

Note: The 40R Regulations state that the Smart Growth Zoning must be all-inclusive and governed solely by the 40R bylaw without reference to standards or procedures contained elsewhere in the Zoning Bylaw.

DOWNTOWN AMHERST SMART GROWTH OVERLAY DISTRICT (SGOD)

1. PURPOSE

The purpose of this Section [x] is to establish the Downtown Amherst Smart Growth Overlay District (SGOD) to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby services. Other objectives of this Section [x] are to:

- Promote the public health, safety, and welfare by encouraging diversity of housing opportunities at a variety of costs, including affordable housing, that meets existing and anticipated housing needs;
- Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing for households of varying incomes, ages, and sizes.
- Establish requirements, standards, and guidelines to ensure high quality site planning, architecture and landscape design that is consistent with the distinct visual character of the Downtown as well as predictable, fair and cost-effective development review and permitting;
- Promote low impact, green, and sustainable development that is pedestrian friendly within the Downtown;
- Establish development standards to allow context-sensitive design and creative site planning in the reuse of existing buildings.
- Generate positive tax revenue and to benefit from the financial incentives provided by Massachusetts General Law, Chapter 40R.

2. DEFINITIONS

For purposes of this Section [x], the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section [x]. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households. Affordable Housing units created within the SGOD meeting the standards set out in 760 CMR. 45.03 shall count on the Subsidized Housing Inventory, subject to the approval of the Massachusetts Department of Housing and Community Development (DHCD).

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 6.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

Applicant – the individual or entity that submits a Project for Plan Approval.

As-of-right - a use allowed under Section 5.0 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7.0 through 11.0 shall be considered an as-of-right Project.

Department or DHCD - the Massachusetts Department of Housing and Community Development, or any successor agency.

Design Standards – means provisions of Section 11 made applicable to Projects within the SGOD that are subject to the Plan Approval process.

Development Lot - One or more dwelling lots which are designated as a Development Lot on a site plan for a Development Project proposed with the SGOD and for which Site Plan Approval is required under the provisions of this Bylaw. The lots comprising a Development Lot need not be in the same ownership. Where the Development Lot consists of more than a single lot, the lots, in combinations, shall be treated as the Development Lot, may be contiguous or non-contiguous, and at the discretion of the PAA, may be considered as one lot for the purposes of calculating parking requirements.

Dwelling – A building containing one or more dwelling units separated by side yards from any other structure or structures except accessory buildings. The following types of Dwellings are specifically defined:

1. Multi-Family Dwelling – A single residential building containing more than three Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units.
2. Single-Family Detached Dwelling – A detached residential building containing a single Dwelling Unit, other than a mobile home, designed for occupancy by one family only and located on a distinct lot.
3. Two-Family Dwelling – A single residential building containing two Dwelling Units.
4. Three-Family Dwelling – A single residential building containing three Dwelling Units.

Dwelling Unit – A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both refrigerator and sink) not shared with any other unit.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

Mixed-Use Development Project – a Project containing a mix of residential uses and non-residential uses, as allowed in Section 5.2, and subject to all applicable provisions of this Section [x].

Monitoring Agent or Administering Agent – the local housing authority or other qualified housing entity designated by the municipality [the PAA, chief executive, or other designated municipal official], pursuant to Section 6.2, to review and implement the Affordability requirements affecting Projects under Section 6.0.

PAA Regulations – the rules and regulations of the PAA adopted pursuant to Section 7.3.

Plan Approval - standards and procedures which Projects in the SGOD must meet pursuant to Sections 7.0 through 11.0 and the Enabling Laws.

Plan Approval Authority (PAA) - The local approval authority authorized under Section 7.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD. The Amherst Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59,00, is hereby designated as the Plan Approval Authority (the “PAA”) and is authorized to approve a site plan to implement a Project.

Project - a Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Section [x].

Residential Project - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 5.1.

SGOD – the Smart Growth Overlay District established in accordance with this Section [x].

Underlying Zoning – The zoning requirements adopted pursuant to Massachusetts General Laws Chapter 40A that are otherwise applicable to the geographic area in which the SGOD is located, as said requirements may be amended from time to time.

Zoning Bylaw - the Zoning Bylaw of the Town of Amherst.

Other definitions to add?

3. OVERLAY DISTRICT

3.1 Establishment. The Downtown Amherst Smart Growth Overlay District, hereinafter referred to as the “SGOD,” is an overlay district having a land area of approximately 18.4 acres in size that is superimposed over the underlying zoning district(s) and is shown on the Zoning Map as set forth on the map entitled “Downtown Amherst Smart Growth Overlay District, dated TBD, prepared by the Amherst Planning Board.” This map is hereby made a part of the Zoning Bylaw and is on file at the Planning and Zoning Developments and Town Clerk.

3.2 Subdistricts. The SGOD contains the following subdistricts: General Business and Limited Business.

4. APPLICABILITY OF SGOD

4.1 Applicability of SGOD. An applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Enabling Laws and this Section [x], including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

4.2 Underlying Zoning. The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section [x]. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

4.3 Administration, Enforcement, and Appeals. The provisions of this Section [x] shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section [x] shall be governed by the applicable provisions of G. L. Chapter 40A.

5. PERMITTED USES

The following uses are permitted As-of-Right for Projects within the SGOD.

5.1 Residential Projects. A Residential Project within the SGOD may include:

5.10 Single-family (include?), 2 and 3 family, and/or Multi-family Residential Uses;

- 5.11 Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- 5.12 Accessory uses customarily incidental to any of the above permitted uses.
- 5.13 Construction of additional housing units in existing residential buildings or additions thereto or replacements thereof.

