

# Zoning Ordinance

## City of Northampton



Office of Planning and Development  
City Hall, 210 Main Street, Room 11  
Northampton, MA 01060

# ZONING ORDINANCE: CITY OF NORTHAMPTON, MASSACHUSETTS

## APPENDIX A of the Revised Ordinances of the City of Northampton, Massachusetts

This is the official Zoning Ordinance for the City of Northampton, Massachusetts. Official copies of the zoning map and zoning may be viewed at the Office of Planning and Development. A copy also may be viewed or downloaded at <http://www.northamptonplanning.org>

### **Zoning adopted September 26, 1927. Current zoning July 22, 1975, and amended as follows:**

April 28, 1978 (§1.2, 1.3, 2.1, 3.4-3.6, 5.1-5.3, 6.2, 6.6-6.9, 7.2-7.4, 8.1, 8.10, 9.0-9.5, 10.2-10.11, 11.1, 11.3 To 11.5, 11.7, 13.1, 13.4, 13.5, 13.7, 14.1 To 14.9, 15.1-15.3)  
December 6, 1979 (§7.7)  
November 5, 1981 (§7.4, 7.5)  
August 19, 1982 (§2.1, 5.2, 11.8)  
March 1, 1984 (§6.2, 8.1, 10.12)  
June 7, 1984 (§5.2, 6.2, 7.3, 8.1)  
July 19, 1984 (§5.2, 6.2, 6.10, 6.11)  
August 16, 1984 (§5.2, 8.1, 9.3, 9.4, 10.13)  
March 21, 1985 (§2.1, 6.12, 9.3)  
June 6, 1985 (§7.4)  
June 5, 1986 (§6.2 & 9.3)  
July 28, 1986 (§6.13, 8.1, 8.7, 8.9)  
August 21, 1986 (§5.2)  
December 4, 1986 (§2.1, 3.4, 16 To 16.9)  
March 5, 1987 (§6.13, 16.4)  
June 18, 1987 (§2.1, 8.10, 11.3)  
July 16, 1987 (§2.1, 8.11)  
July 7, 1988 (§6.2, 6.8, 16.9)  
April 6, 1989 (§3.4)  
May 18, 1989 (§7.2, 7.4 & 7.6)  
June 15, 1989 (§5.2)  
August 17, 1989 (§5.2)  
September 21, 1989 (§6.13)  
December 7, 1989 (§2.1, 5.2, 11.11)  
April 5, 1990 (§9.3)  
April 12, 1990 (§5.4)  
May 17, 1990 (§7.14 & 11.1)  
July 19, 1990 (§2.1, 3.1, 3.4, 3.6, 5.2, 6.2, 6.3, 6.5, 6.7, 6.8, 6.12, 6.13, 8.1, 8.5, 8.10, 9.3, 9.6)  
August 16, 1990 (§16.4, 16.5, 16.7, 16.9)  
September 20, 1990 (§8.1, 8.11)  
December 6, 1990 (§3-16 To 3-19, 5.4, 5.5, 7.9)  
March 21, 1991 (§6.2)  
April 18, 1991 (§6.5)  
May 16, 1991 (§10.10, 10.11, 13.5, 14.5)  
July 18, 1991 (§7.9)  
August 15, 1991 (§2.6, 3.1, 3.4, 5.2, 6.5, 7.5, 8.1, 8.2, 8.10, 10.11, 17.1 To 17.4)  
October 17, 1991 (§2.1, 6.8, 11.4)  
April 2, 1992 (§7.2, 7.4, 10.11)  
April 16, 1992 (§11.11)  
June 18, 1992 (§5.2, 6.1, 8.10)  
August 20, 1992 (§7.2)  
November 19, 1992 (§6.2, 6.7, 6.13, 12.1)  
December 18, 1992 (§3.4-3.6, 6.8, 11.4, 11.5)  
February 18, 1993 (§2.1, 5.2, 11.9)  
June 17, 1993 (§1, 2, 2.1, 3.0-3.4, 4, 5, 5.2, 6, 6.2, 6.9, 7, 7.2, 7.5-7.7, 8, 8.1, 8.5, 8.7, 8.10, 8.12, 9, 9.2, 10, 10.2, 10.6, 10.10, 10.11, 11, 11.5, 12, 12.1, 13, 14, 15, 16, 17, 17.2, 18.1 To 18.6, 19.1 To 19.3)  
October 6, 1994 (§1.3, 2.1, 5.2 To 5.5, 6.1 To 6.8, 6.11 To 6.13, 7.2 To 7.4, 7.6, 7.8, 8.1, 8.9, 8.10, 9.2 To 9.4, 9.6, 10.1, 10.2, 10.4, 10.6-10.11, 11.1-11.11, 13.4, 13.6, 13.7, 14.3, 14.4, 14.6-14.8, 16.4-16.9, & 17.3)  
December 21, 1995 (§2.1, 3.4, 3.5, 5.2, 7.2, 7.4, 7.6, 7.9, 8.1, 8.7, & 8.11)  
March 21, 1996 (§2.1, 3.4, 5.2, 6.2, 6.3, 9.2, 9.5, & 11.5)  
April 18, 1996 (§2.1, 3.1, 3.4, 5.2, 6.2, 7.4, 8.1, & 8.9)  
November 21, 1996 (§2.1, 3.4, 6.2, 7.4, 8.2, 8.8, 8.9, & 13.5)  
December 5, 1996 (§5.2)  
January 16, 1997 (§5.2)  
March 20, 1997 (§5.2)  
April 3, 1997 (§2.1, 3.4, 5.2, 6.8, 10.11 & 11.8)  
May 21, 1998 (§2.1, 3.4, 3.5, 5.2, 6.1, 6.2, 6.3, 6.5, 6.13, & 8.1)  
December 17, 1998 (§2.1, 5.2, 6.8, & 11.12)  
May 20, 1999 (§2.1, 5.2, & 5.3)  
October 7, 1999 (§2.1 & 6.2)  
May 4, 2000 (§3.4, 5.2, 7.2, 7.3, & 16.9(2))  
May 18, 2000 (§2.1, 8.3, 8.6, 8.7, & 8.9)  
July 20, 2000 (§10.11 & 12.1)  
October 5, 2000 (§5.2 & 10.11)  
January 4, 2001 (§5.2)  
January 18, 2001 (§4.0, 10.0, 11.0 & Subsections)  
June 7, 2001 (§4.3, 6.4, 9.2, 9.3, & 9.6)  
June 21, 2001 (§3.4, 6.13)  
July 19, 2001 (§3.4, 2.1, 6.1, 6.2, 6.7, 18.2)  
December 20, 2001 (§3.1, 3.3, 3.4, 5.2, 6.2, 9.3, 10.6, 10.15, & 18.0)  
May 2, 2002 (§2.1, 5.2, 6.2, 8.6, 8.10, 8.11, 11.6)  
November 2, 2002 (§2.1, 5.2, 6.2)  
May 1, 2003 (§6.8)  
May 15, 2003 (§5.2, 6.12, 11.5, And 11.6)  
May 20, 2004 (§6.2)  
October 7, 2004 (§3.4)  
October 21, 2004 (§2.1, 4.4, 5.2, 8.9, 9.3, 10.12)  
February 3, 2005 (§2.1, 3.4, 5.2, 6.2)  
August 18, 2005 (§8.1)  
October 20, 2005 (§6.8(4))  
November 3, 2005 (§2.1, 3.4, 5.2, 6.2, 13, 14)  
May 4, 2006 (§7.2, 7.3, 7.4, 7.5, 8.9, 11.5, 12)  
September 7, 2006 (§3.1, 3.3, 3.4, 5.2, and 6.2)

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## APPENDIX A

### ZONING ORDINANCE

#### CITY OF NORTHAMPTON, MASSACHUSETTS

##### Section 1.0: TITLE, AUTHORITY, AND PURPOSE

**Section 1.1 - Short Title.** This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Northampton, Massachusetts," hereinafter referred to as "this Ordinance."

**Section 1.2 - Authority.** This Ordinance is adopted pursuant to the authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts, as amended by Chapter 808 of the Acts of 1975, as amended, herein called the "Zoning Act."

**Section 1.3 - Purpose.** This Ordinance is enacted for the following purposes: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land through-out the City, including consideration of the recommendations of the City's master plan, adopted by the Planning Board, and the comprehensive plan of the Pioneer Valley Regional Planning Commission; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

It is made with reasonable consideration to the character of the district and to its peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Planning Board, including the making of Northampton a more viable and more pleasing place to live, work, and play.

## Section 2.0: DEFINITIONS

{Diagrams are for reference and are not part of the ordinance.}

**Section 2.1 - General**. For the purpose of this Ordinance and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words building, "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

**ABANDONMENT**: The cessation of a nonconforming use as indicated by the declared or otherwise apparent intention of an owner to terminate a nonconforming use of a structure or lot; or the removal of characteristic non-leasehold equipment used in the performance of the nonconforming use without its replacement within six (6) months by similar equipment or furnishings; or the cessation of a nonconforming use or structure caused by its replacement with a conforming use or structure. A non-conforming use which has been abandoned for a period of two (2) years cannot be reestablished. (See also "Discontinuance", below.) (Amended 10/6/94 and 3/21/96)

**ACCESSORY APARTMENT**: See **§10.10, ACCESSORY APARTMENTS**.

**ACCESSORY SIGN**: See **SIGN, ACCESSORY**.

**ACCESSORY USE**: See **USE, ACCESSORY**.

**ADULT ESTABLISHMENTS WHICH DISPLAY LIVE NUDITY**: Any establishment with an alcoholic beverage license which provides live entertainment for its patrons which includes the display of nudity as a substantial or significant portion of such live entertainment on twenty-one or more days per year, as nudity is defined in section thirty-one of chapter two hundred and seventy-two. {added 12/17/98}

**AFFORDABLE UNITS**: Housing units which the Planning Board finds are affordable for rent or purchase by households making eighty (80) percent of the median household income for Northampton and, to the extent practicable, are only available to households whose income does not exceed 80% of median income, as calculated by the U.S. Dept. of Housing and Urban Development, with adjustments for family size, provided there are deed restrictions, easements, covenants or other mechanisms to insure that the units are affordable for a minimum of 99 years.(Amended 10/6/94)

**AGRICULTURE, FLORICULTURE, AND HORTICULTURE, VITICULTURE AND SILVACULTURE**: A use which has as its principal purpose the raising of agricultural products for commercial or home use, but not including the raising of livestock or farm animals (See Section 5.3) on parcels of five (5) acres or less, and not including the sale of products, except for products raised on the premises. (Amended 7/19/90)

**ALTERATION**: Any construction, rearrangement, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building

or other structure.

**AQUIFER:** Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

**ASSISTED LIVING RESIDENCE:** A profit or non-profit entity which provides room and board and where the operator provides a minimum of two meals a day and assistance with activities of daily living for three or more elderly or disabled residents, as defined and licensed, or as may be defined and licensed in the future, by Mass. General Laws. (Amended 10/6/94)

**AUTOMOTIVE REPAIR:** Establishment in which the principal use is the repair of motor vehicles, including maintenance servicing, upholstery, etc. No gas sales or retail allowed. (Amended 5/02/2002)

**AUTOMOTIVE SERVICE STATION:** Establishment in which the principal use is the retail sale of gasoline, oil, or other motor vehicle fuel, and may contain retail convenience and variety goods for retail. The premises may include, facilities for polishing, greasing, washing, or otherwise cleaning, servicing, or repairing motor vehicles. (Amended 5/02/2002)

**AVERAGE FINISHED GRADE:** A reference horizontal plane representing the average of finished ground level adjoining a building at all exterior walls.

**AWNING/CANOPY:** A structure attached to a building, the function of which is to shelter the building's window(s) or door(s), and pedestrians from rain, wind and sun. (Adopted 3/21/85)

**BASE FLOOD ELEVATION:** See **FLOOD ELEVATION, BASE.**

**BASEMENT:** A portion of a building partly below grade, which has less than one-third of its height measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. (Amended 7/19/90)

**BOARD OF APPEALS:** The Zoning Board of Appeals of the City of Northampton, Massachusetts.

**BUILDING:** A combination of any materials, whether portable or fixed, with or without a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals, or property.

**BUILDING ACCESSORY:** A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**BUILDING AREA:** The ground area enclosed by the walls of a building, together with the area of all covered porches and other roofed portions, including areas covered by building overhangs in excess of eighteen (18) inches. (Amended 7/19/90)

**BUILDING LINE:** The line established by this Ordinance beyond which a building shall not extend, except as specifically provided in this Ordinance.

**BUILDING, ATTACHED:** A building having any portion of one or more walls in common or within five feet of an adjacent building. (Amended 12/21/1995)

**BUILDING, DETACHED:** A building having a minimum of five feet of open space on all sides. (Amended 12/21/1995)

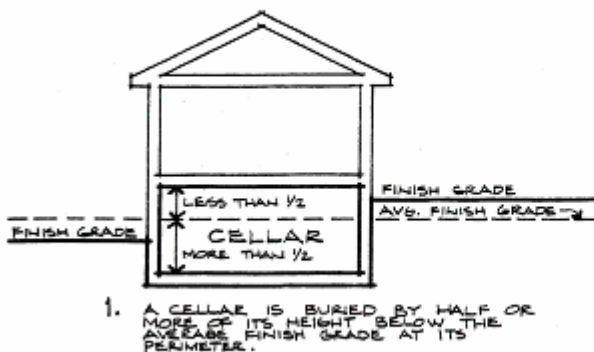
**BUILDING, PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is located.

**BUILDING, NONCONFORMING:** A building, lawfully existing at the effective date of this Ordinance, or any subsequent amendment thereto, which does not conform to one or more of the applicable regulations for the district in which the building is located.

**BUSINESS OFFICE:** See **OFFICE.**

**BUSINESS SERVICE AND SUPPLY SERVICE ESTABLISHMENT:** Any building wherein the primary occupation is the provision of services or supplies to the business, commercial, industrial or institutional community but not including retail sales to the general public except as a secondary and subordinate ancillary activity.

**CELLAR:** A portion of a building, partly or entirely below grade, half or more than one-half of its height measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story. {See diagram 1 below}



**CERTIFICATE OF USE AND OCCUPANCY:** A statement signed by the Building Commissioner setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be employed for specified uses, or both. (Amended 10/6/94)

**CLUSTER RESIDENTIAL DEVELOPMENT:** A development undertaken in accordance with the provisions of Section 10.5 of this Ordinance, consisting of a variety of dwelling types integrated with each other and with a significant area of common open space, and developed at a density not exceeding that which would be ordinarily expected from a typical conventional subdivision.

**COMMERCIAL VEHICLE:** A vehicle registered for commercial use.

**COMMUNITY CENTER:** A facility operated by a religious, nonprofit or municipal organization primarily to provide public facilities for meetings, classes, teen centers and similar uses. A community center may include artists' space and offices for nonprofit organizations if such uses are clearly secondary to the primary use of the building and do not include any residential or overnight components. (Added 5/7/98)

**COMMUNITY RESIDENCE:** See **HALFWAY HOUSE.**

**CONSTRUCTION SUPPLY ESTABLISHMENT:** A retail establishment the primary purpose of which sells, rents, leases, services, and/or otherwise maintains materials and/or equipment involved in construction activities, including, but not limited to hardware, lumber, and equipment sales, and millwork. The hiring out of construction equipment intact with an operator is not considered to be a part of a construction supply establishment. (Amended 7/19/90)

**DAMAGE TO THE ENVIRONMENT:** Any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth including, but not limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, floodplains, lakes, ponds, or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites.

**DISCONTINUANCE:** The cessation of a non-conforming use unless evidence is provided that the property has been actively and continuously marketed during such time and said marketing has contemplated the continuation of the non-conforming use. A non-conforming use which has been discontinued for a period of two (2) years cannot be reestablished. (See also "Abandonment", above.) (Added 3/21/96)

**DISTRICT:** A zoning district established by this Ordinance. (Amended 6/17/93)

**DORMITORY:** A building containing sleeping rooms, dining rooms, common rooms, and accessory facilities intended exclusively for the use of students of an educational institution, having been constructed or converted by that institution or with its specific authorization.

**DRIVE-IN ESTABLISHMENT:** A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like; and automotive service stations,



gasoline stations, or the like.

**DRIVEWAY:** A space, located on a lot, built for access to a garage or off-street parking or loading space. (Amended 7/19/90)

**DWELLING:** A privately or publicly owned permanent structure which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "one-family", "two-family", "three-family" or "multi-family" dwelling shall not include hotel, lodging house, hospital, membership club, mobile home, or dormitory.

**DWELLING, MOBILE HOME:** A single family residential unit with all of the following characteristics; (a) designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed to be transported after fabrication on its own wheels or on a flat bed or other trailer or detachable wheels; (c) arriving at the site where it is to be occupied as a dwelling complete, conventionally designed to include major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like; (d) designed for removal to and installation or erection on other sites.

A mobile home shall be defined to include two (2) or more units, separately towable, which when joined together have the characteristics as described above. For the purposes of this Ordinance, a mobile home shall not be deemed a "one-family dwelling".

**DWELLING, MODULAR UNIT:** A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site. For the purpose of this Ordinance a modular unit shall not be deemed a "mobile home" but shall be regarded as a conventional dwelling, subject to the rules and regulations contained herein.

**DWELLING, MULTI-FAMILY:** A building containing four (4) or more dwelling units and including apartment houses and garden apartment house, but not including a townhouse. (Amended 7/19/90)

**DWELLING, ONE-FAMILY:** A detached building containing one dwelling unit, also referred to as a "single family dwelling".

**DWELLING, THREE-FAMILY:** A detached building containing three (3) dwelling units, but not including a townhouse.

**DWELLING, TWO-FAMILY:** A detached building containing two (2) dwelling units.

**DWELLING UNIT:** Rooms providing complete living facilities for the use of one or more individuals, with permanent provisions for living, sleeping, eating, cooking, and sanitation, whether

owned, rented, leased, or in a condominium or cooperative. (Amended 5/7/98)

**ESSENTIAL FACILITIES:** Facilities necessary for the provision of services ordinarily provided by municipalities, public corporations, and public or private utilities, which facilities must provide a link (interrupted only by intermediate facilities) between central facilities of the utility and individual lots served including, but not necessarily limited to gas, water, and sewer mains; storm sewers; electrical and communication wires, whether underground or overhead; police and/or fire call boxes, hydrants, and other stations or terminals of such continuous systems; and facilities accessory to such systems, including but not limited to manholes, telephone poles, and the like, but not including any intermediate facility, such as a major electrical sub-station; a telephone dial center, or a sewage pumping station, any facility defined under municipal facilities, any use listed under the definition of heavy public use, or any facility of a public corporation or of a public or private utility which is separately listed in Table of Use Regulations.

**FAMILY:**

- (a) individual or two or more persons related by blood, marriage, or legal adoption living together as a single housekeeping unit and including necessary domestic help such as nurses or servants.
- (b) A group of individuals not related by blood, marriage, or legal adoption, but living together as a single housekeeping unit. For purposes of controlling residential density each -such group of four (4) individuals shall constitute a single family. (Amended 7/19/90)

**FAMILY DAY CARE (in the home):** Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided however, in either case, that the total number of children under sixteen in a family day care in the home shall not exceed six, including participating children living in the residence. Family day care in the home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor, or where all of the children are of the family of the owner/occupant of the private residence. Family Day Care facilities must be registered with the Building Commissioner. (Adopted 7/19/90, amended 3/21/96)

**FILLING:** Any deposit, placement, storage redistribution of soil, earth, sand, gravel, rock, loam, or other similar material on any land, wetland, or in watercourses and including the conditions resulting therefrom.

**FLOOD ELEVATION, BASE or FLOOD ELEVATION, ONE HUNDRED YEAR:** The flood elevation shall be as indicated on the "Flood Insurance Rate Map", prepared by the U.S. Department of Housing and Urban Development for the National Flood Insurance Program.

**FLOODPROOFED:** To be made watertight to the level of the 100-year flood with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as certified by a registered professional engineer.

**FLOOR AREA, GROSS:** The sum of the gross horizontal area of the several floors including basements of a principal building and its faces of the walls. It does not include cellars; unenclosed porches or attics not used for human occupancy; malls within a shopping center utilized purely for pedestrian circulation and/or decorative purposes between individual shops of the center; any floor space in an accessory or principal building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance; or any such floor space intended or designed for accessory heating, ventilating and air conditioning equipment.

**FRATERNITY AND/OR SORORITY:** A building containing sleeping rooms, dining rooms, common rooms, and accessory facilities intended exclusively for the use of students of a college or university who belong to a group or organization which involves common living and which group is organized and operated with the specific approval and under the regulations of the institution.

**FRONTAGE:** The uninterrupted length of the front lot line, as defined herein, whether straight or not, which conforms to the Minimum Lot Frontage Requirement and is on:

1. A public way or a way which the city clerk certifies is maintained and used as a public way; or
2. A way shown on a previously approved subdivision plan which has been constructed to the standards required when subdivision approval was granted; or
3. A way that predates subdivision control that has, in the Planning Board's opinion, suitable width, grades, and construction adequate and reasonable for vehicular traffic, including emergency vehicles and snow removal vehicles, and the installation of utilities.

(Amended 10/6/94 and 3/21/96)

**FUNERAL ESTABLISHMENT:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services necessary for the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns, and other related funeral supplies, (d) the storage of funeral vehicles, (e) facilities for cremation, and (f) the living quarters of an individual whose bona-fide occupation is in the funeral establishment.

**GARAGE, PRIVATE:** A garage(s) for housing motor vehicles, with a capacity of not more than three (3) vehicles for a single family dwelling, plus the capacity for one additional vehicle for each additional dwelling unit. (Amended 7/19/90)

**GROUNDWATER:** All the water found beneath the surface of the ground.

**HAZARDOUS WASTE:** A waste which is hazardous to human health or the environment as designated by the U.S. Environmental Protection Agency under 40 CFR 250 and the Regulations of the Massachusetts hazardous Waste Management Act, M.G.L., Chapter 21C.

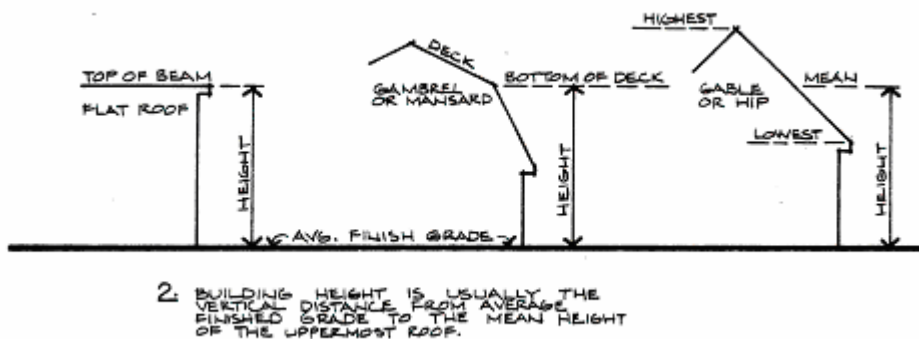
**HALFWAY HOUSE** or **COMMUNITY RESIDENCE:** A building containing sleeping rooms, common rooms, dining rooms, and accessory facilities intended exclusively for the use of participants of a program of rehabilitation of individuals prior to their complete reentry into normal society, which program is formally recognized by an agency of the Commonwealth. One or more

individuals responsible for the operation of a halfway house shall be resident therein, and facilities for such resident director and his family shall be provided.

**HEAVY PUBLIC USE:** Any structure or use:

1. Used by a government agency if not otherwise exempt from zoning or allowed elsewhere in this ordinance; and
2. Any of the following specific uses conducted by or for the City of Northampton: truck or equipment storage garage or yard, vehicle repair garage, or waste recycling plant; and
3. Any public or private sanitary landfill, dump, incinerator; or water or sewage treatment facility. (Revised 7/19/90, 4/3/97 & 10/21/04)

**HEIGHT:** The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof. {see diagram 2 below}



**HOME OCCUPATION:** A vocation, trade, small business, craft, art or profession which can be conducted in entirety within the main (principal) or accessory building of a property by a bona fide resident of that main building and which, by nature of its limited size and scope, does not cause any outward manifestation (such as traffic generation, parking congestion, noise or air pollution, materials storage, and public service or utility demand) which is uncharacteristic of or an additional disturbance to the residential neighborhood in which said property is located. The following occupations are excluded if clients will be seen in the home, although other uses may be excluded on a case-by-case basis:

Any clinic, veterinary hospital, restaurant, retail or wholesale supply shop or store, mortuary, medical doctor (MD, DO, DPM or equivalent), dentist (DDS, DMD or equivalent), chiropractor, lawyer, real estate or insurance agent. (See §11.11 for additional criteria.) (Amended 12/7/89 and 10/6/94)

**HOSPITAL:** A use providing 24-hour emergency room services, outpatient services, and 24-hour inpatient services for persons admitted thereto for the diagnosis, medical, surgical or restorative treatment including accessory uses that serve the hospital's needs, including, but not limited to, cafeteria and pharmacy. A hospital does not include nursing home, assisted living residence, or non-hospital medical center or medical office. (Amended 4/18/96)

**HOSPITAL, VETERINARY:** A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care, but not including crematory facilities.

**HOTEL:** A building or group of buildings, part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances or individual exterior entrances; and including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

**IMPERVIOUS SURFACES:** Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

**JUNK:** Any worn out, castoff, or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall not be considered junk.

**JUNK MOTOR VEHICLE:** Any motor vehicle not capable of being used as such in its existing condition by reason of being damaged or dismantled or failing to contain parts necessary for operation and otherwise qualifying as junk.

**LANDSCAPED AREA:** The percent of the site, including buffers and setbacks, which will be planted with vegetation (i.e. grass or live ground cover, shrubs, trees), or on which existing vegetation will be left undisturbed, underlaid by a pervious surface (soil). Used as a measure of the intensity of land use. (Added 6/17/93)

**LEACHABLE WASTES:** Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing water-borne contaminants to the environment.

**LIVING SPACE:** The net floor area within a dwelling unit exclusive of utility rooms, closets, attics, and cellars.

**LOADING SPACE:** An off-street space at least twelve (12) feet in width, fifty (50) feet in length and with a vertical clearance of at least fourteen (14) feet, having an area of not less than thirteen hundred (1,300) square feet which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one vehicle. The dimensions of the loading space may be reduced by the Building Commissioner to not less than three hundred (300) square feet which includes access and maneuvering space, when it is clearly evident that service vehicles utilizing said space will not require the area listed above. (Amended 10/6/94)

**LODGING HOUSE:** A building containing four (4) or more lodging units.

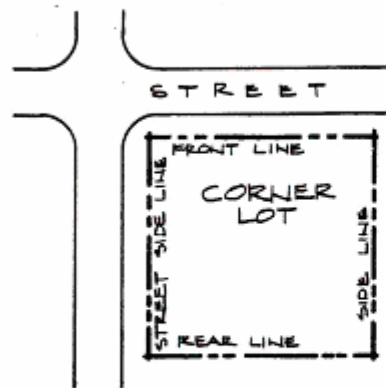
**LODGING UNIT:** One or more rooms for the semi-permanent use of one, two, or three individuals not living as a single housekeeping unit and not having individual kitchen facilities. A "lodging unit" shall include rooms in boarding houses, lodging houses or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments, hotels or tourist homes/bed and breakfast facilities. (Amended 7/19/90)

**LOT:** A parcel of land held in fee-simple ownership designated on a plan or deed filed with the Hampshire County Registry of Deeds or Land Court, however, contiguous lots in common ownership may not be divided except in conformance with this Ordinance. Two or more contiguous lots in common ownership may be treated as one lot for the purposes of this Ordinance provided that the combined lots are used as a single lot would customarily be used. The following shall not be counted toward land within the minimum lot area: Land under permanent water bodies; land within public ways, and land within private ways and rights-of-ways where the general public has the right of access by automotive vehicles.

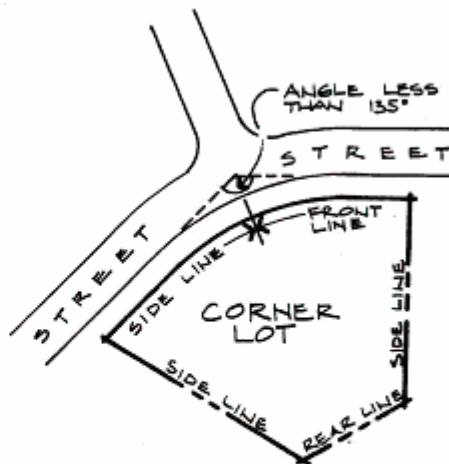
(Amended 10/6/94 & 5/20/99)

**LOT CORNER:** A lot at the point of intersection of and abutting on two or more intersection streets, the interior angle of intersection of the street lot lines, or extended lot lines in case of a curved street being not more than 135 degrees. For purposes of this Ordinance, the yard adjacent to each street shall be considered a front yard, however, this will not affect designation of the front line.

{See diagram 4 below.}



4A. A CORNER LOT HAS A SINGLE FRONT LINE WITH REQUIRED FRONTAGE, AND ONE STREET SIDE LINE.



4B. STREETS INTERSECTING AT LESS THAN 135° FORM A CORNER LOT WITH A SINGLE FRONT LINE AND AN ADDITIONAL SIDE LINE.

**LOT DEPTH:** The mean horizontal distance, measured perpendicular (at right angles) to the front lot line, between the front lot line and the rear of the lot. Said distance shall be measured from a portion of the front lot line that equals the minimum lot frontage and no (principal) structure may be placed on a portion of the lot that has a depth less than the minimum lot depth required.

**LOT FRONTAGE:** (See "Frontage," above.) (Amended 7/19/90 and 3/21/96)

**LOT, INTERIOR:** Any lot other than a corner lot or a through lot.

**LOT LAYOUT:** In addition to the minimum lot area, depth, width and frontage requirements, lots shall be laid out in such a manner so that a square, with sides equal to the minimum frontage

requirement for the zoning district in which it is located, can be placed within the lot with at least one point of the square lying on the front lot line with no portion of the square extending beyond the boundaries of the lot.

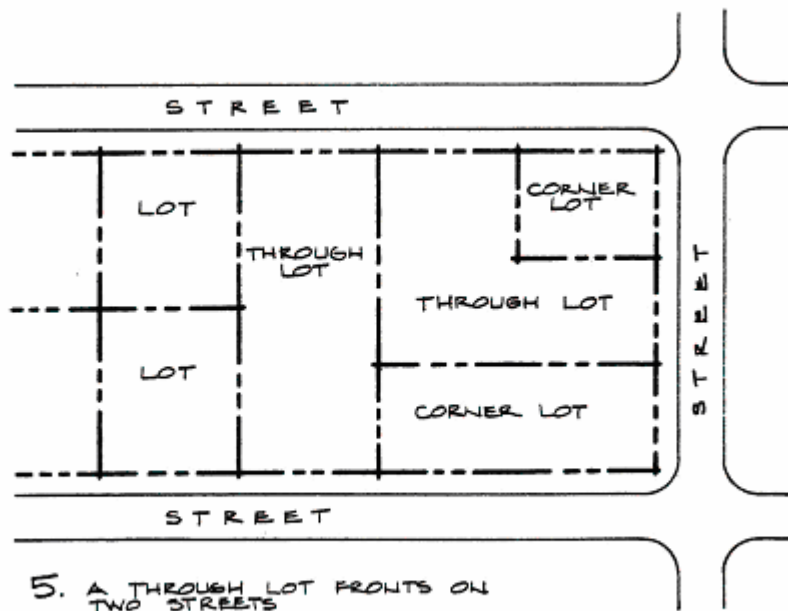
**LOT LINE, FRONT:** The property line dividing a lot from a single street right-of-way. In the case of a corner lot or a through lot, at least one front lot line shall conform to the minimum lot frontage requirement.

**LOT LINE, REAR:** The lot line most nearly opposite from the front lot line. {See diagram 4 above}

**LOT LINE, SIDE:** Any lot line not a front or rear lot line. {See diagram 4 above.}

**LOT, NONCONFORMING:** (See Pre-Existing Nonconforming Lot). (Amended 7/19/90)

**LOT, THROUGH:** A lot which abuts two (2) streets, but not at their intersection. {See diagram 5 below.}



**LOT, WIDTH:** The horizontal distance (measured parallel to the Front Lot Line) between the side lot lines. At no point, between the front lot line and the rear of the principal structure (said rear being the furthest point of the structure from the Front Lot Line) located on the lot, shall the lot have a width less than the minimum lot width required.

**MANUFACTURING:** Heavy or light industry, manufacture or assembly of a product, including processing, fabrication, assembly, treatment, packaging, and allowed accessory uses. (Added 9/19/06

10/17/91, amended 5/7/98)

**MEDICAL CENTER:** A building or group of buildings used for the offices and facilities accessory to the practice of licensed medical practitioners, (including physicians, dentists, optometrists, ophthalmologists, and persons engaged in all fields related generally to medicine, but not including veterinarians) and including such common facilities as an outpatient clinic or emergency treatment rooms, but not including inpatient facilities.

**MIXED RESIDENTIAL/WORK SPACE:** Where:

1. 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); and
2. 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
3. Residential space is clearly secondary to work space and consists of no more than 50% of the total residential/work space; and
4. Residential space is located above the first floor.

(Added 5/7/98)

**MOBILE HOME:** See **DWELLING, MOBILE HOME.**

**MODULAR HOME:** See **DWELLING, MODULAR HOME.**

**MOTOR VEHICLE:** Any vehicle self propelled by a battery powered, electric or internal combustion engine, which are permitted and requires a valid registration legally issued by a governmental authority in order to be operated on a public way. A motor vehicle shall include, but not be limited to automobiles, trucks, buses, motor-homes, motorized campers, motorcycles, motor scooters, tractors. (Adopted 7/19/90)

**MOTOR VEHICLE ACCESSORIES:** Any part or parts of any motor vehicle. (Adopted 7/19/90)

**MUNICIPAL FACILITIES:** Municipally-owned facilities utilized in the provision of services normally provided by municipalities, such as schools, parks (including related banquet facilities operated in accordance with the *City of Northampton Open Space and Recreation Plan*), playgrounds, municipal office buildings, and the like, but not including any facility defined as essential facilities, or as a heavy public use, or any use, specifically listed in the Table of Use Regulations. (Revised 4/3/1997, 10/7/1999, 11/7/2002)

**NON-ACCESSORY SIGN:** See **SIGN, NON-ACCESSORY.**

**NURSING HOME:** Also known as extended care home, rest home, or convalescent home. A nursing home is any state licensed facility for two or more patients that provides beds and domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the State, but not including assisted living residences. (Amended 4/18/96)



**OFFICE OR BUSINESS OFFICE:** A room, studio, suite or building in which a person transacts his business or carries on his stated occupation. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products which are physically located on the premises. An office shall not be deemed to include a veterinary hospital.

