

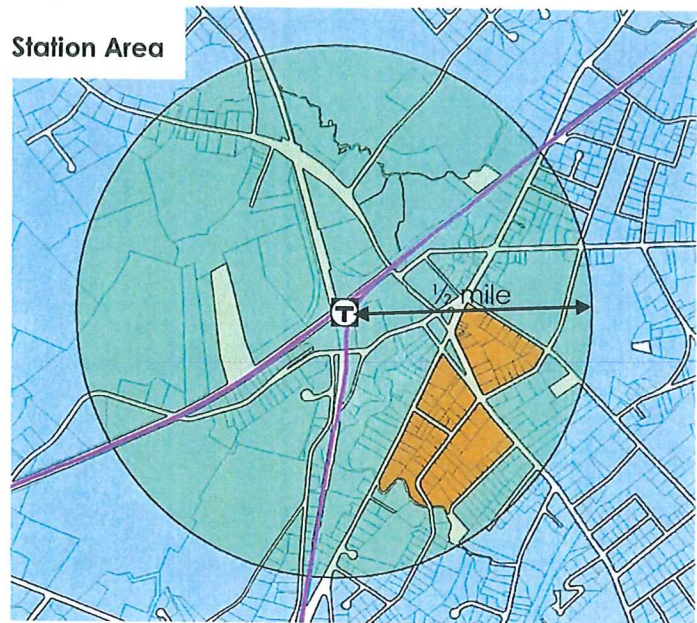
SECTION 3A DISTRICT LOCATION REQUIREMENT: STATION AREA

Section 3A states that a compliant zoning district must be "located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable."

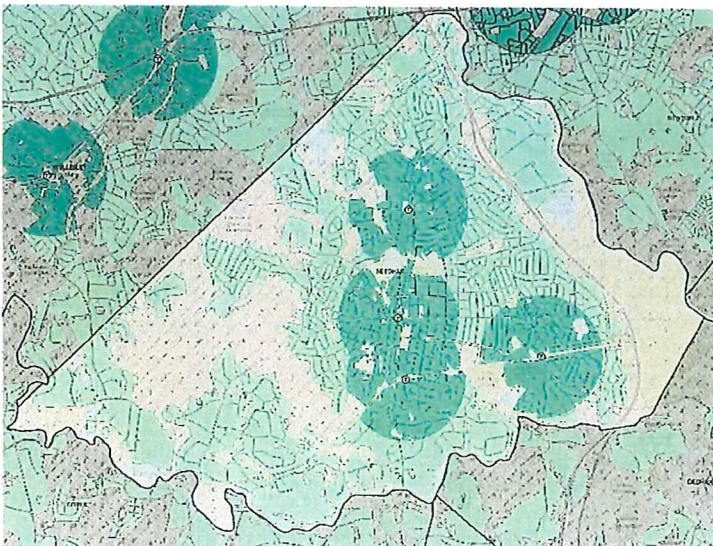
Section 8 of the 3A Guidelines addresses the details of district location within the station area, which is the area within a ½ mile radius around the center point of a transit station's platform. The amount of the minimum land area and unit capacity that must be located within the station area is determined by how many acres of developable station area a municipality has. It is possible for a community to have developable station area from a station that is not within its boundaries.

Table 2 in the Guidelines shows how the location requirement is determined based on the acres of developable station area.

Acres of Developable Station Area	Portion of Multi-Family District that must be in station area	Number of Municipalities
0-100	0%	94
101-250	20%	17
251-400	40%	25
401-600	50%	16
601-800	75%	13
801+	90%	10



STATION AREA LOCATION REQUIREMENT EXAMPLE



This community has four commuter rail stations, and the developable station area is indicated with dark green circles. The areas within the circles that are not dark green are lands that are not developable, thus are not counted for this calculation.

The dark green areas total 1,233 acres. Based on Table 2, this community is required to locate 90% of its minimum land area and unit capacity within a ½ mile of transit stations.

WHAT IS UNIT CAPACITY?

For Section 3A, "Unit capacity" is a measure of the number of multi-family units that zoning allows as of right based on the capacity of the lots in the district. Although some units may already exist, unit capacity for any given lot may be higher or lower than existing development on the site. Unit capacity is one of the factors that is used to determine if a zoning district is a reasonable size.

