

CITY OF EASTHAMPTON
SMART GROWTH OVERLAY DISTRICT ORDINANCE
FINAL DRAFT 8-15-08

SECTION 7.3: SMART GROWTH ZONING DISTRICT (SGZD)

7.31 PURPOSE

The purposes of this Section 7.3 are:

- a. To establish an Easthampton Smart Growth Zoning District and Sub-Districts, to encourage smart growth in accordance with the purposes of G. L. Chapter 40R;
- b. To provide a range of safe, quality, and affordable housing options for individuals and families of all ages and incomes;
- c. To create affordable housing that is consistent with the character of Easthampton's existing neighborhoods;
- d. To improve the quality of existing housing;
- e. To help increase access for low to moderate income households to affordable housing;
- f. To preserve the affordability of existing and new affordable units;
- g. To support private developers in their efforts to develop affordable housing;
- h. To encourage new development in the center city close to existing infrastructure and services, in order to protect open space and farmland in the outer reaches of the city.
- i. To encourage development types as delineated in the 2008 Master Plan.

7.32 DEFINITIONS

For purposes of this Section 7.3, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or Section 7.32, or as set forth in the PAA Regulations. To the extent that there is any conflict between the definitions set forth in Section 7.32 or the PAA Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

Monitoring Agent – the regional Housing Partnership (HAP, Inc.) shall be designated to review and implement the Affordability requirements affecting Projects under Section 7.36

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 7.36 of this Ordinance.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

Applicant – the individual or entity that submits a Project for Plan Approval.

As-of-right - a use allowed under Section 7.35 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 7.39 through 7.312 shall be considered an as-of-right Project.

Department or DHCD - the Massachusetts Department of Housing and Community Development.

Design Standards – means provisions of Section 7.313 made applicable to Projects within the SGZD that are subject to the Plan Approval process.

Dwelling Unit - One (1) or more rooms with cooking, living, sanitary and sleeping facilities arranged for the use of one (1) or more persons living together as a single housekeeping unit

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

Mixed-Use Development Project – a Project containing a mix of residential uses and non-residential uses, as allowed in Section 7.35, and subject to all applicable provisions of this Section 7.3.

Open Space -- Land that is not intensively developed for residential, commercial, industrial or institutional use. Open space can be publicly or privately owned and may include: agricultural and forested land, undeveloped riparian areas, scenic lands, public parks and recreation areas, and preserves. It also includes wetlands and water bodies such as ponds and vernal pools.

PAA Regulations – the rules and regulations of the PAA adopted pursuant to Section 7.393.

Plan Approval - standards and procedures which Projects in the SGZD must meet pursuant to Sections 7.39 through 7.313 and the Enabling Laws.

Plan Approval Authority (PAA) – The Easthampton Planning Board shall be the local approval authority authorized under Section 7.392 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGZD.

Project - a Residential Project or Mixed-use Development Project undertaken within the SGZD in accordance with the requirements of this Section 7.3.

Residential Project - a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 7.351.

SGZD – the Smart Growth Zoning District established in accordance with this Section 7.3.

Smart Growth – a land use development technique that advocates compact, transit-oriented, walkable, bicycle-friendly land use, including mixed-use development with a range of housing choices to protect open space and farmland, keep housing affordable, use infrastructure efficiently, and provide more transportation choices.

Townhouse – A dwelling unit in a group, , extending from the foundation of the roof, with open space on at least two sides, and separated by a fire-rated wall from any other dwelling unit, and each unit built on individual lots.

Zoning Ordinance - the Zoning Ordinance of the City of Easthampton.

7.33 OVERLAY DISTRICT

7.331 Establishment. The Easthampton Smart Growth Zoning District, hereinafter referred to as the “SGZD,” is an overlay district that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “Easthampton Smart Growth Zoning District, dated ____, prepared by the Pioneer Valley Planning Commission.” This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

7.332 Sub-districts. The SGZD contains the following sub-districts:

- a. Highway Corridor Mixed Use
- b. Downtown Mixed Use
- c. Traditional Neighborhood Village

7.34 APPLICABILITY OF SGZD

7.341 Applicability of SGZD. An applicant may seek development of a Project located within the SGZD in accordance with the provisions of the Enabling Laws and this Section 7.3, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

7.342 Underlying Zoning. The SGZD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 7.3. Within the boundaries of the SGZD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s).

