



2018 Drury Square Village District Zoning Bylaw Proposal

*Working Draft Prepared by CMRPC
Prepared for the Auburn Planning Board
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12.1 Purpose and Intent:

- A.** The Town of Auburn finds that the revitalization of Drury Square will enhance and strengthen the traditional New England character of the Town. It will also benefit the general health and welfare of our residents by fulfilling existing housing, transportation, and employment needs, protect the environment, and encourage economic development in Town consistent with the community's goals. The purpose of this district is to create a walkable, mixed-use development including retail, office, service, and residential uses. Therefore, the Town of Auburn implements this bylaw and designates the Drury Square Village District to encourage economic and residential growth and restore the historic character of the Town, is environmentally-sensitive, and will encourage the distinct character of a Town Center.
- B.** The purpose of the Village Center District zoning bylaw is to promote:
- A variety, balance and appropriate density of commercial, retail, civic, and residential uses to promote a vibrant Town Center.
 - Economic development while remaining sensitive to environmental and surrounding residential area impacts
 - The restoration of historic development patterns in designated village center to create attractive, walkable neighborhood.
 - Protection of ground and surface waters
 - Building reuse and appropriate infill development
 - Mixed uses within the same structure, are encouraged, particularly incorporating residential with non-residential units.
 - First floor retail space
 - Innovative and sustainable building and site design
 - Integrated physical design and synergies between uses
 - Restoration of historic character of Goddard Park
 - A pedestrian and bicycle-friendly environment
 - More efficient and accessible parking facilities
 - The reduction of greenhouse gas emissions
 - Maintenance of a consistently high level of design quality throughout the district.
 - Protection of riparian areas, and open space
 - Incentives to develop larger parcels at higher densities and in a coordinated, planned approach

- Mixed Use facilities are encouraged, particularly incorporating residential with non-residential use

12.2 District Boundaries: The boundaries of the overlay district are displayed on the Drury Square Village District Map <Insert Title of Map> on file with the Town Clerk and dated <insert date that map is adopted by the town>.

Authority

The Planning Board shall act as the administering authority for any Site Plan Review procedure associated with this bylaw, Section 9.4. The Planning Board shall also serve as the Special Permit Granting Authority for any use that requires a Special Permit in the underlying district, any use requiring a Special Permit pursuant to Section 4.3.7, and any applicant seeking a Village Center District Special Permit subject to <Section X>. Where standards or other requirements listed as part of this district may conflict.

12.3 Definitions:

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, educational institutions, and medical facilities (not including veterinary operations). For the purposes of this bylaw, civic uses shall not include open space as defined below.

Floor Area, Gross: The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls or, from the centerline of a wall separated two buildings but not including interior parking spaces, loading space for motor vehicles or any space where the floor to ceiling height is less than six feet.

Inn: Any building or group of buildings in which there are more than three and up to 12 guest rooms, used for the purpose of offering public lodging on a day-to-day basis. The entrance to the bedrooms is made through a lobby or other common room. Meals may be offered to the general public for compensation.

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: A combination of residential and commercial uses, arranged vertically (in multiple stories of buildings), or horizontally (adjacent to one another in one or more buildings within a lot).

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.

Motel: A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy. Access to and from each room is through an exterior door.

Multi-Family dwelling: A building or planned development with buildings containing three or more dwelling units, including units that are located over one another. Note that multi-family buildings include garden apartments and high-rise apartment buildings.

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.

12.4 Use Provisions

- A.** The following uses shall be allowed by right subject to any Site Plan Review requirements listed in Section 9.4 Site Plan Approval of the Auburn zoning bylaw. Lots may contain more than one principal use in addition to accessory uses.
- i. Mixed Use Structure with residential dwelling units, above non-residential use, subject to density provisions provided in density requirements of Section 12.5(e)
 - ii. Convenience Stores and related dry goods
 - iii. Cafés, Restaurants, Taverns or other establishment providing food and beverage within a building. Drive-thrus are not permitted
 - iv. Art Galleries, Artisan shop, Jewelry Makers, or Handicrafts
 - v. Grocery Stores.
 - vi. Business offices, including real estate, insurance, or professional offices
 - vii. Retail Sales and Services limited in size to no greater than 10,000 sq. ft. in gross floor area per business use
 - viii. Personal Services, such as barber or beauty shops and shoe repair shops
 - ix. Outdoor seating associated with Restaurants or cafes uses, subject to applicable licensing requirements.
 - x. Artist live/work space
 - xi. Civic uses.
 - xii. Financial services, except the use of drive-up windows
 - xiii. Playgrounds
 - xiv. Assembly Halls
 - xv. Inns, bed and breakfasts of up to (12) rooms that provide overnight accommodations and meals provided to transient individuals for compensation.
 - xvi. Parking, biking, and pedestrian facilities
- B.** The following uses are allowed with the issuance of a Special Permit from the Planning Board pursuant to the procedures outlined in Section 9.3 of the Auburn zoning bylaw and are subject to the density requirements of Section 12.5(e).
- i. Multi-Family Dwelling Units (a maximum of 3 dwelling units)
 - ii. Apartment Complexes (a maximum of 6 dwelling units)
 - iii. Assisted Living Units.
 - iv. Movie House (maximum two screens)

