

Attest: *[Signature]* Clerk of Council

Approved: Mary Clare Higgins, Mayor

A True Copy.

Attest: *[Signature]* Clerk of Council

# City of Northampton

MASSACHUSETTS

Seven

In the Year Two Thousand and .....  
UPON THE RECOMMENDATION OF Planning Board, Mayor Higgins, Councilor Narkewicz

## ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, §350-3.1, 3.3, 3.4 and 20.0  
City of Northampton, Massachusetts, be amended by revising section....., of said Code;  
Establish a 40R Smart Growth Overlay District at the Village at Hospital Hill  
providing that.....

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1. That section..... of the Code of Ordinances of the City of Northampton,

Massachusetts, be amended so that such section shall read as follows:

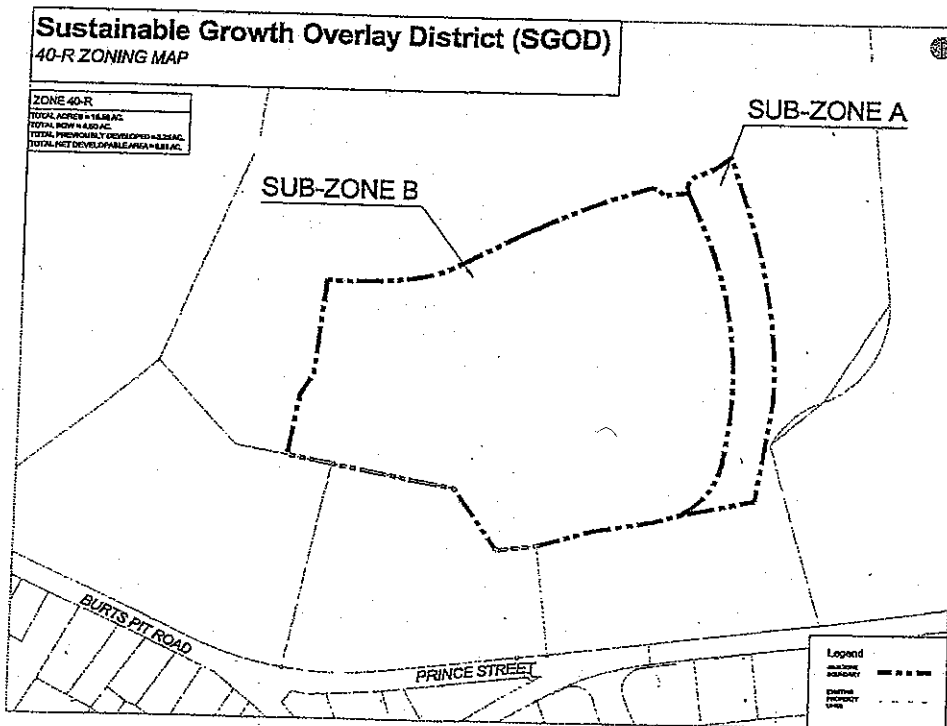
§350-3.1 {Insert the following in the list of overlay districts:}

