

# Village Center Overlay District Bylaw

## Definitions

*There may be some new definitions that towns choose to add to their zoning bylaw and below are some suggested definitions based on the existing State Model and other example bylaws we have researched that included such definitions as “mixed-use” and “live-work space”. CMRPC recommends that any new definitions be added to the main Definitions section of the zoning bylaw rather than made part of the Village District section.*

**Civic Use:** a land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, museums, and educational institutions.<sup>1</sup>

**Live-Work Space:** A dwelling unit in which up to 50% of the floor area is used for the production, showing and sale of art or handcrafted artisan crafts.

**Mixed-Use Structure:** A single building designed to encourage a diversity of compatible land uses which include a mixture of two or more of the following uses: residential, office, retail, or personal services, with the ground floor used primarily non-residential use.

**Multi-Family dwelling:** A building containing up to four (4) dwelling units.

**Personal Services:** Services for everyday affairs including barber shops, beauty salons, laundrettes, dry cleaning, shoe repair and other similar service businesses.

**Transparency:** The amount of transparent space that occupies a building façade including standard street level windows and doorway windows.

## Section 1.0 Purpose

[INSERT NAME OF CITY/TOWN] finds that the revitalization of our village centers will benefit the general health and welfare of our residents and the region by fulfilling existing housing, economic development, transportation and employment needs. Therefore, the Town implements this bylaw and designates certain areas as Village Center Overlay Districts to encourage economic and residential growth that fits the character of the Town and to help achieve the Town’s objectives for the village center regarding use, design and functionality.

The purposes of the Village Center Overlay District are to:

- A. Build upon the historic development patterns in existing village centers to create attractive, walkable neighborhoods;
- B. Encourage adaptive reuse of abandoned, vacant, or underutilized buildings or structures where consistent with the character, massing, and density of the neighborhood;
- C. Allow for a mix of land uses that are appropriate to both the needs of the community and the scale of structures in the surrounding neighborhoods;
- D. Provide for the development of housing that allows for a full range of housing opportunities for various family, age, ethnic, income, disability, stage of life, and social situations;

- E. Maintain a consistently high level of design quality throughout the district;
- F. Create new development and redevelopment that is designed to follow traditional New England village development in terms of its physical design, scale, mix of uses, and visual character.

**Section 2.0 Permit Procedures – Authority**

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw (INSERT REFERENCE TO EXISTING SITE PLAN REVIEW SECTION). The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit pursuant to Section 4. When applying for a use in accordance with this bylaw, if standards or other requirements listed as part of this overlay district conflict with those in the underlying district, the overlay provisions shall apply.

**Section 3.0 Use Provisions / Allowable Uses**

*Generally a community separates land uses into the various categories, such as allowed:*

- *as-of-right<sup>1</sup>*
- *allowed subject to special permit approval, or*
- *not allowed.*

*Sometimes this is achieved by a Table of Use Regulations which inserts the new zoning district into that table and then lists which of those uses would be allowed in the new Village-based district. CMPRC staff notes that a community planning exercise can lead to an agreement on many of the uses that would be appropriate to a village district. One thing to consider is that a Use Table found in most of our community’s zoning bylaw may be too specific, and therefore might unintentionally leave out opportunities for good uses. For example, if a Zoning Ordinance lists very specific offices like architects, financial services, lawyers, etc., then other similar uses that are NOT listed might be seen as “prohibited” by the zoning enforcement officer. This could have unintended negative consequences and should be carefully reviewed by local communities.*

a) **Permitted Uses –**

The following uses are allowed as-of-right (subject to any site plan review requirements listed [REFERENCE EXISTING SITE PLAN REVIEW BYLAW and all other applicable dimensional, density and design provisions listed in this bylaw.

*[See discussion above regarding considerations for elimination or reduction of full site plan review requirements in cases of a change of use. An overall or use by use size limitation on structures maybe warranted based on the scale of structures in areas being considered. ]*

- 1) *Mixed Use Structure (Communities could put in a certain # of units or density rate which allows a certain number of units by-right with a threshold before a Special Permit would be required. Again, communities are strongly encouraged to allow as much housing as possible as-of-right)*
- 2) *Single Family Homes*
- 3) *Civic uses*

<sup>1</sup> Sometimes referred to as “permitted” or “by-right”

- 4) Business or Professional Offices
- 5) Retail Sales (*a community may want to be more specific here*)
- 6) Personal Services
- 7) Live/work space

**b) Uses Subject to Special Permit Approval**

- 1) Multi-Family Dwelling/ Units (*CMRPC staff note that reference to street/siting/location maybe useful. Design elements can be incorporated into the community's Design Guidelines that allow for two-family homes to look like single-family homes. Appendix C on Design Guidelines includes such elements. With Design Guidelines in hand, communities may allow for housing units by-right with site plan review, in order to ensure the design guidelines are met.*)
- 2) Outdoor Markets subject to applicable licensing requirements (*CMRPC staff support the idea of Farmer's Markets be permitted on an as-of-right basis*)
- 3) Cafés, Restaurants, Taverns or other establishment providing food and beverage within a building (*Communities may want to add related definitions such as bar, brew pub, distillery, microbrewery, nanobrewery, etc. In addition, some communities may want to require a Special Permit for this designation to address noise, operating hours, etc.*)
- 4) Outdoor seating associated with Cafés, Restaurants or Taverns subject to applicable licensing requirements (*CMRPC believes such outdoor seating use is more like an accessory use and should be incorporated into a community's accessory use provisions; we can assist communities in developing appropriate standards upon request.*)