5.2 Mixed-use Development Projects. A Mixed-use Development Project within the SGOD may include:

- 5.20 Single-family (include?), 2 and 3 family, and/or Multi-family Residential Uses, provided that the minimum allowable as-of-right density requirements for residential use specified in Section 7.1 shall apply to the residential portion of any Mixed-use Development Project;
- 5.21 Any of the following Non-residential uses: c commercial, office, cultural, civic, institutional, or other non-residential uses.
- 5.22 Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- 5.23 Accessory uses customarily incidental to any of the above permitted uses.

The non-residential elements of any Mixed-Use Development Project shall be planned and designed in an integral manner to complement the residential uses, and help foster vibrant, workable, livable, and attractive neighborhoods consistent with the smart growth goals of Chapter 40R. For further discussion of this issue, see the Design Standards guidance as part of Section 11.

The total gross floor area devoted to Non-residential uses within a Mixed-use Development Project shall not exceed 49% of the total gross floor area of the Project.

5.3 Other Uses. Any of the following non-residential uses may be permitted as-of-right, by Plan Approval:

- 5.30 Any of the following Non-residential uses, developed separately from a Mixed-use Development Project under the SGOD including commercial, office, cultural, civic, institutional, or other non-residential uses.
- 5.31 Open space and recreational uses;
- 5.32 Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking (e.g., parking garages); and
- 5.33 Accessory uses customarily incidental to any of the above permitted uses.

6. HOUSING AND HOUSING AFFORDABILITY

6.1 Number of Affordable Housing Units. For all Projects containing at least 13 residential units (the state included this number in materials but the Town can go lower.), not less than

twenty percent (20%) of housing units constructed shall be Affordable Housing. Unless the PAA provides a waiver on the basis that the Project is not otherwise financially feasible, twenty-five percent (25%) of rental dwelling units constructed in a Project containing rental units must be Affordable Rental Units. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability threshold set forth above. (Note: Many of the lots are small. Does this discourage aggregation which is good in terms of better and more comprehensive planning for parking etc.?)

6.2 Monitoring Agent. A Monitoring Agent, which may be the local housing authority or other qualified housing entity, shall be designated by the PAA or another designated municipal official (the “designating official”). In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

- 6.20 Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- 6.21 Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- 6.22 The affirmative fair housing marketing and resident selection plan conform to all requirements, have been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and are properly administered;
- 6.23 Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- 6.24 Affordable Housing Restrictions meeting the requirements of this Section are approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR. 59.00, recorded with the proper registry of deeds.

6.3 Submission Requirements. As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 9.0 through 13.0 (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:

- 6.30 Evidence that the Project complies with the cost and eligibility requirements of Section 6.4:

- 6.31 Project plans that demonstrate compliance with the requirements of Section 6.5; and
- 6.32 A form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.

These documents in combination, shall be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), and shall include details about construction related to the provision, within the development, of units that are accessible to the disabled and appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. **Should there be requirements beyond federal ADA and state MAAB?**

6.4 Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

- 6.40 Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- 6.41 For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- 6.42 For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Amherst.

6.5 Design and Construction. Affordable Housing units shall be finished housing units. Affordable Housing units shall also be equitably dispersed proportionately throughout the residential portions of the Project of which they are part, across all buildings, floors and unit types, consistent with the Affordable Housing Restriction and Affirmative Fair Housing Marketing and Resident Selection Plan, as approved by DHCD. The Affordable Housing units shall be comparable in initial construction quality, size and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

6.6 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

- 6.60 Specification of the term of the Affordable Housing Restriction which shall be no less than thirty years;
- 6.61 The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- 6.62 With respect to homeownership Projects or portions of Projects, a description of the Affordable Homeownership Unit by address and number of bedrooms; the Affordable Housing Restriction shall apply to the Affordable Homeownership Units.
- 6.63 With respect to rental Projects or portions of Projects, a description of the overall quantity, initial unit designations, number of bedrooms, and number of bedroom types of Affordable Rental Units. The Affordable Housing Restriction shall apply to a percentage of rental units of a rental Project with the initially designated Affordable Rental Units identified and able to float, subject to specific approval by DHCD, in accordance with the Project's affirmative fair housing marketing and residential selection plan and applicable DHCD guidance.
- 6.64 Reference to an affirmative fair housing marketing and resident selection plan, to which the Affordable Housing units are subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall include a preference based on need for number of bedrooms in a unit, consistent with applicable DHCD guidance;
- 6.65 A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- 6.66 Reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
- 6.67 A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
- 6.68 Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- 6.69 A requirement that the Affordable Housing Restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- 6.70 A requirement that the AHR on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a

Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

- 6.71 A requirement that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
- 6.72 A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6.7 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

6.8 Age Restrictions. Nothing in this Section [x] shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 6.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.

6.9 Phasing. For any Project that is approved and developed in phases in accordance with Section 9.4, the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 6.1. Where the percentage of Affordable Housing is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 6.5 shall be applied proportionate to the Affordable Housing provided for in each respective phase.

6.10 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived unless expressly approved in writing by DHCD.

7. PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

7.1 Plan Approval. An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 7.0 through 11.0. Such Plan Approval process shall be construed as an As-of-Right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:

- 7.10 Any Residential Project containing at least ?[13] residential units;

- 7.11 Any Mixed-use Development Project;
- 7.12 Any project consisting solely of non-residential uses; and
- 7.13 Any Project seeking a waiver.

All Mixed-use Development Projects and all projects consisting solely of non-residential uses shall be subject to Plan Approval to ensure that the non-residential elements are planned and designed in an integral manner to complement the residential uses – see Sections 5.2 and 13.4.

7.2 Plan Approval Authority (PAA). The Amherst Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

7.3 PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by the Department of Housing and Community Development.

7.4 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section 6.9.