The Compliance Model must be used to evaluate unit capacity. The Compliance Model takes the zoning requirements into account, as well as other factors such as lot size, parking requirements, excluded land and open space requirements.

The unit capacity of each lot is measured as if that lot was undeveloped:

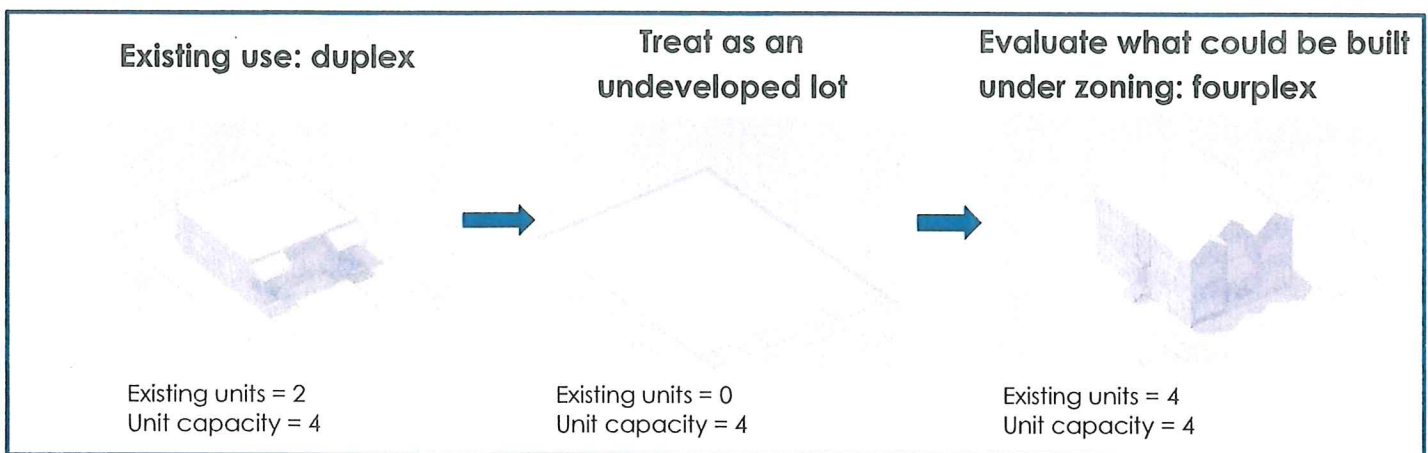


Image source: Desegregate CT, Zoning Dictionary: <https://www.desegregatect.org/definitions>

HOW IS A COMMUNITY'S UNIT CAPACITY REQUIREMENT DETERMINED?

A community's unit capacity is expressed as percentage of its 2020 Housing Stock, which is the number of total housing units in each MBTA community as determined by the most recently published United States Decennial Census of Population and Housing. In some cases, adjustments to the unit capacity requirement are then made to reflect certain local conditions.

Each community category has a different percentage to find the unit capacity requirement:

Category	Percentage of total housing units
Rapid transit community	25%
Commuter rail community	15%
Adjacent community	10%
Adjacent small town	5%

A community's unit capacity requirement can be found [here](#).

More information about unit capacity can be found [here](#).

HOW IS REASONABLE SIZE DEFINED?

Section 3A of the Zoning Act (MGL c40A) states that "An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right." Section 5 of the 3A Guidelines provides that reasonable size is measured in two ways.

One way reasonable size is defined is the minimum land area. Most communities have a minimum required land area of 50 acres, and specific land area requirements by municipality can be found [here](#).

How big is 50 acres?



Fifty acres is 1/10 of area within the ½ mile radius around a transit station, which is called the **transit station area**.



Fifty acres is a small fraction of a community's total land area. In fact, when all of the minimum land area requirements are combined, the total area is less than 1% of developable land area in the MBTA communities.



It takes approximately 20 minutes to walk the perimeter of 50 acres

Reasonable size is also defined through unit capacity, which is a measure of the number of multi-family units that zoning allows in the district. Although some multi-family units may already exist, unit capacity for any given lot may be higher or lower than existing development on a site, depending on what number of units are allowed in the zoning. Learn about what unit capacity is and how a community's unit capacity requirement is determined on the fact sheet "What is Unit Capacity?"

HOW IS REASONABLE SIZE MEASURED?