**ONE HUNDRED YEAR FLOOD ELEVATION** - See **FLOOD ELEVATION, BASE.**

**OPEN SPACE:** The space on a lot unoccupied by buildings or structures, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area. {See diagram 6 at the end of this section}

**OUTDOOR ADVERTISING BOARD:** The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or official which may hereafter succeed to its powers or functions.

**OUTDOOR COMMERCIAL RECREATION USE:** A principal (but not accessory) use operated either for profit or not for profit, with the principal purpose being the provision of outdoor recreational facilities, whether these be provided to the public at large or to the members of any particular organization, and including, but not limited to any of the following uses: country, fishing, golf, tennis, or swimming club, or golf driving range, sports camp, campground, marina, or horseback riding establishment.

**OWNER:** The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

**PERMIT, TEMPORARY OCCUPANCY:** A permit issued by the Building Commissioner indicating near-compliance with the provisions of this Ordinance and allowing occupancy or use on a temporary basis while full compliance is achieved.  
(Amended 10/6/94)

**PERMIT, ZONING:** A permit issued by the Building Commissioner on the basis of plans and other submitted material to allow construction or other preparation for the use or occupancy of a building.  
(Amended 10/6/94)

**PLANNED UNIT DEVELOPMENT (PUD):** A mixed residential, business, and institutional development with extensive open space where the mixed uses are integrated with each other at an overall density not exceeding that which would be ordinarily expected from a typical conventional development. Business PUDs are a type of PUD allowed in the Planned Village District. (See §5.2 and §10.15.)  
(Amended 6/17/93)

**PRE-EXISTING NONCONFORMING LOTS:** A lot which, when originally created, conformed

to any zoning requirements relative to minimum lot area, minimum lot width and frontage, and/or minimum lot depth which were then in effect, but which zoning requirements have since been amended so that said lot would no longer conform in all respects to such new requirements. (Adopted 8/16/84)

**PRE-EXISTING NONCONFORMING STRUCTURES:** A structure or addition which, when originally constructed, was lawfully in existence or lawfully begun and conformed to any zoning requirements relative to minimum setbacks, maximum floor area ratio or other dimensional and area requirements which were then in effect, but which zoning requirements have since been amended so that such structure or addition would now require a Variance. (Adopted 8/16/84)

**PRE-EXISTING NONCONFORMING USE:** A use which, when originally commenced, was lawfully in existence or lawfully begun and was permitted in the Zoning District in which it was located, but since then the Zoning Ordinance has been amended so that such use would now require a Special Permit or would be prohibited and would require a Use Variance. (Adopted 8/16/84)

**PRIMARY AQUIFER RECHARGE AREA:** Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

**RADIOACTIVE WASTE:** Any radioactive materials which are no longer in use nor being stored for future use, except that for the purpose of this ordinance the following items shall not be considered radioactive waste:

1. Personal or household items or waste containing minimal amounts of radioactive material, such as watches or smoke detectors.
2. Waste which does not qualify as low level radioactive waste under M.G.L. Chapter 111H, generated by or through the use of radioactive material for medical procedures or research facility licensed by the Nuclear Regulatory Commission.

(Amended 10/6/94)

**RECEIPT:** As used herein, receipt of an application or of a request means an official receipt on the forms or in the format prescribed by the board or agency responsible for reviewing the application and accompanied by all of the supporting materials or documentation required by the board or agency as being necessary at the time of or the signature of an appropriate official showing the time and date of the receipt, such stamp or signature to be used only after the entire application, including all supporting material has been checked for completeness and accuracy. Any acceptance of an application or material by the City Clerk or any city employee who is an agent, or any employee of a board shall be subject to further review by that board and receipt shall not have occurred until after such further review has satisfied such board that all requirements for time shall be measured, in the case of receipt by an agency, from the date shown on the stamp or with the signature of the appropriate official; and in the case of receipt by a board, from the date of the first regular meeting of the board following acceptance of the material by the City Clerk or an agent or employee of the board at which meeting the application shall be reviewed and accepted as being complete, or rejected as being incomplete.

**REPAIR SERVICE ESTABLISHMENT:** Any building wherein primary occupation is the repair and general servicing of appliances, tools, and other small machinery common to use in homes or businesses, but not including automotive repair or automobile service stations; or any place wherein the primary occupation is interior decorating, to include reupholstering and the making of draperies, slipcovers, and other similar articles, but not to include furniture or cabinet making establishments.

**RESEARCH AND DEVELOPMENT FACILITY:** A facility primarily for scientific or product research, investigation, testing, or experimentation, along with incidental offices, incidental storage, incidental manufacture and sale of products, and incidental employee-only facilities. (Amended 6/15/93)

**RETAIL & PERSONAL SERVICES:** The sale rental, or repair of goods and/or provision of services including: antiques, apparel, appliances (home use), art supplies, bakeries, barber shops, beauty shops, books, cameras, card shops, china and pottery, draperies and interior decorating supplies, drugs, film developing and printing, florist, fruit, furniture, gifts and stationery, grocery, hardware, house wares and home furnishing, jewelry, laundering and other garment servicing, music, newsstand, novelties, paint, shoes, pet supplies and pet grooming, shoe cleaning or repair, specialized food, sporting goods, toys, tailors, vegetable markets, and other similar places of business. Includes discount food and merchandise “clubs”. (Amended 5/2/2002)

**SERVICE STATION:** A building or part thereof whose chief activity is the selling of gasoline, oil and related products for motor vehicles or the provision of lubricating service or general auto repair.

**SETBACK:** The minimum distance from a lot line to a building placed thereon, or feature thereof as is required in a particular situation by the TABLE OF DIMENSIONAL AND DENSITY REGULATIONS. Said Setback shall be measured perpendicular (at right angles) to the lot line. At no point shall any structure on the lot be any closer to any street line, whether said street line directly abuts the lot or not, than the minimum front yard setback requirement for that Zoning District. {See diagram 6 at the end of this section}

**SETBACK, FRONT:** Setback required from a front line and from any street line of a corner lot or a through lot. {See diagram 6 at the end of this section.}

**SETBACK LINE:** A line, whether straight or not, which denotes the location of the minimum setback.

**SETBACK, REAR:** Setback required from a rear line. {See diagram 6 at the end of this section.}

**SETBACK, SIDE:** Setback required from a side line. {See diagram 6 at the end of this section.}

**SIGN:** Any permanent or temporary structure, device, blimp, letter, work, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by any means including intermittent or repeated motion or illumination. A sign shall include lettering on a motor vehicle or trailer unless the vehicle or trailer is licensed for road travel and is in use or parked in a legal parking or loading

area. (Amended 10/6/94 & 5/7/98)

**SIGN, ACCESSORY:** Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

**SIGN, BUSINESS:** A sign used to direct attention to a service, product sold, or other activity performed on the same premises upon which the sign is located.

**SIGN, GENERAL ADVERTISING:** Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within two hundred (200) feet of the building or other structure at which the products or services thereon are available.

**SIGN, GROUND:** A sign erected on or affixed to the land including any exterior sign not attached to a building.

**SIGN, IDENTIFICATION:** A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located or to give information, such as time or temperature.

**SIGN, NON-ACCESSORY:** Any sign not an accessory sign.

**SIGN, SURFACE AREA OF:** For a sign, either free-standing or attached, the area shall be considered to include all lettering, background whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing, which are incidental to the display itself. For a sign consisting of individual letters, designs and symbols attached to or painted directly on the surface of a building, wall, window, awning/canopy or other approved surfaces, with no other background, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols. The largest side of a two-sided sign shall be used in calculating the surface area of such a sign. (Adopted 3/21/85)

**SIGN, WALL:** A sign affixed to the exterior wall of a building and extending not more than fifteen (15) inches therefrom.

**SPECIAL PERMIT:** A special authorization to conduct a particular use or to take advantage of a particular situation set forth in this Ordinance, subject to the provisions of Section 10.10, the Table of Use Regulations, where applicable, and the particular section authorizing the special permit where applicable.

**SPECIAL PERMIT GRANTING AUTHORITY:** That body or individual empowered to grant special permits. As specified by the section providing for the granting of the special permit, that body or individual may be the Zoning Board of Appeals, the Planning Board, or the City Council. Where no specific such body is named, the Zoning Board of Appeals shall have jurisdiction.

**STORY:** The portion of a building which is between one floor level and the next higher floor level. If a mezzanine floor area exceeds one-third of the area of the floor immediately below it, the mezzanine shall be deemed to be a story. A basement shall be deemed to be a story, and a cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and without human occupancy. {See diagram 7 at the end of this section.} (Amended 7/19/90)

**STORY, HALF:** A story under a gable, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such story. {See diagram 7 at the end of this section.}

**STRUCTURE:** A combination of materials for permanent or temporary occupancy of use, such as a building, bridge trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, gasoline pumps, recreational courts, or the like.

**STRUCTURE, ACCESSORY:** Any structure which is incidental and subordinate to the principal structure, but which is located on the same lot as the principal structure. Accessory structures shall not exceed forty (40) percent of the gross floor area of the principal structure(s) and shall not contain sleeping or kitchen facilities. {Added 12/21/1996}

**STRUCTURE, NONCONFORMING:** A structure lawfully existing at the effective date of this Ordinance, or any subsequent amendments thereto, which does not conform to all applicable regulations of this Ordinance for the district in which it is located.

**SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, or improvement of a structure within a five year period which either increases the building area or the original structure by fifteen (15%) or more, or the cost of repair, reconstruction, or improvement which equals or exceeds fifteen (15%) of the assessed value of the original structure, either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred.  
(Amended 7/19/90 and 10/6/94 and 5/2/2002)

**TELECOMMUNICATION FACILITIES:** Towers, antennas and accessory structures, including personal wireless facilities, used in connection with the provision of cellular telephone service, personal communications services, paging services, radio and television broadcast services, and similar broadcast services. Telecommunications facilities do not include the following facilities which are accessory uses or structures: antenna used solely for residential household television and radio reception; satellite antenna which are not visible from a neighboring property or public way and satellite antenna measuring two (2) meters or less in diameter; nor amateur radio facilities under sixty-five (65) feet above ground actively used in accordance with the terms of any amateur radio service license issued by the Federal Communication Commission, provided that the tower is not used or licensed for any commercial use. (Added 4/3/97)

**TELECOMMUNICATIONS TOWERS:** Structures designed to support antennas, including free-standing towers, guyed towers, monopoles, towers on buildings, and similar structures. (Added 4/3/97)

**TELECOMMUNICATIONS ANTENNA:** A system of electrical conductors that transmit or receive radio frequency signals, but not including any support system designed to increase the height of the antenna above the tower or building. Such signals shall include but not be limited to radio, television, cellular, paging, personal communication services (PCS) and microwave communications. (Added 4/3/97)

**TEMPORARY OCCUPANCY PERMIT:** See **PERMIT, TEMPORARY OCCUPANCY.**

**TRADESMAN:** Builder, carpenter, electrician, painter, plumber, tree surgeon, landscape gardener or similar building trade occupation. (Adopted 7/19/90)

**TOURIST HOME/BED AND BREAKFAST:** An owner-occupied single-family dwelling which may rent up to a maximum of three (3) rooming units for transient occupancy, not to exceed a total of six (6) renters (without individual kitchen facilities and with an individual or shared bath/toilet facility, with at least one toilet, one bath/shower and one wash basin, separate from those required for the single-family dwelling), which share a common entrance for the single-family dwelling. The use of that portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a single-family residence and shall not change the character thereof.

**TOWNHOUSE:** A row, attached side-to-side (not on top of each other), of at least two (2) and not more than eight (8) dwelling units. Each unit in the row may be owned by a separate owner. {See diagram 9, Page # 2-21.} (Amended 10/6/94)

**UNREGISTERED MOTOR VEHICLE:** Any motor vehicle required to be registered by law of the Commonwealth of Massachusetts for operation on public ways, not so registered.

**USE:** The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

**USE, ACCESSORY:** A use which is customarily incidental and subordinate to the principal use of a structure or lot, or a use which is not the principal use, but which is located on the same lot as the principal structure, provided said accessory use is permitted in that District under this Ordinance. Accessory uses shall be interpreted as not exceeding forty (40) percent of the area of the total use of the structure and/or lot on which is located.

**USE, MIXED:** Two or more Principal Uses occupying the same structure or lot, where more than one Principal Use is permitted on the lot. (Amended 7/19/90)

**USE, NONCONFORMING:** (See Pre-Existing Nonconforming Use). (Amended 7/19/90)

**USE, PRINCIPAL:** The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this Ordinance. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Ordinance shall be considered an

accessory use.

**USE, SUBSTANTIALLY DIFFERENT:** A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

**VARIANCE:** Such departure from the terms of this Ordinance as the Board of Appeals is empowered to authorize. (Amended 6/17/93)

**VETERINARY HOSPITAL:** See **HOSPITAL, VETERINARY:**

**WETLANDS:** includes, but not limited to, wet meadow, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for a significant part of the year; emergent and submergent plant communities in inland water; that portion of any bank which touches any inland waters; and the land, including submerged land, which consists of any soil types designated as, but not limited to, very poorly drained as identified by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture, of the Massachusetts Wetlands Protection Act and any local wetlands ordinance. (Amended 7/19/90)

**YARD:** A portion of a lot located within a required setback area which must remain unobstructed artificially from the ground to the sky except as may be allowed by specific provisions of this Ordinance. {See diagram 6 at the end of this section}

**YARD, FRONT:** The portion of a lot lying between the front line and the front setback line. {See diagram 6 at the end of this section.}

**YARD, REAR:** The portion of a lot lying between the rear line and the rear setback line. {See diagram 6 at the end of this section.}

**YARD, SIDE:** The portion of a lot lying between a side line and the corresponding side setback line. {See diagram 7 at the end of the section.}

**ZONING PERMIT:** See **PERMIT, ZONING.**

Section 3.0: ESTABLISHMENT OF DISTRICTS

**Section 3.1 - Division into Districts.** The City of Northampton, Massachusetts, is hereby divided into Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>	<u>Class</u>
Rural Residence	RR	Residential "R" District
Suburban Residence	SR	"
Urban Residence A	UR-A	"
Urban Residence B	UR-B	"
Urban Residence C	UR-C	"
Central Business	CB	Business "B" District
General Business	GB	"
Highway Business	HB	"
Neighborhood Business	NB	"
Medical	M	Medical "M" District
General Industry	GI	Industrial "I" District
Special Industry	SI	"
Business Park	BP	"
Special Conservancy-Flood Plain	SC	Conservancy "C" District
Planned Village	PV	Planned "P" District
Education Use	EU	Overlay "O" District
Farms, Forests & Rivers	FFR	"
Residential Incentive Development	RI	"
Water Supply Protection	WSP	"
Watershed Protection	WP	"

(Amended 7/19/90, 8/15/91, 6/17/93, 4/18/96, 12/20/01, 9/7/2006)

Districts may be grouped by "Class" and may be referred to herein by the class name or by the abbreviations "R Districts", "B Districts", "I Districts", "C Districts", or "O Districts".

**Section 3.2 - Special Conservancy Flood Plain District.** The Special Conservancy flood plain district is established as shown on the Zoning Map. See Section 13.0. (Amended 6/17/1993)

**Section 3.3 - Overlay Zoning Districts.** An Education Use District, Farms, Forests & Rivers District, Watershed Protection District, Water Supply Protection District and Residential Incentive Development District are superimposed over the other districts shown on the Zoning Map, as recognition of the special conditions which exist in such areas. See Section 10.0, 14.0, 16.0, and 19.0 for applicable regulations. When there are conflicts, the regulations for the overlay district supersede regulations for the underlying district. (Amended 6/17/93, 12/20/01, 9/7/06)

**Section 3.4 - Zoning Map.** The location and boundaries of the Zoning Districts are hereby established as shown on a zoning map titled, "Northampton Assessors & Zoning Map", which is hereby declared to be a part of this Ordinance. The official copy of the Assessors & Zoning Map shall be located in Office of Planning and Development. (Amended 12/17/1992 & 12/21/1995)



**Section 3.5 - Changes to Map.** Prior to any changes in the location of boundaries of a Zoning District hereafter made through the amendments of this Ordinance, the public hearing notice required by MGL Chapter 40A, Section 5 shall be mailed to the owner of land proposed for rezoning, as shown on the most recent applicable tax list, at least 14 days before the public hearing. Said changes shall be indicated by the alteration of the Assessors & Zoning Map. The map thus altered is declared to be part the Ordinance thus amended. The Office of Planning and Development shall be responsible for making changes to the Zoning Map at a scale of approximately one (1) inch equals one hundred (100) feet and/or one (1) inch equals two hundred (200) feet. A map showing zoning district boundaries and the location of individual zoning map sheets shall be included in the Zoning Map and shall be a part thereof, being titled, "Index Map." These maps collectively shall be the Zoning Map. (Amended 12/17/1992& 12/21/1995)

**Section 3.6 - Boundaries of Districts.** Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map and whenever a zoning boundary is shown running along the edge of a street, the following rules apply: (Amended 12/17/1992)

1. Where a boundary is indicated as a street, alley, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a city boundary, then to the limits of the city boundary.
2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.
3. Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a zoning boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, and unless it is otherwise indicated, it shall be construed to intersect at right angles to said centerline or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.
5. The Watershed Protection Residential Incentive Development, and Water Supply Protection Districts are superimposed over any other districts established by this Ordinance. The rules for these superimposed (overlay) districts shall be in addition to, rather than in place of, the rules for such underlying other districts. The boundaries of these districts are shown on the Zoning Map and, for the Watershed Protection District, shall be interpreted as lying 100 feet horizontally from the normal high water line of a stream, river or pond unless another dimension is otherwise apparent.

## **Section 4.0: ADMINISTRATION**

**Section 4.1 - Interpretation.** The provisions of this Ordinance shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the City of Northampton, Massachusetts, and except for Chapter 44, Zoning Ordinance, of the Revised Ordinances of the City of Northampton, Massachusetts, 1959, and all subsequent amendments thereto, the provisions of this Ordinance are not intended to repeal, amend, abrogate, annul, or in any way impair or interfere with any lawfully adopted ordinance, covenants, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance, or other regulations, that provisions which imposes the greater restriction or the higher standard shall govern.

Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

**Section 4.2 - Existing Buildings and Land.** This Ordinance shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this Ordinance, but it shall apply to any change of use (and ownership in the case of commonly owned land) thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent. (Amended 6/7/2001)

**Section 4.3 Building Commissioner.** It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Ordinance.

**Section 4.4 Permit Required.** It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building or other structure or lot without applying for and receiving from the Building Commissioner a zoning permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code. Zoning permits shall be valid for six (6) months after their issuance, but shall not provide any vesting in the even of zoning or other regulatory changes.

Notwithstanding this section, a zoning permit shall not be required for a home office (as defined in the zoning) that does not involve construction, nor for the renewal of a home occupation permit.

Any application for a Zoning Permit shall be submitted, accompanied by such information as may be necessary to provide for the execution and enforcement of this Ordinance. A record of all application, plans, and permits shall be kept on file by the Building Commissioner. The Building Commissioner shall take action in writing on an application for a permit, either granting the permit or disapproving the application, within thirty (30) days of receipt of application. The issuance of a

Zoning Permit does not relieve an applicant or owner of the responsibility to obtain all required zoning and non-zoning permits. (Amended 6/17/93 and 10/21/2004)

**Section 4.5 Certificate of Use and Occupancy Required.** It shall be unlawful to use or occupy any structure or lot thereafter erected or altered unless the Building Commissioner has issued a Certificate of use and Occupancy and has specified thereon, the use to which the structure or lot may be put. Applications for Certificates of Use and Occupancy shall be filed coincident with the application for permits and shall be issued or refused in writing for cause within ten (10) days after the Building Commissioner has been notified in writing that the erection or alteration of such buildings has been completed. A record of all certificates shall be kept on file in the office of the Building Commissioner. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to meet the requirements of applicable building ordinances and state laws or this Ordinance to such a degree as to render it unsafe for the occupancy proposed. In situations where, in the opinion of the Building Commissioner, a single structure or group of related structures may not be issued a certificate of occupancy because not all of the spaces within the structure(s) are yet completed, he may issue a single certificate of occupancy which specifies certain areas as not being included. Such areas will be required to have a separate certificate of occupancy prior to their use and occupancy.

**Section 4.6 Permit and Certificate Fees.** Fees shall be established by the Mayor and the City Council, but shall exempt municipal buildings from the requirements for payment of fees.

**Section 4.7 Permit Time Limits.** Any work for which any permit has been issued by the Building Commissioner shall be actively prosecuted within six (6) months and completed within eighteen (18) months of the date of issuance of the permit. For reasonable cause, the Building Commissioner may grant one or more (but not more than three (3) extensions of time for additional periods not exceeding ninety (90) days each for both actively prosecuting the work and for completing the work. Any project not completed within the applicable time limits shall be in violation of this Ordinance.

A Special Permit or Finding granted under this Ordinance shall lapse in twenty-four (24) months from the grant thereof if a substantial use thereof has not sooner commenced, or if, in the case of a permit for construction, substantial construction has not begun by such date or has been halted indefinitely. (Amended 6/17/93)

If construction or operation under either a building permit or special permit are not begun within six (6) months from the original issuance of such permit, work carried out thereunder shall thereafter conform to the requirements of this Ordinance as it may have been amended during the intervening period.

**Section 4.8 Violations.** The Building Commissioner shall serve a notice of VIOLATION and ORDER to any owner or person responsible for the erection, construction, reconstruction, completion, conversion, or alteration of a structure or change in use, increase in intensity of use or

extension or displacement of use of any structure or lot in violation of a permit or certificate issued under the provisions of this Ordinance, or in violation of any provision of this Ordinance, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Commissioner. Any owner, who having been served with a notice, and who ceases any work or other activity, or who fails to complete the structure, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals or general welfare.

If the Building Commissioner is requesting in writing to enforce the Ordinance against any person allegedly in violation of the same and declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

**Section 4.9 Prosecution of Violation.** If the notice of VIOLATION and ORDER is not complied with promptly, the Building Commissioner, upon written request to the City Solicitor, shall have available the services of the City Solicitor in instituting the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. If the Building Commissioner shall refuse or fail to so request the services of the City Solicitor, the City Council may require him to do so. Delay by the Building Commissioner in instituting said proceedings shall not be imputed to the City of Northampton. Penalties for violations may upon conviction, be affixed in an amount not to exceed one hundred dollars (\$100.00) for each offense. Each day or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

**Section 4.10 Zoning Board of Appeals, Variances, and Appeals.**

1. **Membership.** There shall be a Zoning Board of Appeals of three (3) members and two (2) associate members, appointed as provided in Chapter 40A of the Massachusetts General Laws.
2. **Powers.** The Board of Appeals shall have the following powers:
  - A. To hear and decide appeals, as provided in Chapter 40A of the Massachusetts General Laws. (See sub-section 3 below)
  - B. To hear and decide applications for special permits, as provided in Chapter 40A of the Massachusetts General Laws. (See Section 10.1)
  - C. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this Ordinance, as provided in Chapter 40A of the Massachusetts General Laws. (See sub-section 3 below)
3. **Variances and Appeals.** Applications for variances and appeals shall be heard by the Zoning Board of Appeals subject to the provisions of Chapter 40A of the Massachusetts General Laws. A variance which has the effect of allowing a use not specifically permitted for the district in question under the Table of Use Regulations {"use variance"} may be permitted, subject to the provisions of said Chapter 40A.

4. Time Limitations. No appeal or petition for a variance from the terms of this Ordinance with respect to a particular parcel of land or the building thereon, and no application for special permit which has been unfavorably acted upon shall be again considered within two (2) years after the date of such unfavorable action, except as provided in Chapter 40A of the Massachusetts General Laws.
  
5. Zoning Administrator. The Board of Appeals, subject to confirmation by the City Council, may appoint a zoning administrator. The Board of Appeals may delegate to said zoning administrator some of its powers and duties by a concurring vote of all members of the Board of Appeals consisting of three members. Any person aggrieved by a decision or order of the zoning administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the Board of Appeals, as provided in Section Fourteen, within thirty (30) days after decision of the zoning administrator has been filed in the Office of the City Clerk. Any appeal, application, or petition filed with said zoning administrator for which no decision has been issued within thirty-five (35) days from the date of filing shall be deemed denied and shall be subject to appeal to the Board of Appeals as provided in Section Eight.

**Section 4.11 Appeal Periods.** No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty (20) days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Hampshire County Registry of Deeds.

No work, including excavating or earth removal and on-site grading, with regard to a specific project for which a special permit or variance has been granted and all applicable appeal periods have expired. (Adopted 3/1/84)

**Section 4.12 Extensions, Modifications or Renewals.** Any extensions, modifications or renewals of a Special Permit or Variance shall follow the same procedures as are required for the original granting of a Special Permit or Variance. (Adopted 8/16/84)

(Section numbers in Section 4.0 and 10.0 changed 2/1/2001.)

## Section 5.0: USE REGULATIONS

**Section 5.1 - Applicability of Use Regulations.** Except as provided in this Ordinance, no building, structure, or land shall be used except for the purposes permitted in the district as described in this article. Any use not listed shall be construed to be prohibited. Uses permitted by-right, by special permit, or by a variance shall be subject to all other provisions of the Ordinance.

**Section 5.2 - Table of Use Regulations.** The following designations apply in the Table of Use Regulations:

- A designates uses allowed by right in the district indicated. Site plan approval is required for these uses above certain thresholds (see §11.1-11.8).
  
- PB designates uses allowed in the district indicated only with a special permit and site plan approval granted by the Planning Board. See §10.1 and §11.1-11.8.
  
- ZBA designates uses allowed in the district indicated only with a special permit granted by the Zoning Board of Appeals. See §10.1.
  
- CC designates uses allowed in the district indicated only with a special permit granted by the City Council. Site plan approval is also required. See §10.1 and §11.1-11.8.
  
- SITE designates uses allowed indicated only with site plan approval from the Planning Board. See §10.1 and §11.1-11.8.
  
- NO designates uses not allowed in the district indicated.

Any use which is accessory to a principal use allowed under the Table of Use Regulations shall be allowed only in connection with the bona fide operation of a principal use allowed under the Table of Use Regulations, and subject to the provisions of Section 5.3 where applicable.

See also:	Dimension and density regulations	§6.0
	Sign requirements	§7.0
	Parking and loading regulations	§8.0
	Site Plan Review/Approval	§11.1-11.8
	Special Conservancy (SC)	§13.0
	Water Supply Protection District	§16.0
	Business Park District	§17.0
	Farms, Forests and Rivers District	§19.0
	Industrial Park	§20.0

Comments in brackets { } indicate editor's notes and clarifications. "➤" within table indicates explanatory remarks regarding the code that have not been adopted officially by City Council.

Section 5.2 Table of Use Regulations															
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Work in Watershed Protection (WP) Overlay District Only if use is otherwise allowed by zoning. ▶See §14.0															
New commercial structures or Substantial Improvements in WP, meeting all requirements under the state building code, Wetlands Protection Act, and city ordinances.	PB	PB	PB	PB	PB	Site	Site	Site	Site	Site	Site	Site	Site	Site	N/A
Work in Water Supply Protection (WSP) Overlay District Only if use is otherwise allowed by zoning ▶See §16.0															
Business/Industrial activities	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB
Any excavation within 3' of groundwater	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB
Impervious cover of more than 15% with a system for artificial recharge of precipitation	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB
Site alteration, structure or impervious surface within 200' of any watercourse (including intermittent) which are tributaries to a public water supply	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB
Residential NOTE: Other types of affordable housing with a Comprehensive Permit from the Zoning Board of Appeals MAY be allowed in any zoning district															
One-family dwellings (♦except for replacement of single family homes where homes existed or received permits by 6/30/05. However, such replacements must be built within 3 years of demolition of previous home).	A	A	A	A	A	No	No	No	PB	A*	No	No	No	A	No♦
Accessory apartment in single-family homes ▶ See §10.10 (♦Within homes existing as of 6/30/05 and for those that meet all state building codes and requirements under the Wetlands Protection Act and wetlands ordinance.)	A	A	A	A	A	No	No	No	A	No	No	No	No	A	A♦
Detached accessory apartment for single-family home meeting same setback requirements as a new single-family home in that district ▶ See §10.10 (♦Within homes existing as of 6/30/05 and for those that meet all state building codes and requirements under the Wetlands Protection Act and wetlands ordinance.)	ZBA	ZBA	ZBA	ZBA	ZBA	No	No	No	ZBA	No	No	No	No	ZBA	ZBA♦
Zero lot line development ▶ See §10.14	No	No	No	A	A	No	No	No	No	No	No	No	No	No	No

**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)  
 PB Allowed by Special Permit from Planning Board

ZBA Allowed by Special Permit from Zoning Board of Appeals  
 CC Allowed by Special Permit from City Council  
 Site Allowed with Site Plan Approval from Planning Board  
 No Not allowed

Section 5.2 Table of Use Regulations															
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Residential (continued)															
Two-family dwellings with a single front entrance and with both units sharing a party wall and/or floor/ceiling and not separated by accessory features, such as an attached garage or breezeway. At least 75% of wall or floor/ceilings of the units facing each other must be shared	No	No	No	A	A	No	No	No	PB	No	No	No	No	No	No
Other Two-family dwellings meeting all dimensional requirements for a newly created lot without grandfathering from any dimensional standards	No	No	No	SP	A	No	No	No	PB	No	No	No	No	No	No
Three-family dwellings	No	No	No	PB	A	No	No	No	A	No	No	No	No	No	No
Multi-family dwellings not exceeding 3 stories	No	No	No	No	Site	No	No	No	Site	No	No	No	No	No	No
Multi-family dwellings exceeding 3 stories	No	No	No	No	PB	No	No	No	PB	No	No	No	No	No	No
Townhouses	No	No	No	PB	Site	No	No	No	PB	No	No	No	No	No	No
Home Occupations ► See §10.12	ZBA	ZBA	ZBA	ZBA	ZBA	A	A	ZBA	A	No	No	No	ZBA	ZBA	No
Home Office ► See §10.12	A	A	A	A	A	A	A	A	A	No	No	No	A	A	A
Accessory structures & fences (ZBA approval or special conditions may be required for some structures. ► See §6.7 and §6.8)	A	A	A	A	A	A	A	A	A	No	No	A	A	A	A
Tag Sale {as accessory use} for the purpose of disposing of used personal and household articles from the vendor's residence on a temporary basis	A	A	A	A	A	A	A	A	A	No	A	A	A	A	A
Horses and animals as accessory uses in accordance with §5.3	A	A	A	A	A	A	A	A	A	No	No	A	A	A	A
Flag lots ► See §6.13	PB	PB	No	No	No	No	No	No	No	No	No	No	No	No	No
Fraternalities and sororities	No	No	No	PB	PB	No	No	No	No	No	No	No	No	No	No
Dormitories	No	No	No	PB	PB	No	No	No	PB	No	No	No	No	No	No
Planned unit development. See § 10.6	PB	PB	PB	PB	PB	No	PB	PB	PB	No	No	No	PB	PB	No
Cluster residential development. See § 10.5	PB	PB	PB	PB	PB	No	No	No	No	No	No	No	No	PB	No

**Key to Symbols**

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 PB Allowed by Special Permit from Planning Board

ZBA Allowed by Special Permit from Zoning Board of Appeals  
 CC Allowed by Special Permit from City Council  
 Site Allowed with Site Plan Approval from Planning Board  
 No Not allowed



**Section 5.2 Table of Use Regulations**

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

**Residential (continued)**

Common driveways and vehicular egress/access other than over the front lot line, provided any driveway or common driveway (serving more than one lot): 1. Shall not service more than three (3) lots (six lots for common driveways that loop to a road in two locations and are not dead-ends in any location). 2. Shall provide the only vehicular access to the lots being serviced by it, and shall be so stated in the lot deeds, 3. Shall be of suitable construction, grade, length and location, in the opinion of the Planning Board, for the access and turn-around 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 fifteen (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 ten feet of the driveway connection to the street, and shall conform to all other driveway requirements of this ordinance. 4. Shall be described on easements and easement plans approved with the Site Plan	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site	Site
Assisted living residences ▶See also Nursing Home	PB	PB	PB	PB	PB	No	No	No	No	No	No	No	No	No	No
Tourist home/bed & breakfast	PB	PB	PB	PB	PB	No	No	No	PB	No	No	No	No	PB	No
Lodging houses {special permit for reduced parking ▶See §8.2}	No	No	No	PB	PB	No	No	No	PB	No	No	No	No	No	No
Halfway houses	No	No	PB	PB	PB	No	No	No	PB	No	No	No	No	No	No

**Key to Symbols**

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	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Residential (continued)															
1-, 2- and 3-family homes and townhouses within the RI Overlay with a minimum of 33% of affordable units, in accordance with §10.11	PB	PB	No	No	No	No	No	No	No	No	No	No	No	No	No
Mixed residential/work space which conforms to all building and life safety codes and is located above the first floor (as described in the definition)	No	No	No	No	PB❖	A	A	PB	A	No	No	No	A	No	No
❖ In URC only, the residential component may be located on the first floor.															
Mixed residential/retail service, commercial uses Service, Commercial Uses	No	No	No	No	PB◆	A❖	A❖	A❖	A❖	No	No	No	No	No	No
Residential development, PUDs and cluster development using a Transfer of Development Rights (TDR) obtained by a special permit from the Farms, Forests and Rivers District.	No	No	No	No	No	No	No	No	No	A	No	No	No	No	No
<p>◆ In the URC District: all uses may be on any floor; business uses are limited to miscellaneous professional and business offices and shall not include banking, real estate and insurance offices or retail, personal and consumer service establishments, medical doctors, dentists or chiropractors.</p> <p>❖ In CB, GB, HB and NB Districts: All residential units, except for those in the NB District, must be located above the first floor. Uses may be mixed in the building and, above the first floor, within each unit within a building. All uses normally permitted in these districts are allowed. A Special Permit is required if a Special Permit would otherwise be required for the use.</p>															
Community and Recreational Facilities															
Cemetery, including any crematory therein	A	A	A	A	A	No	No	No	No	No	No	No	No	A	No
Community center	PB	PB	PB	PB	PB	A	A	A	Site	No	PB	No	A	PB	No
Educational use which is religious, sectarian, denominational or public and other religious use (Allowed by-right "A" in EU overlay district, subject to applicable site plan approval.)	A	A	A	A	A	A	A	A	A	No	A	A	A	A	A
Any other private school, college or university	PB	PB	PB	PB	PB	A	PB	PB	PB	No	No	No	PB	PB	No
Day care, school aged child care program (MGL c28A §9) and family day care (with registration with Building Commissioner)	A	A	A	A	A	A	A	A	A	No	A	A	A	A	A
Hospital	No	No	No	No	No	No	No	No	No	No	A	No	No	No	No

