

Town of



AMHERST

Massachusetts

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TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
(413) 259-3035
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ARTICLE 7
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 7. Zoning Bylaw - Duplexes in R-G & R-VC (Planning Board)
VOTED by a declared two-thirds to amend Section 3.321, Two family detached dwelling, of the Zoning Bylaw by changing the permit requirement in the R-G and R-VC Districts from Special Permit (SP) to Site Plan Review (SPR).

VOTED by a declared two-thirds to add the following new language under Standards and Conditions:

In all districts, the Special Permit Granting Authority or Permit-Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling is created.

Action taken on 11/10/2008.

(Article was divided at the request of Al Woodbull)

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk



Town of



AMHERST *Massachusetts*

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

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**ARTICLE 7
Form 2 – Attachment 3
FINAL VERSION OF BYLAW**

SEE ATTACHED

A true copy, Attest:

**Sandra J. Burgess
Amherst Town Clerk**



| Bylaw Number | Land Use Classifications | Standards & Conditions | Zoning Districts | | | | | | | | | | | | |
|--------------|--------------------------|------------------------|------------------|------|-----|------|-----|-----|-----|-----|------|-----|----|----|-----|
| | | | R-O | R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | COM | OP | LI | PRP |

See Article 4 for Cluster Development, Planned Unit Residential Development and Open Space Community Development.

SECTION RESIDENTIAL USES
3.32

| | | | | | | | | | | | | | | | | | | |
|-------|------------------------------|--|--------|--------|---------|---------|---------|---|-----|----|----|----|----|---|---|---|---|---|
| 3.320 | One family detached dwelling | | Y | Y | Y | Y | Y | N | N | N | N | N | N | N | N | N | N | N |
| 3.321 | Two family detached dwelling | | SP (N) | SP (N) | SPR (N) | SPR (N) | SPR (N) | N | N | N | N | N | N | N | N | N | N | N |
| 3.322 | Town House | | N | N | N | SP | SP | N | SPR | SP | SP | SP | SP | N | N | N | N | N |

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling is created.

Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no more than ten (10) dwelling units.

The building(s) shall be connected with the public sewer system prior to occupancy, and its lot, if in a Residence District, shall fall within one of the following areas: 1) areas close to heavily traveled streets, 2) areas close to business, commercial, and educational districts, or 3) areas already developed for multifamily use.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed.

| | | | | | | | | | | | | | | | | | | |
|-------|------------|--|---|---|---|----|----|---|-----|----|----|----|----|---|---|---|---|---|
| 3.323 | Apartments | | N | N | N | SP | SP | N | SPR | SP | SP | SP | SP | N | N | N | N | N |
|-------|------------|--|---|---|---|----|----|---|-----|----|----|----|----|---|---|---|---|---|

The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multifamily use.

Each building shall have no fewer than 3, nor more than 24 dwelling units. Each building shall be connected to the public sewer system prior to occupancy.

Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply:

| District | Add'l Side/Rear Yards per Floor | Floor Area Ratio | Minimum Landscape or Natural Open Space |
|----------|---------------------------------|------------------|---|
| R-G | 2 ft. | | |
| B-L | 2 ft. | | |

| Bylaw Number | Land Use Classifications | Standards & Conditions | Zoning Districts | | | | | | | | | | |
|--------------|--------------------------|------------------------|------------------|------|-----|------|-----|-----|-----|-----|------|-----|----|
| | | | R-O | R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | COM | OP |

| | | | |
|------|-------|-----|-----|
| B-VC | 2 ft. | 0.3 | 40% |
|------|-------|-----|-----|

NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.

Specifically excluded from this definition are those areas devoted to parking, access, and service drives.

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 shall be included as an integral part of any application under this section.

3.324 Subdividable/Converted Dwellings

3.3240 Subdividable Dwelling
(See Section 12.33,
Definitions)

| | | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|---|----|----|----|----|---|---|---|---|---|---|
| SP | SP | SP | SP | SP | N | SP | SP | SP | SP | N | N | N | N | N | N |
| (N) | (N) | (N) | (N) | (N) | | | | | | | | | | | |

1. A subdividable dwelling shall contain provisions for a specified number of dwelling units not to exceed three in accordance with a Special Permit issued prior to its use as more than a single family dwelling. The total number of dwelling units at any given time may be fewer than but shall never exceed the maximum number allowed under the Special Permit.