7.343 Administration, Enforcement, and Appeals. The provisions of this Section 7.3 shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 7.39 through 7.313 shall be governed by the applicable provisions of MGL Chapter 40R.

7.35 PERMITTED USES

The restrictions and controls intended to regulate development in each district are set forth in Section 7.351 SGZD Table of Use as follows:

P	Use Permitted by Right in the District
PA	Use Permitted with Plan Approval in the District from the Planning Board in accordance with Section 7.39
N	Not permitted

All projects in a SGZD must have a residential use. Retail, service, and manufacturing uses will not be permitted without a residential component.

Section 7.351 SGZD Table of Use

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village (TNV)
<u>RESIDENTIAL</u>				
Single-family Residential Uses, Detached		N	N	PA
2 and 3 family Residential Uses		PA	N	PA
Townhouses	Townhouses will be built on individual lots with zero side setback requirements.	PA	N	PA
Multi-family Residential Uses (over 4 units)	Not allowed on the ground floor, unless the unit is handicap accessible and is located in the back of the building.	PA*	PA*	N
Assisted Living Residence	Any entity, however organized, which provides room and/or board in an independent residential living environment, provides services to residents who do not require 24-hour skilled nursing care, but need assistance with activities of daily living, and collects payments for the provision of these services.	PA	PA	PA

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village (TNV)
<u>RESIDENTIAL (con't)</u>				
Nursing Home	A home for the aged or infirm in which three or more persons not of the immediate family are received, kept, or provided with food and shelter, or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.	PA	PA	N
Accessory Apartments		N	PA	PA
<u>RETAIL AND SERVICE**</u>				
Convenience Market	Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood	P	P	PA
Supermarket	A retail establishment primarily selling food, as well as other convenience and household goods, which occupies more than 5,000 square feet of gross floor area	PA	PA	N
Professional Offices		P	P	PA
Pharmacy, drugstore		P	P	N
Child Care Center	Facilities that serve children under seven years of age or sixteen years if the children have special needs, or school-age children in programs that are held before or after school hours or during vacations	PA	PA	PA

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village (TNV)
<u>RETAIL AND SERVICE** (con't)</u>				
Restaurants and bars	Not including drive-in or drive-through restaurants	PA	P	N
Bakery, deli, butcher shop, fish market, caterer or similar establishment for the production and sale of food and beverage		PA	P	P
Bed-and-Breakfast Use		PA	P	PA
Beauty or barber shop, hair salon, tanning salon, or similar establishment		PA	P	PA, tanning salon not permitted
Laundry or dry cleaning establishment	In the TNV, drop off laundry or dry cleaning service permitted only.	PA	P	PA
<u>MIXED USE**</u>				
Neighborhood scale mixed use development projects, allowing two or more uses within the same building		N	PA	PA
Downtown scale mixed use development projects, allowing two or more uses within the same building		PA	PA	N
Mill Renovation for Mixed Use		N	PA	N
<u>WHOLESALE, TRANSPORTATION, & INDUSTRIAL**</u>				
Research offices or establishments devoted to research and development		PA	PA	N
Wholesale trade and distribution		PA	PA	N

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village (TNV)
<u>WHOLESALE, TRANSPORTATION, & INDUSTRIAL** (con't)</u>				
General manufacturing uses not commonly considered hazardous or noxious		PA	PA	N
Publishing, data processing	Shall be carried on by the occupants of the dwelling unit with no more than one non-resident employee	PA	PA	PA
Computer software manufacturing	The manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and package	PA	PA	N
Warehousing establishments	In the Downtown Mixed Use District, this use is only permitted in an existing building	PA	PA	N
Self Storage Facility	A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal property.	PA	N	N
<u>ACCESSORY USES</u>				
Parking accessory to any of the above permitted uses, including surface parking and parking garages.	See parking standards Section 7.38	P	P	P

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village
<u>ACCESSORY USES (con't)</u>				
Accessory uses customarily incidental to any of the above permitted uses.		P	P	P
Home Occupation	See Section 10.4 of the Easthampton Zoning Ordinance in effect as of <u>(Date)</u> for standards	N	PA	PA
Family Home Day Care	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 shall not exceed six	PA	PA	PA

