

ZONING BYLAW AMENDMENT / Affordable Housing

ARTICLE NO. 19: To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article IX, Special Regulations, by deleting Section 179-42.1, Affordable Accessory Apartments, in its entirety and replacing it with the following:

§ 179-42.1 Affordable Housing

- A. For the purposes of encouraging affordable housing, as defined in Article I, Section 179-2(B), this Section shall control, subject to the following general conditions and standards:
- B. General Conditions
 - (1) Affordable housing units created pursuant to this section shall be use-restricted for as long as they shall exist in accordance with any special conditions allowed herein. Said restrictions and/or conditions shall be noted on the occupancy permit and recorded at the Barnstable County Registry of Deeds. Proof of such recording shall be submitted to the Zoning Enforcement Official Prior to occupancy.
 - (2) Affordable housing units shall only be leased to and/or used by families/individuals meeting one of the categories of qualified persons as defined in Section 179-2(B), Affordable Housing. Affordable housing units' maximum rents shall be governed by the Massachusetts Department of Housing and Community Development regulations, and shall not exceed the maximum rent under the then current guidelines.
 - (3) Affordable housing units shall only be occupied as year-round residential domiciles. Leases for affordable housing units shall be for a minimum term of twelve (12) months.
 - (4) Affordable housing units shall have an occupancy restriction of two (2) persons per bedroom, and said restriction shall be noted on the occupancy permit.
 - (5) To the extent permitted by law, current employees of the Town of Brewster and residents of the Town of Brewster shall receive preference in the selection of tenants for affordable housing units.
 - (6) Reserved.
 - (7) Record title holders of property upon which an affordable housing unit is situated, or will be situated, shall be solely

responsible for submitting all of the information required under this section to the Zoning Enforcement Official.

- (8) Failure to comply with any provision contained in Section 179-42.1 shall constitute a violation under the Zoning Bylaws and shall be subject to fines and penalties enumerated in Section 179-49, except that each day a violation is found to exist shall constitute a separate offense. Any fines rendered as a result of a violation of Section 179-42.1 shall be deposited in the Brewster Affordable Housing Fund account for future expenditure towards affordable housing projects and/or programs.

C. Standards

- (1) Affordable Accessory Single Family Dwelling Units (AADU)
 - a. AADUs created pursuant to this section shall be subject to the General Conditions noted in Section 179-42.1(B) above.
 - b. An AADU shall only be permitted upon property occupied by the record title holder as a year-round principal or accessory dwelling.
 - c. One (1) AADU shall be allowed as a matter of right on residentially zoned lots that exceed the area regulations contained in Section 179-16, Table 2, by at least twenty-five percent (25%). One (1) AADU may be allowed by special permit on a lot with a minimum of 40,000 square feet of area, but less than one hundred twenty-five percent (125%) of the minimum lot size contained in Section 179-16, Table 2.
 - d. AADUs allowed as a matter of right may be situated in, attached to, or detached from the primary structure, provided that all frontage, setback, height, and lot coverage requirements are met.
 - e. AADUs may be allowed by special permit if : 1.) the lot has an area of more than 40,000 square feet, but less than 60,000 square feet provided the lot has a structure or structures existing prior to the enactment of this section, or 2.) the lot is residentially zoned, has at least one hundred and twenty-five percent (125%) of the minimum lot size required for the district in which it is situated, has a structure or structures existing prior to the enactment of this section, but

does not meet the frontage, set back, height and lot coverage requirements, The Zoning Board of Appeals may issue a special permit only if it finds that the requirements for a special permit are met and all of the General Conditions and Standards of Section 179-42.1 are met.

- f. Unless a permitted "in-law apartment" or affordable accessory apartment, or a legally pre-existing non-conforming apartment existed upon the property prior to the enactment of this section, no AADU shall exceed the number of bedrooms or area limit allowed for in the definition of AADU contained in §179-2.
 - g. AADUs shall have at least one (1) but not more than three (3) designated parking spaces.
 - h. No AADU shall be sold (in condominium ownership form) separate and apart from the principal structure to which it is an accessory use, unless it has been in use for a period of fifteen (15) consecutive years and the Zoning Board of Appeals grants a special permit allowing the AADU to be sold as a separate unit with the condition that it remain an affordable single-family dwelling unit in perpetuity.
- (2) Affordable Accessory Commercial Dwelling Units (AACDU)
- a. AACDUs created pursuant to this section shall be subject to the General Conditions noted in Section 179-42.1(B) above.
 - b. AACDUs shall only be permitted where the owner of the property resides in the Town of Brewster or where a property manager responsible for the management of the AACDU resides in the Town of Brewster.
 - c. One (1) AACDU shall be allowed as a matter of right as an accessory use for each Commercial, Industrial, or Business zoned lot, provided that such lot meets the requirements of Table 2 and Table 3 of Article V, Area and Bulk Regulations.
 - d. A Commercial, Industrial, Business zoned lot which does not meet the requirements of Table 2 and Table 3 of Article V, Area and Bulk Regulations, may be allowed one (1) or more AACDU by special permit

provided that the Special Permit Granting Authority finds that the requirements for a special permit are met and all of the General Conditions and Standards of Section 179-42.1 are met.