- v. Liquor Store.
- vi. Outdoor Markets subject to applicable licensing requirements.
- vii. Indoor Recreational or Amusement Facilities.
- viii. Veterinary care.
- ix. Restaurants uses primarily engaged in the sale, dispensing or serving of food, refreshments or beverages for consumption off the premises.
- x. Restaurants uses that feature indoor live music as a complement to it normal operation, subject to applicable licensing requirements.
- xi. Pharmacies/Compounding Center
- xii. Medical or dental center
- xiii. Fitness Centers
- xiv. Funeral Homes
- xv. Tattoo or body piercing services

C. Prohibited Uses

In addition to the following uses, any other use not expressly permitted above in Section 12.A or Section 12.B shall be considered to be prohibited

- i. Single Use Residential (only residential use)
- ii. One-story buildings.
- iii. Retail or service operations with more than [ten thousand (10,000) square feet] of gross floor area on any individual floor.
- iv. Drive-through restaurants.
- v. Stand-alone fast food establishments.
- vi. Auto related uses, such as car washes, auto detail/repair/sales and gas stations.
- vii. Adult entertainment uses.
- viii. Bulk storage or Self-storage facilities
- ix. Animal kennels
- x. Gaming or gambling facilities
- xi. motel

12.5. Dimensional and Density Requirements

Any new development or redevelopment projects in the Drury Square District shall be subject to the dimensional and density requirements of this Section 12.5, unless Special Permit approval is obtained under Section 12.10.D that will allow for increased height/density, such as a density bonus for a 4th floor and allowance of additional housing units.

- A. Front Yard Setbacks:** Front Yard Setbacks for non-residential or mixed use buildings shall fall within the range of zero (0) to ten (10) feet, unless approved by the Planning Board in accordance with Section B and C below, and shall be subject to the site design standards in Section 12.9.
- B. Additional Setback Considerations:** 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.

- C. Each request to develop (*a property / new building*) in this district may request that the Planning Board provide individual consideration in regards to setbacks and other dimensional requirements of said development or redevelopment to ensure that infill and replacement dwellings are compatible with the dimension of the adjacent dwellings, the block and the neighborhood.
- D. Height Limitations: Building height shall not exceed thirty-five (35') feet and no building shall have more than three (3) stories.
- E. There shall be a minimum of twenty feet (20') natural buffer of vegetation supplemented by evergreen trees and landscaped berms from the abutting residential district.
- F. The road frontage requirements shall be fifty (50') feet at the front lot line. This measurement shall be at the front property line.
- G. Town roads in this district would be designed for low speed travel and therefore would be encouraged to be built narrower than normal town standards.
- H. Public space or an open square for outdoor activities, including pedestrian walkways shall be provided.
- I. There shall be no minimum lot size
- J. Residential Density
 - i. Dwelling unit density of a maximum of eight (8) per acre for multi-family housing, which shall be allowed by right, subject to the provisions of this Section 12, site plan review requirements of Section 9.4 and the Landscape Bylaw Section 11.0. For purposes of calculating gross density, areas subject to the Wetlands Protection Act, G.L. c.131, Section 40, for reasons other than being subject to flooding, shall be excluded from the total area of the parcel.
 - ii. Setbacks for Residential Uses (exclusive): There shall be no front, side, or rear setback requirements

12.6 Parking, Loading and Bicycle Requirements:

- A. **Parking and Loading:** All non-residential uses in the DSVOD shall provide parking and loading facilities in compliance with Sections 6.1, 6.4, 6.5, and 6.6 of Parking Standards and the following requirements:
 - i. One parking space shall be provided for every three hundred and fifty (350) square feet of non-residential space. This requirement may be increased, at the discretion of the Planning Board, to one parking space per six hundred (600) square feet, in the event that two or more abutting properties create a shared parking lot. Shared parking lots also must meet the requirements of Section 12.6.A.iii below.
 - ii. In determining the appropriate number of parking spaces required, the Planning Board may give consideration to the hours of usage of the proposed use/structure, the opinion

of municipal officials or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, and other relevant information in determining the need for additional parking for motor vehicles.

