



PLANNING AND DEVELOPMENT • CITY OF NORTHAMPTON

planning • conservation • zoning • housing partnership • redevelopment • northampton GIS
economic development • community development • historic • community preservation • central business architecture

Carolyn Misch, AICP, Senior Land Use Planner • CMisch@NorthamptonMA.gov • 413-587-1287

TO: Planning Board and Ordinance Committee

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

DATE: January 6, 2009

RE: **Improve parking and driveway standards:**

- **Allow residential driveway access over side lot lines;**
- **Allow new technologies for parking lot surfaces;**
- **Correct scrivener's error in table;**
- **All consistent with Sustainable Northampton**

	Date	Action
Introduced by Planning Board	11/6/08 & 12/18/08	
Referred from City Council	11/6/08 & 12/18/08	to EDHLU, Planning Board, Ordinance
Legal notice and posting	12/24 and 12/31/08	
Ordinance/Planning Board Public Hearing	1/8/09	
EDHLU recommendation	12/8/08	in favor, unanimous vote
Planning Board recommendation		
Ordinance Committee recommendation		
Deadline for final City Council action	4/2/09	

§8.1 Table of Off-Street Parking Regulations

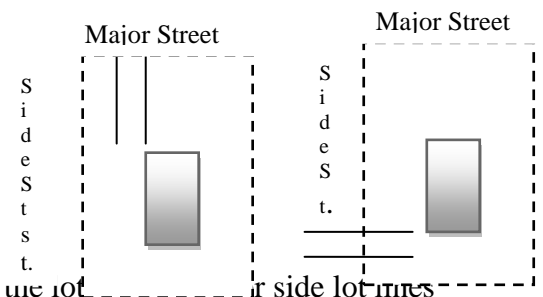
Correct scrivener's error in table

§8.8 Change to driveway locations & Attachment 1 table of use (driveway access)

OPD and the Planning Board identified that in certain circumstances, the location of driveways and driveway access can be relegated to staff review in order to reduce costs, primarily borne by homeowners, for application fees, application preparation, public hearings, consultant fees, recording fees, and construction delay.

When driveway setbacks from an intersecting street are met, a curb cut is allowed by-right across the front of a lot. Currently, however, Planning Board approval is necessary if a driveway is better suited to be located across a side lot line or rear lot.

- Change would not apply if crossing an abutter's lot.
- Change would allow driveways to come from the street to the lot for safety as determined either by Planning Board or Office of Planning and Development staff.
- The change is only for residential lots, not commercial lots or uses.



§8.9 Parking Lot materials

Currently, only bituminous and cement concrete pavement is allowed. The change would allow pervious pavers, pervious pavement and materials that allow greater stormwater infiltration.



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TO: Planning Board and Ordinance Committee
FROM: Carolyn Misch, AICP, Senior Land Use Planner/Permits Manager
Wayne Feiden, FAICP, Director of Planning and Development

DATE: January 6, 2009

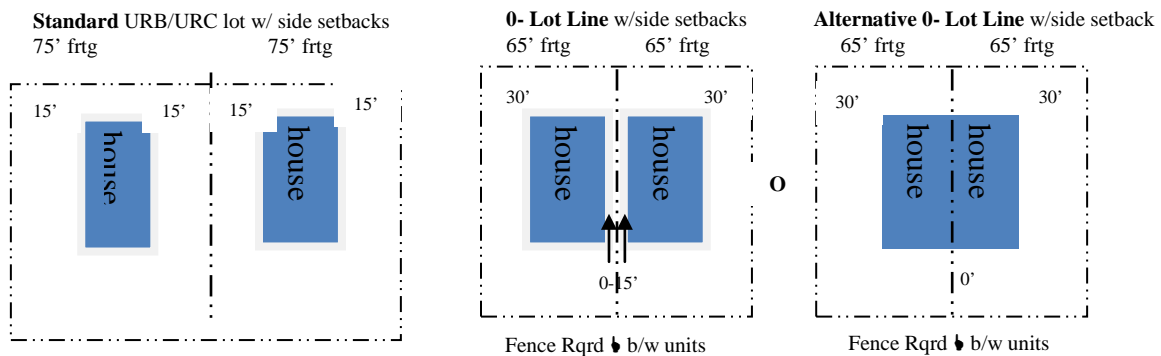
RE: **Simplify Zero Lot Line (ZLL) Development**