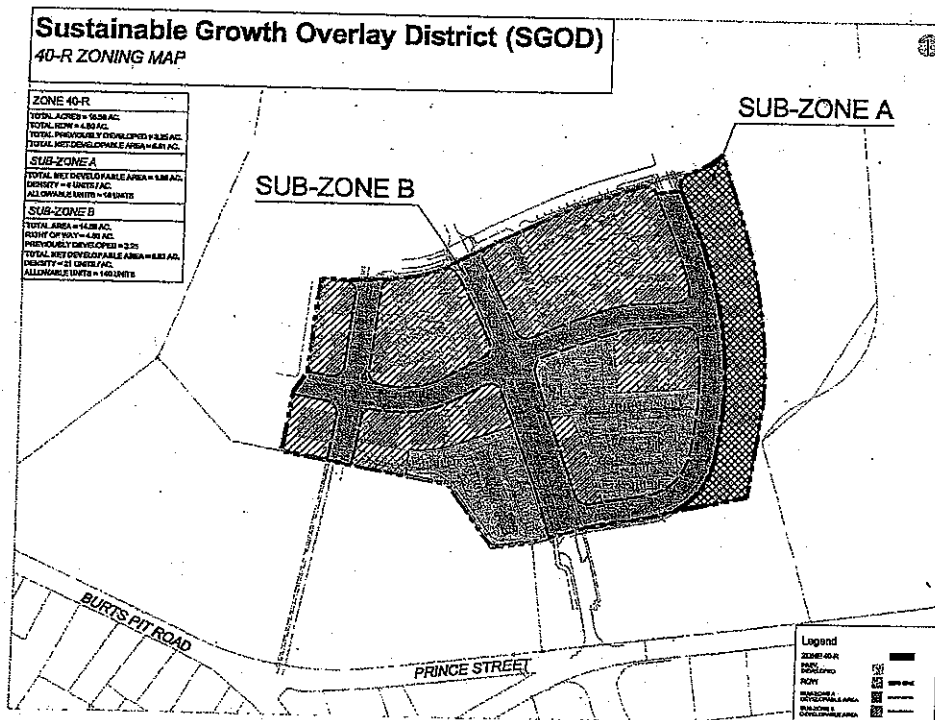
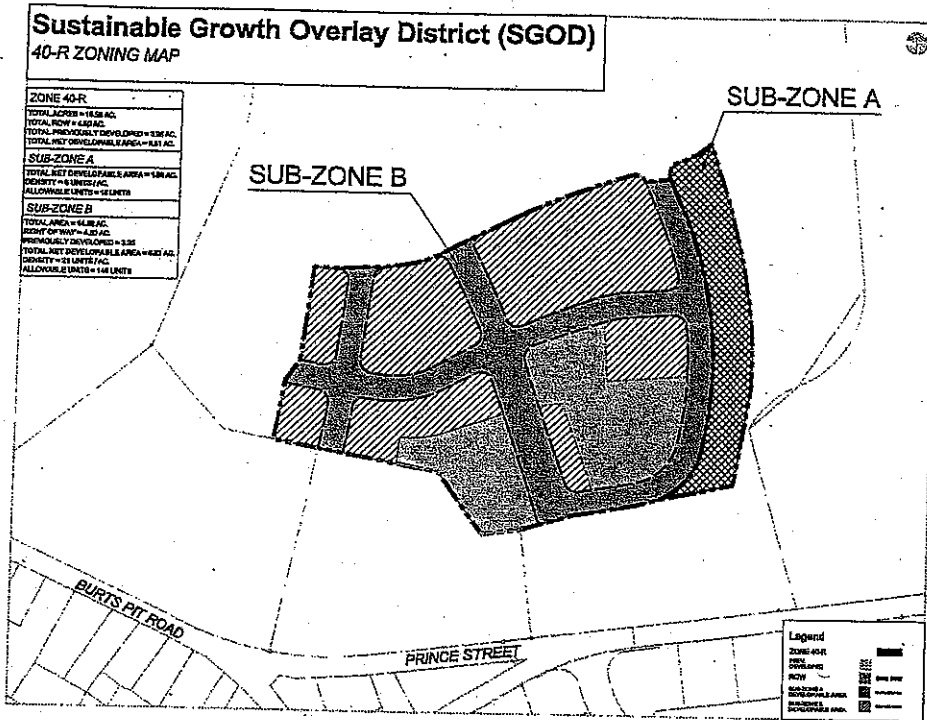
Section Sustainable Growth Overlay District SG Overlay "O" District

§350-3.3 {Insert the following after Farms, Forests & Rivers District:}

Smart Growth Overlay District

§350-3.4 {Update the zoning map to incorporate the zoning information from the following maps:}





## §350-20.0 SUSTAINABLE GROWTH OVERLAY DISTRICT (SG)

**§350-20.1 Purpose:** It is the purpose of this Section to establish a Sustainable Growth Overlay District (SG) and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning; and
7. Enable the City to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and G.L. Chapter 40S, arising from the development of housing in the SG District.

