



PLANNING BOARD

Report to Town Meeting

Article 17. Zoning – Table 3 Footnotes (Planning Board)

To see if the Town will amend Article 6, Dimensional Regulations and its Footnotes, of the Zoning Bylaw, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 6-0-1 with one member absent, and one member abstaining, to recommend that Town Meeting adopt Article ____.

Background and Purpose

Table 3 - Dimensional Regulations contains the minimum and/or maximum standards for the basic dimensions of any building lot in each of the zoning districts in Amherst, such as lot area, frontage, setbacks, and height. Many of the rows, columns, or cells in the table are marked with a footnote that either helps the user interpret the standard or modifies the standard under certain conditions. Over time, the list of footnotes has grown to fifteen, littering the table with tiny letters and compelling the user to continually refer back and forth from the table to the list of footnotes in order to understand what he or she is reading. Some are quite complicated, a characteristic that has unfortunately come to be assumed about most or all of the footnotes.

Meanwhile, the Zoning Bylaw chapter to which Table 3 is appended, Article 6, includes a section reserved for explaining and interpreting the table: Section 6.1, Interpretation. To a significant degree, Section 6.1 and the footnotes perform overlapping functions. Most of the footnotes in Table 3 are more appropriately placed in Section 6.1; several consist entirely of a reference to a subsection of Section 6.1, and several duplicate language that already exists in Section 6.1 or elsewhere in the Zoning Bylaw. Only a few of the footnotes actually have the capacity to change the listed dimension. Ideally, the list of footnotes should be limited to those that have the capacity to change the listed dimension. The Planning Board has begun to revise the list of footnotes, beginning with eliminating the ones that can be deleted without having to make any other changes to the Zoning Bylaw and without affecting how the Bylaw works in any way. A future amendment or amendments will address footnotes that can be deleted while their content is added to Section 6.1.

Mechanics

The footnotes to be deleted fall into three groups:

1.) Footnotes *g*, *n*, and *o* each refer to a wrong or missing subsection of Section 6.1 "for interpretation" and contain no other text. This circumstance arose when The Planning Board proposed, and Fall 2013 Special Town Meeting passed, an article that reorganized and clarified Section 6.1, but made no changes to the Table 3 footnotes. Footnote *g* annotates the row "Basic Minimum Side and Rear Yards"; footnote *n* annotates the row "Minimum/Maximum Height"; and footnote *o* annotates the row "Maximum Lot Coverage". The interpretations for each of these dimensions is contained in Section 6.1. The footnotes pointing to these sections are unnecessary, erroneous and can be deleted.

2.) Footnote *c* does not annotate any row, column, or cell in Table 3. It used to annotate "Basic Minimum Front Setback" for zoning district B-G only and reads: "Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block, otherwise, no front setback is required." It was removed from Table 3 by the 2013 Annual Town Meeting as part of an article that changed the minimum front setback in the B-G zone from 20 feet (except under conditions described in the footnote) to a maximum of 20 feet. There was no corresponding removal of footnote *c* from the footnotes, so this article simply completes the overdue clean-up of an oversight. Meanwhile, the content of footnote *c* is duplicated in Section 6.121, which reads: "In the General Business (B-G) District, the 20 foot minimum front setback applies only to a part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no setback is required."

3.) Footnote *i* annotates the columns for the R-O and R-N zones and states: "Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only." Section 4.33 governs the provision of affordable units in cluster subdivision developments, and subsection 4.332 is an alternate dimensional table that replaces Table 3 for cluster developments containing a minimum of 10% affordable units. Its heading reads: "For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3." Footnote *i* is therefore unnecessary and can be deleted with no effect.

Benefits

This article begins the process of making Table 3 - Dimensional Regulations a little more comprehensible and a little less intimidating. Deleting a few unnecessary markings from the table makes it less cluttered and easier to read without losing any of the substance or meaning of the Zoning Bylaw.

Risks

There is no risk associated with adopting this amendment.

Process

The Zoning Subcommittee reviewed the Table 3 footnotes this past spring and divided the list into those that could be deleted without additional amendment, those that would require some minimal additional amendment elsewhere in the Zoning Bylaw in order to retain content, and those that would require more substantial amendment or that should be rewritten for better clarity rather than deleted. It was decided to bring the first group forward to the Fall Town Meeting. A Planning Board public hearing on this article was held on September 7, 2016. No public input was received at that time, and the Planning Board voted 6-0-1 (with one member absent and one abstention) to recommend the article as presented.

TABLE 3 - DIMENSIONAL REGULATIONS¹

Zoning District	R-LD	R-O ^f	R-N ^f	R-V-C	R-G	R-F	B-G	B-L	COM	B-VC	B-N	OP	LI	PRP	FPC	ED
Basic Minimum Lot Area (sq. ft.) ^h	80,000	30,000	20,000	15,000	12,000 ^m	20,000	12,000 ^b	20,000 ^b	20,000 ^b	12,000 ^b	15,000 ^{ab}	40,000 ^a	30,000 ^a			80,000
Additional Lot Area/Family (sq. ft.)	10,000	10,000	6,000	4,000	2,500 ^{am}	1,250 ^{ab}	4,000	4,000	2,500 ^{ab}	1,500 ^{ab}						
Basic Minimum Lot Frontage (ft.)	200	150	120	120	100	100	40 ^b	125 ^b	125 ^b	60 ^b	100 ^b	100 ^a	100 ^a			200
Basic Minimum/Maximum Front Setback (ft.) ^{af}	30	25	20	15	15	20	0/20	20	20	10/20	10	30	20	20	20	40
Basic Minimum Side and Rear Yards (ft.) ^g	20	25	15 ^d	15 ^d	10 ^d	10	10 ^{ae}	25 ^a	25 ^a	10 ^a	10 ^{ae}	f	e	f		20
Maximum Building Coverage (%)	10	15	20	25 ^a	25 ^a	45 ^a	70 ^a	35	35	35 ^a	35 ^a	20	25	25	25	10
Maximum Lot Coverage (%) ^g	15	25	30	40	40	65 ^a	95 ^a	70/85 ^j	70	70	65 ^a	70	65	70	70	15
Maximum Floors ^a	2 ½	2 ½	3	3	3	5	5	3	3	3	3	2 ½	3	3	3	1
Minimum/Maximum Height (ft.) ^{ah}	35	35	35	35	40	55 ^a	55	35	35	16/40	40	35	50	35	20	20
Cluster Minimum Lot Area (sq. ft.)	25,000	15,000	10,000	7,500	6,000											
Cluster Lot Frontage (ft.) ^k	100	100	80	60	50											
Cluster Minimum Front Setback ^k	20	20	15	10	10											
Cluster Minimum Side and Rear Yards (ft.) ^k	15	15	15	10	10											