2. A subdividable dwelling shall meet all zoning requirements applicable to a multifamily dwelling of the maximum number of units allowed under the Special Permit. All requirements of Table 3 (Dimensional Regulations) of Article 6 and parking requirements in Article 7 shall be met at the time of construction.

3. At least one of the dwelling units shall be and shall remain owneroccupied, which requirement shall be made a condition of any Special Permit issued under this section.

4. This use shall not be permitted in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.

5. Prior to issuing a Special Permit for this use in the B-G, B-L, and B-VC districts, the Special Permit Granting Authority shall find that the proposed multiple dwelling use and the non-residential uses, both existing and permitted, in the district will be mutually compatible.

6. A subdividable dwelling shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize the construction of a two-family subdividable dwelling on a lot serviced by a septic system approved by the Board of Health for such a dwelling.

7. A management plan as defined in the applicable regulations issued by the Special Permit Granting Authority shall be included as an integral part of any application under this section. The management plan shall be subject to review and reapproval at a public hearing held by said Authority prior to the issuance of a building permit to increase the number of dwelling units within a subdividable dwelling, which review shall be made a condition of any Special Permit issued under this section. The sole purpose of said review shall be the consideration of any changes in circumstances pertinent to said management plan that have occurred from the time of issuance of the Special Permit or any subsequent review pursuant to this requirement, and the extent to which the management plan should be modified as a result. Notice of hearing shall be provided in accordance with Mass. Gen. Laws, Chapter 40A. In addition to such notice, parties in interest as defined in Chapter 40A shall be provided with a summary of the approved management plan then in effect and any changes

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proposed thereto.

8. A landscape plan appropriate for the project shall be included in the application.

9. Subdividable dwellings in the R-O, R-LD, and R-N districts shall provide the following minimum areas of usable open space per dwelling unit on the same lot as said dwelling units, for the use of occupants:

R-N 1,000 sq. ft.
R-O, R-LD 2,000 sq. ft.

10. Provided all other requirements are met, a subdividable dwelling shall be eligible for subsequent proceedings in accordance with Section 3.3241 (Converted Dwelling) of this bylaw.

11. For a subdividable dwelling proposed on a lot within a Definitive Subdivision Plan, or on a Subdivision Approval Not Required lot, the Special Permit Granting Authority shall be the Planning Board. For all other subdividable dwellings, the Special Permit Granting Authority shall be the Zoning Board of Appeals.

3.3241 Converted Dwelling
(See Section 12.07,
Definitions)

SP SP SP SP SP SP SP SP SP SP SP SP SP SP SP SP SP
(N) (N) (N)

1. An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.

2. A conversion of a structure shall not exceed the total number of dwelling units allowed on the lot. The total number of dwelling units shall not exceed 4 in the R-N, R-O, and R-LD districts and shall not exceed 6 in the R-VC, R-G, B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.

3. In the B-L & B-VC districts, the Zoning Board of Appeals shall issue a Special Permit in accordance with the provisions of this section only after finding the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.

4. There shall be no significant change in the exterior of the building, except that the Zoning Board of Appeals may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity. Demolition of the existing structure proposed for conversion shall not be permitted.

5. The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multifamily use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued in such an instance.

6. The dwelling units shall be connected to the public sewer. However, the Zoning Board of Appeals may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.

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Zoning Districts

R-O
R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP PFC

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7. The Zoning Board of Appeals may modify the dimensional requirements of Table 3, to, one time only for any parcel, allow a conversion under Section 3.3241 that would add one additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22.

8. No detached structure shall be converted under the provisions of Section 3.3241 unless it has an exterior footprint of at least 500 square feet.

9. A management plan as defined in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be included as an integral part of any application.

10. A landscape plan appropriate for the project shall be included in the application.

11. Converted dwellings in the R-O and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.

3.325 Building containing dwelling units in combination with stores or other permitted business or commercial uses.

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A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (BL) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the permit authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed: 1) a total GFA greater than the area devoted to commercial uses, or 2) a total GFA greater than six thousand (6000) square feet, or 3) six (6) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).