Use Type	Standards and Conditions	Highway Corridor Mixed Use	Downtown Mixed Use	Traditional Neighborhood Village
COMMUNITY FACILITIES				
Church or other religious purpose		P	P	P
Educational Use	On land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies political; or by a religious sect or denomination; or by a nonprofit educational corporation.	P	P	P
City administration building, fire or police station		PA	PA	N
Public park, conservation area and preserved open spaces	Including areas for passive and active recreation	P	P	P
City highway equipment and electric utility garage		PA	N	N
Agriculture, aquaculture, silviculture, horticulture, floriculture and viticulture	On parcels of five acres or more.	P	P	P

* Permitted in Mixed-Use projects only, and not allowed on ground floor

** Not permitted unless within a Mixed-Use Project

Additional notes:

- a. All uses not specifically mentioned in Table 7.3-1 are prohibited.
- b. The total gross floor area devoted to non-residential uses within a mixed-use development project shall not exceed 50 % of the total gross floor area of the Project.
- c. Neighborhood scale shall mean buildings with a maximum height of three (3) stories and forty (40) feet.
- d. Downtown scale shall mean a maximum height of five (5) stories and sixty (60) feet.
- e. The minimum allowable as-of-right density requirements for residential uses specified in Section 7.1 shall apply to the residential portion of any mixed-use development project.

7.36 HOUSING AND HOUSING AFFORDABILITY

7.361 Number of Affordable Housing Units. For all Projects not less than twenty percent (20%) or more than 50% of housing units constructed shall be Affordable Housing. For Multifamily Housing limited to elderly residents, projects shall have at least thirty percent (30%) affordable housing units. Every project shall create a least one affordable unit. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

7.362 Monitoring Agent. The Monitoring Agent shall be the regional Housing Partnership (HAP, Inc.). In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGZD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Hampshire County Registry of Deeds.

7.363 Submission Requirements. As part of any application for Plan Approval for a Project within the SGZD submitted under Sections 7.39 through 7.313 the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1. Evidence that the Project complies with the cost and eligibility requirements of Section 7.364 of this ordinance;
2. Project plans that demonstrate compliance with the requirements of 7.365 of this ordinance, and;
3. A form of Affordable Housing Restriction that satisfies the requirements of Section 7.366 of this ordinance.

These documents in combination, to be submitted with an application for Plan Approval shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

7.364 Cost and Eligibility Requirements. Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households. If approved by DHCD, preference will be given to local residents.

2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City of Easthampton.

7.365 Design and Construction. Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

7.366 Affordable Housing Restriction. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the affordable housing restriction which shall be no less than thirty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;

8. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Monitoring Agent;
9. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
10. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
11. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability; and
12. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

7.367 Costs of Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

7.368 Age Restrictions. Nothing in this Section 7.3 shall permit the imposition of restrictions on age upon all Projects throughout the entire SGZD. However, the PAA may, in its review of a submission under Section 7.39, allow a specific Project within the SGZD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than thirty percent (30%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

7.369 Phasing. For any Project that is approved and developed in phases in accordance with Section 7.394, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

7.3610 No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 7.36 shall not be waived.

7.37 DIMENSIONAL AND DENSITY REQUIREMENTS

This ordinance shall promote both small and large infill development projects within the designated Smart Growth Sub Districts throughout the City of Easthampton. Infill development of single lots considered non-conforming under MGL Chapter 40A, Section 6 is permitted within the SGZD, provided that the housing unit will be deeded as Affordable Housing, as defined in Section 7.32 of this ordinance.

7.371 Tables of Height and Bulk Requirements. Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the SGZD are as follows:

Table 7-1. Height and Density Requirements in the Highway Corridor Mixed Use Sub-District

Use	Maximum Height (feet)	Maximum Height (stories)	Required Residential Density (du/ac.)*
Townhouses	45	3.5	8
Dwelling Units, Duplex	45	3.5	12
Dwelling Units, Three-Family Detached	45	3.5	12
Dwelling Units, Multi-Family Detached	60	5	20
Assisted Living	45	3.5	20
Mixed Use Development, Downtown Scale	60	5	20

* Density requirement may be waived to a higher density in exchange for a higher percentage of affordable units.

