**MODEL MIXED USE VILLAGE CENTER BYLAW
Prepared by Pioneer Valley Planning Commission 2-05**

 **MIXED USE VILLAGE CENTER DISTRICT (MUV)**

**A. INTENT**

The intent of the Mixed Use Village Center District is to foster well-planned, mixed-use, compact developments in the village center in \_\_\_\_\_\_\_\_\_\_\_\_\_\_, in keeping with the character of traditional New England villages, in order to create a place with a unique and positive local identity, and provide opportunities for development to expand the town’s economic diversity and vitality.

**B. GOALS**

Development within this district should provide commercial, civic, residential uses and public open space within easy, safe walking distance of each other. Vehicular circulation should be safe and well organized, with the use and visual impact of cars minimized. There should be tree lined streets, sidewalks, well-designed architecture, and common interconnected open public spaces. Property developers are encouraged to provide amenities such as protected open space, increased landscaping, street furniture, public spaces, and greater integration of mixed uses.

**C. PURPOSES**

The purposes of this bylaw are to encourage vital, innovative, development projects and uses in the village center that:

(1) Provide a compact and diverse mix of housing, office, retail, service and civic uses, including a mixture of uses in the same building;

(2) Exhibit the design features of traditional villages and small towns in New England;

(3) Facilitate more efficient provision and maintenance of public services and infrastructure;

(4) Blend well with the existing landscape and help preserve sensitive environmental features;

(5) Provide the opportunity for people to work, shop and utilize services in the vicinity of their residences;

(6) Preserve and restore the overall character of the village center;

(7) Promote a pedestrian-friendly environment in the village center,

(8) Encourage the growth of the local economy and jobs, including development of flexible space for small and emerging businesses,

(9) Encourage the development of open spaces and parks within the village center to accommodate workers, residents, pedestrians and shoppers.

**D. use regulations**

**(1) Permitted Uses**

a) Single family residential dwellings are permitted by right in the Mixed Use Village Center District.

b) The uses noted in Table One are permitted with Site Plan Review from the Planning Board in the Mixed Use Village Center District:

**Table One. Uses Permitted with Site Plan Review in Mixed Use Village Center District**

a) RESIDENTIAL USES

b) COMMERCIAL USES

c) CIVIC USES

1) Townhouses;

2) Elderly congregate housing;

3) Accessory apartments, within single family residences;

4) Apartments on the second floor of commercial uses;

5) Semi detached dwellings;

1) Professional offices, including law or medical offices;

2) Business offices and support services;

3) Banks or financial services;

4) General retail sales;

5) Personal services (laundry, dry cleaning or similar);

6) Health club, indoor sports and recreation;

7) Grocery or convenience store;

8) Restaurant or delicatessen (but not including drive-in service);

9) Consumer repair services;

10) Theater or indoor entertainment;

11) Agriculture, horticulture, floriculture and viticulture;

12) Farmstands;

13) Mixed uses, wherein a combination of permitted uses are permitted in the same building;

14) Bed and breakfast inn;

15) Artist studio or gallery;

1) Municipal or governmental facilities, such as post office or administrative offices;

2) School or educational institution;

3) Church or religious uses;

4) Library or museum;

5) Utility services;

6) Community park or recreation facilities;

7) Public transit facilities;

8) Pedestrian or bicycle facilities;

9) Day care services for children or elderly;

10) Lodge or club;

**(2) Prohibited Uses**

The following uses are prohibited within the Mixed Use Village Center District:

a) Drive-in or drive-through restaurant;

b) Establishment selling or repairing new or used motor vehicles;

c) Lodging house;

d) Communications or television tower;

e) Self-service storage facility;

f) Commercial fuel oil storage;

g) Commercial earth removal operation;

h) Industrial or manufacturing use;

I) Freight or trucking terminal;

j) Warehousing;

k) Residential apartment building;

l) Commercial kennel;

m) Lumber mill;

n) Miniature golf courses;

o) Adult entertainment uses;

p) Junkyards;

p) Other uses not specifically permitted in Table One above.

