



PLANNING BOARD

Report to Town Meeting

**Article 28. Zoning – Supplemental Dwelling Units
(Planning Board)**

To see if the Town will amend Sections 5.011 and 3.3241 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 7-0, with 2 members absent, to recommend that Town Meeting ADOPT Article 28.

Background

In March 1968, Town Meeting amended Amherst's Zoning Bylaw to allow small accessory (supplemental) apartments in single family homes in the Outlying Residence (R-O) District, which was at that time the only residential district in "outlying" areas of Amherst. Such accessory apartments were restricted in size and required a Special Permit. The regulations have been amended several times since.

Currently, supplemental apartments are permitted as "a small accessory dwelling unit incorporated as part of and subordinate to a single family detached dwelling." They are allowed under a Special Permit in all residential zoning districts in Amherst (except the R-F District). They can be no more than 800 sq. ft. in size, unless they are fully handicapped accessible, in which case they can be up to 900 sq. ft. A resident owner of the property must live in one of the units. No more than three (3) people (assumed to mean adults) can reside in such a unit. If a supplemental apartment is created, the main house cannot be used for accessory lodging or as a bed and breakfast.

The current regulations only recognize supplemental apartments created entirely inside existing one family detached dwellings, with minimal exterior changes beyond entrance doors and windows mandated by the Building Code.

Community Housing Objectives

Amherst is experiencing a housing crisis that is largely the result of an inadequate, aging, and insufficiently diverse housing supply. Amherst's housing crisis has several related components: 1) student housing impacts are increasing, 2) housing affordability is diminishing, 3) there is a lack of market rate housing for new residents, and 4) there are too few housing units whose size and location meet the needs of an aging population seeking smaller dwelling units close to centers.

Recent housing studies undertaken by the Town have recommended that the community take specific steps with regard to addressing these issues. Supplemental dwelling units are one focus of these recommendations:

Modify supplemental apartment bylaw to better promote such units even if they are not currently eligible for inclusion in the Subsidized Housing Inventory. [*Housing Production Plan*]

Remove Regulatory Barriers to Small-Scale Housing Production. To reduce regulatory barriers to smaller-scale production, Amherst could consider the following methods:

~ Amend Section 5.011 to allow 'Supplemental Apartments' as of right in all residential zoning districts under certain threshold conditions. [*Amherst Housing Market Study*]

What Article 28 Would Do

Article 28 proposes to expand the range of accessory supplemental dwelling units possible in existing single family homes and allow for the possibility of small stand-alone supplemental dwelling units located on the same property with an existing one family home. This will increase opportunities for appropriate infill and modestly priced rental housing.

New Categories - The current Zoning Bylaw allows and regulates only one kind of supplemental dwelling. Article 28 would recognize three categories of supplemental dwellings, and regulate each one differently.

- **Supplemental Apartment I** – The kind of supplemental apartment currently allowed, these occur within an existing single family home. They would be allowed by right in all residential zoning districts following an administrative review and approval by the Building Commissioner using a set of performance standards (“threshold conditions”) adapted from many years of ZBA Special Permit conditions for supplemental apartments. Given these requirements, and the oversight and controls in the Residential Rental Property Bylaw, the Board feels that an administrative permit for this low impact accessory use makes sense.
- **Supplemental Apartment II** – A supplemental apartment that involves some significant, noticeable exterior changes (exterior fire escapes, etc.) or small additions (up to no more than a 10% increase in the pre-existing building footprint) to the existing home. These would be allowed in all residential zoning districts under a Special Permit, as they are now.

- **Supplemental Detached Dwelling Unit** – A free-standing small dwelling unit of no more than 800 sq. ft. of habitable area (900 sq. ft. if fully handicapped accessible), occupying the same property and accessory to an existing single family dwelling. Free-standing accessory dwelling units have been discussed for years as a housing option, as the community has considered how and where to allow supplemental dwellings, and the ways in which outbuildings should be permitted to be converted to dwelling units. Such units can meet the needs of families in transition, residents in need of live-in caretakers, and as a small-scale rental option. It would require a Special Permit in all residential zoning districts.

Existing Requirements

Existing requirements for supplemental dwelling units would remain in force and would be extended to apply to all three new categories:

- Owner occupancy of at least one of the two dwelling units on the property is required.
- Accessory supplemental dwelling units would not require any additional lot area.
- Parking regulations and all other standard zoning requirements for dwelling units and properties would apply.
- Occupancy would be limited to no more than three (3) adults.
- The existing one family dwelling could not be used for lodging (rental of rooms). Article 28 would prohibit use of the supplemental apartment or dwelling, as lodging. In practice, this means that the dwelling unit not being occupied by the owner could be rented out as an entire dwelling unit, but the renting of individual rooms would be prohibited.

Design Standards

Article 28 would require that the Special Permit Granting Authority apply design review principles and standards to the second two categories as part of the permit process.

Public Hearing

The Planning Board held a public hearing on Article 28 on Wednesday, April 2. The Zoning Subcommittee presented the proposed amendments and recommended approval of the article.

There was no public comment. During a preceding Zoning Subcommittee meeting, three issues had been raised. The occupancy limit of three adults was questioned and a recommendation made that it be reduced to no more than two people. The need for new supplemental detached dwelling units was challenged. A suggestion was made that language be added prohibiting any waivers of requirements under Article 7, Parking. The Subcommittee did not support any of those changes.

After further discussion, the Planning Board voted 7-0, with 2 members absent, to recommend that Town Meeting adopt Article 28.