- **Eliminate fence requirement**
- **Reduce 30' sideyard setback to 15'**
- **Allow ZLL lots next to non-ZLL lots with an easement**

	Date	Action
Introduced by Planning Board	11/6/08	
Referred from City Council	11/6/08	to EDHLU, Planning Board, Ordinance
Legal notice and posting	12/24 and 12/31/08	
Ordinance/Planning Board Public Hearing	1/8/09	
EDHLU recommendation	12/8/08	in favor, unanimous vote
Planning Board recommendation		
Ordinance Committee recommendation		
Deadline for final City Council action	4/2/09	

§10.14- Zero Lot Line Changes-

The existing zoning allows the creation of two or more abutting single-family home lots in which one shared side yard setback could be 0' (buildings touch, but property boundary divides the units) or anything less than 15', in the URC and URB districts. The ordinance was adopted in 2001 to allow additional flexibility in building layouts for single family homes and reduce market pressures towards multifamily housing.



The proposed changes are a result of our experience with ZLL since 2001:

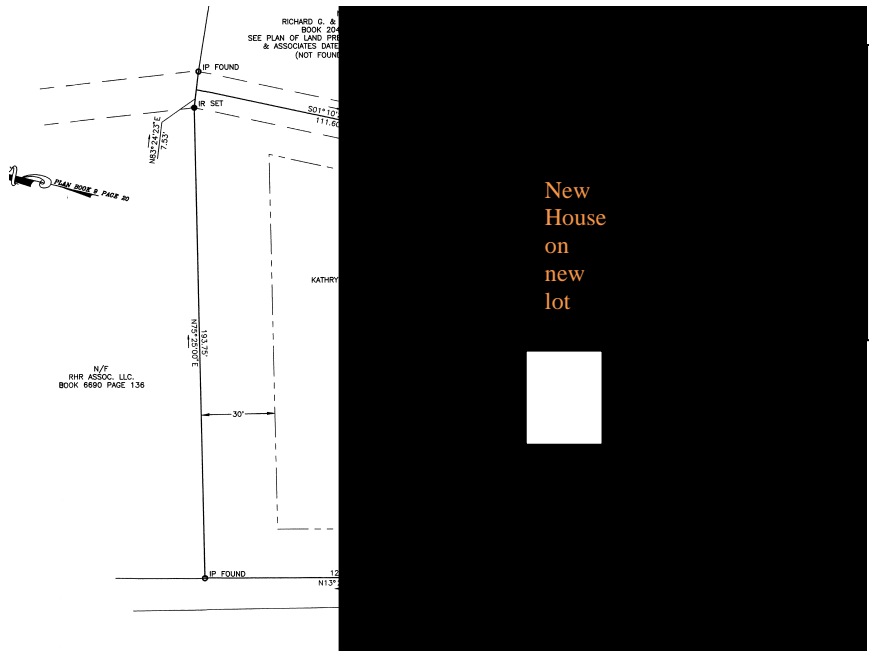
- Homeowners use the ordinance to create lots that would not otherwise be created because of the reduction in frontage from 75' to 65'.
- Homeowners don't necessarily want to construct buildings that abut each other.

- Homeowners 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 were required to go through site plan approval just to avoid a the fence.
- The 30' side yard setback for the non-zero lot-line side is onerous and is not consistent with the 15' setbacks in the rest of the neighborhood. Often this is what prevents projects.
- In one case, the ZLL 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:

- Zero lot line lots would continue to exist as an option **only** for single family uses.
- 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 (that is fully executed and recorded at the Register of Deeds) 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.