A community must use the Compliance Model to determine if its district(s) meet reasonable size requirements.

Minimum land area

The map-based portion of the Compliance Model is used to determine the area of the district(s). Some types of land are excluded from the land area measurement, so the Compliance Model must be used to measure area.

Unit capacity

The Excel-based portion of the Compliance Model is used to determine the unit capacity of the district(s). The Compliance Model takes the zoning requirements into account, as well as other factors such as lot size, parking requirements, excluded land and open space requirements.

More information on how to use the Compliance Model is available in the Compliance Model User Guide on the MBTA Communities webpage.

GROSS DENSITY

What is gross density?

In Section 3A, gross density is defined as a units-per-acre density measurement that includes land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses. Section 3A requires that compliant zoning district(s) allow a minimum gross density of 15 units per acre.

How does a municipality show that the 3A compliant district(s) meet the gross density requirement?

The Compliance Model is a tool that communities must use to determine the gross density of the multi-family district(s). The Compliance Model calculates the district area and summarizes zoning restrictions to derive an estimate the number of units that are allowed on each parcel, which is unit capacity. Using the unit capacity and the area of the district, the Compliance Model can then calculate gross density. The Compliance Model ensures that the gross density and unit capacity accurately considers the zoning restrictions in the district.

How does gross density work across multiple districts/subdistricts?

Many communities will comply with Section 3A by mapping multiple zoning districts or subdistricts. The overall gross density of all districts/subdistricts used to comply with Section 3A must be at least 15 units per acre. This means that some subdistricts may have a gross density of less than 15 units per acre, and some subdistricts may have a greater gross density.

How is gross density different from other ways housing density is measured?

Housing density can be measured in a few different ways. Often, housing density is discussed in terms of one lot or development site, for example how many units a particular site allows, which is referred to as net density. However, gross density differs from this approach because it includes all of the land in the district such as public rights-of-way. Gross density is a way to measure density on a district-wide basis, instead of at the parcel level. Another way density can be described is floor-to-area ratio (FAR). Many communities already have FAR requirements in their zoning. FAR controls how intensely a site can be developed, by restricting a building's floor area in relation to the size of the lot. A district can include FAR requirements and still meet the gross density requirement of Section 3A.

Net density measures how many units a particular site allows. The density of each parcel would be measured individually:



Gross density measures how many units a particular district allows. The density of the district would be measured inclusive of rights of ways:



SECTION 3A REASONABLE SIZE REQUIREMENT: CONTIGUITY

Compliance with Section 3A can be achieved with multiple districts, or multiple areas of the same district. However, there are contiguity standards that must be met, in order to ensure that the compliant district(s) exist on a neighborhood scale. Section 5 of the Guidelines has Reasonable Size requirements including contiguity, and Section 8 has Location requirements.

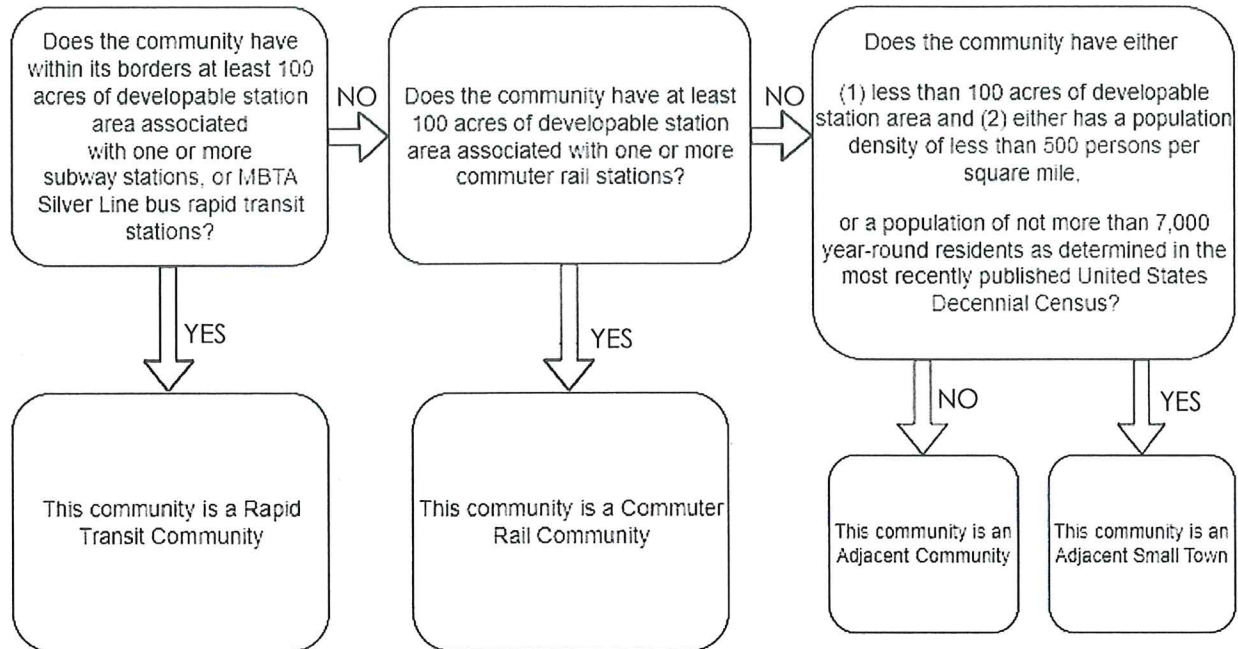
50% of the total district area must be contiguous
(this is not the same as 50% of the minimum land area).