8 PLAN APPROVAL PROCEDURES

8.1 Preapplication. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- 8.10 Overall building envelope areas;
- 8.11 Open space and natural resource areas; and
- 8.12 General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

8.2 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD, along with application fee(s) which shall be as set forth in the PAA Regulations (**Note: If fees are required, they must be justified to DHCD.**). The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 6.0, the application shall be accompanied by all materials required under Section 6.3. All site plans shall be prepared by a certified architect, landscape architect, and/a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be

prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

8.3 Filing. An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Town Clerk and a copy of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

8.4 Circulation to Other Boards. Upon receipt of the application, the PAA shall immediately provide a copy of the application materials to the Town Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the Affordability requirements of Section 6.0), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

8.5 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

8.6 Peer Review. If an application is to be reviewed by an outside consultant(s), the Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

9. PLAN APPROVAL DECISIONS

9.1 Plan Approval. Plan Approval shall be granted where the PAA finds that:

- 9.10 The Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
- 9.11 The Project as described in the application meets all of the requirements and standards set forth in this Section [x] and the PAA Regulations, or a waiver has been granted therefrom; and
- 9.12 Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 6.0, compliance with condition 9.1 above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section [x], or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

9.2 Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

- 9.20 The Applicant has not submitted the required fees and information as set forth in the Regulations; or
- 9.21 The Project as described in the application does not meet all of the requirements and standards set forth in this Section [x] and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- 9.22 It is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

9.3 Waivers. Upon the request of the Applicant and subject to compliance with M.G.L. c. 40R, 760 CMR 59.00 and Section 6.10, the Plan Approval Authority may waive dimensional and other requirements of Section 11, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section [x]. Affordability requirements shall not be waived under any circumstances.

9.4 Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by the Department in relation to the specific Project, the proportion of Affordable units shall be at least equal to the minimum percentage of Affordable Housing required under Section 6.1.

9.5 Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Town Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

9.6 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

10. CHANGE IN PLANS AFTER APPROVAL BY PAA

10.1 Minor Change. After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

10.2 Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 9.0 - through 13.0.

11. DESIGN STANDARDS

11.1 Design Standards Intent and Purpose. These Design Standards provide the specific means to regulate and guide implementation of the civic vision for redevelopment embodied in Amherst's Smart Growth Zoning Overlay District Bylaw. They reflect the Commonwealth of Massachusetts 10 Principles of Sustainable Development and support the formation of a legible and economically sustainable New England building and street pattern that reinforces that already existing in Downtown Amherst. They are a legal document that regulates land development by setting careful and coherent controls on building disposition and form - while employing more flexible parameters relative to building use and density than the underlying zoning. The 40R District is composed of 3 sub-districts that recognize the different conditions in surrounding areas.

This greater emphasis on "fine-grained" functional building and street form is intended to produce safe, walkable, attractive and appealing public spaces, sidewalks, streets, parking, open spaces, and neighborhoods that support a range of building uses and activities. By prescriptively regulating the character and quality of the public realm the Design Standards will facilitate the development of high quality affordable and market rate residential development, professional offices and workplaces, and daytime and evening store and restaurant activity.

These Design Standards are intended to:

A. Support Mixed Use Development: Downtown Amherst has historically contained a mix of residential, office, retail and governmental uses that contribute to community vitality. These standards are intended to support the continuation of this kind of development to provide a rich and varied social and economic life. The goal is the creation of moderate density commercial, residential and mixed-use development easily accessible to local colleges and universities, residential and commercial neighborhoods, open space and public transportation.

B. Recognize and Reinforce Legible Patterns of Development: The outlines of the District are drawn to facilitate denser development Downtown, and relieve development pressure on smaller scale residential and rural areas nearby. Standards for development and redevelopment along North Pleasant, East Pleasant and Triangle Streets, which serve as the “connective multi-modal corridor” between Downtown and Amherst’s other Village Centers, reflects the scale of the historic structures at the corner of North Pleasant and Main Street. Standards for development along North Prospect and Hallock Streets and adjacent to West Cemetery recognize the scale of existing residential construction and the need to address public open space.

C. Promote Sustainable Living: Relatively dense mixed-use neighborhoods promote walking instead of driving and the creation of more shared public spaces that allow private living areas to be smaller. This reduces the consumption of resources and energy, utilizes urban infrastructure already in place, and helps preserve farmland, fields and woods. There is significant evidence that walkable neighborhoods with a mix of residential, retail and public uses support mental and physical health as well.

D. Balance Unity and Variety; History and Contemporary Needs: Vitality is maintained and created by accommodating a diverse range of building uses, forms and types of expression while retaining a shared understanding of downtown’s importance and character. The historic buildings in Amherst’s historic core have supported these goals and it is the expectation that new buildings will make their contributions as well. These Standards are not intended to dictate specific styles, details or materials, and creative uses of building technologies, forms and expressions are encouraged within the context of District goals. They recognize that the scale of contemporary buildings is a response to the need to amortize the cost of elevators, aggregate parking for efficiency and realize economies of scale in construction, but that well-proportioned and detailed pedestrian scale building massing and articulation can and should be constructed.

E. Facilitate Affordable Housing Development: These Standards allow densities and a streamlined review and approvals process that are meant to facilitate the development of new housing with a prescribed percentage to be affordable, while preserving and promoting the quality of civic life in Downtown Amherst. Minimum housing densities prescribed by the State 40R legislation are:

Single Family Residential:	8 units per acre of Developable Land
Two and/or Three Family Residential:	12 units per acre of Developable Land
Multi-Family Residential:	20 units per acre of Developable Land

F. Provide Adequate Parking While Encouraging Alternative Transportation:

Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station
- b) availability of public or commercial parking facilities in the vicinity of the use being served
- c) shared use of off-street parking spaces serving other uses having peak user demands at different times
- d) age, affordability or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) other factors as may be considered by the PAA.

Is Amherst considering a parking garage? What did the parking study suggest about parking requirements in the SGOD?

