

Town of



AMHERST

Massachusetts

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
(413) 259-3035
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ARTICLE 8
Form 2 – Attachment 2
TOWN MEETING ACTION

ARTICLE 8. Zoning Bylaw - B-G & B-VC Residential Density (Planning Board)

VOTED by a declared two-thirds to 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 language in ***bold italics***, as follows:

- A. Amend footnote b. of Table 3, Dimensional Regulations, as follows:
- b. Applies to Residences 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 requirements shall not apply.*** ~~For a Section 3.325 use, or any other use in the 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 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 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 Section 3.323:

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 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.***

Action taken on 11/10/2008.

A true copy, Attest:

A handwritten signature in cursive script that reads "Sandra J. Burgess". The signature is written in black ink and is positioned above the printed name and title.

Sandra J. Burgess
Amherst Town Clerk

Town of



AMHERST *Massachusetts*

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ARTICLE 8 (Part A)
Form 2 – Attachment 3
FINAL VERSION OF BYLAW

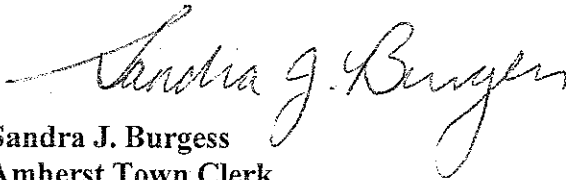
TABLE 3 – DIMENSIONAL REGULATIONS
FOOTNOTES

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified front setback in the context of the pattern(s) of front setbacks established by existing residential buildings in the surrounding neighborhood.
- b. Applies to Residences 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 requirements shall not apply.
- c. Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block; otherwise, no front setback is required.
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.



- g. See Section 6.15 for interpretation.
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only.
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified under a Site Plan Review approval granted for a cluster subdivision.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.
- n. See Section 6.19 for interpretation.

A true copy, Attest:


Sandra J. Burgess
Amherst Town Clerk

Town of



AMHERST *Massachusetts*

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ARTICLE 8 (Parts B and C)
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 |

SECTION 3.32 RESIDENTIAL USES See Article 4 for Cluster Development, Planned Unit Residential Development and Open Space Community Development.

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

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 multi-family use.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the 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 provisions of Sections 3.2040 and 32041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.

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

| 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 |

No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). A management plans defined in terms of form and content in the Rules and Regulations adopted by the 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 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.

3.324 Subdividable/Converted Dwellings
 3.3240 Subdividable Dwelling
 (See Section 12.33, Definitions)

| | | | | | | | | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| SP | SP | SP | SP | SP | N | SP | SP | SP | SP | SP | N | N | N | N |
| (N) | (N) | (N) | (N) | (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) overlaydistricts.
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 nonresidential 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 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. |

| 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 |

permitted business or commercial uses.

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 N N

The building shall be connected to the publicsewer 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 N N N N N N N 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, 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 SPR SP SP SP 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 SPR SP SP SPR 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.

Standards
&
Conditions

Zoning Districts

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

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)

| | | | | | | | | | | | | | | | |
|---|---|----|----|---|---|---|---|---|----|----|----|---|---|---|---|
| N | N | SP | SP | N | N | N | N | N | SP | SP | SP | N | N | N | N |
|---|---|----|----|---|---|---|---|---|----|----|----|---|---|---|---|

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 | SP | N | N | SPR | SP | SP | SP | SP | SP | 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 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

Sandra J. Burgess
Town Clerk