Re-zoning To Protect Town Character: A Proposal for Nantucket's Downtown

RE-ZONING TO PROTECT TOWN CHARACTER:

A PROPOSAL FOR NANTUCKET'S DOWNTOWN

A Masters Project Presented

by

Joy Turner Cowan

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CHAPTER I. INTRODUCTION TO THE PROBLEM

Increasingly over the last few years, towns and planning professionals have come to realize the importance of preservation in maintaining the character of a community and as an integral part of a strategy of growth management. While much effort has been spent in the development of methods and plans to protect historic downtowns, one crucial factor has frequently been overlooked, with potentially disastrous consequences. If local zoning regulations are not tailored to accommodate the objective of historic preservation as part of an overall plan, the strict legal constraints of zoning may hinder or completely prevent a community from being able to protect its existing character.

In Roanoke, Virginia, for example, zoning which was inconsistent with historic residential neighborhoods was contributing to their decline. Zoning regulations developed in the 1960's required a larger lot size than was originally planned in those historic neighborhoods. As a result, vacant homesites which were too small to be developed, lost their value and were neglected. Homesites which met the minimum lot requirements began accommodating buildings which were out-of-scale with the existing neighborhood. In the 1980's, the people of Roanoke resolved this conflict by adopting revised zoning regulations designed to encourage compatible development and to protect community character [Collins, Waters and Dotson, 1991].

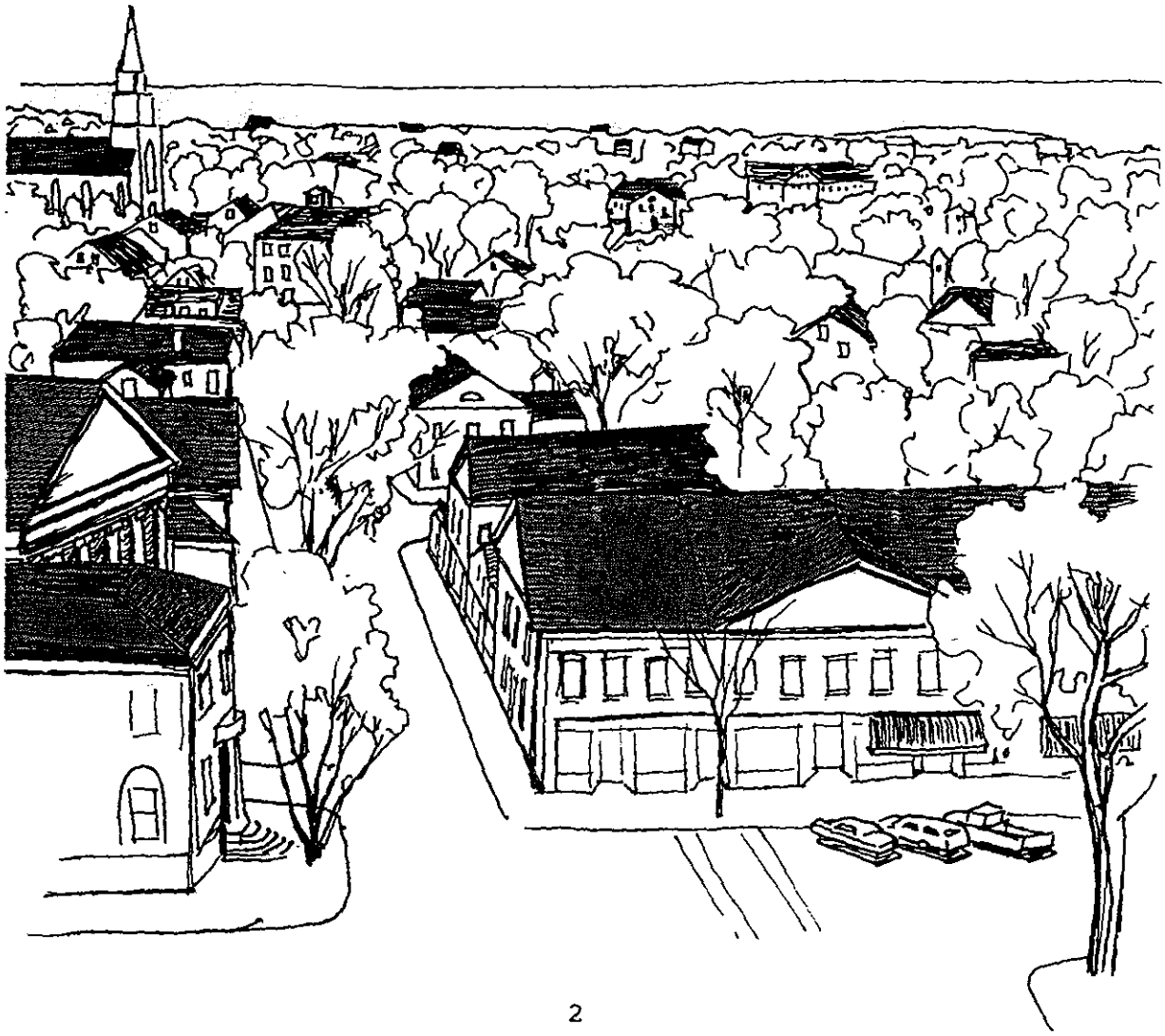
As Duerksen points out in A Handbook on Historic Preservation Law, "A similar scene [to Roanoke] is played out on a different scale in many other towns...These conflicts can be avoided if zoning is changed to reflect historic preservation goals" [Duerksen, 1983, p. 48].

A. The Historic Character of Downtown Nantucket

This study will examine the situation which exists on Nantucket. The Commonwealth and Town have made extraordinary efforts to preserve the island's unique architecture and townscape through an island-wide historic district designation with extensive design controls. The Historic District Commission (HDC) is the governing body with jurisdiction over exterior design of all buildings on the island. One goal of the Commission is the protection of the existing "pattern

of development, scale, streetside building alignment and pedestrian details" [Lang and Stout, 1992] which give the traditional downtown its distinct identity.

The "pattern of development' refers to the spatial patterns which occur when land is divided and developed [Craighead,1991,p.54]. Within the Town, as well as in other places, these spatial patterns are created by streets and blocks, and, within these blocks, by the arrangement of lots and buildings. The scale of Nantucket's central business district is determined by the size and proportions of the buildings, streets, trees and other dimensional objects which can be related to the human figure.



1. Commercial Zoning in Conflict with Downtown Form

Nantucket also faces a conflict between preservation and zoning. As in Roanoke, the intensity regulations of the current bylaw do not reflect the dimensions of the historic downtown area. Unlike Roanoke, most of the lots in the downtown have been fully developed. However, if any building within the downtown were to be damaged by fire, or any other cause, and needed to be rebuilt, the current zoning regulations would apply. Because the dimensions of height, setback and ground cover ratios within the bylaw are significantly different from the dimensions of the existing patterns within the downtown, zoning in Nantucket could alter the arrangement of buildings within the historic downtown.

One of the distinctive patterns along Main Street, for example, is created by the connections of adjacent buildings, with no open spaces between structures. Current zoning requires five-foot setbacks from each building to its sideline boundary. This means that a gap of at least ten feet would be created between buildings where previously they had been joined. This is but one example of a potential result from the conflict between zoning and the effort to maintain the existing pattern of development.

Changes in the spatial arrangements of an historic area can result in a loss of character. The authors of America's Forgotten Architecture warn that "empty spots can eat away at the fabric of a community ... [and] a town's original character can become obliterated"

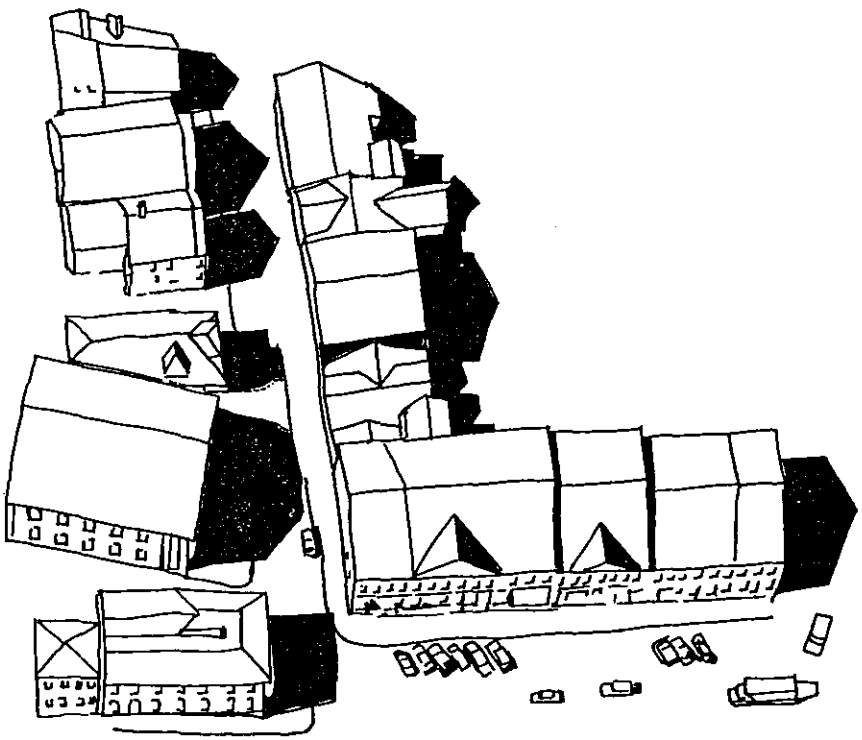
[National Trust for Historic Preservation et al., 1979, p.17]. In Maintaining the Spirit of Place, Garnham has "found the small town to be uniquely vulnerable to the loss of character created by change" [Garnham, 1985, p. viii].

Protection of character is becoming a major theme in downtown plans in this country. Initially, preservation efforts focused on the significance of individual buildings for their historical value and architectural methods [Collins et al., 1991, p. 16]. "Preservation has moved from the famous buildings to an appreciation of the so-called background buildings, structures and sites" [National Trust for Historic Preservation, 1979, p. 13]. People have begun to recognize that historic character makes an important contribution to the attractiveness, livability, and economic health of towns and cities [Collins, et al., p. 16].

Nantucket is already recognized as a special place. Its unique downtown image is a composite of the island setting and its architecture, building groupings, vegetation, materials, details, scale and compactness. The local economy thrives on tourism. Initially, preservation of the built environment was an unconscious effort, the result of economic decline in the mid-1800's. From the 1950's to the present time, historic preservation has been deliberate and methodical, and directly linked to Nantucket's economic viability. Maintaining the visual quality of the natural and built environments are high priorities.

"The basic purpose of preservation is not to arrest time but to mediate sensitively with the forces of change" [Lawrence, in Garnham, 1985, p. ix]. Despite local preservation efforts, Nantucket's downtown character is vulnerable to change. Unless zoning is modified, any rebuilding efforts within the downtown could produce structures that are not compatible with the siting and density patterns in the historic downtown. Presently, zoning creates an impediment to the protection of Nantucket's unique character. The benefits of past preservation efforts could incrementally be eroded because of improper zoning.

The question of whether any historic building could be rebuilt, in case of fire or other catastrophe, would depend on whether the Town has provided for that situation within its Bylaw [Schmidt, 1992]. On Nantucket, current zoning does not permit the rebuilding of most of the historic structures of the downtown because most of them exceed the limitations of lot size, setback and ground cover [Nantucket County, 1991]. In addition, no measures have been taken to provide for the rebuilding of historic structures by special permit [Nantucket County, 1991].



Zoning revisions which would provide for a more compatible siting of buildings, can be accomplished in one of two ways:

1. By having the dimensional limits of the bylaw include the dimensions of the existing historic buildings and their lot sizes, or

2. If zoning is inconsistent with the dimensions of the existing historic buildings, providing for relief by special permit for such buildings and lot dimensions within the local bylaw.

By examining the patterns of lots and buildings, it is possible to determine the range of dimensions which characterize the existing, historic patterns of development in downtown Nantucket. These patterns can also be assessed for scale, density and other design factors which should be considered in formulating desired zoning criteria. Any recommendations for changes to zoning can include dimensional guidelines which reflect the density and scale of the present downtown.

2. The Purpose of this Study

The purpose of this study is to identify those factors which give Nantucket's historic center its distinctive character and which could be impacted by current zoning restrictions. The study will show where current zoning regulations are inconsistent with existing structures and lots and the potential problem that is presented by the differences. Finally, alternative methods of addressing the situation to ensure the preservation of Nantucket's historic commercial structures will be presented.

B. The Impact of Zoning on Building Form and Character

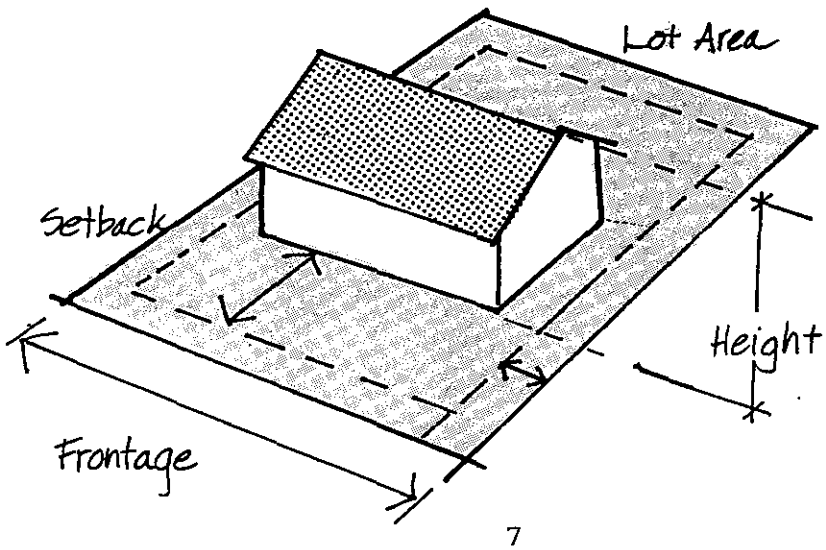
Zoning is a land use and growth management tool which has traditionally been viewed as regulating predominantly new development [Cook, 1980]. The purpose of zoning is to influence how property is used for the interests of the community [Smith, 1983]. It can do this by directing the growth of areas in patterns which will be consistent with the requirements of that community [Paseltiner, Tyler, 1983].

A zoning bylaw is a law that a municipality has the power to enact by virtue of a state enabling act. Most state enabling acts, including Massachusetts, were based on the Standard State Zoning Enabling Act of 1924 [Cook, 1980].

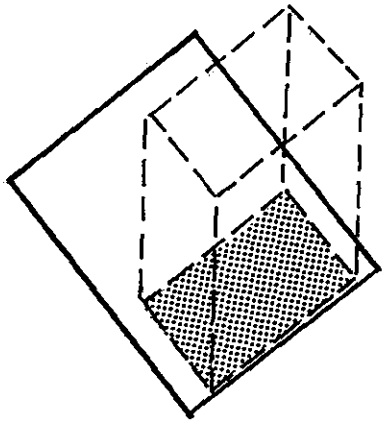
The legal foundation of zoning is based on police powers, which are the powers to enact laws for the protection of "public health, safety, morals, and general welfare" [Cook, 1980, p. 8]. This use of zoning as a valid expression of police power was affirmed by the U.S. Supreme Court in the Village of Euclid v. Ambler Realty Company in 1926 [Morris, 1989].

Over the years, the courts' definition of "general welfare" has broadened to include objectives such as historic preservation and visual quality [Cook, 1980, p. 17]. This definition allows a town, such as Nantucket, the legal basis to revise zoning to accommodate the protection of town character.

The requirements of zoning typically consist of dimensions and uses, as in " two-acre residential zoning" or "5,000 square foot lots zoned commercially." As a dimensional control, zoning may establish lot area and frontage, front, side and rear setbacks, building height, ground coverage and floor area ratio, and open space limitations. Use restrictions commonly describe areas as limited to commercial uses, single-family residential uses, mixed residential-commercial development, multi-family structures, and so forth [Craighead, 1991].



There is also a hidden design element to zoning; a building's bulk is defined by the limits of its lateral dimensions. Minimum lot dimensions are combined with front, side, and rear yard setback requirements, which specify the location of exterior walls of a buildings in relation to lot lines streets, or other buildings, resulting in maximum lateral dimensions [Craighead, 1991].



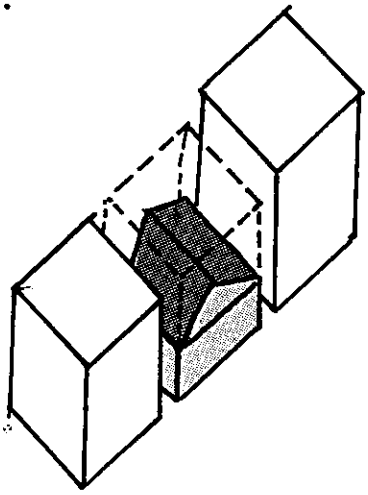
For commercial structures, there are economic incentives to maximizing the size of the building on a lot if the income generated by the building is directly related to the square footage available. Zoning imposes outer limits on the structure and can direct its siting to be consistent with other buildings in the district [Lassar, 1989]. These outer limits must be examined, since they will determine the siting, shape and mass of buildings in any given district. The design criteria that are "hidden" in these limits often determine the mass of individual new buildings and how a fully developed area will look [Craighead, 1991].

1. Impact on Existing Structures

Zoning also has an impact, and a very real one, on the preservation of existing structures and uses. If the inherent design elements in a zoning bylaw are only examined for their prospective impact on new development, and not also for their impact on existing structures and areas, the result may be the loss of the very structures, spaces and uses that comprise the town and give it its character [Sutro, 1990]. To understand the extent to which zoning can impact preservation efforts, it is necessary to understand how zoning affects existing buildings.

First, zoning which allows greater dimensions than

already exist within the historic preservation area will result in expansion beyond the physical characteristics of the historic buildings, and they could eventually be overshadowed by the newer construction. For example, where four stories are permitted in an area of historic two story buildings, the commercial landowner will realize the increased profit potential in enlarging the building and will either demolish and rebuild, or add to the existing building. Either way, the preservation effort could be defeated, since the integrity of the structure could be lost. As four-story buildings proliferate, the feel of the entire area will be lost, and with it, the sense of historic character.

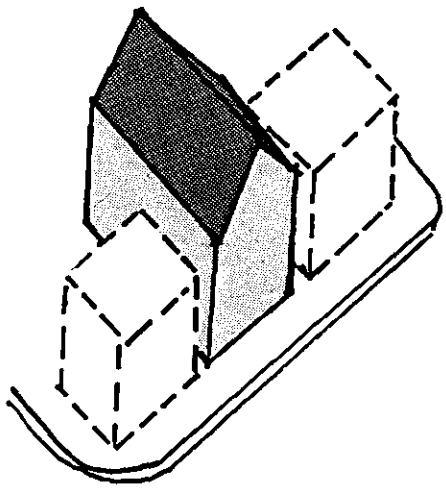


Second, zoning which is dimensionally more restrictive than existing structures may also result in their loss over time. In Massachusetts, as in most other states, structures which were in existence before the imposition of zoning are given protection from the new restrictions. Such protection, known as "grandfathering", is legally required and the extent of grandfathering varies from state to state, depending upon the protections in the state zoning enabling act, and from town to town, depending upon the local bylaw. Pre-existing structures and uses which do not meet new zoning requirements are referred to as "nonconforming".[Smith, 1972]

Under the state Zoning Act, Massachusetts General Laws Chapter 40A, pre-existing nonconforming commercial structures are given very limited protection. The language of Section 6 limits the protection of pre-existing nonconforming commercial structures from new zoning requirements to changes which are not

"substantial".

On one hand, this limitation can help the cause of preservation because it limits changes to those structures. On the other hand, it hinders in two respects. First, it does not permit rebuilding of a damaged commercial building. Second, it does not permit new construction which is in keeping with the area and may otherwise enhance the feel of the historic district. Either of those goals may only be achieved through the local bylaw. [Schmidt, 1992].



Due to the density of downtown Nantucket, a majority of structures in the historic commercial area are nonconforming and, as a result, they have very limited protection. The zoning imposed on Nantucket's commercial area is based on a pattern of larger lot sizes with more open space per lot than currently exists in the downtown. The tighter density of Nantucket's downtown and the compact nature of the streets and buildings has begun to be regarded as a marketable asset not only for older downtowns, but new ones, as well.

2. The Neotraditional Approach to Planning

In recent years, there has been a movement to revive the town planning traditions of the early twentieth-century and before. [Langdon, 1988] Some of the objectives met by a neotraditional approach are the de-emphasis of the automobile, trip-shortening, multiple uses, and smaller-scale planning. This approach opposes large-lot subdivisions with expansive private lawns and long commutes, in favor of compact communities with walkable destinations. [Luccese, 1988]

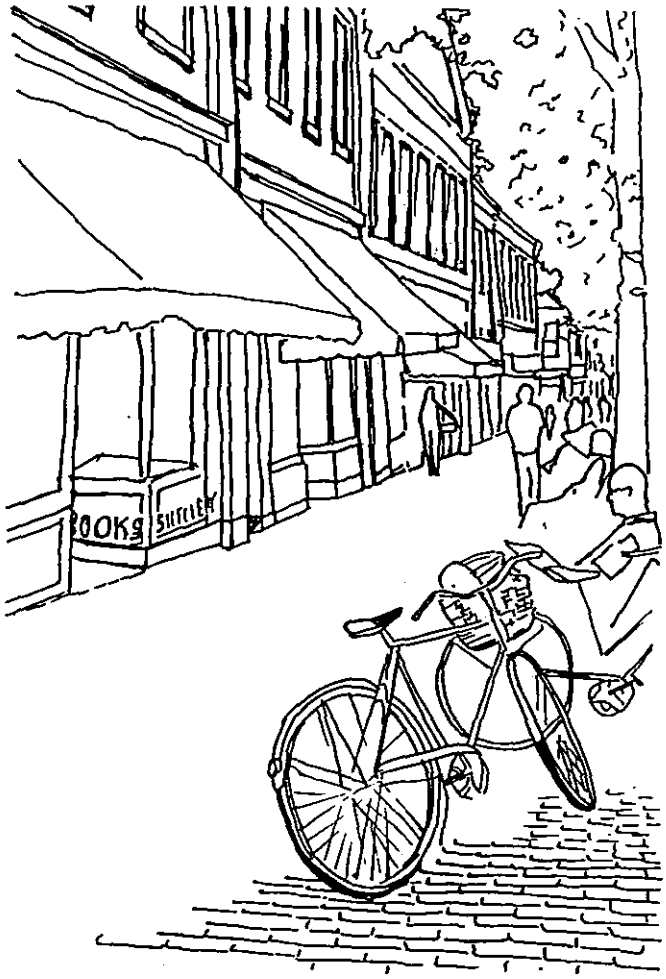
Because zoning, through height and intensity regulations, can affect the scale and density of a town, zoning has become an essential tool used in the shaping of the neotraditional town. [Sutro, 1990] When the urban design team of Andres Duaney and Elizabeth Plater-Zyberk draw guidelines based on eighteenth-and nineteenth-century town plans for residential projects, they use a zoning code adapted to support a small scale of streets and lots. [Lassar, 1989] The "Traditional Neighborhood District Ordinance" used by Duany and Plater-Zyberk provides a small-scale template from which the neotraditional town can grow. In this ordinance, street widths, lot sizes and building heights are designed to create compactly-settled, walkable towns. (Duany 1992)

Nantucket is one of the communities that this team seeks to emulate. It seems ironic that Nantucket's own code does not support this traditional density. The new town of Seaside, Florida, designed by Duany and Plater-Zyberk in the mid-80's, has, like Nantucket, narrow streets and uneven pavements, which slow cars and favor pedestrians. A grid of small streets connects residences with commercial and public services.

