



PLANNING AND DEVELOPMENT • CITY OF NORTHAMPTON

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TO: Northampton City Council

FROM: Carolyn Misch, AICP Senior Land Use Planner/Permits Manager

DATE: November 25, 2008

RE: Impetus for zoning amendments

Staff has identified, with confirmation by the Planning Board, certain site plan approval projects that could be relegated to by-right status or staff review in order to streamline those construction projects that are minor/ technical in nature and reduce costs, primarily borne by homeowners, in terms of application fees, application preparation, public hearings, consultant fees, recording fees, and construction delay. Staff has observed that the zoning ordinance for the sections described herein for §8.8 (parking/driveways) and the table of use (driveway access) have either deterred homeowners from filing for projects on their properties or have created additional burdens that seem to be unnecessary.

The changes proposed for Zero lot line are based on observations of how the existing ordinances is used and how it could be improved to eliminate unnecessary permit review and/or expand its applicability. Changes would result in some modest number of new houses over the next decade. There have only been a handful of zero lot line structures built since the ordinance was originally adopted in 2001.

§8.8 Change to driveway locations

As long as the driveway setbacks from an intersecting street can be met, anyone can obtain a curb cut by-right from Department of Public Works across the front of a lot. However, if a driveway is better suited to be located across a side lot line or rear lot because of topography or sight distance, it requires a site plan approval from the Planning Board. For an individual homeowner, this presents an expensive and time consuming hurdle.

Proposed change would affect ONLY residential lots, NOT commercial lots or uses

- Change would not allow crossing an abutter's lot to get to the subject lot
- Change would allow driveways to come from the street to the lot across rear or side lot lines for safety as determined either by Office of Planning and Development staff or Planning Board (essentially site plan approval as an appeal of staff review).



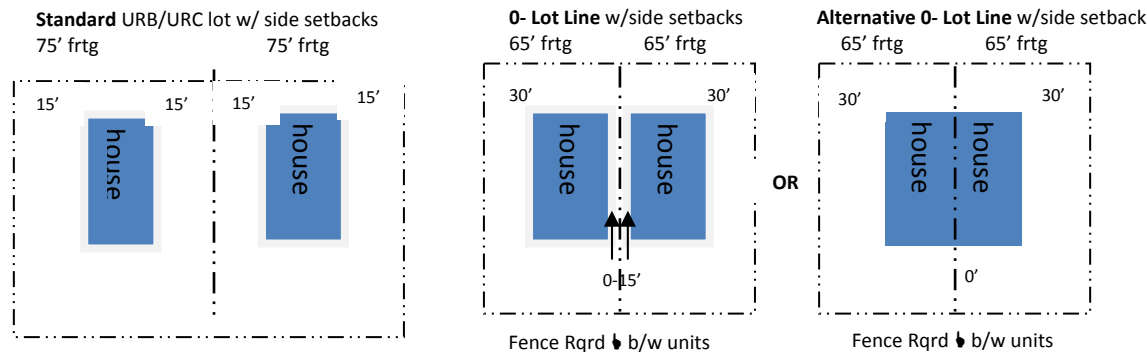
§8.9 Parking Lot materials

The zoning does not allow applicants to experiment with new technologies in paving surfaces that might be more environmentally sound than bituminous or cement concrete. The change would allow pervious pavers, pervious pavement and any other types of materials that would allow greater infiltration of stormwater.

§10.14- Zero Lot Line Changes-

This section refers to the ability to create two or more abutting lots in which one shared side yard setback could be 0' (buildings touch, but property boundary divides the units) or anything less than 15'.

The proposed changes are a result of analyzing how the current ordinance is used and how it could apply in some small number of additional cases. When this ordinance was first adopted in 2001, it was an experiment to allow additional flexibility in building layouts for single family homes.