In the Commercial (COM) District there shall be no dwelling units, nor portions thereof other than entries thereto as required, on the first floor. No more than ten percent (10%) of the gross floor area on the first floor shall be associated with or incidental to, whether for storage or other purposes, the residential uses on upper floors.

3.326 Fraternity or Sorority building, social dormitory, or similar use related to Amherst College, Hampshire College, or the University of Massachusetts.

N N N N N SPR N N N N N N N N

The building shall be connected to the public sewer system prior to occupancy. Its lot shall fall within one of the following areas:

Areas close to heavily traveled streets; areas close to business, commercial, and educational districts; areas already developed for multifamily use.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section.

3.327 Overnight Lodging

3.327.0 Hotel or Motel

N N N N N SP SP SP SP SP N N N N

The building shall be connected with the public sewer system prior to occupancy. Its lot, if in a residence district, shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial and educational districts; areas already developed for multifamily use.

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with hotel/motel-related retail and consumer services as accessory uses,

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under a Special Permit for a hotel or motel.

A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.327.1 Inn

N N N N N N N N N N N N N N N N

In the COM District, Inns shall be allowed only in those areas which are also within the boundaries of National Historic Register Districts.

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with unrelated retail and consumer services as accessory uses, under a Special Permit for an inn. A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

3.327.2 Hostel

SP SP SP SP SP SP SP SP SP SP N N N N N N

The building shall be connected with the public sewer prior to occupancy.

The hostel shall be within easy walking distance of public transportation.

The owner or manager of the hostel shall reside on the premises.

There shall be no separate cooking facilities in guest rooms. Meals may be provided to hostel lodgers and to other persons attending scheduled educational events sponsored by and held at the hostel.

In the R-G, R-N, R-O and R-LD Districts, a hostel may provide up to 20 beds. In all districts where the use is allowed, a minimum of 20 percent of hostel beds shall be in rooms containing 2-4 beds.

Secure bicycle parking and/or storage shall be provided, with a total capacity equal to or exceeding the number of parking spaces required for vehicles.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be part of any application made under this section.

3.328 Congregate housing for the elderly and disabled. (See Section 12.06, Definitions)

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The minimum lot area shall be 12,000 sq. ft. or 1,000 sq. ft. multiplied by the number of sleeping rooms, whichever is greater. The building shall be connected with the public sewer system prior to occupancy. Its lot shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial, and educational districts; areas already developed for multifamily use.

3.329 Lodging or boarding house.

N N N N N N N N N N N N N N N N

In the B-VC, COM and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a lodging or boarding house, provided it finds that the

| Bylaw Number | Land Use Classifications | Standards & Conditions | Zoning Districts | | | | | | | | | | | | | |
|--------------|--------------------------|------------------------|------------------|------|-----|------|-----|-----|-----|-----|------|-----|----|----|-----|-----|
| | | | R-O | R-LD | R-N | R-VC | R-G | R-F | B-G | B-L | B-VC | COM | OP | LI | PRP | FPC |

proposal meets the provisions of Article 7, Section 10.38 and this section. In the R-VC District, a lodging or boarding house shall let or sublet no more than a total of 7 rooms.

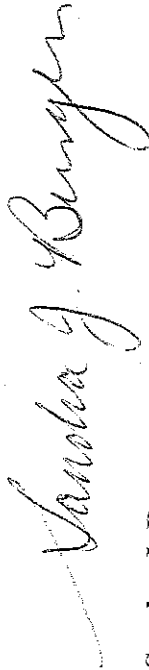
There shall be no separate cooking facilities. Meals may be provided to lodgers/boarders/roomers, but not to members of the general public not lodged at the establishment.

The owner or manager of the lodging or boarding house shall reside on the premises.

Where a lodging or boarding house is to be located in an existing dwelling, there shall be no substantial change in the exterior of the building.

The building shall be connected to the public sewer prior to occupancy. A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

A true copy, Attest:



Sandra J. Burgess
Town Clerk