Other projects across the country are using the neotraditional approach. "Cascades" in Loudon County, Virginia, has been planned by Sasaki Associates. "Murrayhill" in Oregon has been designed by the San Francisco firm of Royston, Hanamoto, Alley and Abey. Kentlands, Virginia, Mashpee Commons, Cape Cod, and Princeton Forrestal Village in Connecticut have also been designed with a neotraditional approach. [Luccese, 1988]

The significance of neotraditional planning to

this study is that it values the tighter scale which exists in Nantucket and supports that scale through consistent zoning measures, for new development. To preserve historic development, many cities have modified local bylaws to protect the historic character of districts within those cities. Ultimately, neotraditional planning and historic preservation should be integrated in order to maintain the character of Nantucket without unnecessarily preventing appropriate and essential evolution of the community.



3. Cities where Zoning has been Modified for Preservation of Character

In the 1980's historic preservation figured prominently in efforts on the part of American cities to improve their downtowns. Boston, Cincinnati, Denver and Seattle incorporated preservation into their planning goals and have recently implemented these goals by revising bylaws to encourage and facilitate the preservation of downtown character. The adoption of the San Francisco Downtown Plan in 1984 represented the first time that historic preservation was central to a major city's downtown development plan.[Waters, 1988, p. 345] In adopting the plan the community was deciding that guidelines to future development within conservation districts would be determined by the existing scale and character of these historic areas. [Passeltiner and Tyler, 1984, p. 33] In Boston, a plan entitled "A Plan to Manage Growth: Enhancing the Quality of Life and Preserving the Character of Boston" was approved in 1987 and outlines the establishment of 11 separate districts and the development for zoning provisions to be tailored to each district. [Waters, 1988]

On a national level, support from the National Trust for Historic Preservation has come in the form of a grant program and through adoption of a set of goals known as the "Charleston Principles." In 1981 the National Trust created a Critical Issues Fund to support local efforts to weave preservation values into local land use plans and zoning bylaws. San Francisco and Roanoke are two cities which received these funds and have subsequently adopted zoning revisions as part of policy changes which seek to conserve community character.[Collins, Waters, Dotson, 1991]

In 1990, the "Charleston Principles" were adopted as a policy statement by National Trust members at the annual meeting. This national message indicated that preservation leaders are looking to support the incorporation of goals through regulatory mechanisms which can facilitate historic preservation. This advocates the inclusion of preservation goals within growth and development policies at the local level. [Collins, Waters, Dotson, 1991] This is based on a common understanding that preservation of historic buildings and districts can best be accomplished if

this is included in the early development of local land-use plans and zoning bylaws.[Duerksen, 1983]

Three of the eight Principles which pertain most directly to historic preservation and zoning are:

1. "To identify historic places, both architectural and natural, that give the community its special character and that can aid in its future well-being."

2. "To create organizational, regulatory and incentive mechanisms to facilitate preservation and provide the leadership to make them work."

3. "To ensure that policies and decisions on community growth and development respect a community's heritage and enhance overall livability."[Collins, Waters, Dotson, 1991]

As advocated by the Charleston Principles #2 and #3, this study seeks to revise a regulatory mechanism, namely zoning, at the local level, to ensure protection of Nantucket's historic character. As in Principle #1, the first step is to identify those factors which contribute to historic character.

C. Organization of this Study

The following chapters are organized in the following manner:

Chapter Two will describe the historic character of Nantucket by reviewing the development of the downtown and examining the spatial relationships of its streets and buildings. This chapter will examine, in particular, the dimensional patterns of the historic downtown which could be impacted by zoning.

Chapter Three will examine what rights Nantucket has to zone, when Nantucket adopted zoning, and how current court decisions have affected pre-existing nonconforming structures and uses. Next, the spatial character of the downtown will be compared with the dimensional requirements of the current Bylaw to pinpoint where they may be inconsistent. Because most of the downtown buildings are nonconforming, this chapter will look at the potential effects zoning could

have on any future rebuilding efforts. By using a hypothetical scenario, the conflict between existing zoning and goals for protection of character will be further examined.

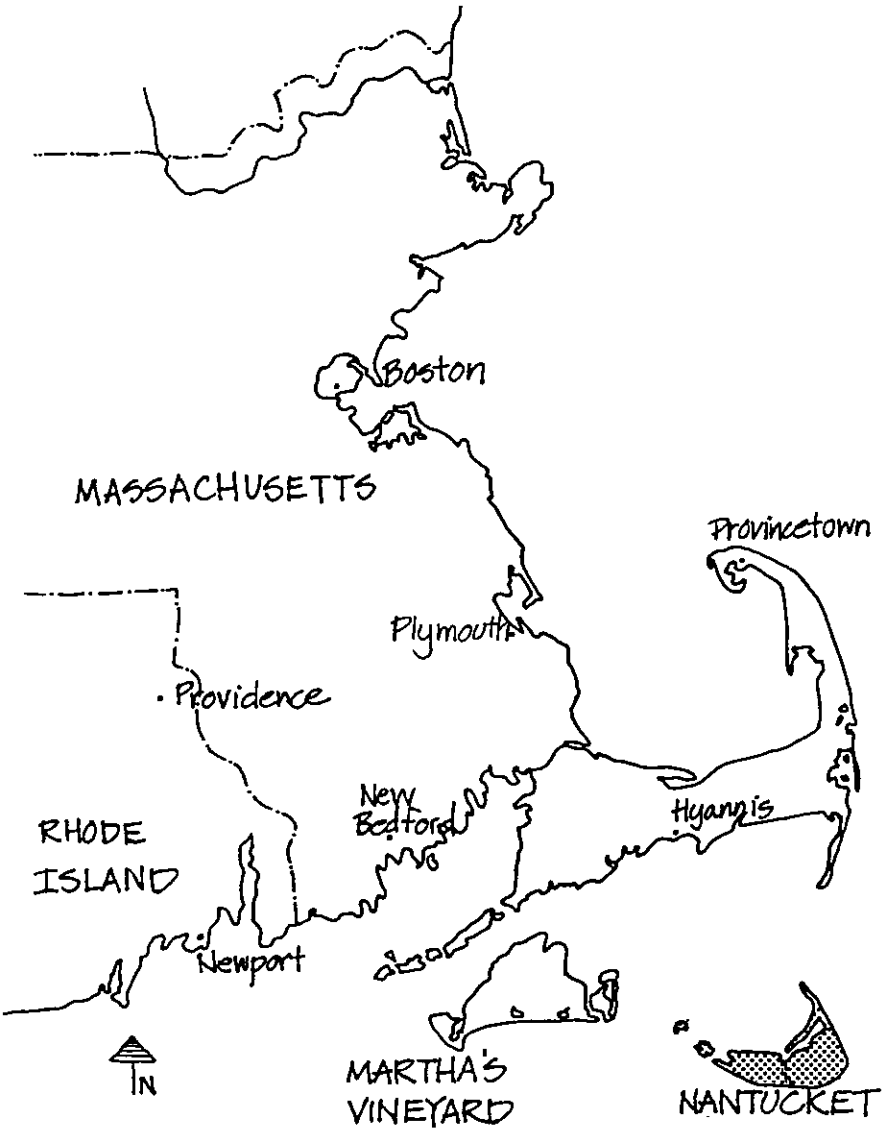
Chapter Four will begin with a review of planning issues which may affect or be affected by modifying zoning to protect historic character in the downtown. These include the density of the downtown, current parking policies, and the new handicapped access legislation. This chapter will identify some of the options which can be used to modify or provide relief from zoning and will review which options have been recently incorporated by cities and towns to remedy conflicts similar to the one on Nantucket.

Chapter Five will contain recommendations on how zoning could be modified on Nantucket. This will review in greater detail the four options available and make a recommendation based on those options. This chapter will explain how relief from zoning could be granted for an overlay district and will propose a) the process of review that is recommended, b) the types of relief that could be granted and, c) the conditions which would need to be met in order to grant relief.

CHAPTER II. UNDERSTANDING NANTUCKET'S CHARACTER

A. Physical Setting

The Island of Nantucket, twenty-two miles off the coast of Cape Cod, is fourteen miles long with a varying width of three to six miles. Nantucket's shoreline perimeter includes over fifty miles of beaches, and its waters are warmed by the tropical Gulf Stream. Conscious of the value of this natural resource, one of the goals of the townspeople is maintaining public access to the beaches. In addition, over thirty-six percent of the open land, over 11,000 acres, has been placed in conservation.



A number of factors have contributed to Nantucket's popularity as a vacation resort. First, because the Island is separated from the Cape by Nantucket Sound, Nantucket is accessible only by boat or airplane, and therefore is uniquely remote. This provides visitors with a physical separation from their everyday lives. It is not on the way to anything; it is a final destination.

Second, many of its historic buildings and streets have been preserved in their original form, providing a living museum for today. The visitor is able to experience an atmosphere which is compact and historic. The buildings have been adapted to present uses, but the feeling is of the past.

Third, the natural beauty of the Island includes dunes, forests, ponds and heathlands. The vegetation of the moors consists of bayberry, blueberry, false heather, shadblow, and other heathland plants from the Ericaceae family. [Gambee, 1986, p.248] The variety of plants found on Nantucket is greater than any area of similar size in the United States. The Island is also home to several rare birds and plants, including the short-eared owl and Nantucket Shadbush.

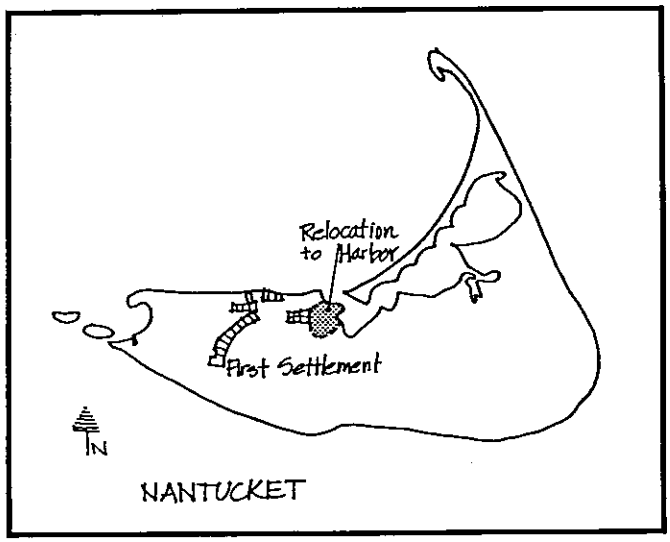
Fourth, the climate of the Island is milder than much of New England in the summer. The humid, breezy weather is comparatively cooler than that of the mainland and conducive to many outdoor activities.

Endowed with these factors, Nantucket has developed into a prime warm-weather resort. People come to the Island for the relaxed, informal atmosphere. They come for the slower pace and charm that they find here.

B. Historical Background of the Downtown, 1700 to Present

Among the considerations which prompted Massachusetts colonists to become settlers in 1659 were those geographic factors which made Nantucket appropriate for sheep farming. The open land was suitable for grazing sheep, the ocean provided a natural boundary, and the fresh and brackish ponds provided drinking water beside the pastures. [Lancaster, 1979]

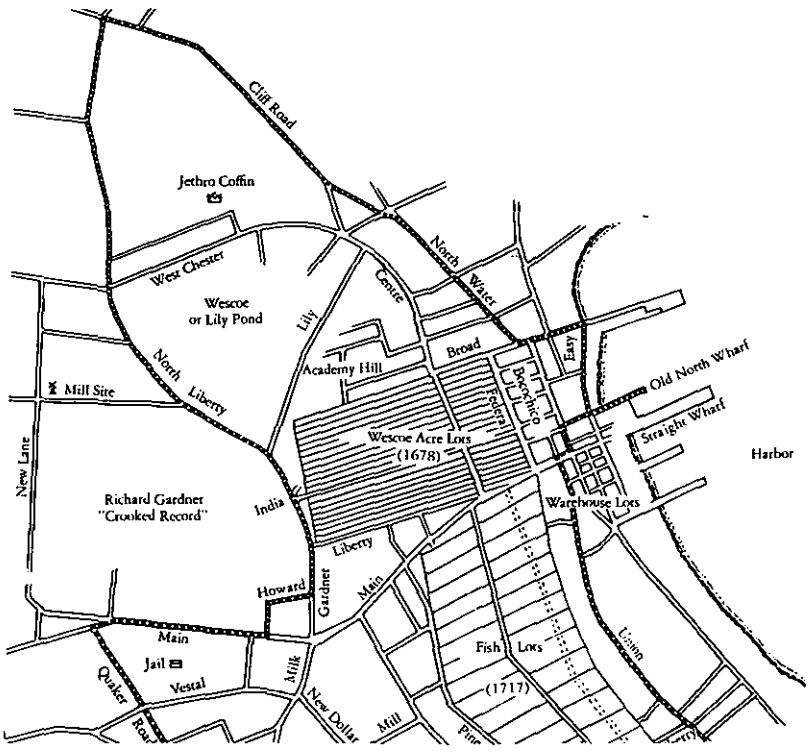
Fifty years later, the development of Nantucket's whaling industry was dependent upon another set of geographic criteria. Access to the ocean and the need for a harbor contributed to the development of the site of Nantucket's downtown. As Nantucketers turned from woolens to whaling, the early settlement of Sherburne was dismantled and relocated from the pastureland to the waterfront. [Garland, 1988]



As the economy turned to whaling, two wharves were built in the town harbor in 1716 and 1723; the latter was named Straight Wharf, and it still exists today. Construction of roads and buildings accompanied the development along the harborfront. Straight Wharf became an eastern extension of Main Street, which had been laid out in 1697. [Lancaster, 1979]

The early shape of Main Street was irregular due to the shape of districts on either side. Whereas many villages in the Bay Colony had developed along an established pattern of streets, Nantucket's streets developed along the lot lines and exterior boundaries of its districts. The layout of the districts was determined by the Proprietors - the group of shareholders who had purchased the title to Nantucket in 1659. The districts in the downtown - Wescoe Acre Lots, the Fish Lots, Warehouse Shares, and Bocochico (meaning "near the harbor")- were laid out between 1678 and 1744. Each district was divided, for the most part, into one lot per shareholder, and the Proprietary consisted of twenty-seven shareholders; this figure represented twenty full-share and fourteen half-share members. [Lancaster, 1975]

The Proprietors' method of land distribution was based on a feudal system and was used to ensure an equal distribution of land. It may be interesting to note in the illustration, that because each district was a different size, the sizes of street blocks resulting from these districts vary, as well. This results in an irregularly-spaced grid of streets in the downtown. [Garland, 1988]



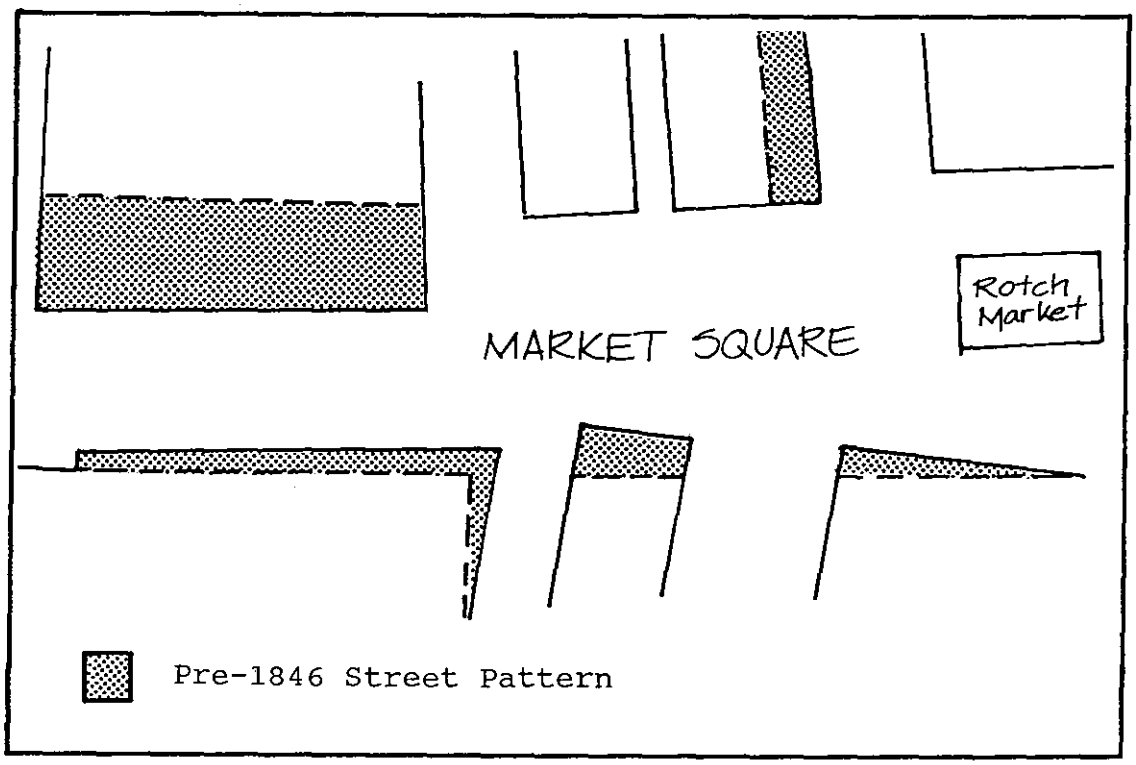
On the north side of Main Street, the two districts which formed the central area of the downtown were the Wescoe Acre and Bocochico Lots. The lots along the south side of Main Street (see map) were not part of a proprietary district; the Fishlot Shares lie just south of this land. [Lancaster, 1972]

As the districts were established and were connected by streets, the town developed to accommodate the rapid growth of the whaling industry. The production of whale oil and the trades associated with whaling - shipbuilders, chandlers, coopers, candlemakers - maintained the Nantucket economy, with the exceptions of setbacks during the Revolutionary War and the War of 1812. Larger ships, introduced in the mid 1770's, allowed for longer voyages and even greater yields of oil. By the mid-1830's, Nantucket had become the world's largest producer of whale oil.

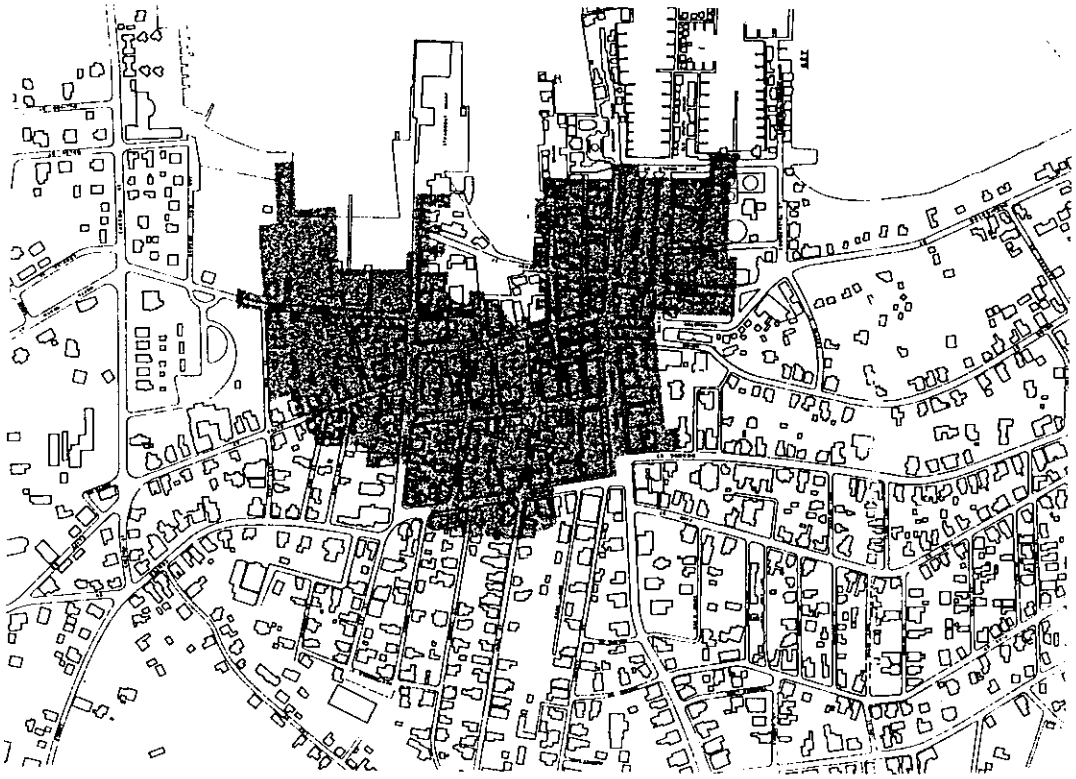
The whaling industry prospered, and the population of the town grew. By 1842, there were over 9,000 residents, more than at present. Homes, businesses and religious buildings were compactly sited within the downtown area; much of the property which had been proprietor's shares was further divided into smaller parcels. Homes were built along the street line, with no front yard, and without much space between neighboring houses. [Lang, 1978] Commercial buildings were connected to other buildings along some sections of Main Street. [Lancaster, 1975]

Unlike most of New England, there was no town common. The public open area, known as Market Square, existed between the north and south sides of Lower Main Street . The William Rotch Market on the east end of Lower Main and the Pacific Bank on the west, further defined Market Square. Within this area, according to an 1834 Map of Nantucket, was a rectangular space adjacent to the Rotch Market, which was shaped like an open market area. This street pattern was to change twelve years later, when the streets were realigned. During the realignment, the street was widened and the recessed square adjacent to the Rotch Market building lots its original shape.

In 1837, Lower Main Street was paved with cobblestones, imported by whaleships, and this paving still exists today. [Turner, 1966]



In July of 1846, the Great Fire broke out in a hat shop along Main Street and proceeded to destroy almost all of the downtown, over 300 buildings, or one-third of all the buildings on the Island. Only three buildings were left standing on Main Street and these were of brick: the Pacific Bank, the Rotch Market, and the Folger Block, which had been a residence. Two lessons were learned from this tragedy. First, the importance of having streets wide enough so flames would not leap across, and second, the advantages of building with brick. [Lancaster, 1979]



Section of town destroyed by fire in 1846.

