



PLANNING BOARD

Report to Town Meeting

**ARTICLE 27 MUNICIPAL PARKING DISTRICT
(Planning Board)**

To see if the Town will amend the Official Zoning Map and Sections 2.04, 3.2, and 7.4 of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 5-0 to recommend that Town Meeting adopt Article 27.

Background

Article 27 is a largely technical change that seeks to update and bring into legal compliance an existing section of the Zoning Bylaw—Section 7.43, Municipal Parking Zone—by changing a geographic “zone” delineated only through language in the Zoning Bylaw into a formal overlay zoning district that appears on the Official Zoning Map.

Fixing a Legal Problem - State law dictates the way in which zoning districts are supposed to function:

Any zoning ordinance or by-law which divides cities and towns into districts shall be uniform within the district for each class or kind of structures or uses permitted.

Districts shall be shown on a zoning map in a manner sufficient for identification. Such maps shall be part of zoning ordinances or by-laws. . . . [MGL Ch. 40A, Section 4]

In other words, the regulations for any given zoning district in a community are supposed to be the same (uniform) throughout that district, wherever it appears. And if zoning creates a geographic district to be regulated in a distinct manner, then that regulated district is supposed to appear on a zoning map. The current Municipal Parking Zone has problems on both fronts: 1) it makes the rules in one part of the General Business (B-G) District (the south end) different than in the rest of the same district—a

‘uniformity’ problem, and 2) the Municipal Parking Zone is not shown on the Official Zoning Map at all, much less “in a manner sufficient for identification”. Article 27 seeks to correct those problems by converting the Municipal Parking Zone into an actual overlay zoning district that appears on the Zoning Map.

History & Purpose - The Municipal Parking Zone was added to the Zoning Bylaw sometime between 1958 and 1961, and it exempted most land uses from the need to provide parking within an area around the south end of the historic core of the downtown business district, described in the Bylaw as follows:

The "Municipal Parking Zone" shall consist of that portion of the area now or subsequently designated as a General Business District, which lies within the following bounds:

On the north: Kellogg Ave., and an extension of its center line to the west;
On the east: Churchill St. and an extension of its center line to the north and south;
On the south: College Street and an extension of its center line to the west;
On the west: North and South Prospect Streets.

College residence halls and larger private lodging uses (hotels or motels) still had to provide parking, but most other uses were exempted. The purpose of the “Zone” was to encourage denser development in this area, and to prevent valuable downtown commercial property from being occupied by private parking lots. The presumption was that providing enough parking in this area would be a public responsibility.

Updating the Language - In the nearly 40 years since this provision was adopted, there have been many changes in the Zoning Bylaw, but this section has never been amended to reflect them. As a result, the language of this section refers to categories of land uses in the Zoning Bylaw that no longer exist in that form, and there are new land use categories that the existing language of the section does not recognize. Article 27 updates the language to reflect these changes.

Updating the Boundaries – The Municipal Parking Zone created its roughly square area of jurisdiction by simply extending the center lines of streets at its borders until those lines ran into other projected lines, with some odd results. At the northeast and northwest corners of the zone, the ‘extended’ boundary runs through one residential building and includes four residential buildings that are not part of the downtown. At the northwest corner, the boundary passes through the St. Brigid’s church property, including the parsonage but excluding the church itself, and splitting the rectory hall in two diagonally. While these anomalies do not create meaningful regulatory problems, they are confusing from the standpoint of a citizen or property owner trying to make sense of a zoning district on a map. The boundaries of the proposed new Municipal Parking District will exclude the four houses at the northeast corner, and will run the new boundary down Cowles Lane so as to include the entire St. Brigid’s property.

Policy Issues – During development and consideration of this technical correction, several substantial policy issues were raised:

- How much of the downtown General Business (B-G) District should the Municipal Parking District affect?
- Should the Municipal Parking District regulations apply to the abutting B-L Districts as well?

