



PLANNING BOARD

Report to Town Meeting

**ARTICLE 28 DESIGN REVIEW DISTRICTS
(Planning Board)**

To see if the Town will amend the Official Zoning Map and Sections 2.04 and 3.2 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 unanimously (5-0) to recommend that Town Meeting adopt Article 28.

Background

As with the Municipal Parking Zone, Article 28 is a largely technical change that seeks to update and bring into legal compliance an existing provision of the Zoning Bylaw that regulates uses in downtown “zones” that exist only in the language of the Zoning Bylaw, by turning those areas into formal overlay zoning districts that appear on the Official Zoning Map, and by amending the language of the Zoning Bylaw to reflect that change.

The Design Review Board (DRB) and its two areas of downtown jurisdiction were developed by the Planning Board and Historical Commission and adopted by Town Meeting in October 1983, partly in reaction to the construction of the jarringly-different “Internationalist” style bank building (now Bank of America) at the southwest corner of the main downtown intersection. At the time, the DRB was given three areas of jurisdiction:

1. Any exterior change in the downtown B-G and abutting B-L districts requiring a building permit or zoning permit; or
2. Any exterior change of any kind to a building or site, whether or not a permit was required, within 150 feet of the exterior curb around the green spaces of Amherst’s historic Town Common; or
3. Any change to a Town building or site anywhere in Amherst that constitutes more than routine maintenance.

Notice that while the first two have different thresholds of regulation (and overlap in some places), both apply to portions of the downtown B-G District. So these distinct areas of jurisdiction have the effect of

making the regulations in some parts of the B-G District different than they are in other parts of the same B-G District. That is a problem under state law, which requires that the rules in any given zoning district be ‘uniform’ throughout the district.

Further, neither of the two downtown areas of DRB jurisdiction appear on the Official Zoning Map, which is also a problem under state law. To resolve these technical deficiencies, Article 28 proposes to make the two distinct areas of DRB jurisdiction into two formal overlay zoning districts—the Design Review (DR) District and the Town Common Design Review (TCDR) District—and place them on the Zoning Map.

Although the purposes of these two districts is established in the new language, it is consistent with language already in the Bylaw and with previously established public intent, and there are no other changes proposed that alter the way in which the current design review regulations operate. As it did with the Municipal Parking District, the Planning Board chose to make these amendments as strictly technical changes, and to defer to a later date any more complex policy issues that arose during development and review of the proposed amendments.

Public Hearing

The Planning Board held a public hearing on Article 28 on Wednesday, March 5, 2008. There was no public comment. After discussion, the Board voted 5-0 to recommend that Town Meeting adopt Article 28.

~ ATTACHMENT ~

ARTICLE 28 DESIGN REVIEW DISTRICTS

To see if the Town will amend the Official Zoning Map and Sections 2.04 and 3.2 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.

DR Design Review

The DR District is an overlay district intended to include the General Business (B-G) District, and the abutting Limited Business (B-L) districts. The purpose of the DR District is to support the success and vitality of Amherst's Town Center by assuring that the historic character, aesthetic character, and functional quality of the design of Town Center buildings and sites are protected and enhanced. The DR District corresponds to those areas where the exterior design of new development or alterations requiring permits is subject to review by the Design Review Board.

TCDR Town Common Design Review

The TCDR District is an overlay district intended to include the Amherst Town Common and sites within 150 feet of the Common, as measured from the outside edges of the curbs bordering the three sections of the Common, parking lots and interior road ways. The purpose of the TCDR District is to protect and enhance of the design of the historic Town Common and that of the surrounding buildings and landscapes. The TCDR District corresponds to those areas where the exterior design of new development or alteration on or within the vicinity of the Town Common is subject to review by the Design Review Board.

B. To amend Section 3.2, as follows:

SECTION 3.2 SPECIAL DISTRICTS REQUIREMENTS

3.20 Design Review *Districts**3.200 General*

The Design Review District (DR) and Town Common Design Review District (TCDR) are overlay districts 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 DR or TCDR Districts unless superseded by the restrictions and prohibitions of said districts.

3.2000 Establishment of Districts

The Design Review District (DR) and Town Common Design Review District (TCDR) shall consist of the geographic areas shown for these districts on the Official Zoning Map.

~~3.200~~ 3.2001 Purpose

The purpose of this section *and these districts* is to preserve and enhance the Town's cultural, economic and historical resources by providing for a detailed review of all changes in land use, the appearance of structures and the appearance of sites which may affect these resources. The review procedures are intended to:

- 1) Enhance the social and economic viability of the Town by preserving property values and promoting the attractiveness of the Town as a place to live, visit and shop;
- 2) Encourage the conservation of buildings and groups of buildings that have aesthetic or historic significance;
- 3) Prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and
- 4) Encourage flexibility and variety in future development.

3.201 Design Review Board [NO CHANGE]

3.202 Reviewable Actions

The following types of actions shall be subject to review by the Design Review Board and shall be subject to the design standards herein.

3.2020 Actions in the ~~Downtown B-G & B-L~~ **DR** Districts

All new structures, alterations or additions to existing structures, changes in outdoor land use or changes in site design which require a building permit, Site Plan Review, Special Permit or Variance and which affect the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board, provided that the action occurs within the General Business (B-G) District or abutting Limited Business (B-L) zoning districts.

3.2021 ~~Exterior actions within 150 feet of the Town Common~~ **Actions in the TCDR District**

Any construction, alteration, demolition or removal that affects the exterior architectural appearance of a building or site shall be subject to review by the Design Review Board provided that the site is on or within 150 feet of the Amherst Town Common, as measured from the outside edges of the curbs bordering the three sections of the Common's *greenspace*, parking lots and interior road ways inclusive.

Exterior architectural appearance shall be defined as the architectural character and general composition of the exterior of a building, including but not limited to the kind, color and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.

The appearance of a site shall be defined as the character, layout and general composition of the

site, including but not limited to the kind, color and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures and all other appurtenant elements.

3.2022 Actions by Town Government [NO CHANGE]

- C. To add the Design Review (DR) and Town Common Design Review (TCDR) overlay districts to the Official Zoning Map.**