Table 7-2. Height and Density Requirements in the Downtown Mixed Use Sub-District

Use	Maximum Height (feet)	Maximum Height (stories)	Required Residential Density (du/ac.)*
Dwelling Units, Multi-Family	60	5	20
Assisted Living	45	3.5	20
Mill Renovation for Mixed Use	No limit	--	20
Mixed Use Development, Downtown and Neighborhood Scale	60	5	20

* Density requirement may be waived to a higher density in exchange for a higher percentage of affordable units.

Table 7-3. Height and Density Requirements in the Traditional Neighborhood Village Sub-District

Use	Maximum Height (feet)	Maximum Height (stories)	Required Residential Density (du/ac.)
Dwelling Units, Single Family Detached	35	2.5	8
Townhouses	35	2.5	8
Dwelling Units, Patio House	35	2.5	8
Dwelling Units, Duplex	35	2.5	12
Dwelling Units, Three-Family Detached	35	2.5	12
Assisted Living	35	2.5	20
Mixed Use Development, Neighborhood Scale	40	3	20

7.372 Tables of Area Requirements. All projects within the SGZD must provide a twenty-five (25) foot buffer to adjacent residential uses not within the SGZD. Notwithstanding anything to the contrary in this Zoning Ordinance, the area requirements applicable in the SGZD are as follows:

Table 7-4. Area Requirements in the Highway Corridor Mixed Use Sub-District

Use	Front setback (ft)	Side setback (ft)	Rear setback (ft)
Townhouses	20	10	30
Dwelling Units, Three-Family Detached	20	10	30
Dwelling Units, Multi-Family Detached	20	10	30
Assisted Living	20	10	30
Mixed Use Development, Downtown Scale	20	10	30

Table 7-5. Area Requirements in the Downtown Mixed Use Sub-District

Use	Front setback (ft)	Side setback (ft)	Rear setback (ft)
Dwelling Units, Multi-Family Detached	10	10	20
Assisted Living	10	10	20
Mill Renovation for Mixed Use	10	10	20
Mixed Use Development, Downtown and Neighborhood Scale	0	5	20

Table 7-6. Area Requirements in the Traditional Neighborhood Village Sub-District

Use	Front setback (ft)	Side setback (ft)	Rear setback (ft)
Dwelling Units, Single Family Detached	20	5	20
Townhouses	20	0	20
Dwelling Units, Duplex	20	5	20
Dwelling Units, Three-Family Detached	20	10	20
Assisted Living	20	10	20
Dwelling Units, Patio House	20	10	20
Mixed Use Development, Neighborhood Scale	20	10	30

7.373 Dimensional Waivers in Substantially Developed Sub-district. The PAA may, in order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, grant a waiver to the dimensional standards of Section 7.371 and Section 7.372, in accordance with Section 7.3113.

7.380 PARKING REQUIREMENTS

The parking requirements applicable for Projects within the SGZD are as follows.

7.381 Number of parking spaces. Unless otherwise approved by the PAA, the following minimum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures, or on-street:

Table 8-1: Off-Street Parking Regulations

Uses	Number of Parking Spaces Per Unit
<u>Residential</u>	
One-family dwelling	Two (2) per dwelling unit
Accessory apartment	Two (2) per dwelling unit, except the one-bedroom accessory apartment requires only one (1) space
Duplex; conversion of existing one-family dwelling to two-family	Two (2) per dwelling unit
Conversion of existing one-family dwelling to three- and four-family dwelling; multifamily housing for elderly and/or handicapped persons	One and one-half (1½) for each dwelling unit
Multifamily housing	One (1) for each bedroom in each unit plus 1 additional visitor space for every 10 units in the development
Bed and Breakfast	Two (2) plus one (1) additional space for each rooming unit
Home Occupation	In addition to meeting the parking standards for the dwelling unit one (1) space plus one (1) space for each non-resident employee

Uses	Number of Parking Spaces Per Unit
<u>Community Facilities</u>	
Childcare facility; family day care home	One per two (2) employees plus one off-street passenger loading place for every eight (8) students
City building, recreational facility	One per each four hundred (400) square feet of gross floor area
Nursing, rest or convalescent home	One per three (3) beds at design capacity
Public Utility	One for each four hundred (400) square feet of gross floor area devoted to office use One for each eight hundred (800) square feet of gross floor area per other use