iii. As part of a Site Plan Approval or Special Permit process within this DSVOD, the applicant may request reductions to minimum requirements or alternative methods for meeting the required parking. Available innovative parking strategies include:

a. Shared On-Site Parking

- 1) Non-competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for noncompeting uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two uses do not overlap.
- 2) Competing Uses. In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 50%.

b. Off-Site Parking. Required parking for uses in the Village District may be provided off-site under the following conditions:

- 1) 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.
 - 2) 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.
- a) Parking areas shall be designed in accordance with the Planning Board's Drury Square Village District Design Standards and Guidelines (*see commentary in Section 12.9 on page 7*), the design standards of this Section 12.6 and Section 11 (Landscaping, Buffering and Screening) of the Zoning Bylaws.
 - b) Parking facilities should be screened from the streetscape with landscaping. The parking facilities serving commercial, institutional, and mixed use lots with more than five contiguous spaces or more than one row of parking spaces should be bordered by landscaped buffers. The landscaped buffers should be maintained in good condition and should utilize plantings that are attractive in all seasons.
 - c) Lighting for parking should not be cast onto neighboring properties and should be reduced to security lighting 30 minutes after close of business.

B. Bicycle Parking

Bicycle parking shall be provided for all new developments. Where feasible, at least two bicycle parking or storage spaces shall be created for each commercial use within the site. Bicycle parking or storage spaces shall be located as close as possible to the building entrance(s). Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements..

12.7 Landscaping: All buildings located in the DSVOD shall comply with Section 11 (Landscaping, Buffering and Screening) of the Zoning Bylaw with the following stipulation:

- A.** The placement of buffer zones between properties, as described in Section 11.3 of these Zoning Bylaws, shall be at the discretion of the Planning Board in the Drury Square Village District and shall be implemented into the Site Plan process.

12.8 Signs: Signs must comply with Section 7 of the Zoning Bylaw, with the following exceptions:

- A.** Projecting signs shall be allowed by right. (An engineer's stamped report must be filed with the building permit application for these signs.)
- B.** All signs shall be illuminated by externally from the front. Back lighting of signs shall not be used. Internal illumination shall be prohibited under all circumstances.
- C.** Neon, animated, flashing signs, moving signs, and roof signs shall be prohibited.
- D.** Window and door signs shall not conceal more than 25% (thirty percent) of the total area of the windows and doors on a building façade that an individual business occupies.
- E.** Sandwich board signs shall be allowed, during business hours, with a sign permit from the Inspector of Buildings.
- F.** Signs may only be incorporated into the skirt of awnings and not on the primary angled surface.
- G.** Second story signage is prohibited.
- H.** Allowable sign size shall be as follows:
 - i. Wall signs shall not exceed sixteen (16) square feet.
 - ii. Projecting signs shall not exceed six (6) square feet and shall be, at a minimum, ten (10) feet above the finished sidewalk.
 - iii. The Address number portion of the sign shall not exceed two (2) square feet. This shall not be subtracted from the sign's allowed square footage.

12.9 Site Design: The Planning Board shall have the authority to adopt from time to time suitable regulations, as referenced in Section 9, to specify design standards within the Drury Square Village District. Such standards may include regulation of building form and features, architectural details, and historic buildings.

- Parking shall be located in the rear of buildings.
- Street level frontage shall be devoted to entrances, shop windows or other displays.

- It is especially desirable for buildings to be oriented toward the street instead of parking lots.
- Clear pedestrian pathways shall be provided between buildings on the same lot and between buildings on adjacent lots to ensure a continuous pedestrian pathway throughout the district.
- Where residential neighborhoods abut commercial, office or mixed use developments, appropriate transitional feature shall be used and may include landscaping, open space or parks, or streets with clearly designated pedestrian features.
- Primary entrances to proposed and existing buildings are situated on pedestrian amenities (e.g., sidewalks plazas or open space) with a minimum width of 10 feet.
- Setbacks are consistent with the fabric of the existing street and do not preclude pedestrian access.
- Adequate access for loading and emergency vehicles is maintained on one side of the building.
- Adequate natural lighting and air circulation for business and residents is maintained.
- Garbage dumpsters should be enclosed by opaque fencing which should be kept closed except when being serviced.

12.10 Village Development Special Permit:

Applicants may apply for, and the Planning Board may grant, a Drury Square Village District (DSVOD) Special Permit subject to the following provisions.

