



**PLANNING BOARD**

**Report to Town Meeting**

**ARTICLE 8 B-G & B-VC RESIDENTIAL DENSITY**

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To see if the Town will amend Sections 3.322, 3.323, and footnote b. of Table 3, Dimensional Regulations, as follows:

*~ SEE ATTACHMENT ~*

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Recommendation

The Planning Board voted 6-0 to recommend that Town Meeting adopt Article 8.

Background

Article 8 seeks to encourage and increase residential density in the “centers of the centers”—the General Business (B-G) District in downtown Amherst, and the Village Center Business (B-VC) districts in East Amherst center, North Amherst center, Pomeroy Village (West Street/Pomeroy Lane), and at Gatehouse Road. This furthers the community’s longstanding policy of trying to focus new development in existing centers and seeks to encourage a critically-important residential presence in center business districts, helping to support and sustain local businesses and promote Amherst’s centers as centers of community activity.

Article 8 promotes a sustainable approach to new development, encouraging new residential units to be located within walking distance of jobs, shopping, services, utilities, public transit, and cultural events. By encouraging increased density in these districts, Article 8 increases the likelihood that new development will provide affordable housing units under Amherst’s inclusionary zoning provisions.

Article 8 would accomplish this by removing the use of existing basic minimum building lot area requirements as the method for calculating the number of dwelling units possible on any given property. Instead, the ‘building envelope’ established by existing dimensional regulations would regulate total density. Those dimensional regulations limit the size and coverage of new buildings and would remain unchanged and in place. Development on any given site could be no greater than is currently permitted. What would change would be the potential number of residential units.

Existing Dimensional Limitations

The existing dimensional regulations create several important limitations on new development:

- They require that buildings be set back a given distance from front, side and rear property boundaries.
- They limit the percentage of any lot that can be covered by buildings (building coverage), or by buildings-plus-impermeable surfaces (lot coverage).
- They limit the overall height and number of floors on new buildings.

	<u>B-G</u>	<u>B-VC</u>
Front setback	0 feet or 20 feet <sup>1</sup>	10 feet
Side/Rear Yard	0 feet or 10 feet <sup>2</sup>	25 feet
Bldg. Coverage	0%	35%
Lot Coverage	95%	70%
Maximum Floors	4	3
Maximum Height	50 feet	40 feet

1. If property is within 200 feet of the side boundary of a residential district abutting the same street in the same block; otherwise no front setback required.
2. When the affected property adjoins a residential district or if any side/rear setback is being provided (ex., to provide fire vehicle access); otherwise not required.

Other Limitations

In addition to dimensional limitations, many other factors limit the maximum number of residential units possible in a development on any given property. These include:

- Other zoning requirements: parking requirements (2 spaces/unit), on-site circulation needs, emergency vehicle and delivery access, landscaping, recreation space, etc.
- Environmental regulations requiring setbacks and imposing limitations on development near wetlands, perennial streams, and floodplains.
- Historical considerations, including demolition delay review, which can affect building layout and design.
- Code requirements on building construction, handicapped accessibility, fire safety, and health which regulate aspects of the site and building design and affect the interior dimensions of residential construction.
- Fire codes regulating the need for exterior access to buildings on the site and the dimensions of interior circulations and entrance/exit ways.
- Market conditions—i.e., the size and kind of residential units that developers can afford to build, that prospective tenants or owners will prefer, and that anyone is willing to pay for.

Design Review

Article 8 would require the permitting board to apply existing design review standards and principles [see attached] to any new construction of townhouses or apartments—the densest forms of residential

development—in these districts. Currently, those standards and principles are available for the use of permit boards, should they choose to use them. In practice, they seldom do.

In the B-G District, the Design Review Board (DRB) process provides a review of exterior changes, but only as an advisory step in the permitting process. The DRB’s recommendations are not mandatory requirements; they can be accepted or rejected. There is no equivalent design review process in the B-VC District. Article 8 would require the permit-granting body itself to apply these design guidelines as part of its own permit review process, enabling it to impose more carefully refined design conditions on any development.

Current Regulations

Amherst has long attempted to encourage greater residential density in the B-G and B-VC districts, but in modest ways. Single family residences and duplexes—which use up a lot of land area for the small number of dwelling units they create—are prohibited in these districts. All permitted new residential development in the B-G and B-VC districts involves 3 units or more.

Currently, if ground floor units are included, residential density in the B-G and B-VC District is calculated by requiring a Basic Minimum Lot Area (the land area required to establish a legal single family building lot) for the first unit, and then an Additional Lot Area/Family is required for each additional unit. For residential development in these districts that involves only upper floor units, only the Additional Lot Area/Family is required for each unit.

	Lot Area Requirements	
	<u>B-G</u>	<u>B-VC</u>
Basic Minimum Lot Area	12,000 sq. ft.	15,000 sq. ft.
Additional Lot Area/Family	1,250 sq. ft.	4,000 sq. ft.
For Three Units (Ground floor)	14,500 sq. ft.	23,000 sq. ft.
For Three Units (Upper floors only)	3,750 sq. ft.	12,000 sq. ft.