**§350-20.2 Definitions:** For purposes of this §350-20.0, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this §350-20.2, or as set forth in the rules and regulations of the Permit Approval Authority ("Regulations"). To the extent that there is any conflict between the definitions set forth in this §350-20.2 or the Regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

***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. c. 184, 31 and the requirements of Section of this Ordinance.

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

**As-of-right Project or Project** - means a multifamily use development, townhouse development, or single family development allowed under §350-20.5 as of right without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

**Design Guidelines** - the document entitled "Design Guidelines: The Village at Hospital Hill" prepared for Hospital Hill Development, LLC, by Beals and Thomas, Inc., Southborough, MA, dated July 17, 2003 and revised July 2, 2004, containing 31 pages (the "Design Guidelines"), approved by the Massachusetts Department of Housing and Community Development on August 21, 2007 with pages one through 10 not applying to Projects in the SG District. Said Design Guidelines are applicable to all Projects within the SG District that are subject to Plan Approval by the Plan Approval Authority. A copy of the Design Guidelines is on file in the Office of the City's Planning Board.

**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.

**Live/Work Units or Mixed Residential/Commercial 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);
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.

**Multifamily Development** - a residential structure containing four or more dwelling units.

*Plan Approval* - standards and criteria which a Project in the SG District must meet under the procedures established herein and in the Enabling Laws.

*Plan Approval Authority* - for purposes of reviewing Project applications and issuing decisions on development Projects within the SG District, the Planning Board, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and is authorized to approve a site plan to implement a Project.

*Recreational Uses* - active recreational uses, including but not limited to ballfields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

*Single Family Development* - a residential development containing only single family homes.

*Townhouse Development* - a residential development with structures containing two or three dwelling units.

*Zoning Ordinance* - the Zoning Ordinance of the City of Northampton.

### **§350-20.3 Overlay District.**

**1. Establishment.** The Sustainable Growth Overlay District, hereinafter referred to as the SG District, is an overlay district having a land area of approximately sixteen (16) gross acres in size that is superimposed over the underlying zoning district applicable to a portion of the property shown on the map entitled "Sustainable Growth Overlay District," dated February 26, 2007 (the "SG District Map"). This map is hereby made a part of the Zoning Ordinance and is on file in the Office of the City Clerk.

**2. Subzones.** There are hereby established two subzones within the SG District:

Subzone A: Single-family Development

Subzone B: Multifamily Development

The location of these subzones is shown on the SG District Map.

**3. Underlying Zoning.** The SG District is an overlay district superimposed on all underlying zoning districts. The regulations of the underlying district(s) remain in effect.

**§350-20.4 Applicability of SG District:** In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SG District may seek Plan Approval in accordance with the requirements of this §350-20.0. In such case, notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provisions of this 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 building permit or dwelling unit limitations.

**§350-20.5. Permitted Uses:** The following uses are permitted as of right in the SG District in all Subzones, subject to Plan Approval, except as specified below:

1. Parking, including surface, subsurface garage parking, and structured parking (e.g., parking garages).
2. Open space and Recreational Uses.
3. Accessory uses customarily incidental to any of the above permitted uses shall be permitted.
4. In Subzone A, single family development.
5. In Subzone B, multifamily development, townhouse development, and live/work units.
6. In Subzone B, mixed use development, with a total of 60,000 square feet of office use; provided, however, that at least 7,000 square feet of nonresidential use shall be situated under dwelling units.

**§350-20.6 Project Phasing:** The PAA, as a condition of any Plan Approval, 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 PAA shall assure the required number of Affordable Housing Units in the Project, as per §350-20.7.2. Such assurance may be provided through use of the security devices referenced in G.L. Ch. 41, § 81U, or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No Density Bonus Payment will be received by the City until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing Units in the Project.

