

MODEL Infill Development Overlay District Bylaw

Prepared by the Pioneer Valley Planning Commission

6.2 Infill Development Overlay District

6.20 Purpose

The Infill Development Overlay District has been established to encourage infill and redevelopment in the downtown area to include parcels of land that do not meet the minimum dimensional requirements of the Zoning Bylaw as well as those that do meet the minimum requirements. It has been established to encourage development that maintains the character of existing neighborhood buildings and structures; to permit a flexible approach to providing affordable housing; to provide incentives for new and existing businesses in the downtown area; to increase property values in residential neighborhoods in the downtown area; and to foster well-planned, mixed-use, compact developments in the downtown area in keeping with the character of traditional New England villages by:

- a. Allowing a mix of uses in close proximity in the district within a limited area, including residential, retail, office, and light industrial;
- b. Preserving and restoring the overall character of the downtown area;
- c. Promoting a balance of land uses;
- d. Promoting the opportunity for people to work, meet, shop, and utilize services in the vicinity of their residences;

- e. Providing opportunities for the development of affordable housing;
- f. Providing opportunities for a mixture of uses in the same building;
- g. Promoting a positive pedestrian environment in the district;
- h. Facilitating integrated physical design;
- i. Promoting a high level of design quality;
- j. Encouraging the development of flexible space for small and emerging businesses;
- k. Facilitating development proposals responsive to current and future market conditions; and
- l. Encouraging the development of open spaces and parks within the district to accommodate workers, residents, pedestrians, and shoppers.

6.21 District Boundaries

The location and boundaries of the Infill Development Overlay District is hereby established as shown on a map entitled, "Infill Development Overlay District of the Town/City of _____, Massachusetts", dated _____, which accompanies and is hereby declared to be part of this bylaw.

6.22 Residential Infill Development

Within the boundaries of the Infill Development Overlay District, a lot with at least 5,000 square feet of area and fifty (50) feet of frontage may serve as the location for a single-family residential dwelling or two-family residential dwelling. A proposed Residential Infill Development shall demonstrate that the home shall be served by town water and sewer service upon completion of the proposed development and meet the following Performance Standards:

- a. The proposed dwelling is consistent in architectural style, scale, setbacks, and frontage with abutting structures, and those in the immediate neighborhood.
- b. Each lot will have access and utility service comparable to that serving nearby properties.
- c. No traffic congestion, health or safety limitations would be created by the development.

6.23 Infill Development/Mixed Use Infill Development

In the Districts within the boundaries of the Infill Development Overlay District, by Special Permit with Site Plan Approval from the Planning Board, a lot with at least 5,000 square feet of area and fifty (50) feet of frontage may serve as the location for an Infill Development or Mixed Use Infill Development. Any of the dimensional requirements of the Zoning Bylaw, such as lot frontage, width, building setbacks, etc. may also be reduced or eliminated by the Special Permit, provided that the Planning Board determines that the following Performance Standards have been met:

- a. The proposed building is consistent in architectural style, scale, setbacks, and frontage with abutting structures, and those in the immediate neighborhood.
- b. Each lot will have access and utility service comparable to that serving nearby properties.

- c. No traffic congestion, health or safety limitations would be created by the development.
- d. Access shall be provided to the extent feasible through an existing side street or a shared driveway; curb cuts shall be minimized.
- e. Pedestrian and vehicular traffic shall be separated; walkways shall be provided for access to adjacent properties and between businesses where feasible.

A Mixed Use Infill Development that proposes to have retail and residential uses within the same building on lots that meet the minimum dimensional requirements of the underlying zoning district shall be allowed by right if the following criteria are met:

- a. The retail use does not exceed 2,500 square feet of Gross Floor Area.
- b. No more than one residential dwelling unit is proposed.

Retail/residential Mixed Use Infill Development proposals within the same building on lots that meet the minimum dimensional requirements that exceed the above criteria shall be required to obtain a Special Permit with Site Plan Approval (see Section _____ of the Zoning Bylaw) from the Planning Board.

A proposed Infill Development/Mixed Use Infill Development shall demonstrate that the project shall be served by town water and sewer service upon completion of the proposed development.