The north side of Main Street was immediately widened, as were the cross-streets of Center, Federal and North Water. A major rebuilding effort soon followed; most of the reconstruction was completed by 1847. Buildings adjacent to the Pacific Bank were rebuilt of brick, with slate roofing and details in granite and brownstone. The newly-adopted style of the

downtown was Greek Revival, a popular style throughout much of the country at that time. Elements of this style, such as pediments, pilasters, and columns appeared. The buildings constructed at this time are the ones which have survived in the commercial district. [Hamlin, 1944]

The rebuilding of the Town in 1846-47 could not stop the decline of Nantucket as a whaling port. Mainland ports offered easier access to markets and deeper harbors. Also, petroleum was developed as a fuel for lights, at a much lower cost than whale oil. Within two decades, the whaling industry collapsed on Nantucket. The last Whaling Ship left Nantucket Harbor in 1869. Whaling ceased to support the Town, and a mass exodus occurred, as opportunities lured most Islanders away. The population dropped from 10,000 at its peak to less than 1,700 in 1927. [Turner, 1966]

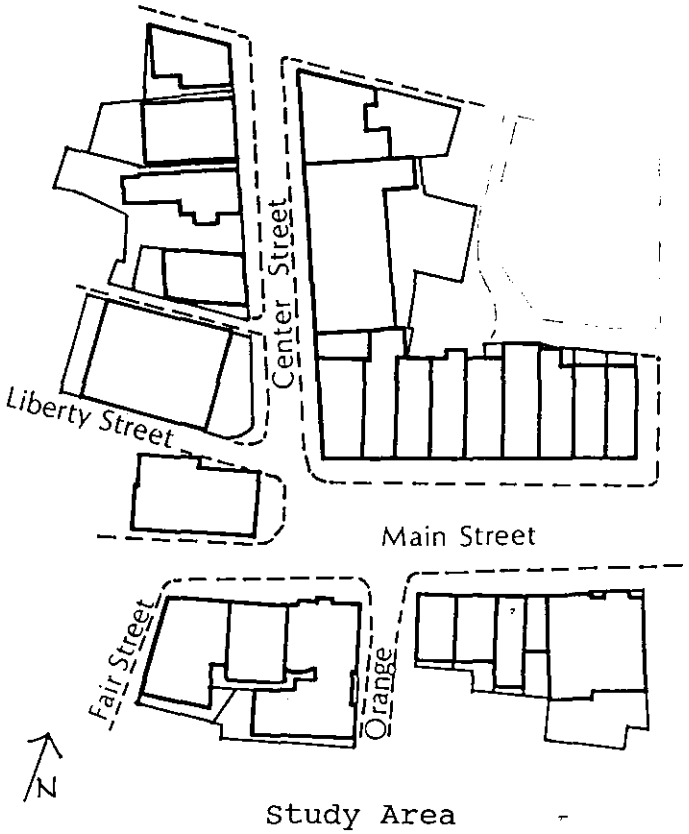
The population decline spared the architecture because there was no need to tear down buildings to get more room; the Island had plenty of deserted buildings. People simply moved into empty space which was already there waiting to be used. There was also no pressure for economic expansion. So townspeople met their needs with the architecture that existed.

C. Description of the Study Area

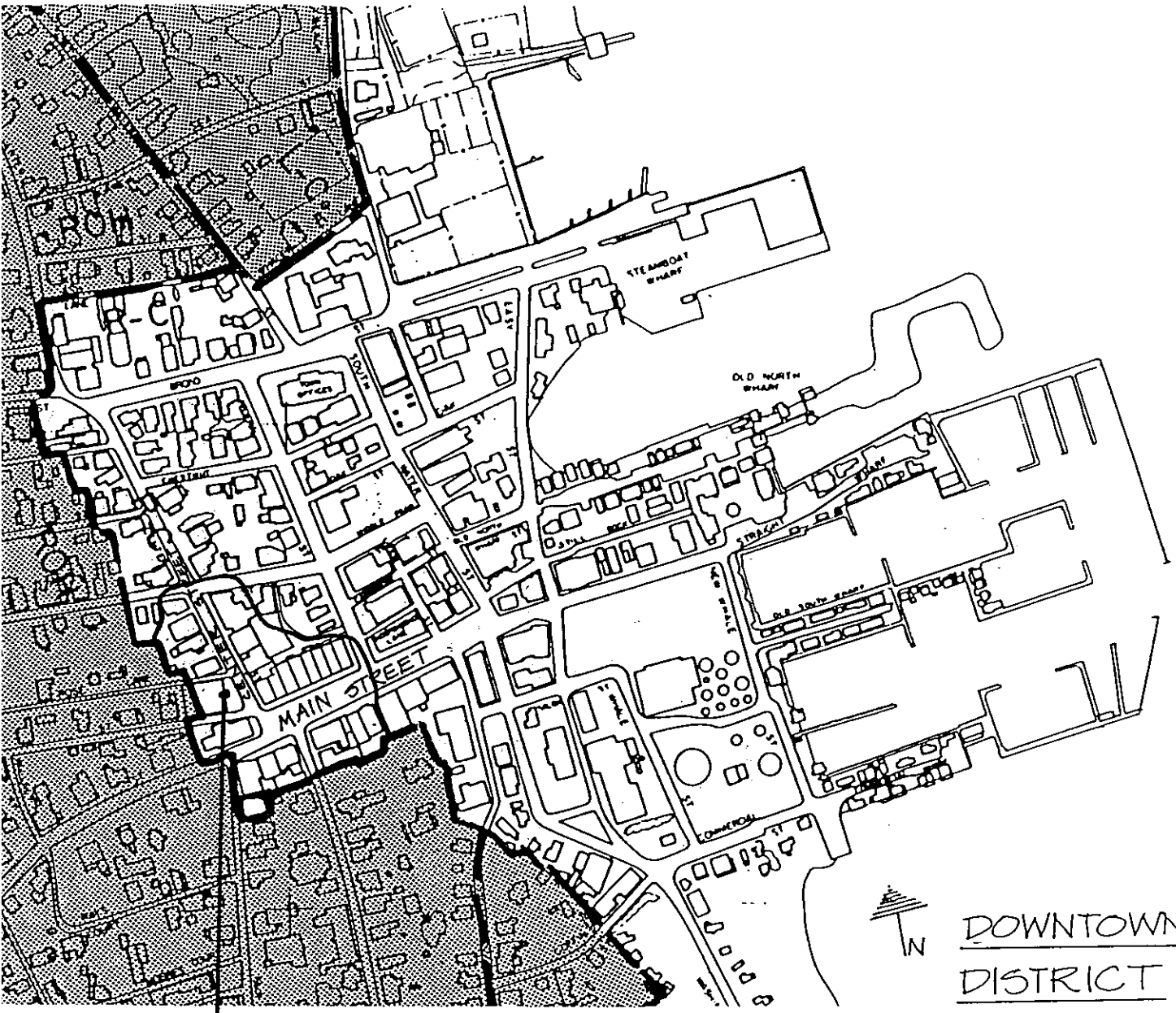
This section will identify those factors which both contribute to the downtown character and which could be impacted by zoning. As stated, the Historic District Commission's goals include protecting the historic pattern of development and scale. The Nantucket Zoning Bylaw affects the protection of

historic patterns of development by regulating the size of lots and their frontage along a street, and the size and siting of buildings on lots. Unfortunately, the Zoning Bylaw is not consistent with the historic patterns of development. The extent of the conflict becomes apparent by examining buildings in the commercial district.

For this examination, a study area has been selected along Main Street and Center Street which includes both sides of each street. The study area offers a range of lot sizes and building features which can be seen throughout the historic commercial area and which are typical of the range of designs within the central business district. Limiting the study area allows for a more detailed examination of the streetscape along four blocks of commercial storefronts and two smaller blocks with historic buildings, the Pacific Bank and the Methodist Church. This will determine the range of dimensions represented by the lots, buildings, and spatial relationships which exist in this part of the historic commercial area.

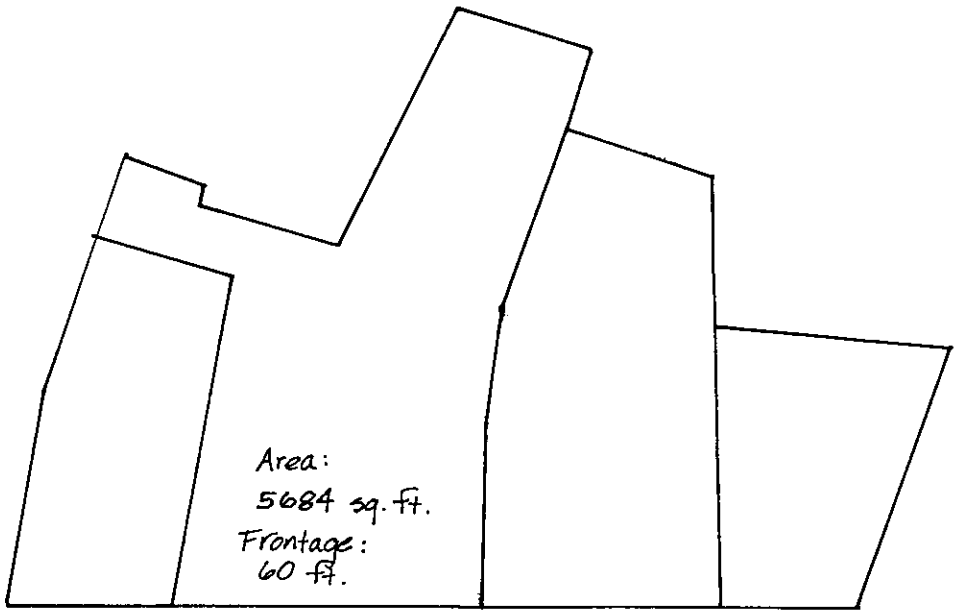


Study Area

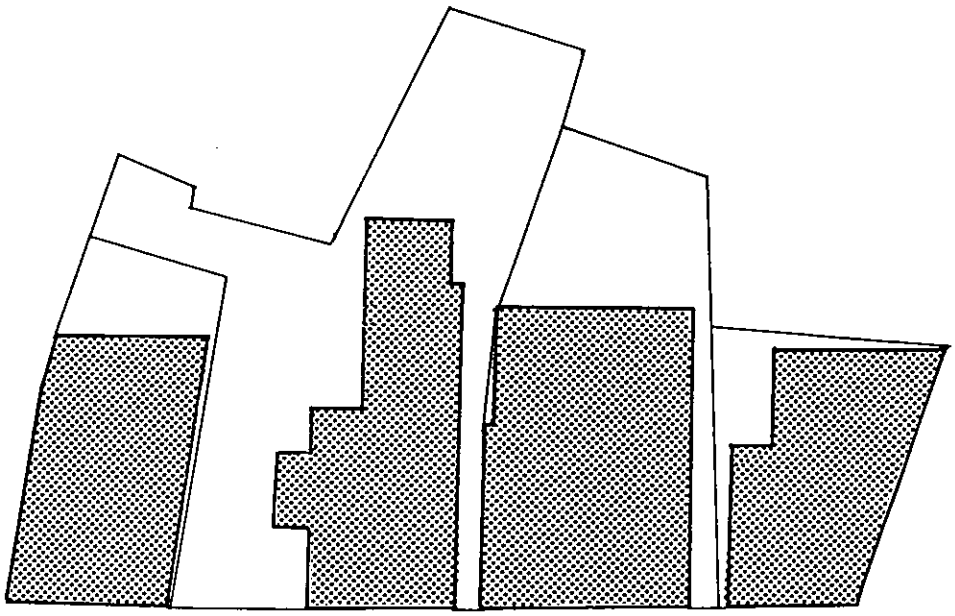

R-C
STEAMBOAT WHARF
OLD NORTH WHARF
MAIN STREET
study area
N
DOWNTOWN
DISTRICT

The study area will be assessed, by block, in this order:

a. Size and configuration of lots, including their frontage along a street,



b. Location of a building, or buildings, on a lot, including front, side and rear setbacks, and



c. Height, bulk and massing of buildings within the historic commercial area.

1. Size and Configuration of Lots

Lot size, shape and street frontage have much to do with determining the scale of development in a downtown. In Nantucket, lot sizes in the commercial area generally tend to be small - many are less than 2,500 square feet, or 1/16th of an acre, which creates an urban density within a very limited space. This density is a result of Nantucket's history of land division by the Proprietors, which led to the development of small lots within designated districts of town. The buildings on these 2,500 square foot lots were often connected to the building on the adjacent lot. When the Town was rebuilt after the Great Fire, this pattern of development was continued.

2. Setbacks

Further defining the distinctive character of Nantucket's downtown is the organization of buildings on the lots and their relationship not only to the street, but also to other buildings. "Setback" refers to the distance of a vertical elevation of a building from its front, side and rear boundary lines. One of the most common setback patterns evident in many downtowns is that of a zero-front setback, where buildings are constructed right along the front property line.

In Nantucket, zero-front setback is used in both the historic commercial area and the historic residential areas, where a large number of early Nantucket-style homes were sited along the front

property line. This characteristic pattern, together with a canopy of trees, lends a feeling of definition and enclosure to the streets of the historic areas.

The setback pattern of the study area is representative of the rest of the downtown. On Main Street, most commercial buildings are connected, filling the entire block. On side streets, such as Center Street, the buildings are more of the converted, detached single family house style, although closely spaced, with little side yard. The only significant yard area is at the rear portion of the lot, a pattern which continues out of the commercial area and into the older residential areas as well. The effect achieved is of large, well-sheltered open spaces, protected from the street by closely spaced buildings along the sidewalks.

3. Height, Bulk and Massing

The height of the downtown buildings, and their form and arrangement, help to determine the scale and density of Nantucket's historic commercial area. In the study area, the buildings range from single-story to two and one-half stories high and the range of building heights is from 16 to 50 feet. Perhaps more important than the specific dimension of height, is how the height of a building relates to those around it. Within the study area, the appearance of a one-story structure between two-story buildings on Main Street is noticeable and interrupts the continuity of building proportions along the street. In contrast, a variation of one or two feet of height between adjacent buildings is considerably less noticeable or disruptive.

(As a preview to the next chapter, it may be noted that the building height limitation for the entire Island is 30 feet. Within the scope of this chapter, it will be shown that a number of buildings which were measured for this study area exceed the height limitation.)

The height of a building is usually determined by the measurement at the peak of a roof, or the ridgeline. An alternate measure, used by some zoning bylaws, is the height of the eave of the facade which faces the street. This method measures the perceived height of the building as seen from the street by the pedestrian or motorist. It presents an interesting

alternative for regulating or varying height in a downtown. [Craighead, 1991]

The width and depth of a building determine its bulk. The bulk of a building is necessarily limited by the boundaries of the building lot, and, through zoning, can be further limited by a) setback requirements and b) ground coverage restrictions. Sometimes ground coverage restrictions are augmented by floor area ratios.

The average ground cover ratio within the study area is about 85%, a percentage which is typical of an historic center with an urban density. This figure indicates that the width and depth of the buildings within the study area are very close to the lot boundaries. In the study area, where the lot sizes are relatively small, a building which covers a large percentage of a lot can still be in scale with other buildings in the historic area.

The spatial character of a downtown is strongly influenced by the massing of buildings. Downtowns differ in character, shaped by different arrangements of streets and buildings. By examining the structural forms of the buildings, and the spaces between them, it is possible identify the spatial patterns which contribute to the historic character of the downtown. [Lynch, 1972]

The arrangement, or massing, of buildings can be influenced by the provisions in a zoning bylaw. Restrictions on lot size, frontage, setbacks, ground coverage and height affect both individual buildings and their combined spatial effect. The collection of buildings in a downtown forms a "whole" that is more than just the sum of its parts. The result is a composition of forms which help to create an identity for that spatial cluster. Therefore, zoning regulations often can have a significant effect on an environment, as they may ultimately influence the massing of structures.

One can examine "mass" and "space" as:

a) the relationship between volumes of buildings and the open areas between them, and

b) within each building, the relationship

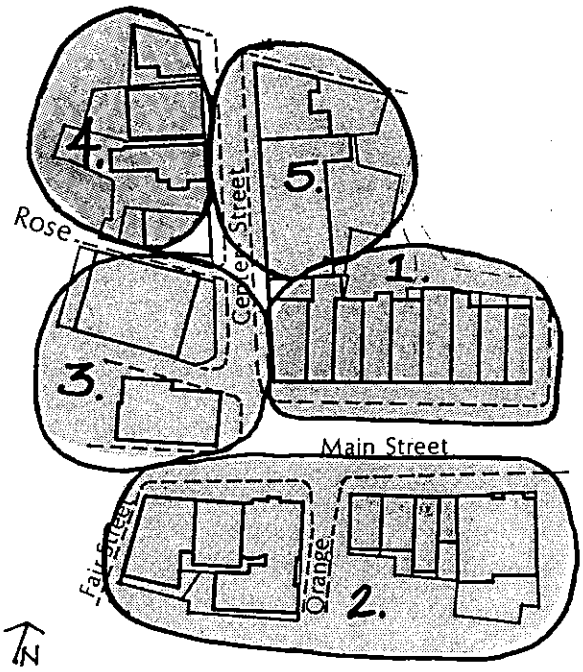
between "solid" and "void", as seen in the organization of walls and window/door openings of a building facade.

D. Dimensions of Lots and Buildings Within the Study Area

In this section, each block within the study area will be discussed in detail. The order of blocks for this investigation will be:

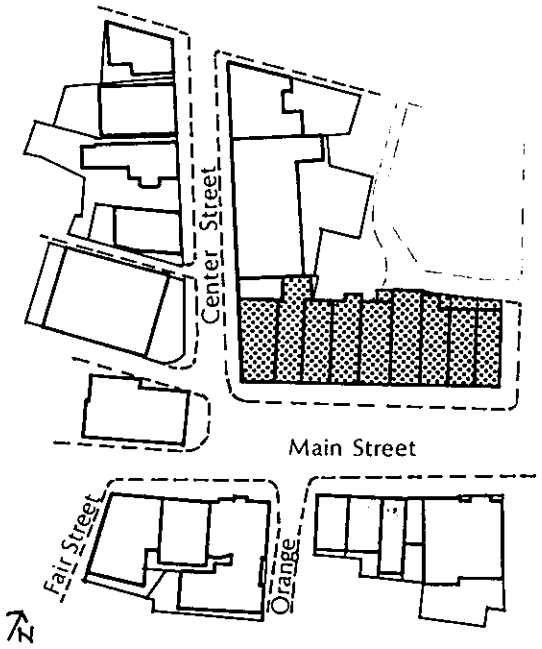
1. Main Street, North Side
2. Main Street, South Side
3. Center Street, from Rose Lane to Main Street
4. Center Street, West Side, and
5. Center Street, East Side.

Each block will be assessed for patterns created by a) lot size and frontage, b) setbacks, and c) height, bulk and massing.



Study Area, Blocks 1-5

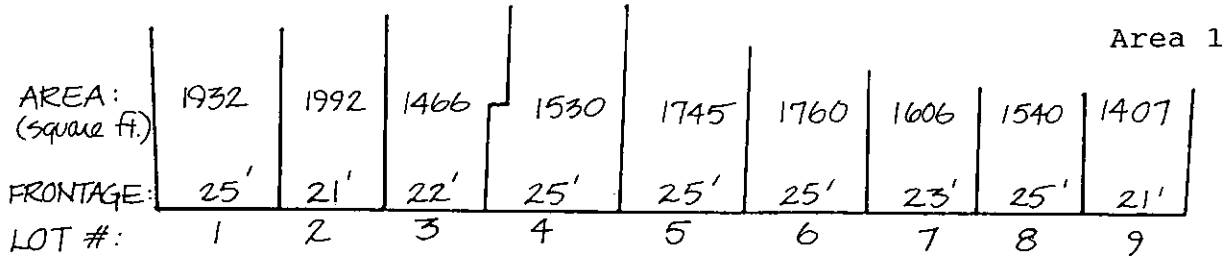
1. Main Street, North Side



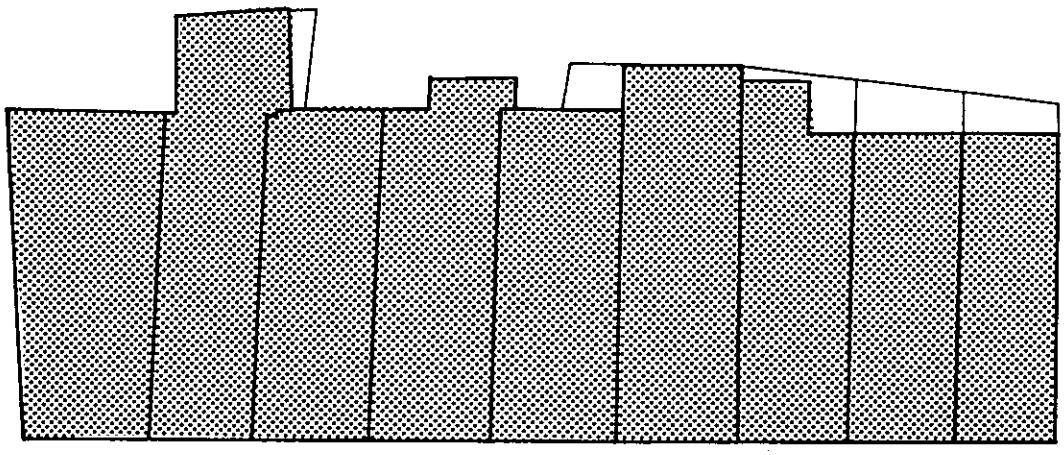
a. Lot Size and Frontage

On the north side of Main Street, in the block shown in the illustration on page 31, what appears to be one building is actually a composite of several structures built upon nine individually-owned parcels. Within this block, the average lot size is about 1,650 square feet and the average lot frontage is 23 feet. Lots are rectangular, approximately 23 feet by 72 feet, with the narrow portion of the lot adjacent to the street. It should be noted that there is only one storefront per lot on this side of Main Street. This is the most regular block within the study area, reflecting its origins as part of a planned set-off by the Proprietors.

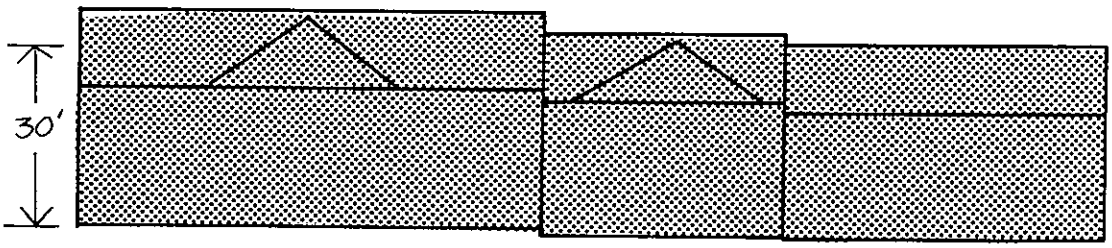
Although the pattern of development along this block on the north side of Main Street is an historic one, the original lot configurations along this block were altered in 1846. As mentioned earlier, the realignment of Main Street was part of the effort to rebuild after the Great Fire in July of that year. Although altered, the lots have maintained the small frontages which characterized the earlier pattern. The



Lot Size and Frontage



Setbacks



Height, Bulk and Massing of Buildings

Massing within Facades

buildings which were destroyed had also, with the exception of two lots in the middle of the block, been joined across the lot lines. Because the entire block was reconstructed within two years, 1846-7, the design demonstrates a consistent architectural style.

b. Setbacks

The buildings along this block are built to the sidewalk line, with zero front and side setbacks. The rear setbacks range from zero to five feet. Because of the solid front facades, the open area at the rear of the buildings is not visible from the street, and is only accessible by a small alley. Most of the rear space is used for parking and deliveries.

c. Height, Bulk and Massing

As shown in the illustration, several of the buildings along Main Street which pre-dated the Fire of 1846 stood taller than those which replaced them. The three-story buildings along the north side of Main Street were replaced by two- and two and a half-story buildings in the rebuilding efforts of 1946-47. Building height along this side of Main Street reaches a maximum of about 44 feet.

