

City of Northampton

MASSACHUSETTS

In the Year Two Thousand Twenty One

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

21.318 An Ordinance to Amend §350-17 FFR District and §350 3-4 Zoning Map to Include Recreation Land

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by changing Section 350-17 & 350 3-4 Zoning Map in order to accurately reflect the status of lands in Northampton permanently protected from development.

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

Amend as shown

§ 350-17 **Farms, Forests and ~~Rivers~~ & Recreation District (FFR)**

§ 350-17.1 **Purpose.**

The purpose of this article is to protect sensitive open space and ecologically important features, to preserve the farms, forests, river corridors, ecological habitat, and recreational lands of Northampton, and to allow landowners the ability to develop their property in a manner that is sensitive to these unique resources.

FFR is comprised of three different types of protected open space.

- 1) Rural publicly owned open space and greenways.
- 2) Lands permanently protected with conservation or agricultural restrictions
- 3) Urban Parks including those for organized recreational uses.

§ 350-17.2 **Uses.**

Uses in the FFR are limited to any of the following so long as

1. No more than 25% of a parcel may be developed as building lots, roads, sewage disposal or drainage facilities, or other development and, where possible, all improvements shall be spatially concentrated to preserve the protected resource. The Planning Board, through Site Plan Review may approve more than 25%

developed areas only when created to enhance or expand the function of urban parks or recreational facilities.

2. All site improvements shall be laid out and constructed to minimize environmental and other impacts on protected resources.

4.3. Open space shall be laid out to maintain views of agricultural lands and open space, and to maintain distant vistas across open space from both on and off the site.

2.4. **(3)**

3.5. Development shall be integrated into the existing landscape through the use of building placement, landform treatment, and visually compatible existing or new screening. When possible, development should be placed within existing woodlands and not in open fields, to preserve views and minimize visual impact.

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A. Passive recreation, including site improvements to allow for such use that could include trail building, stream crossing components, wildlife viewing stations and the like. Supporting structures including temporary or permanent buildings.

B. Active recreation, including temporary or permanent buildings and structures necessary to support such uses. These may include but are not limited to permanent or temporary bathrooms, storage buildings, water fountains, snack bars, safety netting, seating, play or exercise structures and foundations, and parking areas. Site improvements to support such activities including trail building, stream crossings.

C. Agriculture and accessory structures, farm stands etc.

D. Land Conservation and restoration.

ED.

1. All Water Supply Protection District regulations related to prohibited uses, restrictive uses, drainage, uses by special permit, and design and operations guidelines (§§ 350-15.4 to 350-15.8) shall apply. Events and/or other operations that support underlying agricultural uses. Such uses shall be accessory and in accord with requirements herein.

B. E. Social functions, such as special events, concerts, weddings, with service of food and beverage to support the primary function of protecting open space/resource area.

F. With Site Plan Approval by the Planning Board the construction or use of a building as a caretaker's residence.

~~Development with a special permit issued under § 350-10.5 [open space residential development (cluster)]; provided, however, that the Planning Board finds that the following conditions are met, to the maximum extent possible, before granting a special permit for a cluster development in the FFR District:~~

~~(1)~~

~~If all or a portion of the protected open space is or could be used for farmland, all buildings, roads, drainage systems, utilities and other development shall be laid out in a manner to provide the least disturbance to actual or potential farm operations, to minimize potential conflicts between agricultural and nonagricultural uses, and shall be located on the soils least suitable for the production of crops.~~

~~(2)~~

~~(4)~~

~~§ 350-17.3~~**Transfer of development rights (TDR).**

~~The Planning Board shall grant an owner of land in the Farms, Forests and Rivers district a special permit to transfer the right to develop residential units from the FFR District (sending or donor parcels) to the Planned Village District (PV). (See § 350-10.15.) or other receiving parcels as allowed by this Zoning Ordinance in accordance with the criteria below. The Planning Board shall base its decision on the criteria in this section and the requirements for site plan review for the sending zone, not the receiving zone. The special permit criteria of § 350-10.1C shall not apply.~~

~~A.~~

~~The maximum number of dwelling unit development rights that can be transferred is the greater of the following:~~

~~(1)~~

~~The number of dwelling units allowed by a current valid definitive subdivision approval or open space residential development (cluster) special permit issued for the sending parcel;~~
~~or~~

~~(2)~~

~~Sixty percent of the number of dwelling units that could potentially be developed based on the maximum number of dwelling units allowed in a cluster, in accordance with § 350-11.4E(1), and including deductions for wetlands but excluding deductions for roadways.~~

~~B.~~

~~Development rights may not be transferred from land which may not be otherwise be developed for a residential subdivision because of ownership status, deed restrictions, easements, or prior transfer of development rights, including:~~

~~(1)~~

~~Land with conservation restrictions or agricultural preservation restrictions;~~

~~(2)~~

~~Land owned by a government agency for permanent park, agricultural or conservation purposes;~~

~~(3)~~

~~Land owned by a nonprofit corporation, a principal purpose of which is conservation or preservation of open space or farmland;~~

~~(4)~~

~~Land where the development rights have already been transferred out of the parcel.~~

~~C.~~

~~Transfer of development rights is contingent on placing a permanent conservation restriction or agricultural preservation restriction, in accordance with the provisions of Massachusetts General Laws, on the land from which the development rights were transferred (sending parcel) and restricting the use of the land to agriculture, forestry, or undeveloped open space open for passive recreation only, or deeding the land to the City as permanent park or conservation land with no acquisition cost (but only with the consent of the City Council and the Conservation or Recreation Commission, as appropriate).~~

~~D.~~

~~Development rights may be transferred from a sending parcel and held indefinitely before being assigned to a receiving parcel. Development rights may be transferred by sale or other means and may subsequently be transferred to any owner of receiving parcels allowed by this chapter.~~

Chapter 350-3.4 Amend by including the parcels show in the attached map into the FFR layer.

