

DRAFT

DRACUT CENTER NEIGHBORHOOD OVERLAY DISTRICT BYLAW

Prepared for:

Dracut Planning Board

Prepared by:

Northern Middlesex Council of Governments

4.17.00 Dracut Center Neighborhood Overlay District

1. **Purpose:** The Dracut Center Neighborhood Overlay District (DCNOD) Bylaw is meant to encourage development that enhances the current mix of uses located within the Center, protects historic resources, helps create a sense of place, and that promotes future economic development opportunities within the Center area. The purposes of the Dracut Center Neighborhood Overlay District (DCNOD) are to:

- Encourage a mix of business, residential, cultural, educational and civic uses;
- Promote compact development that is pedestrian-oriented and preserves the historic value and character of the area;
- Minimize impacts on public services and maximize the efficient use of public infrastructure;
- Increase the town's tax base by creating a thriving small business environment, attracting new investment and promoting economic development; and
- Encourage the reuse of existing underutilized or vacant properties.

The following bylaw is intended to support the goals, objectives and recommendations outlined in the Town's Master Plan. Applications submitted under the DCNOD bylaw should meet the criteria outlined in the corresponding *Dracut Center Neighborhood Design Guidelines*. A copy of the *Dracut Center Neighborhood Design Guidelines* may be obtained by contacting the Dracut Town Clerk or the Planning Board Office.

2. **Definitions.** The following definitions shall apply in the DCNOD:

“Mixed-Use Development”: A single building with the ground floor used primarily for retail, commercial, service or office and the upper floor(s) used for residential use.

“Assisted Living Facility”: An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides personal care services.

“Art gallery”: An establishment that derives more than fifty per cent (50%) of its income from the display and sale of objects of art.

“Artist Lofts”: An apartment or studio where an artist works and lives.

“Artist”: A person who is engaged gainfully or as a vocation in the following:

- (a) The fine arts, including but not limited to, painting, printmaking, sculpturing or ceramics;
- (b) The performing and visual arts, including but not limited to, dance, choreography, photography, or filmmaking; or
- (c) The composition of music.

“Bed and Breakfast”: A use providing lodging and meals for guests in not more than five (5) bed rooms on a daily or weekly basis in an operator- or owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

“Lounge or Pub”: A restaurant with a license to serve alcohol that identifies itself as a pub or lounge; may serve spirits or be limited to beer and wine.

“Performance Theater”: A building or structure or part thereof which is devoted primarily for the presentation of live dance, dramatic, musical or comedic performances.

“Museum”: A building or structure devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, historical, or artistic value.

3. Boundaries. The boundaries of the DCNOD shall be as shown on the Town of Dracut Zoning Map on file in the office of the Town Clerk, and shall encompass those lots shown on the map designated as lying within the DCNOD district. These lots primarily front Arlington Street, Broadway, Willard Street, Loon Hill Road and Florry Drive.

4. Relationship to Existing Zoning. The underlying zoning shall not be modified, repealed, nor amended by this section. The property owners in the DCNOD shall possess all current zoning rights and be subject to the requirements applicable in the underlying zones. In the event that an owner desires to use his or her property for mixed-use development as defined herein, the rules and regulations of the DCNOD shall apply and by filing an application for development subject to such rules and regulations, the owner shall be deemed to accept and agree to them. Where the DCNOD provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning shall apply (e.g. off-street parking and open space requirements). In addition, projects allowed under the underlying zoning are not eligible to apply under the DCNOD unless they meet the all of the requirements of the DCNOD.

To attain the goals of the DCNOD, collaborative development proposals involving more than one property owner are encouraged, where appropriate. In such cases, a project master plan must be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying the responsibilities of each property owner. The Project Master Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts.

