



PLANNING BOARD

Report to Town Meeting

**ARTICLE 17. VILLAGE CENTER REZONING
(Planning Board)**

To see if the Town will amend the Official Zoning Map for North Amherst Village and Atkins Corners, and amend the Zoning Bylaw, including Articles 2, 3, 5, 6, 7, 8, and 12, as well as Section 3.3, Use Classification and Standards (the Use Chart) and Table 3, Dimensional Regulations, and its footnotes, and to add a new Article 16, Form-Based Zoning. Pagination and enumeration shall be adjusted as needed. Deleted language is shown as lined out, with new language in *bold italics*, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 5-2-1 to recommend that Town Meeting adopt Article 17.

Background

As part of the ongoing effort to implement the goals of the Amherst Master Plan, Article 17 proposes to add form-based regulations to Amherst's existing Zoning Bylaw and to create new zoning districts in North Amherst village center and at Atkins Corners. Current zoning regulations govern what kinds of land uses are allowed, how they are permitted, and how dimensions and density are controlled. Under Article 17, those regulations would continue to operate in all existing districts as well as in the proposed new form-based zoning districts.

The principal change under Article 17 is that a new layer of form-based regulations would be added for new form-based zoning districts. Form-based regulations are design regulations which determine the overall design (form) of new development in terms of how streets, buildings and associated sites, open spaces, parking, and landscaping, are developed.

**CURRENT ZONING
BYLAW SECTIONS**

Regular Zoning Districts
 Special Districts
 Uses (what permits are required)
 Development Methods
 Accessory Uses
 Dimensional Regs.
 Parking Regs.
 Sign Regs.
 Non-Conforming Lots/Uses/Structures
 Definitions, etc.
 Demolition Delay
 Inclusionary Zoning

PROPOSED

Regular Zoning Districts
 Special Districts (*incl. Form-Based Districts*)
 Uses (what permits are required)
 Development Methods
 Accessory Uses
 Dimensional Regs.
 Parking Regs.
 Sign Regs.
 Non-Conforming Lots/Uses/Structures
 Definitions, etc.
 Demolition Delay
 Inclusionary Zoning
Form-Based Regulations (for FB Districts only)

So Article 17 adds another layer of design regulation to Amherst’s zoning, for specific districts. It does not remove any regulations. Currently, the ‘form’ aspects of development are controlled through the regulations governing uses and dimensions, and—principally—by the permitting boards who apply those regulations to applications on a case-by-case basis. In form-based districts, the permitting boards will retain control, but the regulations will pre-determine a more consistent general form and layout for streetscapes, new buildings, and new open spaces. Some use and dimensional regulations will be modified or approached in different ways because the ‘form’ aspects of their work will already have been done by the basic form requirements.

The amendments under Article 17 do several things:

Add General Form-Based Regulations ~ A new section, Article 16, is added to the Zoning Bylaw establishing general new form-based regulations applying to all form-based zoning districts in village centers or other areas of Amherst, and referencing other Bylaw sections as needed.

Add Location-Specific Form-Based Regulations ~ New form-based regulations (also in the new Article 16) are added which apply only to the North Amherst Village Center (NAVC) or to the Atkins Corners (AC) districts, to reflect their very different design characters.

Add New Form-Based Zoning Districts ~ New form-based zoning districts are established in Article 2 of the Zoning Bylaw and on the Official Zoning Map for North Amherst Village and Atkins Corners. As with all zoning, these form-based districts will determine which regulations will apply in which locations:

North Amherst

North Amherst Village Center (NAVC) District - Replaces several existing districts (B-VC, COM, R-N) where shown.

Village Form Residence (R-VF) overlay district - Overlays transitional residential districts (R-VC, R-N) at the edges of North Amherst Village and imposes form-based requirements preserving existing character.

Atkins Corners	<p><i>Atkins Corners (AC) District</i> – Replaces existing districts (B-L, R-O) where shown.</p> <p><i>Education Form (ED-F) overlay district</i> – Overlays the edge of the proposed extension of the ED District along West Bay Road and West Street. In each case, it will be across those roads from new AC zoning, and serves to make the streetscape treatment consistent on both sides of the road.</p>
----------------	--

With the exception of the new form-based rules, regulations for how specific uses are permitted and dimensions are regulated in the NAVC and AC Districts are with some minor exceptions modeled on the regulations for the existing mixed use B-VC District.

