

ARTICLE 19 – SMART GROWTH DISTRICTS

Article 19. To see if the Town will vote to amend Chapter 255 (Zoning) of the Town’s Code in Article IV Districts, Section 255-15 Overlay Districts, by including an Overlay District entitled South Hadley Falls Smart Growth District; and Article VII Supplemental District Regulations, Section 255-23(A) General Regulations that Apply to All Smart Growth Zoning Districts by generally correcting references to Section 255-23 and its subsections and by incorporating additional language and revisions to the various subsections 255-23(A)(1) through 255-23(A)(17); and Article VII Supplemental District Regulations, Section 255-23(B) Establishment and Delineation of Smart Growth Zoning Districts in Subsection 255-23(B)(1) South Hadley Falls Smart Growth Zoning District Paragraph 255-23(B)(1)(b)[1] Allowed Uses to clarify the uses allowed as part of a Mixed Use Development and Paragraph 255-23(c)(3) as detailed in the Planning Board’s Report to Town Meeting or take any other action thereto.

The changes to be made in the Zoning Bylaw are as follows:

1. Amend Section 255-15 of the South Hadley Zoning Bylaw by adding the following:

D. South Hadley Falls Smart Growth District. The purposes of this district are as stated in Section 255-23.

2. Amend Section 255-23 Smart Growth Zoning Districts; Subpart “A” A. General Regulations that apply to all Smart Growth Zoning Districts as detailed below (an annotated version of Subpart A will be posted prior to the public hearing):

(1) Purposes

(a) In item “(g)”, insert the word “the” after “and limit” and insert the phrase “of surface parking” after “expansion”

(2) Definitions

(a) Insert the following the second sentence in the first paragraph:

Where, for readability or other reasons, the terms defined in Article III, the PAA Regulations or the Enabling Laws, appear without capitalization, such use shall nevertheless be presumed to have the same meaning as defined in Article III, the PAA Regulations or the Enabling Laws, as applicable, unless it is obvious from the context that the common law definition applies. Common law definitions shall apply to all other terms not defined in Article III, the PAA Regulations or the Enabling Laws.

(b) Change the heading of the definition of Administrative Regulations by adding “or PAA Regulations” to the term “Administrative Regulations”

(c) In the Definition of Administrative Regulations, in the second sentence, insert the phrase “, Project application form(s), any other

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application requirements” after “Such rules and regulations” and the term “thereof” after “subsequent amendments”.

- (d) In the definition of “Design Standards”, change SHFSGD to SGZD and delete the phrase “that are subject to Plan Review by the Planning Board”.
- (e) In the definition of “Parking (Off-Street)”, insert the phrase “For purposes of this Section 255-23(6),” at the beginning of the definition.
- (f) In the definition of “Plan”, add “255-23” at the end of the definition.
- (g) Delete the definition of “Principal Building” in its entirety and insert in its place the following:

“Principal Building -- One or more buildings/structures serving the primary use to which the premises are devoted, and the main purpose for which the premises exist.”

- (h) Delete the definition of “Project” in its entirety.

(3) Scope and Authority

- (a) Insert “255-23” following the phrase “this section” wherever it exists.

(4) Performance Standards

- (a) In paragraph 4(b) replace the reference to “the District” with “the SGZD”
- (b) In paragraph 4(c), replace the date “September 18, 2015” with the date “September 8, 2015”
- (c) In paragraph 4(c), delete the portion of the second sentence following the phrase “has qualified” and replace the deleted words with the following:

“for one or more density bonus payments under 760 CMR 59.06(2) corresponding to a number of Bonus Units that is equal to or greater than the minimum number of Incentive Units associated with any Zoning Incentive Payment received for a given SGZD established under this Section 255-23, any subsequent amendments to Stormwater Management Bylaw shall not apply to Development Projects in such the SGZD until DHCD has received written notice of such amendment(s) and determined that such amendment(s) does not Unduly Restrict development within the such SGZD as per 760 CMR 59.02.”

(5) Mixed-Use Development

- (a) Restructure the second sentence by ending said sentence after the phrase “portions of the Building”.

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- (b) Restructure the third sentence by beginning said sentence with the phrase which was previously part of the second sentence “Where that portion of the Building fronts on a public way”

(6) Off-Street Parking and Loading

- (a) In the table in paragraph (a), insert the word “Other” in front of the last “USE”, said use begins with the phrase “Non-Residential, 2,000 square feet or more”
- (b) In paragraph (c) – ‘Location of Parking’, delete the phrase “the required front yard setbacks” at the end of the paragraph and replace the phrase with “any applicable restricted Front Setback area”.
- (c) In paragraph (d) – ‘Waiver of Parking Requirements’, in the first sentence delete the phrase “making such modifications in” and replacing it with the phrase “providing such relief from”.
- (d) In paragraph (d) – ‘Waiver of Parking Requirements’, add the following to the last sentence:

“, provided that the particular use and occupancy were voluntarily proposed by the applicant and any such conditions are expressly approved in writing by DHCD and any such conditions are expressly approved in writing by DHCD and would not impair the development of housing within the District which is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.”

- (e) In paragraph (g) – ‘Parking Design’, insert the phrase “state or federal” between the words “applicable” and “disability”.

(7) Open Spaces and Recreational Areas

- (a) No changes are proposed

(8) Affordable Housing

- (a) Delete the first paragraph under subpart (8)(a) in its entirety and insert the following in its place

“The monthly rent payment for an Affordable Rental Unit, including applicable utility allowances, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a household size equal to the number of bedrooms in the unit plus one, unless another methodology for determining the target household size has been approved by DHCD.”

