



PLANNING BOARD

Report to Town Meeting

**Article 32. Zoning – Table 3 Footnotes - Setbacks
(Planning Board)**

To see if the Town will amend Article 6 of the Zoning Bylaw, Section 6.1 and Table 3, Dimensional Regulations and its Footnotes, as follows:

~ SEE WARRANT ~

Recommendation

The Planning Board voted 6-0 with 3 members absent to recommend this article.

Background and Purpose

The Planning Board began the process of streamlining the list of footnotes modifying Table 3 – Dimensional Regulations at the Fall 2016 Town Meeting. Table 3 contains minimum and/or maximum standards for the basic dimensions of any development in each of the zoning districts in Amherst, including lot area, frontage, setbacks, and height. Many of the rows, columns, or cells in the table are marked with a footnote that either helps the user interpret the standard or modifies the standard under certain conditions. Meanwhile, the Zoning Bylaw chapter to which Table 3 is appended, Article 6, includes a section reserved for explaining and interpreting the table: Section 6.1 – Interpretation. To a significant degree, Section 6.1 and the footnotes perform overlapping functions. It makes sense to consolidate them in one place or the other. The Planning Board's goal has been to reduce the number of footnotes in Table 3 without affecting how the bylaw works in any way, by moving the language of selected footnotes to Section 6.1.

The list of footnotes had grown to fifteen before Town Meeting deleted five of them last year.

Mechanics

This article would delete three footnotes dealing with particular applications of the “Basic Minimum Side and Rear Yards” dimensions – i.e., setbacks – and transfer their content to Sections 6.13, which provides clarification for side setbacks, and 6.14, which does the same for rear setbacks.

- 1.) Footnote *d* applies to the General Residence (R-G), Neighborhood Residence (R-N), and Village Center Residence (R-VC) zoning districts. In those districts only, it modifies the basic minimum (10 feet for R-G, 15 feet for the others) in one specific case: When two single family homes built at the same time on adjoining lots share a party wall, the side yard setback requirement is waived. The text of the footnote reads: “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

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at the same time.” That language would be transferred intact to a new subsection 6.135, with the addition of language that limits this provision to the R-G, R-N, and R-VC zones.

- 2.) Footnote *e* applies to the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) zoning districts. It modifies the basic minimum in the B-G and B-N zones (which is 10 feet) for parcels that adjoin a residence district, and constitutes the entirety of the regulation for the LI zone. It states that “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.” This language already exists in Sections 6.132 (for side setbacks) and 6.141 (for rear setbacks), although it lists only the B-G and LI zones as being affected. Thus, all that is necessary for this footnote is to delete it from the table and add the B-N zone to those Sections.
- 3.) Footnote *f* applies to the Office Park (OP) and Professional Research Park (PRP) zoning districts and performs the same function as footnote *e*, except that it requires a 50-foot setback rather than 20 feet for parcels adjoining Residence Districts. It further differs from footnote *e* in that its language is not already duplicated in Sections 6.13 and 6.14, so this article would move the footnote *f* language to new Sections 6.133 and 6.142. The text of the footnote reads: “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 are not required, but if provided, shall be at least 10 feet.”

The phrase “except as may be provided for specific uses” refers to religious or educational uses, which require double the standard setback for the zone they are in, according to Section 6.6 of the Zoning Bylaw. This means that a religious or educational use would require a 50-foot setback in parcels adjoining a residence zone, and 20 feet otherwise. It was not necessary to have this language in footnote *e* because the setback would be 20 feet in either case.

After language from the footnotes has been added (or modified) to Section 6.1 in Part A of this amendment, Part B deletes the footnotes themselves and replaces them with the word “Reserved” so that we don’t need to renumber the remaining footnotes within the table and risk making a mistake. An article removing these reserved footnotes and renumbering the remaining annotations all at once will be proposed when all of the footnotes that can be deleted have been deleted.

Since there is no default standard side and rear yard setback dimension for the LI, OP, and PRP zones – the footnote letter itself stands in place of a numeral in those cells in Table 3 – Part C of this amendment would add a new default of 10 feet in those three cells. While the default is really “zero or at least 10 feet” (except when the parcel adjoins a residence district), the Planning Board proposes that 10 feet be entered in Table 3 to match the figure that is already in place for the B-G and B-N zones, which are regulated exactly the same as the others.

Benefits

This article continues the process of making Table 3 - Dimensional Regulations more comprehensible and less intimidating. Deleting three unnecessary markings from the table makes it less cluttered and easier to read, while moving the text of those footnotes to Article 6 of the Zoning Bylaw preserves their substance and effect.

Risks

There is no risk associated with adopting this amendment.

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Process

The Zoning Subcommittee began reviewing the Table 3 footnotes last year and divided the list into several groups to be handled separately. This article, addressing footnotes *d*, *e*, and *f*, was developed over the winter at Zoning Subcommittee meetings. A Planning Board public hearing was held on March 15, 2017. No public input was received at that time, and the Planning Board voted 6-0 with 3 members absent to recommend the article as presented.

**ANNUAL TOWN MEETING
 SPRING 2017
 ARTICLES 32 & 33 SUPPLEMENTARY EXPLANATION**

| Warrant Article | Current footnote | Where it is proposed to be placed | Text |
|-----------------|------------------|-----------------------------------|---|
| Article 32 | d. | 6.135 | <i>In the General Residence (R-G), Neighborhood Residence (R-N), and Village Center Residence (R-VC) districts, 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.</i> |
| Article 32 | e. | 6.132 | In the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) districts, minimum side yards shall be at least 20 feet when adjoining a residence district. Otherwise, side yards are not required, but if provided, shall be at least 10 feet. |
| | | 6.141 | In the General Business (B-G), Neighborhood Business (B-N), and Light Industrial (LI) districts, minimum rear yards shall be at least 20 feet when adjoining a residence district. Otherwise, rear yards are not required, but if provided, shall be at least 10 feet. |
| Article 32 | f. | 6.133 | <i>In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, side yards shall be at least 50 feet when adjoining a residence district. Otherwise, side yards shall be at least 10 feet.</i> |
| | | 6.142 | <i>In the Office Park (OP) and Professional Research Park (PRP) districts, except as may be provided for specific uses, rear yards shall be at least 50 feet when adjoining a residence district. Otherwise, rear yards shall be at least 10 feet.</i> |
| Article 33 | h. | 6.100 | <i>A Buildable Lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.</i> |
| Article 33 | i. | 6.6 | <i>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 below:</i> |