



**PLANNING BOARD**

**Report to Town Meeting**

**Article 32. Mixed-Use Center Dimensions  
(Planning Board)**

To see if the Town will amend Article 6, Table 3, Dimensional Regulations and its Footnotes, and Section 6.19 of the Zoning Bylaw with respect to dimensional requirements for the Limited Business (B-L), Commercial (COM), Village Center Business (B-VC) and General Business (B-G) Districts, as follows:

~ SEE WARRANT LANGUAGE ~

**Recommendation**

The Planning Board voted unanimously 9-0 to recommend that Town Meeting adopt Article 32.

**Background**

Article 32 is the second of three articles being proposed to increase the viability of Amherst's mixed-use centers. Article 32 proposes to amend Table 3, Dimensional Regulations, to change the dimensional requirements for the following mixed-use center zoning districts—the B-L/COM districts (which share one set of dimensional regulations), the Village Center Business (B-VC) District, and the downtown General Business (B-G) District.

These amendments increase the flexibility and potential density of development in these districts, and introduce selected form-based design dimensions (minimums and maximums for front setbacks and height) to help guide the form and layout of new development. Footnotes b. and n. of Table 3 are being amended. Footnote a., which allows modifications “in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood”, and Footnote b., which relieves some residential uses of the need for minimum lot area, are being added to several dimensions, to increase flexibility. Section 6.19 governs height and is being amended to encourage buildings with sloped roofs.

A summary of all of the proposed Table 3 changes is included on the last page of this report, so that the changes can be viewed within the context of one another.

### Changes to the B-L/COM Dimensions

Ever since the early 1970s, Amherst's community planning efforts have emphasized sustainable development patterns—dense and vital village centers, preserved critical farmland and critical resource lands, and efficient alternative transportation. Yet the current B-L/COM District dimensional regulations continue to allow 20<sup>th</sup> century auto-focused strip commercial development that is neither sustainable nor desirable.

Article 32 proposes to amend most of the dimensional requirements for the B-L and COM Districts in order to make them more “village-like”—dimensions that will guide new development, infill, and redevelopment over time and help turn these areas into viable mixed-use centers. These changes include the following:

- ***Basic Minimum Lot Area and Additional Lot Area/Family*** – Footnote b. is being added to the B-L/COM requirements, making them identical to the Village Center Business (B-VC) District lot area requirements, such that they apply only to the first dwelling unit on the ground floor of converted dwellings and subdividable dwellings, and do not apply to mixed-use buildings, apartments, or town houses. Reducing required lot area recognizes that lots containing existing residences eligible for conversion are often smaller than the minimum lot size requirement established for new residential uses. Smaller minimum lot sizes also allow for future subdivision and increased diversity of uses.
- ***Basic Minimum Lot Frontage*** – The minimum length of lot frontage along a street for residential properties which in the B-L and COM Districts applies only to converted dwellings and subdividable dwellings. Being reduced from 100 feet to 60 feet of frontage to allow the creation of narrower lots over time and an increased diversity of uses.
- ***Front Setback*** – Renamed from Basic Minimum Setback to Basic Minimum/Maximum Setback, reflecting the establishment of a maximum as well as a minimum front setback for new buildings in the B-L and COM Districts. The minimum setback from the front property boundary is reduced from 20 feet to 10 feet, encouraging buildings to be established closer to the road and frame a pedestrian-friendly streetscape. The new maximum front setback (30 feet) will prevent new buildings from being sited so far away from the road that they make a pedestrian streetscape impossible, and will discourage parking and drives from being located in front, cutting pedestrian sidewalks and new buildings off from one another.

***Maximum Building Coverage*** – The maximum percentage of a lot that can be covered by buildings. The current B-L/COM building coverage of 35% will not change. Instead, Article 32 adds Footnote a. to enable the permit granting body to modify building coverage under a Special Permit. This provides the Town and permit applicants more flexibility in

responding to the unique conditions of specific properties and sites.