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- (b) In the second paragraph under subpart (8)(a) insert the phrase “and parking” between the words “insurance,” and “shall”.
- (c) In subpart 8(e) – ‘Unit Mix’ – delete the word “is” and insert “are a” in front of the last word “part”.
- (d) In the first sentence of the first paragraph under subpart 8(f) – Affordable Housing Restriction – insert the phrase “Initial unit designations” after “overall quantity”.
- (e) In the second sentence of the first paragraph under subpart 8(f) – Affordable Housing Restrictions - insert the word “Project” after the phrase “a rental Development”.
- (f) Delete the last four words of the first paragraph under subpart 8(f) – Affordable Housing Restrictions - “without specific unit identification” and insert the following

“Project with the designated Affordable Rental Units initially identified in the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and able to float on a limited basis, as necessary, subject to specific approval by DHCD in accordance with the AFHMP and DHCD’s AFHMP guidelines”.

- (g) In the second paragraph under subpart 8(f) – Affordable Housing Restrictions – insert the phrase “, as further specified in the PAA’s Plan Approval decision,” after the phrase “allowed by law”.
- (h) In the second sentence of the fourth paragraph under subpart 8(f) – Affordable Housing Restrictions – insert the phrase “for the corresponding Project or phase(s) therein,” following the phrase “pursuant to 40R”
- (i) In the tenth paragraph under subpart 8(f) – Affordable Housing Restrictions – delete the last word “affordability” and insert the following

“compliance with the Affordable Housing Restriction and AFHMP.”

- (j) In the twelfth paragraph under subpart 8(f) – Affordable Housing Restrictions – delete the last word “affordability” and insert the following

“compliance with the Affordable Housing Restriction and AFHMP.”

- (k) In the first paragraph under subpart (8)(h) insert the phrase “under this Seciton 255-23 and the Enabling Laws.” at the end of the paragraph.

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(9) Plan Approval Procedures

- (a) In the second paragraph under subpart 9(b) – Application Procedures – Submittal - delete the sentence beginning with the phrase “Massing perspective sketches” and ending with “its context” and replace said sentence with the following

“Massing perspective sketches or renderings illustrating the key elements of the proposed development Project within its context.”

- (b) Delete the paragraph under subpart 9(b) – Application Procedures – regarding “Circulation to Other Boards” in its entirety and insert the following in its place:

“In accordance with the Administrative Regulations, the Planning Board shall provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions and Officials as determined by the Planning Board and to the Monitoring Agent. Subject to the requirements under 9(b)[4] below, these entities shall provide any written comments within 60 days of the filing plan and application with the Town Clerk.”

- (c) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Approval”, insert the phrase “255-23” between the words “Section and “applicable”.

- (d) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Approval”, add the following to the end of the second criteria

“, and shall also include written confirmation by the Monitoring Agent that all Affordable Housing requirements have been satisfied.”

- (e) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Approval”, delete the last criteria in its entirety

- (f) In subpart 9(b) – Application Procedures – regarding “Criteria for Plan Denial”, insert the phrase “255-23” between the words “Section and “applicable”.

(10) Waivers

- (a) In the second sentence (beginning with “Notwithstanding”), insert the phrase “Section (255-23) or the” before the phrase “Zoning Bylaw”.
- (b) In the second sentence (beginning with “Notwithstanding”), insert the phrase “South Hadley” after the phrase “Zoning Bylaw”.

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- (c) In the second sentence (beginning with “Notwithstanding”), delete the word “of” and insert the phrase “that comprise” before “Section 255-23A(8)”.
 - (d) In the second sentence (beginning with “Notwithstanding”), add the phrase “without the express written approval of DHCD” following the phrase “shall not be waived”.
- (11) Plan Changes After Approval by Planning Board
- (a) In the first paragraph, delete the word “affordability” and insert the phrase “Affordable Housing” between the words “or” and “features” at the end of the first sentence.
- (12) Fair Housing Requirement
- (a) No changes are proposed
- (13) Project Phasing
- (a) In the last sentence, delete the word “district” before the phrase “as a whole” and insert the word “Project” in its place.
 - (b) In the last sentence, add the phrase “under Section 255-23A(8)(b) after the phrase “as a whole”.
- (14) Decisions
- (a) No changes are proposed
- (15) Date of Effect
- (a) (a) In the first sentence, insert “SGZD” following the fifth word.
 - (b) (b) Insert “Section 255-23” following “Bylaw” wherever it exists in this section.
 - (c) (c) Insert “as amended May 9, 2018” in front of the phrase “shall be the date on which”
- (16) Severability
- (a) No changes are proposed
- (17) Design Standards
- (a) Delete the last 8 words of the first sentence “subject to Plan Approval by the Planning Board”

3. Amend Section 255-23 Smart Growth Zoning Districts; Subpart “B” B. Establishment and Delineation of Smart Growth Zoning Districts; Subsection (1) South Hadley Smart Growth Zoning District as detailed below:

- (1) In paragraph (b)[1] entitled “Allowed Uses”, make the following changes:
 - (a) Delete the word “article” wherever it exists and insert in its place the phrase “Section 255-23.

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(b) Delete uses “[b] through [f] and insert in its place, the use “Mixed-Use Development Project” with the following uses listed as being allowed as part of a “Mixed-Use Development Project” (some of the uses being noted as only being allowed as part of a Mixed-Use Development Project):

[b-1] Multi-Family Dwelling

[b-2] Single-Family, Two-Family and Three-Family Dwelling*

[b-3] Office *

[b-4] Retail *

[b-5] Restaurant (excludes drive-through windows)*

[b-6] Institutional *

[b-7] Consumer Service *

(c) Retain the note that exists regarding the “asterisk”

(2) In paragraph (b)[3] entitled “Age Restricted Housing Units”, insert “255-23” following the word “Section”.

PUBLIC HEARING DRAFT