These Design Standards uses simple and clear graphic prescriptions and design parameters for building and site design to define the requirements for good public spaces. Wherever there appears to be a conflict between the Design Standards and other sections of the Town of Amherst Zoning Bylaws, the requirements specifically set forth in the Design Standards shall prevail. For development standards not covered, the other applicable sections in the Town of Amherst Zoning Bylaws shall be used as the requirement. All development must comply with all relevant Federal, State and local regulations.

11.2 Form Based Code. These Design Standards utilize a Transect-based Form Based Code descriptive methodology to facilitate preservation of what the Amherst community generally appreciates in Downtown and the transformation of what isn't appreciated based on public input. The Rural-to-Urban Transect is a system that considers all the elements of the traditional New England built environment on a scale from the most rural to most urban. This encourages development in already urbanized areas to help protect the Town's remaining rural areas. The Rural-to-Urban Transect is divided into six (6) zones based on density of the built environment and its physical and social character.

The underlying principle of the Rural-to-Urban Transect is that certain forms, building scales and

elements traditionally belong and function best in certain environments. This 40R district includes areas towards the center of the rural-to-urban overall transect. Sub-districts designations: T3 Sub-Urban; T4 General Urban; and T5 Urban Center and are keyed to standard T1 through T6 Transect definitions.

The sub-district Design Standards are intended to deliver concentrated mixed-use development along North Pleasant, East Pleasant and Triangle Streets and less intense development in the areas of the 40R District that face smaller scale residential construction and open space. This will help achieve new development compatible with abutting uses and neighborhood characters. The overarching goals are similar for all districts:

A. Streets: coherent public spaces with consistent building forms on both sides.

B. Buildings: address the street to activate the public realm and shape safe public places

C. Public Spaces: physically defined by buildings, walls, or fences with land that is clearly public or private - in public view or private and protected.

D. Supporting Systems: Vehicle storage/parking, (other than on-street parking), waste disposal units and mechanical equipment kept away from the street-space to create safe and attractive pedestrian environments.

11.3 Sub-districts. In recognition of the range of neighborhood types and densities within and surrounding the 40R Smart Growth Overlay District it has been divided into 3 sub-districts whose associated standards are intended to create a seamless transition from the denser development allowed along North Pleasant, East Pleasant and Triangle Streets to the smaller scale neighborhoods and open spaces that abut them.

11.3.1 T5 Urban Center Sub-district. This zone is characterized by medium-to-large scale mixed-use buildings in a walkable, bike-able, connective and compact urban environment that accommodates public transportation, bicycle-share stations, and a “park and walk” development pattern. The T5 mixed-use and multi-story building pattern will provide more residential/housing opportunities for all income levels, generate greater socio-economic stimulation and enhanced sidewalk interaction and promote access to area colleges and universities and other public and private entities.

The T5 sub-district building and street form allowed by these Standards will serve to calm vehicular traffic along the transportation corridors, provide for a more human-scale street, contribute to “eyes-on-the street” for improved personal safety/security, encourage a more healthy walking/biking/public transportation-lifestyle, and will attract new high-quality retail, cafes and service enterprises supporting planned and spontaneous social encounters.

11.3.1.1 Dimensional Requirements

Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGOD are as follows:

Front Yard Setback	Minimum: 0'	Maximum: 5'
Side Yard Setback	Minimum: 0'	Maximum: N/A
Rear Yard Setback:	Minimum: 20'	Maximum: N/A
Height:	Minimum: 24'	Maximum: 65'/5 floors

11.3.1.2 Building Massing and Entries:

11.3.1.2.1 A minimum of 75% of front facades at ground level are to be located at the minimum setback line to reinforce the street/sidewalk edge. When the space between the facade and setback line is specifically designed for pedestrian uses such as outdoor dining, or facade articulation and scaling elements, the maximum setback shall be permitted.

11.3.1.2.2 Primary entry doors for upper level uses, and doors to ground floor commercial uses shall face the primary street and be articulated to reinforce the public nature of ground floor uses. Stepped back portions of the front facade at ground level are encouraged to articulate entries and provide variety along the street. Entries to upper level uses should not interrupt the perceived continuity of the commercial streetscape.

11.3.1.2.3 Front Facade Wall: Blank lengths of building wall exceeding twelve (12) linear feet are prohibited.

11.3.1.2.4 The front facades of four and five story buildings, and side and rear portions of buildings that will be seen from a public way, shall step back a minimum of 5 feet from the primary facade at either the second or top floor over 50% of their length, or offer alternative strategies for scaling building height to the pedestrian streetscape.

11.3.1.2.5 Mixed use buildings shall use proportions that articulate their uses – a dominant horizontality for ground floor commercial and dominant verticality for upper level residential, with upper level commercial proportions providing an appropriate transitional reading.

11.3.1.2.5 Rooftop mechanical equipment shall be set back from the facades so that it is not visible from the public way or screened from view by architectural elements integrated into the building design. Louvers and other mechanical system penetrations shall be on rear facades, facades not visible from the public way, or on the roof.

11.3.1.3 Building Facades

11.3.1.3.1 Building Projections: No part of any building, except overhanging eaves, awnings, balconies, bay windows and other architectural features shall encroach beyond the minimum front setback line.

11.3.1.3.2 These elements are encouraged to provide the proportions noted above and reinforce a pedestrian scale. Facades over 40' in length are required to have a change in plane using these or other architectural elements. They can be, but are not required to be, elements derived from Downtown's historic architecture. Changes in plane can include a step back in the plane from the primary facade and a change in roof articulation from parapet to cornice.

11.3.1.3.3 These standards are not intended to suggest that a single contemporary building is in fact a series of smaller traditionally scaled buildings but to encourage creative design approaches to creating pedestrian scale buildings in a historic downtown.

11.3.1.3.4 Facade articulation shall continue around to all sides of buildings visible from the street, but can be simplified at the rear of buildings to acknowledge the primacy of front facades.