- **Maximum Lot Coverage** – The maximum percentage of a lot that can be covered by both buildings and impermeable surfaces like paving. Current B-L/COM lot coverage requirements will not change. Footnote a. will be added to allow modification of lot coverage through a Special Permit.
- **Height** – Renamed from Maximum Height to Minimum/Maximum Height to reflect the establishment of a minimum (16 feet) as well as a maximum (40 feet) height for buildings in the B-L and COM Districts. Maximum height is increased by five (5) feet, from 35 to 40 feet. The sixteen (16) foot minimum height will prevent new single story buildings from being out-of-scale with other larger buildings in mixed-use centers. Footnote a. is added to allow flexibility and modification of the height requirements under a Special Permit.

#### **Changes to Table 3 Footnotes**

- Footnote b. is amended to include the B-L and COM districts with the B-G, B-VC, and B-N Districts as mixed-use center zoning districts governed by the footnote, as previously described.
- Footnote n. is amended to specify that wherever a single number is shown for front setback or height in Table 3, it represents the minimum front setback or the maximum height.

#### **Changes to the Height Requirements**

Section 6.19 of the Zoning Bylaw establishes the rules for building height and how it's measured. Article 32 adds a new minimum height requirement, and makes the following amendments to Section 6.19 to reflect form-based design principles:

- The title of the section is changed to “Minimum or Maximum Height”, to reflect the proposed changes to Table 3.
- The point at which maximum or minimum roof height is measured will be changed to reflect the differences in roof architecture which occur in Amherst. The height of flat roofs and mansard roofs will be measured to their highest point or deck. The height of sloped roof buildings—gable, hip, shed, saltbox, and gambrel roofs—will be measured to the average height between the eaves and the ridge of the roof. This way of measuring building height used in communities across the country, and accomplishes several useful goals:

- ~ Allows and encourages sloped roof designs appropriate to Amherst's architectural traditions and climate, naturally shedding snow and ice.
  - ~ Provides advantageous angles for flush-mounted solar installations or photovoltaic solar roof sheathing.
  - ~ Resolves the current problem of penalizing the height of buildings with sloped roofs that have less habitable space on their top floor.
  - ~ Helps keep mixed-use centers from being dominated over time by flat-roofed buildings which more easily maximize the usable space of a building's top floor.
- The conditions under which the permit granting body can modify the height of a building in mixed use center districts under a Special Permit are spelled out in detail.
  - A graphic is added to demonstrate how height will be measured on buildings with different roof styles.

### Changes to B-VC Dimensions

Amendments to the Village Center Business (B-VC) District dimensions are less extensive than those proposed in the B-L and COM Districts. Existing B-VC District regulations are already close to the preferred dimensions of a mixed-use center. Proposed changes include:

- **Basic Minimum Lot Area** – Currently applies only to converted dwellings and subdividable dwellings in the B-VC District. Would be reduced from 15,000 sq. ft. to 12,000 sq. ft. This recognizes that lots containing existing residences eligible for converted are often smaller than the minimum lot size requirement established for new residential uses. A smaller lot size also allows for future subdivision and increased diversity of uses.
- **Basic Minimum Lot Frontage** – The minimum lot frontage applies only to converted dwellings and subdividable dwellings in the B-VC District. Will be reduced from 100 feet to 40 feet of frontage along a public way. This form-based design change allows for the development of a greater number of narrower lots, leading to an increased diversity of uses in these areas over time.
- **Front Setback** – Renamed from Basic Minimum Setback to Basic Minimum/Maximum Setback, establishing a range of front setback for new buildings in the B-VC District. The minimum front setback for buildings decreases from 20 to 10 feet from the front property boundary and a new 20 foot maximum front setback is established to ensure that new buildings are built closer to the road and help create a pedestrian-friendly streetscape.
- **Basic Minimum Side and Rear Yards** – Minimum side and rear setbacks for buildings in the

B-VC District are reduced from 25 feet to 10 feet—10 feet is the minimum width required in building and fire codes to ensure safe pedestrian egress from buildings and emergency access by first responders.