**F. Dimensional Requirements**

**(1) Dimensional Requirements**

(a) The following dimensional and density requirements shall apply to developments in the Mixed Use Village Center District (MUV), except as otherwise noted:

**Table Two. Dimensional Requirements in the Mixed Use Village Center District**

Requirement

Minimum Lot Size

Minimum Lot Frontage/ Width

Minimum Lot Depth

Minimum Front & Side Yard Setback

Maximum Front Yard Setback

Minimum Rear Yard Setback

Single family detached residential dwelling

15,000 square feet

50 feet

100 feet

10 feet, except 25 feet from collector streets and from the edge of the MUV zone

35 feet

20 feet, except 25 feet from collector streets and from the edge of the MUV zone

Semi detached dwelling

10,000 square feet

35 feet

100 feet

10 feet, except 25 feet from collector streets and from the edge of the MUV zone

35 feet

20 feet, except 25 feet from collector streets and from the edge of the MUV zone

Townhouse

10,000 square feet per structure, plus 2,000 square feet per unit in structure

20 feet

100 feet

10 feet, except 25 feet from collector streets and from the edge of the MUV zone

35 feet

20 feet, except 25 feet from collector streets and from the edge of the MUV zone

Commercial or civic or mixed use building

30,000 square feet

60 feet

140 feet

10 feet, except 25 feet from collector streets and from the edge of the MUV zone

25 feet

20 feet, except 25 feet from collector streets and from the edge of the MUV zone

**Table Three. Additional Dimensional Regulations for All Uses in the Mixed Use Village Center District**

**Requirement**

**Maximum or Minimum Standard**

Building Height

48 feet maximum

Impervious Coverage, including buildings, parking lots, roads

50% maximum

Open Space Percentage

25% minimum

(b) The Planning Board may, as part of Site Plan Review, allow frontage requirements to be met on private internal access roadways if they find that adequate and permanent access is provided to the lot and that the access roadways are designed to serve as many parcels as possible, to function efficiently to link other internal and external roadways or future roadways, and to minimize curb cuts onto town and state streets to the minimum required for safe access.

**E. SITE PLAN REVIEW**

 **(1) Site Plan Review Process**

(a) Procedures

An applicant proposing to develop a property under the requirements of this bylaw shall submit a Site Plan Review application to the Planning Board, and shall comply with all applicable provisions of the \_\_\_\_\_\_\_\_\_\_\_ Zoning Bylaw.

(b) Applicability

No building permit for construction within the Mixed Use Village Center District shall be granted until the provisions of this section have been fulfilled, and Site Plan Review has been completed for the specific use proposed.

(c) Approval Process

All applicants must submit 8 copies of a Site Plan to the Planning Board for review. The Planning Board shall undertake comprehensive review of these plans in accordance with the Site Plan Review regulations in Section ***\_\_\_\_***  of the \_\_\_\_\_\_\_\_\_\_\_\_\_ Zoning Bylaw, including timetables and public hearing requirements therein. Within 7 days after the submission of a final plan, the Planning Board shall refer copies of the Site Plan to the Board of Health, Conservation Commission, Building Inspector, Public Works Department, Historical Commission, Police Department and Fire Department, who shall review the application and submit their recommendations and comments to the Planning Board within 30 days. Before a decision on a Site Plan is given, the Planning Board shall hold a public hearing on the plan, in accordance with Site Plan Review regulations. The Planning Board shall take final action within 90 days after submission of a Site Plan.