Because the buildings in this block are connected, the pattern of massing is of one continuous volume. Within this volume, there is a pattern of three roof shapes. The gabled roof steps down in two sections, following the slope of Main Street toward the harbor. This divides the form into three roof planes, creating the impression of three connected structures. Although the details of the lowest structure indicate varying window sizes, the overall form of the three roof structures creates a sense of unity and organization.

The organization of windows and doors in this block is very regular. Of the three building forms, the one on the left has fourteen window bays, six of which are centered under a gently-pitched pediment. The six center window bays appear as recessed panels separated by vertical pilaster strips, all in brick.

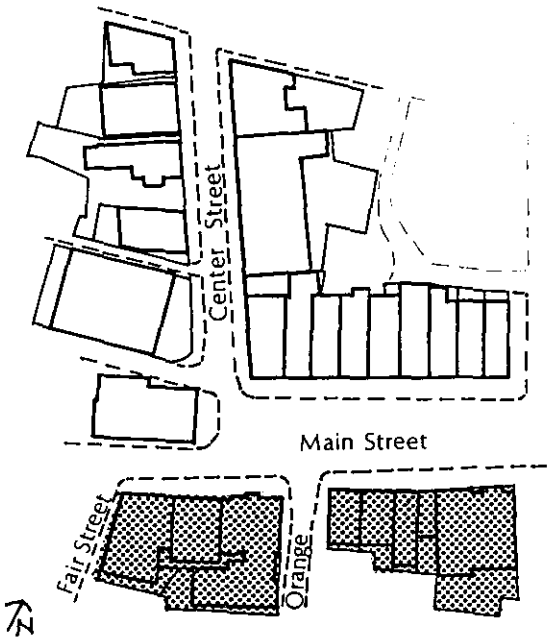
The adjacent building has half the window bays, seven, five of which are centered under a pediment much like that of the first building, with recessed panels and pilasters. Because this block was constructed all

at the same time, there was a planned continuity and variety in the massing of the facade.

Below the last section of roofline, the third building in this block appears to consist of three parts, especially at the present time, where surface colors vary between each section. The left side is painted red and white, the middle is grey and white, and the right section has retained its natural brick coloring. Otherwise, the brick patterns on the middle and right sections are identical and provide a continuous pattern to this portion of the building.

The street-level storefronts for this block are each centered under three second-story windows, providing an even rhythm and spacing. Seven of the nine storefronts have entries which are recessed about four feet. The other two storefronts have a double door entry which is slightly recessed by less than a foot into the facade of the building. These two distinctive doorway patterns are repeated regularly along Main and Center Streets. Except for the red and white painted building, all of the storefront window openings have vertical proportions.

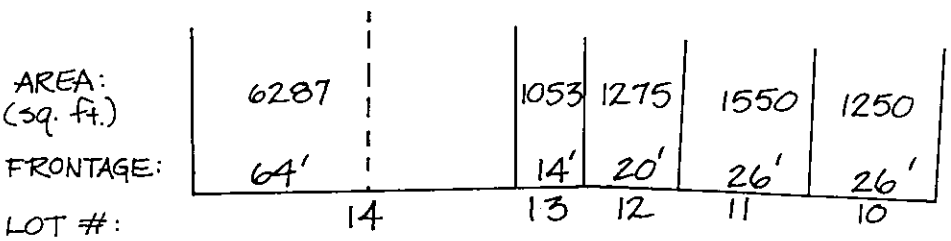
2. Main Street, South Side



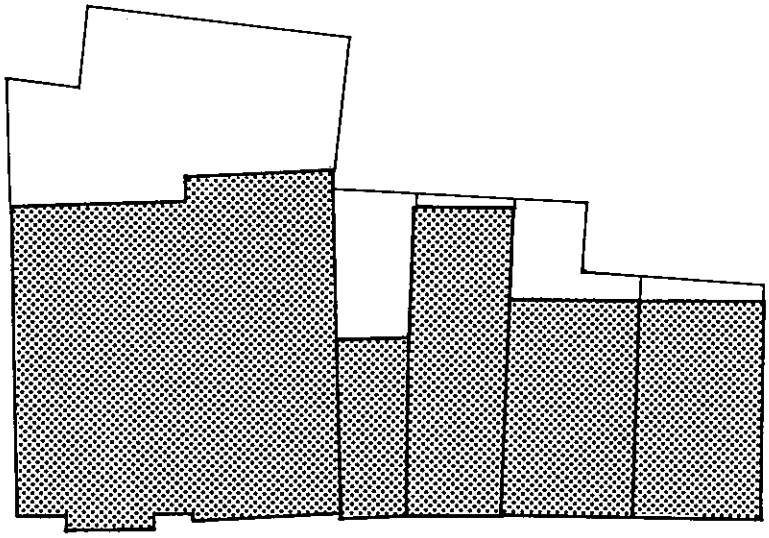
a. Lot Size and Frontage

There are two blocks along the south side of Main Street which are examined within the study area. On the lower block, east of Orange Street, the pattern of small lots, of 1,000 to 1,500 square feet is repeated on lots 10 through 13, although that side of the street had not been a part of the same layout by the Proprietors. Two adjacent lots, now parcel 14, have since been merged to become one 6,287 square foot lot. As with the north side of Main Street, lots are generally rectangular, with the narrow end facing the street. Most of the lots were 40 to 60 feet deep, although lot 14 is almost 100 feet deep. The average lot frontage is 30 feet.

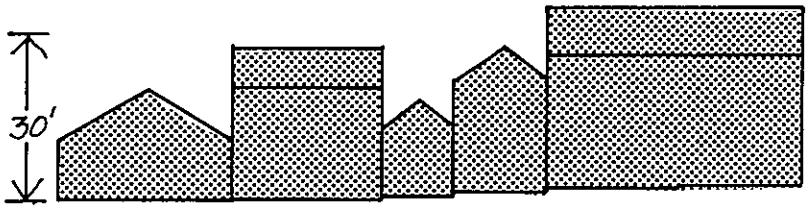
In the upper block along the south side of Main Street, between Orange and Fair Streets, the average lot size is about 4,000 square feet. As mentioned earlier, the Folger Building, the Federal-style structure on the corner of Main and Orange Streets, is one of the three buildings on Main Street to have survived the Great Fire. This block is adjacent to an historic residential section and its lot sizes of 4,000



Lot Size and Frontage

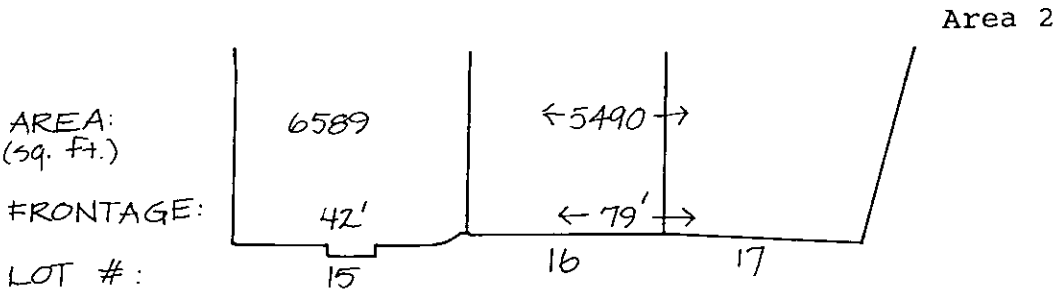


Setbacks

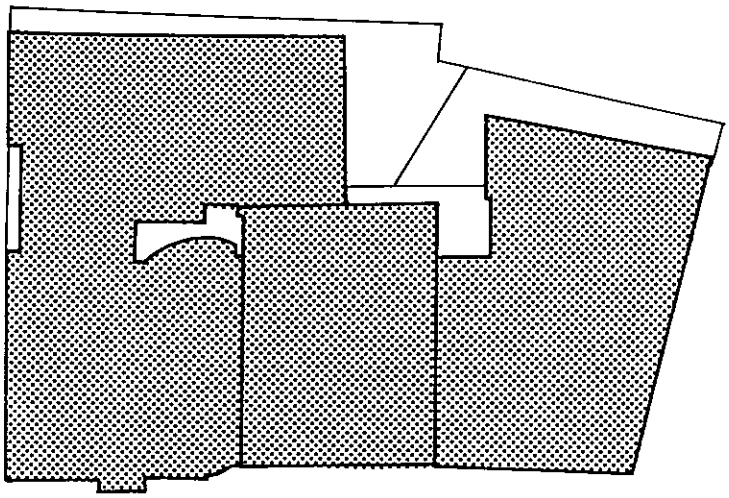


Height, Bulk and Massing of Buildings

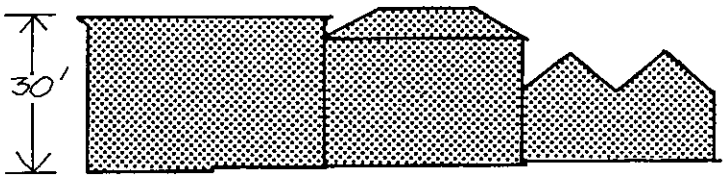
Massing within Facades



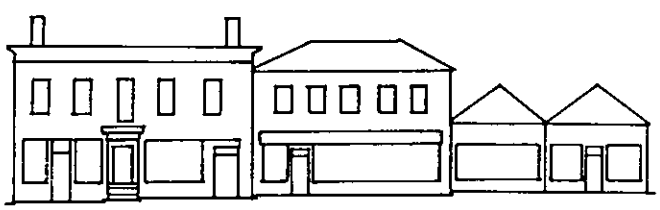
Lot Size and Frontage



Setbacks



Height, Bulk and Massing of Buildings



Massing within Facades

square feet are similar to the sizes and configurations of lots in the residential blocks. The average lot frontage in this block is 40 feet.

b. Setbacks

The buildings along both blocks of the south side of Main Street have zero front- and side-setbacks, as on the buildings on the north side. The front facade of 38 Main Street, The Espresso Cafe building, (lot 14) is at zero setback from the sidewalk, although the facade has two smaller sections which are recessed about four feet from the edge of the sidewalk. The rear portion of the lot behind The Espresso Cafe provides an outdoor dining patio in the forty feet of space between the rear lot line and the Cafe building. Rear setbacks elsewhere along this block average five feet.

c. Height, Bulk and Massing

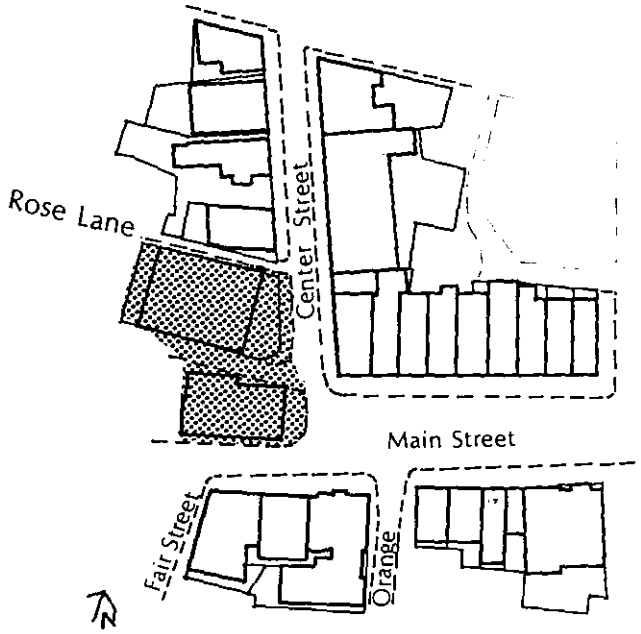
On the south side of Main Street, the lower block contains five building volumes with varying widths, heights, depths and roof profiles. The widths range from 14 to 52 feet and the heights vary from 16 to 35 feet. The massing in this block shows greater diversity than on the north side of Main Street. The most significant interruption in the pattern of building mass is created by the single-story building in the center. Above this building there is a sixteen-foot wide gap/void between the upper stories of the adjacent buildings.

The massing is fairly regular within each facade. The only shopfront window which has a horizontal, instead of vertical emphasis along this block is part of #13, the small, single-story building. Materials on the facades along this block vary from wood to brick. Entries vary as well.

Although there is much more variation in this block, the following factors are consistent: each building on this block is a simple, symmetrical form, with zero front-and side setbacks, fronting a continuous brick sidewalk along which trees and lampposts are evenly spaced.

On the same side of Main Street, the building heights in the upper block between Orange and Fair Streets range from 20 to 30 feet. The massing of buildings appears as four connected volumes. As a corner structure, the Folger building provides a visual anchor to the block of buildings. This building, which presently has a flat roof, was originally built with a hipped roof, which has since been removed. The Folger Building accommodates two storefronts along Main Street. Beside the Folger Building, the next three volumes actually accommodate just one business, Murray's Toggery Shop. By appearing as several shapes, the pattern developed by other downtown buildings, which have smaller lot frontages, is continued here. By the variation of shapes, the frontage of the Murray lots is made to appear smaller than its 79 feet. The transition from the double to the single-story structure on this block is eased by the fact that the cornice height of both buildings is very similar, within a foot or two. The hipped roof of the middle building repeats the shape of the Pacific Bank roofline, located just across the street.

3. Center Street, From Rose Lane to Main Street

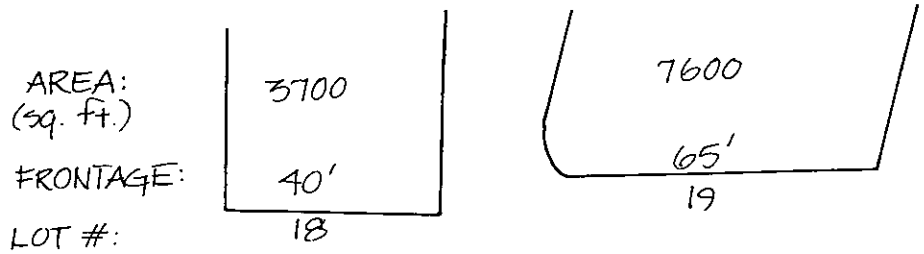


a. Lot Size and Frontage

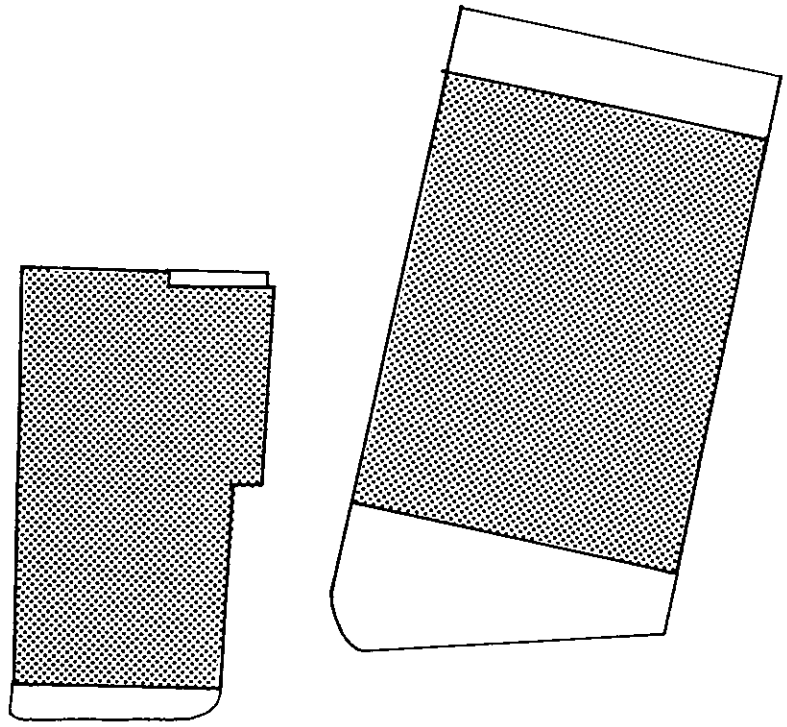
Across the street from the Folger building is the Pacific Bank, built in 1818, also a Federal-style brick building which, like the Folger Building, survived the Fire of 1846. It sits on its original lot between Main and Liberty Streets, with frontage on Main Street of 40 feet and a lot size of 3,700 square feet. Like the Methodist Church to its right, the frontage of the Pacific Bank parcel runs the length of this small wedge-shaped block. The Methodist Church lot measures 7,600 square feet in area, with 65 feet of frontage. This lot, like others on Center Street, has maintained its dimensions from the land divisions of the early to mid-1800's, as shown on the Sanborn Maps, which show Nantucket lots as surveyed in 1889, 1903 and 1923.

b. Setbacks

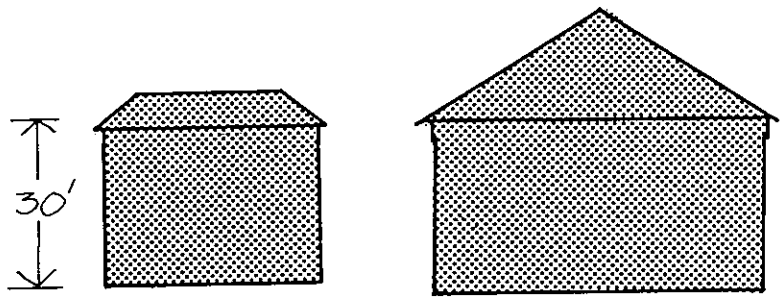
The two buildings within this portion of the study area have been set back from the front property line, and they are the only ones so sited within the study area. Each building is at the top of Main and Center



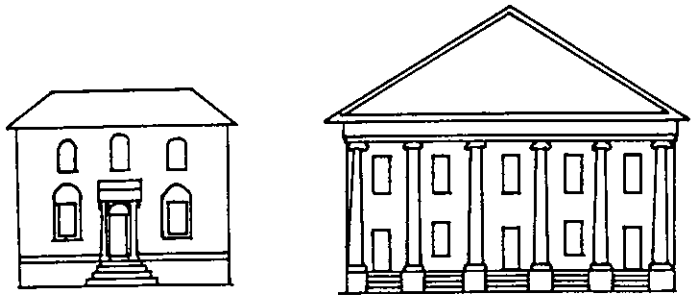
Lot Size and Frontage



Setbacks



Height, Bulk and Massing of Buildings



Massing within Facades

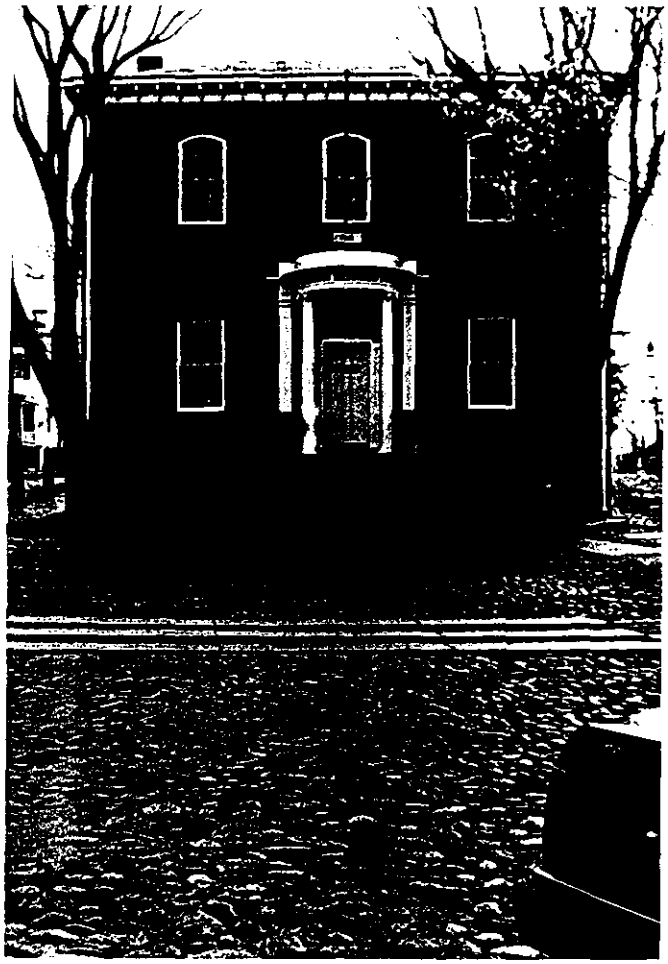
Streets and is set apart from the other blocks by streets running east and west. Each is a distinctive example of Federal and Greek Revival architecture, respectively, and it seems very appropriate that the front facades of these buildings would be set back from the street.

The Pacific Bank setback is paved with brick and highlighted by a curving set of brownstone steps which lead to its entrance. The Methodist Church is set back 20 feet from its property line on Center Street, and the sense of that line is maintained with a row of privet hedge. Both The Pacific Bank and the Methodist Church appear to have near zero side setbacks, as the building walls meet the edges of the streets and sidewalks on either side.

c. Height, Bulk, and Massing

The elevation of the lot where the Pacific Bank is sited helps to create a sense of spatial prominence. In addition, the granite foundation of the building is about five feet tall, raising the first floor of the building even higher. The height of the Pacific Bank is about 36 feet. This building is oriented to the east and faces all of Lower Main. Because of its orientation, the Pacific Bank is probably the most visible building on Main Street. Main Street narrows from about 90 feet to 60 feet just beside the bank, creating the effect of a gateway to Upper Main Street. There is a singular quality to its massing, as it is separated from other buildings by Main Street on one side and Liberty Street on the other.

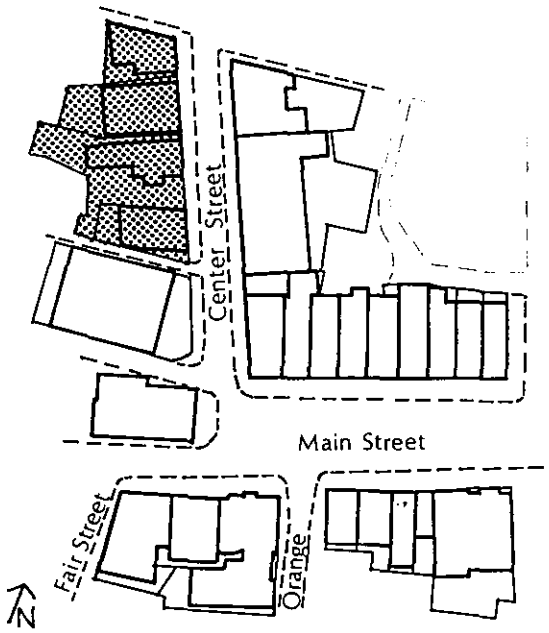
Beside the Bank, at 2 Center Street, sits the largest building on the street, the Methodist Church, built in 1823. The Church is about 50 feet in height and was originally constructed with a hipped roof. The existing gabled roof has been built on top of the hipped roof; the gable and the Greek Revival portico were added in 1840. (Lancaster, 1972, p.166) Although this building has a twenty-foot front-setback, a low, continuous line along the sidewalk is maintained by a hedgerow planted along the boundary.



