



PLANNING BOARD

Report to Town Meeting

**Article 33. Zoning – Table 3 Footnotes - Miscellaneous
(Planning Board)**

To see if the Town will amend Article 6 of the Zoning Bylaw, Sections 6.1 and 6.6 and Table 3, Dimensional Regulations and its Footnotes, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 6-0 with 3 members absent to recommend this article.

Background and Purpose

The Planning Board began the process of streamlining the list of footnotes modifying Table 3 – Dimensional Regulations at the Fall 2016 Town Meeting. Table 3 contains minimum and/or maximum standards for the basic dimensions of any development in each of the zoning districts in Amherst, including 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. 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. It makes sense to consolidate them in one place or the other. The Planning Board's goal has been to reduce the number of footnotes in Table 3 without affecting how the bylaw works in any way, by moving the language of selected footnotes to Section 6.1.

The list of footnotes had grown to fifteen before Town Meeting deleted five of them last year.

Mechanics

This amendment would delete two footnotes and transfer their content to other parts of Article 6 of the Zoning Bylaw.

- 1.) Footnote *h* applies to “Basic Minimum Lot Area” for all zoning districts and informs the user of the conditions necessary for a lot in any zoning district to be built upon, independent of and in addition to the dimensions specific to each individual zoning district that this row of Table 3 establishes. The text of the footnote reads: “A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.” That language would be transferred verbatim to the first subsection

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Article 32 – Table 3 Footnotes - Setbacks (Planning Board)

under 6.10, which provides guidance on Lot Area Requirements, with the existing subsections renumbered to accommodate it. “Upland acreage” is non-wetlands area.

- 2.) Footnote *l* annotates the “Table 3 – Dimensional Regulations” title itself and therefore applies to every cell in the table. It states that “The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.” Section 6.6 is dedicated to the interpretation of Table 3 with regard to educational and religious *uses* (whereas Section 6.1 is dedicated to the interpretation of the *dimensions*) and currently consists of a single provision qualifying setback dimensions for religious and educational uses in all zones except the General Business district. This language could easily have been a footnote itself, but was placed in the text of Article 6 instead, presumably for ease of use, the same goal as the current effort to clean up Table 3. The footnote serves only to refer the user of the Table back to other text but doesn't actually do any work itself; the work is done in Section 6.6. The footnote language would be inserted as the global language of that section, while the existing language there would become the first subsection of Section 6.6.

As in the previous Table 3 footnotes article last fall, the deleted footnotes would be replaced by the word “Reserved” so that we don't need to renumber the remaining footnotes within the table and risk making a mistake. When all the footnotes that can be deleted have been, an article removing these reserved footnotes and renumbering the remaining annotations all at once can be proposed.

Benefits

This article continues the process of making Table 3 - Dimensional Regulations more comprehensible and less intimidating. Deleting two unnecessary markings from the table makes it less cluttered and easier to read, while moving the text of those footnotes to Article 6 of the Zoning Bylaw preserves their substance and effect.

Risks

There is no risk associated with adopting this amendment.

Process

The Zoning Subcommittee began reviewing the Table 3 footnotes last year and divided the list into several groups to be handled separately. This article, addressing footnotes *h* and *l*, was developed over the winter at Zoning Subcommittee meetings. A Planning Board public hearing was held on March 15, 2017. No input was received at that time, and the Planning Board voted 6-0 with 3 members absent to recommend the article as presented.

**ANNUAL TOWN MEETING
 SPRING 2017
 ARTICLES 32 & 33 SUPPLEMENTARY EXPLANATION**

Warrant Article	Current footnote	Where it is proposed to be placed	Text
Article 32	d.	6.135	<i>In the General Residence (R-G), Neighborhood Residence (R-N), and Village Center Residence (R-VC) districts, a side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.</i>
Article 32	e.	6.132	In the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least 10 feet.
		6.141	In the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) districts, minimum rear yards shall be at least 20 feet when adjoining a residence district. Otherwise, rear yards are not required, but if provided, shall be at least 10 feet.
Article 32	f.	6.133	<i>In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, side yards shall be at least 50 feet when adjoining a residence district. Otherwise, side yards shall be at least 10 feet.</i>
		6.142	<i>In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, rear yards shall be at least 50 feet when adjoining a residence district. Otherwise, rear yards shall be at least 10 feet.</i>
Article 33	h.	6.100	<i>A Buildable Lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.</i>
Article 33	i.	6.6	<i>The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for below:</i>