**(2) Site Plan Contents and Fees**

(a) Each Site Plan must contain the following information:

[1] locations, layouts and sizes of all proposed uses;

[2] layout of the transportation network for vehicles, transit, pedestrians and bicyclists;

 [3] location, layout and size of private and public open space and open space improvements;

[4] location of major utility facilities;

[5] landscaping plans for streetscapes, parks and recreation areas;

[6] all information required for Special Permit applications in Section \_\_\_\_\_\_\_\_ of the \_\_\_\_\_\_\_\_ Zoning Bylaw;

[7] locations and types of environmentally sensitive areas, including floodplains, wetlands, water supply protection areas, steep slopes, river protection areas, and agricultural lands, and plans to protect or mitigate impacts to these areas;

[8] Building designs for all commercial or civic buildings prepared by a licensed architect, and landscaping plans prepared by a licensed landscape designer;

[9] Locations and types of drainage and water quality controls.

(b) Site plans should be prepared at a scale sufficient for the Board to make its decision, but a minimum of 1”=40 feet, and should include topography at two foot contour intervals. A page size reduction is also required. The required fee for submittal of Site Plans is $\_\_\_.

(c) The exact form and contents of the application, fees, plans and information shall be as required by the Rules and Regulations of the Planning Board. The Board shall adopt, and may periodically amend, after a public hearing, such Rules and Regulations relating to the procedures and administration of this section and such Rules and Regulations shall be on file at the Planning Department and Town Clerk’s office.

**(4) Design Standards**

In order to receive Planning Board approval, the Planning Board must find that the Site Plan meets the following design criteria:

(a) commercial uses should be pedestrian-friendly, either clustered together or laid out as small-scale “Main Street” style shops, with buildings brought up to the street and sidewalk, and common, shared parking in the rear;

(b) all uses should be linked by a network of sidewalks or bicycle paths, which should also connect to the townwide paths or walkways where feasible;

(c) streets and roads should be lined with street trees, sidewalks and decorative, pedestrian scale lighting;

(d) commercial and civic uses should be architect-designed, consistent with the \_\_\_\_\_\_\_\_ Design Guidelines Handbook, recreating the character of a traditional New England village;

(e) utilities should be underground.

**(5) Development Standards**

In order to receive Planning Board approval, the Planning Board must find that the Site Plan meets the following Development Standards:

**(a) General Standards**

Public water and sewer service is required for all development. All utility lines such as telephone, cable television, and electric are to be located underground.

**(b) Pedestrian Circulation and Amenities**

Provision for safe and convenient pedestrian access shall be incorporated into all Plans. Concrete or brick walkways shall be provided throughout the site. Pedestrian amenities are encouraged, such as: public art; fountain; tables, chairs, or benches; bike racks or lockers;

**(c) Parking**

(i) Off-street parking for commercial uses shall be sufficient to provide parking for the employees of all proposed uses as well as long-term customer parking. Parking lots shall be discouraged from front yard setback areas, and instead shall be located at the rear of buildings on the interior of lots, whenever possible, and shall be accessed by means of common driveways, preferably from side streets or lanes. Such lots shall be small in size (less than 25 parking spaces), where possible, and interconnected with commercial parking lots on adjacent properties. Shared parking facilities are encouraged.

(ii) In addition to the off-street parking requirements specified above, on-street parking shall be provided to serve customers of commercial uses. The minimum requirement for on-street parking shall be one curbside space for each 500 square feet of gross floor area of commercial uses. Where the minimum on-street parking requirement cannot be completely complied with, the deficient number of spaces shall be provided in off-street parking lots.

**(d) Service, Loading, and Refuse Areas**

Each commercial, civic or mixed use building shall be provided with an adequate service and/or loading area and:

(i) shall be designed so that they may be used without blocking or otherwise interfering with the use of through streets, parking facilities, or pedestrian circulation;

(ii) shall not be located on the sides of buildings that face external streets or internal collector streets;

(iii) shall be screened from streets, parking areas, and residential lot lines by architectural elements or landscaped buffers.

**(e) Landscaping**

(i) Street trees shall be planted within the right-of-ways parallel to the street along all streets. Trees shall have a minimum caliper of 2.5” at the time of planting.

(ii) 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.

(iii) All parking areas with 5 or more spaces shall provide effective screening of the parking area from adjacent streets or properties.