11.3.1.3.5 Ground floor commercial and retail uses shall be a minimum of 70% glass inclusive of framing systems and shall be utilized, to the extent possible, to provide views from outside in, and inside out. Glazing should be subdivided to reinforce the pedestrian scale. Protecting fenestration and the public way with overhanging awnings and canopies is encouraged. Operable windows and doors onto balconies and terraces at upper level uses are encouraged.

11.3.1.3.6 Upper floor glazing is to be reduced in height and relative percentage in relation to non-glazed areas to reinforce the public nature of the ground floor.

11.3.1.3.7 Reflective glazing beyond what is required to reduce heat gain is not permitted.

11.3.1.4 Materials

11.3.1.4.1 Allowed materials are to convey a sense of permanence and include but are not limited to brick, stone, cast stone or other finished masonry, cementitious panels, glass, metal, wood, and cellular PVC trim.

11.3.1.4.2 Prohibited materials include vinyl siding and EIFS, although these materials may be used on facades not visible from the public way or adjacent residential uses provided that these materials are detailed and installed in ways that are consistent with the requirements of these Design Standards.

11.3.1.4.3 Blank facades are not permitted. Changes in plane or material shall be used to provide a pedestrian scale in areas where windows and doors are not functionally required.

13.3.1.5 Site Design

11.3.1.5.1 New sidewalks should not interrupt the continuity of existing sidewalks, however recessed entries and widened sidewalks devoted to outdoor uses such as dining or entries can receive special materials and details that give spatial definition to these uses.

11.3.1.5.1 Driveways should not interrupt the continuity of sidewalks and pedestrian spaces. Curb cuts should be limited to the extent possible and located away from primary commercial streets, preferably on side streets and alleys.

11.3.1.5.1 Parking lots should not face primary commercial streets or be located between buildings and pedestrian ways. Parking should be located under or behind buildings, or to the side of buildings a minimum of 30 feet from public ways.

11.3.1.5.4 Parking should be screened from view from public ways and residential abutters through the use of low walls, fences, planting or berms.

11.3.1.5.5 To the extent possible parking lots behind buildings should be aggregated across property lines to maximum efficiency of paved space and minimize the number of driveways and curb cuts to public streets and sidewalk crossings.

11.3.1.5.6 Below grade parking is encouraged, especially where changes in grade make on-grade access possible from one side of the site possible, while allowing building construction above that is at-grade along the public way on the other side. Ramping must be incorporated within the building envelope or be located along the side or rear where it does not interfere with pedestrian movement.

13.3.1.6 Landscaping

11.3.1.6.1 Installation of street trees in appropriate trees grates or planting beds continuing the planting plan established by the Town of Amherst is required. Species, size and planting details to be approved by the City. Drives and walks internal to a lot along building fronts should continue established tree planting plans to the extent possible.

11.3.1.6.2 Landscaping and landscape elements such as benches at retail frontages should be carefully located to not interfere with the continuity of the sidewalk and the visual connection to interior uses, and used only to define entries or other outdoor uses.

11.3.1.6.3 Landscaping at surface parking is required and includes a tree and 50 square feet of planting for every 20 cars. Planting should be distributed to provide relief from the continuity of the parking spaces and drives without interfering with the continuity of pedestrian movement to entries and public ways.

11.3.1.6.4 200 square feet of landscaping accessible to the public should be provided at building sides or rear for every 10,000 square feet of floor area developed.

11.3.1.6.5 Provide landscaped buffers between parking and abutting properties as noted above.

11.3.1.6.6 Landscaping to be native species that require minimal irrigation and fertilizer and are drought resistant. Utilization of landscaping as part of a comprehensive approach to storm water management: bio-swales or raingardens - are encouraged.

11.3.1.6.7 Healthy existing trees should be preserved whenever possible.

13.3.1.7 Outdoor Environment

11.3.1.7.1 Front facade and architectural lighting should complement the Town's street lighting and articulate building entries and other outdoor uses and the public nature of the sidewalk.

11.3.1.7.2 Side and rear lighting should contribute to public safety by providing adequate lighting between parking, building entries and public ways. Rear entries should have lighting that

supports wayfinding.

11.3.1.7.3 All lighting to be “dark sky” and cut off at property lines.

11.3.1.7.4 Pole lighting and fixtures to be a maximum of 15’ feet above grade.

11.3.1.7.5 Loading docks, dumpsters, mechanical equipment and utility meters to be located in low visibility locations and screened from view by architectural or landscape elements compatible with the site and building design.

11.3.1.7.6 All electrical and utility lines to be located below grade.

11.3.1.7.7 Pervious paving is to be utilized to the extent possible as part of a comprehensive approach to storm water management.

11.3.1.7.8 Storm water management systems should incorporate Best Management Practices as prescribed by the Massachusetts Department of Environmental Protection and Low Impact Development practices including infiltration chambers, landscaped swales, vegetated rain gardens, drywells and other features to retain water on site and recharge into the ground. Retention of storm water for use in irrigation is encouraged.

11.3.2 T4 General Urban Zone

The General Urban Zone is characterized by medium scale residential and/or mixed-use buildings in a walkable, compact urban environment. Height and density have been reduced from those of the T5 Urban Center Zone to serve as the transition from T5 development along North Pleasant, East Pleasant and Triangle Street to the open space of West Cemetery and the playing fields to the East. Buildings in this zone may be separate construction from the adjacent T5 development or reductions in height and changes in articulation from buildings extending in from the T5 zone.