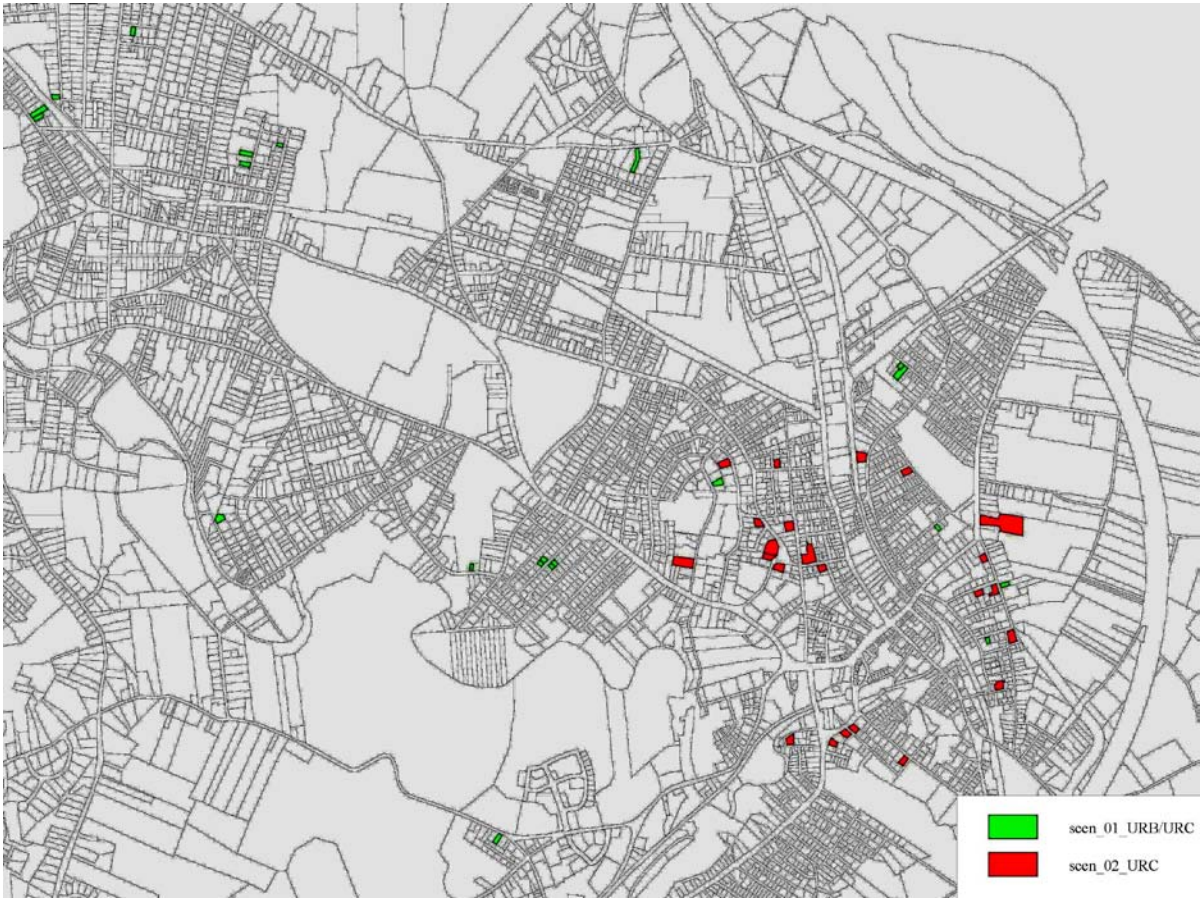
Analysis of Zoning Change

The change would have three effects:

1. It will be somewhat less likely that developers will develop small multifamily and

townhouse projects in URC and URB because they will have a better single family home alternative that meets market demand.

2. Some property owners will expand existing homes closer to their property boundary if, and only if, the abutting neighbor agrees and sells an easement allowing the work.
3. A few additional lots will be developed. The map below shows the possible lots based on lot size and frontage alone. The location of existing homes, other site limitations, and market demand make it unlikely that more than a small minority of these sites will be developed.





