



**PLANNING BOARD**

**Report to Town Meeting**

**ARTICLES 24 & 25. VILLAGE CENTER REZONING  
(Planning Board)**

**ARTICLE 24. Form-Based Zoning & Atkins Corner Rezoning**

To amend the Zoning Bylaw and Official Zoning Map as shown in the document “Town of Amherst, Village Center Form-Based Zoning”, as follows:

*Add Form-Based Design Regulations*

1. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corner and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

*Add Form-Based Design Regulations for Atkins Corners*

2. To add those regulations under Article 16, Form-Based Regulations, specific to zoning districts and overlay districts in Atkins Corner village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including all amendments specific to the Atkins Corner village center.

*Add Atkins Corners zoning districts to Official Zoning Map*

3. To amend zoning district boundaries as shown on Figure 1A for the Atkins Corners village center.

**ARTICLE 25. Form-Based Zoning & North Amherst Rezoning**

To amend the Zoning Bylaw and Official Zoning Map as shown in the document “Town of Amherst, Village Center Form-Based Zoning”, as follows:

*Add Form-Based Design Regulations*

1. To add a new Article 16, Form-Based Regulations, excluding all regulations specific to Atkins Corner and North Amherst village centers, and to amend Sections 3.01 and 5.061, and Articles 7 and 12.

*Add Form-Based Design Regulations for North Amherst village center*

2. To add those regulations under Article 16, Form-Based Regulations, specific to North Amherst village center, and to amend Articles 2, 3, 5, 6, 7, 8, 12 and 16, as well as Section 3.3, Use Classification and Standards (Use Chart), and Table 3, Dimensional Regulations, including all amendments specific to North Amherst village center.

*Add North Amherst village center zoning districts to Official Zoning Map*

3. To amend zoning district boundaries as shown on Figure 1B for North Amherst village center.

~ SEE "TOWN OF AMHERST, VILLAGE CENTER FORM-BASED ZONING" ~

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**Recommendation**

The Planning Board voted 7-0 to recommend that Town Meeting adopt Article 24 and 7-0-1 to recommend that Town Meeting adopt Article 25.

**Background**

**Public Process** - Articles 24 and 25 are substantially the result of a community visioning and planning process conducted between April 2011 and October 2011, as part of the community's ongoing effort to implement the goals of the Amherst Master Plan. That process included two invitational community design workshops in May 2011, two separate public presentations of village center concepts in July 2011, a presentation of the draft plan and preliminary zoning in September 2011, Planning Board public hearings on October 5 and 19, 2011, and an information session on form-based zoning on November 2, 2011. There were approximately 30 public meetings held throughout the process.

The resulting rezoning proposals were presented to the Fall 2011 Special Town Meeting as Article 17, which received a 60% majority vote in favor, but failed by 13 votes to achieve the 2/3s necessary to adopt new zoning. Since last November, the Zoning Subcommittee of the Planning Board has held a Zoning Forum (December 15, 2011), a Roundtable discussion (January 4, 2012) on the village center rezoning, and eight additional meetings dedicated principally to reconsidering and revising the village center rezoning proposal. The Planning Board has held four separate public discussions of the village center rezoning (February 15, March 7 and 21, and April 4 (public hearing)) and provided guidance to the Subcommittee.

As a result, there have been extensive changes to the proposed rezoning, described in the Town Meeting handout "Articles 24 & 25, Village Center Rezoning: What's Different Since Last Fall?"

Among those changes, a decision was made to divide consideration of the village center zoning changes into two articles, allowing Town Meeting to vote separately on changes to zoning for Atkins Corners and North Amherst Village Center.

Articles 24 and 25 propose to do three things:

1. To add general new form-based design regulations to the Zoning Bylaw to govern the overall design of new growth and development in centers in Amherst.
2. To add new form-based design regulations that tailor the general form-based design regulations to the specific character of individual village centers, beginning with Atkins Corners (Article 24) and North Amherst village center (Article 25).

3. To rezone the official Zoning Map for Atkins Corners (Article 24) and North Amherst village center (Article 25). These zoning district changes would include:
- Adding new mixed-use center districts (one for each center) that incorporate form-based design regulations, and
  - Adding new overlay districts that apply form-based design regulations to existing or new residential or educational zoning districts, and
  - Changing the boundaries of existing zoning districts in ways which enhance the village centers, improve protections for existing historic and environmental resources, and correct longstanding problems.

The new form-based design regulations created under Articles 24 and 25 will apply only to the new form-based zoning districts and to those existing districts where a new overlay district is being added.

### **What Are Form-Based Regulations?**

Form-based design regulations protect, enhance, and guide the design character of specific areas. They function as an additional layer of zoning design regulations aimed at determining the eventual “form” of an area as it develops over time. Rather than focusing on specific (and usually temporary) details like color, building materials, signs, etc., form-based zoning focuses on making the overall design of the area meet community goals. This includes the design of private streetfronts, building character and site layouts, open spaces, and pedestrian and vehicular connections. Form-based zoning can be detailed, but its principal purpose is to preserve existing character by creating a consistent, sustainable overall design the community prefers.

The Amherst Master Plan specifically calls for the use of form-based zoning:

**LU.1.C Use flexible zoning techniques, such as form-based codes, to promote mixed-use development.**

Rather than focusing on the separation of land uses, form-based codes guide the creation of healthy mixed-use communities where building form, public space, and streetscape design take top priority. Unlike typical zoning practices, form-based ordinances allow the community to specify the various “types” of buildings, streets, and open spaces that will be featured in the plan. The objective is to create a setting that accommodates diverse uses over time, but is highly specific in terms of physical form. Using tools such as form-based codes, Amherst can increase the flexibility of development regulations, promote a mix of uses, and ensure that its desired character is retained. [From Chapter 3, Land Use]

Current zoning regulations govern which land uses are allowed (or not) in different zoning districts, and under what kinds of permits. They regulate design through the general dimensions of buildings and site changes, and the density of residential units, and any conditions imposed during the permit process. Under Articles 24 and 25, these standard regulations would continue to operate in all existing districts as well as in the proposed new form-based zoning districts. Some standard regulations for uses, dimensions, parking, etc. are proposed to be modified within the new form-based districts, to respond to the new ways that design is being controlled.