- e. Unless otherwise granted by special permit, AACDUs shall only be situated within, above, or attached to the principal structure to which it is an accessory use.
- f. Unless a legally pre-existing non-conforming apartment existed upon the property prior to the enactment of this section, no new AACDU shall exceed the number of bedrooms or area limit provided in Section 179-42.1.
- g. AACDUs shall have a minimum of one (1) designated parking space.
- h. No AACDU shall be sold (in condominium form of ownership) separate or apart from the principal structure to which it is an accessory use.

(3) Affordable Multifamily Dwelling Units (AMDU)

- a. Reserved.

and to further see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article IV, Use Regulations, Section 179-11, Table 1, "Use Regulations", Lines 3.1 and 3.2 under "Residential" uses, by deleting Lines 3.1 and 3.2, which currently read:

	<u>RR</u>	<u>RL</u>	<u>RM</u>	<u>CH</u>	<u>VB</u>	<u>I</u>	<u>MRD</u>
<u>PWSCF</u>							
3.1 1-family dwelling with an accessory apartment			S	S	S		
3.2 Affordable Accessory Apartment			S	S	S	S	S
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and replacing that wording with the following:

	<u>RR</u>	<u>RL</u>	<u>RM</u>	<u>CH</u>	<u>VB</u>	<u>I</u>
<u>MRD</u> <u>PWSCF</u>						
3.1 Affordable Accessory Dwelling Units			P	P	P	P
P		--	--			

or to take any other action relative thereto.

(Two-Thirds Vote Required)

(Planning Board)

MOTION: I move that the town vote to approve Article 19 as printed in the warrant with the following amendments:

**On page #47 In Section C. Standards:
Category (1) Affordable Accessory Single Family Dwelling Units (AADU)
under Sub-section (c)**

replace the words "a lot" with "existing lots" from the second sentence.

**On that same page #47: Section C.
Standards Category (1) Affordable Accessory Single Family Dwelling
Units (AADU) under sub-section (e).**

delete the words "but less than 60,000 square feet" from bullet #1

**On page #48 Continuing in Section C.
Standards but in Category (2) Affordable Accessory Commercial
Dwelling Units (AACDU) under sub-section (d)**

add the following words "either meets or" to the first sentence.

ACTION: Adopted unanimously.

<i>ZONING BYLAW AMENDMENT / Affordable Housing Definitions</i>

ARTICLE NO. 20: To see if the Town will vote to amend the Code of the Town of Brewster, Chapter 179, also known as the Zoning Bylaws, Article I, General Provisions, Section 179-2, Definitions, Subparagraph B by deleting the current definition of "Affordable Accessory Apartment" in its entirety and replacing it with new definitions entitled "Affordable Housing," "Affordable Accessory Dwelling Units," "Affordable Accessory Commercial Dwelling Units," and "Affordable Multi-Family Dwelling Units" so that the definition of Affordable Accessory Apartment which currently reads:

AFFORDABLE ACCESSORY APARTMENT - A dwelling unit, controlled by a use restriction, recorded at the Barnstable County Registry of Deeds for affordability as defined in the Affordable Accessory Apartment Bylaw, and allowed by special permit duly authorized by the Zoning Board of Appeals in accordance with § 179-42.1

will be replaced with the following:

AFFORDABLE HOUSING – A dwelling unit, controlled by a use-restriction in accordance with § 179-42.1, the Affordable Housing Bylaw, and occupied by individuals falling into one of the following categories:

- (1) Immediate family members of the record owner of the dwelling unit, for example a son, daughter, mother, father, or grandparent.

- (2) Individuals with low or moderate income levels as provided in the Massachusetts Department of Housing and Community Development (DHCD) regulations and verified by the Brewster Housing Authority or other DHCD approved agency.

AFFORDABLE ACCESSORY SINGLE-FAMILY DWELLING UNIT (AASDU) – Affordable housing, either attached or detached, as an accessory use to a single-family dwelling. It shall have a maximum of two (2) bedrooms and a maximum of nine hundred (900) square feet of area.

AFFORDABLE ACCESSORY COMMERCIAL DWELLING UNIT (AACDU) - Affordable housing as an accessory use in a commercial district. It shall have a maximum of one (1) bedroom and a maximum of six hundred (600) square feet of area.

AFFORDABLE MULTI-FAMILY DWELLING UNITS (AMDU) – More than two (2) but no more than four (4) affordable housing units within a building unit. Each affordable housing unit shall have a maximum of two (2) bedrooms and a maximum of nine hundred (900) square feet of area.

or to take any other action relative thereto.

(Two-Thirds Vote Required)

(Planning Board)

MOTION: I move that the town vote to approve article no. 20 as printed in the warrant.

ACTION: Adopted unanimously.