**§350-20.7 Housing and Housing Affordability.**

**1. Marketing Plan.** Prior to granting Plan Approval for housing within the SG District, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including individuals, households with children, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to §350-20.11, below, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

**2. Number of Affordable Housing Units.** Not less than twenty percent (20%) of housing units constructed in a Project shall be Affordable Housing. For purposes of calculating the

number of units of Affordable Housing required within the SG District, any fractional unit shall be deemed to constitute a whole unit.

**3. Requirements.** Affordable Housing shall comply with the following requirements:

1. 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 1.5 persons per bedroom, unless other affordable program rent limits approved by DHCD shall apply.
2. 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 1.5 persons per bedroom, unless other affordable homeownership program limits approved by DHCD shall apply.
3. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

**4. Design and Construction.** Units of Affordable Housing shall be finished housing units. Units of Affordable Housing in a Project shall be dispersed throughout the development of which they are part and be comparable in initial construction quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the development of which the Affordable Housing is part.

**5. Affordable Housing Restriction.** Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction, consistent with the universal deed rider used in the Local Initiative Program, 760 CMR 45.00, 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, but which may, as a requirement of Plan Approval, be for a longer period of time customarily allowed by law, unless such an extension would make the development infeasible.
2. The name and address of an administering agency 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 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. The housing marketing and selection plan may provide for local preferences in resident selection to the extent consistency with applicable law for the Affordable Housing Units; 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 the maximum rent of a rental unit or the maximum resale price of a homeownership will be set.
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Administering Agency.
9. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency.
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the municipality in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.
11. 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 Administering Agency and the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.
12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability.



13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

**6. Administering Agency.** An administering agency which may be the Northampton Housing Authority, or other qualified housing entity (the "Administering Agency") shall be designated by the PAA as the Administering Agency for all Projects in the SG District. In a case where the Administering Agency 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 or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following both prior to issuance of a certificate of occupancy for a Project within the SG District 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 conforms to all requirements and is 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.
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

**7. Housing Marketing and Selection Plan.** The housing marketing and selection plan shall make provision for payment, by an Applicant, of reasonable costs to monitor and enforce compliance with affordability requirements and to develop, advertise and maintain the list of Eligible Households. An applicant may serve as its own Administering Agency only with the written authorization of DHCD.

**8. Age Restrictions.** The SG District shall not include the imposition of restrictions on age upon the entire district, but the development of specific Projects within the district may be 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 twenty-five percent (25) of the housing units in such a restricted Project shall be restricted as Affordable Housing. All Projects which include age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

**9. Computation.** Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Administering Agency, 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 Northampton.

**10. No Waiver.** Notwithstanding anything to the contrary herein, the Affordability provisions in this §350-20.7 shall not be waived.

**§350-20.8 Density.**

Subzone A: In Subzone A, development shall be permitted at a density of up to eight (8) units per acre.

Subzone B: In Subzone B, development shall be permitted at a density of up to twenty-one (21) units per acre.

**§350-20.9 Parking Requirements:** Parking requirements shall be as set forth in §350-8.0, effective as of December 1, 2006.

**§350-20.10 Signs:** Signs shall conform with the requirements of §350-7.0, effective as of December 1, 2006; provided, however, Sections 350-7.2 C. (3), (4), (5) and (6) shall not apply and Section 350-7.2 Q shall not apply in the SG District to any sign advocating any candidacy or cause which is under consideration at a particular election.

**§350-20.11 Design Standards:** The PAA must find that the following criteria are met before granting Plan Approval in the SG District:

1. **Density.** Project density shall meet the standards set forth in §350-20.8.
2. **Landscaping.** New buildings, parking, lighting, and other improvements in the District shall 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 PAA shall find that this criterion is met if:
  - A. Construction shall cause no more than minimal disturbance of existing ridgelines and hilltops and will, to the extent possible, preserve existing specimen trees.
  - B. All permanent mechanical equipment is screened from public view and from views from surrounding properties and ways.
  - C. Generally, buildings are a minimum of two stories in height.
3. **Accessibility.** Development shall be designed to insure access to surrounding parcels in the PV District and to the surrounding open space.