Pacific Bank

Pacific Bank and Methodist Church

4. Center Street, West Side

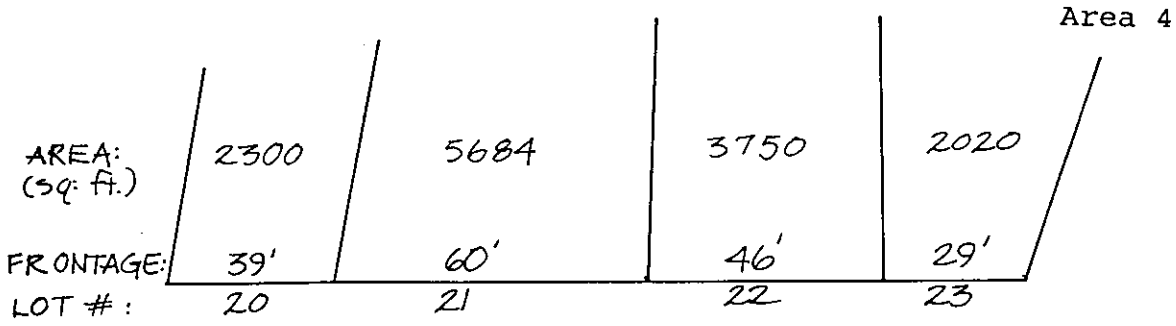


a. Lot Size and Frontage

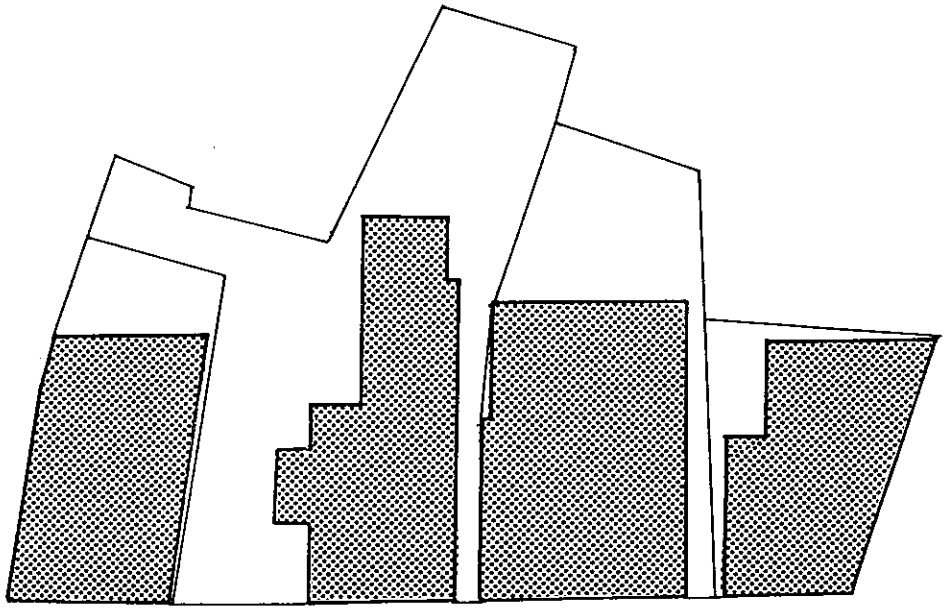
Adjacent to the Methodist Church, along the west side of Center Street, the lots remain large, similar to the lot sizes in the adjacent residential neighborhoods. Historically, these lots were also used for residences, although all the first floors have been converted to commercial uses, with apartments upstairs. The average lot size on this block is 3,300 square feet and the average frontage, containing one or two stores per lot, is 43 feet.

b. Setbacks

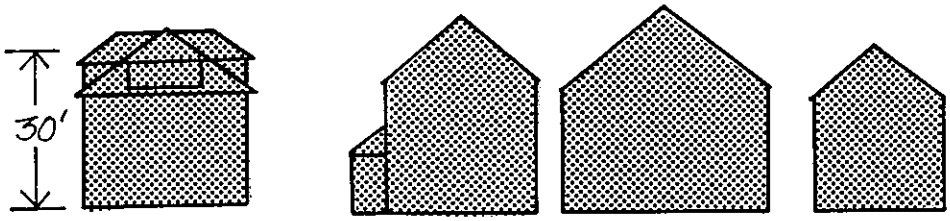
The setbacks on this side of Center Street, between Rose Lane and India Street, also reflect residential origins, with the traditional Nantucket zero front setback. The two buildings which are on corner lots have a zero setback on each street which they front. The average side setback is 3-4 feet, leaving small walkways between the buildings. Rear



Lot Size and Frontage



Setbacks



Height, Bulk and Massing of Buildings

Massing within Facades

setbacks vary depending on lot shape, averaging eight feet, and the back portions of these lots, with the exception of the lot on the corner of Center and India Streets, abut residential properties.

c. Height, Bulk and Massing

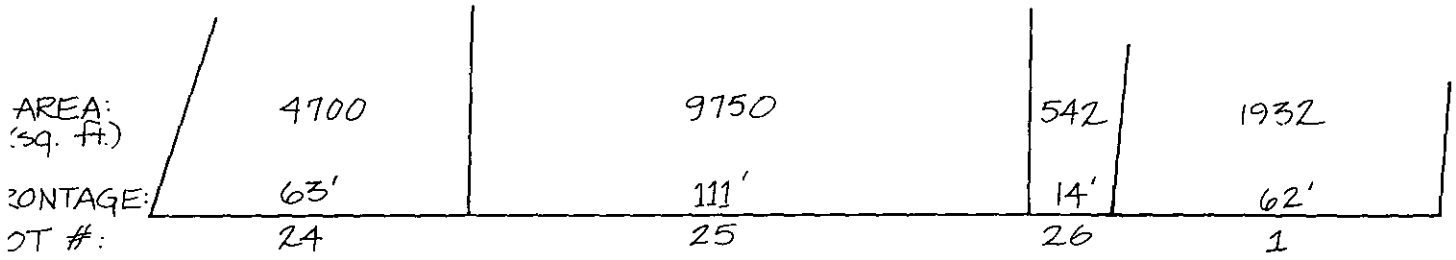
On this side of Center Street, the massing of buildings creates a spatial character seen elsewhere in the downtown. Here the buildings are rectangular volumes with peaked roofs. The buildings are separated by small spaces used for side yards or left as an alleyway. Each of the spaces between the buildings is smaller than the width of the building facade which faces the street. This creates a rhythmic pattern of "mass" to "void" along the block.

The heights of these four buildings range from 29 feet to 36 feet. The massing within the facades is fairly regular. The first floor storefronts have recessed entries with subtle differences in height and width of storefront detail. These variations occur within a harmonious pattern of peaked roofs, with gables oriented to the street.

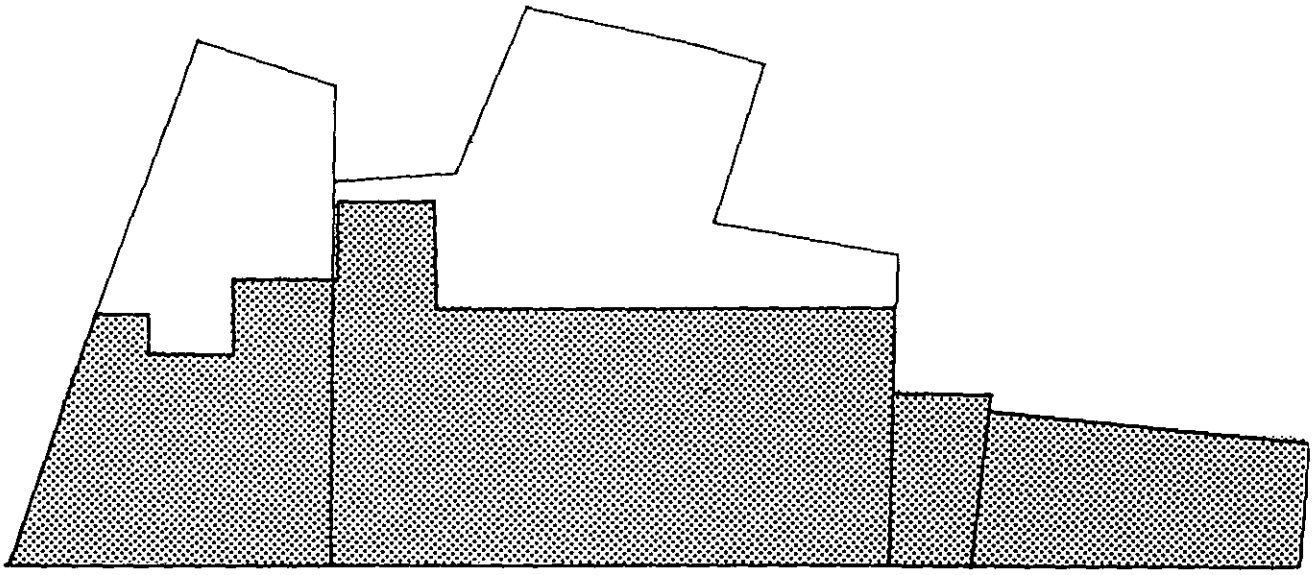
5. Center Street, East Side

a. Lot Size and Frontage

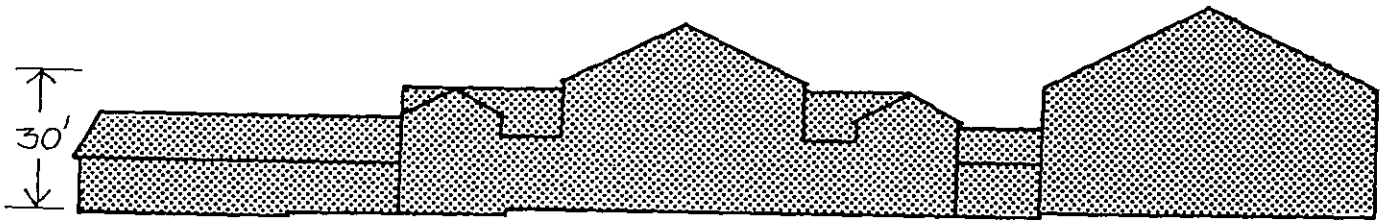
The lots on the east side of Center Street are among both the largest and smallest in the study area. The largest lot, originally Sherburne Hall, is owned by a condominium association. The individual units on the first floor are used as separate shopfronts. The unit on the second floor is used as a school by Preservation Institute: Nantucket, which offers historic preservation programs. The six shopfronts on the first floor have frontages which range between 14 and 20 feet, with total frontage for the building being 111 feet. The area of the adjacent lot to the north, number 24 , is about 4,000 square feet, with total frontage on Center Street of 63 feet. This frontage accommodates three stores. The adjacent lot, number 26, to the south of the Preservation Institute lot, measures about 500 square feet in area, with a frontage of about 14 feet.



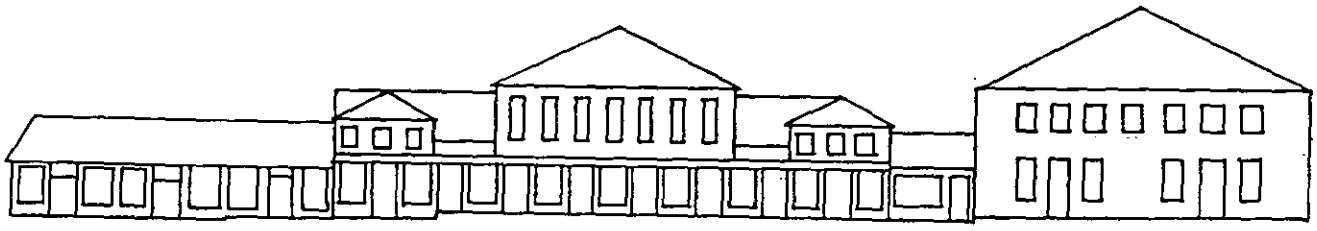
Lot Size and Frontage



Setbacks



Height, Bulk and Massing of Buildings



Massing within Facades

b. Setbacks

As on Main Street, the buildings on this block have zero front and side setbacks. The rear setbacks vary considerably, depending on the lot shape, ranging from about four to forty feet. The open space at the back of the buildings abuts the same alley that services the buildings on the north side of Main Street, and the space is similarly used.

c. Height, Bulk and Massing

The aesthetically-pleasing variation in building heights on the east side of Center Street is achieved through creativity in the Greek Revival architecture of the Sherburne Hall building. Here, the facade varies from one-to two-stories without disrupting the continuity of the block. The one-story buildings which flank this building also appear to be compatible in size because they relate in context to the one-story sections of the Preservation Institute building. The center gable on Sherburne Hall measures 36 feet in height, and the smaller gables measure to 28 feet. The single-story buildings along this block are about 22 feet in height. The tallest building on the block is the brick Greek Revival structure which is sited at the corner of Main and Center Streets. This corner building is 42 feet high.

The massing of buildings along both sides of Center Street creates an enclosed feeling along this block. This street is only 64 feet wide, as compared with Main Street at 90 feet. Its buildings are a few feet taller, and appear more imposing than those on Main Street by both proximity and through the shape of more steeply sloping roof lines. The tree height is lower than those on Main Street, also adding filling more of the street space.

On this side of Center Street, Sherburne Hall reads as three buildings on the upper stories and roof lines. Of the three pediments oriented to the street, the center is taller, wider, and more imposing. The pattern of windows, including the void of two window spaces between roof lines, creates a symmetrical sequence of 3-2-7-2-3 which (is the ratio of window openings per roof section from the first floor) also relates to the first floor door and window openings as they are organized below the variations above. Within the facade of this building are a continuous pattern of vertically proportioned window openings, and a regular

repetition of inset double-door entries.

With the exception of the corner building at Main and Center Streets, the other storefronts along this block are part of single-story buildings with peaked roofs and recessed entries. They appear as two separate buildings, adjoined to Sherburne Hall. Storefront awnings and window boxes add further spatial emphasis to this block. The corner building has maintained a rhythm of doors and windows along Center Street, and although the storefront and office entries of this building open onto Main Street, the side facade contributes to the streetscape.

E. Summary

The general impression one receives in examining lot sizes in the study area is that these lots are of smaller dimensions than lots in a typical village or suburban setting. This is the scale of an historic urban center, similar to historic centers in other parts of the world [Papageorgious, 1971].

There is a coherence to the spatial character of Nantucket's downtown. A small number of structural details, such as gabled or hipped roofs, inset or recessed doorways, are repeated throughout the historic

commercial area. The combinations of these features creates consistency and variations. Buildings are either connected, or sited within close proximity of other buildings. Some buildings, like the Pacific Bank, have a prominent siting which make them landmarks of the visual environment.

One of the most important assets Nantucket has is that the spatial characteristics of an earlier time have been retained in the downtown area. In many other towns, new development and alterations to historic buildings have changed the originally-intended organization of buildings and different densities and scale have been the result. Downtown Nantucket has, so far, been spared from an erosion of its original scale.

However, to maintain this pattern of development, any changes in the physical fabric of the downtown would need to be compatible with the historic spatial patterns. Most of the lots in the downtown have been developed. There are only a few spots where new infill may occur. However, if there is a need to reconstruct in the downtown, the rebuilding will be governed by the provisions of the present zoning bylaw. At this time, the bylaw does not allow for those dimensions of lot size, frontage, setback, height and ground cover which would maintain the historic spatial patterns. From time to time, as buildings mature or meet disaster, it will be necessary to rebuild. If they are rebuilt to the dimensional standards in the present bylaw, the spatial patterns in the downtown will begin to erode.

One of the most unusual details of Nantucket is the scale of the downtown, which is so different from the scale of downtowns in many parts of the United States. Whereas a 5,000-10,000 square foot lot is a minimum standard in many other areas, in Nantucket, 2,500 square feet is an average. Of the 26 lots in the study area, 16 are 2,500 square feet or less, representing 64% of the lots in this sampling. On Main Street, 14 lots, or 74%, have frontages of less than 40 feet, helping to create the compact nature of the downtown, where many shops are within a comfortable walking distance.

Where the lots are substantially larger than average, such as the lots of Sherburne Hall or Murray's, the building has been designed to give the appearance at street level of a series of smaller

shops. The small frontages help to create a predictable rhythm, which is reinforced by the architecture. It is this rhythm and scale that are valuable asset to the downtown, and which can be continued through modifications to current zoning.

The next chapter will examine the background of zoning on Nantucket, which will include a history of the right to zone on the local level in Massachusetts. Chapter Three will also compare the spatial patterns which have been found within the study area to the dimensional requirements of the current Bylaw. The inconsistencies between what has been built and what is now allowed to be built will be addressed. Potential effects of the conflict between protection of town character and zoning will be further examined with a "what if" scenario of a hypothetical rebuilding effort.

CHAPTER III. NANTUCKET'S ZONING AND ITS POTENTIAL EFFECTS

A. History of Zoning Regulations on Nantucket

On Nantucket, zoning is in conflict with the goal of preserving the downtown. This chapter will look at the origins of the problem. To understand how such a situation could occur, this chapter will examine:

1) the history of local authority to zone, beginning with the first state Zoning Enabling Act, in 1920, through the present Zoning Act, passed in 1975;

2) the attempts to preserve Nantucket before the adoption of zoning, including the formation of the Historic District Commission and the adoption of subdivision control;

3) how zoning came to be adopted on Nantucket in 1972, and

4) the present status of zoning on Nantucket under the 1991 Zoning Bylaw and the Zoning Act.

1. The State Zoning Act

State enabling laws vary from state to state. In Massachusetts, the state legislature (the General Court) has clearly had the authority to limit construction or uses for structures within certain districts of cities and towns only since 1918, when the Massachusetts Constitutional Amendment, Article 60, was ratified. The General Court enacted the first Zoning Enabling Act in 1920, which authorized local adoption of zoning, although without many of the features included in the modern Zoning Act. Pre-existing structures and uses were given protection, but alterations of a building were subject to local restrictions, and there was no provision for either Special Permits or Variances.

By 1924, both Special Permits and Variances were authorized. Because the law was permissive, rather than mandatory, communities were given a choice whether to adopt zoning. Nantucket, and many other towns, did not do so until much later. In its early years, zoning in Massachusetts was used primarily in urbanized areas.

In 1933, the General Court completely revised the

Zoning Enabling Act. Many of the provisions of the 1920 Act were merged with techniques suggested by the Standard Zoning Enabling Act, published by the United States Department of Commerce in 1926. One aspect of the SZEA adopted by most states but not included in the Massachusetts law was a requirement that zoning be designed in accordance with a comprehensive plan. (Had this been done, it may have prevented the conflict upon which this study is based.)

In the SZEA, the provisions relating to pre-existing uses and structures were broadened to subject

1) any change in use, or
2) alteration amounting to a structural change or for
    a) either a substantially different use or
    b) for the same use to a substantially greater extent

to the local regulations. This meant that any additions, renovations or changes in building use were governed by local bylaws.

The General Court again revised state zoning law in 1954, retaining most of the provisions of the 1933 law. That statute, also known as the Zoning Enabling Act, remained in effect, with minor amendments, until 1975, and was the law under which Nantucket adopted its first Zoning Bylaw. In 1975, there were significant changes made with the enactment of the Zoning Act (Chapter 808), now codified as Chapter 40A of Massachusetts General Laws.

The 1975 Zoning Act is the result of an effort which started in 1967 when the General Court directed the Division of Planning, Massachusetts Department of Commerce, to draft a replacement for the 1954 Zoning Enabling Act, to address problems which had arisen and incorporate the latest in land use management techniques.

The Zoning Act signified a fundamental change in the way zoning was to be regarded under Massachusetts law resulting from the passage of the Home Rule Amendment in 1966. Before that amendment, towns could enact zoning only within the specific authority granted to them by the legislature. After the Home Rule Amendment, local zoning was given much more flexibility and was limited only to the extent it was inconsistent with state law [Healy and Hubbard, 1989]. As stated in

Chapter 808, the purpose of the act was:

> "...to facilitate, encourage and foster the adoption and modernization of zoning ordinances...in accordance with the provisions of Article 89...and to achieve greater implementation of the powers granted to municipalities thereunder."

This change allows communities like Nantucket to tailor zoning to meet a locally-determined set of objectives. Historic preservation and protection of historic character can be incorporated with other objectives in the local bylaw.

The Zoning Act is no longer simply a grant of power, enabling communities to zone, as the earlier zoning laws were. Now all communities in Massachusetts have the power to zone, for a variety of objectives, and the Zoning Act is used to define the outer limits within which a community may regulate.

2. Historic District Commission and Subdivision Control

As of 1955, Nantucket had not yet chosen to impose zoning controls on the island. However, in that year, the town created the Historic District Commission (HDC), which was endorsed by the General Court in Chapter 601 of the acts of 1955 (The Historic District Commission Enabling Act). Nantucket's was one of the first historic districts in the country, and it encompassed only the two most densely developed sections of the island, the Town of Nantucket and the village of Siasconset, a small settlement on the extreme east end of the island. The district included almost eight hundred pre-Civil War structures, and, in 1966, the National Park Service designated the town a Historic Landmark, and it has since been listed in the Register of Historic Places.

To promote the purposes of the Act, an Historic District Commission was established, consisting of five members of the community, and they were responsible for reviewing all plans for construction, alteration, or renovation of any buildings within the Historic Districts. All exterior aspects of a design were subject to review, from siding materials (white cedar

shingles, clapboard or brick only), roofing materials, paint color (six colors are currently on the approved list), roof pitch, window style and size, etc., all to ensure that the aesthetic integrity of the Historic Districts was preserved. However, the jurisdiction of the HDC was limited to the two specific areas covered in the enabling act, and their only authority was to review plans for individual structures [Lang, 1979].

Also in 1955, the island adopted subdivision control for the first time. This imposed some standards for the division of lots, including frontage and area, and established the Planning Board to oversee subdivisions. However, the standards were truly minimal, twenty feet of frontage and 5,000 square foot lots, and they proved inadequate.

During the 1960's and early 70's, there was a period of what was then considered intensive development activity. In several areas of the island, particularly Madaket, on the west end of the island, major development occurred which, while complying with all local restrictions, was not in keeping with either the aesthetics or uses on the rest of the island. Suddenly there was a large, shingled, ultra-modern group of row townhouse condominiums.

Reacting to the possibility that similarly inappropriate and incompatible structures might be built closer to town, which would threaten the unique historic character that the HDC was supposed to protect, the town voted to ask the legislature to extend the jurisdiction of the HDC to cover the entire island, including Tuckernuck and Muskeget (two small islands off the west end of Nantucket), and the General Court did so in 1970. In 1971, Town Meeting voted to accept the extension of HDC jurisdiction, and it has remained the same ever since.

Over the years, the design elements which the HDC has evaluated and found to be consistent with the patterns of Nantucket buildings have been collected into a guidebook, Building with Nantucket in Mind, which is now the main authoritative publication for design work on island. The standards vary, depending on the location of the proposed work, with the most stringent limitations being on buildings in the old core districts. Just last year, the HDC approved an application for new construction of a Fair Street home

designed in an "interpretive Queen Anne" Victorian Style [Town of Nantucket, 1992, p. 79]. The townspeople objected to this and the approval was appealed to the Board of Selectmen. The Selectmen reversed the approval, and the plans were changed to a Federal style. At that point the Commission decided to restrict designs in the historic residential district to styles in existence in 1846, or before.

3. Adoption of Zoning on Nantucket

The same forces which moved Nantucketers to seek an extension of HDC jurisdiction also drove the town to adopt zoning regulations. There was also considerable pressure on the island from the federal government, in the form of the Nantucket Sounds Island Trust Bill, proposed by Senator Edward Kennedy (D-Mass.) in early April, 1972, which would, if passed, have brought all of Nantucket under federal land use controls and effectively prohibited development on most of the island. After several unsuccessful attempts to impose zoning in the late 60's, a new Zoning Bylaw was adopted by Town Meeting in late April, 1972.