Uses	Number of Parking Spaces Per Unit
<u>Retail and Service</u>	
Convenience market; pharmacy, drugstore	Five (5) for each 1,000 square feet of gross floor area; minimum of four (4)
Supermarket	Six (6) for each 1,000 square feet of gross floor area
Restaurants, bars	One for each four (4) seats of total seating capacity, plus one for each two employees on shift of greatest employment
Discount club, warehouse club, warehouse supermarket	Five (5) for each 1,000 square feet gross floor area
Other retail uses including, but not limited to: discount store; hardware/paint shop; garden center; factory outlet store; antique or gift shop	One per each three hundred (300) square feet of gross floor area
Beauty or barber shop, hair salon or similar establishment	Two (2) for each operator chair
Personal and consumer establishments, including, but not limited to: laundry or dry cleaning; tailor; milliner; cobbler; photographer's studio; repair shop for household appliance or business equipment; photocopy shop	One per each three hundred (300) square feet of gross floor area
Medical/dental center, clinic or laboratory	Five (5) for each practitioner or one for each three hundred (300) square feet of gross floor area, whichever is greater
Other professional and business offices and services	One for each three hundred (300) square feet of gross floor area
<u>Industrial</u>	
Manufacturing or industrial establishment	One for each six hundred (600) square feet of gross floor area or 0.75 for each employee of the combined employment of the two (2) largest successive shifts, whichever is larger

The PAA may allow for additional visitor parking spaces beyond the maximum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. Offsite parking will be allowed within 300' of the Project. The PAA may allow for a decrease in the required parking as provided in Sections 7.382 and 7.383 below.

7.382 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

7.383 Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.

7.384 Location of Parking. Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

7.39 PLAN APPROVAL OF PROJECTS: GENERAL PROVISIONS

7.391 Plan Approval. An Application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 7.39 through 7.313. Such Plan Approval process shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws. The following categories of Projects shall be subject to the Plan Approval process:

- a) Any Project requiring Plan Approval in Section 7.351 SGZD Table of Use and any Project seeking a waiver.

7.392 Plan Approval Authority (PAA). The Easthampton Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the “PAA”), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGZD.

7.393 PAA Regulations. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations must be approved by the Department of Housing and Community Development.

7.394 Project Phasing. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased project shall comply with the provisions of Section 7.369.

7.310 PLAN APPROVAL PROCEDURES

7.3101 Pre-application. Prior to the submittal of a Plan Approval submission, a “Concept Plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

1. Overall building envelope areas;
2. Open space and natural resource areas; and
3. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGZD.

7.3102 Required Submittals. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA, along with an application fee of \$25 per residential unit, which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 7.36, the application shall be accompanied by all materials required under Section 7.363. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

7.3103 Application Content. All of the following requirements shall be included on the Site Plan:

1. Name of the project, locus, boundaries and locus maps showing the site's location, data, north arrow, and scale of the plan. All revisions occurring after original submission shall be noted and dated.
2. Name and address of the owner of record, developer, and original seal of the engineer, surveyor, architect, or landscape architect, as applicable.
3. Names and addresses of all owners of record abutting parcels and those within three hundred (300) feet of the property line.
4. All existing lot lines, easements, and rights-of-way. Included area in acres or square feet; abutting land uses, and the location and use of structures within three hundred (300) feet of the site.
5. The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations. Structures to be removed shall be indicated by dashed lines.
6. The locations of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls, and fences. Location type, and screening details for all waste disposal containers shall also be shown

7. The locations, height, intensity and bulb type of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
8. The location, height, size, materials, and design of all proposed signage.
9. The location and description of all present and proposed utility systems including sewage or septic system; water supply system; telephone, cable television, and electrical systems; and storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, manholes, and drainage swales.

The PAA will require soil logs, percolation tests, and storm run-off calculations for large or environmentally sensitive developments.

10. Plans to prevent pollution of surface or groundwater; erosion of soil both during and after construction; excessive run-off; excessive raising or lowering of the water table; and flooding of other properties, as applicable.
11. Existing topography, indicated by dashed lines of two-foot contour intervals where slopes are greater than three (3) percent but less than fifteen (15) percent, and at five-foot contour intervals where slopes are fifteen (15) percent or more. All elevations shall be referred to the nearest U.S. Coastal and Geodetic datum. Where any changes in topography are proposed, finished contours shall be shown as solid lines.

If any portion of the site is within the one hundred-year flood elevation of any water body, the area will be shown and base flood elevations given.