4. **Required Design.** The Project shall comply with the Design Guidelines.

**§350-20.12 Application for Plan Approval:** Application for Plan Approval, or any phase thereof, shall be made to the City Clerk and the PAA on forms provided for that purpose, accompanied by the required fee. The PAA may adopt specific rules governing paper and electronic application and the number of copies. Such rules and regulations shall not take effect until approved by the Department of Housing and Community Development and filed with the City Clerk. The application for Plan Approval shall be accompanied by a site plan, drawings and supporting documentation in a form specified by the PAA's rules and regulations which shall show, among other data, the following. Plans submitted shall be prepared (and stamped) by a registered Architect, Landscape Architect, or Professional Engineer. Upon written request, the PAA 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 below and explains why a waiver is appropriate:

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.
  - 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 and any other measures taken to protect natural resources and water supplies.
  - L. A photometric plan.
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. For non-residential and mixed-use Projects, at the request of the PAA, an Applicant 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;
    - (2) encouraging flexible hours and work weeks;
    - (3) encouraging pedestrian and bicycle access to the site; and
    - (4) 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 "B" 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. Evidence that the Project complies with the cost and eligibility requirements of Section 350-20.7.3.
  5. Project plans that demonstrate compliance with the design and construction requirements of Section 350-20.7.4.
  6. A form of Affordable Housing Restriction that satisfies the requirements of Section 350-20.7.5.
  7. Other information as may be necessary to determine compliance with the provisions of the SG District .

#### **§350-20.13 Procedures.**

**1. 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 above and also file forthwith a copy of the application form including the date of filing with the City Clerk.

**2. 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 application and site plan.

**3. 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. c. 40R, s. 11. 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, architects, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

#### **§350-20.14 Decision.**

**1. Waivers.** Upon the request of the Applicant, the Plan Approval Authority may waive

dimensional and other requirements of §350-20.0, including the design standards of §350-20.11, 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 SG District, 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 §350-20.0.

**2. Plan Review.** An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

**3. Plan Approval.** Plan Approval shall be granted, subject to reasonable conditions, where the PAA finds by majority vote that:

1. the applicant has submitted the required fees and information as set forth in the PAA Regulations; and
2. the Project and site plan meet the requirements and standards set forth this §350-20.0, or a waiver has been granted therefrom; and
3. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

**4. Plan Disapproval.** A site plan 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 PAA Regulations; or
2. the Project and site plan do not meet the requirements and standards set forth this §350-20.0, or a waiver has been granted therefrom; or
3. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

**5. 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 the application 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.

**§350-20.15 Change in Plans after Approval by PAA.**

1. **Minor Change.** After Plan Approval, an applicant may be apply to make minor changes 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 for holding 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.

2. **Major Change.** Those changes deemed by the PAA to constitute a major change 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 this §350-20.0.

**§350-20.16 Enforcement; Appeal.**

The provisions of the SG District shall be administered by the Building Commissioner, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

**§350-20.17 Severability.**

If any provision of this §350-20.0 is found to be invalid by a court of competent jurisdiction, the remainder of §350-20.0 shall remain in full force. The invalidity of any provision of this §350-20.0 shall not affect the validity of the remainder of the City's Zoning Ordinance.

In City Council, September 6, 2007

Passed First Reading by a unanimous Roll Call vote of 9 Yes - 0 No.

Attest:  Clerk of Council

In City Council, September 20, 2007

Passed Second Reading by a unanimous voice vote of 9 Yes - 0 No.

Attest:  Clerk of Council

Approved: Mary Clare Higgins, Mayor

Rules Suspended, passed two readings and enrolled.

I hereby certify that the above order passed the Northampton City Council on September 20, 2007 by a unanimous vote of 9 Yes - 0 No.

Her Honor Mayor Mary Clare Higgins approved the order on September 20, 2007.

Attest:  Clerk of Council