

CITY OF NORTHAMPTON
MASSACHUSETTS

In the Year Two Thousand and Seventeen

Upon the Recommendation of Office of the Mayor

17.250-Replacement
An Ordinance
to add a new Smart Growth Overlay Districts

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances Chapter 350-20.0-20.19, City of Northampton, Massachusetts, be amended to add a new Smart Growth Overlay District consistent with MGL 40R. Amend existing sections to as necessary to create clarity.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Amend Chapter 350-20 as shown below:

§ 350-20.1. Purpose.

It is the purpose of this § 350-20 to establish Sustainable Growth Overlay Districts (SG) and to encourage smart growth in accordance with the purposes of MGL c. 40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options. Other objectives of this § 350-20 are to:

- A. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
- B. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;

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C. Increase the production of a range of housing units to meet existing and anticipated housing needs;

G. Enable the City to receive zoning incentive payments and/or density bonus payments in accordance with MGLc. 40R, 760 CMR 59.06, and MGL c. 40S, arising from the development of housing in the SG District.

§ 350-20.2. Definitions.

DESIGN GUIDELINES

For Village Hill Smart Growth Subdistricts A & B as defined in 350-20.18, the document entitled "Design Guidelines: The Village at Hospital Hill," prepared for Hospital Hill Development, LLC, by Beals and Thomas, Inc., Southborough, MA, dated July 17, 2003, and revised July 2, 2004, containing 31 pages (the "Design Guidelines"), approved by the Massachusetts Department of Housing and Community Development (DHCD) on August 21, 2007, with pages one through 10 not applying to Projects in the SG District. Said Design Guidelines are applicable to all Projects within the SG District that are subject to Plan Approval by the Plan Approval Authority. A copy of the Design Guidelines is on file in the office of the City's Planning Board.

For all other Smart Growth districts, the site plan design requirements specified below in 20.19:

MONITORING AGENT / ADMINISTERING AGENCY

The local housing authority or other qualified housing entity designated by the municipality [the PAA, chief executive, or other designated municipal official], pursuant to § 350-20.7(?), to review and implement the Affordability requirements affecting Projects under § 350-20.7

§ 350-20.3. Overlay district.

A. Establishment. A Sustainable Growth Overlay District(s), hereinafter referred to as an "SG District," is an overlay district that is superimposed over an underlying zoning district applicable to property shown on the map entitled "Sustainable Growth Overlay District," dated concurrently with adoption of the respective amendment (the "SG District Map"). This map is hereby made a part of the Zoning Ordinance and is on file in the office of the City Clerk. Subject to the requirements of the Enabling Laws, including a corresponding preliminary determination of eligibility, Letter of Approval, and/or Amended Letter of Approval, as applicable, by DHCD for each such amendment, this map and the text of Chapter 350-20 may be amended from time to time to add, expand, reduce, eliminate or otherwise modify one or more Sustainable Growth Overlay Districts.

Subdistrict Subdistrict Subdistrict Subdistrict Subdistrict

C. Underlying zoning. The SG District is an overlay district superimposed on all underlying zoning districts. The regulations of the underlying district(s) remain in effect.

§ 350-20.5. Permitted uses.

The following uses are permitted as of right in the SG District in all Subdistricts, subject to Plan Approval, except as specified below:

A. Parking, including surface, subsurface garage parking, and structured parking (e.g. parking garages). B. Open space and Recreational Uses.

C. Accessory uses customarily incidental to any of the above permitted uses.

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Where:¶

¶ A. Workers perform their primary occupations, which are otherwise permitted in that zoning district, and where businesses and artists create original and creative works (such as books, writings or compositions for sale, paintings, sculptures, traditional and fine crafts, creation or acting of films, creation or performance of dances).¶

¶ B. Those workers and artists and their immediate families live in the same building or property as where they work, although not necessarily in the same unit; and¶

¶ C. Residential space is clearly secondary to work space and consists of no more than 50% of the total residential/Work space

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(1) There are hereby established two subzone

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(a) Subzone

Deleted: A: Single-family Development.¶

(b) Subzone

Deleted: B: Multifamily Development.¶

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(2) The location of these subzone

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SubdistrictSubdistrictSubdistrict

§ 350-20.6. Project phasing.

