIOR HOUSING.

**8.2.2 Eligible Locations.** A Special Permit may be granted for Senior Housing on any lot(s) in the R-1A, R-1B, or R-A. ~~or B~~, Districts that meet the requirements of this Section and other applicable provisions of this By-law. Parcels in existence as of May 5, 2008, may not be assembled to create a larger parcel for Senior Housing development.

**8.2.7 Permitted Uses.** A Senior Housing development may include the following uses:

~~13. In the Business District a mixture of residential and business uses.~~

**8.2.9 Base Senior Housing Density.** The Base Density per Developable Acre for a Senior Housing Special Permit shall be: ~~four (4) Dwelling units in the Business District;~~ three (3) Dwelling units in the R1-A District, two (2) Dwelling units in the R1-B District, and one (1) Dwelling unit in the RA District.

	A	B	C	D	E	F	G	H	I	J
			Incentives to Increase Base Senior Housing Density for:							
	Zoning District	Base Senior Housing Density (BSHD) per Dev. Acre	Mix of Smaller Units (50% units under 1300 sq. ft.)	On or Off Site Construction of Inclusionary Housing Obligation (Affordable Housing)	Smart Growth, per Comm. of Mass. Criteria (PB Rules & Regs)	Additional 25% of Property as Open Space	Voluntary Cap on Appreciation of Units	Subtotal of Base Senior Housing Density Incentives (C+D+E+F+G)	Incremental Density per Developable Acre Rewardable by PB for Trails, Fields, Environmental, energy, water conservation, building green, & other public benefits	Maximum Density per Dev. Acre
1	<del>B</del>	4	<del>25%</del>	25%	25%	N/A	25%	100%	1.0	6.00
2	R-1a	3	25%	25%	25%	25%	25%	125%	1.0	4.00
3	R-1b	2	25%	25%	25%	25%	25%	125%	1.0	4.00
4	RA	1	25%	25%	25%	50%	25%	150%	2.0	4.00

### EXPLANATION OF COLUMNS:

**Column I:** Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-a, and R1-b Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

**8.2.11 Minimum Distance Between Projects.** In order to mitigate the impact of multiple developments on surrounding neighborhoods, a proposed project must be located at least the distance established in the Minimum Distance Between Projects Table below from any other existing or approved Senior Housing project, any existing or approved project including multiunit residential buildings under G.L. c. 40B, or any existing or approved project including multi-family residential buildings under any other provision or By-law. Excluded from this calculation and this Section are any existing multi-family projects approved prior to January 1, 2003, multi-family dwellings or mixed-use developments in the Hamilton Town Center Districts, and apartments under Sections 3.4, 3.6 or 3.7.

~~4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

**8.2.15 Dimensional Standards.** The following dimensional and other standards shall supersede all dimensional standards in the underlying zoning district and shall be applied to any Senior Housing development:

**TABLE OF DIMENSIONAL REQUIREMENTS**

	A	B	C	D	E	F	G	H	I
	Zoning District	Underlying Zoning District Requirement (s.f.)	Minimum Parcel Size (sq.ft.) to be eligible for development	Minimum Parcel Frontage Required (feet) to be eligible for development	Front Setback (feet) from perimeter property line	Side & Rear Setbacks (feet) from perimeter property line	Vegetated Buffer (feet) around perimeter of parcel	Minimum Open Space Required of total acreage	Maximum Lot Coverage of entire parcel
1	<b>Bus. District</b>		none	site specific	0	0 <sup>1</sup>	0 <sup>1</sup>	0	site specific
2	<b>R-1a</b>	20,000	80,000	125	25	25 <sup>2</sup>	20	0	25%
3	<b>R-1b</b>	40,000	80,000	175	25	25 <sup>2</sup>	20	15%	25%
4	<b>RA</b>	80,000	80,000	175	50	25 <sup>2</sup>	20	25%	25%

**NOTES ON HOW TO READ THE MATRIX:**

*Delete entire row for B District*

Column I: Encourages other initiatives which provide a public benefit to the Town such as, but not limited to, preservation and enhancement of trails; creation of playing fields; environmental, energy, water conservation, green building design, and other public benefits. For one (1) or a combination of these initiatives, an applicant may earn one (1) additional Dwelling Unit per Developable Acre in the ~~Business~~, R1-A, and R1-B Districts, and up to two (2) additional Dwelling Units per Developable Acre in the RA District.

**8.2.11 Minimum Distance between Projects.**

~~4. Senior Housing proposals in the Business District shall be exempt from the provisions of this Section and developments wholly within the Business District shall not be considered as existing or approved projects for purposes of establishing required project separation in any other district.~~

**8.2.13 General Requirements.** The following requirements shall apply.

3. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment is not allowed. ~~An exception to this is for parcels located in the Business District, where wastewater treatment may be located off-site.~~

## 8.3 INCLUSIONARY HOUSING

**8.3.3 Mandatory Provision of Affordable Housing Units.** In any development subject to this Section, the tenth dwelling unit and every seventh unit thereafter shall be an Affordable Housing Unit, except in the 3A-MFOD, Bay Road Mixed-Use, Willow Street Mixed-Use, and Downtown Residential districts, where the tenth dwelling unit and every tenth unit thereafter shall be an Affordable Housing Unit. Nothing in this Section shall preclude a developer from providing more Affordable Housing Units than are required hereunder.

## 9.1 GROUNDWATER PROTECTION OVERLAY DISTRICT (GPOD)

**9.1.4 Dimensional Requirements.** Regardless of the minimum Lot size of the underlying zone, there shall be a minimum lot area of eighty thousand (80,000) square feet per dwelling unit in the GPOD. Proposed development in the 3A-MFOD electing to seek a permit through the provisions of that overlay, and not through the provisions of the underlying district, are exempt from the minimum lot area per dwelling limitation.

**9.1.9 Uses and Activities Requiring a Special Permit.** The following uses and activities are permitted only upon the issuance of Special Permit by the Zoning Board of Appeals under such conditions as it may require. Proposed development in the 3A-MFOD electing to seek a permit through the provisions of that overlay, and not through the provisions of the underlying district, are exempt from the Special Permit Requirement.

## 9.5 ~~WILLOW STREET OVERLAY – Reserved~~ (Willow Street Overlay District deleted in June 2025)

*Remove this section entirely. Provisions no longer necessary due to replacement of underlying zoning.*

**9.6.13 Signs.** The ~~Business District~~ Depot Square Mixed Use, Willow Street Mixed Use, and Bay Road Mixed Use District provisions of Section 6.3 shall apply for all Building specific signage (tenant identification, directory, parking, etc.) within the Commercial Overlay District.

## 11.0 DEFINITIONS

**Floor Area Ratio (FAR):** The ratio of the total Gross Floor Area of all buildings on a lot to the total lot area. For the purposes of calculating FAR, basements, cellars, attics, garages and interior parking spaces shall be excluded from the GFA. Half-stories that meet the criteria listed in 9.7.2.1.2 (j), Half Story, shall be counted as one half of the GFA of the floor below.

**Dwelling, Three-family:** ~~A building containing three dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

**Dwelling, Four-family:** ~~A building containing four dwelling units, each of which has direct access to the outside or to a common hall that leads to the outside.~~

**Dwelling, Multi-Family:** A building containing ~~five~~ three or more dwelling units, or two or more buildings on the same lot with more than one residential dwelling unit in each building, except as otherwise defined in this Bylaw.

Mixed Use **Development:** ~~Two or more uses on a single parcel as a part of a single development plan.~~  
A complementary combination of permitted residential uses and commercial land uses, occupying the same site or building as part of a single development plan.

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