

## ZONING

### 350 Attachment 24

**City of Northampton  
Table of Use, Dimensional and Density Regulations**

<b>WATER SUPPLY PROTECTION (WSP)</b>						
<b>Uses Allowed: (by-right unless otherwise noted) any mix or their accessory uses/structures (home office, tag sales § 350-2.1, fences § 350-6.8, horses and animals § 350-5.3)</b>	<b>Site Plan Approval Required by Planning Board (if checked) Any nonresidential construction greater than 2,000 square feet triggers site plan</b>	<b>Use By Special Permit Approval Required by Designated Board (if checked)</b>	<b>Dimensions</b>	<b>Landscaping</b>	<b>Minimum Parking</b>	<b>Building Design</b>
Single-family dwelling or legal building lot in existence (excluding flag lots, see below) as of May 7, 2007, including attached accessory apartments meeting criteria in § 350-10.10			Lot size/frontage/depth: Same as in existence on June 7, 2007, or 80,000 square feet, whichever is less Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet Maximum height: 35 feet Open space: 60%		2 per unit, 3 if contains accessory apartment.	
Any excavation incidental to a permitted use within three feet of the annual groundwater table with staff review to ensure there will be no groundwater contamination and site will not be dewatered			Lot size: 80,000 square feet Frontage: 175 feet Depth: 200 feet			
New single-family dwellings, including attached accessory apartments meeting criteria in § 350-10.10			Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet		Based on square footage. See table.	
Educational, religious use, day-care, school-aged child-care program (MGL c. 28A, § 9), family day-care; preexisting nonconforming uses	See also § 350-11.1 for scale that triggers site plan		Maximum height: 35 feet			
Municipal facility; facilities for essential services						
Cemetery, including any crematory therein						
Agricultural uses (dimensional standards do not apply)			Open space: 85% [See also § 350-15.9 for increase in coverage allowances.]			
Temporary event (see definitions)						
Agriculture, horticulture, floriculture, noncommercial forestry, the growing of all vegetables and a temporary (not to exceed erection or use for a period of four months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises			Lot size: 80,000 square feet Frontage: 175 feet Depth: 200 feet Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet			

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Year-round greenhouse/stand for wholesale and retail sale of agricultural farm products raised on site	√		Maximum height: 35 feet Open space: 85% [See also § 350-15.9 for increase in coverage allowances.]			
Accessory structures: a. Detached (but no larger than 1,000 square feet of lot coverage or 3% of lot area, whichever is greater). See also § 350-6.7; b. Attached (same setbacks as principal structure); or c. Attached used for workshop, storage, garage, noncommercial purposes only			Setbacks: a. Front detached: 20 feet Side detached: 4 feet Rear detached: 4 feet b. Front attached: 20 feet Side attached: 15 feet Rear attached: 20 feet OR c. Front: 40 feet Side attached: 10 feet Rear attached: 10 feet Maximum height: 20 feet			
Residential shared driveways	√					
Telecommunication antennas located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)	√					
New telecommunications towers/facilities (in accordance with §§ 350-2.1 and 350-10.9)	√	√ Planning Board	All setbacks: 2 times the height of the tower			
Detached accessory apartment	√	√ Zoning Board of Appeals	Same as single-family home (maximum height: 20 feet; 900-square-foot footprint)			
Home occupations. See § 350-10.12	√		Same as single-family home			
Flag lot for single-family home. See also § 350-6.13.	√	√ Planning Board	Lot size: 80,000 square feet Frontage: 50 feet Depth: 200 feet Setbacks: Front: 20 feet Side: 30 feet Rear: 60 feet Maximum height: 35 feet Open space: 85%			