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	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Community and Recreational Facilities (continued)															
Historical association or society and non-profit museum (may include the residence of a caretaker)	ZBA	ZBA	ZBA	ZBA	ZBA	A	A	A	A	No	No	A	A	A	PB
Membership club or health or athletic facility operated for profit	No	No	No	No	No	A	A	PB	No	No	No	No	PB	No	No
Membership club operated as a not-for-profit corporation, as defined by MGL c180, excluding any adult establishments which display live nudity	CC	CC	CC	CC	CC	A	A	A	CC	No	No	No	CC	CC	No
Outdoor commercial recreational use	PB	PB	No	No	No	No	No	No	No	No	No	No	No	PB	PB
Temporary event or use with a Temporary Events Permit from City Council, a license from the Parking Commission for short-term temporary use of facilities under their jurisdiction, or a permit from the Board of Public Works for use of streets, sidewalks or Pulaski Park, in accordance with the Northampton Code of Ordinances and any applicable regulations	A	A	A	A	A	A	A	A	A	No	A	A	A	A	A
Agricultural Uses															
Agriculture, horticulture, floriculture, noncommercial forestry, the growing of all vegetables and a temporary (not to exceed erection or use for a period of four (4) months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises	A	A	A	A	A	A	A	A	A	No	No	A	A	A	A
Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products	PB	PB	PB	PB	PB	A	A	A	No	No	No	No	No	PB	PB
Commercial stable or kennel in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures. See §10.8 and exemptions MGL c40A	PB	PB	PB	No	No	No	No	No	No	No	No	No	No	No	PB
Veterinary hospital in which all animals are kept inside permanent buildings	No	No	No	No	No	No	A	A	A	No	No	No	No	No	No

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Section 5.2 Table of Use Regulations															
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Agricultural Uses (continued)															
Agricultural fair and/or exhibition grounds operated for profit or not-for-profit, to promote agricultural activities, or including, but not limited to, any of the following uses: entertainment, amusement, sports, recreation, racing, wagering including "simulcasting" associated with approved race track activities, storage & handling of animals, judging, showing & auctioning of animals, consumer trade shows, overnight camping related to authorized events or exhibitions. No other gaming/gambling activities allowed.	No	No	No	No	No	No	No	No	No	No	No	No	No	No	PB
Retail And Commercial Uses															
Planned Village (► See also §10.15) consisting of 1. Any type of residential uses and mixed residential uses, allowed in the table of use regulations, provided, however, that the gross floor area devoted to residential use shall not exceed 85% the gross floor area of the commercial uses in the Planned Village, as defined in item 4 of this entry. (This cap shall no longer apply when the project reaches 400,000 square feet of commercial uses in the PV zoning district) 2. Nursing homes, assisted living residence, and residential units above first floor commercial space (not subject to above cap); 3. The following community uses: religious or educational uses; nursery; kindergarten; day care; membership clubs (not-for-profit and for-profit); public recreation or open space; & municipal use; The following commercial uses: Business offices (as defined elsewhere in this table), Research and development facilities, and Manufacturing. Also retail uses and sit-down restaurants, not to exceed five (5) percent of the gross floor area of the Planned Village. Also miscellaneous professional offices (as defined elsewhere in the table), not to exceed five (5) percent of the gross floor area of the Planned Village.	No	No	No	No	No	No	No	No	No	PB	No	No	No	No	No

**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)
- PB Allowed by Special Permit from Planning Board

- ZBA Allowed by Special Permit from Zoning Board of Appeals
- CC Allowed by Special Permit from City Council
- Site Allowed with Site Plan Approval from Planning Board
- No Not allowed

**Section 5.2 Table of Use Regulations**

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

**Retail And Commercial Uses (continued)**

Reuse of contributing structures in the National Register of Historic Places for any Residential Use or Community Facility listed in this table, Tradesman, Business Offices and Services, Miscellaneous Professional Offices, Research and Development Facilities, and Manufacturing. Also for, Retail uses or Restaurants, when the gross floor area in these uses does not exceed ten (10) percent of the gross floor area of the building or complex of historical buildings being redeveloped under this section. For all uses under this table entry, the Planning Board must find that the rehabilitation and reuse, and all future alterations, will be done in accordance with U.S. Department of Interior Standards for Rehabilitating Historic Buildings, and in particular that, to the extent practicable, historically significant exterior facades are preserved or restored and original roof lines are preserved.	No	No	No	No	No	No	No	No	No	Site	No	No	No	No	No
Adult establishments, which display live nudity. See §10.13	No	No	No	No	No	No	No	SP ◆	No	No	No	No	No	No	No
◆In HB, these uses shall be allowed on sites no portion of which is less than 500 feet from any church/house of worship, day care center, park, playground, school, residence, or other adult establishment which displays live nudity.															
Artist's space where artists create original and creative works (such as books, writings, paintings, sculptures, traditional and fine crafts, creation or acting of films, creating of dance), but not performance or residential use, other than what is otherwise allowed in the Table of Use regulations. (*First floor artist space requires a PB in the SI district.)	No	No	No	No	No	A	A	A	A	No	A	No	A (*PB)	A	No

**Key to Symbols**

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 Site Allowed with Site Plan Approval from Planning Board  
 No Not allowed

**Section 5.2 Table of Use Regulations**

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

**Retail And Commercial Uses (continued)**

<b>Retail &amp; Personal Services with a maximum floor area of:</b>															
A: less than or equal to 10,000 square feet for any single establishment	No	No	No	No	No	A	A	A	A	No	No	No	No	No	No
B: 10,000 – 90,000 square feet, single establishment (see §6.2, §10.15,§11) ❖; or	No	No	No	No	No	PB	PB	PB	No	No	No	No	No	No	No
C: over 10,000 sq. feet (single or cumulative) with 2 or more stories and all parking in rear or side. (2nd+ floor may include other permitted uses)❖◆; or	No	No	No	No	No	PB	PB	Site	No	No	No	No	No	No	No
D: Less than or equal to 10,000 sq. feet single establishment and less than or equal to 15,000 sq. feet of cumulative development in a 3-year period on the same parcel of land which has been in common or affiliated ownership within the same 3-year period; or	No	No	No	No	No	PB	PB	Site	No	No	No	No	No	No	No
E: Less than or equal to 10,000 sq. feet single establishment and over 15,000 sq. feet of cumulative development in a 3-year period on the same parcel of land or on land which has been in common or affiliated ownership within the same 3-year period ❖	No	No	No	No	No	Site	PB	PB	No	No	No	No	No	No	No
F. Over 90,000 sq. foot footprint for single establishment	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
❖Applies to new projects and substantial improvements (For the purposes of this section, exclude the value of improvements to repair or replacement of roofs, mechanical systems, elevators, parking lots, or landscaping from calculations.) ◆2nd story must be at least 50% of the footprint and must include the entire frontage.															
{Automobiles} Establishment selling, leasing, renting automobiles and/or used automobiles and trucks, new automobile tires and other accessories, boats, motorcycles and household and camping trailers	No	No	No	No	No	No	PB	A	No	No	No	No	No	No	No

**Key to Symbols**

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 No Not allowed

Section 5.2 Table of Use Regulations																
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.	
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC	

Retail And Commercial Uses (continued)																
Automotive repair (not junkyard) without gasoline sales	No	No	No	No	No	No	Site	Site	Site	No	No	No	PB	No	No	
Automotive service station (not junkyard) with or without convenience commercial	No	No	No	No	No	No	PB	PB	PB	No	No	No	No	No	No	
{Junk cars, motor vehicle accessories, scrap metal ▶See §8.9-12}	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	
Business service and supply service establishments	No	No	No	No	No	A	PB	PB	No	No	No	A	A	No	No	
Commercial parking lot or structure including a public garage	No	No	No	No	No	A	A	A	A	No	No	A	A	No	No	
{Parking Offsite and Combined Parking ▶See §8.5 & 8.7}	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	PB	PB	PB	PB	PB	
{Parking lot access for non-residential uses across a residential lot ▶See §8.9}	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	PB	PB	PB	PB	PB	
{Parking requirement reduction ▶See §8.10-6}	PB	PB	PB	PB	PB	No	PB	PB	PB	No	PB	PB	PB	PB	PB	
{Fees-in-lieu of parking ▶See §8.11}	No	No	No	No	No	PB	No	No	No	No	No	No	No	No	No	
Filling of any land. See §10.4	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	No	
Filling of water or wet area. See §10.3	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB	
Funeral establishment (in URB the owner must be a funeral establishment director and a bona-fide resident of that establishment)	No	No	No	PB	PB	PB	PB	PB	A	No	No	No	No	No	No	
Hotels/motels	No	No	No	No	No	PB	PB	No	No	No	No	No	No	No	No	
Movie picture and live theater, indoor, not including night club/dance hall or adult uses.	No	No	No	No	No	A	PB	A	No	No	No	No	No	No	No	

**Key to Symbols**

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 No Not allowed

**Section 5.2 Table of Use Regulations**

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

**Retail And Commercial Uses (continued)**

Miniature golf course, temporary carnival	No	No	No	No	No	No	No	PB	No	No	No	No	No	No	PB
Night club/dance hall	No	No	No	No	No	PB	PB	PB	No	No	No	No	No	No	No
Pool or billiard hall, amusement arcade, bowling alley, teen center	No	No	No	No	No	PB	PB	PB	No	No	No	No	No	No	No
Medical center including accessory medical research and associated facilities	No	No	No	No	No	PB	PB	PB	No	No	PB	No	No	No	No
Miscellaneous professional and business offices and services including, but not limited to, medical, legal, and other professional services and finance, banking, insurance and real estate offices ❖Medical and dental offices {only}	No	No	No	No	No	A	A	PB	A	No	No (PB❖)	No	No	No	No
Business offices including such uses as corporate offices, back offices, and insurance processing and any other office EXCLUDING medical, banking and any offices where a primary function is to provide services to retail customers or individuals	No	No	No	No	No	A	A	PB	A	No	No	A	A	No	No
Nursing homes (any facility licensed/sanctioned by the State as a nursing home or skilled nursing center, but not assisted living residences) ▶See also Assisted Living Residences	PB	PB	PB	PB	PB	No	No	No	No	No	No	No	No	PB	No
Repair service establishments	No	No	No	No	No	A	PB	PB	No	No	No	A	PB	No	No
Restaurants and drinking places where consumption is primarily intended to be within the building	No	No	No	No	No	A	A	A	PB	No	No	No	PB	No	No
Take-out restaurants or other establishments selling foods prepared on premises where consumption is primarily off the premises	No	No	No	No	No	PB	PB	Site	No	No	No	No	No	No	No
Drive-in establishment	No	No	No	No	No	No	No	A	No	No	No	No	No	No	No
Tradesman	No	No	No	No	No	A	A	A	PB	No	No	A	A	No	No

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Section 5.2 Table of Use Regulations															
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Utilities, Telecommunications, Municipal Facilities															
Facilities for essential services	A	A	A	A	A	A	A	A	A	No	A	A	A	A	PB
Heavy public use. See §10.7	CC	CC	CC	CC	CC	CC	CC	CC	CC	No	No	CC	CC	CC	CC
Municipal facility	A	A	A	A	A	A	A	A	A	No	No	A	A	A	CC
Power plant	No	No	No	No	No	No	No	No	No	No	No	CC	No	No	No
Private utility, substation, or similar facility or building	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	PB	PB	PB	PB	PB
Small scale hydroelectric generation	PB	PB	PB	PB	PB	PB	PB	PB	PB	No	No	PB	PB	PB	PB
Telecommunications facilities (in accordance with §2.1 and §10.9)	PB	PB	No	No	PB	PB	PB	PB	PB	No	PB	PB	PB	PB	No
Telecommunication antennas which are located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with §10.9)	Site	Site	No	No	Site	Site	Site	Site	Site	No	Site	Site	Site	Site	No
Wholesale Transportation and Industrial Uses															
Airport, including aircraft sales	No	No	No	No	No	No	No	No	No	No	No	No	No	No	PB
Heliport	No	No	No	No	No	PB	PB	PB	No	No	No	PB	PB	No	PB
Bus passenger terminal and taxi facilities	No	No	No	No	No	A	A	A	No	No	No	No	PB	No	No
Construction supply establishments	No	No	No	No	No	No	No	A	No	No	No	PB	PB	No	No
Contractor's yard, open storage of raw materials, finished goods, or construction equipment and structures for storing such equipment, provided outside storage areas shall be screened from outside view	No	No	No	No	No	No	No	PB	No	No	No	PB	PB	No	No
Commercial motor vehicle maintenance, garaging and parking facilities (outside parking shall be screened from the public view)	No	No	No	No	No	No	No	No	No	No	No	A	PB	No	No
Manufacturing	No	No	No	No	No	No	No	PB	No	No	No	A	A	No	No

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## Section 5.2 Table of Use Regulations

Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

### Wholesale Transportation and Industrial Uses (continued)

Accessory uses supporting manufacturing, motor freight and warehousing and wholesale trade and distribution on the same or immediately adjoining lots as the principal use, including storage, offices, wholesale sales, employee-only recreation and eating facilities, and retail sales, provided that not more than ten percent (10%) of the gross floor area is devoted to sales and that sales are limited to goods produced or distributed by the principle use.	No	No	No	No	No	No	A	A	No	No	No	A	A	No	No
Motor freight terminal and warehousing associated with adjacent commercial and industrial uses. ◆ Allowed by right (A) in a building in existence on January 1, 1997.	No	No	No	No	No	No	No	A	No	No	No	A	PB◆	No	No
Warehousing and storage not associated with adjacent commercial and industrial uses. ◆ Allowed with a Special Permit (PB) in a building in existence on January 1, 1997	No	No	No	No	No	No	No	A	No	No	No	No	No◆	No	No
Planned business park	No	No	No	No	No	No	No	No	No	No	No	No	No	PB	No
Processing and treating of raw materials including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations. See §10.3	PB	PB	No	No	No	No	No	No	No	No	No	PB	No	PB	PB
Removal of sand, gravel, quarry, or other raw material. See §10.3	PB	PB	PB	No	No	No	No	No	No	No	No	PB	PB	PB	PB
Private bridge, tunnel	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
Railroad passenger terminal	No	No	No	No	No	A	A	A	No	No	No	A	A	No	PB
Railroad yards and railway express service	No	No	No	No	No	No	PB	PB	No	No	No	A	A	No	No
Storage of a fluid other than water (as principal use)	No	No	No	No	No	PB	PB	PB	PB	No	No	PB	PB	No	No

#### Key to Symbols

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Section 5.2 Table of Use Regulations															
Principal Use	Residential					Business					Medical	Industrial		Business Park	Conser.
	RR	SR	URA	URB	URC	CB	GB	HB	NB	PV	M	GI	SI	BP	SC

Wholesale Transportation and Industrial Uses (continued)															
Acceptance, storage or disposal of radioactive waste, deregulated or otherwise, at any solid, liquid, or hazardous waste facility (notwithstanding any provision of this Ordinance permitting sanitary landfills or waste disposal facilities), other than one established by the Commonwealth of Massachusetts in accordance with MGL c111H	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Research and development facilities	No	No	No	No	No	PB	PB	PB	PB	No	No	A	A	PB	No
Wholesale bakery, wholesale laundry, or dry cleaning plant	No	No	No	No	No	No	PB	A	No	No	No	A	A	No	No
Wholesale trade and distribution	No	No	No	No	No	No	A	A	No	No	No	A	A	No	No

{Partial amendment history for Table: Accessory apartments 2/18/93; Two-family dwellings 2/18/92; Townhouses 7/19/84; Lodging houses 6/7/84; Mixed residential (first floor) 8/21/86; Planned unit developments, nursery, day care, historical association, hydroelectric, agricultural fair, retail >10,000 sq. ft, tradesman, nightclub, hotels, funeral establishment, medical center, nursing home, misc. offices, repair service, motion pictures, pool or billiards hall & contractor's yard 7/ 19/ 90, Food prepared on premises for off-site consumption 8/ 16/ 84; Research and development facilities 6/ 17/ 93; commercial motor vehicle maintenance and parking 7/ 19/ 84; temporary event permits 4/ 12/ 90; radioactive waste 12/ 6/ 90; Restructuring of Table of Use 10/6/94; Mixed residential in CB, GB, HB & NB & PUD in CB 3/ 21/ 96; Add Medical district 4/ 18/ 96; Revise Funeral Establishments in URB 12/ 5/ 96 & 1/16/ 1997; Accessory apartments in URA & NB 3/20/97; Revise Temporary events 4/ 3/ 97; Telecommunications facilities 4/ 3/ 97, Mixed residential, community center, private school, membership club, auto repair and sales, business offices, medical center, restaurants, accessory industrial uses, warehousing and manufacturing 5/ 7/ 98. Revise business offices, membership clubs not- for-profit, animals, drive in establishments 5/ 21/ 99. Artists space and business office 5/ 4/ 00. Retail establishments and automotive repair and service stations 10/ 5/ 00. Tag sales 1/4/ 01. Accessory Apartments, detached accessory apartments, zero lot line development and agricultural fairs 2/1/01. SI and PV uses 12/20/01; Retail and Commercial Uses 5/02/02, Two family when common walled used 11/7/02, Common driveway 5/15/03, Mixed residential/retail, Junk cars and bridges 10/21/04, Manufacturing Accessory uses 2/3/2004; education use and EU overlay 9/7/2006}

**Key to Symbols**

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**Section 5.3 - Accessory Uses.** Any use which is accessory to a principal use allowed by right shall be allowed only in connection with such allowed principal use. Any use which is accessory to a principal use allowed by special permit, and which is not specifically included in the original special permit, shall be allowed only after issuance of a new special permit. Cessation of a principal use shall require cessation of any accessory use which is not otherwise allowed as a principal use. The Building Commissioner shall be responsible for determining what uses are principal, and what uses are accessory. The following shall be limitations on certain specific accessory uses:

1. The keeping of farm animals, to include all farm animals and exotics, and a related private stable, for personal use, is permitted as an accessory use in accordance with the following conditions:
  - A. The minimum acreage required for keeping any farm or exotic animal, except as described below, shall be 30,000 square feet for the first animal and 15,000 square feet for each additional such animal. Animals under six (6) months not to be counted for acreage requirements.
  - B. The minimum acreage required for keeping sheep, goats, llama, rabbits, or poultry, except as allowed under household pets, shall be 30,000 square feet for up to three animals and 10,000 square feet for each additional such animal. Animals under six (6) months not to be counted for acreage requirements. (The requirements for these animals are less stringent than other farm animals because these animals have less environmental impacts.)
  - C. The location of any stable shall be not less than one hundred (100) feet from any street lot line, and not less than thirty (30) feet from any other lot line.
  - D. There must be adequate fencing to contain all farm animals at least twenty (20) feet from all property boundaries at all times, except when animals are being directly supervised by and under control of a person.
  - E. Stables, corrals and yards shall be properly drained and reasonably free from excessive odor, dust, and mud, so as not to create a nuisance or health hazard to the community or to surrounding property owners, from an air or drainage pollution standpoint. Maintenance of the stable and property used in the keeping of animals shall conform to all health and wetland regulations.
  - F. Horses, ponies, llamas and sheep may be kept for personal use without being accessory to any other use, otherwise in accordance with this section and section 5.2.
2. The keeping of the household pets, for personal use, is permitted as an accessory use for animals commonly considered household pets including dogs, cats, fish, and birds (parrots, parakeets, doves, pigeons, etc.), six or fewer rabbits, and three or fewer ducks or hens.

## **Section 6.0: DIMENSIONAL AND DENSITY REGULATIONS**

**Section 6.1 Applicability of Dimensional and Density Regulations.** The regulations for each district pertaining to frontage, minimum lot area, minimum lot width, minimum lot depth, minimum front yard depth, minimum side yard width, minimum rear yard depth, maximum height of buildings, maximum number of stories, and minimum open space shall be as specified in the Definitions section, and as set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of this Ordinance. (Amended 6/18/92, 10/6/94, 5/7/98, 7/19/01)

### **Section 6.2 Table of Dimensional and Density Regulations.**

See Table on accompanying pages plus attached notes, which are declared to be a part of this Ordinance. Handicap access ramps for access by the physically handicapped, as defined by M.G.L. 40A §3.3, are exempt from these dimensional requirements.

See also dimensional requirements under:

Other Dimensional and Density Regulations	§6.3-6.13
Open Space Residential Development (Clusters)	§10.5
Planned Unit Development (PUD)	§10.6
Water Supply Protection District (WSP)	§16.9
Business Park Dimensional Requirements (BP)	§17.3
Farms, Forests and Rivers District	§19.0

(Amended 11/19/92, 7/15/93)

“>” within table indicates explanatory remarks regarding the code that have not been adopted

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		
RR Rural Residential Zoning District								
Detached accessory structures (but no larger than 1,000 sq. ft. of lot coverage unless used for agriculture) ► See also §6.7	NA	NA	NA	20	10	10	20	80%
Accessory structures attached to a principal residential structure, used only as a garage, storage space, or workshop, for non-commercial purposes and not for any other uses. (*ZBA may grant a Special Permit to reduce the front yard setback to 40' when it finds it will be no more visually intrusive than a detached structure in the same location.)	NA	NA	NA	80	10	10	20	80%
Any principal use being serviced by on-site water <b>AND</b> on-site sanitary sewage disposal	80,000	175	200	40	20	50	35	80%
Any principal use in Water Supply Protection Overlay District (WSP) ►See §16.0 and §16.9	80,000	175	200	40	20	50	35	85%
Flag Lot with 1-family home ► See also §6.13	80,000	50	200	80	40	100	35	85%
Assisted Living Residence or Nursing Home	80,000+ 3,000 per bedroom	175	200	40	30	50	35%	80%
Municipal Facilities	None	None	None	40	20	50	35	80%
Lots within an Open Space Res. Development (Cluster §10.5) or Planned Unit Development (§10.6) for:								
Single family homes	10,000	85	110	30	15	30	35	75%
Zero lot line Single-family homes ►See §10.14	9,000	75	110	30	15/0	30	35	70%
Two family homes	15,000	95	155	30	15	30	35	75%
Three family homes	20,000	105	190	30	15	30	35	75%
Townhouse	7,500	100+	215	30	30	30	35	75%
PUD non-residential use	20,000	105	190	30	15	30	35	75%
Lots within a Residential Incentive Overlay Development (§10.11) for:								
Single family homes	5,000	70	70	15	10	15	35	65%
Two family homes	7,500	75	100	15	10	15	35	65%
Three family homes & Townhouses	4,000 per unit	75+	130	15	10	15	40	65%
Single Family not listed above	40,000	175	200	30	15	30	35	80%
Any other permitted use not listed above	40,000	175	200	40	20	50	35	80%
Preexisting nonconforming uses	40,000+ 1,000 per unit	175	200	40	20	50	35	80%

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		
SR Suburban Residential Zoning District								
Detached accessory structures (but no larger than 1,000 sq. ft. of lot coverage unless used for agriculture) ► See also §6.7	NA	NA	NA	15	10	10	20	70%
Accessory structures attached to a principal residential structure, used only as a garage, storage space, or workshop, for non-commercial purposes and not for any other uses.* *ZBA may grant a Special Permit to reduce the front yard setback to 30' when it finds it will be no more visually intrusive than a detached structure in the same location.	NA	NA	NA	60	10	10	20	70%
Any principal use being serviced by on-site water <b>AND</b> on-site sanitary sewage disposal.	80,000	125	160	30	20	40	35	70%
Any principal use in Water Supply Protection Overlay District (WSP) ►See §16.0 and §16.9	80,000	125	160	30	20	40	35	85%
Flag Lot with 1-family home ► See also §6.13	60,000	50	160	60	40	80	35	85%
Assisted Living Residence or Nursing Home	80,000+ 3,000 per bedroom	125	160	30	50	50	35	70%
Municipal Facilities	None	None	None	30	20	40	35	70%
Lots within an Open Space Res. Development (Cluster §10.5) or PUD (§10.6)								
Single family homes	10,000	80	110	25	15	25	35	75%
Zero lot line Single-family homes ►See §10.14	9,000	75	110	25	15/0	25	35	70%
Two family homes	15,000	90	155	25	15	25	35	75%
Three family homes	20,000	100	190	25	15	25	35	75%
Townhouse	7,500 per unit	100+ 10 per unit	215	25	25	25	35	70%
Planned Unit Development non-residential use	20,000	105	190	30	15	30	35	75%
Lots within a Residential Incentive Overlay Development (§10.11) for:								
Single family homes	5,000	70	70	15	10	15	35	65%
Two family homes	7,500	75	100	15	10	15	35	65%
Three family homes & Townhouses	4,000 per unit	75+ 5 per unit	130	15	10	15	40	65%
Single Family not listed above	30,000	125	160	30	15	30	35	70%
Any other permitted use not listed above	30,000	125	160	30	20	40	35	70%
Preexisting nonconforming uses	30,000+ 1,000 per unit	125	160	30	20	40	35	70%

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		
URA Urban Residential – A Zoning District								
Detached accessory structures (but no larger than 1,000 sq. ft. of lot coverage unless used for agriculture) ► See also §6.7	NA	NA	NA	15	4	4	20	60%
Accessory structures attached to a principal residential structure, used only as a garage, storage space, or workshop, for non-commercial purposes and not for any other uses* *ZBA may grant a Special Permit to reduce the front yard setback to 30' when it finds it will be no more visually intrusive than a detached structure in the same location.	NA	NA	NA	60	10	10	20	60%
Any other principal use being serviced by on-site water <b>AND</b> on-site sanitary sewage disposal.	80,000	100	120	30	15	30	35	60%
Any principal use in Water Supply Protection Overlay District (WSP) ►See §16.0 and §16.9	80,000	100	120	30	15	30	35	85%
Assisted Living Residence or Nursing Home	20,000+ 1,000 per bedroom	100	120	30	30	40	35	60%
Municipal Facilities	None	None	None	30	15	30	35	60%
Lots within an Open Space Res. Development (Cluster §10.5) or Planned Unit Development (§10.6) for:								
Single family homes	7,500	75	100	20	10	20	35	70%
Zero lot line Single-family homes ►See §10.14	6,000	65	100	20	10/0	20	35	65%
Two family homes	10,000	80	125	20	10	20	35	70%
Three family homes	12,500	85	145	20	10	20	35	70%
Townhouse	5,000 per unit	85+ 10 per unit	160	20	10	20	35	70%
Multi- Family	5,000 per unit	85+ 10 per unit	160	20	20	20	45	70%
Single-Family	12,000	75	120	20	15	20	35	60%
Any other permitted use	12,000	75	120	30	15	30	35	60%
Any other preexisting nonconforming townhouse or multifamily use	20,000+ 4,000 per unit	100	120	30	15	30	35	60%
Preexisting nonconforming uses	20,000+ 1,000 per unit	100	120	30	15	30	35	60%



Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		

URB Urban Residential – B Zoning District								
Single Family dwellings	8,000	75	80	20	15	20	35	50%
Detached accessory structures (but no larger than 1,000 sq. ft. of lot coverage) ► See also §6.7	NA	NA	NA	15	4	4	20	50%
Accessory structures attached to a principal residential structure, used only as a garage, storage space, or workshop, for non-commercial purposes and not for any other uses.* *ZBA may grant a Special Permit to reduce the front yard setback to 20 when it finds it will be no more visually intrusive than a detached structure in the same location.	NA	NA	NA	40	10	10	20	50%
Zero Lot Line Single Family homes	8,000	65	80	20	15/0	20	35	45%
Two family dwellings	12,000	80	100	20	15	20	35	50%
Townhouse and other multi-family units	7,000 per unit	120	150	30*	30	30	40	40%
*The Planning Board may reduce the minimum front yard setback requirement for townhouses to 20' to create a particular character in a development								
Any principal use being serviced by on-site water <b>AND</b> on-site sanitary sewage disposal.	80,000	80	100	20	15	20	35	50%
Assisted Living Residence or Nursing Home	20,000+ 1,000 per bedroom	100	120	30	30	20	35	40%
Municipal Facilities	None	None	None	20	15	20	35	50%
Lots within an Open Space Res. Development (Cluster §10.5) or PUD (§10.6)								
Single family homes	5,000	70	70	15	10	15	35	65%
Zero Lot line Single-Family homes ►See §10.14	4,500	60	70	15	10/0	15	35	60%
Two family homes	7,500	75	100	15	10	15	35	65%
Three family homes	10,000	80	125	15	10	15	35	65%
Townhouse	5,000 per unit	75+ 5 per unit	150	15	10	15	40	65%
Multi- Family	5,000 per unit	75+ 5 per unit	150	15	10	15	45	65%
Any other permitted use not listed above	10,000	80	90	20	15	20	35	50%
Preexisting nonconforming uses	10,000+ 1,000 per unit	80	90	20	15	20	35	50%

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		
URC Urban Residential – C Zoning District								
Single and Two family dwellings	6,000 per unit	75	80	20	15	20	40	30%
Detached accessory structures (but no larger than 1,000 sq. ft. of lot coverage) ► See also §6.7	N/a	n/a	n/a	15	4	4	20	30%
Accessory structures attached to a principal residential structure, used only as a garage, storage space, or workshop, for non-commercial purposes and not for any other uses.* *ZBA may grant a Special Permit to reduce the front yard setback to 20' when it finds it will be no more visually intrusive than a detached structure in the same location.	N/a	n/a	n/a	40	10	10	20	30%
Zero Lot Line Single-Family homes	6,000	65	80	20	15/0	20	40	30%
Multi-family structures, and mixed Residential/ Service/Commercial of four or more stories.	10,000+ 2,500 per unit	200	250	20	5❖	20❖	55	40%
Any other multi-family housing, including Mixed Residential/Service/Commercial {includes townhouses}	6,000 per unit	100	100	20◆	15❖	20❖	40	40%
❖Minimum side and rear year setbacks increase 10' for each story over three stories ◆The Planning Board may reduce the minimum front yard setback requirement for townhouses to 10' to create a particular character in a development								
Assisted Living Residence, Nursing Home, or lodging house	10,000+ 1,000 per bedroom	75	100	20	15	20	40	40%
Municipal Facilities	None	None	None	15	10	15	40	30%
Lots within an Open Space Res. Development (Cluster or PUD (§10.5 &10.6) for:								
Single family homes	5,000	70	70	15	10	15	40	65%
Zero Lot Line Single-Family homes	4,000	55	70	15	10/0	15	40	55%
Two family homes	7,500	75	100	15	10	15	40	65%
Three family homes	10,000	80	125	15	10	15	40	65%
Townhouse	4,500 per unit	75+5 per unit	150	15	10	15	40	65%
Multi-family	4,500 per unit	75+5 per unit	150	15	10	15	55	65%
Any other permitted use not listed above	10,000	75	90	15	10	15	40	30%
Preexisting nonconforming uses	10,000+ 1,000 per unit	80	90	15	15	20	40	65%

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		

CB Central Business Zoning District (► Also see Architectural Ordinance & Design Guidelines for Downtown/CBD)								
<p>Minimum front-yard setback is 0; Maximum front-yard setback (the build-to-line) for new construction is five (5) feet from the front lot line (excluding driveways). Minimum height (build-to line) is thirty (30) feet.</p> <p>► The Planning Board may grant a Special Permit to allow a building to be set farther back or to a lower height if it finds that a greater setback or lower height is necessary to preserve historic buildings or character, allow for urban pedestrian malls that encourage street level activity, or that proposed construction is a minor addition to an existing building. (► See diagram.)</p> <p>Landscaping and pedestrian malls or plazas shall be constructed between the building and the front lot line and no parking is permitted in this area. In the CBD, these mall and plaza areas qualify as open space.</p>								
Parking--accessory or principal	None	None	None	10	0	0	55	5%
Any use in a structure in existence on 2/1/1996 which has not substantially been enlarged since that date	None	None	None	0	0	*	*	*
*Dimensional requirements equal what the building had on 2/1/1996 {or at most what is required for any other use, indicated below}								
Any other use	None	None	None	0	0	15◆	55	5%
◆ There is no rear yard setback requirement in the Central Business District when the rear yard abuts on a road, public way, municipal parking lot or an alley on which the public has the right to use.								
GB General Business Zoning District								
Any use	None	None	None	0	0*	6	50	5%
<p>► In the General Business District, landscaping and pedestrian malls or plazas shall be constructed between the building and the front lot line and no parking is permitted in this area. In the GB, these mall and plaza areas qualify as open space.</p> <p>* See also Section 6.8, Screening and Buffers.</p>								

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		

**HB Highway Business Zoning District**

Municipal Facilities	None	None	None	10	10	20	35	30%
Any allowed use on a property with a building that is setback no more than 10' along 80% of the property's frontage.	0	60	60	0	0	6	40	5%
Any use when all parking is in the rear and/or side of a parcel's principal building and rear of the front of the principal building. Applies to 1-story Retail establishment(s) over 10,000 s.f. with all parking located at the rear or side. (parking in front of building defined as parking in front of longest façade facing the street.)	20,000	120	140	0	10	20	35	15%
Any other use	20,000	120	140	10❖	10	20	35	30%

❖For retail uses above 10,000 square feet, the maximum setback is fifty five(55) feet within which no more than one row of parking is allowed. The Planning Board may issue a special permit to allow existing buildings with 75' or greater setback to maintain a maximum setback of 75 feet within which no more than 1 row of parking and no more than 42' of asphalt may be created if the Board determines that exceptional circumstances exist.

**NB Neighborhood Business Zoning District**

Municipal Facilities	None	None	None	10	6	6	25	20%
Mixed Residential / Retail /Service and Commercial	10,000+ 1,000 per unit	80	100	10	6	6	35	20%
Tourist home/bed & breakfast and lodging house	10,000+ 1,000 per unit	80	100	10	6	6	25	20%
Townhouse development	20,000+ 4,500 per unit	100	100	20*	15*	20*	40	40%
Townhouses in the development	2,000	20	60	20*	15*	20*	40	n/a

\* (1) Minimum side and rear yard setbacks increase 10' for each story over three stories.

(2) The setback from a private access road shall be measured from the outer edge of the pavement of said road.

(3)The Planning Board may reduce the minimum front yard setback requirement for townhouses to ten feet to create a particular character in a development.

Any other use	10,000	80	100	10	6	6	25	20%
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►In the NB, the maximum gross floor area for any single business establishment is 10,000 square feet

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		

M Medical District - Hospital								
Municipal Facilities	None	None	None	10	6	6	25	20%
Any Use	200,000	300	140	15*	20	100	55*	30%*

\*In the Medical District, the following additional dimensional regulations apply: No parking is permitted in the minimum front yard setback. Building height may be increased by one foot for each additional three feet of building setback over the minimum front yard setback, up to a maximum of 90'. Minimum landscaped area is 30%.

BP Business Park Zoning District								
Municipal Facilities	None	None	None	20	15	20	40	30%
Residential Uses*	10,000+ 1,000 per unit	75	80	20	15	20	40	30%
Residential Uses, if the Planning Board finds that 33% of the units are affordable units*	7,500+ 750 per unit	75	80	20	15	20	40	30%
Community Facilities, Retail & Commercial Uses*	10,000	100	100	20	15	20	40	15%
Service, Office, Research and Industrial Uses*	80,000	100	100	20	15	20	50	15%

\*All BP developments must comply with §17.0 (including open space requirements). All buildings must be setback at least one-hundred (100) feet from collector streets in existence in 1991. Residential buildings must be setback at least one-hundred feet from non-residential buildings in the Planned Business Park. The entirety of these one-hundred foot setbacks shall contain Screening and Buffers in accordance with §6.5(1)(A). Parking is not permitted in these one-hundred foot setbacks nor in the minimum required front-yard setback.