The PAA, as a condition of any Plan Approval, may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA, unless it receives written authorization to do otherwise by the Department, shall assure that each phase contains at least the minimum percentage of Affordable Housing units required under § 350-20.7. B and the required number of Affordable Housing Units in the Project as a whole, as per § 350-20.7B. Such assurance may be provided through use of the security devices referenced in MGL c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No Density Bonus Payment will be received by the City until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing Units in the Project.

§ 350-20.7. Housing and housing affordability.

- A. Affirmative Fair Housing Marketing Plan (AFHMP). Prior to granting Plan Approval for housing within the SG District, an applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including individuals, households with children, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to § 350-20.12, below, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled. Unless approved otherwise in writing by DHCD, such AFHMP must comply with DHCD's Affirmative Fair Housing Marketing and Resident Selection Plan Guideline.
- B. Number of Affordable Housing units. Not less than 20% of housing units constructed in a Project shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within the SG District, any fractional unit shall be deemed to constitute a whole unit.
- C. Requirements. Affordable Housing shall comply with the following requirements:
 - (1) For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply.
 - (2) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30% of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless other affordable homeownership program limits approved by DHCD shall apply.
 - (3) Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- D. Design and construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing in a Project shall be dispersed proportionately throughout the development of which they are part, across all unit types and be comparable in initial construction quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the development of which the Affordable Housing is part.

§ 350-20.8. Density.

- Deleted: D. In Subzone
- Deleted: A, Single-family Development.¶
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E. . In Subzone
- Deleted: B, Multifamily Development, Townhouse Development, and Live/Work Units.¶
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F. In Subzone
- Deleted: B, Mixed-Use Development, with a total of 60,000 square feet of office use; provided, however, that at least 7,000 square feet of nonresidential use shall be situated under dwelling units.
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Shall be as described within each SG district below.

Subdistrict Subdistrict Subdistrict Subdistrict

§ 350-20.9. Parking requirements.

Parking requirements for the units built in accordance with §20.19 below shall be 1 space per 1,000 sf of gla- up to 2 spaces maximum required per unit. There are no minimum parking requirements for units created in §20.18 below.

§ 350-20.10. Signs.

Signs shall conform with the requirements of § 350-7, effective as of December 1, 2006; provided, however, §§ 350-7.2C(3)(4), (s) and (6) shall not apply, and § 350-7.2Q shall not apply in the SG District to any sign advocating any candidacy or cau which is under consideration at a particular election.

§ 350-20.11. Design standards.

The PAA must find that the design criteria specified for specific overlay district below (350-20.18/19) are met before granting Plan Approval in the SG District:

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350-20.18 Village Hill Sustainable Growth Overlay District

The Village Hill Sustainable Growth Overlay District is an area as shown on the map having an area of approximately 30 ac

1. Permitted Uses:

There are hereby established three subdistricts within the Village Hill SG District with uses allowed as follows:

- (a) Subdistrict A: Single-family Development.
(b) Subdistrict B: Multifamily Development, Townhouse Development, Mixed-Use Development, with a total of 60,000 square feet of office use; provided, however, that at least 7,000 square feet of nonresidential use shall be situated under dwelling units.
(c) Subdistrict C: Multifamily Development, Townhouse Development, Single-family Development

The location of these subdistricts is shown on the SG District Map.

2. Density:

- A. Subdistrict A: In Subdistrict A, development shall be permitted at a density of up to eight units per acre.
B. Subdistrict B and C: In Subdistrict B & C, development shall be permitted at a density of up to 21 units per acre

3. Design:

- A. Landscaping. New buildings, parking, lighting, and other improvements in the district shall be designed and maintained to minimize the visual intrusion to the surrounding area and to preserve and enhance the existing campus layout or be designed to create a new compact and coherent village or campus center appearance. The PAA shall find that this criterion is met if:
(1) Construction shall cause no more than minimal disturbance of existing ridgelines and hilltops and will, to the extent possible, preserve existing specimen trees.
(2) All permanent mechanical equipment is screened from public view and from views from surrounding properties and ways.
(3) Generally, buildings are a minimum of two stories in height.
B. Accessibility. Development shall be designed to ensure access to surrounding parcels in the PV District and to the surrounding open space.