- Are there ways in which the regulations within this district should be adjusted to include or exclude other uses?
- What other changes in downtown zoning parking regulations should be considered?

For the purposes of completing this amendment as a straightforward technical change, the Planning Board has deliberately chosen to not address these issues under Article 27, but instead to add them to the growing list of needed amendments for further development and consideration at a future Town Meeting.

Public Hearing

The Planning Board held a public hearing on Article 27 on Wednesday, March 5, 2008. There was no public comment. After discussion, the Board voted 5-0 to recommend that Town Meeting adopt Article 27.

~ ATTACHMENT ~

ARTICLE 27 MUNICIPAL PARKING DISTRICT

To see if the Town will amend the Official Zoning Map and Sections **2.04, 3.2, and 7.4** of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. To amend Section 2.04, as follows:

2.04 Educational *Special* Districts

ED Educational

ED zoning allows any use of land and buildings which may legally be carried on by, or under the auspices of, the college or university which owns or manages the property. It is intended that the Educational District only include land which is owned or managed by Amherst College, Hampshire College, or the University of Massachusetts.

MP Municipal Parking

The MP District is an overlay district intended to include selected areas of the downtown General Business (B-G) District and abutting General Residence (R-G) District. Within the MP District, a wide range of permitted retail, service, commercial, and residential uses shall be exempted from the requirement to provide off-street parking spaces. It is the policy of the Town of Amherst to encourage dense multi-use development in its Town Center. Toward that end, provision of adequate off-street parking to support development within the MP District is assumed to be a public responsibility.

B. To amend Section 3.2, as follows:

SECTION 3.20 SPECIAL DISTRICTS REQUIREMENTS

3.26 ~~[RESERVED FOR FUTURE USE]~~ ***Municipal Parking District***

See Section 7.4 of this Bylaw for Purpose and Requirements

C. To amend Section 7.4, as follows:

SECTION 7.4 MUNICIPAL PARKING ~~ZONE~~ ***DISTRICT***

7.40 *General*

The Municipal Parking District is an overlay district and shall be superimposed on other districts established by this Bylaw. Restrictions and prohibitions of

land use in the underlying district shall remain in full force and shall not be modified by the conditions of the MP District unless superseded by the restrictions and prohibitions of the MP District.

7.41 Establishment of District

The Municipal Parking District shall consist of those geographic areas shown on the Official Zoning Map. This District is configured to include those lands which constitute the developed core of the downtown business area and immediately abutting residential areas.

7.42 Purpose

The purpose of this district is to encourage the dense development of mixed-use buildings and pedestrian spaces in Amherst Town Center. Toward that end, provision of necessary off-street parking for the majority of uses within the MP District is assumed to be a public responsibility.

7.43 Regulation

Notwithstanding the other provisions of ~~this~~ ~~S~~section 7.0, off-street parking spaces need not be provided for any *principal or related accessory uses under the following categories of Section 3.3, Use Chart: Residential Use (Section 3.32), Retail Business or and Consumer Service Use (Section 3.35), and any Commercial or Research and Industrial Use (Section 3.37), or any Residential Use (Section 3.32) excepting fraternities, sororities, dormitory, hotel or motel, which is located within the "Municipal Parking Zone" District as herein defined. The "Municipal Parking Zone" shall consist of that portion of the area now or subsequently designated as a General Business District, which lies within the following bounds: The following uses, which shall be required to meet the parking requirements of this Bylaw within the MP District: dormitory or similar college residence hall, hotel or motel, inn, and all principal and accessory uses under other categories of Section 3.3, Use Chart, not exempted under this section.*

~~On the north: Kellogg Ave., and an extension of its center line to the west;~~
~~On the east: Churchill St. and an extension of its center line to the north and south;~~
~~On the south: College Street and an extension of its center line to the west;~~
~~On the west: North and South Prospect Streets.~~

D. To add the Municipal Parking (MP) overlay district to the Official Zoning Map.