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ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT AND PURPOSE

SECTION 15.1 REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in Article 12.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that *the Permit Granting Authority or the Special Permit Granting Authority consider offering* local preference for new affordable housing *as a condition of the Permit or Special Permit* ~~is given to eligible persons who live or work in Amherst. Those eligible for local preference shall include an applicant who, in the initial lease-up: lives in the community; is a municipal employee; works at a business in the community; and/or has children in the schools of the community, or other category of local preference as defined by the state agency providing financing.~~

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development (*including but not limited to town houses, apartments, mixed-use buildings, PURDs, and OSCDs*) in Amherst *that provide new dwelling units*:

- 15.10 *"New dwelling units" means any combination of units that have received or will receive a Certificate of Occupancy in any five-year period and are located in new buildings or additions to existing buildings, and any net increase in units resulting from reconstruction of existing buildings, except for units resulting from:*

15.100 Affordable housing developments under M.G.L. Chapter 40B.

15.101 Conventional Residential Subdivision Developments under Section 4.2.

15.102 Cluster Development under Section 4.3

15.103 Any use permitted under Section 3.326 in the R-F District.

15.104 Institutional Uses under Section 3.33 containing residential dwelling units.

15.105 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program. Such housing may adhere to the requirements set forth by the funding agency provided that the purposes of these regulations are met.

15.106 Replacement of units after damage or destruction by fire, water, or natural disaster.

- 15.11 All residential development resulting in ~~a net increase~~ *new* dwelling units above the number already existing in the ~~site development and requiring a Special Permit for the use itself or for modification of one or more certain dimensions as described below~~ shall provide affordable housing units at the following minimum rates:

<u>Net Increase in Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count**

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 (*Cluster Development*) and 4.55 (*Open Space Community Development*).

~~Special Permit modified dimensions triggering this bylaw:~~

~~-Building Coverage greater than standard maximum; or~~

~~-Lot Coverage greater than standard maximum; or~~

~~-Additional Floor(s) beyond the standard maximum; or~~

~~-Height more than 2 feet greater than standard maximum~~

**** When six (6) or more affordable rental units are required under this bylaw, twenty (20%) percent of the affordable units shall be affordable to households earning 60% Area Median Income (AMI) or less as calculated by the U. S. Department of Housing and Urban Development or any successor agency.**

Calculation of the number of total affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

- 15.12 ***“Residential development” means “new dwelling units” on one or more adjacent properties developed at the same time or in phases, and that share aspects of the properties such as but not limited to shared utilities, a common driveway, shared parking or the use of the combined properties for lot or building coverage calculations.***
- 15.13 Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.
- 15.14 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be available for purchase or rental by eligible buyers and tenants, in perpetuity or to the extent allowable under law.
- 15.15 Housing constructed by a public agency or nonprofit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.16 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape. Affordable units shall be comparable to market rate units in terms of size and bedroom count except as otherwise allowed by the Permit Granting Board or Special Permit Granting Authority.
- 15.17 The Permit Granting Board or Special Permit Granting Authority may grant a Special Permit for modifications as provided below, except that when ~~four (4)~~ **six (6)** or more affordable units are required under the provisions of Article 15 of this Bylaw, a minimum of 50% must be provided on-site.
- 15.170 Off-site affordable units may be allowed for projects principally located in the B-G, B-VC, B-N, and those B-L districts abutting the B-G district. Off-site units shall be located within the same zoning district or within 500 feet of the premises of the development and shall comply with Section 15.14—15.16.
- 15.171 Payment of fees-in-lieu of affordable units may be allowed, payable prior to the granting of a Certificate of Occupancy for any dwelling units associated with the development, to the Town of Amherst Municipal Affordable Housing Trust. The fee-in-lieu value for each affordable unit not provided shall be ~~three (3)~~ **four (4)** times the current Median Family Income for Amherst as determined by the U.S. Department of Housing and Urban Development (HUD) or successor agency.