GI & SI General Industrial & Special Industrial Zoning Districts ► See also the Industrial Park Covenants at the end of the Zoning Ordinance for Industrial Park covenants (code 303)								
Municipal Facilities	None	None	None	20	15	20	40	20%
Any use in a Water Supply Protection Overlay District (WSP) ► See also §16.0	80,000	120	140	20	15	20	40	85%*
*May be increased with a special permit issued under §16.7 & §16.9								
Any other use	20,000	120	140	20	15	20	40	20%

Principal Use	Minimum Required Lot			Minimum Setback			Maximum Building Height	Minimum Open Space
	Area	Frontage /Width	Depth	Front	Side	Rear		
<b>PV Planned Village District</b>								
Residential using a TDR	4,000 per unit	60	80	0	15	20	40*	0
Planned Village lots	0	60	80	0	0	20	40*	0
Planned Village development as a whole	15 acres	75	80	0	0	20	40*	40%
Single family home	Lot in existence on 1/1/2001	75	80	10	10	20	45	40%
*Building height may be 60', provided that the buildings are articulated such that any portion of a building over 40' high is setback at least 20' from all property boundaries								
<b>SC Special Conservancy Zoning District</b>								
In the event that the airport, fairgrounds, or other uses are discontinued, this table will be reevaluated and the city will seek reuse options via a public process that includes the neighborhood, the City and its boards, and the business community.								
Any principal use in existence on 6/30/05 being serviced by on-site water AND on-site sanitary sewage disposal	80,000	175	200	20	15	20	35	80%
Residential uses in existence or with permits on 6/30/05	8,000	75	80	20	15	20	35	50%
Non-residential uses in existence on 6/30/05 and either approved through special permit or legal non-conformities	40,000	175	200	40	20	50	35	50%
Agricultural Fair and/or Exhibition grounds *open space is calculated based on contiguous lots and separated only by a road.	40,000	175	200	40	20	50	45	50%*
Any new use (does not apply to agricultural uses or open space).	40 Acres	175	200	40	50	80	35	99%
<b>EU Education Use Overlay District</b>								
Education use which is religious, sectarian, denominational or public or other religious use	none*	none*	none*	none*	none*	none*	85**	none*
*These standards apply for projects or portions thereof that are at least 30' from the edge the EU overlay boundary and the edge of any street containing that boundary. In the area between that 30' line ("30' Line") and the edge of the EU overlay, the dimensional requirements of the underlying district shall apply.								
**In the EU northwesterly of Paradise Road, generally the area between Paradise Road and Kensington Avenue, the maximum building height is 45'. Elsewhere in the EU, at the 30' Line, the maximum building is 55'. Maximum building height shall increase from the 30' Line on a one-to-one slope for each foot in back of the line to a maximum of 85'.								

(Table amended 6/7/84, 7/7/88, 7/19/90, 10/6/94, 3/21/96, 4/18/96, 11/21/96, 5/7/98, 10/7/99, 2/1/01, 7/19/01, 12/20/01 PV, 05/02/2002 HB, 5/20/04 URC, 2/3/2004 single family home setbacks in URA, SR, and RR, 11/5/05 SC setbacks, open space, uses, 9.7.06 education overlay)

**Section 6.3 Reduction of Dimensional and Density Regulations:**

1. **Cul-de-sac frontage requirement** - In the case of a subdivision, either requiring or not requiring approval under the Subdivision Control Law, the lot frontage and minimum lot width requirement in the Table of Dimensional and Density Regulations may be reduced by not more than twenty (20) percent for lots situated at the end of cul-de-sacs or in other similar situations, provided that: said reduction is requested in writing by the applicant and a majority of the Planning Board so agrees as a part of their approval of the plan or a part of the determination that approval is not required.
  
5. **Dimensional Averaging** - The Planning Board may issue a Special Permit, in accordance with §10.10, changing frontage, lot depths, setbacks, building coverage and open space (but not other dimensional) requirements for a residential lot within any residential (R) district only when the following conditions have been met:
  - A. The new dimensional requirements must be at least as stringent as the median of that dimension for all lots where any portion of those lots is within three hundred feet of the subject parcel and within the same zoning district as the subject parcel; and
  - B. The requested special permit will provide in-fill development, open space for public use, or affordable units; and
  - C. A list of all applicable dimensional measurements for lots within three hundred feet (as calculated above) must be filed with the Special Permit application as described in the Planning Board's bylaws.
  
3. **Land Donations--Reduction of Dimensional & Density Requirements** - The Planning Board may issue a Special Permit for a reduction of a required dimensional or density regulation required under §6.2 where such reduction is for the purposes of donating land that is contiguous and in common ownership with the land for which the reduction is requested to the City of Northampton, or to other approved tax-exempt conservation organizations, for open space/conservation purposes. Such Special Permit may be issued provided:
  - A. said Special Permit application and all supporting documents (Conservation Restriction, Easement Plans, etc.) are forwarded by the Planning Board to the Northampton Conservation Commission for their review and recommendation relative to:
    1. the value of the resource area being protected and its consistency with the city's Open Space and Recreation Plan,
    2. the adequacy of the protection of said resource area,

3. the adequacy of public accessibility to the resource area being protected.

Failure of the Conservation Commission to respond within thirty (30) days of their receipt of the Special Permit Application shall be deemed the Commission's lack of opposition thereto.

- B. the land was donated, with no financial or other consideration, to the City or another non-profit tax-exempt conservation organization and was not transferred as a part of an Open Space Residential or PUD Development or as a condition of any other city permit,
- C. if the land is not donated to the Northampton Conservation Commission, such Special Permit is subject to obtaining the approval (within nine (9) months of the expiration of the appeal period of the Special Permit) of a Conservation Restriction/public Right-of-Way Easement by the City Council and the Secretary of the Executive Office of Environmental Affairs that will remain in effect in perpetuity for that property being transferred,
- D. prior to said donation, the lot conformed to all relevant Zoning requirements or was a pre-existing nonconforming lot,
- E. that at least 40% of the required lot size and frontage requirement remain as part of the lot exclusive of the donation, or for a pre-existing nonconforming lot, that at least 5,000 sq.ft. of lot area and 40 ft. of frontage remain.

(Adopted 7/19/1990, amended 10/6/94 and 3/21/96)

#### **Section 6.4 Separation of Lots**

The following standards apply whenever land is divided:

1. The required lot or yard areas for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this Ordinance.
2. The required lot or yard areas may not include any property of which ownership has been transferred subsequent to the effective date of this ordinance if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.
3. Notwithstanding any other section or this ordinance, land purchased by the City of Northampton or by a non-profit, tax-exempt conservation organization for permanent water supply protection or for permanent open space and conservation purposes need not meet dimensional requirements of this ordinance.

(Amended 10/6/94 and June 7, 2001)



**Section 6.5 Screening and Buffers - Industrial or Business Districts.**

1. Screening and buffers shall be required on any lot in any industrial or business district and for any industrial or business use where it adjoins a lot in a residential district and shall be required on any lot in a planned Business Park where it adjoins land not in the planned Business park, including collector streets which exist when a Business Park is proposed, and on any non-residential lot in a planned Business Park District where it adjoins a residential lot as follows:
  - A. This strip shall be at least thirty (30) feet in width (one hundred feet in width in a planned Business Park). It shall contain a screen of plantings of vertical habit in the center of the strip not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five (5) feet on center, and individual trees thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. At least fifty (50) percent of the plantings shall be evenly spaced. Whenever possible, existing trees and ground-cover should be preserved in this strip, reducing the need to plant additional trees. Trees may not be cut down in this strip without Site Plan Approval (see §10.11).
  - B. The Planning Board may issue a Site Plan Approval (see §10.11) allowing for a ten (10) foot reduction in the required width of the landscaped buffer strip, provided that the Board finds that a sight impervious wall or fence is erected of appropriate materials and sufficient height to screen abutting properties and will provide at least as much noise mitigation as the vegetated barrier described above.
2. In all industrial and business districts, except Central Business and any General Business building built with 0 foot front yard setback, and for any other industrial or business use, street frontage shall include shade trees and there shall be one tree planted an average of every thirty (30) feet of street frontage, using trees no less than 2.5 inch caliper at the time of installation. Trees may be placed within the City right-of-way instead of private property with the permission of the Department of Public Works. In the case of an uncleared site, existing vegetation can be preserved to achieve said objective.
3. In all industrial and business districts and for any industrial or business use, when a parking lot is located adjacent to a public right-of-way at least a ten (10) foot wide landscaped area between the right-of-way and the parking lot shall be provided. This landscaped area shall include shade trees and there shall be one tree planted an average of every thirty (30) feet of street frontage, using trees no less than 2.5 inch caliper at the time of installation.
4. All landscaping required by this Zoning Ordinance shall be maintained in a healthy growing condition, neat and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as to not obscure the vision of traffic. All landscaping must be conform to §6.8 - Other General Dimensional and Density Provisions.

(Amended 4/18/1991, 8/15/1991, 10/6/1994 & 5/7/1998)

**Section 6.6 Floodway.** No encroachments (including fill), new construction, substantial improvements, or any other development shall be permitted within the regulatory floodway, as designated on the National Flood Insurance Program's Flood Boundary and Floodway Map, unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the 100-year flood. (Amended 10/6/94)

**Section 6.7 Accessory Structures.** Detached accessory structures shall conform to all the applicable requirements in the Table of Dimensional and Density Regulations (§6.2), including setbacks, height and open space requirements. In Business and Industrial Districts, detached accessory structures shall meet the same requirements as principal structures.

Any accessory below-ground or above-ground swimming pool shall be completely enclosed by a fence at least four (4) feet in height, having a self-closing gate with a latch, except no fence shall be required if (1) the pool and any deck area surrounding said pool is not attached to a building or to a deck or porch attached to a building and is free-standing, and (2) access to said pool and any deck area surrounding said pool is exclusively by means of ladders or stairs which are removable, retractable, or may be secured in some other way as to prevent access to the pool and any deck area surrounding said pool.

(Amended 11/19/92, 10/6/94, & 7/19/01)

**Section 6.8 Other General Dimensional and Density Provisions.** In addition to the regulations in Sections 6.1 through 6.7 above, the following regulations shall apply:

1. In the case of one-family, two-family, and three-family dwellings, no more than one principal building may be built on any single lot, except as allowed in §10.5, Open Space Residential Development (cluster), and as allowed in §10.6, Planned Unit Development (PUD). In all other cases, more than one principal structure may occupy the same lot, provided that if they aggregate they do not represent a more intensive use of land than would be allowed if all uses were contained within a single structure. (Amended 12/18/92)
2. Principal structures on the same lot shall be located at least ten (10) feet apart.
3. Projections into required yards or other required open spaces are permitted subject to the following:
  - A. Balcony or bay window may project up to two feet into a required yard or other open space and provided it is limited in total length to one-half the length of the building face.
  - B. Open terrace or steps or stoop, less than four feet in height may project into a required yard or open space up to one-half the required setback.
  - C. Steps or stoop four feet and over in height, window-sill, chimney, roof eave, fire escape, fire tower, awnings, storm enclosure, or similar architectural features may project not more than three feet into a required setback.
  - D. Decks and porches, where the floor is less than four feet higher than the abutting

sidewalk or street and where at least 60% of the façade facing a street is open to the air without heating, windows, or other barriers of any kind except insect screening, may project up to one-half the required front setback. Porches (but not decks) may be higher than four feet for homes in existence on 1/1/2003 when the floor of the porch is no higher than the first floor.

4. The provisions of the Ordinance governing the height of buildings shall not apply to the following, provided these facilities comply with FAA regulations and are no more than 130-feet above the ground, except as provided in §10.9, Telecommunications and Personal Wireless Facilities:
  - A. Chimneys, cooling towers, elevators, skylights, ventilators, electronic equipment, or other necessary appurtenances usually carried above the roof;
  - B. Domes, towers, stacks, or spires on a principal building if not used for human occupancy and, other than for churches, if not occupying more than 20 percent of the ground floor area of the building;
  - C. Ornamental towers, water towers, water storage facilities, water stand pipes, cooling towers, observation towers, radio and television broadcasting towers-and antennae, telecommunication facilities, or other like structures, which do not occupy more than 20 percent of the lot area provided that no tower or similar structure is located closer to a property line than the distance equal to its height, except as provided in §11.8, Telecommunications and Personal Wireless Facilities.
  - D. Municipal and publicly-owned water towers, water storage facilities, and water stand pipes exceeding 20 percent of the lot area or located closer to a property line than the distance equal to its height shall be allowed by Site Plan Approval from the Planning Board, with the review limited to site layout and landscaping.
5. At no street intersection in any district shall any obstruction to vision exceeding three (3) feet in height above the plane established by the intersection streets be placed or permitted to grow, on any lot within the triangle formed by the lot lines abutting the intersection and a line connecting points on these lot lines at a distance of twenty-five (25) feet from the point of intersection of the lot lines. This restriction shall also apply to the intersection of a street and a driveway in a "B" or "I" District.
6. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided that in the front yard area, no such structure or vegetation shall be over three (3) feet in height above the adjacent ground within five (5) feet of the front lot line unless it can be shown that such vegetation will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street. In Residential Districts, no fence shall exceed a height of 6 1/2 feet (8' when abutting a non-residential District) unless a Special Permit has been received from the Zoning Board of Appeals.

(Amended 4/3/97, 7/19/90, 10/6/94, 5/1/2003, and 10/20/2005)

**Section 6.9 and Section 6.10** (reserved for future use)

**Section 6.11 Dimensional and Density Regulations for Lots Located in More Than One Zoning District.** Where a lot is located in more than one zoning district or municipality, the following dimensional and density regulations shall apply:

1. Frontage: The frontage requirement for the district or municipality in which a majority of the frontage is located shall apply. If the lot has equal frontage in all districts or municipalities, then the most restrictive shall apply.
2. Lot Area: The lot area requirement for the district or municipality in which a majority of the lot area is located shall apply. If the lot has equal area in all districts or municipalities, then the most restrictive shall apply.
3. All Other Dimensional and Density Regulations: Those dimensional and density regulations required in a particular district or municipality shall apply to that portion of the lot, or structure, located in said district.

(Adopted 7/19/84 and amended 10/6/94)

**Section 6.12 {Reserved for future use}** (Amended 3/21/85, 7/19/90, 10/6/94, and 5/15/03)

**Section 6.13 Flag Lots.** The Planning Board may issue a Special Permit allowing for the reduction of the frontage requirements for lots in the RR and SR Districts, when such lot is to be used solely for single-family residential purposes, provided said lot has:

- 1 The portion of the flag lot with less than the usual required frontage (the “flag pole”) may be no deeper than 300 feet.
- 2 met the requirements of the Table of Dimensional and Density Regulations, §6.2; and
- 3 an access roadway with no curve having a radius of less than eighty (80) feet or, if access is from another lot, there must be area on the flag lot for an access roadway with no curve having a radius of less than eighty (80) feet; and
- 4 the lot shall be laid out such that the principal structure (erected or to be erected) may be located on the lot in such manner that a circle, with a minimum diameter equal to one and one-half (1 1/2) times the amount of the minimum frontage requirement required for a non-flag lot in that district, can be placed around the principal structure without any portion of said circle falling outside of the property's line; and
- 5 for the subdivision of any single lot or contiguous lots under common ownership, in existence at the time of adoption of this Ordinance or subsequent thereto, there may be no more than three Flag Lots having abutting, contiguous street frontage. Said contiguous Flag Lots under common ownership shall share one common curb-cut and driveway access. Appropriate easements shall be delineated on the Plot Plan and on the deeds to the lots, including a clear provision for the responsibility for the maintenance of the common driveway, common utilities (if any) and snow removal, running with the land. Said easements shall:

- A. become part of all of the deeds, and
  - B. be recorded at the Hampshire County Registry of Deeds or Land Court, as applicable (proof of recording shall be submitted to the Building Commissioner prior to the issuance of any Building Permits).
- 6 the grade, length and location of access driveways shall be of suitable construction, in the opinion of the Planning Board, for the access and, where applicable, the turn-around for vehicles, including moving vans, ambulances, fire and police. Said driveways shall conform to all applicable provisions of the Zoning Ordinance.
- 7 Plans submitted to the Planning Board under this Section shall be the same as the plan submitted to the Planning Board under the Subdivision Control Law, and shall include the statement "Lot(s)\_\_\_ is a Flag Lot: building is permitted only in accordance with the special Flag Lot Provisions of the Northampton Zoning Ordinance."
- 8 The Special Permit application shall include a plan showing the location and layout of the proposed driveway and house and all provisions for drainage and storm water run-off.
- 9 A Flag Lot Special Permit shall be deemed to have been exercised (and thereby shall not expire) when the Special Permit and endorsed subdivision plans have been properly recorded at the Hampshire County Registry of Deeds.

(Amended 3/4/87; 4/4/87; 9/21/89; 7/19/90; 11/19/92, 10/6/94, 5/7/98, & 6/17/01)

## Section 7.0: SIGNS

**Section 7.1 Applicability.** All signs (accessory and non-accessory) shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Northampton, and all other applicable regulations including the sign regulations contained in this Ordinance. In addition to the provisions of this Ordinance, all non-accessory signs, including the typical billboard signs, shall be required to have the appropriate annual permit from the Massachusetts Outdoor Advertising Board for any non-accessory sign which is not in conformity with applicable ordinances of the City of Northampton enacted in accordance with Section 29 of Chapter 93 of the General Laws.

### **Section 7.2 General Sign Regulations.**

(amended 10/6/94)

1. Any traffic, informational or directional sign or festive banner owned and installed by or for a governmental agency shall be permitted. (Amended 12/21/95)
2. A sign (including temporary interior window displays or banners) or its illuminator shall not be reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. A sign or any part thereof which moves or flashes, all signs of the traveling light or animated type, and all beacons and flashing devices are prohibited except such portions of a sign as consists solely of indicators of time and/or temperature or automatically changing message shall be permitted if the Planning Board and Chief of Police determine that the sign is not a hazard to traffic and pedestrian safety. All illumination of signs must be in conformance with section 12.2.
3. Temporary free-standing ground signs advocating any candidacy or cause which is under consideration at a particular election or any other cause or issue (not to exceed one sign per candidate/cause per lot) shall be permitted provided such signs:
  - A. shall not exceed a size of six (6) square feet and shall not be any closer than ten (10) feet from any lot line,
  - B. shall not be any higher (the top) than four (4) feet from the ground,
  - C. may not be displayed on a building or structure unless said building or structure is the headquarters or chief office of the candidate or organization (said wall sign shall conform to the wall sign criteria for that Zoning District within which it is located),
  - D. may only be permitted to be placed on a building which is not the headquarters or chief office of the candidate or organization, when the Building Commissioner determines that, because of the size of the lot's setback areas and the location of the building on the lot, such a sign cannot be adequately displayed on the ground itself.
  - E. shall not be displayed more than three (3) months prior to the election date, if the sign is related to an election,
  - F. shall be taken down within three (3) days following the election if the sign is related to an election or within ninety days of installation if the sign is not related to an

election. (Amended 5/18/89)

4. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and directions of residents, employees, customers and visitors, (whether in a vehicle or on foot) of the business, industry, or residence. Such signs may carry the name of the business or project provided that said name is:
  - A. clearly secondary in nature to the primary directional function of the sign,
  - B. no greater than 1/2 the size of the directional message.
  - C. may not exceed a maximum size of six (6) square feet,
  - D. may not be any higher (top of sign) than four (4) feet from the ground.
  - E. shall be limited to one such directional sign per curb-cut.
  - F. if lighted, it shall be illuminated internally, or by indirect method with white light only and shall be in conformance with section 12.2. (Amended 5/18/89)
5. No sign, together with any supporting framework, shall extend to a height above the maximum building height allowed in the district in which the sign is located. In any "R" District, the top of a sign, together with any supporting framework, shall not extend above the roof line. In any other district, the top of a sign, together with any supporting framework, shall not extend more than eight (8) feet above the roof line. In the case of a building with a pitched roof, the eaves line of the building shall be considered the roof line.
6. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.
7. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
8. No more than one sign indicating the meetings and existence of any Northampton civic organization may be erected within a street right-of-way at each boundary line of the City or each gateway to Northampton, as identified by the Board of Public Works. Said sign shall not exceed twenty-five (25) square feet in area and require the approval of the Board of Public Works. (Amended 12/21/1995)
9. No sign, except for a traffic regulatory or informational sign, shall be erected which uses the words "stop", "caution", or "danger", or other similar words in such a manner as to present or imply the need or requirement of stopping or caution or the existence of danger, or which, for any reason, in the opinion of the Chief of Police, is likely to be confused with any traffic regulatory or informational sign.
10. If lighting is provided for a sign, the source of light shall be either from within the sign or shall be white light exterior to the sign and shielded so as prevent direct glare from the light source onto any public street or onto any adjacent property. (Amended 4/2/92)

11. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted provided: it shall not exceed six (6) square feet in surface area; and it shall be set back at least ten (10) feet from the street lot line or one-half of the building setback distance whichever is less.
12. In any district one unlighted temporary sign of an architect, engineer or contractor, may be erected during the period such person is performing work on the premises provided: it shall not exceed four (4) square feet in surface area; and it shall be set back at least ten (10) feet from the street lot line, or one-half of the building setback distance, whichever is less.
13. The Board of Appeals may issue a Special Permit allowing more than the number of signs herein permitted and/or for signs of a larger size or height than herein permitted provided:
  - A. Signs are located only where they are otherwise permitted in the district; and
  - B. The Board of Appeals determines that the architecture of the building, the location of the building or the land or nature of the use being made of the building or land is such that additional signs or signs of a larger size would not detract from the character of the neighborhood and should be permitted in the public interest. Additional ground signs shall only be approved if there are exceptional circumstances to warrant their approval and if all efforts are undertaken to keep additional ground signs as small and low as possible.
  - C. The Board of Appeals specifies in the permit the exact sign permitted, the size and location of the sign or signs, and, if applicable, imposes other restrictions. Any change in said signs requires a new or revised Special Permit unless the Special Permit specifies what types of changes are allowed. (Amended 5/18/89)
14. The Building Commissioner is authorized to order the repair or removal of any sign and its supporting structure which, in his judgment, is dangerous, or in disrepair or which is erected or maintained contrary to the zoning ordinance.
15. No sign shall contain florescent colors. No sign shall contain red or green lights if such colors would in the opinion of the Chief of Police, constitute a driving hazard.
16. Signs painted or placed on the inside of the window shall be permitted, provided that the aggregate area of such signs does not exceed twenty (20) percent of the area of the window glass.
17. All signs, except for those authorized under Section 7.2(4.), shall be removed within thirty (30) days of the date from which they no longer serve their intended function (i.e. no longer provide the service, establishment or product being advertised). (Amended 5/18/89)



18. A school, college or other educational institution may erect temporary signs for identification of special programs, alumni events, or other temporary or short-term (less than 12 weeks) educational programs. Such signs shall be permitted provided such signs:
  - A. Shall not exceed a size of three (3) square feet and shall not be any closer than two (2) feet from any lot line,
  - B. The top of the sign shall not be more than four (4) feet above the ground,
  - C. Shall not be displayed for more than three (3) days prior to nor one week (a total of ten days) after the start of said program or event.
  - D. For temporary events which occur every year, sign boards must be of durable construction. (Added 5/4/2000)

**Section 7.3 Signs Permitted in any "R" or "SC" District.** In all "R" and "SC" Districts, the following exterior accessory signs and no others are permitted: (amended 10/6/94)

1. One front wall sign located on the first floor façade for each legal mixed use or other commercial use, provided that such sign shall not exceed one and one-half (1.5) square feet in surface area.
2. One identification sign for each dwelling unit, provided: such sign shall not exceed two (2) square feet in surface area; if lighted, it shall be illuminated internally or by indirect method with white light only in conformance with section 12.2; and it shall not be used other than for identifying the occupancy.
3. Each membership club, funeral establishment, hospital, place of public assembly, community facility or public utility may have one identification sign (not to exceed ten (10) square feet in surface area) and churches, community facilities not places of public assembly may have one additional sign (not to exceed forty (40) square feet in surface area), provided that such sign(s), if lighted, shall be illuminated internally or by indirect method with white light only and in conformance with section 12.2, and such signs shall be set back at least one-half the required depth of the front yard setback. Tourist home/bed and breakfast facilities may have one identification sign, attached flush to the structure (not to exceed three (3) square feet in surface area) provided that such sign, if lighted, shall be illuminated by indirect method with white light only in conformance with section 12.2. (Amended 6/7/84)
4. For approved residential subdivisions, townhouse, multi-family, open space and PUD developments one ground sign identifying the development, provided:
  - A. it shall not exceed twelve (12) square feet in surface area, on any one side and shall not have more than two sides,

- B. it shall be located on private property and set back at least fifteen (15) feet from any street lot line,
  - C. the top of the sign shall not rise more than five (5) feet above the ground or sidewalk within five feet of the sign,
  - D. if lighted, it shall be illuminated internally, or by indirect method with white light only and must be in conformance with section 12.2.
  - E. such a sign shall only be permitted so long as the approved access within the development is not a city accepted public way. Once said access has been accepted by the City Council as a city right-of-way said sign shall be removed and a standard city street sign shall be installed. (Amended 5/18/89)
5. In residential zoning districts one temporary free-standing ground sign up to six (6) square feet addressing traffic safety concerns shall be permitted. For the purposes of this section, temporary shall be construed to mean less than 90 days in any calendar year. (Amended 8/20/92)
6. No more than one sign shall be allowed for any one establishment in the "R" District.

**Section 7.4 Signs permitted in any "B" District** in the following manner:

- 1. Signs permitted in Section 7.3 ("R" Districts) subject to the same regulations.
- 2. Business signs shall be permitted as Wall Signs as follows:
  - A. They shall be attached and parallel to the wall of the building; and
  - B. They shall not project horizontally more than twelve (12) inches there from and, if the sign is designed to allow pedestrian traffic under the sign, shall be a minimum of seven (7) feet above the ground; and {revised 11/21/1996}
  - C. One Main (frontage) Wall sign on the street frontage for each establishment in the structure plus one directory wall sign, provided:
    - 1. The sign's surface area shall not be larger than ten (10) percent of the frontage wall area of the facade of the story which is occupied by the establishment or one hundred (100) square feet, whichever is less; and
    - 2. The total surface area of all Main Wall signage of a building shall not be larger than ten (10) percent of the Main Wall area of the ground floor; and;
    - 3. Except in the Central Business District, when an establishment is located on a

lot with more than one frontage (i.e., a corner or through lot) a Main (frontage) Wall sign may only be displayed on one of the frontages. The other frontage(s) may display a Side Wall sign as allowed below. In the Central Business District, a Main Wall sign can be placed on any wall with street frontage instead of a Side Wall Sign.

- D. One Side Wall sign per structure (except in the CB District, where it may be one Side Wall per establishment plus one directory wall sign on the structure) on each side-wall (that wall facing a non rear-lot line) provided:
  - 1. The surface area of the sign shall not be larger than twenty-five (25) square feet; provided, however, that in the CB District the total surface area of all the side wall signs for each side wall of a building shall not exceed one hundred (100) square feet or 10 percent of the side Wall area of the ground floor of the side where the signs are located, whichever is less; and
  - 2. Side Wall signs are not permitted on side walls which face or abut (within 100 feet) a residential zoning district.
- E. Rear Wall - One Rear Wall sign per structure provided:
  - 1. The Rear Wall abuts upon a public right-of-way or a public or private parking lot; and
  - 2. The surface area of the sign shall not be larger than twenty-five (25) square feet; and
  - 3. The sign shall not be higher than ten (10) feet above grade.
- 3. Business signs shall be permitted as Awning/Canopy and Awning/Canopy signs as follows:
  - A. An awning/canopy may display the street address for the building and may also have either one sign along the bottom of the front of the awning/canopy or a sign along the bottom of both sides of the awning/canopy, identifying the establishment located therein, provided the letters, numbers, characters, logos, etc. of such address and signs do not exceed a height of four inches. The purpose of said additional awning/canopy signage is for pedestrian (not automobile) traffic.
  - B. Instead of the wall sign permitted under §7.4(2) above, an awning/canopy attached to the building may have a sign of the size that would otherwise be allowed on the building wall itself. Said sign must conform to all other requirements for a wall sign.
  - C. The entire back-lit or illuminated area of a lit awning/canopy which has any letter or symbols anywhere on the canopy shall be considered a wall sign and must conform to the size and location requirements of wall signs. Illumination shall be in

conformance with section 12.2.

- D. Awnings/canopies overhanging a public right-of-way must also be approved by the Department of Public Works.

4. Business signs shall be permitted as Ground Signs as follows:

- A. In the "HB" or "M" Districts - one ground sign for each lot, provided:
  - 1. It shall not exceed 100 square feet in surface area on any one side; and
  - 2. It shall be set back at least fifteen (15) feet from any street lot line; and
  - 3. It shall not rise to more than fifteen (15) feet from the ground or sidewalk to the top of the sign; and
  - 4. It shall not have more than two sign faces.
- B. Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one ground sign per lot.
- C. In particular instances the Zoning Board of Appeals may issue a Special Permit for one ground sign, in addition to wall sign(s) permitted in Section 7.4(2.1) above, for each lot frontage of each lot in the Neighborhood Business (NB), General Business (GB) and Central Business (CB) Districts, provided that:
  - 1. There must be unique features to the structure, the orientation of the structure, the location or setback of the structure, or the location of establishments in the structure, especially affecting such structure or establishment, but not generally affecting the zoning district in which it is located, which restrict the visibility of wall sign(s) otherwise allowed by this Ordinance.
  - 2. Said ground sign shall be located in the same lot as the structure or establishment being advertised.
  - 3. Said ground sign shall not exceed a height of ten (10) feet, nor have a surface area greater than eighty (80) square feet in the CB or GB Districts or greater than 20 square feet in the NB District, though the Zoning Board of Appeals may require a lesser height or size. (Amended 5/18/89)

5. Temporary outdoor signs shall be permitted as follows:

- A. One temporary banner of no more than twenty-five (25) square feet on a property for retail, service and restaurant uses in the Highway Business for a period not to exceed

30 days per year;

- B. One temporary banner of no more than twenty-five (25) square feet on a property for new retail, service or restaurant uses in the Central Business and General Business Districts for a period not to exceed 30 days.

(Amended 4/2/1992, 10/6/1994, 12/21/1995 and 4/18/1996)

**Section 7.5 - Signs Permitted in any "I," BP and PV Districts.** In all "I" BP and PV Districts, the following exterior signs, and no others, are permitted:

1. Signs permitted in §7.3 ("R" Districts), subject to the same regulations.
2. Business signs shall be permitted as follows:
  - A. In all GI and BP Districts and for PV Districts as provided in Subsection D below not more than two wall signs for each building, provided each sign:
    1. Shall not project horizontally more than twelve (12) inches from the wall of the building;
    2. The surface area of each sign shall not aggregate more than 7 1/2% of the area of the front or side wall area of the floor on which it is displayed;
    3. If lighted, each shall be illuminated internally or by indirect method with white light only and shall be in conformance with section 12.2;
    4. Not more than one sign shall be attached to any wall; and
    5. No wall sign may be higher than fifteen (15) feet above the ground or sidewalk.
  - B. In all SI Districts, one wall sign shall be permitted, subject to the regulations set forth in Section 7.4 above.
  - C. In all SI, GI and BP Districts, and for PV Districts as provided in Subsection D below, one ground sign for each building, provided:
    1. It shall not exceed one hundred (100) square feet in surface area;
    2. It shall be set back at least fifteen (15) feet from any street lot line;
    3. It shall be erected so that no portion of it is over fifteen (15) feet in an "I" or BP District and over ten (10) feet in a PV District above the ground or sidewalk; and

4. If lighted, it shall be illuminated internally or by indirect method with white light only and shall be in conformance with section 12.2.
- D. For PV Districts, for each building either up to two wall signs, as described in subsection A above or one ground sign, as described in Subsection C above.
- E. For GI, BP and PV Districts where a number of individually owned parcels are developed as a single collective entity (i.e. an Industrial, Business Park, or Planned Village) the Planning Board may grant a Special Permit permitting one additional ground sign for each entrance to the development (not to a specific building) off of a collector street identifying the collective entity and/or the individual business located therein. Said sign must conform to all of the requirements for ground signs contained in Subsection C above.

(Amended 11/5/81, 8/15/91, and 6/17/93)

**Section 7.6 Nonconforming Accessory Signs.** Pre-existing nonconforming accessory signs may not be changed, extended or altered unless the change brings the sign into conformity with the provisions of this Ordinance or unless said change is limited to changing the sign letters or symbols and/or changing panels and does not alter the structure of the sign itself. The following pre-existing non-conforming signs, however, may be changed, extended or altered if there is a Finding by the Zoning Board of Appeals that such change, extension or alteration will not be substantially more detrimental than the existing nonconforming sign to the neighborhood, and provided that such change, extension or alteration will not make the sign any more nonconforming than it now is (i.e. higher, taller, bigger, closer, etc.):

1. Pre-existing nonconforming accessory signs in Residential Districts;
  2. Pre-existing nonconforming projecting signs in the Central Business District.
- (Amended 5/18/89 and 10/6/94)

**Section 7.7 Nonconforming, Non-Accessory (General Advertising) Signs.** All nonconforming, non-accessory signs in existence and lawfully erected before the adoption of this Ordinance may continue to be maintained, notwithstanding anything to the contrary in this Section 7.0, provided, however, that no proposed new non-accessory sign shall be permitted in any District from and after the adoption of this Ordinance. (Amended 12/6/70)

**Section 7.8 Permit and Fees.** No sign shall be erected, altered or enlarged until a permit has been issued by the Building Commissioner. Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this Ordinance. The permit and/or permit number shall be affixed to the sign in the manner prescribed by the Building Commissioner. A schedule of fees for such permits may be determined from time to time by the City Council. The provisions of this section shall not apply to signs permitted in a residential area nor to temporary signs allowed under

the provisions of Section 7.2 of this Ordinance.(Amended 10/6/94)

**Section 7.9 Stationary Sandwich Board Signs.** Stationary off-premise sandwich board signs (intended for pedestrian orientation) are permitted in the Central Business (CB) District, General Business District and Neighborhood Business (NB) District for restaurants and retail business establishments in those districts. All sandwich board signs must receive a permit from the Northampton Board of Public Works in accordance with the Provisions of Sections 3-17 and 3-18 of the Code of ordinances for the City of Northampton. (Amended 7/18/1991 and 12/21/1999)

## **Section 8.0: OFF-STREET PARKING AND LOADING REGULATIONS**

**Section 8.1 Off-Street Parking Requirements.** For all zoning districts, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, and new or expanded uses, except as noted below, in accordance with the TABLE OF OFF-STREET PARKING REGULATIONS and other requirements contained herein.