(iv) Parking areas of 10 or more spaces shall provide a minimum of 10 percent of the total parking area as landscaped open space.

(v) Parking areas of 25 or more spaces shall provide landscaped islands of a minimum width of four feet for the purposes of :

[1] defining parking lot entrances,

[2] defining the ends of a portion of the parking aisles,

[3] defining the location and pattern of primary internal access drives,

[4] separating parking spaces within long rows of spaces, and

[5] separating some of the rows of parking spaces from other rows.

**(f) Lighting**

(i) Any outdoor lighting fixture newly installed or replaced shall be designed so that it does not produce a strong, direct light beyond the property boundaries

(ii) All lighting shall follow a uniform lighting system.

(iii) Lighting fixtures shall be decorative, pedestrian-scaled fixtures.

**(g) Appearance/Architectural Design**

(i) Architectural design shall be compatible with the character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings where appropriate. Development shall comply with the standards set forth in the \_\_\_\_\_\_\_\_\_\_\_ Design Guidelines Manual.

(ii) In making its decision, the Planning Board may consider whether the building design is compatible with the following design guidelines: 1) exterior facades are faced with wood, metal or vinyl clapboards, or stone, or brick; 2) exterior façade treatment is compatible on all four sides; 3) rooflines are peaked.

**(h) Stormwater Management**

(i) To the extent practicable, the site shall be designed to manage stormwater on-site through the use of natural and structural methods which conform with MA DEP Stormwater Policy.

(ii) An erosion control plan which is designed to prevent erosion and sedimentation of waterbodies during construction shall be developed and submitted to the Planning Board.

(iii) The development shall, at a minimum, be designed to meet the Stormwater Management Policy of the Massachusetts Department of Environmental Protection.

**(i) Other Applicable Standards**

(i) The proposed use shall meet all standards for noise, dust, off-street loading, vehicular access, signage, parking and other applicable zoning standards in the Town of \_\_\_\_\_\_\_ Zoning Bylaw.

**F. DEFINITIONS**

ACCESSORY APARTMENT - An independent self-contained dwelling unit consisting of one or more rooms, with private bath and kitchen facilities on a lot containing a single-family dwelling. Only one accessory apartment may be created within a single-family house, and it shall be clearly subordinate to the main unit. In no case shall it be more than twenty-five percent (25%) of the building’s total floor area, nor greater than eight hundred (800) square feet, nor have more than one bedroom. The accessory apartment shall be designed so that, to the degree reasonably feasible, the exterior appearance of the entire home remains that of a one-family residence. If a second external entrance is provided for the accessory unit, it cannot be located on the side of the building facing the street, but rather must be located to the side or rear of the structure. Either the principal residence or the apartment must be owner-occupied.

APARTMENT ON SECOND FLOOR OF COMMERCIAL USE - One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling on the second floor of a building with commercial use or uses on the ground level.

ELDERLY CONGREGATE HOUSING - A dwelling providing shelter and services for the elderly which may include meals, housekeeping and personal care assistance.

LODGE OR CLUB - A facility to house a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of dues and fees, regular meetings, and a constitution and bylaws.

LODGING HOUSE - A facility in which temporary rental sleeping accommodations are provided to transient individuals or families, and in which meals also may be provided as part of the fee.

PERSONAL SERVICES - Establishments engaged in providing services involving the care of a person or their apparel. Personal services includes the following: laundries and dry cleaning, beauty shops, barber shops, shoe repair, funeral services, health clubs, clothing rental, and similar services.

SEMI DETACHED DWELLING - A one-family dwelling attached to one other one-family dwelling by a common vertical wall, each dwelling located on a separate lot, with front facades offset.

TOWNHOUSE - A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

UTILITY SERVICES - Establishments engaged in the transmission or distribution of electricity, gas, or steam, or as part of water, sewer and sanitary systems.

**G. Miscellaneous Provisions**

**(1)** **Conflict with other laws**.

All development activities within the Mixed Use Village Center 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.

**(2)** **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.