- A. Purpose:** In addition to those purposes listed in Section 1 of this bylaw, the purpose of a DSVOD Special Permit is to provide the opportunity to develop pockets of higher density, coordinated mixed use developments that include a diverse use profile and act as centers of commerce and activity within the district.
- B. Eligibility:** To be eligible to apply for a DSVOD Special Permit, the site must contain at least 10,000 sq. ft. of contiguous buildable land. For the purposes of this bylaw, land may be considered contiguous if it is separated by a road or by public open space that does not separate parcels in common ownership by more than two hundred (200) feet;
- C. Use Profile:** An applicant for a DSVOD Special Permit shall restrict the development to a specific general use profile that complies with the parameters listed below. The area of a particular use, other than public open space, shall be determined by dividing its Gross Floor Area (GFA) by the total GFA in the development. The Planning Board shall include continued compliance with the proposed use profile as a condition of any Special Permit granted under this Section of the Bylaw.
 - 1) For mixed use structures, there shall be no residential uses allowed on the ground floor, as an element important to overall site design.
 - 2) Residential uses shall comprise no more than [seventy percent (70%)] of the development unless approved by the planning board as an element important to overall site design; and

- 3) Office uses shall comprise no more than [forty percent (40%)] of the development unless approved by the planning board as an element important to overall site design; and
- 4) Retail uses shall comprise no more than [forty percent (40%)] of the development unless approved by the planning board as an element important to overall site design; and
- 5) Service industry uses shall comprise no more than [thirty percent (30%)] of the development unless approved by the planning board as an element important to overall site design.
- 6) The proposed development area shall design at least [five percent (5%)] of the site as urban open space accessible to the public. Such urban open space shall be designed in accordance with Section 12.10.F.2 which addresses open space design.

I. Height and Density Bonuses: Upon petition by an applicant for a VCD Special Permit, the Planning Board may allow for maximum building heights to be [25 feet]. The Planning Board shall not allow for buildings to have more than [3 stories] above the street level grade. Applicants may increase the overall density of their project to meet these height limitation increases provided that the applicant complies with all other requirements of this bylaw including, without limitation, those for parking, design and other dimensional requirements. However, in no case shall residential unit housing density exceed twenty (20) units per acre.

E. Frontage: As part of a VCD Special Permit application, the Planning Board may authorize frontage as low as [twenty (20)] feet.

F. Additional Design Standards: In addition to those design standards listed in Section 12.9 of this bylaw, applications for a VCD Special Permit shall also meet the following standards:

- 1) Buildings
Newly constructed building façades for non-residential use shall have a transparency of at least twenty-five percent (25%).
- 2) Site Design
 - a. Buildings shall be arranged in a manner that optimizes the ability of residents and consumers to access public spaces and pedestrian amenities;
 - b. Buildings shall be oriented toward each other in a way that minimizes conflicts between pedestrians and automobiles; Setback provisions in accordance with Section 12.5 shall also be given due consideration.
 - c. Open space provided pursuant to Section 9.C of this bylaw shall be designed as a public gathering place. Arcades, courtyards, parks, greens or other common areas shall be located in a manner that connects buildings to each

other and to public sidewalks without interruption from parking areas or automobile travel lanes to the greatest practicable extent;

- d. Features that may be used to create open space areas acceptable to the Planning Board may include, without limitation, fixed benches, fixed tables, fountains, pathways, bikeways, bicycle racks, period lighting, shade trees, perennial gardens, picnic areas, and/or trash receptacles;
 - e. All lighting shall be ornamental street lighting consistent with Auburn Street with the approval of the DPW director.
- G. Open Space Ownership and Maintenance:** As a condition of a Special Permit, the Planning Board shall require an applicant to document ownership of open space within the proposed development and to provide a detailed maintenance schedule to ensure the long term care of open space areas.
- H. Application Process and Requirements:** Applicants for a DSVOD Special Permit shall comply with the Special Permit Procedures outlined in Section 9.3 Special Permit of the Auburn Zoning Bylaw and shall provide all applicable information for a Full Site Plan Review pursuant to Section 9.4 Site Plan Approval of the Auburn Zoning Bylaw.
- I. Decision:** The Planning Board may approve an application for a DSVOD Special Permit with conditions specified in this bylaw pursuant to the following criteria, in addition to the Special Permit criteria identified in Section 9.3.5 of the Auburn Zoning Bylaw:
- i. Proposed development is consistent with the purposes listed in Section 1 and Section 12.10.A of this bylaw;
 - ii. All applicable standards for use, parking and dimensional requirements are met;
 - iii. All applicable design standards listed in Section 12.9 are met;
 - iv. All applicable additional design standards listed in Section 12.10.F are met;
 - v. Where multiple structures are proposed, the site design reflects a thoughtful arrangement of elements that will facilitate the movement of pedestrians between structures through the use of sidewalks, internal walkways, alleys or open space features as required in Section 12.10.F.3;
 - vi. The applicant shall ensure that the use profile within the development shall permanently comply with those restrictions listed in Section 12.10.C; and
 - vii. The applicant shall ensure that the required open space within a proposed development shall be adequately maintained.

12.11 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby.

CMRPC staff notes there would be the need to amend Section 9.6.1

Add Drury Square to Section 9.6.1

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