1. For all zoning districts, except the Central Business (CB) and General Business (GB) Districts, in cases of a change in use where the existing use (or in cases of vacancy, the next previous use) did not provide for the number of off-street parking spaces required under this Ordinance, then the proposed use shall only have to provide an additional number of off-street parking spaces equal to the increase, if any, between the number required under this Ordinance for the existing use and the number required for the proposed use. (Amended 8/16/84 and 8/18/2005)
2. For Central Business (CB) and General Business (GB) Districts only, no additional off-street parking is required for the following:
  - A. Continued use or reuse of existing buildings, as long as that use or reuse does not increase the total floor area within the building nor include outside storage of cars for sale or rent. (Amended 8/18/2005)
  - B. The replacement of existing finished floor space and unfinished basements on the same parcel with site plan approval (but no increase in net floor space). (Amended 9/20/90, 12/21/95 & 5/17/98)
  - C. The addition of a second floor to one-story (for the purpose of this section, basements shall not count as a story) buildings existing in the CB District only on January 1, 1996. (This is to encourage the restoration of building heights in the CB which are more uniform and consistent with the scale of development which has historically existed.) However, the addition of additional floors or an expanded building footprint shall be subject to the parking requirements. (Amended 7/28/86, 9/20/90 & 12/21/95.)
  - D. Municipal facilities and municipal properties. (Added 9/20/90)
3. **TABLE OF OFF-STREET PARKING REGULATIONS**  
Parking shall be provided to serve the parking needs which are generated by a particular use or structure. When there is more than one primary use of a structure, the parking requirements for each use must be met unless one use is incidental to the principal use of the structure. Additional spaces where passengers may be dropped off may be required by the Planning Board for projects which require Site Plan Approval. (Amended 8/18/2005)



## Off-Street Parking Regulations

<b>USE</b>	<b>In Central Business One space per:</b>	<b>In all other districts One space per:</b>
Any dwelling unit (including residential component of mixed residential/work space), except as noted below	1,000 sq. ft. of gross floor area, up to a maximum of one per dwelling unit	500 sq. ft. of gross floor area, up to a maximum of two per dwelling unit
Multi-family dwelling for elderly and people with disabilities, lodging house, dormitory, SRO, and halfway house	2,000 sq. ft. of gross floor area, up to a maximum of one per dwelling unit for multi-family dwellings.	1,000 sq. ft. of gross floor area, up to a maximum of one per dwelling unit for multi-family dwellings
Theater, gymnasium, auditorium, church or similar place of public assembly, with seating facilities	Six seats of total seating capacity	Three seats of total seating capacity
Automobile retail, sales, rental, service, and wash, and non-auto retail and service establishment utilizing extensive indoor and outdoor display areas	1,000 sq. ft. of gross floor space, including outdoor display areas.	800 sq. ft. of gross floor space, including outdoor display areas.
Hotel, motel, bed and breakfast (see restaurant entry for associated restaurants which are open to non-guests)	Establishment, plus one per sleeping room, plus one per 400 sq. ft. of meeting rooms	Establishment, plus one per sleeping room, plus one per 400 sq. ft. of meeting rooms
Take-out restaurants (establishments selling foods prepared on premises, where consumption is primarily off the premises)	1.4 seats of seating capacity, plus one per 100 sq. ft. of kitchen and waiting areas	1.3 seats of seating capacity, plus one per 100 sq. ft. of kitchen and waiting areas
Sit-down restaurants, bars, and nightclubs	Four seats of total seating capacity	Two seats of total seating capacity
Commercial, retail, personal service, professional and business offices, including banks, insurance and real estate establishments, but not medical uses	500 sq. ft. of gross floor area	300 sq. ft. of gross floor area
Medical/dentist offices, and transportation terminal	400 sq. ft. of gross floor area	200 sq. ft. of gross floor area
Manufacturing, industrial, utility, power plant, warehouse, storage, or wholesale establishment (calculate associated office with office use)	1,000 sq. ft. gross floor space	1,000 sq. ft. gross floor space
Hospital (excluding medical offices and uses which are not part of the hospital definition)	500 sq. ft. gross floor area	500 sq. ft. gross floor area
Kindergarten to 12 <sup>th</sup> grade schools, YMCA, community facility (City building, recreation), library, museum, funeral parlor, and country club	400 sq. ft. of gross floor area	400 sq. ft. of gross floor area
College, business, trade, or industrial school classroom, laboratory, and other teaching areas	200 sq. ft. of gross floor area (no parking required for on-campus 300+ seat auditoriums)	200 square feet of gross floor area (no parking required for on-campus 300+ seat auditoriums)
Mixed use	Sum of various uses computed separately	Sum of various uses computed separately
Temporary and seasonal uses in unheated outdoor space in any business or industrial district	None required	None required
Any permitted use covered by this schedule	Closest use determined by Building Commissioner	Closest use determined by Building Commissioner

(Amended 3/1/84, 7/19/84, 7/28/86, 7/19/90, 8/15/91, 6/17/93, 7/28/93, 10/6/94, 4/18/96, 5/7/98, & 8/18/2005)



**Section 8.2 Off-Street Loading and Unloading Requirements.**

1. Provisions must be made for adequate off-street loading for all uses, except for residential and agricultural use. At a minimum, each retail, wholesale and industrial use over 25,000 square feet of gross floor area and all other service, community facility, utility and business uses over 75,000 square feet of gross floor area shall have at least one loading space. The Planning Board may, as part of Site Plan Approval, require additional loading spaces or reduce the requirement for loading spaces.
2. The loading spaces shall be on the same lot as the use they are intended to serve. Loading spaces shall not be used to satisfy parking requirements. {Amended 11/21/96}

**Section 8.3 Existing Spaces.** Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Ordinance, or any spaces subsequently provided in accordance with this Ordinance, shall not be decreased or any way removed from service to the use originally intended to be served, so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere, such that the total number of spaces conforms to the zoning requirements. This regulation shall not, however, require the maintenance of more parking or loading spaces than is otherwise required. Existing or new parking spaces that are not allocated to specific projects or uses can be allocated to future projects that are developed within two years by Site Plan Approval.

Off-street parking or loading spaces which are developed to serve a use or structure and which are subsequently accepted by the City of Northampton for parking or loading purposes, shall be considered to continue to meet the parking and loading space requirements so long as said use and structure remains. (Amended 5/18/2000)

**Section 8.4 Computation of Spaces.** When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

**Section 8.5 Combined Facilities.** The Planning Board may issue a Special Permit permitting two or more buildings or uses located on separate lots to provide for their required parking in combined facilities on the same lot, subject to the provisions of Section 8.7. (Amended 7/19/90 and 6/17/93)

**Section 8.6 Shared Parking.**

In all Zoning Districts except the Central Business (CB) Districts, the Planning Board may:

1. Through site plan approval, allow the reduction of the parking space requirements of up to twenty (20) percent of that required in the Table of Off-Street Parking Regulations where conditions unique to the use will reasonably justify such a reduction, including 2-story buildings in (HB).
2. Through site plan approval, reduce parking requirements for Major Projects listed in §8.1 by up to 20 percent of parking needed for employees (no credit for parking needed for visitors or customers) if:

- A. the applicant incorporates satisfactory methods, acceptable to the permit granting authority, to reduce the need for parking into their design and into the trip reduction plan described in §11.5 (3.B.) by at least the same percentage; and
  - B. if the Site Plan Approval is conditioned on the on-going use of those trip reduction methods with effective enforcement tools included;
3. Through a special permit, allow a greater percentage reduction where joint use of the same spaces by two or more uses or establishments is justifiable by virtue of the fact that the uses or establishments generate peak demand at substantially different time periods.

(Old section deleted 5/18/2000) (Amended 5/2/2002)

**Section 8.7 Location of Parking Spaces.** Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve. When practical difficulties exist which prevent their establishment on the same lot, the Planning Board may grant a Special Permit to allow off-site parking spaces in a non-municipal lot. When measured along pedestrian ways from the edge of the principal use's parcel, the closest point of that non-municipal lot must be:

- 1. 500 feet; or
- 2. 1,000 feet from the premises to which they serve if:
  - A. The off-site parking will be shared by more than one land use; and
  - B. The greater distance is justified because of pedestrian traffic patterns and the vitality of the adjacent land uses that would be part of the walk; and
  - C. Patrons or employees of the principal land are likely to actually utilize the provided off-site parking; or
- 3. Parking spaces for colleges or educational uses shall be located on contiguous or adjacent land owned by the college or educational use. For the purposes of this section, contiguous or adjacent land shall include land in common ownership, even if separated by public or private roads, or rivers, or streams, or private property, when said private property is not more than 150 feet wide.

A Special Permit issued under this provision shall be coterminous with the length of the lease and shall expire if and when the lease for said parking expires. (Amended 7/28/86, 6/17/93 & 12/21/95.)

**Section 8.8.**

{Reserved for future use. Old section deleted 11/21/1996}

**Section 8.9 Parking and Loading Space Standards.**

All parking and loading areas shall comply with the following:

- 1. A parking space shall be at least 8 ½ feet in width and 18 feet in length, with at least 18 feet

of backing-up and maneuvering area directly behind the space (which may be shared with other spaces). Except for parking spaces for the same residential housing unit, each space must be laid out so that it does not block access to another parking space.

2. The layout of the parking area shall allow sufficient space for the storage of plowed snow without reducing the number of required parking spaces, unless removal by some other means is provided.
3. Any fixture used to illuminate any parking area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes and shall be in conformance with section 12.2.
4. Parking shall not be located within five (5) feet from the front lot line for residential uses, 15 feet for uses in M district, nor ten (10) feet for other uses. For all residential uses in all residential districts except for UR-C, parking for more than two vehicles shall not be permitted within the front-yard setback. Parking is not permitted within any of the setbacks in the Business Park or Planned Village Districts. {Amended 11/21/1996}
5. Parking and loading spaces, other than those required for single and two-family dwellings, shall be so arranged as to prohibit backing of vehicles onto any street.
6. No portion of a driveways entrance or exit shall be closer than fifty (50) feet to the curb line of an intersecting street nor shall it be closer than fifty (50) feet to any portion of an existing driveway located in a Business or Industrial District.
7. 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.
8. A driveway's entrance or exit shall not exceed, at its intersection with the front lot line, a width of: fifteen (15) feet for single, two and three-family uses; and twenty four (24) feet for all other uses, except that the Planning Board may, as part of Site Plan Approval, allow a thirty foot width if, and only if, such Approval will promote safe and efficient traffic circulation.
9. The parking area and access driveways thereto shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices.
10. Except on a farm, not more than one commercial vehicle, and said vehicle shall not exceed a weight of 10,000 pounds gross weight shall be garaged or in any way stored on any lot in any Residential (R) District.
11. No private access street or driveway serving a parking lot for non-residential use shall cross property in a residential district except with a Special Permit granted by the Planning Board.

12. No more than two (2) unregistered motor vehicles (any vehicle that does not have a valid Registration legally issued by a governmental authority), and no motor vehicle accessories which are not parts of said two vehicles, may be parked, stored or otherwise placed on a parcel of land in the City of Northampton without a Special permit from the Zoning Board of Appeals. This section shall not apply to the parking, storage or otherwise placing of unregistered motor vehicles and/or motor vehicle accessories where such parking, storage or placement is in connection with a legally established business selling new and/or used automobiles and trucks, or automotive repair or automobile service stations. This section shall also not apply to trucks and tractors which are in use for bona-fide agricultural purposes.
13. All permitted unregistered motor vehicles and/or motor vehicle accessories shall be screened from the view of the public and from abutting public ways and from abutting properties by being enclosed within a structure or sight impervious fencing or screening.
14. A Zoning Permit must be received from the Building Commissioner, and a Driveway Permit from the Department of Public Works, for all new or relocated driveways or parking lots.
15. Any use (drive-ins, etc.) which requires the "stacking" of vehicles waiting in line, must be able to provide for the stacking of at least five (5) vehicles in each line without the cars exceeding the boundaries of the lot.

(Amended 7/19/90, 8/15/91, 6/18/92, 6/17/93, 10/6/94, 4/18/96, and 5/18/2000)

**Section 8.10 Additional Standards for over five spaces.** In addition to §8.9 above, all parking and loading areas containing over five (5) spaces, including automotive and drive-in establishments of all types shall either be contained within structures or shall also comply with the following:

1. The area shall be effectively screened with suitable planting or site impervious fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any Residential "R" District.
2. The area and access driveways thereto shall be surfaced with bituminous concrete or cement concrete material. The location of spaces shall be suitably marked by painted lines or other appropriate markings.
3. A substantial bumper of masonry, steel, or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks and screening materials.
4. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least twenty-five (25) feet from any lot line.
5. There shall not be any storage of materials or equipment or display of merchandise within

parking areas except as part of approved building operations.

6. In parking lots with more than seventy-five (75) parking spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other and from driveways by using planting strips which may also contain pedestrian sidewalks at least six (6) feet in width. Provision of these planting strips shall take into account the need to store snow, to locate light poles, to allow safe pedestrian movement, to maximize emergency access, and to separate different traffic movements. In addition, if an existing parking lot is expanded to over seventy-five (75) spaces, planting strips shall be required for the entire lot. All proposals to construct or modify such parking lots shall be reviewed by the Planning Board in light of the requirements of this Section.
7. Fire lanes or emergency access points required for buildings or other structures shall be protected from unauthorized parking through the provision of curbs, mountable barriers, landscaped areas or such other improvements subject to the approval of the Fire Chief and Chief of Police, which in turn meets the objective of precluding parking in the restricted area.
8. Parking lots with over fifteen (15) parking spaces serving uses located in Business, Industrial, Business Park or Planned Village Districts must have at least one shade tree (minimum two inch caliper) for every fifteen (15) required parking spaces.  
(Amended 7/19/90; 8/15/91; 6/18/92; 6/17/93; 10/6/94; 5/02/2002)

**Section 8.11 Special Provisions in Central Business District for Meeting Off-Street Parking Requirements.** Payment made to the City of Northampton in-lieu of providing some or all of the required off-street parking spaces for a project in the CB district shall be allowed by-right.

The fee to be paid shall be \$2,000 per parking space. Fees paid to the City of Northampton, in-lieu of providing required parking spaces on-site, shall be deposited into a Downtown Parking Reserve Account to be used solely for expenses (land acquisition, design/engineering services and construction costs, but not maintenance costs) related to adding parking spaces, improving the utilization of existing parking spaces, or reducing the need for new parking to serve the Central Business District. Requests to appropriate funds out of this Reserve Account shall be filed with the City Council and referred to the Office of Planning and Development, Planning Board, and Northampton Parking Commission, which shall have 60 days to forward their comments and recommendations before a City Council vote of the appropriation is taken. (Amended 9/20/1990 and 12/21/1995 and 5/02/2002)

### **Section 8.12 Bicycle Storage**

Except in the Central Business District, bicycle racks or other provision for indoor or outdoor storage of bicycles must be provided for all uses for which the zoning requires ten (10) or more parking spaces. Storage must allow for the locking of bicycles to racks or inside of storage containers. (Adopted 6/17/93)

## Section 9.0: NONCONFORMING USES, STRUCTURES, AND LOTS

### Section 9.1 Nonconformity by Initial Enactment or Amendment.

The provisions of this section apply to actions in connection with nonconforming uses, structures, and lots as created by the initial enactment of this Ordinance or by any subsequent amendment thereto.

### Section 9.2 Extension and Alteration.

This Zoning Ordinance shall not apply to structures or uses lawfully in existence or lawfully begun, or to a valid building or special permit issued before the first publication of notice of the public hearing on this Ordinance or to any other exemptions in accordance with M.G.L. Chapter 40A, Section 6. The Ordinance shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

A Finding, as used in this chapter, requires that the Zoning Board of Appeals determine that a change, expansion or alteration to a pre-existing non-conformity will not be substantially more detrimental to the neighborhood than the existing nonconforming nature of the structure, lot and or use. The Zoning Board may impose conditions as part of approving a finding.

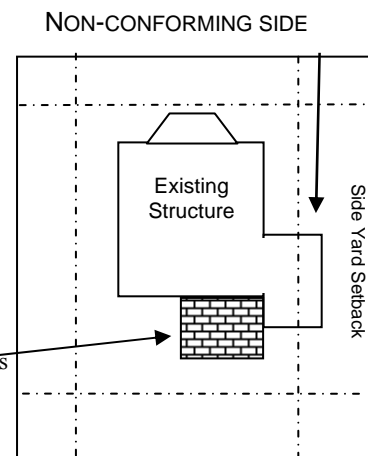
Applications for Findings, as allowed in this chapter, shall follow the same procedural requirements as Special Permit applications, however, a Finding shall be granted upon the vote of a simple majority of the Zoning Board of Appeals. (Amended 6/17/93, 10/6/94, 3/21/96, and 6/7/01)

### Section 9.3 Legally Pre-existing Nonconforming Structures, Uses, or Lots May be Changed, Extended or Altered.

If a use is not eligible under one paragraph, proceed to the next paragraph.

1. A Pre-existing Nonconforming Structure or Use may be changed, extended or altered:
  - A. As-of-right if the expansion/change itself meets all the dimensional and use requirements of the current zoning.

As--of-Right expansion/  
Change (when other  
dimensional requirements  
are met)

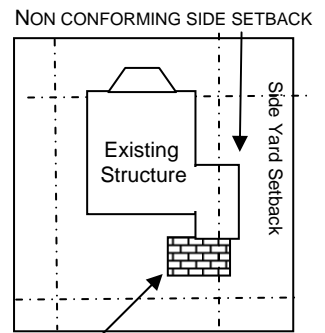


- B. As-of-right in a residential district, when said change is from a pre-existing nonconforming use to a conforming residential use, and there are no changes to the exterior of the structure or lot and no new non-conformities are created by such change/conversion.



- C. As-of-right when said change or alteration is limited to rebuilding a single or two-family home destroyed by fire or other natural disaster within two years of the disaster. Reconstruction must either meet the current zoning requirements or fall within the same footprint and height of the destroyed home so as not to expand the non-conforming nature of said home.
- D. As-of-right when said change or alteration is limited to rebuilding any other building not more than fifty percent destroyed by fire or other natural disaster when the change is limited to rebuilding or replacing the structure within the pre-existing footprint and height of the existing structure or within an area and height that conforms to all dimensional requirements and all construction occurs within two years of the disaster.

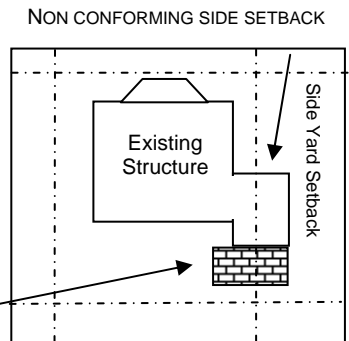
- E. As-of-right, if the expansion (vertical or horizontal) is for a residential use and does not extend *either* further than five feet (5') into a required setback *or* further than the existing non-conforming structure, whichever is less and such extension does not create any new zoning violation (such as further reducing a setback or open space).



As-of-Right  
(< 5' into setback)

- F. As-of-right, if the expansion (vertical or horizontal) is for a residential use and does not extend *either* further into a required setback than the existing non-conforming structure, and such extension does not create any new zoning violation (such as further reducing a setback or open space), and the applicant provides written evidence satisfactory to the Building Commissioner that all owners of all parcels within 300 feet of the subject property have no objection to the expansion.

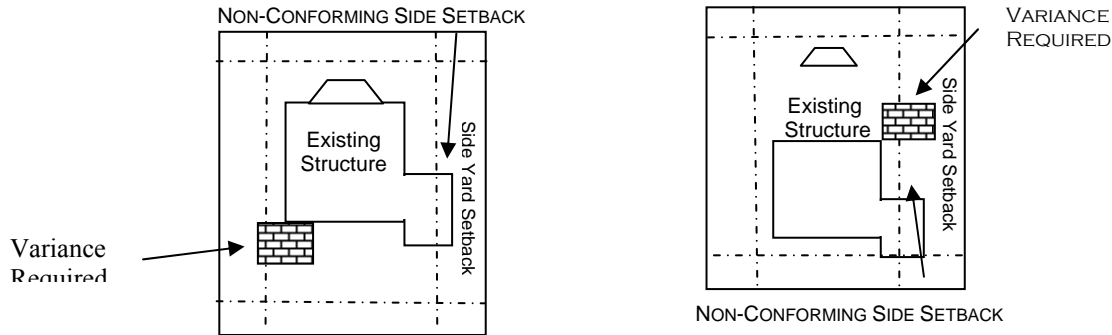
- G. With a Finding from the Zoning Board of Appeals so long as the change does not involve a sign (see §7 for signs) and §9.3(E) above does not apply and when the expansion extends (vertically or horizontally), but does not increase, the non-conforming nature of the property and does not create any new zoning violation (such as further reducing a setback or minimizing open space) and



FINDING REQUIRED  
(OVER 5' INTO SETBACK)

- H. With a Finding, in accordance with §9.2, for a proposed change of use.

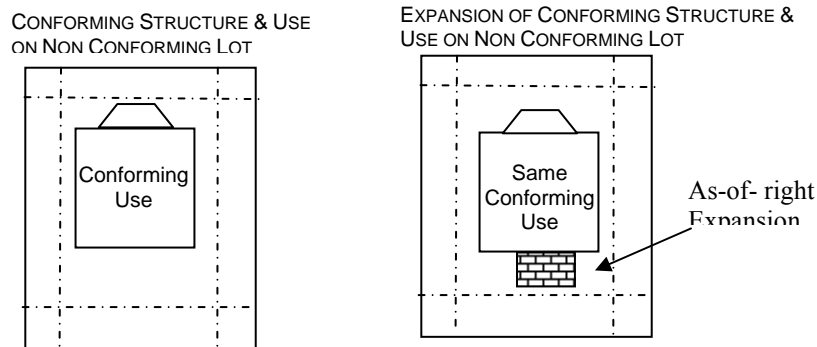
- I. With a Variance when said change, extension or alteration will create any new violation of the present zoning requirements or if change is an expansion of pre-existing non-conforming retail use.



- J. With a combination of a Finding and Variance when applicable.

- 2. A Conforming Use on a Pre-existing Nonconforming Lot: A conforming use on such a lot may be changed, extended or altered:

- A. As-of-right to the same conforming use in a conforming structure, which meets all the dimensional, and density provisions of the current zoning, except for lot size, frontage, or depth and when the lot size, frontage, and depth requirements do not change.



- A. With a Finding from the Zoning Board of Appeals when said change, extension or alteration is to a different conforming use which requires the same or less minimum lot area, minimum lot width and frontage, minimum lot depth, setbacks, and parking than is required for the present use (and lot does not fully conform to the present zoning requirements for the proposed use).
- B. With a Variance to a conforming use which requires a larger minimum lot area, minimum lot width or frontage or minimum lot depth that is required for the present use or creates any other new zoning violation.
- C. With a combination of a Finding and Variance when applicable.

- 7. A Pre-existing Nonconforming Lot may be changed, extended or altered:

- A. As-of-right if such change, extension or alteration to the lot does not increase the non-conforming nature of the property, only brings the lot into total conformance with the Zoning requirements in existence at the time of said change, extension or alteration, or adds to the lot.
- B. As-of-right whenever a group of adjoining lots in common ownership is separated or the ownership of one or more lots changed, if each of the lots will conform to all provisions of this Ordinance, or if the lots are residential lots and each lot contained a principal residential structure at the time the adjoining lots came under common ownership and no changes were made to the structures or lots during the time in which the lots were commonly owned, in a way that increased the nonconforming nature of these lots.

(Amended 8/16/84, 7/19/90, 10/6/94, 6/7/01, 12/20/01)

**Section 9.4 Single Lot Exemption for Single and Two-Family Use.**

Any increase in area, frontage, width, yard or depth requirements of the Zoning Ordinance shall not apply to a vacant lot for single and two-family residential use, which:

- 1. has at least 5,000 square feet of area and fifty feet of frontage; and
- 2. is in an area zoned for single or two-family use (a special permit must be obtained if one is required); and
- 3. conformed to existing zoning requirements when the lot was legally created, if any; and
- 4. is in separate ownership prior to the City Council vote which made the lot nonconforming, and has maintained its separate identity. (Adopted 8/16/84)

**Section 9.5 Abandonment and Discontinuance.**

Any nonconforming use of a conforming structure and/or lot which has been abandoned or discontinued for a continuous period of two (2) years or more shall be deemed extinguished and shall not be re-established. For purposes of this section, the abandonment period shall not be considered broken by temporary occupancy, except when such temporary occupancy is for a period of sixty (60) or more consecutive days and when said temporary occupancy involves the exercise of non-conforming use. (Amended 8/16/84, 7/19/90, 10/6/94, 3/21/96 and 6/7/01)

{Section 9.6 deleted 6/7/2001}

## Section 10.0: SPECIAL PERMITS

**Section 10.1 Special Permits.** Special Permits authorized by the Zoning Ordinance shall be granted only after application to and a hearing by the special permit granting authority and subject to the provisions of M.G.L. Chapter 40A and this Ordinance. The special permit granting authority responsible for hearing a particular proposal shall be that board designated in the Table of Use Regulations (§5.2) or other applicable sections. The special permit granting authority shall be the Planning Board if no other board is specified.

1. Application for a special permit shall be made to the Office of Planning and Development and City Clerk on forms provided for that purpose, accompanied by the required fee. Specific rules governing the application and fee shall be adopted by each special permit granting authority along with its rules of procedure and shall be applicable to those special permits which are under its jurisdiction. When the application has been received in a completed form as defined by said rules, a copy shall be forwarded to the City Clerk. The stamp of the City Clerk shall designate the date of filing.
2. Special Permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application. Advertising and notice of hearing shall be conducted by the Office of Planning and Development subject to the rules of procedure adopted by the special permit granting authority having responsibility for the particular proposal in question.
3. A Special Permit may only be granted, and is only valid, when the Ordinance specifically authorizes the issuance of a Special Permit for that use. Before granting an application for a special permit, the special permit granting authority, must find all of the following criteria are met:
  - A. The requested use protects adjoining premises against seriously detrimental uses. If applicable, this shall include provision for surface water drainage, sound and sight buffers and preservation of views, light, and air; and
  - 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 emergency vehicles, the arrangement of parking and loading spaces, and provisions for persons with disabilities; and
  - C. The requested use will promote a harmonious relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area; 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; and

- E. The requested use meets any special regulations set forth in the Zoning Ordinance.
- F. The requested use bears a positive relationship to the public convenience or welfare. The use will not unduly impair the integrity of character of the district or adjoining zones, nor be detrimental to the health, morals, or general welfare. The use shall be in harmony with the general purpose and intent of the Ordinance; and
- G. If applicable, the requested use will promote City planning objectives to the extent possible and will not adversely effect those objectives, as defined in City master or study plans adopted under M.G.L. Chapter 41, Section 81-C and D.

(Amended 6/17/93)

- 4. The special permit granting authority shall also impose, in addition to any applicable conditions specified in this Ordinance, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including, but not limited to, the following: front, side or rear yards greater than the minimum required by this Ordinance; screening buffers or planting strips, fences, or walls, as specified by the special permit granting authority; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; traffic features in accordance with the regulations of loading or other special features beyond the minimum required by this Ordinance. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the special permit granting authority.

In addition, when applicable, a site plan shall be submitted to the Planning Board for its final approval in accordance with the Site Plan Approval in Section 11.0 of this ordinance.  
(Amended 5/17/91)

(Amended 10/6/94. Sections 4.0, 10.0, and 11.0 rearranged 2/1/2001)

**Section 10.2 Removal of Sand, Gravel, Quarry or Other Earth Materials.** For the removal of sand, gravel, quarry, loam, sod or other earth materials, other than that which is incidental to and in connection with the construction of a building for which a permit has been issued in accordance with these zoning regulations, and for processing and treating raw materials, the following conditions shall govern:

- 1. Any existing sand or gravel removal activity operating under a permit issued prior to the date of adoption of this Ordinance may continue until the expiration of the permit, except that any expansion or change in operation not covered by such permit shall require conformance with the above regulations.
- 2. Removal and processing operations shall not be conducted closer than fifty (50) feet to a public street or to any property line.
- 3. No equipment, except mobile equipment for sorting, washing, crushing, grading, drying,

processing, and treating, shall be used closer than one hundred (100) feet from any public street or from the line of any adjoining property.

4. Off-street parking shall be provided as required in the Table of Off-Street Parking Regulations.
5. Any access to excavated areas or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
6. No excavation, quarry, bank or work face extending under original ground level shall create a slope of more than one vertical to two horizontal. Such fence shall be located ten (10) feet or more from the edge of the excavation or quarry, and shall be at least six (6) feet in height.
7. Adequate provision is to be made for drainage during and after the completion of operations.
8. Lateral support shall be maintained for all adjacent properties.
9. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.
10. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.
11. Hours of operation shall be designated.
12. Provisions shall be made for the adequate control of dust during operation.
13. Required Site Plan. Site plans for the removal areas shall be prepared by a registered professional engineer or a registered land surveyor according to Section 11.0, with the following additional information.
  - A. Water supply and sanitary sewerage systems and temporary and permanent drainage systems for the site.
  - B. Topographic mapping showing existing contours at intervals of not more than two (2) feet and contours of finished grade after the conclusion of the operation.
  - C. Replacement of at least four (4) inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
  - D. Submission of plan for lighting if night operation is contemplated.
  - D. Proper provision for vehicular traffic, service roads, and control of entrances and exits to highways.

- F. The relocations of existing and future buildings and operations machinery to the removal areas.
  - G. Delineation of the existing removal areas and the proposed area for removal in the immediate future.
  - H. Provision for a substantial fence enclosing the excavation or quarry.
14. Required Reuse Plan. Reuse of a removal site is in the public interest. Therefore, land reuse plan(s) on a scale of one hundred (100) feet to the inch or greater must be submitted to and approved by the Planning Board, subject to the regulations set forth below:
- A. The Planning Board may require that up to five (5) approved alternative future land reuse plans be submitted for such land as is used for the extraction of sand, gravel, rock, loam, sod, and associated earth materials, A land reuse plan is also required where an existing extraction operation is extended below the grade of adjacent ground.
  - B. Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and suitable erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future (zero (0) to five (5) years), and be revised as necessary as the existing physical character of the removal area changes.
  - C. The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one (1) year of the abandonment of said operation. Abandonment for the purposes of this subsection shall be defined as the visible or otherwise apparent intention of the owner of user of the land to discontinue the use of the land for a continuous period of one (1) year. Temporary operating of less than thirty (30) days shall not be construed to interrupt any continuous period of abandonment.
  - D. A reuse plan as defined in this section shall be required for each operation which would come under this section prior to three (3) years from the date of adoption of this amendment, and shall be subject to all of the review procedures as provided in this section, notwithstanding the fact that the operation itself is being undertaken under the provisions of previously existing zoning ordinance.
15. The Planning Board shall require a surety bond signed by a Surety Company authorized to do business in the Commonwealth of Massachusetts, or other acceptable performance security, in an amount approved by the Board as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
16. Exemption. The removal of earth material in any of the following operations shall be exempt from this section:

- A. The removal of less than ten (10) cubic yards of material in the aggregate in any year from any one lot.
  - B. The transfer of material from one part of a lot to another part of the same lot.
  - C. The removal of material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance provided the quantity of material removed does not exceed that actually displaced by the portion of such building, structure, street, driveway, sidewalk, path or other appurtenances below finished grade.
17. For a continuation of an operation beyond a period designated in the initial permit, a new application must be granted in the same manner as for the initial permit except that the Planning Board may waive requirements for submittal of materials required by this section. The waiver must be granted in writing by the Board to the applicant. All other provisions relating to operational standards and permit procedures shall apply.
- (Amended 5/17/90 and 10/6/94)

**Section 10.3 Filling of Any Water or Wet Area.** For the filling in of any pond, lake, swamp, or other existing body of water or wet area where such filling is not covered by Section 13 or Section 14; and where such filling in requires an amount of fill equivalent to five hundred (500) cubic yards or more, or where the area to be filled in exceeds ten thousand (10,000) square feet and only subject to the eventual approval by the Northampton Conservation Commission under the applicable provisions of Massachusetts Wetlands Protection, the following conditions apply:

- 1. A site plan shall be submitted as required in Section 10.11, including the following additional information:
  - A. the premises and surrounding area within one hundred (100) feet showing;
  - B. existing and proposed contour lines at intervals of not more than two (2) feet resulting from the proposed filling in, in relation to the topography of the premises;
  - C. a tie-in to the nearest road intersection;
  - D. a plan for lighting if night operation is contemplated.
- 2. Provision shall be made for temporary and permanent drainage of the site.
- 3. Fills shall be limited to terrace fills which are not to exceed ten (10) feet at any one time nor be within ten (10) feet of an adjacent property line or any cut.
- 4. Regrading of all or parts of the slopes resulting from such fill shall be carried out.
- 5. At least six (6) inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces with seeding with a perennial cover crop, re-seeded as necessary to assure uniform



growth and soil surface stabilization.

6. Where any fill will have a depth of ten (10) feet or more and create a slope of more than one vertical in two horizontal, there shall be a substantial fence enclosing the fill at least six (6) feet in height with suitable gates. Such fence shall be located ten (10) feet or more from the edge of the fill.

(Amended 10/6/94)

**Section 10.4 Filling of Land Other Than Water or Wet Area.** For the filling in of any land area which is not excepted in Section 10.4(1) below, no such filling in of land shall proceed without first securing a special permit according to the regulations and procedures set forth in Section 10 of this Ordinance, subject to the provisions contained herein.

1. Exceptions The filling in of any land area shall be exempt from this Section provided all of the following conditions are complied with:
  - A. A filling-in operation which does not exceed a total of five hundred (500) cubic yards of material.
  - B. A filling-in operation which does not exceed a total area of ten thousand (10,000) square feet on any lot, land parcel or subdivision thereof.
  - C. A filling-in operation which is associated with acceptable agricultural land management practices, including, but not limited to, plowing and construction of agricultural structures; nursery operations, such as the removal and/or transplanting of cultivated sod, shrubs, and trees; logging operations.
  - D. Filling-in operations associated with refuse disposal and sanitary landfill facilities within the City of Northampton and operated in accordance with all appropriate State and local regulations.
  - E. Filling-in operations necessary in connection with lawful construction of a building, structure, street, driveway, sidewalk, path or other appurtenance.
  - F. Filling, as a maintenance measure, or for landscaping purposes on existing developed lots or parcels, provided that the aggregate of area(s) affected does not exceed ten thousand (10,000) square feet, the grade change does not exceed twelve (12) inches at any point and does not alter the drainage patterns; and the filling-in does not involve a quantity of material in excess of one hundred (100) cubic yards.
2. For a continuation of an operation beyond a period designated in the initial permit, a new application must be made and a new special permit must be granted in the same manner as for the initial permit except that the Planning Board may waive requirements for submittal of materials required by this section. The waiver must be granted in writing by the Planning Board. All other provisions relating to operational standards and permit procedures shall apply. A separate permit shall be required for each separate non-contiguous site and for any

expansion on the same site.