The urban structure of the land within the T4 zone differs from much of the land in Amherst in that it is adjacent to the Amherst’s urban core on one side, and open space on the other, without streets between these abutting areas. Future development could result in a significant reconfiguration of this land with new access drives to the east and/or west creating frontality on one or both sides. Front and back conditions and associated Standards will be evaluated in line with the intentions of the 40R bylaws in cases where buildings, sidewalks and driveways that have a street-like character are all being redeveloped on private property. **Many design standards include requirements for new streets. It doesn’t seem like those are appropriate given that streets are largely in place. Pray Street raises interesting questions. Connections between Main Street and Triangle Street should be maintained, but its geometry limits positive redevelopment options. What does the Town see as the future of Pray Street? In the conceptual buildout an alternative layout is suggested more in line with the scale of contemporary construction and parking requirements. All of this raises front/back issues that are hard to define through Dimensional Requirements.**

The T4 sub-district building and street form allowed by these Standards will provide safe and walkable connectivity associated with the T5 Urban Center sub-district, and the other goals of the

T5 sub-district, while acknowledging through smaller scale construction that it defines the edge of the adjacent open space.

11.3.2.1 Dimensional Requirements

Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGOD are as follows:

Front Yard Setback	Minimum: 0'	Maximum: N/A
Side Yard Setback	Minimum: 0'	Maximum: N/A
Rear Yard Setback:	Minimum: 20'	Maximum: N/A
Height:	Minimum: 24'	Maximum: 50 ³ / ₄ floors

11.3.2.2 Building Massing and Entries:

11.3.2.2.1 Front facades at ground level are to be located to reinforce the street/sidewalk, and are to be designed where appropriate for pedestrian uses such as outdoor dining.

11.3.2.2.2 Primary entry doors for upper level uses, and doors to ground floor commercial uses, shall face the primary street, or be located and designed to be easily seen from parking and public ways. They should be articulated to reinforce the public nature of ground floor uses. Stepped back portions of the front facade at ground level are encouraged to articulate entries and provide variety along the street or parking areas.

11.3.2.2.3 Front Facade Wall: Blank lengths of building wall exceeding twenty (20) linear feet are prohibited.

11.3.2.2.4 The front facades of four story buildings, and side and rear portions of buildings that will be seen from a public way or adjacent open space, shall have a substantial architectural articulation at either the second or top floor that may include a continuous horizontal band or setback, a change in materials, or an alternative strategies for scaling building height to the pedestrian streetscape.

11.3.2.2.5 Mixed use buildings shall use proportions that articulate their uses – a dominant horizontality for ground floor commercial and dominant verticality for upper level residential, with upper level commercial proportions providing an appropriate transitional reading.

11.3.2.2.5 Rooftop mechanical equipment shall be set back from the facades so that it is not visible from the public way or open space or screened from view by architectural elements integrated into the building design. Louvers and other mechanical system penetrations shall be on rear facades, facades not visible from the public way, or on the roof.

11.3.2.3 Building Facades

11.3.2.3.1 Building Projections: No part of any building, except overhanging eaves, awnings, balconies, bay windows and other architectural features shall encroach beyond the minimum front

setback line.

11.3.2.3.2 These elements are encouraged to provide the proportions noted above and reinforce a pedestrian scale. Facades over 60' in length are required to have a change in plane using these or other architectural elements. They can be, but are not required to be, elements derived from Downtown's historic architecture. Changes in plane can include a step back in the plane from the primary facade and a change in roof articulation from parapet to cornice.

11.3.2.3.3 These standards are not intended to suggest that a single contemporary building is in fact a series of smaller traditionally scaled buildings but to encourage creative design approaches to creating pedestrian scale buildings in a historic downtown.

11.3.2.3.4 Facade articulation shall continue around to all sides of buildings visible from the street, public way or open space, but can be simplified at the rear of buildings to acknowledge the primacy of front facades.

11.3.2.3.5 Ground floor commercial and retail uses shall be a minimum of 50% glass inclusive of framing systems and shall be utilized, to the extent possible, to provide views from outside in, and inside out. Glazing should be subdivided to reinforce the pedestrian scale. Protecting fenestration and the public way with overhanging awnings and canopies is encouraged. Operable windows and doors onto balconies and terraces at upper level uses are encouraged.

11.3.2.3.6 Upper floor glazing is to be reduced in height and relative percentage in relation to non-glazed areas to reinforce the public nature of the ground floor.

11.3.2.3.7 Reflective glazing beyond what is required to reduce heat gain is not permitted.

11.3.2.4 Materials

11.3.2.4.1 Allowed materials are to convey a sense of permanence and include but are not limited to brick, stone, cast stone or other finished masonry, cementitious panels, glass, metal, wood, and cellular PVC trim.

11.3.2.4.2 Prohibited materials include vinyl siding and EIFS, although these materials may be used on facades not visible from the public way or open space, or adjacent residential uses, provided that these materials are detailed and installed in ways that are consistent with the requirements of these Design Standards.

11.3.2.4.3 Blank facades are not permitted. Changes in plane or material shall be used to provide a pedestrian scale in areas where windows and doors are not functionally required.

13.3.2.5 Site Design

11.3.2.5.1 Sidewalks accessing entries to buildings should not interrupt the continuity of existing sidewalks or new sidewalks along a street or parking lot, however recessed entries and widened sidewalks devoted to outdoor uses such as dining or entries can receive special materials and details that give spatial definition to these uses.

11.3.2.5.1 Driveways should not interrupt the continuity of sidewalks and pedestrian spaces. Curb cuts at streets should be limited to the extent possible and located away from primary commercial streets, preferably on side streets and alleys.

11.3.2.5.1 Parking lots should not face primary commercial streets. Parking should be located under or behind buildings, or to the side of buildings a minimum of 30 feet from public ways.

11.3.2.5.4 Parking should be screened from view from public ways, open spaces and residential abutters through the use of low walls, fences, planting or berms.

11.3.2.5.5 To the extent possible parking lots behind buildings should be aggregated across property lines to maximum efficiency of paved space and minimize the number of driveways and curb cuts to public streets and sidewalk crossings.

11.3.2.5.6 Below grade parking is encouraged, especially where changes in grade make on-grade access possible from one side of the site possible, while allowing building construction above that is at-grade along the public way on the other side. Ramping must be incorporated within the building envelope or be located along the side or rear where it does not interfere with pedestrian movement.