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Open space residential development (See § 350-10.5) single-family, two-, three-, zero-lot, multifamily home, townhouse lots	√	√ Planning Board	Project lot: 4 acre minimum Project frontage: 175 feet Project depth: 200 feet Setbacks from project boundary: Front: 20 feet Side: 15 feet Rear: 20 feet Maximum height: 35 feet Project open space: 85%		2 per unit unless reduced by Planning Board	Planning Board to review layout to ensure project transitions between existing neighborhood along street and proposed project
Substantial improvements in FP, meeting all requirements under the State Building Code, Wetlands Protection Act, and City ordinances	√	√ Planning Board	Lot size: 80,000 square feet [plus 3,000 square feet per bedroom for assisted living/nursing home]  Frontage: 175 feet  Depth: 200 feet  Setbacks: Front: 20 feet Side: 15 feet Rear: 20 feet  Maximum height: 35 feet		As per table in § 350-8	
Site alteration, structure or impervious surface within 200 feet of any watercourse (including intermittent) which are tributaries to a public water supply	√					
Any other private school, college or university	√					
Assisted-living residences, nursing homes	√					
Bed-and-breakfast	√					
Outdoor commercial recreation	√					
Commercial stable or kennel (§ 350-10.8)	√					
Community center	√					
Historical association or society and nonprofit museum (may include the residence of a caretaker)	√					
Membership club operated as a not-for-profit	√					
Funeral establishment	√					
Heavy public use. See § 350-10.7.	√					
Private utility, substation, or similar facility or building, small-scale hydroelectric generation	√					
Rooftop solar hot water and photovoltaic			N/A	None	0	See below.

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Solar photovoltaic of any size, ground-mounted: 1. Over any legal parking lot or driveway; 2. At any landfill site not separate from the site-assigned property by any road; and 3. At an airport not separated from the runways by any road.	√		Same setbacks as setbacks for other accessory buildings in the district	Sufficient landscaping within the setbacks to provide effective visual separation	0	None. Installations must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.
Accessory solar photovoltaic ground-mounted on a parcel with any building or use, provided that the PV is sized to generate no more than 100% or 8 KW of the annual projected electric use of the non-PV building or use			Setbacks: Front = 15 feet Side = 4 feet Rear = 4 feet  And such open space as applies to the principal building			
Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between 8 KW or over 100% up to but no more than 200% of the annual projected electric use of the non-PV building or use	√	√ Planning Board	Setbacks: Front = 15 feet Side = 4 feet Rear = 4 feet  And such open space as applies to the principal building			

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Solar photovoltaic (PV), large-scale ground-mounted with less than two acres of tree removal: Any other solar photovoltaic (PV), large-scale ground-mounted not listed above, where less than two acres of tree removal is planned. The removal of significant trees on the subject parcel(s) must be replaced in accordance with § 350-12.3 and includes tree removal that occurs within 12 months immediately prior to an application for installation of such a system. <sup>1</sup>	√		Lot size = 0  Frontage/Width/Depth = 0  Setbacks: Front: 50 feet Side: 50 feet Rear: 50 feet  Maximum height = 30 feet  Open space = 20%	A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% 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.	0  See also §§ 350-8.2 through 350-8.11 for location, construction, layout requirements for parking lots	Installation must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.

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Solar photovoltaic (PV), large-scale ground-mounted with more than two acres of tree removal <sup>1,2</sup>	√	√ Planning Board	Lot size = 0  Frontage/Width/Depth = 0  Setbacks: Front: 50 feet Side: 50 feet Rear: 50 feet  Maximum height = 30 feet  Open space = 20%	A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% 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.	0  See also §§ 350-8.2 through 350-8.11 for location, construction, layout requirements for parking lots	Installation must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.

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Reuse of an historic educational or religious building for any residential use, live/work space, or office; provided, however, that no more than 20% of the floor space of the building shall be used for medical, banking or any offices where a primary function is to provide services to retail customers or individuals; and further provided that such use is within the footprint of the existing building. The existing building may be expanded to accommodate elevators and stairwells, provided that all historical contributing portions of the building are retained and covered with an historic preservation restriction granted to the City of Northampton in a form acceptable to the Planning Board, with input from the Historical Commission, as preserving the key character-defining features visible from the road (and not necessarily meeting federal or state preservation standards for the entire building). Portions of the building that are not part of the original architecture of the building and which do not contribute to the historical or architectural significance of the building as determined by the Planning Board, with input from the Historical Commission, may be demolished.	√					
Open/Outdoor marijuana cultivation. 1. All security fencing that includes razor wire or other physical security measures that are not typically residential in character must be screened with vegetation so that it is not visible from public ways nor from other principal residential structures within 300 feet. 2. If a fence or other security structure is planned within a FEMA-mapped floodplain, it must be shown to be engineered to withstand expected floodwaters or it must be engineered to include a breakaway that opens during flood conditions.	√					

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Short-term rental: allowed only upon annual registration with the City. Use as a registered rental is only valid for the year in which registration is completed and expires December 31 each year.						

