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Town Planner's Project Review
Wednesday, February 8, 2017

X. **Public Hearing - Zoning Amendments – Elderly and Multi-Unit.** Consideration of Town Council-initiated zoning amendments.

A. **Mixed Use with Elderly Housing.** Add a new definition for Mixed Use with Elderly Housing (office/retail down, elderly housing up), allow as a conditional use in the Central Business District, and add references to this use in Section 175-41 Central Business District and Section 175-53 B. General Use Regulations.

➤ I recommend that the Planning Board vote to recommend adoption of this amendment. However, it would make sense for the board to wait until it completes its consideration of B. and C., below, so that the recommendations can be forwarded together.

B. **Mixed Use with Residential.** Change Mixed Use with Residential (office/retail down, multiunit residential up) from conditional use to not permitted in the Central Business District.

➤ I recommend that the Planning Board consider amendment C, below, in place of this proposed amendment, subject to review after a public hearing on C.

C. **Habitable Floor Area for Apartments.** Prospective amendment, for discussion, to be offered by the Planning Board in place of proposed change to Mixed Use with Residential in B., above. In Article II. **Definitions**, in Table II-1. **Dwelling Density by Type** under definition for **Household**, reduce Maximum number of occupants in unrelated household per 300 square feet of habitable floor area for Apartment from .5 to .25 (thereby increasing the minimum area per occupant in an unrelated apartment from 600 to 1,200 square feet). This change would not affect family households, single or two-family dwellings, accessory apartments, elderly housing, nor apartments in the ORLI and MUDOR zones.

➤ I recommend that the Planning Board hold a public hearing on February 22 on this alternative amendment to B., above.

Please note the following:

- The new proposed amendment is shown at the bottom. The Planning Board discussed this prospective change at its meeting on January 22. Andrew Corrow, Jim Lawson, and I met to discuss this and recommend this simple change – changing .5 to .25 in Table II-1.
- The Town Council had granted an extension to the Planning Board to the February 8 meeting to make its recommendations. Councilor Lawson will ask the Town Council for an extension of this timeframe at its meeting on February 6.
- Presently, multi-unit residential is allowed in only two zones, both as conditional uses – as mixed use with residential in the Central Business District and as multi-unit residential in an adaptive reuse of an existing building in the Professional Office District.
- The amendment initiated by Town Council would prohibit mixed use with residential *-for both family and unrelated households* - in the Central Business District but not affect the use in the Professional Office District. The alternative proposal would affect only unrelated households.
- The alternative proposed amendment would affect future dwelling units in mixed use and multi-unit residential sites - also called “apartments” - townwide (though they are allowed only in the CB and PO districts). However, in accordance with Table II-1, it would not impact single-family dwellings, duplexes, townhouses, apartments in the ORLI and MUDOR zones, accessory apartments, elderly housing, nor family households.
- Thus, for any unrelated household proposed in a future apartment the minimum required habitable area per occupant would increase from 600 to 1,200 square feet. This would affect the two allowed uses in the CB and PO mentioned above plus any applicable expansions of multi-unit residential. I do think the overall impact would be less than the original proposal since family households would not be impacted, we would not expect many adaptive reuses of buildings for multi-unit residential in the PO zone, and expansion of existing multi-unit sites in other zones would be challenging (as it would be allowed only by variance or conditional use for expansion of a nonconforming use).
- One alternative to this proposal, which might simplify it, would be to limit the change in habitable floor area to the Central Business District only.
- As we discussed earlier, if the Planning Board sets a public hearing on this new proposal, we will send letters to all property owners in the CB and PO letting them know about the proposed change and the public hearing (This is not required but we will notify them as a courtesy).

(over)

❖ Amend the existing Zoning Ordinance by making the following change:

Language to be added is shown like this – addition

Language to be deleted is shown like this - ~~deletion~~

Article II. Definitions

...175-7. Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

...HOUSEHOLD – A group of occupants of a dwelling unit restricted to the following two (2) categories:

1. FAMILY – An individual or two (2) or more persons related within the second degree of kinship by civil law or by marriage or adoption or foster care arrangement living together as a single housekeeping unit, including necessary domestic help such as nurses or servants not to exceed three (3) in number.
2. UNRELATED HOUSEHOLD – Any household not conforming to the definition of a "family," provided that no such household shall have a number of members in excess of the figure provided in Table II-1.

Table II-1. DWELLING DENSITY BY TYPE

Dwelling type	Maximum number of occupants in unrelated household per 300 square feet of habitable floor area
Single-family dwelling	1
Duplex or townhouse	1
Apartment (excluding accessory apartments), except in the ORLI and MUDOR districts	.5 <u>.25</u>
Apartment (excluding accessory apartments) in the ORLI and MUDOR districts	1.5
Accessory Apartment	1.5
Rooming/boarding, including accessory rooming/boarding	2
Dormitory	3
Fraternity or sorority	2
Nursing home	2
Elderly housing	1.5

Notes: No more than three (3) unrelated occupants may occupy a dwelling unit in an R, RA, RB, RC, PO, CH, C, or CC Zoning District. See Section 175-109(E).