3. A site plan shall be filed with the Office of Planning and Development for any land which is to be filled and is not exempted under the provisions of Section 10.4(1). Site plans for fill areas shall be prepared by a registered professional engineer or a registered land surveyor in accordance with this section and Section 11.0. Site plans must include the following for the site to be filled and the area within one hundred (100) feet of the site to be filled:
  - A. The premises and surrounding area within one hundred (100) feet showing the area to be filled in, property lines within which the filling is proposed, existing and proposed contour lines at intervals of not more than two (2) feet resulting from the proposed filling in, in relation to the topography of the premises.
  - B. The location of any buildings, structures, utilities, sewers, water and storm drains within one hundred (100) feet of the site.
  - C. A certification of the quantity of fill involved.
  - D. Detailed plans of all temporary and permanent drainage provisions, retaining walls, cribbing, vegetative practices, erosion and sedimentation control measures and all other protective measures and devices utilized or constructed in connection with the area to be filled.
  - E. A timing schedule and sequence indicating the anticipated starting and completion dates.
  - F. A plan for lighting if night operation is contemplated.
  - G. Other plans, drawings or materials as may be required by the Planning Board.
4. Conditions For the filling in of any land area subject to the provision of Section 10.4 of this Ordinance, the following conditions shall govern:
  - A. Provision shall be made for adequate temporary and permanent drainage of the site.
  - B. Fills shall be limited to terrace fills which are not to exceed ten (10) feet at any one time nor be within ten (10) feet of an adjacent property line or cut.
  - C. Regrading of all or parts of the slopes resulting from such fill shall be carried out.
  - D. At least six (6) inches of topsoil shall be replaced over all filled or otherwise disturbed surfaces seeded or sodded with a perennial cover crop, re-seeded or resodded as necessary to assure uniform growth and soil surface stabilization.
  - E. Where any fill will have a depth of ten (10) feet or more and create a slope of more than one vertical in two horizontal, there shall be a substantial fence enclosing the fill

at least six (6) feet in height with suitable gates. Such fence shall be located ten (10) feet or more from the edge of the fill.

- F. Filling of land area which falls within the superimposed Watershed Protection District is prohibited.
- G. The planned filling in of any land area shall be consistent with any recreation, conservation and open space plan as prepared by the City Planning Board.
- H. Documentation shall be submitted as to the effect of such filling-in activities on drainage, both within the immediate area and sufficiently far downstream, as required by Planning Board.
- I. Provisions shall be made such that the filling in of any land area shall not impair surface drainage, constitute an erosion hazard nor act as a source of sedimentation to any adjacent land or watercourse.
- J. Provisions shall be made such that the filling in of any land area does not impair the safe and efficient operation of any on-site sewage disposal or drainage facilities nor those located on adjacent properties.
- K. Provisions shall be made to reduce the area and duration of exposure of fill material(s) and to reduce the velocity of run-off, both during and after the completion of the filling-in activity in order to minimize the potential of soil erosion and siltation problems.
- L. Provisions shall be made for the adequate control of dust during filling-in operations.
- M. All disturbed fill areas shall be promptly seeded or sodded with a suitable ground cover and supplemented with other suitable plantings as soon as the season permits.
- N. No final slopes shall exceed a slope of more than one (1) foot vertical in two (2) feet horizontal.
- O. No filling in of land shall cause or permit any soil, earth, sand, gravel, rock, stone loam, or other fill material, or water or liquid to be deposited upon or to roll, flow or work upon or over the premises of another without the express consent of the owner of such premises so affected; nor shall any filling in of land cause or permit any soil, earth, sand, gravel, rock, stone loam, or other fill material or water or liquid to be deposited, or to roll, flow, or wash upon or over any public street, street improvement, road, sewer, storm drain, water course, or right-of-way, or public property.
- P. Such other conditions as may be deemed necessary and reasonable shall be imposed by the Planning Board in order to prevent damage to public or private property or any sewer, storm drain, or watercourse, or to prevent the filling in of land from being

conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance.

(Amended 10/6/94)

**Section 10.5 - Open Space Residential Development.** For residential development in a clustered concept (a concept whereby the residences are clustered on a portion of the lot, thereby leaving more of the parcel undeveloped and in open space, the purpose of which is to: a) preserve the rural character of the community by maximizing and preserving expanses of open space in their natural state; b) provide a buffer between developments, and; c) serve a functional relationship to each of the lots in the development) in those districts for which such an option is allowed by the Table of Use Regulations, the following rules and conditions shall apply:

1. A site plan, in accordance with this section and §11.0, Site Plan Approval, shall be prepared by a registered land surveyor or registered professional engineer. In addition to requirements of §11.0, the plans shall show the following:
  - A. Two (2) foot finished contours on the tract and within fifty (50) feet thereof.
  - B. The location and acreage of areas to be devoted to specific uses.
  - C. Existing and proposed streets, parking areas, drainage and utility systems, including sewer and water, street lighting, landscaping, fire alarm systems, sidewalks, and easements, and natural features.
  - D. Proposed clustered residential density of development and gross density of development in terms of square feet per family.
  - E. The proposed location of parks, open spaces and other public or community uses.
  - F. Such other information as may be required by the Planning Board.
2. For those proposed developments which will also involve the subdivision of land and/or require the Planning Board's Approval under the Subdivision Control Law:
  - A. A Definitive Subdivision Plan shall be filed with the Special Permit Application in lieu of the Site Plan (said Plan shall include all of the information required in 1. above); and
  - B. The Definitive Subdivision Plan shall be filed with the Planning Board for Approval under the Subdivision Control Law at the same time that the Special Permit is filed.  
(Amended 10/12/91 & 12/18/92)
3. The tract for which an Open Space Residential Development is proposed shall be in a single ownership or control at the time of application, and shall be comprised of at least four (4) contiguous acres, except in UR-C and UR-B it shall be at least three (3) acres.

4. The use and density requirements for Open Space Residential Development (Cluster) are listed in the Table of Use Regulations and the Table of Dimensional and Density Regulations in Section 6.2. The minimum lot area in the Table is the land area required for each residential building exclusive of streets, water area, open space, and common land. When a development is served by both an on-site water supply (well) and an on-site sewage disposal system (septic tank), then Board of Health approval of both water supply and sewage disposal system location is required.

Each single-family, two-family and three-family structure shall be located on its own individual lot, except that for the purpose of this section one-family, two-family and three-family structures may be considered townhouses if they are either row houses attached side-to-side (not on top of each other), or if all homes are located on a single lot under common ownership. Multiple townhouses and multi-family structures may be located on one lot under common ownership. If multiple structures are placed on a single lot, there must be adequate provisions for internal circulation, including circulation of pedestrians and emergency and maintenance vehicles, and for the on-going maintenance of the circulation system. The total number of units shall be determined by sub-section 5 below.

When the rear or side yard of an individual lot in the development, including a Zero Lot Line lot, abuts a lot not in that development, then said rear yard and side yard building setbacks shall be equal to those required for a non-clustered lot in that Zoning District.

5. A. The maximum number of dwelling units in the development shall be computed by multiplying the total tract area, less proposed roadways and ninety (90) percent of wetlands and floodplains, by the density shown below for the appropriate zone:

RR	1.1 dwelling units per acre
SR	1.5 dwelling units per acre
URA	2.2 dwelling units per acre
URB	4.4 dwelling units per acre
URC	4.4 dwelling units per acre
WSP	0.54 dwelling units per acre, regardless of the underlying district
All Districts	0.54 dwelling units per acre if lots or development have <u>both</u> an on-site water supply (well) and an on-site sewage disposal system (septic tank), regardless of the underlying district.

- B. The above densities are increased by up to fifteen (15) percent if:
  1. The percent of density bonus is no greater than the percent of dwelling units in the cluster that are affordable units. Affordable units are those which may be rented or purchased by households making eighty (80) percent of median household income for Northampton, as calculated by the U.S. Dept. of Housing and Urban Development with adjustments for family size; and
  2. Deed and use restrictions, easements, or covenants, with a mechanism for adequate enforcement, are provided and approved by the Planning Board to

insure that units are affordable for a minimum of 99 years and that units can only be purchased by people whose income does not exceed eighty (80) percent of median income; and

3. Affordable units are geographically dispersed throughout the development; and
  4. The applicant provides all required information and paperwork and pays all required fees under the Massachusetts Local Initiative Program to allow the City to count these units as affordable units.
- C. Common buildings, including recreation, day care, dining, laundry, guest rooms, personal office space, and other shared and maintenance facilities may be allowed in a cluster, but are limited to common facilities which serve the residents of the cluster but not outside paying guests, and which are funded primarily by mandatory assessments on all cluster units. Setbacks on common buildings must equal setbacks required for non-clustered lots in the subdivision. Common buildings are not considered dwelling units nor can they be credited to open space requirements. The dimensional requirements of §6.2 Table of Dimensional and Density Regulations shall apply to common buildings.
6. The proposal shall conform to the provisions of any and all applicable local, state and federal rules and regulations, including §10.1 (Special Permits) of this ordinance.
  7. Of the total tract area, at least fifty (50) percent shall be set aside as Common Open Space with no buildings allowed except for bathrooms required to serve the common open space. Of the fifty (50) percent set aside for open space, no more than twenty-five (25) percent shall be wetlands or floodplains (as defined in M.G.L. Chapter 131, Section 40, the Wetlands Protection Act, 310 CMR, and the Northampton Wetlands Protection Ordinance) nor have a slope of over eight (8) percent, except as permitted in paragraphs 8 and 9 below, nor include any part of a detention/retention pond designed to hold water for up to a ten year storm) shall be set aside as Common Open Space with no buildings allowed except for bathrooms required to serve the common space.

In the event that more than 25% of the proposed open space falls into one of these categories above, any such additional land shall be subtracted from the total tract area for the purpose of calculating the required open space.

This open space may include land donated to the City or other conservation organization under § 6.3(3) (Reduction of Dimensional and Density Requirements) of this Ordinance and credited to the property being developed provided that:

- A. The public has a right to enter the property for passive recreation; and
- B. The land was not credited to any other Open Space Residential or PUD Development nor to any other development or permit.

8. The Planning Board shall allow land with slopes of up to twenty (20) percent to qualify as open space if:
  - A. A minimum of one tenth (.1) acre per dwelling unit (based on maximum allowable dwelling units) of active recreational facilities (such as playing fields, playgrounds, tot lots, walking trails, and picnic areas) are provided; and
  - B. Said recreational facilities must, in the opinion of the Planning Board after consulting the Recreation Commission or the Conservation Commission (as appropriate), serve an important and unmet recreational need for the proposed project and for the area of the City in which they are located; and
  - C. Said facilities must be built to a minimum of commonly accepted design standards and must be built in a manner to minimize future maintenance costs; and
  - D. A right-of-way or fee title for at least fifty (50) percent of said recreational facilities and for at least fifty (50) percent of the open space must be offered to and accepted by the City or a non-profit conservation land trust for park/ conservation purposes. The Planning Board may require that only a right-of-way be transferred and that the developer or homeowners association retain the responsibility to maintain the facilities.
9. The Planning Board shall allow up to 25 percent of the open space requirements to be met off-site but within 1/2 mile of the cluster site OR up to 40 percent of the open space requirements to be met off-site but within 1/4 mile of the cluster site if:
  - A. The off-site open space is, in the opinion of the Planning Board, easily and safely accessible from the cluster site by foot and without crossing any collector or major streets (except by tunnel or bridge); and
  - B. The Northampton Conservation Commission or Recreation Commission (as appropriate) and the Planning Board finds that the off-site open space provides valuable open space to serve that part of the city; and
  - C. A right-of-way or fee title is offered to and accepted by the City or a non-profit conservation land trust for the off-site open space for park/ conservation purposes; and
  - D. For the purposes of figuring the open space required, the off-site open space shall be considered to be part of the total tract and each acre of off-site open space shall be equivalent of .75 acres of on-site open space.
10. A functional relationship shall exist between the Common Open Space areas and the proposed residential clusters. Such Common Open Space shall be restricted to open space, agricultural uses, recreational uses such as tot-lot, park, playground, play field, golf course,

or conservation area.

Such Common Open Space shall have suitable access to and from the development's street(s), and shall conform to the requirements of the Northampton Subdivision Regulations in effect at the time of application.

11. Such Common Open Space as required by this section and by the Planned Unit Development of this Ordinance shall be placed under a Conservation Restriction in accordance with the provisions of M. G. L. Chapter 184, § 31-33 as amended. Such common land shall be either deeded to the City at no cost (but only with the consent of both the Planning Board and the City Council and the Conservation Commission or Recreation Commission, as appropriate) or shall be conveyed to a private non-profit corporation, the principal purpose of which is conservation or preservation of open space or to an organization or legal entity established for the purpose of owning and maintaining such common land. Such organization shall be created by covenants running with the land, and such covenants shall be included with the submitted development plan and shall be subject to approval by the City Solicitor. Said covenants must be re-recorded every thirty years.

Such corporation or organization shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space) without first offering to dedicate the same to the City.

Covenants creating such organization shall provide that in the event the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Planning Board may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty (20) days of the notice. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Planning Board, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same until the organization theretofore responsible for the maintenance of the common open space demonstrates, to the Planning Board's approval, that they can adequately maintain the common open space.

The covenants creating such organization shall further provide that the cost of such maintenance, including all administrative costs, by the City shall be assessed against the properties within the development that have a right of enjoyment of the common open space, and shall become a charge of said properties, and such charge shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefore.

The covenants shall provide that each dwelling unit shall have an equal say in determining



the affairs of the organization; that costs shall be assessed equally to each dwelling unit; and that the organization shall be retained in the control of the developer no longer than until a majority of dwelling units are conveyed to permanent owners. Where appropriate, more than one separate and distinct organization may be created. Separate organizations may not be created, however, where one might be too small (in terms of the number of lots included) to operate efficiently, or where one has a responsibility for too large or costly (to maintain) parcel of open space in proportion to that under the responsibility of other organizations within the same development.

12. Zero Lot Line (ZLL) Developments are permitted within Open Space Residential Development, in accordance with the Table of Dimensional and Density Regulations and Section 10.14 Zero Lot Line Developments.
13. A portion of a new project may be developed as an open space residential development, provided that portion of the project meets the requirements set forth in this section.  
(Amended 10/17/91, 12/18/92, 10/6/94, and 2/6/2001)

**Section 10.6 Planned Unit Development (PUD).** Planned Unit Developments are mixed residential, business, and institutional developments with extensive open space.

PUDs may be allowed with a Special Permit from the Planning Board in accordance with all of the requirements and conditions of §10.5 (Open Space Residential Development--Clusters) and §11.0 (Site Plan Approval), with the following modifications to §10.5 and the additional conditions:

1. The development plan must include a table showing the number and types for residential dwelling units, the number of bedrooms and the amount of living space within each; the gross floor area of non-residential space by type of proposed use; the number of parking spaces required by each activity and the number made available; the amount of open space required, and the amount to be retained; and if more than one stage or phase of development is proposed, the proportion of each of the above figures to be undertaken or provided within each phase.
2. The tract may be a new development or incorporate existing development, and it shall be in common ownership or control. The minimum area of a tract for a Planned Unit Development in each of the relevant zoning districts is as follows:
  - RR or SR - 30 contiguous acres
  - All others- 4 contiguous acres
3. The following uses shall be permitted: all residential uses, including single-family, two-family and three-family houses, townhouses and multi-family dwellings; religious or educational uses; nursery; kindergarten; day care; membership clubs (not-for-profit and for-profit); public recreation or open space; fire station; and business (retail or service only) establishments not exceeding 5,000 square feet in gross floor area.
4. Each residential structure/use may be on its own individual lot or there may be multiple

structures/uses on a single lot under common ownership (including master deed/condominium ownership) in accordance with the provisions of §6.2 Table of Dimensional and Density Regulations. Each non-residential structure or use may be on its own individual lot meeting the requirements for a three family home in said Table or, if on a common lot with other structures/uses, the setback requirements must be increased to the requirements for a three family home and the other dimensional requirements of the common lot must be increased by the requirements for a three family home (except no increase is required for day care).

5. For a planned unit development in the residential district, the business and membership club gross floor area shall not exceed a maximum of sixty (60) square feet per dwelling unit. For a planned unit development in business or industrial districts, the gross floor area devoted to residential use shall not exceed thirty (30) percent of the gross floor area devoted to non-residential uses.
6. For a planned development where the tract includes land in both the residential and the business districts, the proportion of any type of development at any one time shall be computed by applying the limits contained in paragraph 5 above to those portions of the total tract in each district. However, the location of each type of use shall not be restricted by the zoning district boundary.
7. The maximum number of dwelling units in the development shall be computed by multiplying the total tract area, less proposed roadways and eighty (80) percent of wetlands and floodplains, by the density shown below for the appropriate zone:
  - RR - 1.1 dwelling units per acre, unless WSP
  - SR - 1.5 dwelling units per acre, unless WSP
  - URA - 2.2 dwelling units per acre, unless WSP
  - URB - 6.0 dwelling units per acre, unless WSP
  - URC - 11.0 dwelling units per acre, unless WSP
  - HB - 7.00 dwelling units per acre, unless WSP
  - BP - 1.5 dwelling units per acre, unless WSP
  - SI - 5.00 dwelling units per acre, unless WSP
  - WSP - 0.54 dwelling units per acre, regardless of the underlying district

For residential districts only, each thousand square feet of non-residential gross floor area shall count as one unit, for the purposes of calculating the maximum number of units allowed (below). No density credit shall be computed for lands for non-road public facilities or improvements to existing roads where such lands are to be sold to the City. Credit may be computed where such lands are donated without cost.

8. In non-residential districts the common open space requirement is reduced to twenty (20) percent, with the open space requirement otherwise calculated the same way as for residential districts.
9. The net residential density within the residentially developed area of a Planned Unit Development shall not exceed thirty (30) dwelling units per acre.

10. All buildings shall be at least fifty (50) feet from the perimeter of the Planned Unit Development in residential districts and at least thirty-five (35) feet in non-residential districts.
11. Where a Planned Unit Development is to be developed in phases, each phase shall contain a proportionate share of the total number of dwelling units, non-residential floor space, parking, and open space. No phase shall proceed until construction within all preceding phases is underway to the satisfaction of the Planning Board.  
(Amended 12/17/92, 6/17/93, 10/6/94, 3/26/96, 2/1/01, and 12/20/01)

**Section 10.7 Heavy Public Use.** For a special permit from the City Council for the construction of, development of, or use of any lot for a heavy public use, the following conditions shall apply:

1. A statement shall be submitted indicating the need for the facility or use and the rationale for its development, the criteria used in selecting a site, and the location of all alternative sites considered, and the reasons for not selecting them.
2. In addition to the material required in Section 11.0, the following must be shown on the site plan:
  - A. Two (2) foot contours on the parcel and within fifty (50) feet thereof.
  - B. The location and dimensions of all buildings, structures, and exterior use areas, including all parking areas and driveways.
  - C. The location of buffer strips, screening provisions (with details attached), and areas to be preserved in a natural state, all these to be sufficient to preclude visibility of the uses and structures from adjoining parcels.
  - D. Such other facts as the City Council may require.
3. In considering an application for a heavy public use, the City Council shall be particularly cognizant of potential noise, odors, or other detrimental environmental nuisances which might be generated; of traffic and the ability of the local street network to accommodate increased traffic; of the ability of the utility systems to accommodate any increased demands which might be placed upon them by the proposed use; and of the applicable provisions of the adopted comprehensive plan of the City.

(Amended 10/6/94)

**Section 10.8 Commercial Stable, Kennel, etc.** For a commercial stable, kennel or other such use requiring a special permit under the provisions of Section 5.2 "Agriculture" the following rules shall apply:

1. The minimum acreage required shall be a parcel or tract of land of at least ten (10) acres.

2. The location of barns, stables, riding rings, corrals, and accessory facilities shall be located not less than one hundred seventy-five (175) feet from any street line and not less than one hundred (100) feet from any side or rear lot line.
3. The area to be used for the keeping of horses and/or ponies shall have adequate fencing to contain the animal(s) within the property boundaries.
4. Sufficient off-street parking facilities should be provided to accommodate all users and visitors to the property, as determined by the Planning Board.
5. Stables, barns, corrals and yards shall be properly drained and reasonably free from excessive odor, dust, and mud, so as not to create a nuisance or health hazard to the community or to surrounding property owners, from an air or drainage pollution standpoint.
6. Maintenance of the stables, barns, and property used in the keeping of horses and/or ponies shall conform to all regulations of the Board of Health and State Health Authorities.

(Amended 10/6/94)

**Section 10.9 - Telecommunications and Personal Wireless Facilities** The City of Northampton wants to encourage telecommunications and wireless services while minimizing adverse visual effects of these telecommunication facilities through careful design, siting, and vegetative screening and maximizing use of any new or existing towers, building and structures to reduce the number of towers needed.

1. Telecommunication Facilities are allowed as shown in §5.2 Table of Use Regulations and §11.0 Site Plan Approval. A Special Permit is required for any new tower.
2. Site Plan Approval, in accordance with this section and §11.0 Site Plan Approval, is required for a Telecommunications Facility. The Site Plan shall be prepared by a registered land surveyor and/or registered professional engineer. In addition to the requirements of §11.0, the plan shall show the following:
  - A. For any new towers, the details of the tower (monopole, guyed, freestanding, or other), guy wires and anchors, tower lighting, and all structures located within 300 feet of any tower. Tower details must be prepared by a registered professional engineer qualified in structural design.
  - B. For any new towers or antennas, additional visual and aesthetic information including, among other things, enhanced landscaping plans, line-of-sight drawings, and/or visual simulations adequate to determine the visual impact of the tower. The Planning Board may require more visual analysis before acting on a Site Plan application.
  - C. Demonstrate that all approval criteria have been addressed.
3. Approval Criteria: In addition to the §10.1 Special Permit criteria and §11.0 Site Plan

Review criteria, the following criteria will be considered prior to the approval/denial of a request for Site Plan and Special Permit. The criteria listed may be used as a basis to impose reasonable conditions on the applicant.

- A. Siting: Before any new tower is approved, the applicant must prove that it is not feasible to locate their antenna(s) and facilities on an existing tower or building. Before a new tower is proposed in a residential district, the applicant must also prove that it is not feasible to locate their antenna and facilities in other districts or on municipal facilities. Such demonstration studies shall include a summary of propagation studies and a plan for any network of facilities.
- B. Co-location: Any new tower must be designed, to the maximum extent which is practical and technologically feasible, for co-location of telecommunications antennas, including designing to accommodate at least three telecommunication providers, offering space to all other telecommunication providers at market rates, and providing for towers that can be expanded upward. Tower owners must maintain a record of the site location and coordinates, elevation, available space at each height, existing frequencies in use, and the name and number that an interested user can contact and make such a file available to the Office of Planning and Development upon request within thirty (30) days.
- C. Aesthetics: Telecommunications Facilities shall be designed, located and buffered, to the maximum extent which is practical and technologically feasible, to ensure compatibility with surrounding land uses. This shall include, but not be limited to, the following items:
  - 1. Selecting the type of tower (e.g. monopole, guyed or freestanding lattice) with the least visual impact;
  - 2. Providing additional landscaping to screen facilities and preserving, to the extent possible, existing on-site trees and vegetation. Use of towers other than monopoles may require additional landscaping;
  - 3. Designing and siting towers to avoid, whenever possible, application of FAA lighting and painting requirements. Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).
  - 4. Using materials and colors to be compatible with the surrounding environment and land uses to blend in with the site to the extent practical.
  - 5. Towers shall not contain any signs or advertising devices.
  - 6. Fencing must be designed to be as unobtrusive as possible.
- D. Radio-Frequency Effect: All telecommunication facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies, power levels

and standards, and that the applicant shall provide certification to support that the maximum allowable frequencies, power levels and standards will not be exceeded. Certification shall include technical specifications, an explanation of those specifications, and, if necessary, field verification.

- E. Dimensional and Density Regulations: Telecommunications Facilities shall adhere to §6.2 Table of Dimensional and Density Regulations and §6.8 Other Dimensional and Density Regulations, except as follows:
  - 1. Towers designed for one telecommunication provider shall be limited to 130 feet. Towers designed for co-located facilities shall be allowed an additional 20 feet for each additional provider up to a maximum of 220 feet. These height limits shall not apply to towers for or partially for government or emergency telecommunications, to the extent such height is needed to serve government or emergency telecommunication use.
  - 2. In residential districts, a tower must be setback from all property lines at least twice the distance equal to its height. In other districts, a tower must be setback from all property lines at least the distance equal to its height. The Permit Granting Authority, however, shall allow a shorter setback if the shorter setback provides adequate safety and aesthetics and the manufacturer or qualified licensed designer certifies that the tower is designed to collapse on itself or otherwise collapse safely and within the property controlled by the applicant in the event of failure. The Authority may allow lesser setbacks necessary to allow the use of an existing structure.
- F. Removal of Tower: The applicant shall remove any Telecommunications Facility that ceases to be used for its intended purpose for twelve consecutive months. The Planning Board may require a performance guarantee to insure that unused facilities are removed.
- G. Maintenance of Telecommunications Facility: All Telecommunications Facilities shall be maintained in good order and repair. Any paint and finish must be maintained and repaired when the blemishes are visible from the property line. The applicant must provide an inspection schedule and file copies of inspections with the Building Commissioner. (Added 4/3/97)

### **Section 10.10 Accessory Apartments**

An Accessory Apartment, or In-Law Apartment, is a self-contained housing unit incorporated within a single-family dwelling (not within accessory structures, except with a Special Permit) that is a subordinate part of the single-family dwelling and complies with the criteria below.

- 1. The intent of permitting accessory apartments is to:
  - A. Provide older homeowners with a means of obtaining rental income, companionship, security and services, and thereby to enable them to stay more comfortably in homes

and neighborhoods they might otherwise be forced to leave;

- B. Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to moderate income households who might otherwise have difficulty finding housing;
  - C. Develop housing units in single-family neighborhoods that are appropriate for households at a variety of stages in their life cycle;
  - D. Protect stability, property values, and the single-family residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses;
  - E. To provide housing units for persons with disabilities.
2. The Building Commissioner may issue a Zoning Permit authorizing the installation and use of an accessory apartment within an existing or new owner-occupied, single-family dwelling and the Zoning Board of Appeals may issue a Special Permit authorizing the installation and use of an accessory apartment in a detached structure on a single-family home lot only when the following conditions are met:
- A. The apartment will be a complete, separate housekeeping unit containing both kitchen and bath.
  - B. Only one accessory apartment may be created within a single-family house or house lot.
  - C. The owner(s) of the residence in which the accessory unit is created must continue to occupy at least one of the dwelling units as their primary residence. The Zoning Permit or Special Permit for the accessory apartment automatically lapses if the owner no longer occupies one of the dwelling units.
  - D. Any new outside entrance to serve an accessory apartment shall be located on the side or in the rear of the building.
  - E. The gross floor area of an accessory apartment (including any additions) shall not be greater than nine hundred (900) square feet.
  - F. Once an accessory apartment has been added to a single-family residence or lot, the accessory apartment shall never be enlarged beyond the nine hundred (900) square feet allowed by this ordinance.
  - G. An accessory apartment may not be occupied by more than three (3) people.
  - H. Three off-street parking spaces must be available for use by the owner-occupant(s) and tenants.

- I. The design and room sizes of the apartment must conform to all applicable standards in the Health, Building, and other codes.
- J. Zoning Permits issued under this section shall specify that the owner must occupy one of the dwelling units. The Zoning Permit and the notarized letters required in K and L below must be recorded in the Hampshire County Registry of Deeds or Land Court, as appropriate, in the chain of title to the property, with documentation of the recording provided to the Building Commissioner, prior to the occupancy of the accessory apartment.
- K. When a structure which has received a Permit for an accessory apartment is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter to the Building Commissioner stating that they will occupy one of the dwelling units on the premises as their primary residence. This statement shall be listed as condition on any Permits which are issued under this Section.
- L. Prior to issuance of a permit, the owner(s) must send a notarized letter stating that the owner will occupy one of the dwelling units on the premises as the owner's permanent/primary residence, except for bona fide temporary absences.
- M. Prior to issuance of a permit, a floor plan of one-quarter (1/4) inch to the foot must be submitted showing the building, including proposed interior and exterior changes to the building.

(Amended 2/18/93, 10/6/94, and 2/1/2001)

**Section 10.11 Residential Incentive Development Overlay District.** The purpose of Residential Incentive Development Overlay District is to provide housing opportunities that are affordable for low and moderate-income persons. Within the overlay district, the Planning Board may issue a Special Permit to allow housing development at somewhat greater densities than are normally permitted by the zoning ordinance, provided:

- 1. A minimum of thirty-three (33) percent of the total units in the development are affordable units.
- 2. The development conforms to the Table of Use and Table of Dimensional and Density Regulations and, in all other respects, conforms to all regulations and requirements for a Open Space (Cluster) Residential Development (§10.5) in URB districts.

(Amended 7/7/88 and 10/6/94)

**Section 10.12 Home Occupation Special Permit Criteria.** All Home Occupations (as defined in §2.1) and Special Permits issued for Home Occupations shall comply with the following:

- 1. It must be clearly incidental and secondary to the use of the building or property for residential/dwelling purposes.



2. It must be conducted by the principal practitioner who occupies the main building as his/her bona-fide residence, with no more than one other person engaged in the occupation except members of the immediate family also residing in such building.
3. It must not occupy more than 40% of the gross combined floor area of the main building, and the accessory structure (if such accessory structure is utilized for said home occupation).
4. One sign may be displayed advertising the Home Occupation provided:
  - A. It does not exceed one (1) square foot in area; and
  - B. It is attached to the structure next to or on the entryway for said Home Occupation; and
  - C. It is not illuminated.
5. Goods may only be offered for sale from the premises if the Zoning Board of Appeals expressly permits it in the issued Special Permit.
6. All goods sold must be produced or manufactured on the premises. However, internet, telephone or electronic transactions of goods not manufactured on the premises may be allowed. Stored goods for such transactions may comprise up to 15% or 200 square feet (whichever is less) of the area designated for the Home Office-Occupation through the special permit process.
7. The hours of operation shall be expressly stated in the Special Permit issued by the Zoning Board of Appeals.
8. The hours and frequency of deliveries of products and/or materials shall be expressly stated in the Special Permit issued by the Zoning Board of Appeals.
9. If said Home Occupation takes place in an accessory structure:
  - A. Constructed prior to the date of the adoption of the Ordinance, than said structure must conform to the setback requirements for accessory structures in that District.
  - B. Constructed after the date of the adoption of this Ordinance, than said structure must conform to the setbacks requirements for a principal structure in that District.
10. It shall produce no noise, obnoxious odors, vibrations, glare, fumes or electrical interference which would be detectable to normal sensory perception beyond the lot line.
11. The portion of any structure utilized for a Home Occupation shall conform to all applicable Fire, Building, Electrical, Plumbing and Health codes.
12. Prior to the commencement of any Home Occupation, a Certificate of Occupancy must be received from the Building Commissioner for any structure, or portion thereof, used for said occupation.
13. All Special Permits for Home Occupation must be renewed once, immediately following the

first year of operation. Permit may be renewed in perpetuity upon application to the Building Commissioner if nothing has changed in the project since its first Special Permit application and if the applicant provides written evidence satisfactory to the Building Commissioner that all of the owners of all parcels within 300 feet of the subject property have no objection to the use. Otherwise, the applicant can renew the permit using the same procedures as an original Special Permit submission.

14. All Special Permits for Home Occupations are Non-Transferable and are specifically issued to a specific applicant for a specific Home Occupation.
15. To allow those occupations (defined here as Home Office-Occupation) which require work space but do not involve sales of goods stored on the premises nor seeing any clients in the home, and which do not impact on a neighborhood (such as writers, researchers, and home offices for consultants who generally practice their trade at the client's place of business), a Home Occupation will be permitted as-of-right if the applicant complies with the following conditions, in addition to criteria above:
  - A. The Home Office-Occupation may be conducted only by bona-fide residents of the home; and
  - B. No clients or customers may be seen in the house or accessory structures for business purposes, except for those business purposes that are clearly incidental to the business when no services for fee or sales are being conducted during the visit, and then no more than one visit per day; and
  - C. No signs are permitted for the Home Office-Occupation; and
  - D. No goods may be sold from the premises nor may there be any sale of goods stored on premises, either retail or wholesale and no goods may be displayed on premises; . However, internet, telephone or electronic transactions may be allowed (walk-in sales prohibited). Stored goods for such transactions may comprise up to 10% or 100 square feet (whichever is less) of the area designated for the Home Office-Occupation; and
  - E. No outdoor storage of materials is allowed.
  - F. Home Office-Occupations may only be those allowed in the definition of Home Occupation (§2.1). (Amended 12/7/1989, 4/16/1992, 10/6/1994, 10/21/2004)

**Section 10.13 Adult Establishments Which Display Live Nudity.** The City of Northampton does not desire to suppress any speech or expression activities protected by the First Amendment but does want to enact a content neutral ordinance concerned with the secondary effects of adult establishments which display live nudity on the surrounding community, especially crime and effects on children and family life, and therefore desires reasonable regulations of the location of adult establishments which display live nudity in order to provide for the protection of the image of the community, its property values, and to protect our residents from any adverse adult entertainment land uses, while providing to those who desire to patronize adult entertainment land uses such an opportunity in areas within the City which are appropriate for location of such land uses. The City has not found compelling reasons to regulate other types of adult uses.

These adult establishments which display live nudity will be allowed with a Special Permit from the Planning Board with the following conditions:

1. The Planning Board can establish clear days and times of operation to avoid conflict with any other non-compatible land uses.
2. Any person convicted of violating the provisions of M.G.L. section sixty-three of chapter one hundred and nineteen or M.G.L. section twenty-eight of chapter two hundred and seventy two shall be prohibited from receiving or using a Special Permit for these uses.