NOTES:

- <sup>1</sup> The owner or operator shall remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:
- a. Removal of all structures, equipment, security barriers, transmission lines, conduits, poles.
  - b. Disposal of all waste in accordance with local, state, and federal waste disposal regulations.
  - c. Stabilization or re-vegetation of the site as necessary to minimize erosion.

If the owner/operator fails to remove the installation in accordance with the requirements of this section, the City shall have the right, exercise or call the bond/performance guarantee in order to cover the cost of removal.

Performance guarantee: Applicants shall submit an itemized cost estimate for complete decommissioning of the array as specified above. Prior to beginning construction the applicant shall post a performance guarantee in the form of a bond or escrow or other guarantee approved by the Planning Board for the amount to cover decommissioning, including a 20% contingency and calculated with twenty-year inflation factor.

- <sup>2</sup> The Board must find that the removal of trees will not negatively impact the health, safety and welfare of the residents of Northampton by maintaining a robust and diverse ecosystem for the residents while also creating renewable energy systems. In order for the Board to make such finding, the applicant shall submit an analysis of the proposed project's impact relative to the benefit of the solar installation as follows:
1. Analysis showing that tree removal which occurs on more than one acre of slopes greater than 20% will not cause erosion of topsoil and will not increase siltation of any streams present on the site or within 200 feet of the property boundary.
  2. Analysis of the forest type and relevant habitat that will be lost. This analysis must include the structure and diversity of the canopy, midstory and understory of the forested area to be cleared. Analysis must be performed by an individual with a master's degree in wildlife biology or ecological science from an accredited college/university or other competent professional with at least two years of experience in wildlife habitat evaluation.
    - a. Any forested area within which certifiable vernal pools are found must be identified and a permit from the Conservation Commission must be granted prior to review by the Planning Board.
    - b. Any forested area containing clusters of five or more healthy trees of 20 inches diameter breast height or greater that are not in decline shall be preserved in order to continue to provide high value ecological benefit to the community. Connection of these larger trees to surrounding stands of trees shall be maintained.
    - c. As part of the forest type analysis, the report shall contain information regarding the abundance and distribution of habitats within the region and of the specific site and any historical information on the extent and quality of these habitats and impact of clearing on these habitats. The applicant must show through analysis that habitat is not fragmented and that connectivity remains in the proposed conditions.
  3. Analysis by a qualified third party showing that the project will be carbon-neutral over the first 10 years of operation. The applicant shall provide the following calculations:
    - a. The total volume of trees to be removed (provided by an independent certified forester) and the projected volume of trees over a ten-year period of additional growth.
    - b. Subtracting the estimated live-wood in replacement trees provided under the significant tree section of this zoning ordinance 10 years after planting.
    - c. Conversion of the net live-wood to be removed to short tons of carbon (using research from the Northern Institute of Applied Climate Science or other methodology after approval by the permit granting authority).
    - d. Subtraction of the carbon offsets (short tons of carbon) provided by the solar photovoltaic project over 10 years of operation, including the calculation of potential carbon stored had the trees continued to thrive in that same ten-year window.



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- e. If there is any net release of carbon with the above calculations, the applicant shall assign renewable energy credits (REC) to the City to match or exceed said release of carbon. However, RECs may not be used to fund biomass projects.
  4. At least 50% of the property shall be protected from tree clearing and future development for the duration of the operation of the solar array installation and until such time as the system is decommissioned and removed.
  5. Within the area beyond the first two acres of canopy removed, stumps for removed trees must remain in place and no excavation/soil disturbance is allowed other than what would be required to bore support posts for the PV panels.
  6. Electrical transformers for utility interconnections may be aboveground only if required by the utility provider. Power and telecommunications poles and equipment shall not be visible from the public way.
- \* No minimum lot size, depth, or frontage required for essential services or municipal facilities as defined in § 350-2.1. Minimum setbacks for principal buildings as part of municipal facilities are the same as other principal uses in table above and are the only dimensional lot requirements necessary to be met.