13.3.2.6 Landscaping

11.3.1.6.1 Installation of street trees in appropriate trees grates or planting beds continuing the planting plan established by the Town of Amherst is required. Species, size and planting details to be approved by the City. Drives and walks internal to a lot along building fronts should continue established tree planting plans to the extent possible.

11.3.2.6.2 Landscaping and landscape elements such as benches at retail frontages should be carefully located to not interfere with the continuity of the sidewalk and the visual connection to interior uses.

11.3.2.6.3 Landscaping at surface parking is required and includes a tree and 50 square feet of planting for every 20 cars. Planting should be distributed to provide relief from the continuity of the parking spaces and drives without interfering with the continuity of pedestrian movement to entries and public ways.

11.3.2.6.4 200 square feet of landscaping accessible to the public should be provided at building sides or rear for every 10,000 square feet of floor area developed.

11.3.2.6.5 Provide landscaped buffers between parking and abutting properties as noted above.

11.3.2.6.6 Landscaping to be native species that require minimal irrigation and fertilizer and are drought resistant. Utilization of landscaping as part of a comprehensive approach to storm water management: bio-swales or raingardens - are encouraged.

11.3.2.6.7 Healthy existing trees should be preserved whenever possible.

13.3.2.7 Outdoor Environment

11.3.2.7.1 Front facade and architectural lighting should complement the Town’s street lighting and articulate building entries and other outdoor uses and the public nature of the sidewalk.

11.3.2.7.2 Side and rear lighting should contribute to public safety by providing adequate lighting between parking, building entries and public ways. Rear entries should have lighting that supports wayfinding.

11.3.2.7.3 All lighting to be “dark sky” and cut off at property lines.

11.3.2.7.4 Pole lighting and fixtures to be a maximum of 15’ feet above grade.

11.3.2.7.5 Loading docks, dumpsters, mechanical equipment and utility meters to be located in low visibility locations and screened from view by architectural or landscape elements compatible with the site and building design.

11.3.2.7.6 All electrical and utility lines to be located below grade.

11.3.2.7.7 Pervious paving is to be utilized to the extent possible as part of a comprehensive approach to storm water management.

11.3.2.7.8 Storm water management systems should incorporate Best Management Practices as prescribed by the Massachusetts Department of Environmental Protection and Low Impact Development practices including infiltration chambers, landscaped swales, vegetated rain gardens, drywells and other features to retain water on site and recharge into the ground. Retention of storm water for use in irrigation is encouraged.

11.3.3 T3 Sub-Urban Zone

This T3 sub-district is characterized by small to medium scale residential and/or mixed-use buildings in a walkable, compact urban environment scaled to the existing primarily residential development opposite the 40R District. Further reductions in height and density from the T4 and T5 sub-districts continue the transition from the T5 Urban Center development; construction may be composed of separate buildings from those along North Pleasant, East Pleasant and Triangle Street or reductions in height and changes in articulation of buildings that extend from the T5 sub-district.

The building allowed by these Standards will complement the 2 ½ story buildings across North Prospect and Hallock Streets in scale and articulation and recognize the significant drop in grade from North Pleasant to North Prospect Street. **Do we want to preclude commercial uses with the exception of small-scale offices – lawyer, therapists, etc. when accessed from these streets? Given the slope you could have extensions of commercial space accessed from the North Pleasant continuing at the second-floor level. With Form Based standards use is far less an issue than massing and design, but commercial could conflict with neighborhood character here.**

11.3.3.1 Dimensional Requirements

Notwithstanding anything to the contrary in this Zoning Bylaw, the dimensional requirements applicable in the SGOD are as follows:

Front Yard Setback	Minimum: 15'	Maximum: N/A
Side Yard Setback	Minimum: 5'	Maximum: N/A
Rear Yard Setback:	Minimum: 20'	Maximum: N/A
Height:	Minimum: 20'	Maximum: 35' ³ /3 floors

11.3.3.2 Building Massing and Entries:

11.3.3.2.1 Front facades at ground level are to be located to reinforce the street/sidewalk in locations where this Sub-district faces streets.

11.3.3.2.2 Primary entry doors shall face the primary street and sidewalk in locations where this Sub-district faces streets. In location where there is no street facing façade they should be located and designed to be easily seen from parking and public ways. They should be articulated to reinforce the public nature of ground floor uses where uses are not residential. Front facades at ground level are encouraged to articulate entries and provide variety along the street or parking areas.

11.3.3.2.3 Front Facade Wall: Blank lengths of building wall exceeding twelve linear feet are prohibited.

11.3.3.2.4 The front facades of three story buildings, and side and rear portions of buildings that will be seen from a public way or adjacent open space, shall have a substantial architectural articulation at either the second or top floor that may include a continuous horizontal band or setback, a change in materials, or an alternative strategies for scaling building height to the pedestrian streetscape. Changes in roof type – from flat to pitched – above the second floor are encourage.

11.3.3.2.5 Existing buildings abutting this T3 Sub-district are primarily residential and of limited size and height. New construction, where facing existing residential, shall acknowledge the approximate 80' on center solid and void rhythm with changes in façade plan that scales the construction to the neighborhood.

11.3.3.2.5 Rooftop mechanical equipment shall be set back from the facades so that it is not visible from the public way or open space or screened from view by architectural elements integrated into the building design. Louvers and other mechanical system penetrations shall be on rear facades, facades not visible from the public way, or on the roof.

11.3.3.3 Building Facades

11.3.3.3.1 Building Projections: No part of any building, except overhanging eaves, awnings, balconies, bay windows and other architectural features shall encroach beyond the minimum front setback line.

11.3.3.3.2 These elements, along with porches, are encouraged to provide the primarily vertical proportions characteristic of residential neighborhoods and to reinforce the residential and pedestrian scale. They can be, but are not required to be, elements derived from area's historic architecture.

