

Creation of a Process Allowing Permanently Affordable Housing to be Built on Privately Owned Parcels of “Non-Conforming” Size

(In the “Notes” section below, you will find examples of how this regulation may be incorporated into current zoning requirements or with the addition of an overlay zone for nonconforming parcels.)

Intentions:

Arlington is desperately in need of housing at prices that will help the community maintain a diversity of incomes among town residents. This article proposes two potential processes for creating and/or converting extra land on “non-conforming” parcels to be of use to meet the community’s housing goals:

- 1) Allowing development of missing middle, workforce, or permanently affordable housing on existing, vacant, nonconforming parcels in the R0, R1, and R2 zoning districts.
- 2) Allowing subdivision of overly-large lots in the R0, R1, and R2 zoning districts to create nonconforming parcels for the development of missing middle, workforce, or permanently affordable housing.

An initial rough analysis of Assessor data suggests the following potential number of eligible housing units per zoning district:

Existing, vacant, nonconforming parcels:

R0: 21
R1: 145
R2: 19

Large parcels for potential subdivision:

R0: 93 parcels with 15,000 sf or more
R1: 1,173 parcels with 9,000 sf or more
R2: 77 parcels with 10,000sf or more

I believe that the possibility of adding 185 to 1,528 new units of affordable, missing middle, workforce or permanently Affordable housing (according to Town and state standards) is worth the effort. This article’s scope also includes an option to develop smaller non-conforming parcels into permanent open space if compliant with the MA Decarbonization Roadmap and other relevant State laws on Municipal Reforestation.

Article for the Development of Non-Conforming Parcels:

To see if the Town will vote, to allow the development of new sources of affordable housing (affordable because it is a smaller land size, because it could add to our supply of permanently affordable “workforce” housing, because the developer has made an appropriate payment in lieu of “affordability in perpetuity” to the Arlington Housing trust Fund or “affordable in perpetuity” housing with “affordability” as defined in Arlington Zoning By-Laws) by modifying the requirements for constructing housing units to enable construction on smaller lots as long as those units are permanently committed to be available for rental or ownership according to standards and policies of the Arlington Housing Trust Fund, official regional guidelines (see

(Zoning Bylaw Section 2, Basic Provisions, Definitions Associated with Affordable Housing) of affordability, or take any action related thereto.

Such construction would be permissible in all zoning districts allowing residential use, providing the tracts were laid out prior to July 1, 2022, and receive a special permit from the ZBA.

Ownership, sale, repurchase and rental of each property would be overseen by the Arlington Housing Trust Fund or a comparable entity that would have the authority to enforce the affordability guidelines in perpetuity, when “affordability in perpetuity” guidelines are applicable. Similarly, the commitment of land on a nonconforming parcel consistent with the goal of Decarbonization and Municipal Reforestation can also be undertaken with an in-lieu of development fee paid to the AHTF.

Summary:

1. Build small single or double units for purchase or rental on the “extra” land available on non-conforming parcels or overly large parcels.
2. Build a “cottage cluster”, appropriate for deep lots without sufficient frontage, on the “extra” land available on non-conforming parcels or overly large parcels.
3. Convert extra land on non-conforming parcels to permanent open space that is consistent with Town and State policies on Decarbonization and Reforestation.

NOTES:

Below are suggested standards, per zoning district, for the creation of an affordable residential unit on a “non-conforming” parcel. These standards would create more lenient zoning requirements in exchange for the creation of a permanently affordable housing unit. Gross Floor Areas might range between 1500 and 4300 square feet, depending on the lot.

Non- Conforming Lots R1 Zoning District Requirements

- New zoning district created for non-confirming lots **AR1** (Affordable Residential Single Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning Bylaws
- Minimum lot size 3,000 square feet.
- Minimum street frontage 40’
- Open Space will be reduced to 20% with a minimum of 20’ in one direction.
- The size of a single-family dwelling is determined by using the F.A.R. calculation of 0.50
- A lot can be subdivided to create a non-confirming lot. However, the existing lot must meet all conforming lot requirements in accordance with the zoning by law

Examples

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
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3,000	15'	20'	5' on one side 10' on 2 nd side	35%	0.50
3,500	15'	20'	5' on one side 10' on 2 nd side	35%	0.50
4,000	15'	20'	5' on one side 10' on 2 nd side	35%	0.50
5,000	15'	20'	5' on one side 10' on 2 nd side	35%	0.55

Non- Conforming Lots - R2 Zoning District Requirements

- New zoning district created for non-confirming lots **AR2** (Affordable Residential Two- Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning Bylaws
- Minimum lot size 4,000 square feet
- Minimum street frontage 40'
- Open Space will be reduced to 20% with minimum of 20' in one direction
- The size of a two-family dwelling determined by using the F.A.R. calculation of 0.85
- A lot can be subdivided to create a non-confirming lot. However, the existing lot must meet all conforming lot requirements in accordance with the zoning bylaws.

Example

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
4,000	15'	20'	5' on one side 10' on 2 nd side	35%	0.85
5,000	15'	20'	5' on one side 10' on 2 nd side	35%	0.85

Non- Conforming Lots- R0 Zoning District Requirements

- New zoning created for non-confirming lots **AR0** (Affordable Residential Single Family)
- Special permit required
- All units developed must adhere to Section 8.2 of the Zoning By-Laws
- Minimum lot size 6,000 square feet.
- Minimum street frontage 50'.
- Open Space will be reduced to 20% with a minimum of 20' in one direction.
- The size of a single-family dwelling is determined by using the F.A.R. calculation of 0.45.
- A lot can be subdivided to create a non-confirming lot so long as one portion of the existing lot meets the conforming lot requirements.

Examples

<u>Lot Size</u>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Lot Coverage</u>	<u>F.A.R.</u>
6,000	25'	20'	10'	35%	0.45
7,000	25'	20'	10'	35%	0.45