5. Use Regulations. The following uses are allowed in the DCNOD subject to the requirements outlined in these DCNOD regulations, and provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Residential Uses (as a component of a mixed-use development):
 - a. Multifamily
 - b. Two-family
 - c. Artist lofts/studio
 - d. Assisted living facilities

2. Government, Institutional and Public Service Uses:
 - a. Municipal
 - b. Educational
 - c. Religious
 - d. Public or Private utility facilities
 - e. Post Office
 - f. Recreation

3. Business Uses
 - a. Retail store, not exceeding 5,000 s.f. of net floor area per individual establishment
 - b. Professional Offices, not exceeding 7,500 s.f. of net floor area per individual office establishment
 - c. Financial services/bank
 - d. Restaurant, fast food, general or limited service, not exceeding 4,000 s.f. of public seating area. The square footage requirement does not include a patio or outdoor seating area operated in connection with an indoor-service restaurant
 - e. Hotel or Inn
 - f. Bed and Breakfast
 - g. Lodge or Club
 - h. Personal Services
 - i. General Services
 - j. Artist or Craftsman Studio
 - k. Lounge or Pub
 - l. Amusement facility indoor
 - m. Parking facility
 - n. Day care facility
 - o. Performance theater
 - p. Museum
 - q. Art Gallery

4. Mixed-use development as defined within this regulation.

6. Prohibited Uses. Any use not listed above is to be considered prohibited. Drive through services and windows are not allowed for any use in the DCNOD district.

7. Dimensional Requirements. Uses and structures within the DCNOD shall conform to the following requirements:

- Minimum Lot Area: 22,000 square feet
- Minimum Frontage: 75 feet
- Minimum Front Yard Setback: 0 feet/10 feet*
- Minimum Side Yard Setback: 0 feet
- Minimum Side Yard Setback when abutting a residential district: 15 feet
- Minimum Rear Setback: 15 feet
- Maximum Building Height: 3 stories or 45 feet
- Minimum land area per lot per dwelling unit: 10,000 square feet

*On each lot, there shall be one side yard of at least 10 feet in width.

8. Special Provisions. The following special provisions apply to all development within the DCNOD:

- a. The minimum separation between two or more buildings on the same lot shall be 20 feet.
- b. The Planning Board may modify all dimensional requirements outlined in Section 7 above if, in its opinion, such modifications will result in improved design that is in keeping with Section 1 above.
- c. Frontage and Access – The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.
- d. Site access must be achieved in a fashion that is acceptable to the Planning Board and by means that does not unreasonably impact residential neighborhoods in that it properly mitigates noise, traffic, visual and environmental impacts attributable to the project.
- e. The Planning Board may allow greater square footage than listed in Section 5 above if, in its opinion, such modifications will result in improved design that is in keeping with Section 1 above.
- f. The Zoning Board of Appeals shall not grant a variance for any use not allowed under Section 5.

9. Parking/Bicycle Requirements. The parking requirement for any use in the DCNOD shall be the same as in the underlying zoning classification. The Planning Board may reduce the required number of parking spaces in the DCNOD based on the following considerations:

- a. The parking spaces for one use shall not be considered as providing the required spaces for another use.
- b. The availability of shared parking on another property within 300 feet. The Board may require a shared parking agreement to be submitted as part of the application for development.
- c. Uses within 200 feet of public transportation.

The layout, location and design of parking lots and spaces shall comply with the criteria set forth in the DCNOD Design Guidelines.

Bicycle parking shall be provided for all new mixed-use development projects. This parking area shall be at least partially sheltered from the elements and shall provide at least three spaces for each business or office use. Bicycle parking areas may be shared as per item b above.

10. Site Plan Special Permit. All uses and structures in the DCNOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Section 1.16.00 of the Zoning Bylaw. In addition to the requirements of these sections, all design criteria of the DCNOD shall apply as described in the Dracut Neighborhood Center Design Guidelines. The Planning Board shall be the Special Permit Granting Authority.

11. Applicant Procedures: The applicant for a Special Permit under this Section shall submit appropriate materials in accordance with this Section of the Bylaw and with Section 1.16.00. Such materials include the following:

- A site plan and site Master Plan, as described in Item 4 above
- An analysis of the consequences of the proposed development at a level of detail appropriate to the scale of the development project. Such an analysis shall assess the impact to the natural environment (ground and surface water, stream flows, erosion, vegetation removal and wildlife); impact on public services, traffic, water supply and wastewater; visual impacts; noise and economic impacts.

12. Decision Criteria: A Special Permit under this Section shall be approved upon determination by the Planning Board that the requirements of Section 1.16.00 and this Section have been met, and that the proposed plan is consistent with the stated purposes and guidelines set forth in this section.