Graphics courtesy of Mass Housing Partnership



COMMUNITY CATEGORIES WITHIN 3A GUIDELINES

Each MBTA community has been assigned a community category, using the logic in the following flowchart:



The community category affects important requirements for compliance such as unit capacity and district location:

	Rapid Transit	Commuter Rail	Adjacent	Adjacent Small Town
Land Area	50 Acres	50 Acres	50 Acres	n/a
Unit Capacity ¹	25%	15%	10%	5%
Location	Near Transit ²	Near Transit ²	n/a	n/a
Deadline	12/31/2023	12/31/2024	12/31/2024	12/31/2025

1: Unit Capacity is expressed as percentage of 2020 Housing Stock. For example, Rapid Transit Unit Capacity = Housing Stock x 0.25

2: Percentage of district located near transit depends on developable land near stations. Developable land means land on which multi-family housing can be permitted and constructed. For purposes of these guidelines, developable land consists of: (i) all privately-owned land except lots or portions of lots that meet the definition of excluded land, and (ii) developable public land.

AS OF RIGHT ZONING

What does “as of right” mean?

Section 3A requires that “An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right.”

“As of right” means development may proceed in that district under a zoning ordinance or by-law without the need for a discretionary process such as a special permit, variance, zoning amendment or other discretionary zoning approval. While on its face as of right may seem like a straightforward concept, there are many nuances to consider, and the Executive Office of Housing and Livable Communities (EOHLC) will review submitted zoning text to determine whether zoning provisions allow for multi-family housing as of right.

Why is allowing multi-family housing as of right important?

In many cities and towns, when multi-family housing is allowed it is often subject to an expensive, unpredictable, and time-consuming review process. Special permits are discretionary and can require multiple public hearings, resulting in additional requirements for the project proponents. The time and materials needed to attain a special permit, variance or zoning amendment increases the cost of development, and these costs are passed on to buyers and renters.

By requiring multi-family housing to be allowed as of right, Section 3A removes some of the zoning barriers to multi-family housing development. Other barriers may remain, however zoning restrictions may cease to be the limiting factor for new housing in 3A compliant districts.

Does as of right zoning allow site plan review?

The Zoning Act (MGL c40A) does not establish nor recognize site plan review as an independent method of regulating land use. However, Massachusetts courts have recognized site plan review as a permissible regulatory tool, including for uses that are permitted as of right. These court decisions establish that when site plan review is required for a use permitted as of right, site plan review involves the regulation of a use and not its outright prohibition. The scope of review is therefore limited to imposing reasonable terms and conditions on the proposed use, consistent with applicable case law.

The 3A Guidelines similarly recognize that site plan review may be required for multifamily housing projects that are allowed as of right, within the parameters established by the applicable case law. Site plan approval may regulate matters such as vehicular access and circulation on a site, architectural design of a building, and screening of adjacent properties. Site plan review should not unreasonably delay a project nor impose conditions that make it infeasible or impractical to proceed with a project that is allowed as of right and complies with applicable dimensional regulations.