#### **Section 10.14 Zero Lot Line (ZLL) Development**

Zero Lot Line (ZLL) Developments are developments, or portions of developments, where house lots have a minimum side yard setback of zero (0) feet on one side (the "Zero Lot Line") if the following standards are met:

1. If a garage is built, it must be setback at least twice the normal front yard setback or the garage must cover no more than 25% of the front façade of the principal structure; and
2. No windows or doors facing the Zero Lot Line may be placed within ten (10) feet of the Zero Lot Line, except windows that are at least eight (8) feet above grade; and
3. A minimum of a six (6) 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
4. Parking is not permitted in the front yard setback; and
5. The side yard setback (but excluding terraces) for the non-Zero Lot Line side yard shall be twice the usual setback; and
6. The Zero Lot Line side of a house must abut permanently protected open space or the lot line of another Zero Lot Line lot which are under the control of the same developer at the time the Zero Lot Line development is proposed; and
7. A five (5) 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 (2) 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
8. There shall be a minimum of four shade trees of not less than 2.5-inch caliper planted or maintained on each lot, including two along the street frontage. (See also §6.5(4)).  
(Amended 10/6/1994 and 2/1/2001)

**10.15 Planned Village District :** The PV district is designed to encourage economic diversity and vitality, to foster the creation of a village or campus center with coherent development patterns

similar to traditional Northampton development, to provide for an environment conducive to a high quality of life, to avoid unnecessary public expense for the extension of services, and to meet other community goals.

In addition to the §10.1 Special Permit Criteria and of §11.0 Site Plan Approval Criteria, the Planning Board must find that the following criteria are met before granting a Special Permit in the Planned Village District:

1. Project density and design will ensure that the project serves as a pedestrian-scale mixed village, and not an automobile oriented collection of independent uses. This includes, but is not limited to, the following:
  - A. Maintaining a village appearance and feel on existing gateway(s) to the Northampton by using buildings to frame the streetscape and avoiding holes in the urban streetscape fabric.
  - B. Ensuring that housing and village uses are designed to maximize pedestrian circulation within the project and connecting to surrounding areas, both through the design of circulation systems and through the design and layout of land uses.
  - C. Using building designs and design guidelines to create a compatible and attractive urban village.
  - D. By using retail, institutional and other land uses to keep the urban village tightly focused and walkable, and maintain a focus on gateway(s) to Northampton and respect surrounding land uses.
2. The project, including any concurrent road improvements, will not decrease the level of service (LOS) of any area roads or intersections below the existing conditions and shall consider the incremental nature of development on the LOS. In reviewing projects the Board shall look at other projects permitted or planned for the PV zone and consider the cumulative impacts. If requested by the applicant, the Planning Board 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, 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;
3. Landscaping, new buildings, parking, lighting, and other improvements in the Planned Village District must 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 Planning Board shall find that this criterion is met if:
  - A. Construction will cause no more than minimal disturbance of existing ridge-lines and hilltops and will, to the extent possible, preserve existing specimen trees and other desirable natural features.
  - B. All permanent mechanical equipment is screened from public view and from views from surrounding properties and ways.

- C. The design and appearance of proposed new buildings, renovations, and other improvements are designed for visual compatibility within the site and the surrounding area; or private covenants are established for the development that require adequate architectural controls sufficient to ensure compatibility within the site and surrounding area in the design, construction, and maintenance of improvements. Generally, buildings should be a minimum of two stories in height.
- 4. All feasible measures to mitigate on-site and off-site traffic impacts must be taken, including measures to facilitate access to existing or likely public transit and to existing or likely off-site pedestrian and bicycle paths.
- 5. Development must be designed to insure easy access to surrounding parcels in the PV and to the surrounding open space.
- 6. Where a Planned Village is developed in phases, the residential development (excluding that developed in accordance with the zoning requirements for reuse of historic buildings and units above the first floor) may not exceed the percentage of allowed residential use in PV listed the Table of Use Regulations. The Planning Board may, as part of the Special Permit process, approve a phasing plan where residential use temporarily exceeds the maximum percentage by no more than 20%, if they find:
  - A. Such approval will advance commercial development, housing for Department of Mental Health clients, or affordable housing aspects of the project and ensure that commercial space is developed in a reasonable time; and
  - B. If project will not exceed the allowable percentages for more than two years;

For the purposes of this section, commercial space shall be considered developed when it is occupied for commercial uses or under an agreement or covenant to be sold and developed within six months and up to 150,000 square feet of commercial space shall be considered developed when the Office of Planning and Development, in consultation with the Department of Public Works, finds that the following criteria have been met:

- A. All necessary state and local permits and MEPA review (including the Secretary's approval of any necessary final EIR), except building permits, have been obtained.
- B. All on and off-site road and transportation facilities necessary to serve that development are in place and are committed to the project.
- C. All public and private utilities, including water, sewer, storm sewer, electric, phone, cable TV, and any high speed telecommunications services, are in place to serve the site.
- D. The site is totally ready for development and is only waiting actual construction.

## **Section 11.0: SITE PLAN APPROVAL**

### **Section 11.1: Purpose**

The purpose of this section is to provide a comprehensive review procedure for construction projects which will have significant impacts on the City, herein defined, to ensure compliance with the goals and objectives of the City, and the provisions of the Zoning Ordinance, to minimize adverse impacts of such development, and to promote development which is harmonious with surrounding areas; in particular to assure proper drainage, safe access, safe and efficient vehicular and pedestrian movement, adequate parking and loading spaces, public convenience and safety and adequate consideration of abutting land owners. (Amended 5/16/91)

### **Section 11.2: Projects Requiring Site Plan Approval as Intermediate Projects**

No Building Permit, Zoning Permit, or Special Permit shall be issued for the following "Intermediate Projects" prior to the review and approval of a Site Plan in accordance with this section:

1. Projects (excluding single-family dwellings and projects used exclusively for agriculture, horticulture or floriculture) which involve new construction or additions of not less than 2,000 nor more than 4,999 square feet of gross floor area.
2. Projects for which the Zoning Ordinance requires the provision of 6-9 additional parking places.
3. Projects which require a Special Permit and which are not otherwise Intermediate or Major Projects except that, notwithstanding any of the requirements of §10.12, the following projects do not require site plan approval: Accessory Apartments (§5.2 & 10.10), Accessory Structures (§5.2 & 6.7), Accessory Uses (§5.2 & 5.3), Historic Association and non-profit museum (§5.2), Home Occupation (§5.2 & 10.12) and Signs (§7.0) of the Zoning Ordinance.
4. Any project that is requesting a provision of the zoning that is allowed only with site plan approval and which is not otherwise a Major Project.
5. Planned Village (PV) projects which require a Site Plan Review in accordance with §10.15 and are not otherwise Major Projects.  
(Amended 5/16/91, 4/2/92 & 6/17/93)

### **Section 11.3: Projects Requiring Site Plan Approval as Major Projects**

No Building Permit, Zoning Permit, or Special Permit shall be issued for the following "Major Projects" prior to the review and approval of a Site Plan in accordance with this Section:

1. Projects which involve new construction or additions of 5,000 square feet or more of gross floor area.
2. Commercial parking lots and parking garages, including municipal garages.

3. Except for the CBD, establishments selling foods prepared on premises where consumption is primarily off the premises and retail establishments selling principally convenience goods.
4. Automobile service stations.
5. Projects for which the zoning ordinance requires 10 or more additional parking spaces over the zoning requirements for the previous use.
6. Rural Residential Incentive Development projects.
7. Planned Business Park projects.  
(Amended 5/16/91, 8/15/91, & 10/5/2000)

**Section 11.4: Requirements**

These requirements are superimposed over any other requirements of this Zoning Ordinance. The Building Commissioner may not issue any Building or Zoning Permits for any Intermediate or Major Projects until the Site Plan has been approved by the Planning Board. The Planning Board shall conduct the Site Plan process in conformance with the filing, review and public hearing requirements for a Special Permit. The Planning Board shall use the criteria of Section 11.6 for approving or disapproving the Site Plan. (Amended 5/16/91 & 10/5/2000)

**Section 11.5: Procedures**

Application for Site Plan Approval shall be made to the City Clerk and the Office of Planning and Development on forms provided for that purpose, accompanied by the required fee. The Planning Board shall adopt specific rules governing paper and electronic application and the number of copies. (Amended 5/15/03)

The application for Site Plan Approval shall be accompanied by a site plan, drawings and supporting documentation in a form specified by rules and regulations which shall show, among other data, the following:

1. Locus plan;
2. Site plan(s) at a scale of 1" = 40' (or greater) showing the following:
  - A. Name and address of the owner and the developer, name of the project, and date and scale of plans;
  - B. The location and boundaries of the lot, adjacent streets or ways, the location and owners names of all adjacent properties and those within 300 feet of the property line, and all zoning district boundaries;
  - C. Existing and proposed structures, including setbacks from property lines, structure elevations, and all exterior entrances and exits. Elevation plans of all exterior facades of proposed structures are required for towers and strongly encouraged for other structures;  
(Revised 4/3/97)

- D. Present and proposed use of the land and buildings;
  - E. Existing and proposed topography at two foot contour intervals, showing wetlands, streams, surface water bodies, drainage swales, floodplains, and unique natural land features (for intermediate projects the permit granting authority may accept generalized topography instead of requiring contour lines);
  - F. Location of parking and loading areas, public and private ways, driveways, walkways, access and egress points, including proposed surfacing;
  - G. Location and description of all stormwater drainage facilities, (including stormwater detention facilities, water quality structures, drainage calculations where applicable, and drainage easements), public and private utilities, sewage disposal facilities, and water supply;
  - H. Existing and proposed landscaping, including trees and other plantings (including the size and type of plantings), stone walls, buffers, screening, and fencing;
  - I. Location, dimensions, height, color, illumination of existing and proposed signs;
  - J. Provisions for refuse removal, with facilities for screening of refuse when appropriate;
  - K. An erosion control plan (for major projects only) and any other measures taken to protect natural resources and water supplies.
  - L. A photometric plan showing conformance with section 12.2.
3. Estimated daily and peak hour vehicle trips generated by the proposed use, traffic patterns for vehicles and pedestrians showing adequate access to and from the site, and adequate vehicular and pedestrian circulation within the site. In addition, major projects, as defined above, shall prepare a traffic impact statement including the following information:
- A. Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.
  - B. A plan to minimize traffic safety impacts of the proposed project through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or van or car-pooling, or other appropriate means. For new commercial, office, and industrial buildings or uses over 10,000 square feet, this plan shall evaluate alternative mitigation methods to reduce traffic by 35 percent, including:
    - 1 Public transit, van and car-pool incentive programs, including parking facilities and weather protected transit shelters;
    - ii Encouraging flexible hours and work weeks;
    - iii Encouraging pedestrian and bicycle access to the site;
    - iv Provision of integrated land uses, including on-site services, retail, and housing.
  - C. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected



- number of motor vehicle trips to enter or depart from the site for daily-hour and peak-hour traffic levels, road capacities, and impacts on intersections. Said assessment may be based on the proposed mitigation (in the plan required by paragraph 2 above).
- D. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
  - E. Adequate pedestrian access, including provisions for sidewalks to provide access to adjacent properties and between individual businesses within a development.
4. Other information as may be necessary to determine compliance with the provisions of the Zoning Ordinance.

Site Plans submitted for major projects shall be prepared (and stamped) by a registered Architect, Landscape Architect, or Professional Engineer.

Upon written request, the Planning Board may, at its discretion, waive the submission by the applicant of any of the required information, provided the applicant provides some written information on each of the items in paragraphs A, B, and C above and explains why a waiver is appropriate.

(Amended 5/16/91)

#### **Section 11.6: Approval Criteria**

In conducting the Site Plan Approval, the Planning Board shall find that the following conditions are met:

1. The requested use protects adjoining premises against seriously detrimental uses. If applicable, this shall include provision for surface water drainage, sound and sight buffers and preservation of views, light, and air; and
2. 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 driveways openings in relation to traffic and adjacent streets, access by emergency vehicles, the arrangement of parking and loading spaces, and provisions for persons with disabilities; and
  - A. The Planning Board may allow reduced parking requirements in accordance with Section 8.6: Shared Parking.
  - B. The project, including any concurrent road improvements, will not decrease the level of service (LOS) of all area roads or intersections effected 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 they have mitigated all cumulative and incremental traffic impacts. If requested by the applicant, the Planning Board 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, 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 traffic impacts if they were developed as an as-of-right development without Site Plan Approval and Subdivision Approval.

(Amended 5/02/2002 and 5/15/2003)

3. The requested use will promote a harmonious relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area; and
4. 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.
5. The requested use meets any special regulations set forth in the Zoning Ordinance.
6. Compliance with the following technical performance standards:
  - A. Curb cuts onto streets shall be minimized. Access to businesses shall use common driveways, existing side streets, or loop/service roads shared by adjacent lots when possible. More than one curb cut shall be permitted only when necessary to minimize traffic and safety impacts.
  - B. 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.
  - C. Major projects, except in the Central Business District must be designed so there is no increase in peak flows from the one (1) or two (2) and ten (10) year Soil Conservation Service design storm from pre-development conditions (the condition at the time a site plan approval is requested) and so that the runoff from a 4/10 inch rain storm (first flush) is 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 Planning Board finds can accommodate the expected discharge with no adverse impacts. In addition, catch basins shall incorporate sumps of a minimum of three (3) feet and, if they will remain privately owned, a gas trap.
7. If the project is a retail establishment of more than 10,000 square feet or an accessory use for such establishments, the requested use must meet the following standards. These standards are necessary because most retail space in Northampton occurs in smaller buildings, many of which are historic or otherwise rich in architectural detail. These smaller buildings help define the human-scale character of the city. For large retailers to contribute to the character of Northampton and not simply be a drain on that character, they must pay special attention to details, scale, colors and the like. Features which add visual interest, encourage pedestrian activities, and reduce traffic impacts are highly desirable. (Amended 5/2/2002)

Projects must meet all 11 standards. Projects which meet the recommended approach shall be found to meet that standard. Because there are often more than one way to meet a standard, the Planning Board may grant waivers from the recommended approach, however, whenever they find that an alternative site planning and building design approach addresses the standard equally well or better than would compliance with the recommended approach.

- A. Facades and Exterior Walls and Details. Standard: Buildings should have human-scale architectural features and patterns. The elements should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint. Facades visible from a public way should be articulated or use other techniques to reduce the massive scale and the uniform appearances of large retail buildings.

Recommended approach:

1. Building facades must include a repeating pattern that shall include color change, texture change, and materials change. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically. Patterns can include architectural or structural bays through a change in plane no less than 12 inches in width, such as an offset, reveal, or projecting rib.
2. Facades visible from a public way greater than 100 feet in length, measured horizontally, shall
  - a. Incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade so that no uninterrupted facade shall exceed 100 horizontal feet; or
  - b. Incorporate other types of articulation, facades, displays, or texture which meets the above standard without forcing structural changes to the core “big box.”
3. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length.

- B. Smaller Retail Stores: Standard: The presence of smaller retail stores can create variety, break up large expanses, and expand the range of the site’s activities. Where a principal building or the parcel contains additional, separately owned stores which occupy less than fifteen thousand (15,000) square feet of gross floor area, with separate, exterior customer entrances, windows and window displays of such stores should be used to contribute to exterior facades.

Recommended approach:

The street level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of such additional stores. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing.

- C. Roofs: Standard: Variations in roof lines and roof features should be used to add variety to, and reduce the massive scale of, large buildings.

Recommended approach: Roofs shall have no less than two of the following features:

1. Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment.
2. Overhanging eaves, extending no less than 3 feet past the supporting walls.
3. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to 1 foot of vertical rise for every 3 feet of horizontal run and less than or equal to 1 foot of vertical rise for every 1 foot of horizontal run.
4. Three or more roof slope planes.

D. Materials and Colors: Standard: Exterior building materials and colors should complement materials and colors used in adjoining neighborhoods.

Recommended approach:

1. Predominant exterior building materials shall be high quality materials and include, but not be limited to, brick, wood, sandstone, native stone, tinted, textured, and concrete masonry units.
2. Facade colors shall be low reflectance, neutral or earth tone colors.
3. Building trim and accent areas may feature brighter colors, including primary colors.

E. Entrances and Entryways: Standard: Large retail buildings should feature multiple entrances. Multiple building entrances break up large walls, reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Entryway design elements and variations should give orientation and definition to the building.

Recommended approach:

1. The sides of a principal building that face an abutting public street or large parking lot should have at least one customer entrance or a pedestrian arcade that brings pedestrians around the building to the entrance.
2. Each principal building and each store within a building must have at least one clearly defined, highly visible customer entrance, featuring no less than three of the following: Canopies or porticos, overhangs,

recesses/projections, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details which are integrated into the building structure (such as tile work and moldings), or integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- F. Parking Lot Orientation: Standard: Parking areas should provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. Buildings should be located closer to streets to reduce the scale of the complex, encourage pedestrian traffic, and provide a greater focus for architectural details.

Recommended approach: Generally no more than 60 percent of the off-street parking area for the lot or lease area shall be located between the front facade of the principal building(s) and the abutting streets. Greater percentages are appropriate if the landscaping is designed so that within 10 years of the development of the parking lot, a tree and vegetation canopy covers no less than 50% of the parking lot.

- G. Rear and Back Sides: Standard: Architectural and landscaping features should mitigate the impacts of rear and sides of buildings which otherwise present an view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features.

Recommended approach: Greater setbacks, landscape buffers, screening, and fencing than is otherwise required in the zoning. Where the facade faces adjacent residential uses, an earthen berm, no less than 6 feet in height, containing at a minimum evergreen trees planted at intervals of 20 feet on center, or in clusters or clumps shall be provided.

- H. Outdoor Storage, Trash Collection, and Loading Areas: Standard: Loading areas and outdoor storage areas, when visible from adjoining properties and/or public streets, should be screened, recessed or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem.

Recommended approach:

1. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one building is located on a site and such buildings are not more than 40 feet apart, or on those sides of buildings that do not have customer entrances.
2. Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall not be visible from abutting streets.

3. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 20 feet of any public street, public sidewalk, or internal pedestrian way.
4. Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.
5. Non-enclosed areas for the storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences.

I. Pedestrian Flows: Standard: Sidewalks and internal pedestrian circulation systems should provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.

Recommended approach:

1. Sidewalks at least 6 feet in width shall be provided along all sides of the lot that abut a public street.
2. Continuous internal pedestrian walkways, no less than 6 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of its length.
3. Sidewalks, no less than 8 feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade and which provide weather protection features.
4. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and

comfort, as well as the attractiveness of the walkways.

- J. Central Pedestrian-Scale Features: Standard: Buildings should offer pedestrian-scale features and amenities. Entrances and parking lots should be configured to be functional with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces.

Recommended approach:

Each project subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following: outdoor benches or seating, transit stop, window shopping walkway, outdoor playground, kiosks, water feature, clock tower, or other such deliberately shaped area and/or a focal feature or amenity that enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- K. Delivery/Loading: Standard: Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.  
Recommended approach: No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to that which will not disturb adjoining residential uses or residentially zoned areas.

The Planning Board may require such appropriate conditions, limitations, and safeguards which they feel are necessary to assure the project meets the criteria of this section. To insure the project is properly constructed and used, the Planning Board may require financial performance guarantees, in a form acceptable to the Board, from Major Projects as a condition of granting a Site Plan Approval.

8. For 1-story retail uses in the Highway Business District that are over 30,000 square feet single establishments or cumulative development with parking located in the front, side and/or rear, an applicant may choose as an alternative to developing a two-story building, to pay an in-lieu of fee, as described below.

Consistent with the City's adopted Vision 2020 goals to foster development that is sustainable for the long term, is built to human scale, and expands economic opportunities, the city encourages applicants to develop buildings that are pedestrian oriented and which enhance economic vitality by building along the street with second story space for residential or other commercial use. In lieu of designing projects that

meet these goals, the alternative option below will mitigate the impacts that large, single-story, single-use retail businesses create by effectively eliminating land that could otherwise be used to construct multi-story, mixed use space within Northampton’s core. Such multi-story development enables the limited land remaining in Northampton to be used more efficiently in order to provide vibrant mixed uses and vital economic development opportunities within the City.

A one-time payment-in-lieu to the City for retail mitigation shall be made in accordance with:

Type	Size of Retail Establishment	Mitigation Required
New building, conversion to retail or expansion of existing	0-30,000 square feet single or cumulative development (see §6.2)	\$0 with no penalties and no fees
New building, conversion to retail, or expansion	30,001+ square feet single or cumulative (see §6.2)	\$5/sf for entire footprint of establishment or cumulative building(s). Existing grocery stores (stores in which non-food items do not exceed 20,000 square feet) pay only for the footprint of the expansion area. Expansion of an existing establishment(s), other than grocery stores, for which payment has been made previously, pay only for the expansion area. ♦

♦ The Planning Board may issue a special permit to allow expansion of existing businesses to pay only the fee for the portion of the expansion that exceeds 30,000 square feet if the building comes closer to conforming with dimensional zoning requirements then in effect.

Such payment-in-lieu enables the City to create vitality within the business district through expenditures that foster economic development providing increased customer base and safe pedestrian space that would not otherwise be provided through construction of single story, single use building.

Payment-in-lieu shall be used by the City for activities that have direct or indirect economic development benefits.

The Office of Planning & Development shall review the payment-in-lieu fee on an annual basis and shall submit a report to the Planning Board with any recommendations on changes that should be made to the fee based upon market costs/demands.

Fees paid to the City of Northampton, in-lieu of retail mitigation, shall be deposited into an Economic Development Reserve Account. The distribution of funds for any projects shall only occur after a vote of approval from the Mayor and City Council. Requests to appropriate funds out of the Reserve Account shall be filed with the City Council and referred to the Office of Planning and Development, Planning Board and Mayor’s Office, which shall have 60 days to forward their comments and recommendations before a City Council vote of the appropriation is taken. The goal will be to appropriate the use of these funds within five years, to the extent



practicable.

If a court invalidates any portion or uses of this fee for economic development, then the applicant must meet the alternative standard of building two-story construction.

(Amended 5/16/91, 10/6/94, 7/20/2000 (Numbering redone in section 4.0, 10.0, 11.0), 5/02/2002)

## **Section 12.0: ENVIRONMENTAL PERFORMANCE STANDARDS**

**Section 12.1** Any use permitted by right, by special permit, or by special exception in any district shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or element in an amount as to affect adversely the surrounding environment.

1. In meeting these objectives, the following general standards shall apply:
  - A. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
  - B. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
  - C. No emission which can cause any damage or irritation to the health of persons, animals or vegetation or which can cause excessive soiling, at any point, shall be permitted.
  - D. No discharge, at any point, into a private sewerage system, stream or the ground, of any material in such a way, or of such a nature or temperature as may contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
  - E. No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted.
  - F. Activities that emit dangerous radioactivity, at any point, shall be controlled in accordance with all regulations of the atomic Energy Commission.
  - G. No electrical disturbance adversely affecting the operation, at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
  - H. No persistently loud or disruptive noise shall be allowed between the hours of 10:00 PM and 7:00 AM. All steady, non-fluctuating noise levels must meet the following standards at the property boundary (using a sound meter which meets the American National Standards Institute's Specification for Type II Sound Level Meters: S1.4-1971.):

<u>Land Uses</u>	<u>Max. Noise (Decibels)*</u>
Residential (7:00 AM-10:00 PM)	60 dBA
Residential (10:00 PM-7:00 AM)	50 dBA
Business, Commercial, Institutions Mixed Use	65 dBA
Business, Commercial, Institutions, Mixed Use (10:00 PM and 7:00 AM)	55 dBA
General Industrial Uses	70 dBA

Non-steady, fluctuating noises are subject to the same maximum noise levels as measured on an energy weighted or LEQ basis over a representative one (1) hour time period.

2. In enforcing these standards, permit granting authority shall call upon specified standards, technical specifications, and the technical expertise of appropriate federal, state, regional, and local agencies.
3. When reviewing an application for a zoning permit (see §10.2) or other zoning relief, the permit granting authority may require the submission of a statement from a qualified independent authority indicating that the proposed structure and/or use will not constitute a detriment to the community with respect to some aspect of these environmental performance standards.

(Amended 6/17/93 and 7/20/2000)

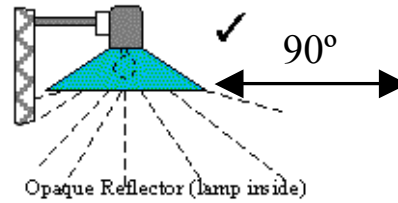
### **Section 12.2 Lighting**

1. Goals: It is the intent of this ordinance to establish light standards that result in lighting systems that are designed, constructed, and installed to control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, visibility, security of individuals and property, and curtailing the degradation of the nighttime visual environment. All standards within this section must be met unless the Planning Board explicitly grants a waiver through Site Plan Approval for lighting that does not conform to these standards. Such waivers may be granted if and only if these goals are being achieved and increased energy efficiency is achieved.

Evenly distributed lighting throughout a site will minimize impacts on surrounding neighborhoods and increases efficiency. By directing light where it is needed and only the intensity necessary to serve the intended purpose, these standards will prevent glare and its harsh shadows and blind spots.

2. Definitions:

**Cutoff (Full) Fixture** A light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree or horizontal plane from the base of the fixture.

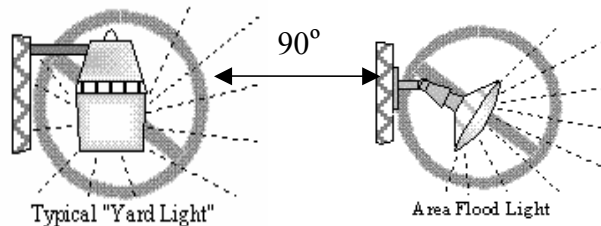


**Foot-Candle** A measurement of light that equals one lumen per square foot.

**Glare** A light source that distributes enough intensity to cause loss of visibility or discomfort. This is typically caused when a light source is greater than the surrounding light to which the eye is accustomed.

**Outdoor Light Fixtures** Permanently installed portable illuminating devices used for flood lighting, general illumination or advertisement. Such devices shall include, but are not limited to, search, spot and floodlights for buildings and structures; recreational areas; parking lot lighting; landscape lighting; billboards and other signs; street lighting; product display area lighting; building overhangs and open canopies;

**Uplighting** Any light source that distributes illumination above a 90-degree horizontal plane.



3. Standards:

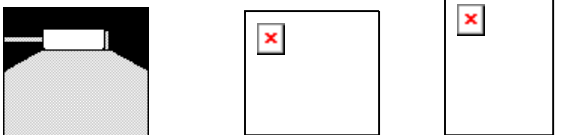
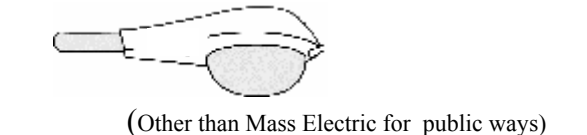



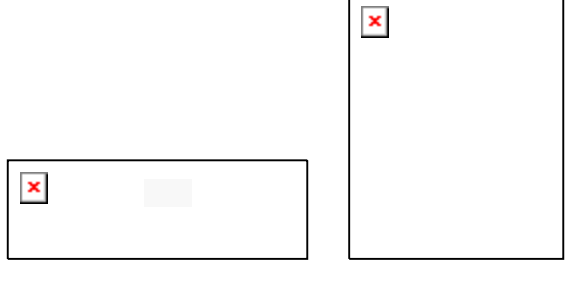
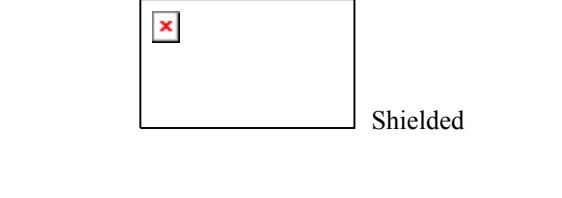
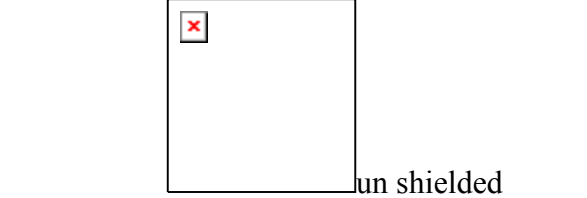
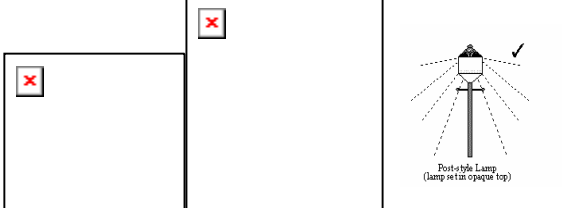

Any use permitted by zoning either by right or through any type of zoning relief in any district shall conform to the following lighting standards. All outdoor light fixtures and illuminated signs for all uses and structures within the City of Northampton shall be designed, located, installed and directed in such a manner as to prevent measurable light at the property lines and glare at any location on or off the property. If necessary, an applicant may need to provide photometric plans and/or manufacturing specification sheets to show conformance with these standards.

This standard shall be met through the following:

All outdoor lighting shall have full cut-off type fixtures(see below). Cutoffs shall shield bulbs from visibility and may consist of internal baffles or reflectors or external panels or other mechanisms.

- 1) General site lighting shall not exceed 90°, the horizontal plane of bottom of lamp fixture. No uplighting is allowed; Parking, security and aesthetic lighting must shine downward.
- 2) Spot lights used to illuminate buildings, signs or specific site amenities/features shall be targeted on such objects so as to prevent direct uplighting. Cutoffs shall limit lighting to a 45-degree angle above the horizontal plane.
- 3) Upward search or spot lighting of the sky for entertainment or advertising purposes is prohibited.

B. Lighting shall be shielded to prevent direct glare and light trespass and shall be contained to the target area to the extent feasible. See below for examples of appropriate fixtures.

Fixtures with Adequate Cutoffs – <i>ALLOWED</i>	Light Fixtures with No Cutoff – <i>PROHIBITED</i>
	
	
Fixtures with Adequate Cutoffs – <i>ALLOWED</i>	Light Fixtures with No Cutoff – <i>PROHIBITED</i>
	
Wall Packs:	
	
Residential Fixtures	
	

Luminaires with no cut off fixture used for mixed use or non-residential uses may be allowed through a Site Plan Approval from the Planning Board only when it is shown that a low level wattage (8,000 lumens or less) is to be used, no glare will be present on streets or on adjoining properties and standards in §F below will be met. This may be appropriate for decorative purpose within neighborhoods or the Central Business or General Business Districts.

Lights or luminaires without cutoffs may be used on or around residential structures if bulbs used do not exceed 100W incandescent or the equivalent fluorescent (not to exceed 25W) or other type bulb and light glare will not be directed offsite.

- C. Floodlighting for residential purposes should only be used with sensors and must be shielded to prevent glare for drivers and pedestrians, light trespass beyond the property line, and light above a 90° horizontal plane.
- D. Light trespass beyond the property line, and light above a 90° horizontal plane is prohibited.
- E. All non-essential lighting, including display, parking, and sign lighting shall be turned off after business hours, leaving only the lighting necessary for site security

F. Site Lighting Output Standards by district:

Zoning District	Maximum Foot Candle	Site Average% Foot Candle	Foot Candle at Property Line
RR/SR/SC	.8	NA	0
URA/URB/URC	3	1	0♦
GB/NB/CB/PV	5	2	0♦
HB	5	2.5	0♦
GI & SI	3	1	0

♦Standard for Averaging as established by the Illuminating Engineering Society of North America.

- G. Lighting directed on buildings and wall signs shall conform to these output standards for Commercial Uses. (Maximum foot-candles shown for various surface coloring/texture). These standards are in addition to those designated in subsection “F” above and shall not result in lighting that exceeds those allowed on the site as described in subsection “F”.

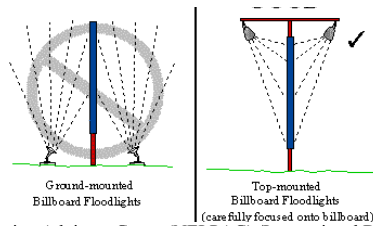
H.

Surface types	Adjoining Residential Districts	Business Districts
Light (reflective) surfaces	5 footcandles	15 footcandles
Medium-light surfaces	10 footcandles	20 footcandles
Medium-dark surfaces	15 footcandles	30 footcandles
Dark (absorbing) surfaces	20 footcandles	50 footcandles

I. Pole heights shall be a maximum of 25' in parking lots for commercial and industrial uses within commercial and industrial parking lots and along streets. The maximum height in the Central Business District, General Business, and Neighborhood Business Districts and in all residential districts shall be 16'. Greater pole heights may be allowed with Site Plan Approval from the Planning Board. Lamp wattage should be lower on poles that are lower heights.

J. Pole Heights for streets shall not be greater than 25' in commercial areas and 16' for new residential streets, unless exempt public ways. Street Lights shall conform to the pole standards above and shall conform to these light output standards:  
Commercial streets average between .8 foot-candles to 1 footcandle;  
Local and collector streets average .3 foot-candles to .8 footcandles.

K. Signs should be illuminated from the top or internally illuminated. Internal illumination is allowed so long as it does not cause light to be directed upward or off



New England Light Pollution Advisory Group (NELPAG) /International Dark-Sky Association

the property boundaries and conforms to other standards herein. See also subsection “F” above.

L. Energy efficiency- The city encourages the use of energy efficient lamps for all outdoor applications. Mercury Vapor and Incandescent lighting fixtures, except for single-family, two-family and three-family uses, are prohibited because they are the least energy efficient and contain elements harmful for the environment. In order of preference, the following represent lamp types that are recommended:

- 1) Compact Fluorescent/White Light.
- 2) Low Pressure Sodium. Though these lamps may not provide accurate color rendering, they are appropriate for roadways, walkways, parking areas, and security lighting.
- 3) Metal Halide and Fluorescent Lamps when appropriate controls are used to ensure compliance with the standards within this ordinance.
- 4) High Pressure Sodium.

#### 4. Exemptions.

A. Permanent outdoor light fixtures lawfully installed prior to and operable on the effective date of the requirements in this ordinance must not create glare nor be visible from a residential structure in a residential zone on another property. Existing fixtures installed in accordance with criteria in affect in March, 2006, however, are exempt from new requirements herein.

- B. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provisions of this ordinance.
- C. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are permanently exempt from these provisions. All other airport outdoor lighting must conform to the intent of this ordinance.
- D. Festivals/fairs that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.



## **Section 13.0: SPECIAL CONSERVANCY DISTRICT**

**Section 13.1** The purposes of this district are:

1. To protect the public health and safety, persons and property against the hazards of seasonal and periodic flooding;
2. To protect the entire community from individual choices of land use and development which require subsequent public expenditures for public works and disaster relief;
3. To provide that lands in the City of Northampton subject to seasonal or periodic flooding as described hereinafter, shall not be used for residential or other purposes in such a manner as to endanger the health or safety of the occupants thereof;
4. To assure the continuation of the natural flow pattern of the water courses within the City of Northampton in order to provide safe and adequate floodwater storage and conveyance capacity, to protect persons and property against the hazards of flood inundation, including damage from erosion and increased flood heights and velocities;
5. To protect, preserve and maintain the water table and water recharge areas with the City so as to preserve present and potential water supplies for the public health and safety of the residents of the City of Northampton;
6. To provide for the continued functioning of the river flood plain/wetlands as a natural system. The object and required is to avoid activities in the flood plain/wetlands which would interfere with natural food chains that support a myriad of living things recognizing that they serve mankind and all other life in assimilating waste, producing food, conserving water, and maintaining stability which has been called the balance of nature. Proper use of the flood plain/wetlands is considered to be such as would secure these benefits to all its users.