*Model Commentary: These uses are provided to illustrate the sort of land uses that may or may not be compatible with the district depending on site specific conditions. Of particular interest are the two-family homes, multi-family homes and apartment complexes. The State rationale for including these as Special Permit uses was to ensure that areas better suited for mixed use are not overcome by an aggressive housing market. However, during the March 30<sup>th</sup> Workshop, participant Russ Preston noted that "looking at differences between single-family and multi-family use, a good design of a New England four-square house can be made to look like a single-family or multi-family." He noted how "use" becomes a dangerous place to start a conversation and character is a big issue. To him "form" is more important and Russ is a proponent of Form-based zoning. Error! Bookmark not defined. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. For more information visit: <http://formbasedcodes.org/>*

**c) Prohibited Uses**

- 1) One-story buildings
- 2) Drive-through uses of any kind
- 3) Auto related uses, such as auto repair/sales and gas stations
- 4) Adult entertainment uses

**Section 4.0 Dimensional Requirements**

*Common Village Centers have an environment that often features zero front-yard building setbacks and considerations should be given to promote a regulatory framework to match existing setback conditions. Another factor is to have a maximum front yard setback requirement, or a “build-to” line whereby new construction must be built to a specified front-yard setback in order to create a consistent street edge. Twenty (20) feet has been a common standard for a maximum front-yard setback. However, if parking is prohibited within the front setback – which is often the case in such village districts and recommended by CMRPC staff – 20 feet for a maximum setback may be too much. If such space can’t be used for parking (which is reasonable) it may end up being largely unproductive space. Depending on the location, between 5 and 10 feet (no need to stick to multiples of 5) could be the right number. The design guidelines provided as an appendix give further guidance on this issue.*

*CMRPC staff believe that, ultimately, existing conditions are an important factor in deciding what the appropriate setback requirements should be. Therefore we recommend that our communities have existing conditions analysis prepared. We will be able to assist the set of seven (7) communities in the second half of 2015 with such an analysis that will allow them to tailor the set of dimensional requirements based on their existing conditions and the goals for their respective village center(s).*

*The following provisions could be incorporated into a community’s Village Center Bylaw to address nonconformity (the first clause) and also to allow for flexibility in determining maximum front yard (clause 2) and in general for setback and dimensional consideration (clause 3). We understand each community will want flexibility and the ability to base standards on goals but also existing conditions; allow for some setbacks that have a patio or courtyard treatment (plaza).*

- a) Maximum front yard: New structures shall not be set back more than 10 feet or more than the average of the front yard setbacks of existing buildings on the abutting lots on either side, whichever is less.
- b) Each request to develop (*a property / new building*) in this district shall be given individual consideration in regards to setbacks and other dimensional requirements to ensure that infill and replacement dwellings are compatible with the dimension of the adjacent dwellings, the block and the neighborhood.

## **Section 5.0 Parking**

*The following are a number of the ways that parking should be addressed in a village environment:*

- *Shared parking – Examples of shared parking provisions are included in Appendix D.*
- *Reduction of conventional parking requirements, which are usually tied into shared parking and common parking availability considerations.*
- *Increase of standard distance from use existing/common parking spaces can be counted (The RI Model provided up to 1,000 feet with some good language; CMRPC staff notes that we have other models to utilize, some of which utilize 500 feet as the maximum distance threshold).*
- *Parking Maximums – See the examples below.*

*Based on language from the RI Model, our Model recommends the following clause to provide for no minimum requirements and maximums:*

There shall be no minimum parking requirements in the Village District except that at least one parking space shall be provided for every residential unit. Parking in the Village District shall not be provided in amounts that exceed the following:

Use	Maximum <sup>i</sup> allowable Number of Parking Spaces
Retail and Office	One space per 250 square feet of gross floor area
Restaurant	One space per four seats
Others as necessary...	

*Commentary: Many communities across the country have recognized the problem with using typical minimum parking requirements while trying to design walkable, village-style communities. In many cases, communities are, instead, applying maximum parking allowances to limit the amount of area dedicated to parking. The table above shows how this would be structured within a bylaw or ordinance. The table above only addresses three of the more common uses found in a village setting and would need to be completed to suit the needs of an individual municipality. Each community would need to carefully look at each allowable use to determine what the appropriate maximum parking limit would be.*

Language of elements to allow shared parking and provide for a regulatory mechanism in your community's zoning bylaw are as follows:

Required parking for uses in the Village District may be provided off-site under the following conditions:

- a) A covenant or easement between property owners shall be presented in advance of final approval or may be required as part of a conditional approval before any certificate of occupancy is issued.
- b) Off-site parking shall be within 1,000 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway. In order to satisfy this requirement, an applicant may propose improvements to existing pedestrian access within the permitting process, with any such improvements completed prior to issuance of certificate of occupancy.
- c) Parking areas shall be designed in accordance with the Planning Board's *Village District Design Standards and Guidelines* as part of the *Subdivision Regulations*.

**Section 6.0 Design Guidelines/Standards**

*The State model had three design elements: (Buildings, Signs, Site Design). CMRPC also recently researched the Dracut Center Overlay District, which has adopted set of design guidelines with more detailed elements. Design guideline elements for two-family and multi-family units were noted above and we recommend communities consider adopting such design guidelines accordingly. The set of detailed recommended design guidelines are incorporated as Appendix C. CMRPC has introduced this set of design guidelines based on the State Model and other elements we felt were important to include. We have kept these at a high level but would work with each community individually to tailor according to their existing conditions and their goals. CMRPC realizes that design guidelines elements could even vary between villages within a community.*