Indicate all areas within the site and within fifty (50) feet of the site, where ground removal or filling is proposed, and given its approximate volume in cubic yards.

12. A landscape plan showing all existing natural land features, major trees, forest cover, and water sources and all proposed changes to these features including size and type of plan material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas. General soil types shall be indicated as part of the landscape plan.
13. Zoning district boundaries within five hundred (500) feet of the site's perimeter shall be drawn and identified on the plan. Such features may be shown as a key map on the detail plan itself.
14. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, size and location of curb cuts on the site and within one hundred (100) feet of the site. Include the possible organization of traffic channels, acceleration and deceleration lanes, additional width or other means necessary to prevent difficult traffic situations.

7.3104 Additional Material. All of the following requirements shall be included on the Site Plan:

1. **Traffic Impact Statement.** A detailed Traffic Impact Statement is required in each case where a proposed new building, use or project will contain more than 10,000 square feet, or will include one of the following uses which generates high volumes of trips: convenience stores; drive-in restaurant; automotive service station; or bank. The Traffic Impact Statement shall contain:
 - (1) The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;

- (2) The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site and entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site.
 - (3) 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 estimated for daily hour and peak hour traffic levels, road capacities, and impacts on intersections.
 - (4) A plan to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means.
 - (5) An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.
2. Elevation plans of a scale of one-quarter (1/4) inch equals one foot for all exterior facades indicating pertinent design features and type of materials to be used.
 3. Deeds, easements, agreements, and other legal documents. Drafts of deeds, easements, agreements, and other legal documents, including the following where applicable:
 - (1) Deeds of land to be conveyed to the city for streets or other public purposes;
 - (2) Deeds of easements and right-of-way;
 - (3) Covenants and any other agreements affecting the use of the site;
 - (4) Articles of incorporation of a landowner's association and the by-laws of the association; and,
 - (5) Agreements between the applicant and the City regarding public improvements or other matters.

7.3105 Filing. An applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the City Clerk and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the PAA.

7.3106 Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the City Council, Board of Health, Conservation Commission, Fire Department, Police Department, Building Inspector, Department of Public Works, the Monitoring Agent and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

7.3107 Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take

action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

7.3108 Peer Review. The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.

7.311 PLAN APPROVAL DECISIONS

7.3111 Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. the applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project as described in the application meets all of the requirements and standards set forth in this Section 7.3 and the PAA Regulations, or a waiver has been granted therefrom; and
3. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 7.36, compliance with condition (2) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 7.3, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

7.3112 Plan Disapproval. A Plan Approval application may be disapproved only where the PAA finds that:

1. the applicant has not submitted the required fees and information as set forth in the Regulations; or
2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section 7.3 and the PAA Regulations, or that a requested waiver there from has not been granted; or
3. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

7.3113 Waivers. Upon the request of the Applicant, the Plan Approval Authority may waive dimensional and other requirements of Section 7.3, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGZD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 7.3.

7.3114 Project Phasing. The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases, and the proportion of Existing Zoned Units to Bonus Units (as those terms are defined under 760 CMR 59.00) shall be consistent across all phases.

7.3115 Form of Decision. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

7.3116 Validity of Decision. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

7.312 CHANGE IN PLANS AFTER APPROVAL BY PAA

7.3121 Minor Change. After Plan Approval, an applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the City Clerk.

7.3122 Major Change. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections 7.39 - through 7.313.

7.313 AMENDMENT OF DESIGN STANDARDS

7.3131 Amendment of Design Standards.

The Plan Approval Authority may amend, by simple majority vote, Design Standards which shall be applicable to all Projects subject to Plan Approval by the Plan Approval Authority. Such Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

7.3132 DHCD Approval

After amending Design Standards, the PAA shall submit Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the City Clerk. In submitting proposed Design Standard for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable cost to Development Projects or unreasonably impair the economic feasibility of a Development Project. A letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a Development Project shall not constitute sufficient documentation. At its discretion, DHCD may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

7.3133 Plan Approval

An application for Plan Approval that has been submitted to the City Clerk pursuant to this Section shall not be subject to Design Standards that have not been approved by DHCD and filed with the City Clerk.

7.314 SEVERABILITY

If any provision of this Section 7.3 is found to be invalid by a court of competent jurisdiction, the remainder of Section 7.3 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 7.3 shall not affect the validity of the remainder of the City's Zoning Ordinance.