

## SECTION 16.9 ADMINISTRATION

The following administration procedures are applicable to all Form-Based Districts (FBD), except where specifically modified.

## 16.90 General Administration

16.900 To ensure the effectiveness of the FBD in promoting the purposes of the Amherst Master Plan and this bylaw, Section 16.9 supplements development review processes and design standards in other sections of the Zoning Bylaw. Article 10 – Special Permit Granting Authority and Article 11 – Administration and Enforcement of this Zoning Bylaw shall continue to apply to FBD. However, where there are differences between this and other sections of the Zoning Bylaw, and where expressly identified or described herein, this section shall control.

16.901 The Permit Granting Board or Special Permit Granting Authority identified in Section 3.3 and in Section 10.3 of this Zoning Bylaw shall also serve as the Permit Granting Body under the standards and requirements of Article 16, and such other requirements of this bylaw as may be applicable. The Permit Granting Body shall grant no modification or alternative compliance to the requirements of this section which would amount to an amendment of this Bylaw.

## 16.91 Alternative Compliance

In order to encourage creativity, diversity, and best practices for public and private design and development in the FBD, the Permit Granting Body may waive, modify or vary standards as set forth in Article 16. The granting of any alternative compliance waiver, modification, or variance shall be based upon a finding by the Permit Granting Body that the proposed alternative meets all of the following criteria:

- (1) It is generally consistent with the *Amherst Master Plan, Section 2 – Goals & Policies, C. Key Directions for the Community* regarding village centers as a focus for the community’s economic life, cultural vigor and social activity.
- (2) It is in accordance with the purposes established under Section 16.00 of this Bylaw, in Sections 16.000 through 16.005, inclusive.
- (3) It is consistent with two or more of the following community goals and objectives: (a) provides for diverse additional housing meeting the needs of the community and the surrounding center or neighborhoods, with an emphasis on affordable housing; (b) spurs significant economic investment; (c) expands existing cultural facilities or creates new facilities; (d) promotes a vital and compatible mix of uses; and (e) generates improvements to the public realm (parks, streetscapes, and public squares).
- (4) It is in accordance with the applicable standards and criteria established in Sections 16.910 through 16.916 hereafter:

16.910 Two or More Primary Uses and Buildings on a Lot – The Permit Granting Body may allow more than one primary use and structure on a single lot in FBD as an exception to Section 3.01 of this Bylaw. In order for additional primary uses and structures to obtain approval, the applicant shall provide the Permit Granting Body with sufficient evidence that all proposed uses and structures comply with

the purpose statement in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The primary uses and buildings are complementary to one another, and are individually permitted in the FBD by right, site plan review or special permit. This excludes any use existing illegally or as a non-conforming use.
2. All uses within two hundred (200) feet of the proposed primary uses and buildings site have similar characteristics including intensity of lot usage, hours, noise level, amount of traffic, number of employees, size of structure and other distinguishing factors.
3. The combination of primary uses and structures shall not be detrimental to other uses within the FBD or to the adjoining land uses.
4. The alternative provides new local business development opportunities.
5. The alternative provides housing where appropriate and provides an appropriate mix of affordability levels and life cycle opportunities.

16.911 Street Types – The Permit Granting Body may allow for alternative forms of Street Types and requirements set forth in Section 16.2 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The alternative remains consistent with the Intent and Criteria from Section 16.2 that are associated with the most similar street type for which it is proposed as an alternative.
2. Where it is determined that the modifications or alternatives are consistent and compatible with the street design standards in the Amherst Subdivision Regulations.
3. The alternative maintains or improves pedestrian access, streetscape treatments, and open spaces.
4. The alternative eliminates or minimizes curbcuts and driveways.

16.912 Building Types and Site Standards – Alternative Building and Site Types – An applicant may propose alternative building and site types to the Permit Granting Body which shall decide whether to accept, modify, or reject such additional building types during the site plan approval process. If additional building types are proposed, comparable dimensional requirements shall also be proposed. The Permit Granting Body may provide relief from Building and Site Development Standards as set forth in Sections 16.3 and 16.4 when such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:

1. The alternative remains consistent with the Intent and Criteria from Section 16.3 that are associated with the most similar street type for which it is proposed as an alternative.

2. Alternative alignment of a building improves the appearance and visibility to the public, or where necessary to accommodate store entrances, sidewalk cafes, and public spaces required pursuant to the provisions of this section.
  3. Alternative designs shall not create significant interruption of the alignment of any sidewalk constructed on public or private property or will not otherwise interfere with pedestrian access.
  4. Where design alterations result from compliance with the Americans with Disabilities Act (ADA) requirements. Ramping shall be located primarily on the side of the building as opposed to directly in front of the building. Where ramping is necessary in front of the building, it shall be designed to also provide an attractive and inviting space for pedestrians such as outdoor dining and sitting areas, or integrated with landscaped terraces.
  5. The alternative provides for or supports mixed use development where appropriate.
  6. The alternative provides for shared access and parking.
  7. The alternative ensures new development is in accord with existing neighborhood character.
- 16.913 Public and Private Open Space Types – The Permit Granting Body may allow for alternative forms of Public and Private Open Space Types and requirements set forth in Section 16.5 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:
1. The alternative remains consistent with the Intent and Criteria from Section 16.4 that are associated with the most similar street type for which it is proposed as an alternative.
  2. A comparable amount of public open space is located within 300 feet and readily accessible by walking.
  3. The alternative protects critical conservation lands or farmlands.
  4. The alternative allows for more day-to-day interactions among residents.
  5. The alternative attracts more visitors to the district while enhancing Amherst’s growing tourism industry.
- 16.914 Dead-End Streets – Dead-end streets are not permitted except where specially authorized by the Permit Granting Body, and where such relief complies with the Statement of Public Purpose in Section 16.0 as well as one or more of the alternative compliance criteria below:
1. Physical conditions such as highways, sensitive natural resources, or unusual topography provide no connection alternatives.
  2. Dead-end streets shall be constructed according to the Access Street design standards as prescribed in Section 16.2.

3. Dead-end streets shall be design as a closed looped or cul-de-sac with an interior open space which shall be landscaped and accessible to adjoining lots.
  4. The dead-end street shall provide pedestrian connectivity to the maximum extent practicable.
- 16.915 Protruding Building Elements – The Permit Granting Body may provide alternative compliance from the streetyard setback for awnings, marquees, balconies, galleries, arcades, projecting signs, and other protruding building elements as identified in Section 16.3 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as the alternative compliance criteria below:
1. The alternative better accommodates and enhances specific site conditions, such as building entrances, parking areas, sidewalks and trails.
- 16.916 Public Frontage Landscaping and Lighting – Within the public frontages, the Permit Granting Body may grant relief from landscaping, screening, lighting, and fencing requirements under Section 16.8 where such relief complies with the Statement of Public Purpose in Section 16.0 as well as the alternative compliance criteria below:
1. The alternative better accommodates and enhances specific site conditions, such as building entrances, parking areas, sidewalks and trails.