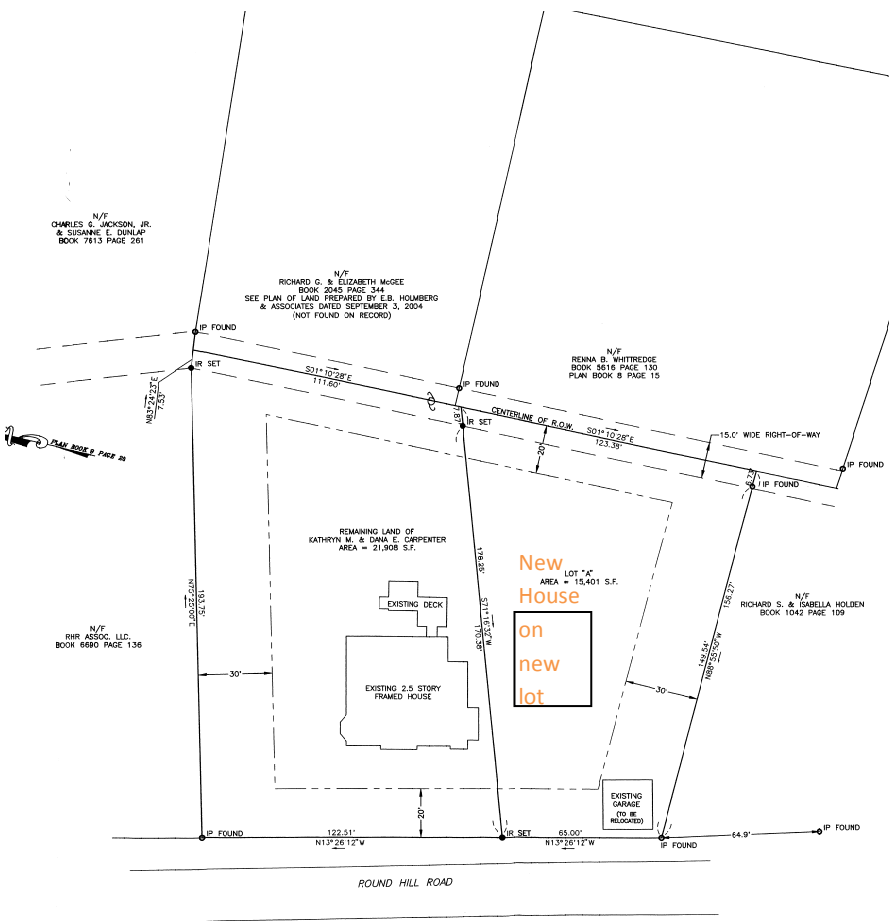
Findings from the years that 0-Lot Line has been used:

- Homeowners/Builders use the ordinance to create lots that would not otherwise be created because of the reduction in frontage from 75' to 65'.
- Homeowners/Builders don't necessarily want to construct buildings that abut each other.
- Homeowners/Builders want windows on all sides and no fencing because they are not necessarily building units that abut.
- Zero Lot development is by-right. However, an owner must apply to the Planning Board to receive approval to eliminate the solid fence. Some project proponents did not need the fence but were required to go through site plan approval just for the fence issue.
- The 30' side yard setback for the non-zero lot-line side is onerous and is not consistent with the setbacks in the rest of the neighborhood. Often this is what prevents projects.
- In one case, the zero lot line provision was merely used to separate a large lot with several structures into separate parcels with one existing structure on each lot- with no new ones built.

Proposed Ordinance:

- By definition, zero lot line lots would continue to exist as an option for single family uses only
- Continue to apply only in URB and URC and in larger cluster development projects.
- Modifications might result in some modest level of infill where zero lot line options previously fell just shy of the requirements. Modifications allow the builder of the homes to determine what is best for design and layout relative to construction of privacy fences, windows, design of the sides that are close to the property boundary.
- This is consistent with the Sustainable Northampton plan policy to allow modest infill where the infrastructure exists to support it and within walking distance to schools, services, parks etc. The change would only be within the URB and URC districts.

- Would allow a property owner to build a zero lot line project next to a lot that meets the standard lot setback and is not part of the project with an easement from the abutter and with agreement on how the structure is designed.



In this example, builder/prop. owner does not want a fence, though new house will be less than 15' from lot line. The applicant must come to the Planning Board before opting out of the fence.