**Section 13.2** The Special Conservancy District shall generally cover the majority of the area contained within the flood plain of the Connecticut River, and is specifically that area show as "SC" on the Zoning Map of the City of Northampton.

**Section 13.3** Land in the Special Conservancy District may be used for the purposes permitted in the district as set forth in the Table of use Regulations. Where such uses are allowed by special permit, the conditions of Section 13.4 and 13.5 shall apply.

**Section 13.4** The Planning Board is the Special Permit Granting Authority for all permits under this chapter. The Planning Board shall send copies of the application for the special permit and accompanying plans to the Building Commissioner, Board of Health and the Conservation Commission for their recommendations. The Planning Board shall not act until thirty (30) days after it sends copies of the application to the reviewing agencies. The Planning Board shall give due consideration to all recommendations and, where its decision differs from the recommendations

received, shall state the reasons therefor in writing.

The Planning Board may, as a condition of approval, require that effective notice be given to prospective purchasers of past flooding of said premises and the steps undertaken to alleviate the effects of the same.

(Amended 10/6/94)

**Section 13.5** The application for a special permit for a use in the Special Conservancy District shall include a site plan, in accordance with the standards in §11.1. In addition to the requirements of §10.1:

1. The site plan shall show elevation above mean sea level of the basement, first floor, ground elevation, and 100 year floodplain level, and documentation that the project complies with all of the criteria of §13.6.
2. For all structures where any part of the structure will be below the floodplain elevation the applicant shall provide certification from a registered professional engineer or architect that the building is designed, constructed, and anchored to prevent flotation, collapse, or lateral movement of the structure during flooding. This requirement shall not apply to structures accessory to residential uses and structures used for agriculture, horticulture and floriculture where those structures are built with concrete frost and foundation walls that extend at least six inches above the 100 year floodplain and where the walls are built to allow flow of water on both sides of the concrete wall in accordance with the state building code (wet flood-proofing).
3. For Special Permit applications for any use other than structures accessory to residential structures containing one to three dwelling units and structures used for agriculture, horticulture and floriculture the requirement for a 1" = 40' site plan with contours may not be waived unless the entire project is above the 100 year floodplain.
4. A statement indicating what other permits or approvals are required or have been obtained from State and/or Federal agencies.

(Amended 5/16/91)

**Section 13.6** The following conditions shall apply for the development of any portion of land within the SC District that is at or below the 100 year floodplain:

1. The floor of the basement, or if none, the lowest floor of new construction of structures for residential uses shall be at or above the 100 year flood elevation.
2. The floor of the basement, or if none, the lowest floor of new construction of structures for non-residential uses shall be at or above the 100 year flood elevation or flood-proofed to the 100 year flood elevation.
3. All structures shall be so designed, constructed, and secured to prevent flotation, collapse, or lateral movement of the structure during flooding, and to be consistent with the need to

minimize flood damage.

4. There shall be no danger of pollution to public or on-site water supply facilities due to the location or elevation of the building, filling of the area, infiltration of flood waters, or for other reasons.
5. Utilities shall be so located and constructed as to minimize or eliminate flood damage.
6. Adequate methods shall be provided for the periodic disposal of sewage, refuse and other wastes resulting from the uses permitted on the site.
7. Where the topography and soil conditions permit, adequate drainage shall be provided so as to minimize flood damage.
8. Safe vehicular and pedestrian movement to, over, and from the premises should be provided with the exception that all roads and driveways shall be at or near grade level to prevent unwarranted diking.

(Amended 10/6/94)

**Section 13.7** No occupancy permit shall be issued until the Building Commissioner has received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and stating that all requirements of all permits obtainable at the time have been satisfied.

(Amended 10/6/94)

## **Section 14.0: WATERSHED PROTECTION DISTRICT**

**Section 14.1** The purpose of this district is:

1. To preserve and protect the streams and other watercourses in the City of Northampton and their adjoining lands;
2. To protect the health and safety of persons and property against the hazards of flooding and contamination, as specified in Section 13.1;
3. To preserve and maintain the ground water table for water supply purposes, and protection of adequate base flows of streams and rivers;
4. To protect the community against the detrimental use and development of lands adjoining such watercourses;
5. To conserve the watershed areas of the City of Northampton for the health, safety, and welfare of the public.

**Section 14.2** The Watershed Protection District is superimposed over any other district established by this Ordinance. The rules for this superimposed district shall be in addition to, rather than in place of, the rules for such other districts. The boundaries of the district shall be as shown in the Zoning Map of the City of Northampton. The boundary of the Watershed Protection District shall be interpreted as set forth in Section 3.6.

**Section 14.3** Municipal use, such as waterworks, pumping stations and parks, is permitted under this section. Land in the Watershed Protection District may be used for any purpose otherwise permitted in the underlying district except that:

1. No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure shall be erected, constructed, substantially improved, or moved for any purpose unless a special permit or site plan as specified within §5.2 Table of Uses from the Planning Board is issued.
2. The dumping or filling of any earth material in excess of 50 cubic yards within the Watershed Protection District is prohibited unless a special permit from the Planning Board is issued.

(Amended 10/6/94)

**Section 14.4** The Planning Board shall send copies of the application for the special permit and accompanying plans to the Building Commissioner, Board of Health and the Conservation Commission for their recommendations. The Planning Board shall not act until thirty (30) days after it sends copies of the application to the reviewing agencies. The Planning Board shall give due consideration to all recommendations and, where its decision differs from the recommendations received, shall state the reasons therefor in writing.

(Amended 10/6/94)

**Section 14.5** The application for a special permit for a use in the Watershed Protection District shall include a site plan, in accordance with the standards in §11.1. In addition to the requirements of §10.1, the site plan shall include the following:

1. The elevation above mean sea level of the basement, first floor, ground elevation, and 100 year floodplain level, and documentation how the project complies with all of the criteria of §14.6.
2. For all structures where any part of the structure will be below the floodplain elevation the applicant shall provide certification from a registered professional engineer or architect that the building is designed, constructed, and anchored to prevent flotation, collapse, or lateral movement of the structure during flooding. This requirement shall not apply to structures accessory to residential uses and structures used for agriculture, horticulture and floriculture where those structures are build with concrete frost and foundation walls that extend at least six inches above the 100 year floodplain and where the walls are built to allow flow of water on both sides of the concrete wall in accordance with the state building code (wet flood-proofing).
3. For Special Permit applications for any use other than structures accessory to residential structures containing one to three dwelling units and structures used for agriculture, horticulture and floriculture the requirement for a 1" = 40' site plan with contours may not be waived unless the entire project is above the 100 year floodplain.
4. A statement indicating what other permits or approvals are required or have been obtained from State and/or Federal agencies.
5. Where Federal Flood Insurance Rate Maps do not indicate a base flood elevation, data from alternative sources shall be included in order to help determine that elevation.  
(Amended 5/16/91)

**Section 14.6** The following conditions shall apply for the development of any portion of land within the Watershed Protection Overlay District that is at or below the 100 year floodplain:

1. The lot(s) shall be served by a public water system, designed so as to minimize or eliminate infiltration of flood waters into that system,
2. If the lot(s) is to be served by a public sewerage system, the sanitary system shall be designed to minimize or eliminate infiltration of flood water into the system and discharges from the system into flood waters.
3. If the lot(s) is to be served by an on-lot septic system, the following conditions shall apply in addition to those otherwise listed in this section:
  - A. On-lot septic systems shall be located and designed so as to avoid damage to systems by flood waters or infiltration of flood waters into the system and to avoid discharges

from the systems during flooding.

- B. All on-lot septic systems shall comply with the requirements of the Northampton Board of Health and State Sanitary Code in regard to percolation testing and leaching area location.
  - C. The leaching area designed for use, as well as a reserved area for future expansion shall be plotted with dimensions on the plan submitted. The leaching area shall not be constructed within seventy-five (75) feet of the mean high water mark.
- 4.
- A. If the basement floor level is below the one hundred year flood elevation and affords the possibility of human occupancy at some future date, although not originally intended, the foundation shall be sealed by a water resistant sealer and adequate perimeter drainage shall be installed to withstand or reduce the effect of pressure and seepage. Furnace and utilities are to be protected from the effects of water damage by seepage or flooding.
  - B. In the case of new construction or substantial improvement to a structure for residential uses, the floor of the basement, or if none, the lowest floor of the construction, shall be at or above the 100 year flood elevation.
  - C. In the case of new construction or substantial improvement of structures for non-residential uses, other than accessory structures, the floor of the basement, or if none, the lowest floor of the structure, shall be at or above the 100 year flood elevation or shall be flood-proofed to the one hundred year flood elevation.
  - D. Accessory structures shall be designed so as to provide adequate anchoring and foundation construction so as to minimize any flood damage to the structure.
- 5.
- A. Utilities, other than water and sewerage heretofore referred to, shall be located and constructed so as to minimize or eliminate flood damage to them.
  - B. Adequate methods shall be provided for the periodic disposal of sewage, refuse and other wastes resulting from the uses permitted on the site. Where the topography and soil conditions permit, adequate drainage shall be provided so as to minimize flood damage.
  - C. The applicant shall show that the proposed development will not endanger health and safety, including safety of gas, electricity, fuel, and other utilities from breaking, leaking, short circuiting, grounding, igniting or electrocuting; obstruct or divert flood flow; substantially reduce natural flood water storage capacity; or increase storm water run-off velocity so that water levels on other land are substantially raised or the danger from flooding increased.
6. Safe vehicular and pedestrian movement to, over, and from the premise should be provided with the exception that all roads and driveways shall be at or near grade level to prevent

unwarranted diking.  
(Amended 10/6/94)

**Section 14.7** The Board may, as a condition of approval, require that effective notice be given to prospective purchasers, by signs or otherwise of past flooding of said premises, and the steps undertaken by the petitioner or his successor in title to alleviate the effects of the same.  
(Amended 10/6/94)

**Section 14.8** No occupancy permit shall be issued until the Building Commissioner has received a certified plan showing the foundation and floor elevations, grading of the premises, elevations of the completed construction, and all elevations of the various elements that make up the sewage disposal system, and stating that all requirements of all permits obtainable at the time have been satisfied.  
(Amended 10/6/94)

**Section 14.9** The portion of any lot in the District may be used to meet the area and yard regulations for the District in which the remainder of the lot is situated, provided that no more than fifty (50) percent of the lot area is within the Watershed District.

## **Section 15.0: AMENDMENT AND VALIDITY**

**Section 15.1 Amendment.** This Ordinance may be amended from time to time in accordance with Section 6 of the Zoning Act. During the amendment procedure, subdivision plans in process or review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act.

**Section 15.2 Validity.** The invalidity, unconstitutionality, or illegality of any provision of this Ordinance or boundary shown on the Zoning Map shall not have an effect upon the validity, constitutionality, or legality of any other provision or boundary.

**Section 15.3 Effective Date.** This Ordinance shall take effect on its enactment.



## **Section 16.0: WATER SUPPLY PROTECTION DISTRICT**

**Section 16.1 Purpose:** To promote the health, safety and welfare of the community by protecting and preserving the public drinking water resources of Northampton from any use of land or structures which reduce the quality or quantity of its public drinking water resources.

**Section 16.2** The Water Supply Protection District is an overlay district and shall be superimposed on the other districts established by this Ordinance. All uses, dimensional requirements and other provisions of the Northampton Zoning Ordinance applicable to such underlying districts shall remain in force and effect, except that, where the Water Supply Protection District imposes greater or additional restrictions and requirements, such restrictions or requirements shall prevail. Any uses not permitted in underlying districts shall remain prohibited.

**Section 16.3** The Water Supply Protection District is herein established to include all specified lands within the City of Northampton. The intent of the Water Supply Protection District is to include lands lying within the primary and secondary recharge areas of groundwater aquifers which provide public water supply, as well as watersheds of public surface water supplies. Said lands are identified on the Northampton Zoning Map and the Northampton Aquifer Protection Area map.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s) the City may engage a professional hydrologist to determine more accurately the location and extent of an aquifer or primary recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

### **Section 16.4 Prohibitive Uses:**

1. All uses which manufacture, process, store or dispose of hazardous materials or wastes as a principal activity, including, but not limited to, metal plating, chemical manufacturing, wood preserving and furniture stripping, auto body repair and dry cleaning, and including all facilities that generate, treat, store or dispose of hazardous wastes which are subject to M.G.L. c. 21C and 310 CMR 30.00 as amended, except very small quantity generators, as defined by 310 CMR 30.353 as may be amended.
2. Trucking or bus terminals, motor vehicle gasoline sales.
3. Car washes, except when located on public water/sewer systems and disposing of wastewater in said sewer system.
4. Sanitary landfills and open dumps, as defined in 310 CME 19.01 as amended, automobile graveyards and junkyards, as defined in M.G.L. c. 140B, Section 1 as may be amended, solid wastes, and junk and salvage yards.

5. Business and industrial, but not agricultural, uses which involve the on-site disposal of process wastes from operations. However, animal feedlots exceeding ten animals are prohibited.
6. Disposal of liquid or leachable wastes, including:
  - A. Within Northampton's municipal aquifer, the installation or enlargement of a subsurface waste disposal system and any wastewater treatment works that discharges onto or below the land for any building or use. In other water supply protection areas subsurface sewage disposal must be in municipal sanitary sewer system where feasible;
  - B. Hazardous or toxic wastes arising from agricultural operations; and
  - C. Within Northampton's municipal aquifer, business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for residents, patrons and employees. In other water supply protection areas, disposal must be in the municipal sanitary sewer system where feasible. (Amended 3/5/87)
  - D. Land application and storage of sludge and seepage, as defined in 310 CMR 32.05, as amended. (Added 8/16/90)
7. Underground storage of oil, gasoline and all other petroleum products, excluding liquified petroleum gases, except within the watershed of the Roberts Hill Reservoir where such storage shall be permitted only if it meets all requirements for secondary containment specified in 310 CMR 30.693, and except when storage is incidental to emergency generators required by statute, rule or regulation, provided that such storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity.
8. Underground transmission of oil, gasoline or other petroleum products, excluding liquified petroleum gases.
9. Storage of sodium chloride (road salt), calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads, unless such storage does not exceed 50 gallons and is within a structure designed to prevent the generation of contaminated run-off and, within the aquifer area of the water supply protection district, the off-site stockpiling and disposal of snow or ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets (other than by plowing to the edge of the street).
10. Outdoor storage of pesticides or herbicides, including those defined in M.G.L. c. 132B, Section 2 as may be amended, the storage of commercial fertilizers and soil conditioners, as defined in M.G.L. c. 128, Section 64 as may be amended, and the stockpiling of animal manures, unless such storage is within a building or structure with an impermeable cover and

liner designed to prevent the generation of contaminated run-off or leachate and accidental release onto or below the land surface.

11. The use of septic system cleaners which contain toxic chemicals including, but not limited to, methylene chloride and 1-1-1 trichlorethane.
12. Medical, testing and research laboratories that dispose of biological or chemical wastes.  
(Amended 8/16/90 and 10/6/94)

### **Section 16.5 Restrictive Uses:**

1. Excavation for removal of earth, sand, gravel and other soils shall not extend closer than five (5) feet above the annual high groundwater table, as determined by the Northampton Board of Health based on information submitted by the applicant. This section shall not apply to uses incidental to permitted uses, including, but not limited to, providing for the installation or maintenance of structural foundations, freshwater ponds, or utility conduits providing, however, that a Special Permit is obtained from the Planning Board in accordance with Section 16.7 whenever any excavation occurs within three (3) feet of the annual high groundwater table. The burden of proof is on the applicant to demonstrate the depth to annual high groundwater. In addition to information provided by the applicant, the permit granting authority can rely on the Soil Conservation Service soil mapping and estimates provided by the Board of Health's Agent, the Conservation Commission, and the Office of Planning and Development and any other maps, studies, or technical information the permit granting authority may deem relevant.  
Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.
2. The use of sodium chloride for ice control shall be minimized, consistent with public highway safety requirements.
3. Commercial fertilizers, pesticides, herbicides, or other leachable materials shall not be used in amounts which result in groundwater contamination.
4. Permitted above ground storage tanks for oil, gasoline or other petroleum products (in accordance with Section 16.4 [g]) shall be placed within a building with an impermeable basement or placed on a diked, impermeable surface to prevent spills or leaks from reaching groundwater.  
(Amended 8/16/90 and 10/6/94)

### **Section 16.6 Drainage**

All runoff from impervious surfaces shall be recharged on the site by being diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible, and shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

**Section 16.7 Uses by Special Permit:**

1. Uses which may be permitted by the Planning Board in accordance with the regulations appearing in Section 10.10 of this Ordinance and which shall file an application for a Special Permit under this Section are:
  - A. Business and industrial activities permitted in the underlying district (either by matter of right or by Special Permit)
  - B. Any excavation incidental to a permitted use within three (3) feet of the annual groundwater table,
  - C. Activities utilizing a system for artificial recharge of precipitation under Section 16.9 of these regulations, and
  - D. Any site alteration, structure or impervious surface within 200 feet of a watercourse as defined under Section 16.9 of these regulations.
  
2. Special Permit and Site Plan Approval applications for activities in the Water Supply Protection District must include the following, in addition to other requirements of this ordinance:
  - A. Provisions to prevent contamination of groundwater by petroleum products, hazardous materials or wastes;
  - B. Drainage recharge features and provisions to prevent loss of recharge;
  - C. Provisions to control soil erosion and sedimentation;
  - D. Provisions to prevent soil compaction;
  - E. Provisions to prevent seepage from sewer pipes;
  - F. A complete list of chemicals, pesticides, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use. Those businesses using or storing such hazardous materials shall file a definitive operating plan, which shall comply with the Design and Operations Guidelines specified in Section 16.8 of this Ordinance;
  - G. Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.
  
3. The Planning Board shall refer copies of the application to the Board of Health, Conservation Commission and the City Engineer, which shall review the application and submit their recommendations and comments to the Planning Board. Failure of

boards/departments to make recommendations within thirty (30) days of the referral of the application shall be deemed to be lack of opposition.

4. After public hearing and due consideration of the recommendations it has received, the Planning Board may grant a special permit if it finds that the proposed use:
  - A. Is in harmony with the purpose and intent of this By-Law and will promote the purposes of the Water Supply Protection District;
  - B. Is appropriate to the natural topography, soils and other characteristics of the site to be developed;
  - C. Has adequate public sewerage and water facilities, or the suitable soil for on-lot sewerage and water systems;
  - D. Will not, during construction or thereafter, have an adverse environmental impact on groundwater resources in the district; and
  - E. Will not adversely affect the existing or potential quality and quantity of water in the Water Supply Protection District.

(Amended 8/16/90 and 10/6/94)

**Section 16.8 Design and Operations Guidelines:** Businesses and industries shall make provisions for protection against toxic or hazardous materials, discharge or loss resulting from corrosion, accidental damage, spillage or vandalism, including, but not limited to the following:

1. Spill containment and clean up provisions to prevent hazardous material spillage to the environment;
2. Provisions for the prevention of corrosion and leakage of containers storing hazardous materials;
3. Provisions for indoor, secured storage of hazardous materials and accumulated hazardous wastes, and for protection from vandalism; and
4. Provisions for impervious floor surfaces where hazardous materials are used or stored with no drainage discharge to the environment.

(Amended 10/6/94)

**Section 16.9 Additional Dimensional and Density Regulations:**

1. The minimum lot size for any use in the Water Supply Protection District shall be 80,000 square feet.
2. The maximum coverage of impervious surface (building, driveways, etc.) shall be fifteen (15) percent of any lot, unless a system for artificial recharge of precipitation that will not

result in groundwater pollution is provided and granted a Special Permit under Section 16.7 of these regulations. Notwithstanding anything in this chapter, however, the Building Commissioner may allow the following without a special permit:

- A. Uncovered decks when rainwater can drip between deck boards and fall to the ground and there is no impervious cover below the deck; and/or
- B. Up to a total of 30% impervious cover when roof drainage is captured by gutters and drained into an adequately sized drywell, such that the area of the roof recharging into the groundwater is equal to or greater than the area of impervious surface in excess of 15%.

(Amended 5/4/2000)

- 3. No site alterations, structure, or impervious surface shall be placed within 200 feet of any watercourse, including streams which do not flow throughout the year (i.e. which is intermittent) but excluding streams which are up-gradient of all bogs, swamps, wet meadows, and marshes, where said watercourse is a tributary to a public water system, unless a Special Permit is granted under Section 16.7 of these regulations.

(Amended 8/16/90 and 10/6/94)

## **Section 17.0: BUSINESS PARK DISTRICT**

**Section 17.1 Purpose:** To encourage economic development, provide an area for light industrial uses, research facilities, and large scale business offices, and encourage planned and integrated land uses which minimize impacts on public services and natural resources and which links housing needs to housing production. A Planned Business Park is intended for and can only be developed on a site on the west side of Route 10 just south of land now or formerly part of the State Hospital complex. Added 8/15/91)

**Section 17.2 Planned Business Park:** In addition to the uses allowed in §5.2, the Table of Use Regulations, the Planning Board may grant a Special Permit for a Planned Business Park (PBP) for the following uses, within the allowed percent of each use listed below:

1. All residential uses listed in the Table of Use Regulations except one-family dwellings and cemeteries. A minimum of ten (10) percent and no more than twenty (20) percent of gross floor space shall be for residential uses.
2. All community facilities listed in the Table of Use Regulations except power plants, and municipal parking lots or structures. No more than ten (10) percent of gross floor area shall be community facilities.
3. The following retail and commercial uses, but no more than four (4) percent of gross floor space shall be retail or commercial uses:
  - A. Retail establishment selling principally convenience goods including, but not limited to: food, drugs, and proprietary goods with a maximum of 10,000 square foot/floor area for any single establishment.
  - B. Eating and drinking places where consumption is primarily intended to be within the building.
  - C. Establishments selling foods prepared on premises where consumption is primarily off the premises.
4. The following service and office uses:
  - A. Tradesman, not involved with retail sales on the premises.
  - B. Business offices and services, including large scale offices but excluding professional offices, such as medical or legal offices, and any offices where the primary function is to provide services to retail customers or individuals.
5. The following wholesale and industrial uses:
  - A. Manufacturing and light manufacturing.

B. Research and Development Facilities.(Added 8/15/91)

**Section 17.3 - Planned Business Park Requirements:** The following conditions must be met for any Planned Business Park Special Permit, in addition to §10.10 criteria for Special Permit approval:

1. All uses must use municipal water and municipal sanitary sewage systems, built in accordance with the standard specifications of the Department of Public Works.
2. Planned Business Parks must be a minimum of seventy (70) contiguous acres in size. All Special Permit Applications, plans, Special Permits, and sequencing plans must be for the Business Park in its entirety.
3. At least fifty (50) percent of the total tract area (of which at least seventy-five (75) percent shall not be wetlands), excluding screening and buffers required under §6.5 and detention ponds and structures which require on-going maintenance, shall be set aside as open-space common land. Common land must be easily accessible for pedestrians from the developed areas of the park and must have suitable pedestrian access to a street.

Said open-space common land can include land adjacent to the area zoned Business Park if the Planning Board finds that the additional land is valuable for open space and conservation purposes and is accessible to the public and the business park tenants, however each acre of open-space land outside of the BP zone shall only count as .75 acres towards the open space requirement.

Common land shall be restricted to open space, conservation, and recreational uses such as tot-lots, playground, play field, golf course, park land or conservation. At least 75 percent of the open space shall be undisturbed natural areas/conservation land with no disturbance of vegetation during Business Park construction. Common space shall be designed to protect natural habitat areas.

4. Common land shall either be deeded to the City as park or conservation land at no cost with the consent of the Conservation Commission or Recreation Commission and the City Council or shall be conveyed to a tax-exempt conservation organization or to a legal entity established for the purpose of owning and maintaining such common land, such organization to be created by covenants running with the land. The deed for the common land must contain conservation restrictions or other restrictions to insure that it will be maintained as common land in perpetuity. The plan for disposition and protection of the open space land shall be subject to approval by the Planning Board as part of their approval of the Planned Business Park.
5. A Business Park may be developed in stages, in accordance with a sequencing plan approved by the Planning Board. Each stage of development must comply with all the Business Park requirements, except as provided for below.



6. Roads and utilities adequate to serve each stage of development, including the percent of residential development required, must be installed prior to the occupancy of any structure within that stage of development.
7. The applicant shall provide the City with a performance guarantee, subject to approval by the Planning Board, in the form of a.) Restrictive Covenant agreeing that before any lot is built on or conveyed all roads and utilities shall be built and approved by the Planning Board, or b.) Performance bond, letter of credit, or cash escrow. Planning Board shall accept performance guarantees that meet the standards spelled out in the Rules and Regulations Governing the Subdivision of Land in The City of Northampton.
8. Residential development may occur before, at the same time, or after other aspects of the Business Park are developed, but the approved plans must show where residential space can be developed economically and this land can not be used for any use other than residential development.
9. No more than three (3) curb cut/roadway intersections is permitted onto any collector streets already existing when the Planned Business Park is proposed.
10. Site plans must be provided in accordance with §11, Site Plan Review/ Approval Process. None of the requirements for information on the site plan may be waived.
11. The applicant must demonstrate that the project will not overburden municipal/public facilities, including water, sewer, or traffic circulation, and must make such improvements as are needed to mitigate any impacts. The development can not be permitted unless the developer mitigates all adverse traffic problems that the project would create at the South Street/Old South Street and the South Street/Main Street intersections. (See §11, Site Plan Review/ Approval Process.)
12. Landscaping shall be provided in accordance with §6.5, Screening and Buffers. In addition to those requirements, all front and side yards areas required by the zoning ordinance, except for driveways, shall be landscaped with grass, ground cover, flower-beds, shrubs, hedges, trees or other landscaping. Parking is not permitted in required front or side yards.
13. The applicant must demonstrate that the project will not create objectionable noise, odor, or emissions of any kind at the property boundary and all public ways.
14. To prevent significant degradation of natural systems, wetlands, and wildlife habitat and corridors, except as permitted below all elements of the project must be:
  - A. at least one hundred (100) feet from any wetland; and
  - B. at least one hundred and fifty (150) feet from the edge of any stream, intermittent stream or body of water shown on the current USGS topographic quadrangle.

Road and driveway crossings, utilities, and storm water detention facilities may be closer to the resource areas described, provided that no storm water detention or retention areas are in wetland areas, and that the applicant demonstrates that these encroachments are limited to the extent possible and that any resource areas which will be degraded or altered are replicated on-site.

15. The applicant must demonstrate that the project will not increase storm water peak flows during a one (1) or two (2), ten (10), and hundred (100) year Soil Conservation Service design storm and will not degrade water quality. Water quality/settling basins must detain stormwater from a 4/10 inch rainstorm for an average of at least six (6) hours.
16. All Planned Business Park uses shall follow the Dimensional and Density Regulations of §6.2, Table of Dimensional and Density Requirements.  
(Added 8/15/91 and amended 10/6/94)

**Section 18.0: {saved for future use}**

## **Section 19.0: FARMS, FORESTS & RIVERS OVERLAY DISTRICT (FFR)**

**Section 19.1 Purpose:** To protect sensitive open space and ecologically important features, to preserve the farms, forests and river corridors of Northampton, and to allow landowners the ability to develop their property in a manner that is sensitive to these unique resources.

**Section 19.2 Uses in the Farms, Forests & Rivers Overlay (FFR):** Uses in the FFR are limited to any of the following:

1. Agriculture, horticulture and floriculture uses, educational uses, and child care facilities which are allowed as-of-right by Northampton Zoning and the Zoning Act (MGL 40A);
2. Development with a Special Permit issued under §11.4 - Open Space Residential Development (Cluster) or §11.5 - Planned Unit Development (PUD), 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 or PUD in the FFR District:
  - A. 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 non-agricultural uses, and shall be located on the soils least suitable for the production of crops.
  - B. 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.
  - C. 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.
  - D. No more than twenty-five percent (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 resources.
  - E. All site improvements shall be laid out and constructed to minimize environmental and other impacts on protected resources.
3. A driveway or road, whether serving properties inside or outside the FFR.
4. Non-commercial recreation facilities, with no more than twenty-five percent (25%) of the parcel developed as structures or impervious surface.

**Section 19.3 - 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 §10.15) or other receiving parcels as allowed by this Zoning Ordinance in accordance with the criteria below. The Planning Board shall base their 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 §10.10(3) shall not apply.

1. The maximum number of dwelling unit development rights that can be transferred is the greater of the following:
  - A. The number of dwelling units allowed by a current valid Definitive Subdivision Approval or Open Space Residential Development (Cluster) or Planned Unit Development Special Permit issued for the sending parcel; or
  - B. 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 §11.4(5)(A), and including deductions for wetlands but excluding deductions for roadways.
2. 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:
  - A. Land with conservation restrictions or agricultural preservation restrictions;
  - B. Land owned by a government agency for permanent park, agricultural or conservation purposes;
  - C. Land owned by a non-profit corporation, a principal purpose of which is conservation or preservation of open space or farmland;
  - D. Land where the development rights have already been transferred out of the parcel.
3. Transfer of Development Rights is contingent on placing a permanent Conservation Restriction or Agricultural Preservation Restriction, in accordance with the provisions of Mass. 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).
4. 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 Ordinance.

**City of Northampton, Massachusetts--Northampton Industrial Park  
Redevelopment Plan: Code No. 303 (covenants)**

Northampton Redevelopment Authority  
Re-codified to reflect all changes as of January 4, 2000

- I. DESCRIPTION OF PROJECT AREA BOUNDARIES: Beginning at the intersection of the south right-of-way line of Damon Road with the west right-of-way of I-91; thence in a southeasterly direction along the west right-of-way line of I-91, 3,260 feet more or less to the intersection of the west right-of-way line of I-91 with the north right-of-way line of a branch of the Boston and Maine Railroad; thence in a southwesterly direction along the north right-of-way line of a branch of the Boston and Maine Railroad 2,196 feet more or less to its intersection with the east right-of-way line of the main line of the Boston and Maine Railroad; thence in a northerly direction along the east right-of-way of the main line of the Boston and Maine Railroad 3,351 feet more or less to the intersection of the south right-of-way line of Damon Road; thence in an easterly direction along the south right-of-way line of Damon Road 522 feet more or less to the point of beginning, containing one hundred eight (108) acres more or less.
- II. PROJECT PROVISIONS
- A. OBJECTIVES OF THE PLAN: Consistent with the Northampton Comprehensive Plan, to enhance the economic climate of the City of Northampton by providing land within the City limits for sustainable industrial development for new and existing industrial uses.
- B. APPLICABILITY OF LOCAL CODES AND ORDINANCES: The redevelopment of all parcels will be subject to all codes, ordinances and regulations applicable to the City of Northampton and the provisions herein, and, in case of conflict, the provisions which are more restrictive shall govern.
- C. LAND USE PROPOSALS: Within the project area, proposed land uses are to be industrial for all property except those parcels not to be acquired, consisting of residences on Bradford Street.
- D. DEVELOPMENT CONTROLS APPLICABLE TO ALL PARCELS
1. The adoption of proposed regulatory controls for properties within the project area is based on the following considerations:
    - (A) The controls must be sufficiently rigid to ensure that the development and operation of the project properties will enhance land values in the area and serve to attract and retain the highest quality of industrial development while at the same time not adversely affecting the continued value or use of residential properties to the south.
    - (B) The controls must not be so stringent, however, that they make it difficult to dispose of parcels in the project area nor unduly burden the owners of the properties as compared to other owners of similar property in the City.
  2. The Authority will obligate the purchasee(s) or leasee(s) or parcel(s) in the project, and their successors and assigns, to the conditions set forth herein for all parcels and will provide for enforcement of those conditions by the authority in the event of default. It is the intent of this plan that such controls wherever possible, will be incorporated as deed restrictions in the individual deeds for each parcel.
- E. DEVELOPMENT CONTROLS APPLICABLE TO INDIVIDUAL RE-USE PARCELS: The following controls shall be applied as deed restrictions to parcels to be disposed of within the

Project Area for industrial use.

1. Permitted Uses. No land or building or structure shall be designed, erected, used or occupied except for uses allowed by the Northampton Zoning Ordinance, as may be amended.
2. Building Requirements, Density Regulations and Dimensional Requirements. In addition to the Northampton Zoning Ordinance, the following shall apply:
  - (A) No industrial lot shall be less than one acres in area.
  - (B) No building or structure shall be less than 20 feet from the right-of-way line of any street, or railroad with the entire 20' from the right-of-way/property line as landscaped area/open space.
  - (C) No building or structure shall be less than 20' from the rear property line nor less than 20' from the side property line with a minimum of 5' buffer of landscaped area/open space.
  - (D) The minimum open space, as herein required, shall be free of all structures, parking and other uses which might detract from attractive landscaping, and such open space shall be landscaped with lawn, trees, shrubs, or plantings, which shall be maintained in a growing, attractive, and well-kept condition.
3. Signs shall be permitted only in accordance with the following:
  - (A) Signs shall not exceed 100 square feet each and no sign shall be located less than 20' from any property line.
  - (B) All permanent signs shall be integrated into the architectural design of the building on which they are placed and/or into the overall layout of the project in character and quality. No signs shall be painted directly upon the exterior surface of a building.
4. Buffer Strips. A 20' wide landscaped buffer strip shall be planted and maintained by the owners of all industrial lots along the common property line with any abutting residential lot. The plan for such buffer strip must be approved by the Authority as a part of Site Plan Approval. The buffer strip shall include screening, consisting of an opaque fence or wall, at least 5 feet high (but not to exceed 7 feet) or a dense evergreen hedge maintained at a height not to exceed 7 feet, to screen adjacent residential land as well as parking, loading and storage areas.

- F. SPECIAL DEVELOPMENT CONTROLS FOR PROPERTIES NOT TO BE ACQUIRED: Properties located within the project but which are designated on the property map as "Not to be Acquired" shall be permitted to continue in their present use subject to any existing written agreement with the Authority.

### III. PROJECT PROPOSALS

- A. EFFECTIVE PERIOD OF THE PLAN: The provisions and requirements established under this Plan shall be required and maintained in full force and effect for a period of forty (40) years. This period shall be considered to become effective upon local approval of this Plan.
- B. OBLIGATIONS TO BE IMPOSED ON REDEVELOPERS: Buildings to be constructed by Redevelopers shall reasonably conform to the following architectural standards.
  1. No exterior walls shall be permitted of unfinished cement or cinder block.
  2. All refuse disposal and materials, storage shall be in screened areas.

- IV. PROCEDURES FOR CHANGES IN THE APPROVED PLAN: The Redevelopers Plan for the "Northampton Industrial Park" as approved may be modified at any time by the Redevelopment Authority in accordance with state regulations.