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TO: Planning Board and Ordinance Committee

FROM: Carolyn Misch, AICP, Senior Land Use Planner/Permits Manager
Wayne Feiden, FAICP, Director of Planning and Development

DATE: January 6, 2009

RE: **Amend site plan submissions requirements to:**

- **Specify traffic mitigation payment-in-lieu of standards**
- **Establish standard for construction materials for site plan review to be generally be comparable to those required in subdivisions**

	<u>Date</u>	<u>Action</u>
Introduced by Planning Board	11/6/08	
Referred from City Council	11/6/08	to EDHLU, Planning Board, Ordinance
Legal notice and posting	12/24 and 12/31/08	
Ordinance/Planning Board Public Hearing	1/8/09	
Transportation and Parking recommendation	12/16/08	recommend in favor as amended, by unanimous vote
EDHLU recommendation	12/8/08 and 1/12/09	
Planning Board recommendation		
Ordinance Committee recommendation		
Deadline for final City Council action	4/2/09	

§11.6 B (2)- Site Plan Review Traffic Mitigation Standards

Current zoning requires projects meeting site plan approval thresholds (generally projects above 2,000 square feet) to mitigate all of their traffic impacts. Projects must make necessary improvements to provide for safe access from their site onto City roads. In addition, they must either make necessary improvements to transportation systems to mitigate the impact of their traffic away from their primary entrance, or provide a payment in-lieu of such improvements to the City to allow the City to make these improvements.

The average traffic mitigation in-lieu of payment is a one-time payment of almost \$2,000 per afternoon rush hour trip, except in areas within short walking distance of downtown and Florence, where it is about \$1,000 per afternoon rush hour trip. Funds are held in segregated accounts and used only to mitigate traffic impacts from projects, including such improvements as intersection design to improve the flow of traffic, pedestrian and bicycle improvements to remove as many cars as development is adding to the streets, and traffic calming.

The zoning change would do three basic things:

1. Clarify the formula so the regulated community knows what it is upfront and not only at the end of a permit process.
2. Build in formal incentives for land use that serves clear city needs, i.e., smart growth and sustainable development patterns and critically needed economic development projects.
3. Maintain developer flexibility to make the necessary improvements or provide other methods of traffic demand management to minimize or avoid payment-in-lieu of traffic fees.

§11.6 D- Site Plan Review Standards for Infrastructure

Currently there is a clear construction standard for subdivision roads, sidewalks, water lines, sewer lines, storm sewers, etc within subdivisions but not for those same improvements in condominiums and other site plan permitted projects.

This change would use the subdivision standards as the technical performance standards for all such infrastructure, unless the Planning Board approves some other standard proposed by a developer for some reason acceptable to the City. It will clarify the standards for everyone and provide some improved buyer protection for occupants of new projects.



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TO: Planning Board and Ordinance Committee

FROM: Carolyn Misch, AICP, Senior Land Use Planner/Permits Manager
Wayne Feiden, FAICP, Director of Planning and Development

DATE: January 6, 2009

RE: **Zoning Map change for the parcel at 296 Nonotuck Street, Map ID 22B-43**
• **Change zoning from General Industrial to Special Industrial**

	<u>Date</u>	<u>Action</u>
Introduced by Planning Board	12/18/08	
Referred from City Council	12/18/08	to EDHLU, Planning Board, Ordinance
Legal notice and posting	12/24 and 12/31/08	
Ordinance/Planning Board Public Hearing	1/8/09	
EDHLU recommendation	12/8/08 and 1/12/09	
Planning Board recommendation		
Ordinance Committee recommendation		
Deadline for final City Council action	4/2/09	

§3.4- Zoning Map

The property is currently General Industrial, consistent with its historic use as a manufacturing facility. That facility has closed and the building will be used for mixed use commercial (no residential).

Rezoning the property to Special Industrial allows these mixed uses. The Florence Plan specifically recommended that Nonotuck Street and Pine Street industrial properties be rezoned to SI for properties undergoing this transition.

§350-8.8 (G), 8.9 (B), Attachment 1

Improve parking and driveway standards

§ 350-8.8. Parking and loading space standards.

{Revise paragraph labeled G. No other changes to section.}

- G. There shall be a maximum of one driveway curb cut per lot. The Planning Board may, as part of site plan approval, allow additional driveways/curb cuts if, and only if, such permit will promote and improve safe and efficient traffic circulation.

Residential driveways shall generally be over the front lot line directly from the street. Residential driveways may be constructed across side and rear lot lines directly from the street, however, when the Office of Planning and Development finds, or Planning Board issues a Site Plan Approval, that the driveway will not degrade safety. Driveways shall not cross lot lines of adjoining properties without Planning Board Site Plans Approval.