Proposes Other Rezoning ~ The Official Zoning Map is proposed to change in these village centers in other ways, as well:

North Amherst

Montague Road R-N→R-VC - Some properties on both sides of Montague Rd. north of the Mill River are proposed to be rezoned from Neighborhood Residence (R-N) to *Village Center Residence (R-VC)* to serve as a transitional zone between the existing R-N District and the new NAVC District. The existing R-VC District on North Pleasant, Meadow, and Pine Streets in the southern portion of North Amherst village center was created in 1990 to serve as a transition between the R-N and B-VC Districts.

Atkins Corners

Hampshire College R-O→ED - Hampshire College property north and west of the intersections of West Bay Rd. and West St. is proposed to be rezoned from Outlying Residence (R-O) to *Educational (ED) District*, to extend the ‘cultural village’ portion of the campus to the adjacent roadways.

Hampshire Village R-O/PURD→R-VC/PURD - The underlying Outlying Residence (R-O) zoning for the Hampshire Village PURD is proposed to be rezoned to *Village Center Residence (R-VC)*, to help address existing non-conformities.

Bay Road R-O→R-LD - The frontage of existing parcels in Outlying Residence (R-O) along the south side of Bay Road east of the center is proposed to be rezoned to *Low Density Residence (R-LD)* to be consistent with the zoning on the rear of those same properties.

South West Street R-O→R-LD - A section of existing Outlying Residence (R-O) zoning extending beyond (east of) the rear of existing frontage properties along the east side of West Street opposite the intersection of Country Corners will be rezoned to *Low Density Residence (R-LD)* to be consistent with the zoning on the remainder of the affected property.

Revises Sections of the Zoning Bylaw ~ Whenever new zoning districts and/or significant new regulations are created, existing sections throughout the Zoning Bylaw need to be amended to reflect or refer to the proposed changes:

- *Section 3.3, Use Chart* - New regulations created for land uses in the proposed new NAVC and AC form districts, mostly echoing regulations in the B-VC and similar mixed use centers.
- *Article 6, Table 3, Dimensional Regulations* - New dimensional requirements are created for the proposed new NAVC and AC form districts.
- Minor amendments and references to the new form-based regulations are added in other existing sections throughout the Zoning Bylaw:
 - ~ *Article 2* - Zoning districts & purposes
 - ~ *Article 3* - Special districts and use regulations (general)
 - ~ *Article 5* - Accessory uses
 - ~ *Article 7* - Parking regulations
 - ~ *Article 8* - Sign regulations.
- *Article 12, Definitions* - Creates needed new form-related definitions. Also revises an existing unclear definition of “town house” and adds a missing definition for “apartments.”

Public Process

The amendments presented in Article 17 are the result of an extensive public process, which began with community outreach and stakeholder meeting in March and April of 2011, included two invitational community design workshops in May, two public presentations of village center concepts in July, a presentation of the draft plan and preliminary zoning in September, Planning Board public hearings on October 5 and 19, and an information session on form-based zoning on November 2.

Throughout this process, the Planning Board’s Zoning Subcommittee, which worked directly with the consultants and staff to develop Article 17, held over 25 publicly advertised meetings, most of which were well attended by interested stakeholders and citizens, and recorded for broadcast on Amherst Media (ACTV). The Zoning Subcommittee reported regularly on its progress at Planning Board meetings, all of which were broadcast live and replayed on Amherst Media.

All meeting minutes, publicly developed information, workshop results, draft plans, and proposed zoning drafts were posted on the Zoning Subcommittee page of the Town website:

www.amherstma.gov/zsc

Here is a timeline of the village center rezoning public process, with major public presentations shown in ***bold italics***:

Jan. & Feb. 2011	Development of RFP for consultant; solicitation of consultants
February 2, 9, 16, 23	Zoning Subcommittee meetings (ACTV, except for exec. sessions)
March 2011	Selection of Consultant

