FALL 2012 SPECIAL TOWN MEETING ~ THE EFFECT OF PROPOSED RESIDENTIAL RENTAL ZONING AMENDMENTS

UNDER CURRENT REGULATIONS

Single Family Dwelling – Allowed by right, no permit required in any residential zoning district. No permit or public hearing required to change from an owner-occupied home to a non-owner occupied rental property.

Two Family Dwelling (Duplex) – Allowed by right through Site Plan Review approval in R-G and R-VC; Special Permit in outlying districts (R-N, R-O, R-LD). Defined as any two unit dwelling, no matter how Created. No distinction made between duplexes created mostly through renovations and converted dwellings containing two units.

Converted Dwelling – By Special Permit in all residential zoning districts. Applies to any conversion of existing residences or outbuildings that results in an increase in dwelling units, except for new construction. Max. of 6 dwelling units in R-G and R-VC; max. of 4 dwelling units in outlying residential districts.

UNDER PLANNING BOARD ARTICLES 12, 13 & 14

Article 12.

Class I Single Family Dwelling – Allowed by right, no zoning permit required if occupied by an owner (as an individual or as part of a related family), or if rented to an individual or a related family.

Class II Single Family Dwelling – By Special Permit only, if no owner occupant is present and the unit is rented to a group of unrelated persons (not to exceed four).

Definition improved.

Article 13.

Owner Occupied Duplex – By right through Site Plan Review approval in R-G and R-VC, <u>if</u> one unit is the principal residence of an owner of the property. By Special Permit in outlying districts (R-N, R-O, R-LD).

Non-Owner Occupied Duplex – By Special Permit only in all residential districts, including R-G and R-VC.

Definition improved, and interacts with new definition (below) for converted dwellings.

Article 14.

Converted Dwelling – By Special Permit in all residential zoning districts. Defined as conversions of existing residences or outbuildings where no more than 20% new habitable space results from demolition and/or new construction. Can increase to 40% if two out of five new criteria are met. Allows a conversion from 1 to 2 units in mixed use centers where duplexes not permitted. Max. dwelling units reduced to four units in all districts.

Definition improved; new threshold distinguishes these from duplexes.

PETITION ARTICLES 16, 17 & 18

Article 16.

Two Family Dwelling (Duplex)

- If Articles 13 and 14 pass, Article 16 will be moved in a revised form so that it emphasizes that under Amherst's Zoning Bylaw, duplexes are predominantly (though not exclusively) the result of new construction: 1) brand new construction, 2) the addition of an entire new unit to an existing structure, or 3) expansions/additions consisting of more new habitable space than would be allowed under the regulations for a converted dwelling use (as amended by Article 14). Article 16 would also provide language alerting applicants to the possibility that renovations and expansions resulting in two unit dwellings may be converted dwellings instead of duplexes, and provides a reference to the (amended) converted dwelling section of the Zoning Bylaw.
- If either Article 13 or Article 14 does not pass, then Article 16 will be moved with language that has the effect of defining duplexes as exclusively the result of new construction, and any additions, renovations and expansions resulting in two unit dwellings, regardless of size, would instead be considered converted dwellings (which require Special Permits—the purpose of proposing the reclassification).
- In all cases, Article 16 as proposed will still allow brand new duplexes—potential rental properties—to be constructed by right through Planning Board Site Plan Review (SPR) approval in the R-G and R-VC Districts.

Article 17.

Converted Dwellings

A reduced and revised amendment will be moved which will have the sole effect of requiring that all converted dwellings be occupied by the owner or by a resident manager.

Article 18.

Replacement of Previously Existing Structures

The petitioners are considering moving to refer this article to the Planning Board for further study.