A Downtown Example

What effect do these requirements have? Consider the Cook’s Block, the historic three-story brick building housing Subway Sandwich Shop and Amherst Books at the main downtown intersection in the B-G District. The property is about 5,445 sq. ft. in area. No residential development involving even one ground floor unit would be possible on this property under the current regulations—there isn’t enough lot area. The property would support only four (4) upper floor units ( $5,445 \div 1,250 = 4.356 \approx 4$ ), even if a fourth floor was added, because the density limit is currently determined by lot area, not by the square footage available in an existing or new building.

Instead, assume that there were no lot area requirements, that the Cook’s Block had been renovated to support four floors, and that the developer only wanted to create residences on the two top floors (there are offices throughout the building at present). If each dwelling unit was 800 sq. ft. in size and 20% of

the area of each floor was reserved for circulation (stairs, hallways, etc.) and utilities, then as many as 10 units would be possible in a renovated Cook's Block on this property. Three floors of residential use would accommodate 15 units. The amount of interior building space—rather than simple lot area—would dictate what was possible.

#### Suburban Rules for 21<sup>st</sup> Century Centers?

As can be seen, the existing minimum lot area requirements strongly limit residential development in Amherst's centers. The Basic Minimum Lot Area and Additional Lot Area/Family requirements are vestiges of 1960s-1970s suburban subdivision development regulations. The Basic Minimum Lot Area is the suburban single family lot. Many downtown and village center properties do not meet these requirements—many B-G and B-VC properties are small, owing to long years of increasingly efficient use of limited land. Because Amherst's Zoning Bylaw retains these suburban dimensional regulations for its centers, Amherst's mixed use business districts cannot support residential development even as dense as the expected norm when the centers were developed. Nor can these regulations respond well to Amherst's future needs, and allow responsible, sustainable development in our centers.

Article 8 proposes to remove these requirements and encourage increased residential density in Amherst's centers.

#### Public Hearing

The Planning Board held a public hearing on Article 8 on October 1, 2008. Citizens present expressed support for the intent of the article. Some voiced concern over the impacts on adjacent neighborhoods if the proposed change was extended to the Limited Business (B-L) districts abutting the downtown B-G District. That extension was not supported by the Planning Board. After further discussion, the Planning Board voted unanimously, 6-0, to recommend that Town Meeting adopt Article 8 as proposed.

## ATTACHMENT ~ ARTICLE 8

To see if the Town will amend Sections 3.322, 3.323, and footnote b. of Table 3, Dimensional Regulations, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the following language in ***bold italics*** as follows:

- A. Amend footnote b. of Table 3, Dimensional Regulations, as follows:
- b. Applies to Residence Uses only (Section 3.32). In the B-G and B-VC districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor ***of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area and Additional Lot Area/Family requirements shall not apply.*** For a Section 3.325 use, or any other ***residential*** use in these ***B-L and COM*** districts where all residential dwelling units are located on upper floors, no Basic Minimum Lot Area shall be required and the Additional Lot Area/Family requirement shall apply to all dwelling units.
- B. Amend the following paragraph of the Standards & Conditions for Section 3.322, Town House:

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ ***Permit Granting Board or Special Permit Granting Authority*** shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed. ***In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the design review provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.***

- C. Amend the following paragraph of the Standards & Conditions for Section 3.323, Apartments:

No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ ***Permit Granting Board or Special Permit Granting Authority*** shall be included as an integral part of any application under this section. ***In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the design review provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.***

**DESIGN REVIEW PRINCIPLES & STANDARDS (for information only)**

## 3.2040 General Principles

- 1) Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.
- 2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
- 3) Stylistic features distinctive to the architecture of a specific building, structure or landscape, or examples of skilled craft which characterize a building, structure or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided whenever possible.
- 4) Contemporary design for new structures or sites, alterations or additions to existing properties shall not be discouraged when such new development, alterations or additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the design character of the surrounding environment.
- 5) The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance and usability of existing buildings, structure and sites.

## 3.2041 Design Review Standards

The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action.

- 1) Height - The height of any proposed alteration should be compatible with the style and character of the building, structure or site being altered and that of the surroundings.
- 2) Proportions - The proportions and relationships of height to width between windows, doors, signs and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.
- 3) Relation of Structures and Spaces - The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.
- 4) Shape - The shape of roofs, windows, doors and other design elements should be compatible with the architectural style and character of a building or site, and that of its surroundings.

- 5) Landscape - Any proposed landscape development or alteration should be compatible with the character and appearance of the surrounding area. Landscape and streetscape elements, including topography, plantings and paving patterns, should provide continuity and definition to the street, pedestrian areas and surrounding landscape.
- 6) Scale - The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings and other street and site elements should be determined by and directed toward the use, comprehension and enjoyment of pedestrians.
- 7) Directional Expression - Building facades and other architectural and landscape design elements shall be compatible with those of others in the surrounding area with regard to the dominant vertical or horizontal expression or direction related to use and historical or cultural character, as appropriate.
- 8) Architectural and Site Details - Architectural and site details including signs, lighting, pedestrian furniture, planting and paving, along with materials, colors, textures and grade shall be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area. In the downtown business districts, these details should blend with their surroundings to create a diverse, functional and unified streetscape.
- 9) Signs - The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations and uses, while remaining subordinate to the architecture and larger streetscape. The choice of materials, color, size, method of illumination and character of symbolic representation on signs should be compatible with the architectural or landscape design style of the structure or site, and those of other signs in the surroundings.