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B. Subzone

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Deleted: B, development shall be permitted at a density of up to 21 units per acre.

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Deleted: A. Density. Project density shall meet the standards set forth in § 350-20.8.

B. Landscaping. New buildings, parking, lighting, and other improvements in the district shall be designed and maintained to minimize the visual intrusion to the surrounding area and to preserve and enhance the existing campus layout or be designed to create a new compact and coherent village or campus center appearance. The PAA shall find that this criterion is met if:

(1) Construction shall cause no more than minimal disturbance of existing ridgelines and hilltops and will, to the extent possible, preserve existing specimen trees.

(2) All permanent mechanical equipment is screened from public view and from views from surrounding properties and ways.

(3) Generally, buildings are a minimum of two stories in height.

C. Accessibility. Development shall be designed to ensure access to surrounding parcels in the PV District and to the surrounding open space.

D. Required design. The Project shall comply with the Design Guidelines.

C. Required design. The Project shall comply with the site plan Design Guidelines for Village Hill.

350-20.19 Urban Residential Sustainable Growth Overlay as shown on the map and containing approximately half an acre.

1. Permitted Uses:

Single family, Multifamily Development, Townhouse Development

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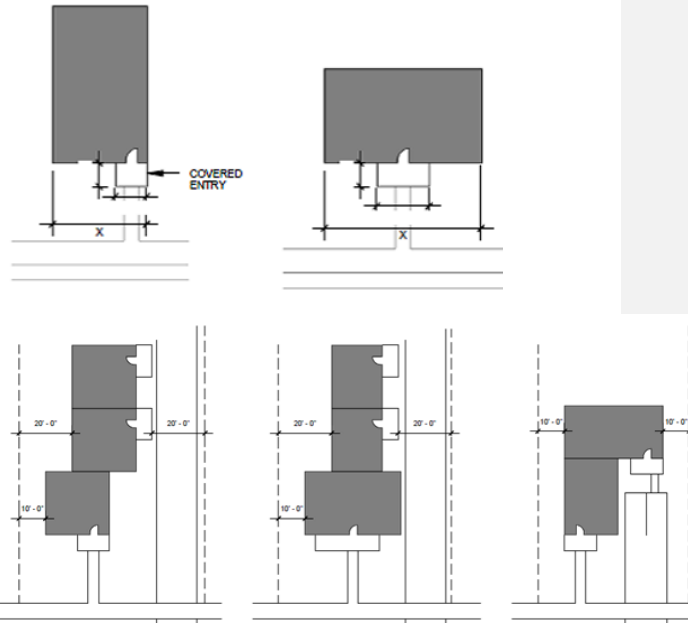
2. Density:

Allows density of 20 or more units per acre.

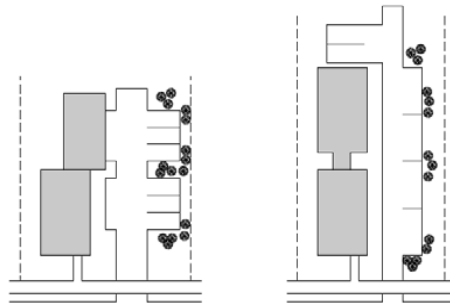
3. Design

4.

2. Front doors must face the street.
For units extending behind front units, where entries orient to the side lot, 20-foot side setback shall apply unless other means to create a buffer/private outdoor space to adjoining property are approved by the PAA.
Buildings must have a covered entry.



Parking for more than 5 cars shall be distributed on the site to minimize impact to the neighborhood character, which shall be accomplished by small groupings of spaces surrounded by landscaping or parallel parking along a narrow driveway to mimic an alley. Driveways wider than 15 feet shall be visually buffered from side lot lines through setbacks or screening to adequately block car headlights. These standards shall apply unless the Board finds that an alternative means to accomplish results is designed



Any multifamily or townhouse project creating seven or more units in one or more phases within a five-year period shall comply with the following:

A. Buildings and parking.

- 1) The first row of buildings along a street shall face the street and add to the streetscape. There shall not be any parking, except incidental to a driveway or roadway, between the first row of buildings and the street. Parking shall be located behind buildings or designed otherwise to minimize view from the public street.
- 2) The area between the property and the road pavement shall be made to be pedestrian friendly, with sidewalks, street furniture, trees and other vegetation and approved by the PAA. All landscaping incorporated as part of the applicant's design between the street and the building(s) shall facilitate and enhance the pedestrian use of sidewalks and other areas adjacent to the building. Such streetscape may include rebuilding by the applicant, as necessary, of granite curbs, ADA-compliant concrete sidewalks, tree belts, and drainage improvements incorporating low-impact development standards for any necessary drainage improvements triggered by these changes.
- 3) Buildings that abut existing residential properties shall incorporate building articulation alongside facades. Building projections shall be incorporated for any side façade that is longer than 30 feet.
- 4) Front facades shall have setbacks consistent with other buildings within the block or provide a different setback that is necessary to address any natural resources constraints, such as wetlands or topography.

B. Streets and roadways.

- 1) Projects shall connect to all surrounding neighborhoods with bicycle and pedestrian access to the extent possible.
 - a) For projects that have more than one vehicular access, driveways and roadways shall internally and externally connect to each other and dead-end streets shall be avoided whenever possible. Dead-end roadways and driveways shall never exceed 500 feet and, to the extent possible, must include a bicycle and pedestrian connection from the dead-end street to a street, common area, park or civic space.
 - b) For projects that have a single vehicular access, such access shall not exceed 500 feet and pedestrian access shall also be provided directly from any street to residential units.
- 2) The design standards for the length of dead-end streets, protection of natural features, sidewalks, wheelchair ramps, landscaping, utilities, and the construction method and materials for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads and other infrastructure shall be those set forth in Chapter 290, Subdivision of Land. These standards shall apply even for private roadways and driveways that are not part of a subdivision, unless waived by the PAA.
- 3) Driveways and private roadways shall be designed to function as private alleys, or shared streets with pedestrians and cyclists, and engineered to keep speeds below 15 miles per hour, or yield streets with separate sidewalks. Such sidewalks shall connect to sidewalks along adjacent streets.
- 4) Vehicular access shall connect to surrounding streets as appropriate to ensure safe and efficient flow of traffic within the surrounding neighborhood and to mitigate increases in traffic on nearby streets.

5) Preexisting paths historically used as bicycle and pedestrian trails shall be preserved to the extent possible and marked with appropriate signage.

C. Park space.

1) All projects shall include a park/common area fully designed and constructed to be integrated into the project, which area shall be easily accessible and available for residents of the project. At a minimum, this space shall be 300 square feet or 30 square feet per dwelling unit of buildable land area, whichever is greater.

2) All such space shall be contiguous unless waived by the PAA upon finding that it is in the public interest and consistent with the intent and purpose of this section.

D. Environment and energy. Buildings shall meet one of the following environmental standards:

1) Home Energy Rating System (HERS) rating no greater than 47 for units of 1,200 square feet or less, and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the PAA may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.

2) U.S. Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.

E. Equal access. All projects shall provide equal access to all building amenities, park and civic space and public entrances to buildings to residents of both affordable and non-affordable units.

F. Internet connectivity. All projects that include infrastructure making internet connectivity available shall do so without differences in quality, capacity or speed to residents of both affordable and non-affordable units.

The PAA must find that:

1. The requested use will promote the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, cycle tracks and bike paths, minimize traffic impacts on the streets and roads in the area. If applicable, this shall include considering the location of driveway openings in relation to traffic and adjacent streets, cross-access easements to abutting parcels, access by public safety vehicles, the arrangement of parking and loading spaces, connections to existing transit or likely future transit routes, and provisions for persons with disabilities; and The PAA may allow reduced parking requirements.

(2) The project, including any concurrent road improvements, will not decrease the level of service (LOS) of all area City and state roads or intersections affected by the project below the existing conditions when the project is proposed and shall consider the incremental nature of development and cumulative impacts on the LOS. The project proponent must demonstrate that all cumulative and incremental traffic impacts have been mitigated. If those impacts are not mitigated, the PAA shall require in-lieu-of payments to fund a project's proportional share of necessary improvements to mitigate off-site traffic impacts, including provision of public transit and pedestrian or bicycle paths, in lieu of requiring off-site improvements. All in-lieu-of payments will be expended with the approval of the Mayor and City Council only after first being introduced for recommendation to the Transportation and Parking Commission, consistent with PAA conditions. In-lieu-of traffic mitigation payment shall be assessed by the PAA after a fact-based analysis of a specific project but shall not exceed that shown below. Past experience has been that mitigation of all traffic impacts would be higher than the maximum amount allowed and so many projects are assessed the maximum allowed by the table. The PAA may exempt residential projects whose traffic impacts are not greater than if they were developed as an as-of-right development without PAA approval.