§ 350-8.9. Additional standards for over five spaces.

{Revise paragraphs labeled B. No other changes to section.}

- B. The area and access driveways thereto shall be surfaced with bituminous concrete, ~~or~~ cement concrete, or pervious pavement material (not to include any form of gravel or equivalent). The location of spaces shall be suitably marked by painted lines or other appropriate markings.

§ 350-Attachment 1. Table of Use.

{ Revise entry that begins “Common driveways.” No other changes to section. }

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser-vancy
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC
<p>Common driveways (servicing more than one lot): and non-residential and vehicular egress/access other than over the front lot line, provided any driveway or common driveway (servicing more than one lot):</p> <p>1. Shall not service more than three lots (six lots for common driveways that loop to a road in two locations and are not dead-ends in any location).</p> <p>2. Shall provide the only vehicular access to the lots being serviced by it, and shall be so stated in the lot deeds.</p> <p>3. Shall be of suitable construction, grade, length and location, in the opinion of the Planning Board, for the access and turnaround of cars, trucks, ambulances, fire, and police, which will be utilizing such driveway. At a minimum, a common driveway shall not exceed 10% grade, shall have a width of a least 15 feet, shall have passing turnouts providing a total width of at least 20 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts, and with the first such passing turnout being located within 10 feet of the driveway connection to the street, and shall conform to all other driveway requirements of this chapter.</p> <p>4. Shall be described on easements and easement plans approved with the site plan.</p>	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site

Key to Symbols

A	Allowed by-right. All uses must be registered with the Building Commissioner and comply with all codes. (Site Plan Approval is often also required for uses above certain thresholds)	ZBA Permit from Zoning Board of Appeals
PB	Allowed by Special Permit from Planning Board	CC Allowed by Special Permit from City Council
Site	Allowed with Site Plan Approval from Planning Board	No Not allowed

§350-10.14

Simplify Zero Lot Line Developments

§ 350-10.14. Zero lot line (ZLL) developments

Zero lot line (ZLL) developments are developments, or portions of developments, where house lots have a minimum side yard setback of zero feet on one side (the "zero lot line"), while the opposite side meets the standard side yard setback of the district if the following standards are met:

- A. If a garage or other parking structure is built, it must be setback at least twice the normal front yard setback, or the garage/structure must cover no more than 25% of the front facade of the principal structure; and
- ~~B. No windows or doors facing the zero lot line may be placed within 10 feet of the zero lot line, except windows that are at least eight feet above grade; and~~
- ~~C. A minimum of a six-foot high sight impervious fence must be built and maintained along the zero lot line and attached to any buildings on the zero lot line. (The Planning Board may waive this requirement if the applicant demonstrates that a fence is not required to provide adequate private space.); and~~
- D. ~~Parking is not permitted in the front yard setback; and~~
- ~~E. The side yard setback (but excluding terraces) for the non-zero lot line side yard shall be twice the usual setback; and~~
- F. The zero lot line side of a house must:
 - ~~1. abut~~ Abut permanently protected open space; or
 - ~~2. Abut the lot line ~~of another zero lot line~~ of a lot which ~~are is~~ under the control of the same ~~developer~~ property owner at the time the zero lot line development is proposed; ~~and or~~~~
 - ~~3. Abut the property of an owner who agrees on design covenants that control the design of both sides of the property. Such covenants will be recorded at the register of deeds and all mortgages must be subordinated to such covenants.~~
- G. A five-foot maintenance easement must be granted to the owner of a house on a zero lot line by the abutting property to allow normal maintenance. Said easement may allow a roof overhang of up to two feet and may allow roof drainage to sheet flow into the easement area. In addition, private covenants may be required to insure proper maintenance of the house abutting the zero lot line; and
- H. There shall be a minimum of four shade trees of not less than 2.5 inches caliper planted or maintained on each lot, including two along the street frontage. (See also § 350-6.5D.)

Eight

Planning Board

§350-11.6 (B) and (E)

Add clear formulas for traffic mitigation and clarify site plan infrastructure requirements

§ 350-11.6. Approval criteria.