- **Maximum Building Coverage** – The current total building coverage in the B-VC District (35%) is not proposed to change. Footnote a. will be added to allow the permit granting board to modify building coverage under a Special Permit.
- **Height** - Being renamed from Maximum Height to Minimum/Maximum Height, with a minimum (16 feet) as well as a maximum (40 feet) height being established for buildings in the B-VC District. The current maximum height will not change. The new 16 foot minimum height requires single-story buildings to establish a tall enough roof height to prevent them from being out-of-scale with other larger buildings. Footnote a. is added, allowing modification of the height requirements under a Special Permit.

### Changes to B-G Dimensions

The downtown General Business (B-G) District is Amherst's densest mixed-use center zoning district. A few selected amendments are proposed to increase dimensional flexibility and encourage appropriate new development. These include:

- **Basic Minimum Lot Frontage** - Applies only to converted dwellings and subdividable dwellings in the B-G District. Proposed to be reduced from 100 feet to 40 feet of frontage along a public way. A form-based design change which allows the development of a greater number of narrower lots, leading to an increased diversity of uses in these areas over time.
- **Basic Minimum Front Setback** – Renamed from Basic Minimum Setback to Basic Minimum/Maximum Setback, establishing a front setback range for new buildings in the B-G District. The current setback is zero (right on the property line) unless the property is within 200 feet of a Residence District in the same block (i.e., not interrupted by a street), in which case the front setback is automatically 20 feet. Article 32 would change this by removing footnote c. (which establishes the current setback), and specifically allowing a setback of from 0 to 20 feet, allowing more flexibility in dealing with specific circumstances.
- **Basic Minimum Side and Rear Yards** – In the B-G District no side or rear setback is required, but if one is provided it must be either 10 feet (a requirement under state building and fire codes) or 20 feet if the affected property adjoins a Residence District. Footnote a. would be added to allowing modification of the setback under a Special Permit.

- **Maximum Floors** – Article 32 proposes to increase the maximum floors allowed in the B-G District from 4 to 5 floors. There are a number of buildings in downtown Amherst which have five floors or which are tall enough to accommodate five floors if they had been built to modern codes. This increase would recognize the community’s Master Plan priority in directing new development into Amherst’s existing built centers.
- **Height** - Renamed from Maximum Height to Minimum/Maximum Height, to reflect changes being made for other zoning districts—no minimum height is proposed for the B-G District. The current maximum height of 50 feet would increase to 55 feet to accommodate sloped roof buildings and modern construction needs. Footnote a. would be added to allow modification of the height requirement under a Special Permit.

### **Public Hearing**

The Planning Board held a public hearing on Article 32 on March 6 and continued the hearing to March 20. The Zoning Subcommittee presented the proposed amendments and described its reasons for recommending support of the article.

Most public comments involved concern about resulting changes in the COM District in North Amherst center—there was little or no public comment about changes to dimensions in other mixed-use center districts. It was stated that resulting new development would have impacts like those feared from the former village center rezoning proposal. Any new development including residential units would be student rentals. New mixed use development should be discouraged until the student rental problems have been more completely resolved—recent incidents involving poor student behavior were cited. There was concern that existing services and shops in centers would be “pushed out by the student residential market.”

The impact of new development on existing environmental resources—rivers and stream corridors, critical wildlife habitat, floodplains, and farmland—was a concern. The Board noted that most critical resource lands are preserved in perpetuity and/or are protected under local and state law. There was fear that development in the North Amherst COM District might threaten historic buildings in the R-N District along Montague Road, because a Local Historic District had not yet been established there. A citizen asserted that North Amherst is a rural village center whose focus is and should be farming, and that smart growth for such areas should not involve significant new development or additional residential density.

One citizen asked if the North Amherst COM District could be dropped from the article because of its political difficulty. They supported the proposed changes in the other B-L/COM districts in town (East Village, Amherst Farmers’ Supply, Downtown B-L and University Drive), but were less sure about the existing Atkins Corners B-L District. Staff said that under state law the

regulations for a zoning district have to be the same wherever that district exists.

The Board replied that the only residential uses allowed in the COM District are mixed-use buildings also containing commercial uses. Article 32 does not propose allowing residence-only uses like apartments or townhouses in the COM District, and so does not compare to the previous village center rezoning proposal.