In addition to general form-based design regulations, Additional Development Standards (Section 16.41-43) are added to tailor the general form-based regulations to the unique characteristics of each area. The design character of North Amherst Village Centers, for instance, is very different from that of Atkins Corners East Amherst Village. Each area needs its own distinct regulations.

***Predictability and Consistency*** - Under standard zoning, the ‘form’ of an area is determined by how permitting boards interpret and apply zoning regulations for uses, building and site dimensions, parking requirements, etc.. The result of making such decisions property-by-property can be seen in all of Amherst’s centers—the accumulation of decades of isolated, inconsistent permitting decisions.

With form-based zoning, the community decides ahead of time what it wants a given area to look like when its development is largely complete—not as a finished, static design locating every new building, parking space, bench, and tree, but in terms of the overall appearance and character of the center. Form-based regulations are crafted to produce that desired end product, no matter which properties are developed in what order, or how long it takes for an area to be built out. This provides applicants and permitting boards—whose memberships also change over time—consistent guidance about what an entire area should end up looking like, and how it should work.

***Costs*** - All zoning regulations represent community priorities, and they make development more expensive for property owners and developers than having no regulations at all. Usually the costs avoided by developers when zoning regulations do not represent community needs are paid for by the community in terms of lost opportunities, sites that are unattractive and don’t work well, and buildings and landscapes that are incompatible with the character or heritage of their surroundings.

Form-based zoning ensures that new design preserves local character, and that design works well for an individual property and how that property interacts with other properties around it. Form-based zoning prevents developers from using cheap, off-the-shelf designs. Requiring higher quality design increases developers’ short-term costs for design and construction, but it improves the quality, function, and value of the property in the long run. It avoids the long-term costs to the community that heedless design can impose.

Form-based zoning reduces costs by providing clear standards for how to design and layout new development and renovations. Amherst’s current zoning is general and highly discretionary, and creates uncertainty for developers, permit granting bodies, abutters, and the community—nobody knows what the outcome for any given development is supposed to be. This has the effect of requiring developers to spend more on creating a range of prospective designs, in order to help the permitting boards figure out what the design of a given site should include.

The funds invested in design directions that are rejected during the permit process are not available to be invested in the final product. Everybody ends up with a cheaper development. That process gets repeated all over for the site next door, and the one next to that.

Under form-based zoning, all parties have a better sense of the desired overall design outcome in advance. With basic design requirements known, developers can focus their investments in design on making a development attractive and of a higher quality.

*Flexible Controls* - As noted, in addition to the general form-based design regulations, specific form regulations are needed for each different center and district. The range of potential architecture is codified in the general regulations, but its details are not specified—those details are up to the developer to propose and the permitting board to work out during the permit review process.

Form-based regulations can also require variation, to reflect the historical accumulation of change over time and prevent a false “Disneyland” sameness. An example is the big house→little house→back house→barn farmhouse form specified for new residential buildings on Village Residential Streets in North Amherst. That form is typical of several very different kinds and periods of existing architecture in the village center, but includes its own variations.

The proposed regulations require that there be “variety and visual interest in the composition of building masses” and that there be “variation in the orientation of gable ends and roof ridges” for those buildings at the street. The result is new construction that is not standardized or ‘cookie-cutter’ (and does not exclude utterly modern design), but instead reflects and reinforces existing architectural fabric and neighborhood character.

### **Public Hearing**

The Planning Board held public hearings on Articles 24 and 25 on Wednesday, April 4, 2012. At each hearing, the Zoning Subcommittee reported on its work to date and indicated that it had voted unanimously (3-0) to recommend that the Planning Board recommend these articles to Town Meeting.

There was extensive public comment both for and against the articles, as there had been throughout the entire process. Following public comment and deliberation, the Planning Board voted 7-0 to recommend that Town Meeting adopt Article 24, and 7-0-1 to recommend that Town Meeting adopt Article 25.

The village center rezoning amendments were developed carefully through an extended, open public process. During that process, many legitimate community interests were identified—some of them sharply competing interests—and those interests have been addressed and incorporated in a balanced and fair manner in the proposed rezoning. Articles 24 and 25 acknowledge and take into account Amherst’s ongoing challenges in dealing with poorly controlled student rental housing. To the extent that zoning can, the proposed village center rezoning amendments respond to this issue, as one important element of the Town’s Safe and Healthy Neighborhoods Initiative currently underway.

Change is already underway in Amherst’s centers and adjacent neighborhoods. As the economy recovers, commercial property owners are exploring significant new projects. The zoning in place when those projects apply for permits will determine much of the direction of Amherst’s future, and whether new growth will reinforce or be destructive of community character. Amherst needs to shape and direct the change that is underway.

Zoning is just one of the tools. Many other public efforts will be required, including other new regulations, enhanced code enforcement, significant investments in new infrastructure, public transit, and other public improvements. These zoning amendments will set the tone and provide a framework of

community intention for other changes.

The Planning Board believes that Amherst's responsible, sustainable future depends on allowing and responsibly guiding development of this community's existing developed centers, and that time is pressing. Articles 24 and 25 propose to start the process of guiding and improving the future development of Amherst's centers, beginning with Atkins Corners and North Amherst village.

The Planning Board urges Town Meeting to adopt Articles 24 and 25.