

**City of Northampton
MASSACHUSETTS**

In the Year Two Thousand Twenty-One

Upon the Recommendation of Mayor David J. Narkewicz and Planning & Sustainability

20.181 An Ordinance Relative to Affordable Housing (350-6.12)

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding Section 350-6.12 to encourage affordable housing and maximize local control without requiring a Massachusetts Department of Housing and Community Development Site Eligibility Letter and other non-relevant requirements.

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Add

350-6.12 Affordable Housing

Whereas, the “Massachusetts Comprehensive Permit Law” (Massachusetts General Law Chapter 40B, Sections 20 to 22) and the “Massachusetts Comprehensive Permit: Low and Moderate Income Housing” regulations (760 CMR 56.00), allow for a single local board to administer and to waive any and all local zoning ordinance and other local ordinances and regulations, as the single approving authority, to encourage affordable housing, upon obtaining a Site Eligibility Letter from the Massachusetts Department of Housing and Community Development (DHCD). Such Site Eligibility Letter creates a burden for some projects, especially small projects. It requires the paying of a fee, the calculation of a developer’s reasonable return, the provision of architectural elevations, among other requirements;

Whereas, it is the City’s intention to provide some zoning relief, consistent with city needs, and while avoiding the need for a DHCD Site Eligibility Letter.

- A. All projects approved under this section must meet the following criteria:**
- 1. At least 50% of the residential units being created shall be “Affordable Units.”**
 - 2. All permanent energy sources (thermal loads, hot water, and electric loads) shall be from grid-supplied electricity or otherwise not use fossil fuels (natural gas, propane, oil, wood). This shall not apply to emergency generators, outdoor grilling, or mobile energy uses.**
 - 3. Prior to obtaining a building permit, the applicant shall obtain DHCD approval as Local Initiative Program (LIP) units, so that all affordable units created under this section can be listed by DHCD on their Subsidized Housing Inventory.**
 - 4. Prior to obtaining a building permit, the applicant shall obtain Site Plan Approval (Section 350-11).**
- B. The Planning Board may approve Affordable Housing projects as part of a Site Plan Approval when:**

- 1. The allowable dwelling units per acre (density) of the entire project is 250% of that otherwise allowed by this zoning ordinance in the zoning district in which the property is located. There are no other minimum lot size requirements for any lots created under this section.**
- 2. The minimum frontage, lot depth, and lot width is at least 40% of that otherwise required by this zoning ordinance in the zoning district in which the property is located.**
- 3. When significant trees on the property are cut they shall be replaced on-site with new trees to the extent feasible without blocking solar photovoltaic or hot water systems, but no payment in-lieu is required when such planting is not feasible. Full mitigation is required for cutting public shade trees.**
- 4. All other zoning applies and is complied with.**

C. The Planning Board may issue a Special Permit for additional zoning dimensional and density relief when:

- 1. The application specifically details requested zoning relief to ensure that the project and project permit conditions are not uneconomic, as defined by MGL 40B and 760 CMR 56.00.**
- 2. The Planning Board finds that the project, with a Special Permit for the requested zoning relief, still meets Local Concerns (as defined in 760 CMR 56.00 and as evidenced by the City's master, comprehensive, and strategic plans).**
- 3. The Planning Board finds that the Special Permit conditions of Section 350-10 are met.**