According to the then Chairman of the Planning Board, Charles 'Jack' Gardner, the new Zoning Bylaw was taken "off-the-shelf" from a Rhode Island consulting firm and adapted to the requirements of the Zoning Enabling Act by a Boston University Law Professor. Hastily done, the original Bylaw is seventeen pages long and bears only slight resemblance to the eighty-four page Bylaw adopted in November of 1990. Nonconforming uses are given limited protection, but there is no mention of nonconforming structures at all. During the Public Hearings of the Planning Board, before the Town Meeting vote on the new Bylaw, the problem of destruction of pre-existing buildings was raised, and the consensus was that there should be a right to rebuild, but no such provision was ever put in the Bylaw.

Immediately after the adoption of zoning, it became apparent that changes were necessary. The intensity regulations were too urban and allowed too much of the island to be subdivided into 50,000 square foot lots. In town, in the Residential-Commercial district, there was no frontage requirement. Amendment of the Bylaw became an annual Town Meeting event, with major revisions in both 1975 and 1984. This year,

there were fourteen proposed amendments.

Finally, at a Special Town Meeting, held primarily to consider zoning matters, which were debated and voted between November 13-15, 1990, the most recent major revision of the Zoning Bylaw (Chapter 139 of the Code of the Town of Nantucket, referred to as either the 1991 Zoning Bylaw or Chapter 139) was adopted. Years in the drafting, and encompassing the work of the Chairman of the Zoning Board of Appeals, land-use attorneys, surveyors, Planning Staff and Members of the Planning and Economic Development Commission and Planning Board, the new Bylaw consisted of eighty-four pages of text. In spite of all the changes which have been made to the Bylaw over the years, none has really addressed pre-existing structures.

The provisions concerning pre-existing uses and structures in the 1991 Zoning Bylaw, section 139-33A, are taken directly from M.G.L. Chapter 40A, section 6. This was exactly what had existed, unchanged, in the Bylaw since 1984. There has been no tailoring of the language to Nantucket's needs.

4. Recent Case Law on Nantucket and in Massachusetts

Protection for historic, commercial pre-existing structures comes from both state law and the local Bylaw. On Nantucket, the limitations of Zoning Bylaw, Section 139-33A apply, but the Building Commissioner and the Zoning Board of Appeals have been tolerant of lax enforcement when preservation of historic town character has been an issue.

On Nantucket, the most recent case involving a nonconforming commercial structure started with an application in the fall of 1990. E.M.R.E. Corporation is the owner of a corner lot building, known as the Downyflake, located one block from Main Street. The building serves as a visual anchor for the block, and although it is not of particular historic importance, it is a well-recognized and established part of the townscape. The company asked for, and received, a Special Permit from the Zoning Board of Appeals to allow extensive renovation of the building.

Before the work had begun, a gas explosion blew up part of the building on February 6, 1991, and the rest of the building was condemned by the Building

Commissioner as structurally unsound [Town of Nantucket, 1992, p.88]. While the Zoning Bylaw could not technically allow reconstruction without a Variance, neither the Building Commissioner nor any other public official took any steps to stop the project. This indicates that there is a strong desire to replace buildings with structures of similar design and density, in spite of the dimensions in the Bylaw which may not permit the original siting to be duplicated.

As mentioned in the description of the Zoning Act, which is codified as Chapter 40A, towns may tailor zoning to fit local conditions and requirements. The Massachusetts Courts have recently dealt with two cases which, taken together, give an indication of how state law treats nonconforming structures and uses in the absence of local protection.

In the first case, Rockwood v. Snow Inn Corp., the Court restricted changes to nonconforming structures by Special Permit to those which comply fully with the Bylaw and which will not be substantially more detrimental to the neighborhood. If the change does not comply, a Variance would be required to allow it.

The change in the underlying premises upon which zoning is enacted locally is reflected in the Court's 1991 decision in Blasco v. Board of Appeals of Winchendon, in which the Court stated that the statute allowed a local zoning bylaw to permit alteration of a pre-existing nonconforming use, but the local ordinance did not have to have any such provision, and the town did not have to allow any changes in use. By clear terms in Chapter 40A, Section 6, local zoning restrictions may apply to any reconstruction of a pre-existing nonconforming structure, except single and two-family buildings, and further exceptions are only within the local bylaw [Schmidt, 1992].

Taken together, these cases indicate that the renovation or rebuilding of nonconforming structures needs to be addressed in the local bylaw, because the state law protection for nonconforming commercial structures is very limited. A town does not have to allow any alteration of nonconforming structures. The extent of protection is clearly left to the town. Unless the town grants broader relief by Special Permit, or the building qualifies for a variance, the

state law will apply.

B. Comparison of Current Dimensional Requirements in Nantucket Bylaw with Existing Dimensional/Spatial Patterns

This section will examine the dimensional requirements in the Nantucket Bylaw for buildings and lots in the zoning district which covers the downtown historic area.

In Chapter Two, there was an examination of the spatial relationships which exist in the historic commercial area. The range of dimensions which are represented by the existing pattern of development was assessed. In this section, those existing patterns will be compared with the spatial patterns mandated by current requirements, in order to pinpoint exactly where the goals of the Historic District Commission and the Bylaw are in conflict.

The HDC goal of protecting the historic pattern of development and the scale of the downtown is only possible if there is a means by which to replace or rebuild structures at a compatible scale in the event that they are damaged, destroyed by fire, or for any other reason. Presently, any rebuilding of a structure would have to follow the dimensional requirements in the Bylaw. As this section will demonstrate, there is a significant difference between the scale of what exists and the scale which would be created by the dimensions in the Bylaw.

1. Current Dimensional Requirements

The historic commercial area in Nantucket lies within the Residential/Commercial Zone, as outlined on the map below. The Bylaw contains intensity regulations for each designated zone. The intensity regulations from Chapter 139, section 16A for the "RC" Zone are as follows:

Minimum Lot Size	5,000 Square Feet
Minimum Setback, Side/Rear	5 Feet
Minimum Frontage	40 Feet
Maximum Ground Cover Ratio	50%

In addition, section 139-16E contains an Open Area

Requirement as follows:

> "1) A lot containing a commercial building, structure or use shall have a minimum of twenty percent (20%) of the land as open area free from impervious surfaces. (Impervious refers to paved and graveled areas)" 139-16E, p. 42.

Section 139-17 specifies the height limitation for all buildings as thirty feet.

Of course not all lots and buildings in existence before the adoption of zoning comply with those restrictions. Under the Bylaw, a lot or building which pre-dates the zoning requirement with which it does not comply is defined as "nonconforming" (139-2), or sometimes as "pre-existing nonconforming." (Smith, 1983, p.226.) Such lots and structures are protected by the grandfathering provisions of Massachusetts General Laws, Chapter 40A, section 6, and the Code of the Town of Nantucket, Chapter 139, section 33.

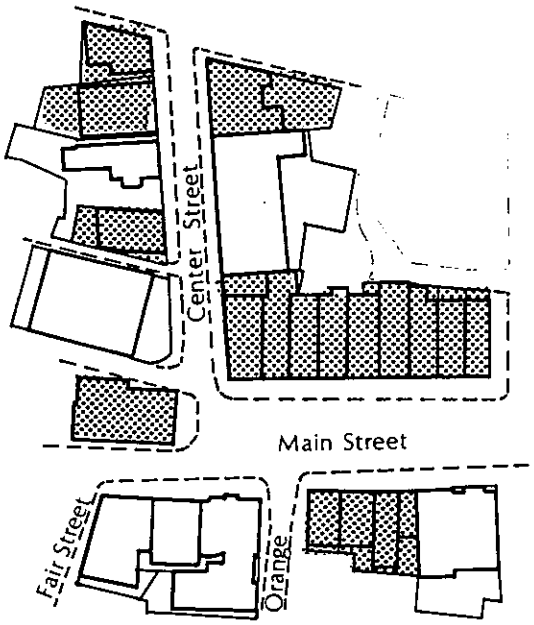
It is possible to build on a pre-existing nonconforming lot (one less than the minimum of 5,000 square feet or with inadequate frontage) because of the provisions of Chapter 139, section 33E. However, a nonconforming building could not be rebuilt to its original dimensions once the nonconforming portion of that structure had been removed. At that point, the rebuilt structure would have to conform to the extent possible with the dimensions of the current zoning code, or be exempted from that code by a Variance or Special Permit.

In order to determine where the differences are between the existing, historic dimensions and those listed above, each requirement: size and frontage of lots, and building setbacks, ground coverage, and height will be compared.

a. Lot Sizes

The minimum lot size in the Bylaw for the RC Zone is 5,000 square feet. The average lot size of the study area is 2,500 square feet. The plan below illustrates that 19 of the 25 lots in the study area are less than 5,000 square feet. (Lots 16 and 17 have the same owner and therefore are considered "merged" for zoning purposes and counted as one lot area.)

The pattern of lot sizes under 2,500 square feet is characteristic of Nantucket's scale and pattern of development. This is an historic pattern and one that distinguishes Nantucket's downtown from other Main Streets. This historic urban quality is predicated upon small lot sizes. Small lots provide an opportunity for a concentration of small storefronts with individual owners, within close proximity. Some of the stores are managed by the owners and have a personal atmosphere. On Main Street, the neighboring drugstores have epitomized a small town quality by maintaining an informal and accessible soda fountain/lunch counter just inside the front doors. The opportunity for a "Mom and Pop" small storefront has been disappearing in other downtowns, and the small lot sizes on Nantucket tend to allow and encourage this type of feeling.

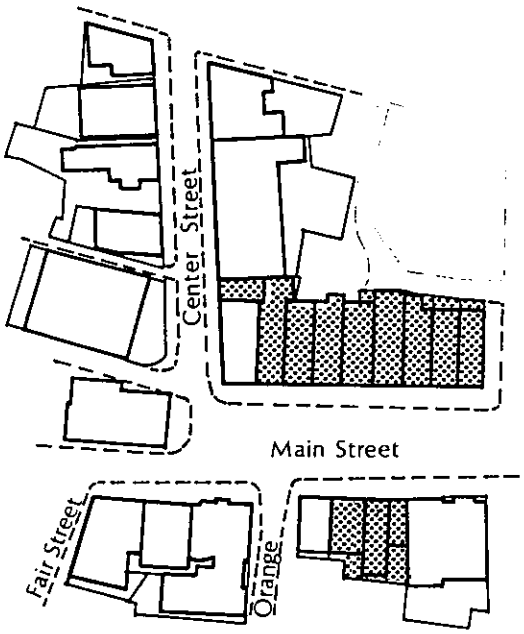


Nonconforming Lot Sizes

b. Lot Frontages

The minimum lot frontage prescribed by the Bylaw is 40 feet. In the study area, the average frontage of a Main Street lot is about 26 feet. Of the 25 lots in the study area shown below, ten do not meet the frontage requirements. Several of the corner lots in the study area have less than 40' of frontage on the street on which the building has its storefront entries, however, the side depth of the lots exceed 40 feet and therefore the lot is technically conforming as to frontage.

The characteristic form of Nantucket's downtown is one of small frontages, and therefore, 40' is not representative of a typical lot in the historic area.

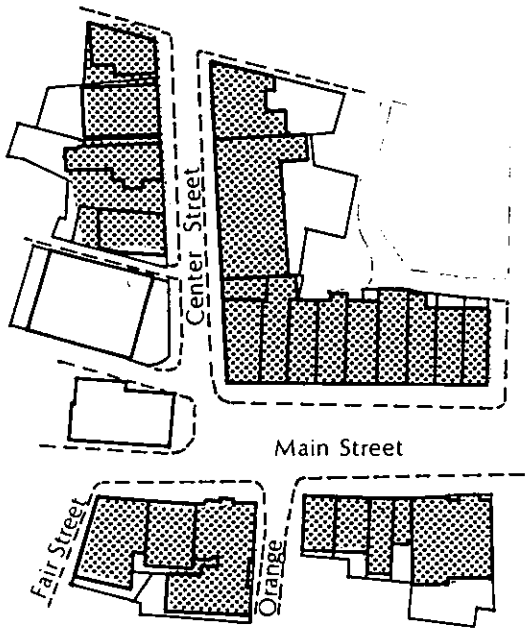


Nonconforming Lots - Frontage

c. Setbacks

Setbacks refer to the location of exterior walls at all levels with respect to lot lines, streets, and other buildings. [Smith, 1983] The Bylaw stipulates that buildings should be set back five feet from each side lot boundary and five feet from the rear boundary, with corner lots to have a five foot setback from all but the street toward which the building has its main orientation. None of the buildings within the study area meets this requirement. The historic pattern of development in the downtown has resulted in buildings which are sited within close proximity of the lot lines and other buildings.

If more space were introduced between buildings, it would create spaces which are not characteristic of Nantucket's historic pattern. Also, there is no present requirement for commercial buildings to "build to" the front lot line. Some cities and town incorporated this into their bylaws to maintain the continuous alignment of buildings along the street. This will be further addressed in the next chapter.



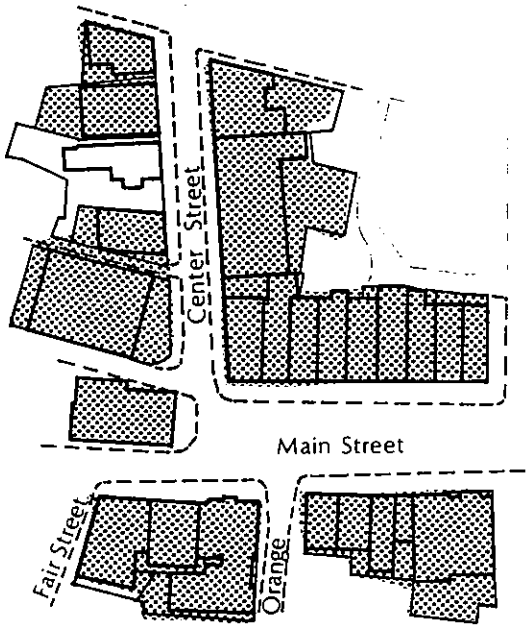
Nonconforming Buildings - Setback

d. Ground Cover Ratio

The Bylaw requires that the maximum ground cover ratio should be 50%. This means that the building should not cover more than half of its lot area. In addition, under the Bylaw's open space requirement, 20% of the lot should not be covered with paving or other impervious materials.

Within the study area, only one of the buildings on the 25 lots meet the ground cover and open space requirements. This building, on the west side of Center Street, has a lot size and configuration similar to those in the adjacent residential area. The other buildings in the study area have been sited at a greater density than 50%, and average an 85% ratio of building to lot coverage.

The look of a downtown which conforms to a 50% ground cover ratio is much different from the historic urban density evident in Nantucket's downtown. By requiring buildings in the historic area to rebuild at a different density from what exists, the Bylaw is in conflict with the maintenance of Nantucket's historic character. The concentration of buildings and the intensive use of the lots within the downtown are factors which contribute to the unique spatial relationships of the downtown.

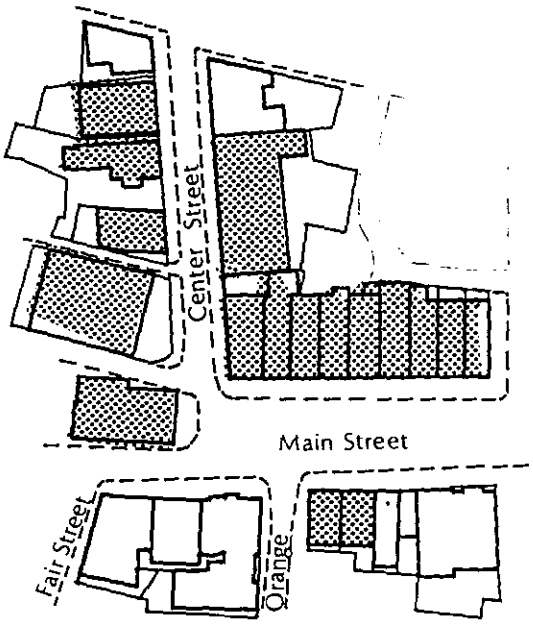


Nonconforming Buildings - Ground Cover Ratio

e. Building Height

The height limitation for buildings in every zoning district on the Island is 30 feet. The Bylaw allows for exceptions such as steeples, chimneys, and roof walks, but building height is one of the most strictly-enforced requirements in the Bylaw. In recent years, the Building Inspector has required several buildings, while under construction, to be modified to comply with this limitation, if they were found to be taller than 30 feet.

There are seventeen buildings in the study area which exceed 30 feet. Before the Fire of 1846, there were more - several three-story buildings lined Main Street and Federal Streets [Lancaster, 1975]. The only three-story structure on Lower Main Street today is the Rotch Market Building. If rebuilding were to occur in the study area, it would be necessary to exceed the present height limitation in order to maintain a compatible, historic scale.



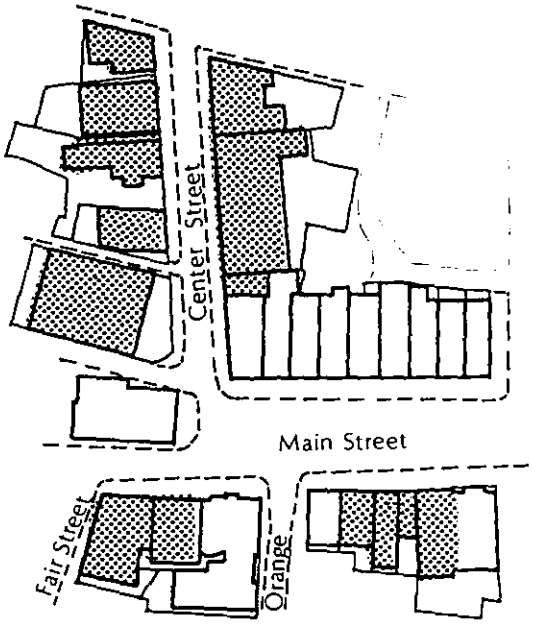
Buildings Which Exceed Height Limitation

C. What-If Scenario to Examine Potential Impact of Existing Zoning

The impact of zoning which is not tailored to reflect existing conditions may not be realized until existing buildings have been replaced by out-of scale structures. This replacement could be the result of inevitable and gradual change, or, because of catastrophic circumstances, replacement would be more instantaneous. In any event, to have consistent zoning measures in the Bylaw provides an "insurance policy" that would allow continuation of the existing historic scale of the downtown.

By using a hypothetical disaster to illustrate this point, this section will focus on how the town might look if several buildings within the study area were damaged. A fictitious news story reads:

> JULY 14, 1996. FIRE STRIKES NANTUCKET - 150 Years after The Great Fire of 1846.
>
> "Buildings were damaged yesterday when lightning struck a tall church on Center Street in the historic downtown area. Fire broke out immediately, and a strong west wind fanned the flames. The fire quickly spread to adjacent structures, damaging several wooden buildings along Main and Center Streets. A spokesman said that the rebuilding effort will begin immediately."



Buildings Damaged in the Fire of 1996

In this scenario it is assumed that the damaged buildings have become structurally unsound and therefore current zoning requirements must be followed in order to rebuild. Nineteen of the 24 lots in the study area are below the 5,000 square foot minimum lot size. As mentioned earlier, the right to rebuild on these lots is provided in Chapter 139, Section 33E of the Bylaw. Of the 25 buildings in the study area, the 12 which were constructed with wood will be rebuilt. (The remaining 13 buildings are brick and survived the fire.)

The first step is to site the buildings on the lots. The following requirements apply:

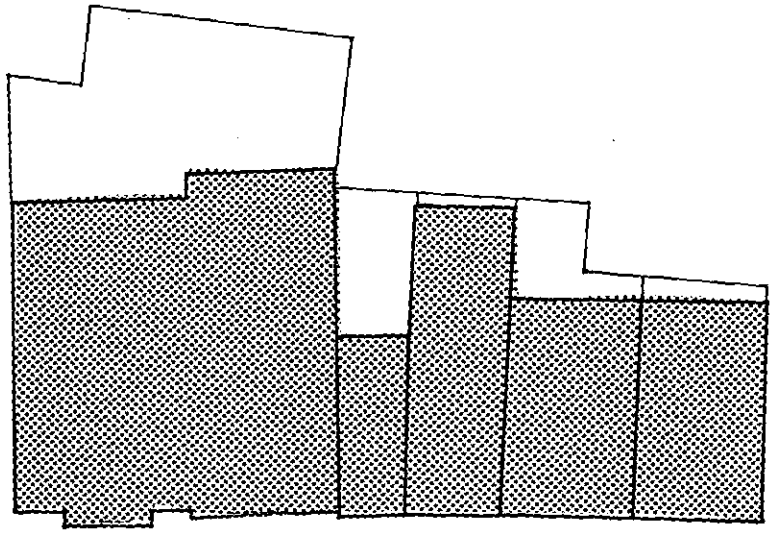
Minimum Side and Rear Setbacks	5 Feet
Maximum Ground Cover Ratio	50%
Maximum Building Height	30 Feet

These dimensions and percentages create a "bulk envelope" within which a new building must fit. As mentioned, in the current Bylaw there is no provision for a "zero" front-setback, which would require that a new structure "build to" the front sidewalk boundary line. However, the Historic District Commission would probably refuse to approve a building plan for the downtown unless this setback was maintained. In addition, there is no requirement for a pitched roof. The 30-foot height limitation actually creates a disincentive for a pitched roof, as a flat roof could provide more interior space per cubic foot. This design feature would probably be addressed by the Historic District Commission before granting a Certificate of Appropriateness.

The following is a block-by-block illustration, both in plan and elevation, of how the buildings might look.

In the scenario, this block on the North Side of Main Street is of brick construction and was not damaged.