In lieu of payments shall be based on peak hour trips. Peak trips are the number of one-way trips into or out of the project during the project's peak traffic demand, typically but not always weekday afternoon "rush hour." Peak-hour trips are calculated based on \$1,000 per peak trip generated or, if (and only if) this does not address a project, the Institute of Traffic Engineers' (ITE) trip generation data. The PAA retains the ability to use alternative calculations if clear evidence to the contrary is provided (for example, considering lower traffic generation from pass-by trips, late-night shift changes, and mixed-use projects).

(3) Access by nonmotorized means must be accommodated with facilities such as bike racks, sidewalk connections from the building to the street, cycle tracks, and bike paths that are clearly delineated through materials and/or markings to distinguish the vehicular route from the nonvehicular route.

C. The site will function harmoniously in relation to other structures and open spaces to the natural landscape, existing buildings and other community assets in the area as it relates to landscaping, drainage, sight lines, building orientation, massing, egress, and setbacks. Rear and/or side wall facades within 50 feet of a completed or planned section of a cycle track or bike path shall have features that invite pedestrian access from that side of the building; and

D. The requested use will not overload, and will mitigate adverse impacts on, the City's resources, including the effect on the City's water supply and distribution system, sanitary and storm sewage collection and treatment systems, fire protection, streets and schools. The construction materials and methods for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be those set forth in the Northampton Subdivision Regulations unless the PAA finds that a different standard is more appropriate. Major projects that do not trigger separate stormwater permitting shall have conditions that stipulate when inspections shall be completed and submitted to the City. Annual reports, as necessary depending on the stormwater management system, shall be submitted to the City.

E. Compliance with the following technical performance standards:

(1) Curb cuts onto streets shall be minimized. More than one curb cut shall be permitted only when necessary to minimize traffic and safety impacts.

(2) Pedestrian, bicycle and vehicular traffic movement on site must be separated, to the extent possible, and sidewalks must be provided between businesses within a development and from public sidewalks, cycle tracks and bike paths.:

(a) All internal and external sidewalks will be constructed of cement concrete. Sidewalks will be at least five feet in width.

(b) If gratings are located in walking surfaces, then they shall have spaces no greater than 1/2 inch wide in one direction. If gratings have elongated openings, then they shall be placed so that the long dimension is perpendicular to the dominant direction of travel.

(c) Ramps allowing access to the sidewalk and street by variously abled persons shall be required at the corner or within the curb area immediately adjacent to the sidewalk.

(d) For any new driveway, the portion of the driveway that crosses the sidewalk shall conform to the sidewalk requirements set forth herein, regardless of whether there is a sidewalk improvement extending along the balance of the frontage property, with sidewalks constructed with extra depth to withstand cars.

(e) The sidewalk cross slope of 1:50 should be maintained across the entire driveway. The driveway apron should be located in the tree belt between the pedestrian way and the roadway.

(f) Curb extensions may be used at any corner location, or at any mid-block location where there is a marked crosswalk, provided there is a parking lane into which the curb may be extended. They may include transit stops. Curb extensions must be designed so as not to impede bicycle traffic. Curbs may be extended into one or both streets at a corner. No obstructions or private use should occur in the curb extension.

(3) Major projects over 5,000 sf, must have no increase in peak flows from the one- or two- and ten-year Soil Conservation Service design storm from predevelopment conditions (the condition at the time a site plan approval is requested). Green infrastructure and low-impact design shall be incorporated to the extent feasible to ensure runoff is handled on site. At the very minimum, the runoff from up to a one-inch rain storm (first flush) shall be detained on site for an average of six hours. These requirements shall not apply if the project will discharge into a City storm drain system that the PAA finds can accommodate the expected discharge with no adverse impacts. In addition, catch basins shall incorporate sumps of a minimum of four feet and, if they will remain privately owned, a gas trap