Amherst Planning Board

October 2011

March 2, 16, 28	Zoning Subcommittee meetings (ACTV, except for exec. sessions)
March and April 2011	Consultant Outreach and Stakeholder Meetings
April 6, 27	Zoning Subcommittee meetings (ACTV)
May 7, 2011	North Amherst Public Design Workshop
May 14, 2011	Atkins Corners Public Design Workshop
June 1, 8, 15, 29	Zoning Subcommittee meetings (ACTV)
July 6, 20	Zoning Subcommittee meetings (ACTV)
July 25, 2011	Preliminary Concept Plans for North Amherst
July 26, 2011	Preliminary Concept Plans for Atkins Corners
August 3, 17, 31	Zoning Subcommittee meetings (ACTV)
September 7	Planning Board - Draft Village Center Plans & Form-Based Zoning (on ACTV)
September 14, 21	Zoning Subcommittee meetings (ACTV)
October 3, 5, 12, 19, 26	Zoning Subcommittee meetings (ACTV, all but one)
October 5	Planning Board – Zoning amendment public hearing (ACTV)
October 4	Amherst Redevelopment Authority meeting
October 6	Zoning Board of Appeals meeting
October 11	Public Shade Tree Committee meeting
October 13	Finance Committee meeting (ACTV)
October 18	Town/Commercial Relations Committee meeting
October 19	Planning Board – Zoning amendment public hearing (ACTV)
October 20	Town Meeting Coordinating Committee warrant review (ACTV)
October 24	Select Board meeting (ACTV)
October 25	Atkins Corner presentation – Patterson Hall, Hampshire College
November 1	Amherst Redevelopment Authority meeting
November 2	Zoning Subcommittee meeting (ACTV)
November 2	Planning Board – Form-Based Zoning presentation (ACTV)

Public Hearing

The Planning Board held public hearings on Article 17 on October 5 and 19. To ensure property owner involvement, after the first hearing a mailed notice (not required by statute) was sent out to property owners in or within 300 feet of the village centers. Both hearings were heavily attended. The October 5 hearing focused generally on the North Amherst Village center zoning, and the October 19 hearing on the Atkins Corners zoning, though there was general discussion of both areas at both hearings. Residents, property owners, and citizens spoke both for and against the proposed zoning.

Regarding North Amherst Village Center ~ The most numerous and vocal expressions of opposition regarding the North Amherst rezoning were to the proposal to rezone the stretch of Montague Road north of the Mill River from the current R-N designation to R-VC, with adjacent neighbors concerned about the potential impacts of any increase in residential density in that area, with particular concern voiced about the relative likelihood of new housing being occupied by undergraduate students.

There were also numerous expressions of support for the zoning from other residents of North Amherst, including from residents of Pulpit Hill Road and Montague Road, as well as from business proprietors and the owners of commercial property in the center.

Regarding Atkins Corners Rezoning ~ The principal expression of opposition to aspects of the Atkins' Corners rezoning came from the owners of a property east and south of the proposed village center, who expressed concern about: 1) the impacts of development on adjacent streams feeding into their pond, 2) the impacts of firing range noise levels on the prospective occupants of any new residential development on the four properties (1174-1270 West Street) at the foot of the Holyoke Range below the long-established fish and game club, 3) whether or not the roundabout intersection designs could handle new traffic levels generated by village center development, and 4) whether it was wise to rezone which abut their own property and are immediately east and south of the two new roundabouts to the mixed use AC District properties.

There were expressions of support from representatives from Atkins Farm Market, Applewood, and Hampshire College, as well as other residents of South Amherst and the area immediately around the center.

There were also expressions of support for the form-based zoning approach

On October 19, following extended discussion, the Planning Board voted 5-2-1 to recommend that Town Meeting adopt Article 17.

Among the two Board members voting No, member Bruce Carson supported the amendments but was concerned about the timing—i.e., whether there had been enough opportunities for Town Meeting members to become familiar with and understand the article. He would prefer to defer the article until a Special Town Meeting in the winter. Member Richard Roznoy supported the amendments and shared some of the concern about timing, but voted No because he was unsatisfied with the level of public transit/alternative transportation planning in the visioning process and felt it was under-represented in the form-based regulations governing street types. Member Sandra Anderson abstained. She supported the amendments, but shared some of Mr. Carson's concerns about timing.

The majority of the Planning Board felt that the village center rezoning proposed under Article 17 responsibly and sensitively balanced the many different and often conflicting public and private interests expressed during the village center design workshops and throughout the public participation process, while implementing the community goals expressed in the Amherst Master Plan. They felt that the amendment was ready and complete, and that Town Meeting should be given the opportunity to review and adopt this important new zoning for two of Amherst's most important village centers.