Area 2



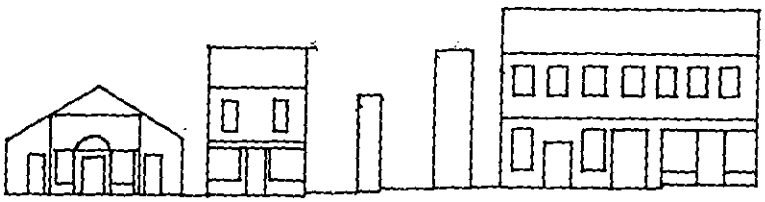
Plan

Elevation

BEFORE FIRE

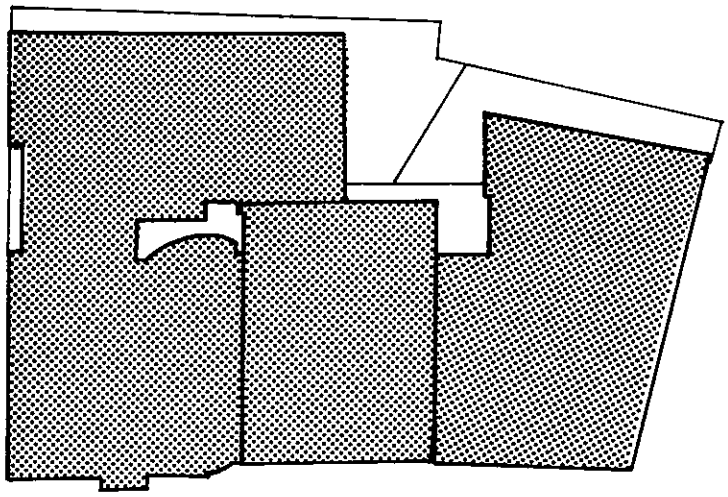
AFTER FIRE

Plan

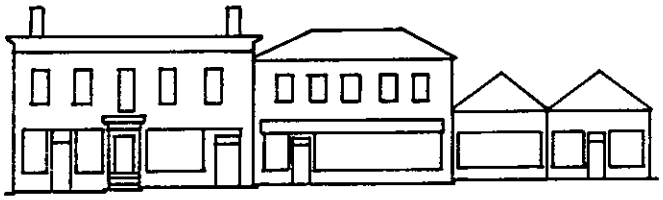


Elevation

Area 2



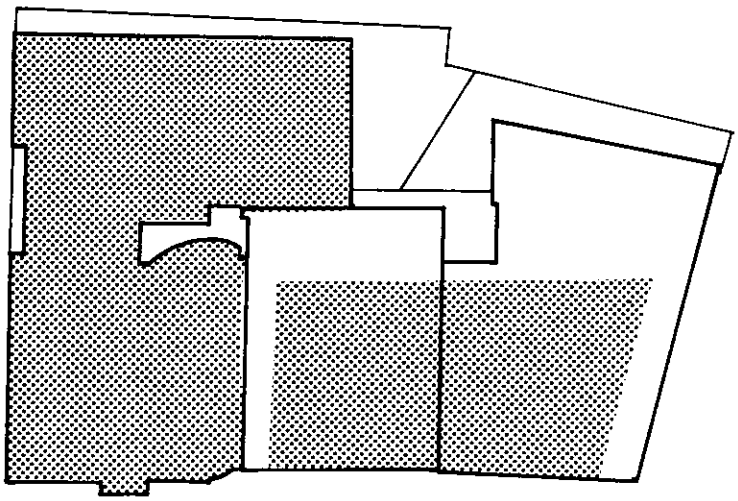
Plan



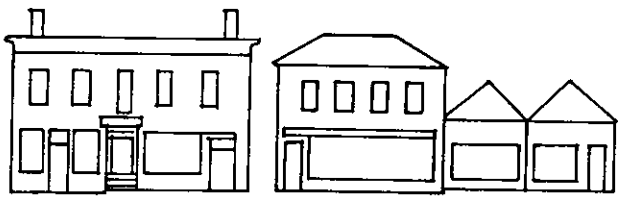
Elevation

BEFORE FIRE

AFTER FIRE

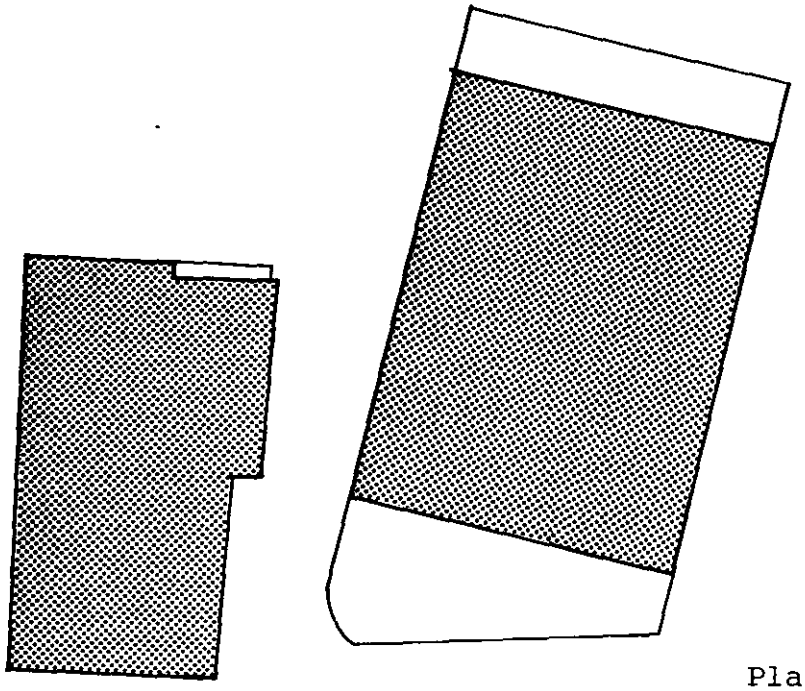


Plan

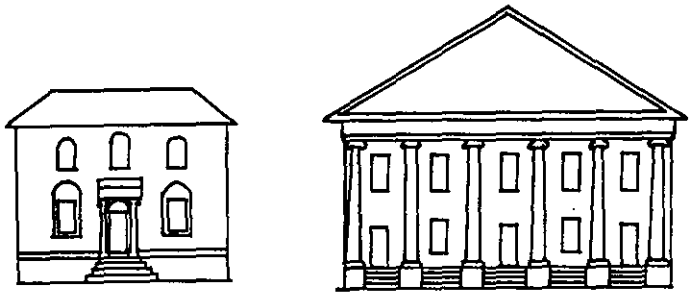


Elevation

Area 3



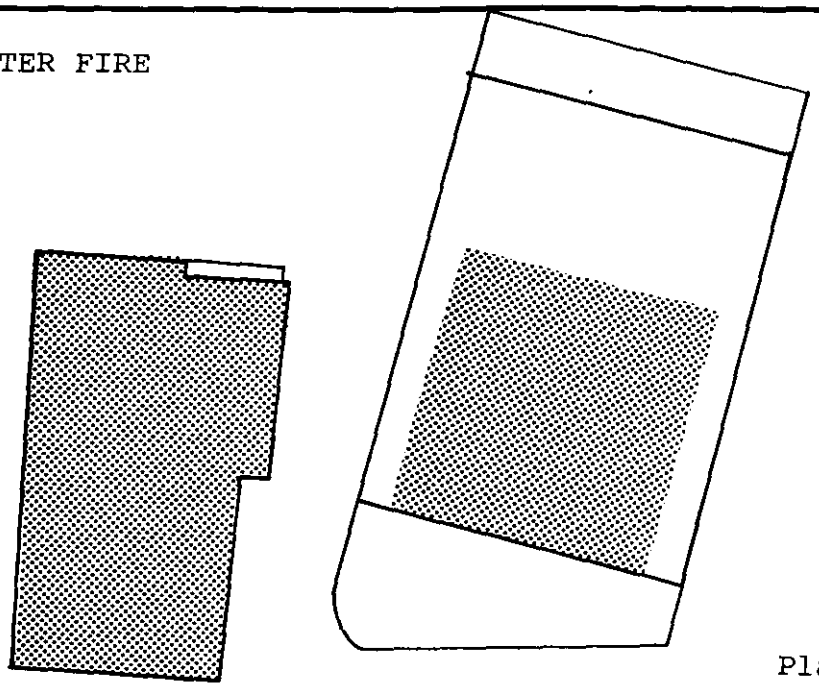
Plan



Elevation

BEFORE FIRE

AFTER FIRE



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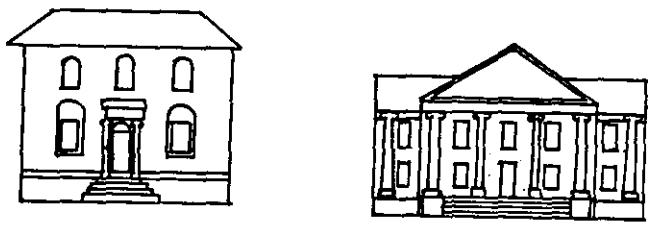
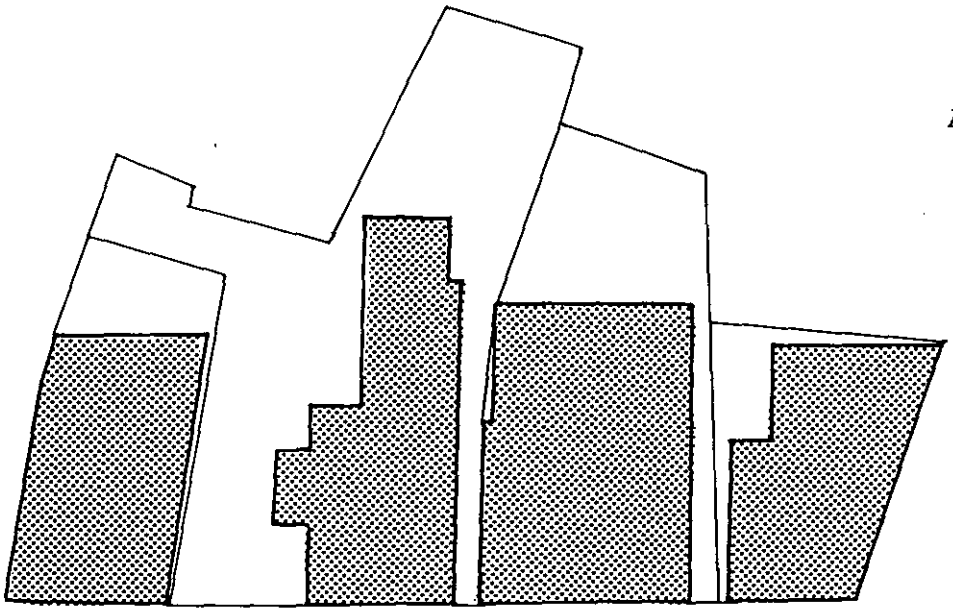


Elevation

Area 4



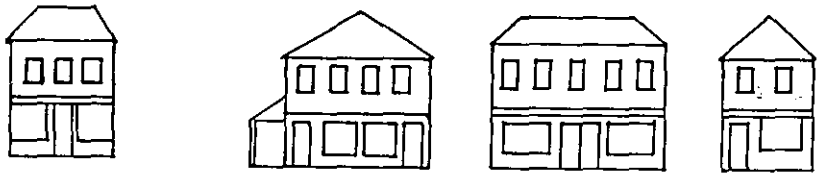
Plan

Elevation

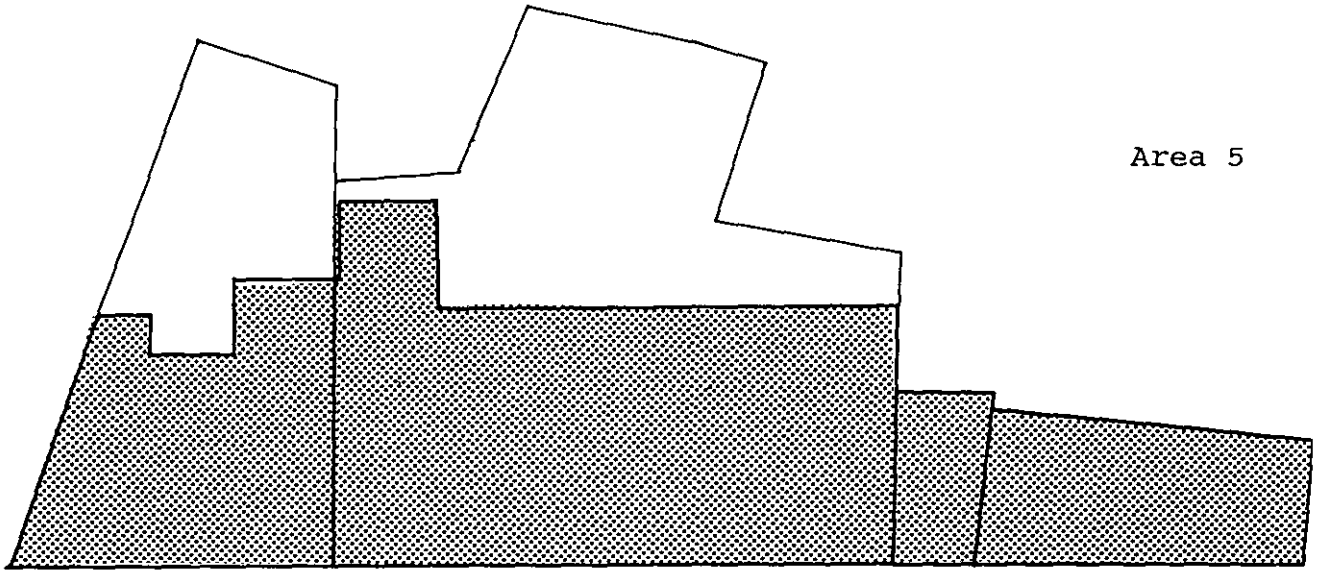
BEFORE FIRE

AFTER FIRE

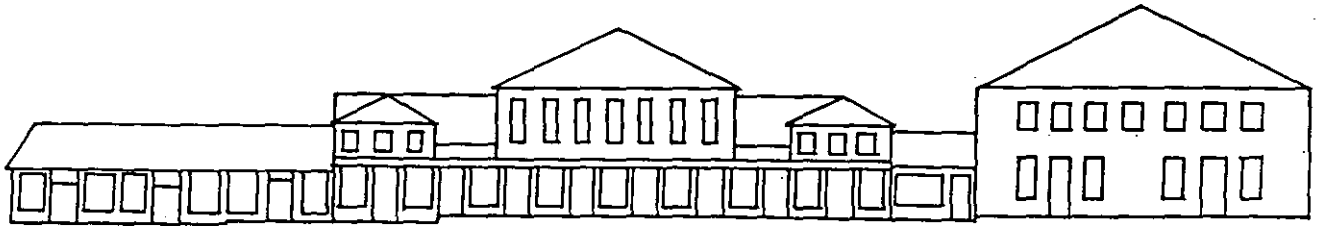
Plan



Elevation



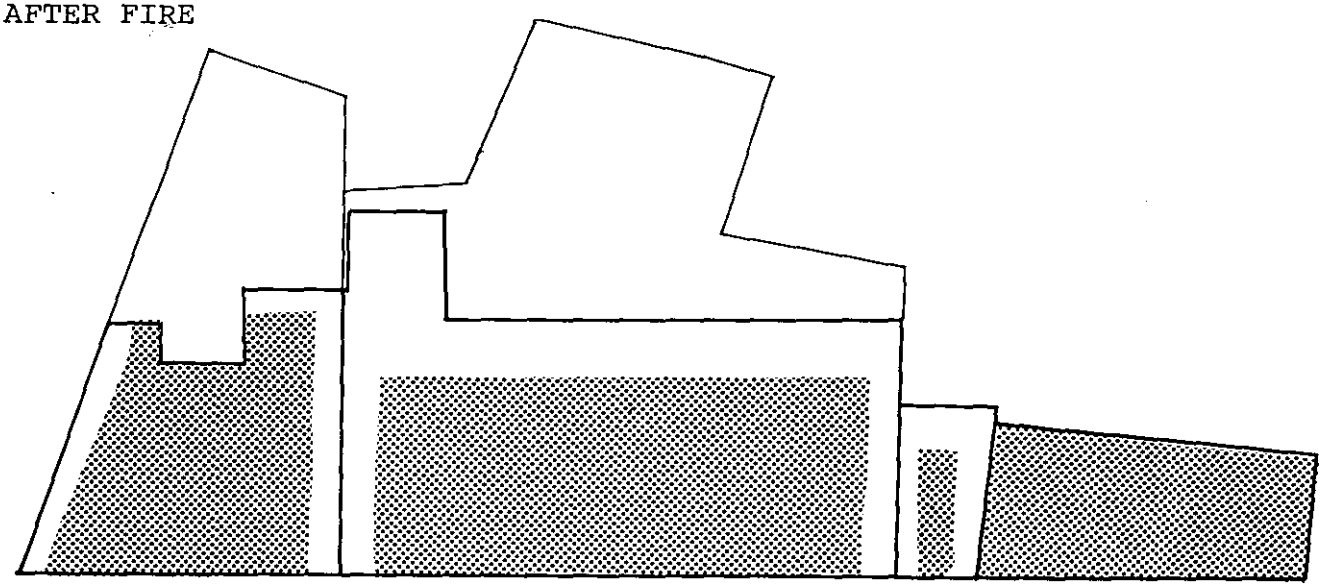
Plan



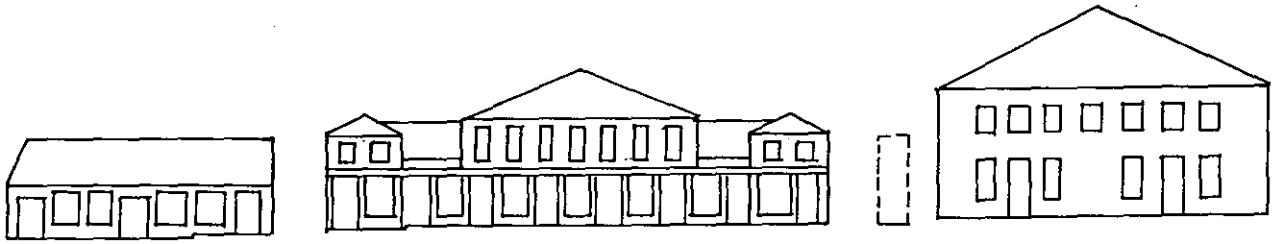
BEFORE FIRE

Elevation

AFTER FIRE



Plan



Elevation

D. Summary of Conflict Between Zoning and Historic Character

This examination has shown that zoning on Nantucket has not been tailored to accommodate the objectives of historic preservation. Historic preservation could become part of the zoning plan by revising the dimensions of the Bylaw or by making relief from inconsistent restrictions available. Otherwise, the strict legal constraints of zoning could hinder or completely prevent Nantucket from being able to protect its downtown character.

The next chapter will begin with an overview of downtown planning issues which may affect or be affected by zoning modifications for historic preservation. This chapter will describe some of the options which can be used on Nantucket to modify or provide relief from zoning. Cities and towns which have incorporated these options to remedy conflicts similar to the one on Nantucket will be discussed.

CHAPTER IV. EVALUATION OF OPTIONS FOR ZONING MODIFICATIONS

A. Summary of the Problem

> "When looking at common problems to be faced in the development and application of zoning, competing to head the list is nonconformance." [Smith, 1983, p.176]

The dimensions dictated by Nantucket's Zoning Bylaw have created a downtown of nonconforming lots and buildings. As a land-use tool, zoning can be used as a mechanism to change the spatial characteristics of an area, for the benefit of a community's "health, safety, and general welfare."[Smith, 1983, p.31] Yet, it is clearly not in the best interests of the Island to alter the desirable historic downtown patterns. Instead, modifying zoning to accommodate the scale and density of the historic downtown area would provide an insurance policy which would allow these patterns to continue, under any potential circumstances.

B. Issues To Consider

In the process of tailoring zoning to protect town character, several downtown planning issues may be affected by the zoning revisions. This section will contain a brief overview of issues such as density, parking, handicapped access and demolition to determine how a change in zoning may affect or be affected by these issues.

1. Density

The density allowed by the current bylaw is different from the density which actually exists in the downtown. In Chapter Two, the average ground cover ratio of buildings within the study area was 85%. This is notably different from the limitation of 50% contained in the Bylaw. In order to maintain the character of the commercial district, there would need to be a mechanism to allow an increase in the density currently permitted under zoning.

Any increase in allowable density is a downtown planning, not just a zoning, issue. The desired density of the downtown should be part of an overall strategy of growth management and be made as a planning decision. In determining where the density in zoning should be comparable to the existing density, decisions

will need to be made on the where to limit this density. Such parameters are necessary because the entire residential-commercial zoning district has spatial characteristics that vary within the zone.

In addition, there has been an interest in the "village concept," where tighter densities in town and in designated villages could complement the effort to protect open space areas outside of these village settings. As part of the zoning revisions, this concept could be incorporated.

2. Parking

If the zoning revisions allow an increase in density in order to allow for rebuilding to be compatible with existing densities, this may affect the future prospects of off-street parking. Off-street and "surface" parking are not seen as desirable solutions within a pedestrian-oriented historic area. [Beaumont, 1991] In Nantucket's downtown, the majority of parking spaces are along the major streets. On Main Street, cars are parked diagonally along the sidewalk, which allows for a greater number of spaces. As in any downtown, parking needs to be carefully balanced to allow for convenience while minimizing the interference to pedestrians. [Paumier, 1988]

Nantucket has addressed parking issues by allowing Special Permit relief from the off-street parking requirements in the historic commercial district. The relief may be granted by the special permit granting authority, "...provided that such authority makes the following findings:

(a) That the granting of such special permit is in harmony with the general purposes and intent of this zoning bylaw; and

(b) That compliance with the parking requirements of this Section 139-18 would (i) be physically impossible for the applicant to provide or (ii) if physically practical, have a significant and adverse effect on the scenic or historic integrity of the neighborhood, or (iii) be contrary to sound traffic and safety considerations."[139-18B, p.44].

The standards are clear and appropriate to accommodate the historic patterns of the downtown. Waiver of spaces is on a case-by-case basis, so that the intensification of use and the safety and character of the neighborhood can be considered.

3. Handicapped Access

As much as Islanders are hesitant to admit that the island is part of Massachusetts and jokingly refer to trips off-island as "going to America", federal and state laws do apply to Nantucket. Massachusetts has some of the most stringent handicap access rules in the nation.[M.G.L., Chapter 521] The recently enacted Americans with Disabilities Act (ADA) will affect Nantucket's historic buildings, although the law is too new for the extent of the impact to be determined.

The laws require all retail stores and offices to make every effort to remove physical barriers to access, but in both state and federal statutes there are some exceptions for historic buildings and for small businesses. The law recognizes that the goals of providing full access for the disabled and maintaining the architectural integrity of historic structures can be difficult to achieve. The laws require new construction, including reconstruction, to be fully accessible.

A local revision of zoning to allow rebuilding could be affected by this legislation in one particular way. This would mean that exact replication of a damaged building may not be legally permissible, because design modification to entry ways and building interiors will probably be necessary for many historic designs to become fully accessible.

4. Demolition of Historic and Significant Buildings

In some cities, any increase in density allowed by zoning results in the demolition of historic buildings which offer significantly less than the allowable density. To remedy this, zoning revisions have been made across the country to prevent destruction of those buildings. On Nantucket, a zoning revision which increases allowable density would probably not incite a flurry of demolition because the existing buildings are the ones which exceed allowable limits already.

Additional protection to prevent the demolition of historic buildings is given by the Historic District Commission. The Commission has recently developed a stringent procedure for obtaining the Certificate of Appropriateness which is necessary to demolish an historic building, and demolition is not allowed without it. This Certificate is only issued after a waiting period, followed by a public hearing. In addition, the structure to be demolished should be neither historically significant nor "contributing to the district." [Lang and Stout, 1992]

Zoning can be adapted to provide flexibility for changing uses and public needs while at the same time preserving existing structures, patterns and spaces. Some changes to buildings in town (which are not historic) could actually enhance the streetscape by improving the compatibility with existing patterns. It is important to have appropriate and effective zoning measures in place, so that any change can be consistent with the spatial qualities and character of the downtown.

C. Overview of Zoning Options

This section will describe some of the zoning options which could be used to modify Nantucket's Bylaw. There are a number of options to consider, both traditional and innovative, which are being used in cities and towns throughout the country. This section will begin with a look at traditional options for zoning revisions.

