

Summary of Preliminary Northampton Zoning Analysis: Content

The purpose of this analysis is to present an overview of Northampton's zoning ordinance in order to help the ZRC identify areas on which to focus in making the zoning an effective tool for implementing the Sustainability Plan. Sustainability Plan goals do not translate directly to zoning because they are organized topically (housing, transportation, land use, arts and culture, etc.), while zoning is organized by land uses, districts, development standards, and dimensional requirements. The ZRC needs to translate the goals and recommendations of the Sustainability Plan into terms that are relevant to zoning. This preliminary analysis highlights major "big picture" issues but does not go into detail. Issues relating to organization and readability of the ordinance are listed on a separate sheet.

1. **The Zoning Map appears to largely reflect the Sustainability Plan's land use map.** However, the text and district regulations do not necessarily support sustainability goals and the map does not zone enough areas for mixed use.
2. **Emphasis is on use-based regulation:** lack of flexibility of uses; uses are very detailed and specific; only a small amount of the City is zoned for walkable, mixed-use neighborhoods; the lack of mixed use zoning undermines goals of walkability and mixing of uses.
3. **Infill is discouraged** in many ways that are difficult to discern from initially reading the document (especially lot area, frontage, and setback requirements, nonconformity, use regulations, parking requirements) ; the zoning does not allow for the variety of types and scales of infill development that are desirable.
4. **Design standards to guide development are lacking, especially for infill;** instead of design, arbitrary dimensional standards dictate urban form in many areas; there is insufficient emphasis on desirable urban form and flexible building types; the result is tendency toward single-use buildings in single-use districts; another result is infill proposals and developments that comply with the zoning dimensional standards but do not fit the character of the neighborhood. When badly designed infill is built, people turn against infill in general. Where design standards do exist (e.g. Central Business, Village Hill), they are not always understood or followed. There is a need to foster more public understanding of what design is and why it is good for the community. We have been lucky that some owners have voluntarily practiced quality design, especially downtown, but we cannot rely just on luck.
5. **Parking requirements are arbitrarily high** in many districts, discouraging infill development and forcing sprawl patterns. There is a lack of understanding and support for putting parking where it does not harm urban form and this cannot just be legislated but must also be understood and discussed with affected parties.
6. **Rural areas are zoned for suburban sprawl** types of development (single-use, large-lot residential); cluster regulations need to be strengthened and made more flexible; "cluster sprawl" is not a significant improvement over conventional sprawl in terms of sustainability; cluster regulations need to be made clearer in defining what kinds of open space are to be protected.

Northampton Zoning Analysis: Translating Sustainability into Zoning

Some *possible* formulations of sustainability goals for zoning purposes:

1. Concentrate development in pre-1950 neighborhoods, especially within 1/2 mile of basic services and commercial areas (retail, schools, workplaces, etc).
2. Enable 80% of households to be within a 10-minute walk of stores, services, schools, workplaces, transit lines, parks, natural areas, and bikepaths.
3. Substantially increase areas zoned for walkable mixed-use neighborhoods with appropriate controls on scale and design
4. Identify and create detailed plans for intensive mixed-use infill in appropriate locations (especially King Street, Conz, Pleasant, and downtown infill); create zoning based upon the plan vs. plans based upon the zoning
5. Zone for a wide range of housing types (single family, 2 family, 3 family, multifamily, townhouse, cottages), unit sizes, and affordability levels.
6. Regulate urban design (form) to a greater degree; uses to a lesser degree; more use of design standards and guidelines
7. Permit and encourage local food production at different scales (residential lots, commercial and institutional properties, community gardens, agricultural areas)
8. Reduce energy consumption through compact development patterns and incentives for green building
9. Minimize development in outlying areas
10. Create a zoning document that is more accessible to users

Preliminary Northampton Zoning Analysis: Organization and Readability

These items do not relate directly to sustainability, except that insofar as the ordinance is opaque and difficult to use, it does not lend itself to productive public discussion and transparent decision-making, which is one of the goals of Sustainable Northampton.

- 1. Organizational issues:** The zoning ordinance is difficult to navigate; it is hard to find information; many items are listed under the wrong headings or in the wrong sections; tables are overly complicated and have too much text in them; the result it is difficult to find information and understand the document. This has most likely resulted from the piecemeal way that the zoning has been amended over the years, dealing with specific issues by inserting new sections, rather than by reviewing and modifying the ordinance as a whole. The ZRC may want to step back and try to avoid continuing this pattern. Examples of material located in the wrong section, making it difficult to find:

 - Regulations are often placed in definitions rather than in regulatory sections
 - Definitions and textual regulations often appear in tables, either in the body of the table or in footnotes, rather than in regulatory sections
 - Some important special permit requirements are listed in the wrong sections (e.g. the requirement of site plan approval as an element of special permit approval is in the site plan section, not the special permit section)
 - Uses that do not require special permits are listed and regulated in the special permit section (e.g. “home office”)
- 2. Language and terminology issues:** Many sections are overly complicated, vague and /or confusing, such as the provisions on dimensional averaging (350-6.3B); land countable as open space in a cluster (350-10.5G through I); zero lot-line (350-10.14); and “big-box” regulations (350-11.6G and H). The number of different overlay districts, and their labeling, are also confusing, e.g. Water Supply Protection District (WSP), Watershed Protection District (WP), and Special Conservancy-Flood Plain (SC), all of which involve protection of floodplains and water supplies. The Sustainability Plan relies heavily on Transfer of Development Rights (TDR) concepts (sending and receiving zones), but the TDR provision in the zoning does not reflect this broad application of the concept.
- 3. Need to Clarify Intent:** The various districts in the zoning exist for specific reasons, but the zoning ordinance does not spell these out. There may be a need to develop different types of districts that better reflect the goals of the Sustainability Plan. District purposes should be revisited in light of Sustainability goals and changing circumstances (e.g. does URC allow sufficient density and mixed use, what City goals does the Educational Overlay serve?)
- 4. Process Issues:** There is confusion as to how review and approval processes work and how to effectively involve the public, as witnessed by recent development controversies; some of this is process management, but some is related to the zoning itself, e.g. confusion over the relationship of special permits and site plan review.