

AMHERST Massachusetts

PLANNING BOARD

Report to Town Meeting

ARTICLE 28. Zoning Bylaw - Duplexes (Planning Board)

To see if the Town will amend Section 3.321 and Article 12 by deleting the lined out language and adding the language in **bold italics**, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted unanimously (8-0) to recommend that Town Meeting adopt Article 28.

Background

Article 28 is one of several zoning and other regulatory and enforcement initiatives being undertaken to address the increasing problems associated with poorly controlled student group housing in Amherst's residential neighborhoods. The last few years have seen an upsurge in the presence of informal student housing in neighborhoods throughout Amherst. This has included the purchase and conversion of former single family homes by out-of-town rental investors. Some conversions have been to duplexes.

Article 28 proposes to amend the zoning regulations governing duplexes in Amherst in several ways:

Two Use Categories - The current land use category for duplexes will be divided into two 'classes': Class I (duplexes with resident owners) and Class II (duplexes without resident owners). The presence of a resident property owner significantly increases the likelihood that a property where one unit is being rented will be well managed and maintained. The absence of a resident owner allows for a situation where management and maintenance can become a problem.

Under Article 28, Class I duplexes (those with a resident owner) will be regulated as all duplexes are now, with the use allowed by Special Permit in outlying districts (R-N, R-O, and R-LD) and by right through Site Plan Review approval in center neighborhood districts (B-N, R-G and R-VC). Class II duplexes (those without a resident owner) will be allowed by Special Permit only in all residential districts, and a resident on-site manager may be required as a condition of the issuance of a permit.

Consistent Definition – Duplexes are referred to as "two family detached dwellings" in the table of land uses, but are referred to as "dwelling unit, duplex" in Article 12, Definitions of the Bylaw. This

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amendment would make consistent the way in which duplexes are referred to in different sections of the Bylaw ("two family detached (duplex)"), and would also add clarifying language to the definition.

Connection & Design – In several instances in recent years, property owners sought permits for duplexes that were only tenuously connected, via a breezeway or other building feature. In outlying more rural areas, this design might have no visual impact, especially if the surrounding 'neighborhood' was sparsely settled. In more densely settled historic residential neighborhoods, it could result in a building whose design was incompatible with the existing neighborhood.

Article 28 will add language and criteria to the Standards and Conditions for the two classes of duplex to require the permit-granting body to make a determination as to whether or not the method of connection between the two units in a proposed duplex, and its resulting design, are architecturally compatible with the architecture of other buildings in the vicinity.

Public Hearing

The Planning Board held a public hearing on Article 28 on Wednesday, March 16, 2011. The Board heard a report and recommendation from the Zoning Subcommittee. There was no public comment. After discussion, the Planning Board voted unanimously (8-0) to recommend that Town Meeting adopt Article 28.

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<u>ATTACHMENT</u>

ARTICLE 28 DUPLEXES

(Zoning Bylaw – Planning Board)

To see if the Town will amend Section 3.321 and Article 12 by deleting the lined out language and adding the language in *bold italics*, as follows:

A. Amend Section 3.321, as follows

3.321 Two family detached dwelling (*duplex*)

3.3210 Class I Duplex

R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
	SP (N)	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N

Standards & Conditions

For a Class I Duplex, one (1) or both of the two (2) dwelling units shall be occupied by a resident owner.

3.3211 Class II Duplex

	SP (N)	SP	SP	N	N	N	N	SPR	N	N	N	N	N
R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC

Standards & Conditions

In a Class II Duplex, neither dwelling unit is occupied by a resident owner. The Special Permit Granting Authority or Permit Granting Board, as applicable, may require the presence of an on-site resident manager as a condition of approval.

[For Sections 3.3210 and 3.3211, inclusive]

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or

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expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling (*duplex*) is created.

Where the two dwelling units are arranged side by side, said units shall either share at least one common wall abutting habitable space on both sides, or, the Special Permit Granting Authority or Permit Granting Board, as applicable, may allow a duplex where the two units do not share a common wall abutting habitable space but are instead connected structurally and continuously by a shared foundation, walls, and roof. The Special Permit Granting Authority or Permit Granting Board may make such an allowance only following a review and determination that the design of the proposed duplex is compatible with the architecture of the surrounding neighborhood.

B. Amend Article 12, as follows:

12.12 Dwelling Unit, *Two Family Detached* (Duplex): A *single residential* building containing two dwelling units, arranged *vertically* one above the other, or *horizontally* side by side, each with a separate entrance.