A North Amherst property owner expressed support for Article 32, saying the market for commercial space is not strong and mixed use buildings are more feasible. Currently, COM imposes minimum lot size and additional lot area per unit on all residential uses, which strongly limits the number of possible upper floor units. Having only a few large upper floor dwelling units with numerous bedrooms best meet the needs of large families and households, including groups of unrelated students.

Under the dimensions proposed under Article 32, more upper floor units would be allowed in mixed-use buildings by right through Site Plan Review approval. That could encourage a more diverse tenant mix that included non-students. A local architect supported the proposed increase to 15% of ground floor space associated with upper floor residential uses, saying the current 10% limit is too small to accommodate both stairs and an elevator. The COM District allows intensive businesses, including automotive uses like those along Sunderland Road. Mixed-use buildings would be preferable. The draft Housing Production Plan (HPP) was cited as documenting the need for family housing and low-income housing in town, and a serious lack of housing in Amherst overall.

A citizen asked how Article 32 fits in with the goals of the Master Plan. Board members replied that Article 32 helps direct development to built-up areas and away from outlying open space, as an element of long-term sustainability for the town. New development should occur in already built-up areas so that people can shop and work without having to drive. Denser development would spur use of public transit and lower the carbon footprint of the town. The Master Plan calls for sensitive development that preserves neighborhoods.

Article 32 tries to help create the mixed-use centers residents have said they want—a mix of businesses, the ability to walk to services and work, and an attractive and functional physical environment. The current zoning for mixed-use centers has not attracted desired business and other uses in part because those uses require a critical mass of immediately adjacent residential customers. The village center consulting firm, The Cecil Group, had made this point several times during the earlier village center planning process. For Amherst's mixed-use centers to become more viable, the dimensional regulations of those centers need to change. Article 32 begins this process by proposing changes to specific dimensions in ways that increase design flexibility and potential density while incorporating form-based design purposes.

After further discussion, the Planning Board voted unanimously, 9-0, to recommend that Town Meeting adopt Article 32.

ARTICLE 32 MIXED USE CENTER DIMENSIONS

PROPOSED DIMENSIONAL AMENDMENTS IN CONTEXT

	B-L/COM		B-VC		B-G	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Basic Minimum Lot Area (sq. ft.) <sup>h</sup>	20,000 <sup>b</sup>	15,000 <sup>b</sup>	15,000 <sup>b</sup>	12,000 <sup>b</sup>	12,000 <sup>b</sup>	12,000 <sup>b</sup>
Additional Lot Area/Family (sq. ft.)	4,000	2,500 <sup>ab</sup>	2,500 <sup>ab</sup>	2,500 <sup>ab</sup>	1,250 <sup>ab</sup>	1,250 <sup>ab</sup>
Basic Minimum Lot Frontage (ft.)	125 <sup>b</sup>	60 <sup>b</sup>	100 <sup>b</sup>	60 <sup>b</sup>	100 <sup>b</sup>	40 <sup>b</sup>
Basic Minimum/Maximum Front Setback (ft.) <sup>an</sup>	20	10 minimum 30 maximum	10 <sup>a</sup>	10 minimum 20 maximum	20 <sup>c</sup>	0 minimum 20 maximum
Basic Minimum Side and Rear Yards (ft.) <sup>g</sup>	25 <sup>a</sup>	25 <sup>a</sup>	25 <sup>a</sup>	10 <sup>a</sup>	e	10 <sup>ae</sup>
Maximum Building Coverage (%)	35	35 <sup>a</sup>	35	35 <sup>a</sup>	70 <sup>a</sup>	70 <sup>a</sup>
Maximum Lot Coverage (%) <sup>o</sup>	70/85j	70/85 <sup>aj</sup>	65 <sup>a</sup>	65 <sup>a</sup>	95 <sup>a</sup>	95 <sup>a</sup>
Maximum Floors <sup>a</sup>	3	3	3	3	4	5
Minimum/Maximum Height (ft.) <sup>an</sup>	35	16 minimum 40 maximum	40	16 minimum 40 maximum	50	55