{Revise paragraphs labeled D and F, as shown. No changes to any other section.}

In conducting the site plan approval, the Planning Board shall find that the following conditions are met:

B. The requested use will promote the convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, 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, access by public safety emergency vehicles, the arrangement of parking and loading spaces, and provisions for persons with disabilities; and

- (1) The Planning Board may allow reduced parking requirements in accordance with § 350-8.6, Shared parking.
- (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 requested by the applicant, the Planning Board shall require ~~may accept~~ 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, with such payments as set forth in the table below when it finds that such payments, in conjunction with funds from other

projects or sources, will be used to fund improvements to mitigate traffic impacts. The Board may, in its discretion, allow minor drops in LOS when roads have surplus capacity (for example an A LOS might drop to a B without mitigation), but shall still consider incremental and cumulative impacts of traffic impacts. The Board may exempt residential projects ~~what that have equal~~ whose traffic impacts are no greater than if they were developed as an as-of-right development without site plan approval and subdivision approval.

<u>Project Location</u>	<u>Peak Hour trips*</u>
<u>CB, GB, GI, SI, and PV zoning districts</u>	<u>No mitigation</u>
<u>M, URC, URB zoning districts</u>	<u>\$1,000 per peak trip</u>
<u>HB zoning district and, within the NB, BP, SR, URA, SC, and RR zoning districts, sites:</u> <u>1. Within 500 feet of a transit stop; or</u> <u>2. Within 500 feet of an asphalt or concrete city off-road rail trail or bicycle path; or</u> <u>3. Abutting a sidewalk that extends without a break from the project to either downtown Northampton or downtown Florence</u>	<u>\$2,000 per peak trip</u>
<u>Any other site within NB, BP, SR, URA, SC, RR zoning districts</u>	<u>\$3,000 per peak trip</u>

*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 the table below or, if (and only if) the table does not address a project, the Institute of Traffic Engineers (ITE) trip generation data. The Planning Board retains the ability to use alternative calculations if clear evidence to the contrary is provided.

<u>Project Type</u>	<u>Peak Hour Trips</u>
<u>Residential</u>	<u>1/dwelling unit</u>
<u>Congregate and assisted living</u>	<u>0.6/dwelling unit</u>
<u>Grocery, personal services, and retail and auto sales</u>	<u>12/1,000 sq. ft.</u>
<u>Restaurants and bars</u>	<u>20/1,000 sq. ft.</u>
<u>Gas, convenience stores, fast foods restaurants</u>	<u>100/1,000 sq. ft.</u>
<u>Medical and dental office</u>	<u>5/1,000 sq. ft.</u>
<u>Other office</u>	<u>2/1,000 sq. ft.</u>
<u>Industrial, manufacturing tradesman and municipal</u>	<u>Exempt (0) sq. ft.</u>
<u>Warehouse</u>	<u>0.6/1,000 sq. ft</u>

<u>Schools, daycare, churches, library etc.</u>	<u>10/1,000 sq. ft.</u>
<u>Hotel/motel</u>	<u>0.5/per room</u>

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 standards for water lines, sanitary sewers, storm sewers, fire protection, sidewalks, private roads, and other infrastructure shall be that set forth in the Northampton subdivisions \(even for projects that are not part of a subdivision\) unless the Planning Board finds that a different standard is more appropriate.](#)

Eight

Councilor David Murphy and Planning Board

§350-3.4

Rezone land on Nonotuck Street from General Industrial (GI) to Special Industrial (SI)

§350-3.4—Zoning Map

{ Amend the Northampton Zoning Map as shown below to change land on Nonotuck Street from General Industrial (GI) to Special Industrial (SI). Said land is the area shown on the 2008 Northampton Assessors Maps as Map 22B, Parcel 043.

*The Florence Plan (1997) recommended: “Rezone from General Industrial to Special Industrial the Nonotuck and Pine Street properties undergoing transition from historical industrial uses to mixed uses... Rezoning will ease the transition and allow uses that **complement the industrial areas**, surrounding neighborhoods, and nearby Florence Center. **In the future, rezone GI properties in this area to SI whenever mill buildings or industrial properties undertake or have the potential to undertake similar transitions.**” (Emphasis added) This change will preserve the basic industrial and office use of the building while allowing a transition from a single use building to a building with multiple tenants and different uses.*