6.24 Use Regulations

a. All uses listed as “Y” in the underlying zoning district as shown in the Schedule of Use Regulations shall require Site Plan Approval from the Planning Board if the lot does not meet the minimum dimensional requirements of the underlying zoning district of the Zoning Bylaw.

b. Proposed uses within the Infill Development Overlay District which require a Special Permit or Special Permit with Site Plan Approval shall continue to require all such approvals as are designated in the Schedule of Use Regulations. However, where such approval or review is also required as part of an application for a Mixed Use Infill Development, the applicant shall only be required to submit a single Special Permit or Special Permit with Site Plan Approval application for the purposes of gaining approval for all uses in such an application. See Section ____ of the Zoning Bylaw on the procedures and criteria required for the issuance of a Special Permit, and Section _____ on the procedures and criteria required for Site Plan Approval.

c. Within a Mixed Use Infill Development, there shall be no restriction on combining different categories of use within the same building other than those restrictions imposed by the State Building Code or other federal, state, or local regulations.

6.25 Additional Standards

In Addition to the minimum standards of the underlying zoning district, the following standards shall apply to all uses allowed within the Infill Development Overlay District except single family and two-family residential development and any building used exclusively for agriculture, horticulture or floriculture. The Planning Board may waive these standards if deemed appropriate by the Board.

6.251 Landscape Standards

- a. Street trees shall be planted within the right-of-ways parallel to the street along all streets. Trees shall have a minimum height of six (6) feet and a minimum caliper of 2.5 inches at the time of planting. Where possible, a minimum of six (6) feet wide landscaped belt will be created to plant the street trees.

- b. Tree spacing shall be determined by species type. Large maturing trees shall be planted a minimum of 40 feet and a maximum of 50 feet on center. Small and medium maturing trees shall be planted a minimum of 10 feet and a maximum of 30 feet on center.

- c. Utilities shall be located in the street and not in the tree belt, wherever possible.

6.252 Parking Standards

The minimum off-street parking standards as specified in Section _____ of the Zoning Bylaw may be waived by the Planning Board where it can be demonstrated by the applicant that the proposed use will not have a negative traffic impact within the neighborhood. In addition to the requirements of Section _____, the following standards shall be met:

- a. Parking lots shall be located at the rear of or at the side of buildings wherever feasible.

- b. When two adjacent lots contain parking areas, it is encouraged to develop them as one parking area.

- c. Parking lot layout, landscaping, buffering, and screening shall prevent direct views of parked vehicles from streets and sidewalks, avoid

spill-over light, glare, noise, or exhaust fumes onto adjacent properties wherever feasible.

d. Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided, where necessary and appropriate, shall be distinguished by textured paving, and shall be integrated into the wider network of pedestrian walkways. Walkways must conform to requirements of the American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).

6.26 Commonly Held Lots

Any lot that is commonly held in ownership with an adjacent lot in this district may be treated as a single lot in accordance with this bylaw, provided that the total area of such lots is at least 5,000 square feet in area, the lots have a combined contiguous frontage of at least fifty (50) feet, and vacant of structures, parking facilities, or accessory uses.

6.27 Fires and Natural Disasters

In cases of fire or natural disaster, a structure in the Infill Development Overlay District that was destroyed may be rebuilt upon the same lot in accordance with this bylaw, provided that the new structure conforms to the use regulations of this bylaw and the reconstruction is completed and the structure is occupied within two years of such damage or destruction.

6.28 Conflict with Other Laws

All development activities within the Infill Development Overlay District shall comply with applicable laws, regulations, and standards of the town, except that in the event of a conflict between this bylaw and any such laws and regulations, the provisions of this Bylaw shall control, provided that they are consistent with state and federal law.

6.29 Severability

If any section or provision of this bylaw is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the validity of any other section or provision of this Bylaw.

Zoning Bylaw Amendments also Required:

Amend Definitions to include the following new definitions:

GROSS FLOOR AREA - The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, parking spaces, decks, and porches is not included in the total floor area.

Infill Development - The development of new housing or other uses on scattered vacant sites in a built up area within the Infill Development Overlay District.

Mixed Use Infill Development - The development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, entertainment, or light industrial, on scattered vacant sites in a built up area within the Infill Development Overlay District.

Residential Infill Development - The development of new single family or two-family housing on scattered vacant sites in a built up area within the Infill Development Overlay District.