1. Traditional Techniques

Traditional techniques to modify zoning include upzoning and downzoning to adjust the dimensions allowable in the Bylaw. Another option is redistricting, accomplished by changing the boundaries of the existing zone, or dividing the residential-commercial area into several subdistricts. Still another option is to use a variance or special permit process to gain relief from the existing regulations for the purpose of protecting town character. [Paumier, 1988]

a. Upzoning Building Requirements

On Nantucket, upzoning would be one way to

increase the minimum height, setback, and ground-cover standards which are currently in place. This would allow many nonconforming buildings which exist to be rebuilt to their current dimensions in case of damage. [Smith, 1983, p. 222] Although upzoning would be helpful in reducing the number of nonconformities in the downtown, it would also have to treat the height and bulk of the structures uniformly. This would not adequately recognize the need to maintain different densities in various sections of the downtown. Regulation of dimensions in a uniform pattern would be insufficient in addressing the scale of buildings on a block-by-block basis. [Paumier, 1988, p. 110]

To be effective in the protection of historic character, upzoning would need to be supplemented with another option, such as the creation of several zones to allow for different spatial conditions to be maintained.

Increasing the allowable height limitation on Nantucket would be necessary if an existing nonconforming building were to be rebuilt. The height limitation is presently set at 30 feet and it is the measured distance from the ground plane to the ridgeline of the roof.

In historic commercial areas in other communities, where pitched roofs are prevalent, height is sometimes regarded as the measured distance from the ground plane to the eave or cornice which is oriented to the street. Within three different height districts of Annapolis, the height limitations reflect this approach. In one district, building must not exceed 32 feet overall, and not exceed 22 feet at the cornice or lowest roofline. In another district buildings must not exceed 38 feet overall, and 28 feet at the lowest roofline. This type of limit doesn't penalize a building for having a pitched roof. (It also may encourage designers to orient gabled facades other than toward the street) Along with other measures, this may be an approach usable on Nantucket.

b. Downzoning Lot Requirements

Downzoning to reduce the minimum lot size and frontage requirements in Nantucket's historic commercial area would reduce the number of nonconforming lots. This type of downzoning has been

used by several cities and towns to tailor zoning to allow for existing lot patterns, for the purpose of retaining those patterns. Roanoke reduced minimum lot sizes in its historic residential neighborhoods in 1987 to support preservation of existing lot sizes. [Collins, Waters, Dotson, 1990, p. 108]

In addition to lot sizes, Nantucket may need to protect the pattern of small storefronts. Other communities have restricted, or downzoned, the size of retail establishments to protect the scale of an historic commercial area. In Palm Beach, the retail spaces along Worth Avenue are limited to 2,000 square feet, to maintain the existing scale of storefronts. In the village zoning district of Hilltown, Pennsylvania, maximum retail areas have been adopted to prevent the small grocery store, for example, from becoming an expansive supermarket and altering the village scale. [Sutro, 1991, p. 9]

In Nantucket, a retail store may occupy more than one lot, and this can be a means of expansion. In Annapolis, buildings which occupy more than one lot may not be wider than twice the height of the building. [Passeltiner and , 1983] Similarly, in Penn Township, Pennsylvania, building width along the street is limited to a width not more than two and a half times the height of the building. [Sutro, 1991, p. 9]

c. Redistricting

Creation of several smaller districts would be another approach to modifying zoning to allow for protection of downtown character. This could allow for greater densities in one zone while maintaining smaller densities as may exist in a neighboring zone. This would result in more zones and would require a developing a process to determine where the divisions should be made. It may not be desirable in some cases, for example, to have a district boundary which divides both sides of a street. Maintain the streetscape along both sides of a downtown street would be just one concern of this process.

d. Variances and Special Permits

Variances and special permits can provide relief from zoning restrictions which, in Nantucket, would be necessary in order to rebuild at the same dimensions.

Several communities have use these provisions. In Lansing, Michigan, the Historic District Commission may recommend variances for relief from frontage and setback requirements in areas where it has determined that maintaining historically smaller setbacks is desirable. This recommendation is made to the Zoning Board, which has the authority to grant the permit. [Beaumont, 1991, p. 4]

Similarly, zoning in Miami permits waivers on minimum lot size, ground coverage, open space, setbacks, and height to encourage historic preservation. [Beaumont, 1991] In Greenwich, Connecticut, Special Permits are granted to modify zoning rights of a building within an Historic Overlay Zone. In Richmond, buildings within an old and historic district are permitted relief from the height and area regulations of zoning when it is "necessary to depart from such regulations in order to accomplish and promote" historic preservation. [Passeltiner and Tyler, 1983]

These examples all point to methods of providing relief from zoning for historic preservation and protection of character. On Nantucket, the two types of relief available are through a variance or special permit. For reasons to be discussed, the more appropriate vehicle to use would be the special permit.

On Nantucket and in Massachusetts, variances are granted only by the Zoning Board of Appeals and in accordance with specific criteria related to hardship caused by the lot shape, soil conditions, or topography of the lot or structures. [Cook, 1980] A special permit differs from the variance in that hardship does not need to be demonstrated, and the circumstances under which it may be granted can be specified in the local Bylaw. A special permit may have conditions attached to its being granted. [Cook, 1980]

In order to use a special permit to provide relief from zoning for the purpose of protecting historic character, several things need to be done. First, historic preservation should be included in the objectives of the Zoning Bylaw. Second, the conditions under which a special permit can be granted should be made clear.

In order to grant a special permit, the permit

granting authority must make a finding, which means that the request needs to qualify as being within specific guidelines which have been set for granting a special permit. This is where many communities have neglected to protect their historic fabric. According to Don Schmidt, of the Executive Office of Communities and Development in Massachusetts, there needs to be a provision within the Bylaw which specifically allows to grant a Special Permit to rebuild nonconforming structures in case of fire, for example. If there isn't such a provision, it is not legally permissible to grant the permit. "This," says Schmidt, "is where some communities find they are out of luck." This permission may be taken away if the legal authority to allow rebuilding is challenged. [Schmidt, 1992]

Special permit granting authorities can include Planning Boards. In The Citizen's Guide to Zoning, Herbert Smith points out that a zoning code which needs to allow for great numbers of exceptions, can lose its original objectives, and the new meaning of the code is determined by the range of decisions made by the Board of Appeals. Since the density decisions regarding downtown special permits are planning decisions, then the Planning Board should more appropriately become the permit granting authority for these cases.

2. Recently Developed Techniques

Special districts, historic overlay districts, site plan review, incentive zoning and transfer of development rights are zoning techniques which are considered innovative by the planning community [Paumier, 1988]. This section will briefly describe each option and discuss its potential use on Nantucket. While some of the techniques may not be turn out to be appropriate in resolving Nantucket's downtown zoning conflict, they will be examined here as a possible consideration.

a. Special Districts

Special Districts have been used by cities to set apart and protect distinctive neighborhoods and uses. A Special District amends existing zoning to tailor new regulations to a particular set of circumstances. [Babcock and Larson, 1990] Special districts often encourage or discourage given activities and uses. In New York City, special districts such as the Theatre

District, Fifth Avenue Special Retail District, the Garment Center District and Little Italy give priority to those uses which are compatible in these districts. In 1989, the SHOP Special District was established in Washington, D.C. to help retain retail space in the commercial core. [Lassar, 1989]

If Nantucket were to establish an "Historic Commercial (Special) District," the zoning guidelines could be tailored for that particular area. Special districts may be more essential in large cities where certain neighborhoods need to protect their character and existing uses from competing development. While competing development is not the problem on Nantucket, the ability to tailor zoning within the historic commercial district would address certain issues. The district could be defined to include only those portions of the commercial district in which relief from zoning should be allowable, and relief could be limited to only those buildings meriting exceptional treatment.

b. Site Plan Review

Another approach to ensuring compatible rebuilding is with site plan review. This can be used as a mandatory development requirement for an entire community or for specific areas. Site plan review for Nantucket's downtown could be activated whenever increases of height or density are requested over what is permitted by the present zoning. Here, on a case-by-case basis, rebuilding to existing densities could be examined. Guidelines, standards and criteria for approval would need to be determined in advance. Site plan review is very useful for new development, less so for dealing with already existing buildings. Nantucket uses this option in its Moorlands Management District and in Subdivisions. Site plan review is advocated by the Center of Rural Massachusetts authors in Dealing with Change in the Connecticut River Valley, which describes site plan review as a modified special permit process. [Arendt, Yaro, Dodson, Brabec, 1988, p. 127]

c. Incentive Zoning

Incentive zoning allows bonuses of increased building height and density in return for desirable public amenities provided by the developer. [Paumier, 1988] The amenities may be provided on- or off-site as

specified by the city or town. In Seattle, developers may obtain increases in density in the downtown area in exchange for providing off-site child care centers. In Hartford, density bonuses are awarded for incorporating housing units into downtown construction. A project in Orlando must contain three different uses, such as hotel/motel, offices, retail, and multi-family housing, to qualify for a density bonus. [Lassar, 1989]

On Nantucket, cluster subdivisions are awarded increased intensity based upon the restrictions the developer places upon the individual lots. The cluster brings a 10% bonus in the number of allowable lots. Additional bonuses of 10% are available for restricting the lots to only one dwelling (two are allowed per lot on Nantucket), or if public access is allowed to the open land.

d. Transfer of Development Rights

The transfer of development rights (TDR) is a publicly-created mechanism through which owners of a property may sell unused (or potential) development rights to a property owner who uses these rights on another site, where greater density is allowed. [Passeltiner and Tyler, 1983] This technique has been used mostly in major urban areas, where the historic structure is apt to have substantially less density than otherwise allowable under zoning. New York, San Francisco, Seattle, Dallas, Pittsburgh, and Atlanta all have TDR programs for various purposes, including historic preservation, but they have rarely been used. For example, New York's program has only been used twenty-four times in the last twenty years, and Seattle's TDR program has not been used for historic preservation since its inception in 1985.

D. Summary

Of the options to encourage preservation examined, some do not address the problem on Nantucket. Incentive zoning and transferable development rights are useful techniques where the allowable density under zoning is greater than that of the existing historic building. The developer is given an incentive to preserve one building by allowing greater density in another area. On Nantucket, the greater density already exists in the commercial district. The incentive to preserve is there, and it has been

effective as shown by the extent of preservation on the island. Site plan review works for locating new buildings, but does not really apply to preservation in most cases.

The problem is allowing the existing buildings to be maintained, by removing zoning impediments, while allowing new development which is consistent with the character of what is already in place. All of the other options presented address at least portions of the problem, some better than others. In making a recommendation, it will be necessary to select the proper combination of techniques to ensure that the proposed solution addresses the problem precisely. The recommended solution should help preserve historic buildings without relaxation of the protection which is already in place. Only appropriate changes to buildings should be allowable, but they should be allowable when appropriate.

CHAPTER V. RECOMMENDATIONS FOR ZONING MODIFICATIONS

As shown in Chapter 4, the major problem on Nantucket is density in reality versus the density allowable under zoning. That is the situation toward which this recommendation will focus. The other issues of parking, access, and demolition have all been addressed either locally (parking, demolition) or by the state or federal governments (access).

Parking has been addressed in a workable and appropriate manner in Section 139-18B, with its clear standards and relief by special permit. The Bylaw allows flexibility and consideration of impact on a case-by-case basis, while considering the needs of the neighborhood both for off-street parking and aesthetic integrity.

Handicapped access is beyond the power of the town to control. Both state and federal regulations take into account the competing interests between access and preservation, and those regulations supersede any possible local authority.

The Historic District Commission has enacted regulations to reduce substantially the possibility of demolition of historic or significant structures. Design guidelines have been in place for 40 years, and have been refined to ensure that all new construction, if permitted, will be consistent with the pre-existing townscape.

A. The Zoning Options

There are four options to allow continuation of the existing density in the commercial center.

1. Allow reconstruction of all buildings by amending the Zoning Bylaw to include such a provision;

2. Change zoning to allow existing densities by modifying the existing intensity regulations without increasing the number of districts;

3. Create new districts covering the historic commercial area and define intensity regulations for each to provide for density consistent with existing buildings; and

4. Provide for a Special or Overlay District within which relief by special permit may be granted from

existing intensity regulations, with guidelines to ensure preservation.

1. Option 1: Allow Reconstruction

Amending the local bylaw, Section 139-33A, to allow reconstruction of pre-existing nonconforming commercial structures appears to be the simplest option. It could be limited, if desired, to the central commercial district, and could be further defined as a "specific finding" which the permit granting authority would have to make before reconstruction would be allowed.

> For example, the bylaw could read:
> "When a structure in the Residential/Commercial (RC) District is severely damaged or destroyed by fire or other casualty, the permit granting or special permit granting authority may issue a special permit permitting the reconstruction of the structure, provided that they first find that the reconstruction is in harmony with the purpose and intent of the bylaw and that relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the purpose and intent of the bylaw."

This language is taken mostly from the current Nantucket Zoning Bylaw, Sections 139-32A and 139-33A, mixing some of the requirements for special permits with one of the findings required for a variance.

One failing of this approach is that it does not allow for evolutionary change or improvement to buildings which do not contribute to the townscape. Only exact replication is permitted by "reconstruction", not change. Also, it does not accommodate new access and safety requirements, which should be incorporated, if possible, into any rebuilt structure. Under such a provision, an architecturally inappropriate building which could meet current access and building code requirements might be rebuilt, while a building which was integral to the feel of a block might not be able to be exactly "reconstructed", and, therefore not be eligible for relief, because of new building code or access requirements.

2. Option 2: Modify Existing Intensity Regulations to Allow Greater Density

This would be downzoning to bring more lots into conformity by changing the area, frontage, setback, and ground cover limitations to reflect more nearly existing conditions. This approach would need to be coupled with a change in the height limitation to permit taller buildings in the commercial district. The changes could be limited to the residential-commercial district only by simply changing Section 139-16A (intensity regulations) and adding language to Section 139-17 to specify a different maximum height for that area.

With the changes in place, a pre-existing building could be rebuilt without a variance to the newly allowable dimensions, or altered in a way which is more consistent with the townscape or modern requirements. Design of the building would be subject to Historic District Commission approval.

The first problem with this approach would be in determining the appropriate intensity limitations for the entire district. The district, as shown by the variety of the small portion of the entire district analyzed in Chapter 2, is composed of diverse elements. There is no clear "standard" lot or building.

A second problem with downzoning would be the prospective impact. If the new dimensions accommodate the taller buildings, like Sherburne Hall, there may be an incentive to demolish or add on to smaller buildings to take advantage of the increased height allowed. If the area and frontage requirements are more appropriate to the smaller lots, there may be incentives to subdivide and sell off part of the parcel. Reduced side and rear setbacks would lead to infill of currently open spaces.

3. Option 3: Create More Districts Within the Commercial Center, and Develop Intensity Regulations for Each

This option is similar to Option 2, downzoning, but would be combined with creation of new zoning districts. The districts would be delineated in such a manner as to allow for consistent intensity regulations, with the regulations tailored to reflect

existing dimensions within the particular area. For example, in the study area, the following district and intensity regulations could apply:

District:	Main Street, north side
Minimum Lot Area:	1,400 S.F.
Minimum Frontage:	20 feet
Minimum Front Setback:	0 feet
Minimum Side/Rear Setback:	0 feet
Maximum Ground Cover Ratio:	100%
Maximum Height:	46 feet
Open Space Required:	0%

As with Option 2, the adapting of intensity limitations to accommodate existing density would provide protection for historic buildings. Rebuilding would be a matter of right, not requiring a variance. Design control would rest with the Historic District Commission.

The first problem would be to define where the district boundaries should be. The north side of Main Street is an obvious choice because it has retained the historic development pattern from the Proprietor's set-off and rebuilding in 1846-47. The other parts of the study area, and of the residential-commercial district, are not as consistent, and defining which areas should be grouped will be an exceptionally challenging task. Also, the districts will be exceptionally small, perhaps covering only one block on one side of a street.

Another problem, closely linked with the first, would be to define appropriate intensity regulations for each district. They would need to be sufficiently restrictive to prevent loss of the historic character and townscape pattern. At the same time, if they are to permit rebuilding and beneficial changes to existing buildings, they would need to reflect the densities which are already there.

Having numerous small districts within the town may create an incentive for repeated attempts to move boundaries, as owners try to obtain the benefit of additional intensity allowed in neighboring districts.

4. Option 4: Special Overlay District

The fourth possible approach would be adoption of

a Special Historic Overlay District including the commercial town center. Other areas within the town could be included within the district if, upon further study, it was concluded that the existing density in that area was a) substantially different from what zoning would allow, and b) preservation of that density was desirable. Within the Special Overlay District, relief from inconsistent intensity regulations could be obtained by special permit, rather than by variance. The special permit granting authority and standards for granting the special permit would be specified within the local bylaw. Design review would, as with all other options, remain with the Historic District Commission.

This option accomplishes the objective of removing the major impediment to preservation, by permitting rebuilding without a variance. The option could also allow architecturally consistent new construction, if appropriate, by special permit. Any new construction would not be limited to exact replication, but could be adapted to modern requirements for access and building safety. To allow decisions as to increased density in the overlay district to be made by the board concerned with planning issues, designation of the Planning Board as the special permit granting authority would be appropriate.

The standards for granting the special permit relief from zoning restrictions should include limitations on the extent to which relief is available. Any person requesting relief would know the maximum bulk envelope within which the building would have to fit. The standards should also include prior approval of the design by the Historic District Commission. The Planning Board would then give the permit for a specific building design, based upon the approved plans. This would allow input from a public hearing for which notification of abutters would be required. Neighborhood comments could be considered by the board. Presently, the Historic District Commission is not required to hold a public hearing on plans.

Recommendation

My recommendation, therefore, is as follows:

1. that the town amend the zoning bylaw to provide for an historic commercial overlay district within

which relief from intensity regulation (139-16A), height (139-17), and open space (139-19) be made available by special permit granted by Planning Board, upon the following conditions:

a. the plans for proposed construction must be approved by the Historic District Commission before the public hearing on the special permit, and

b. the proposed construction, alteration or extension of the structure must conform to the plans as approved, and

c. the board finds that the construction, alteration or extension of the structure, as proposed, is in harmony with general purposes and intent of the bylaw, and

d. the special permit granting authority finds that the relief granted as to setbacks, height, ground cover and open space are not greater than the nonconformities as to each of those requirements previously on the same lot or on other lots within the same block.

Why should an overlay district be used?

An overlay district will allow the precise definition of the area within which relief is available. The central business district includes a much larger section of the Town than just the study area, but it includes only part of the Residential-Commercial zoning district. The area within which relief should be available can most easily be designated by overlaying a boundary on the zoning district. The alternative would be to divide the Residential-Commercial district into two or three districts and allow special permit relief in the one including the historic core area.

Either alternative, overlay or division of the district, will accomplish the task of defining the protected area. Unlike either Option 2 or 3, there would be no need to study each building individually to determine what the appropriate new dimensional limitations would be for a particular zoning district. It is the neighborhood being protected that is defined.

Why should relief be by special permit?

The crucial element necessary to remove the zoning impediment to preservation is relief from the existing, incompatible dimensional limitations of the bylaw. Under state law, there are only two means to allow such relief, variance or special permit.

The standards for granting a variance are defined by state law. Only with specific findings relating to lot shape, soil conditions or topograpy can a variance be granted. Also, only the Zoning Board of Appeals has authority to grant a variance. If challenged in court, the owner has the burden of proving that the variance was properly granted.

The standards for granting a special permit, on the other hand, may be established within the local bylaw. That means that the town may determine the conditions under which relief is appropriate. Either the Zoning Board of Appeals or the Planning Board may be designated as the special permit granting authority. If challenged, the person challenging has to prove that allowance of the special permit was unreasonable.

The ability to adapt the available means of relief to local conditions is the essence of a special permit bylaw provision. It is also precisely what is needed. The town controls who can grant the permit and why it should be granted. The standards for granting the special permit can be tailored to ensure protection of historic values.

Why should the Planning Board be designated the special permit granting authority?

Density is a planning issue. Whether changes should be allowed within the historic central business district, and what those changes should be, is a planning issue. The impact is broader than just zoning. If relief is to be granted allowing substantially greater density than normally permitted, if changes are to be made to the townscape, if it would seem appropriate to have the Planning Board making the decision. They are the board that deals with long-range policy and impact issues.

Why should prior Historic District Commission approval of the plans be required?

First, the Historic District Commission is not required to give notice to the public of the plans it is reviewing. Therefore, public input into the approval process does not always occur. Granting a special permit does require a public hearing, with public notice and notification of abutters within a 300' radius of the property.

To allow the Planning Board to grant relief from density without knowing the design gives the final authority on what gets built to the Historic District Commission, which would be able to approve plans within the dimensional limitations allowed by the special permit. It is preferable to have the final approval rest with the Planning Board, after a public hearing, to permit, or not, a specific structure to be built. Restricting relief to a specific design plan before a public hearing would also ensure neighborhood involvement in approving the design.

Why the condition that relief be in harmony with the general purposes and intent of the bylaw?

No matter how aesthetically pleasing a design, the purpose of zoning is to promote general welfare, health and safety of a community. Because the goals of historic preservation must be balanced with parking, density, and handicapped access considerations, the competing values must be weighed. This requirement will ensure that the proposal be examined to determine whether the proposed intensity and use will benefit the community.

Why the requirement for a finding that the proposed density would not be greater than the density previously existing on the lot or within the block?

The purposes of allowing relief by special permit do not include increasing density and size beyond the parameters that already exist, no matter how aesthetic. Some limitations must apply, and the block, being the visual context into which any structure has to fit, seems the obvious and appropriate basis for establishing those outer limits.

B. Summary

This study has looked at the importance of coordinating zoning with planning goals, particularly those preservation goals to protect town character.

Of the elements which give Nantucket's historic downtown its character, it is the arrangement of buildings - their height, bulk and setback, which create density and scale. These elements, and any changes to them, are governed by zoning.

This study has examined whether the zoning for downtown Nantucket has ensured the continuation of its pattern of development, which creates its scale and density. By comparing the dimensions of existing buildings, and their heights, setbacks, and ground coverage within a particular study area of the downtown, this study has confirmed that the current pattern of development is inconsistent with the intensity regulations for that district. Therefore the pattern of development has no protection from zoning, and zoning may force a change to the existing pattern. As changes, or catastrophes, occur over time, and buildings may need to be rebuilt or replaced, current regulations would prevent the continuation of existing spatial patterns and eventually alter the scale of the downtown, the pattern of development, and the character created by these spaces.

This study has shown how goals of protecting historic patterns of development have not been met by the current zoning. It has done this by identifying where the existing pattern and the pattern defined by current zoning conflict. It has suggested ways to remedy this through zoning modifications.

This study has looked at the options available to change this situation and evaluated ways to modify zoning to allow for protection of scale, density and character of the historic downtown area. Of the options, the creation of an historic overlay district with special permit relief from zoning limitations is recommended. This would allow zoning relief for historic preservation and a case-by-case review of proposed changes.

This study has been conducted to benefit Nantucket.

However, the need to tailor zoning so that it meets planning goals applies to many places. It is important that the dimensions of zoning and how they relate to existing buildings be made clear for people to understand. Understanding the visual implication of land use regulations is essential to determining what is a beneficial regulation versus a bad one. Also, it is important to understand how the siting of buildings within a downtown or any area contribute to the spatial character of that area, and therefore this siting should be considered as an important element if that development pattern, such as in historic downtown or rural villages is desirable to maintain.

On Nantucket, further study is needed in several commercial and residential areas to determine whether zoning is consistent with the goals of preservation for those areas. In other places, where efforts to preserve may be more recent, it would be important for that community to determine whether zoning will reflect the vision and goals for that area's growth and or preservation. In order to protect character, zoning regulations must not conflict with existing development.

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