

**Proposed Amendment to Section 5.011 – ADU Bylaw
Amherst Planning Department
April 23, 2021**

Purpose:

- Accessory Dwelling Units (ADUs) are an important tool to meet the housing needs of Amherst.
- These small scale units provide homeowners the opportunity to provide housing for relatives and others associated with a household and for the provision of a small rental unit for the generation of income.
- This bylaw update proposes to increase the maximum square footage of ADUs, create a more streamlined permitting pathway, and add additional design guidelines.
- Highlights:
 - o Increasing ADU maximum square footage to 1,000 sq. ft. provides opportunity for ADUs with more than 1 bedroom.
 - o Streamlining permitting pathway reduces barriers to ADU development – allow all types of ADUs by-right
 - o Design guidelines ensure ADUs are compatible with the primary structure and surrounding neighborhood.

Proposal Overview and Notes:

- Changing name from “Supplemental” to “Accessory” to become consistent with Federal, State, Industry and other municipalities’ terminology
- Simplified the bylaw structure to identify three discrete types of ADUs (Contained, Attached, and Detached). This is also consistent with how other municipalities identify ADU types:
 - o Renamed Supplemental Apartment I to Contained Accessory Dwelling Unit.
 - o Renamed Supplemental Apartment II to Attached Accessory Dwelling Unit.
 - o Renamed Supplemental Detached Dwelling Unit to Detached Accessory Dwelling Unit
- Maximum square footage for any ADU increased to 1,000 square feet and minimum square footage eliminated.
- Attached Accessory Dwelling Units (formally, Supplemental Apartment II) are no longer limited to a 10% increase of the primary structure. These units are now defined as being *attached* to the primary structure and are not limited in size relative to the primary structure (unit must be less than maximum ADU square footage of 1,000 square feet).
- New permitting pathways for Attached and Detached ADUs.
 - o Contained ADUs are allowed by-right if they meet general requirements.
 - o Attached ADUs are allowed by-right if they meet general requirements.
 - o Detached ADUs with Habitable Space less than 50% of the primary structure’s Habitable Space are allowed by-right.
 - o ADUs with Habitable Space greater than 50% of the primary structure’s Habitable Space require a Special Permit from ZBA.
 - Habitable Space defined in Section 12 of the Bylaw.
- Added design guidelines requiring that the architecture and scale of any ADU is compatible with the primary structure.
- To the extent feasible, newly constructed detached ADUs shall be built behind the front building line of the primary structure.
- Removed Special Permit pathway for ADUs that do not meet General Requirements.

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5.011 Accessory Dwelling Units

Accessory dwelling units, as defined under this section, are intended to meet the changing housing needs of owner-occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units. As accessory uses, accessory dwelling units are exempt from the additional lot area/family requirements of Table 3. Only one (1) accessory dwelling unit shall be permitted as accessory to a one-family detached dwelling.

- 5.0110 **Contained Accessory Dwelling Unit** - An accessory dwelling unit which is contained entirely within an existing or new one family detached dwelling and requires no significant external changes to the dwelling or site beyond entrances and windows required by the building code.
- a. A Contained Accessory Dwelling Unit shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.
- 5.0111 **Attached Accessory Dwelling Unit** – An accessory dwelling unit which is attached to and involves significant changes to the existing one-family detached dwelling, including but not limited to, external fire escape structures, exterior additions, and other similar changes which result in a significant alteration to the appearance and function of the building or site.
- a. An Attached Accessory Dwelling Unit shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.
- 5.0112 **Detached Accessory Dwelling Unit** - A Detached Accessory Dwelling Unit shall be a small, freestanding, accessory, one-family, detached dwelling permitted to co-occur on a residential property as accessory and incidental to a one family detached dwelling. An accessory detached dwelling unit may be the result of new construction or rehabilitation of an existing structure resulting in a unit meeting the general requirements of this section.
- a. A Detached Accessory Dwelling Unit resulting from new construction with Habitable Space greater than 50% of the Habitable Space of the primary one-family dwelling, is allowed by a Special Permit from the Zoning Board of Appeals in the R-G, R-VC, R-N, R-O, and R-LD Districts.
 - b. A Detached Accessory Dwelling Unit with Habitable Space less than 50% of the Habitable Space of the primary one-family dwelling, shall be permitted in the R-G, R-VC, R-N, R-O, and R-LD Districts, following review of the proposed accessory use by the Building Commissioner and verification that it meets the requirements of this Bylaw and the General Requirements found below in Section 5.0113.
- 5.0113 **General Requirements.** The following standards shall apply to all accessory dwelling units:
- a. Only one (1) accessory dwelling unit shall be permitted as accessory to a single-family detached dwelling.
 - b. There shall be not more than 1,000 square feet of Habitable Space in any accessory dwelling unit.
 - c. One of the dwelling units on the property shall be occupied by the owner(s) of the principal one family residence, which requirement shall be made a condition of any Special Permit or approval by the Building Commissioner issued under this section

- d. No one family detached dwelling in which an accessory dwelling unit is constructed or upon the property of which an accessory dwelling unit is built may be used simultaneously for accessory lodging under any provision of Section 5.010, nor shall any accessory dwelling unit built upon the property of such a one family dwelling be so used.
- e. Notwithstanding the provisions of Section 12, a supplemental dwelling unit shall be occupied by a total of no more than three (3) unrelated residents.
- f. The accessory dwelling unit shall meet the definition of a Dwelling Unit as defined in Section 12.
- g. The accessory dwelling unit and property shall be operated in accordance with a Management Plan submitted to and approved by the Building Commissioner. Upon any change in ownership, a new Management Plan shall be filed in a timely manner with the Building Commissioner for review and approval.
- h. Any dwelling unit on the property being rented shall be registered and permitted in accordance with the Residential Rental Property Bylaw.
- i. To the extent feasible, newly constructed Detached Accessory Dwelling Units shall be located behind the front building line of the primary structure.
- j. Adequate parking shall be provided to ensure proper maneuverability and parking on paved surfaces.
- k. All exterior lighting shall be designed and installed so as to be shielded, downcast, and dark-sky compliant to avoid light trespass onto adjacent properties.
- l. On-site storage and management of waste and recycling shall occur on the interior of the dwelling, within an attached garage or other accessory outbuilding, or screened appropriately from public view. There shall be no freestanding dumpster or storage unit associated with a property regulated under this section, except on a temporary basis in association with construction or similar temporary purposes.
- m. A reflective street address sign for each unit shall be installed at the street in a manner ensuring their visibility for public safety personnel from any approach.
- n. The accessory dwelling unit shall be designed so that the appearance and scale of the building is compatible with the primary single-family dwelling unit. Detached Accessory Dwelling Units shall be clearly accessory to the primary dwelling unit.
- o. The Building Commissioner or Permit Granting Authority shall determine the applicability of any provision of Section 10.38 when reviewing Accessory Dwelling Unit applications.
- p. For Contained and Attached Accessory Dwelling Units, to the extent feasible, any new entrances shall be located on the side or rear of the building and any exterior changes must conform to the character of the neighborhood.
- q. The design review principles and standards established under Section 3.204 shall be applied to all accessory uses under this section, and the review and recommendation of the Design Review Board may be sought by the Building Commissioner, Permit Granting Board, or Special Permit Granting Authority.