ATTACHMENT

- A. Amend the Zoning Bylaw by adding a new Article 16.0 – Form Based Zoning, as follows:**

ARTICLE 16.0 FORM-BASED ZONING

16.0 Statement of Public Purpose

16.1 Base Zoning Districts and Overlay Districts

16.2 Street Types

16.3 Building Types and Site Dimensional Standards

16.4 Development Standards for Sites and Buildings

16.5 Public and Private Open Space Types

16.6 Nonconforming Lots, Uses and Structures

16.7 Off-Street Parking and Access Standards

16.8 Landscaping, Screening and Lighting Standards

16.9 Administration

ATTACHMENT A containing New Article 16 – Form-Based Zoning is available for inspection at the offices of the Town Clerk and Planning Board

- B. Amend Section 2.04 – Special Districts, by adding the North Amherst Village Center (NAVC) District and the Atkins Corners (AC) District, Village Form Residence Overlay District (R-VF), and Educational Form Overlay District (ED-F), as follows:**

NAVC North Amherst Village Center

AC Atkins Corners

R-VF Village Form Residence Overlay District

*ED-F Educational Form Overlay District**

**Note: This area in the AC District has not yet been rezoned to Education District.*

ATTACHMENT B containing Amendments to Article 2 – Zoning Districts (Section 2.04 Special Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

- C1.A Amend Section 3.21 – Educational District (ED) to establish form overlay district boundary as follows:**

ATTACHMENT C1A – Amendments to Article 3 – Use Regulations (Section 3.21 – Education District) is available for inspection at the offices of the Town Clerk and Planning Board.

C1.B Amend Section 3.01 – Prohibited Uses – All Districts as follows:

ATTACHMENT C1B – Amendments to Article 3 – Use Regulations (Section 3.01 – Prohibited Uses – All Districts) is available for inspection at the offices of the Town Clerk and Planning Board.

C2. Amend Section 3.3 – Use and Classifications Standards by adding the NAVC and AC Districts and establishing allowable uses for each land use category, as follows:

ATTACHMENT C2 – Amendments to Article 3 – Use Regulations (Section 3.3 – Use and Classification Standards) is available for inspection at the offices of the Town Clerk and Planning Board.

D. Amend Article 5 – Accessory Uses in the following sections:

Section 5.0111 regarding Supplemental Apartment
Section 5.013 regarding Home Occupation
Section 5.041 regarding Seasonal Outdoor Dining, etc.
Section 5.042 regarding Live or Pre-Recorded Entertainment, etc.
Section 5.0430 regarding Drive-Through Facilities
Section 5.061 regarding Recreation Ways
Section 5.070 regarding Limited Manufacturing Activity
Section 5.081 regarding Licensed Day Care Facility
Section 5.090 regarding Farm Conference Center
Section 5.091 regarding Farm Stand Restaurant

ATTACHMENT D – Amendments to Article 5 – Accessory Uses is available for inspection at the offices of the Town Clerk and Planning Board.

E. Amend Section 6.1, Table 3 – Dimensional Regulations by adding new dimensional standards for the NAVC and AC Districts, as follows:

ATTACHMENT E – Amendments to Article 6 – Dimensional Regulations (Table 3) is available for inspection at the offices of the Town Clerk and Planning Board.

F. Amend Article 7 – Parking Regulations for the NAVC and AC Districts, as follows:

ATTACHMENT F – Amendments Article 7 – Parking Regulations (Section 7.9 Waivers) is available for inspection at the offices of the Town Clerk and Planning Board.

G. Amend Article 8 – Sign Regulations for the NAVC and AC Districts, as follows:

Section 8.101 regarding Numbers of Signs and Dimensions in the R-VF
Section 8.2 regarding signs in the AC and NAVC Districts
Section 8.24 regarding additional signs in the AC and NAVC Districts
Section 8.25 regarding additional signs in a National Historic Register District

ATTACHMENT G – Amendments to Article 8 – Sign Regulations is available for inspection at the offices of the Town Clerk and Planning Board.

H. Amend Section 12.0 – Definitions

ATTACHMENT H – Amendments to Article 12 – Definitions (Additional definitions related to Form-Based Zoning) is available for inspection at the offices of the Town Clerk and Planning Board.

I. Amend Official Zoning Map (Section 2.1) by adding the following districts and overlay districts as shown on Attachment I – Figures 1A and 1B.

NAVC North Amherst Village Center
AC Atkins Corners
R-VF Village Form Residence Overlay District
ED-F Educational Form Overlay District

ATTACHMENT I – Amendments to the Official Zoning Map (Section 2.1) is available for inspection at the offices of the Town Clerk and Planning Board.