11.3.3.3.3 These standards are not intended to suggest that a single contemporary building is in fact a series of smaller traditionally scaled buildings but to encourage creative design approaches to creating pedestrian scale buildings in a historic residential district.

11.3.3.3.4 Facade articulation shall continue around to all sides of buildings visible from the street, public way or open space , but can be simplified at the rear of buildings to acknowledge the primacy of front facades.

11.3.3.3.5 Protecting fenestration and the public way with overhanging awnings and canopies is encouraged. Operable windows and doors onto balconies and terraces at upper level uses are encouraged.

11.3.3.3.7 Reflective glazing beyond what is required to reduce heat gain is not permitted.

11.3.3.4 Materials

11.3.3.4.1 Allowed materials are to convey a sense of permanence and include but are not limited to brick, stone, cast stone or other finished masonry, cementitious panels, glass, metal, wood, and cellular PVC trim.

11.3.3.4.2 Prohibited materials include vinyl siding and EIFS, although these materials may be used on facades not visible from the public way or open space, or adjacent residential uses, provided that these materials are detailed and installed in ways that are consistent with the requirements of these Design Standards.

11.3.3.4.3 Blank facades are not permitted. Changes in plane or material shall be used to provide a pedestrian scale in areas where windows and doors are not functionally required.

13.3.3.5 Site Design

11.3.3.5.1 Sidewalks accessing entries to buildings should not interrupt the continuity of existing sidewalks or new sidewalks along a street or parking lot, however recessed entries and widened sidewalks devoted to outdoor uses such as dining or entries can receive special materials and details that give spatial definition to these uses.

11.3.23.5.1 Driveways should not interrupt the continuity of sidewalks and pedestrian spaces. Curb cuts at streets should be limited to the extent possible and located away from primary commercial streets, preferably on side streets and alleys.

11.3.3.5.1 Parking lots should not face streets. Parking should be located under or behind buildings, or to the side of buildings a minimum of 30 feet from public ways.

11.3.3.5.4 Parking should be screened from view from public ways, open spaces and residential abutters through the use of low walls, fences, planting or berms.

11.3.3.5.5 To the extent possible parking lots behind buildings should be aggregated across property lines to maximum efficiency of paved space and minimize the number of driveways and curb cuts to public streets and sidewalk crossings.

11.3.3.5.6 Below grade parking is encouraged, especially where changes in grade make on-grade access possible from one side of the site possible, while allowing building construction above that is at-grade along the public way on the other side. Ramping must be incorporated within the building envelope or be located along the side or rear where it does not interfere with pedestrian movement. Garage entries facing streets should be screened to the extent possible and utilize garage doors, when visible from the street, with materials and scaling elements sympathetic to the residential context.

13.3.3.6 Landscaping

11.3.3.6.1 Installation of street trees in appropriate trees grates, planting beds or front yards, continuing the planting plan established by the Town of Amherst is required. Species, size and planting details to be approved by the City. Drives and walks internal to a lot along building fronts should continue established tree planting plans to the extent possible.

11.3.3.6.2 Landscaping and landscape elements such as fences are required either along the sidewalk, at building foundations, or both.

11.3.3.6.3 Landscaping at surface parking is required and includes a tree and 50 square feet of planting for every 20 cars. Planting should be distributed to provide relief from the continuity of the parking spaces and drives without interfering with the continuity of pedestrian movement to entries and public ways.

11.3.3.6.4 200 square feet of landscaping accessible to the public should be provided at building sides or rear for every 10,000 square feet of floor area developed.

11.3.3.6.5 Provide landscaped buffers between parking and abutting properties as noted above.

11.3.3.6.6 Landscaping to be native species that require minimal irrigation and fertilizer and are drought resistant. Utilization of landscaping as part of a comprehensive approach to storm water management: bio-swales or raingardens - are encouraged.

11.3.3.6.7 Healthy existing trees should be preserved whenever possible.

13.3.3.7 Outdoor Environment

11.3.3.7.1 Front facade and architectural lighting should complement the Town's street lighting and articulate building entries and other outdoor uses and the public nature of the sidewalk.

11.3.3.7.2 Side and rear lighting should contribute to public safety by providing adequate lighting between parking, building entries and public ways. Rear entries should have lighting that supports wayfinding.

11.3.3.7.3 All lighting to be “dark sky” and cut off at property lines.

11.3.3.7.4 Pole lighting and fixtures to be a maximum of 15’ feet above grade.

11.3.3.7.5 Loading docks, dumpsters, mechanical equipment and utility meters to be located in low visibility locations and screened from view by architectural or landscape elements compatible with the site and building design.

11.3.3.7.6 All electrical and utility lines to be located below grade.

11.3.3.7.7 Pervious paving is to be utilized to the extent possible as part of a comprehensive approach to storm water management.

11.3.3.7.8 Storm water management systems should incorporate Best Management Practices as prescribed by the Massachusetts Department of Environmental Protection and Low Impact Development practices including infiltration chambers, landscaped swales, vegetated rain gardens, drywells and other features to retain water on site and recharge into the ground. Retention of storm water for use in irrigation is encouraged.

12. SEVERABILITY.

If any provision of this Section [x] is found to be invalid by a court of competent jurisdiction, the remainder of Section [x] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [x] shall not affect the validity of the remainder of the [Town’s Zoning Bylaw.

13.1 Adoption of Design Standards. Any Project undergoing the Plan Approval process shall be subject to design standards [as set forth below in this Section 13.0 (“Design Standards”)] [or] [referenced in the ordinance or bylaw but contained in a separate document].

13.2 Purpose. The Design Standards are adopted to ensure that the physical character of Projects within the SGOD:

- 1) will be complementary to nearby buildings and structures;
- 2) will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the [City / Town]; and
- 3) will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the [City / Town] or in the region of the [City / Town].

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