

**Zoning Bylaw Amendments  
Adaptive Reuse Overlay District Improvements  
1/27/2020**

**A. Amend Section 1.3, DEFINITIONS, to include a definition of makerspace , as follows:**

**MAKERSPACE:** a collaborative incubator workspace for making, learning, exploring in a variety of artistic, industrial, or light industrial activities such as machining, plasma cutting, sandblasting, ventilated painting, forging, casting, ceramics, and various other industrial processes. Such workspace may include a variety of low-tech and high-tech tools and equipment including but not limited to 3D printers, laser cutters, cnc machinings, soldering irons, blacksmith equipment, and woodworking machinery. Makerspaces may include training and educational activities, including training related to vehicle repair, and may also include live-work spaces.

**B. Amend Section 1.3, DEFINITIONS, to amend the definition of Mixed-Use Development, Horizontal Mix, as follows:**

**MIXED-USE DEVELOPMENT, HORIZONTAL MIX-** An integration of commercial and multifamily residential uses in a development comprised of two or more buildings on the same lot, or in a single building where residential use is on the ground floor. **This may include a single residential unit combined with a commercial use.**

**C. Amend Section 5.10, Adaptive Reuse Overlay District as follows by adding the following uses to subsection D.(2), Uses Allowed by Special Permit:**

- k) Mixed-Use Development, Vertical Mix
- l) Mixed-Use Development, Horizontal Mix
- m) Brewery, Distillery, Winery
- n) Brew Pub
- o) Makerspace

**D. Amend Section 5.10, Adaptive Reuse Overlay District, subsection G.(1), as shown below:**

**(1)** As a condition of any special permit for the an Adaptive Reuse Project that proposes **10 or more** multi-family dwelling units, a minimum of ten (10%) of the total number of dwelling units shall be required, in perpetuity, to be restricted to persons qualifying as moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate incomes. **This affordability requirement is recommended but not required for live-work spaces associated with makerspaces.**

***[Note: the existing text of the Adaptive Reuse Overlay District, with proposed amendments shown, is on the following pages]***

## 5.10. Adaptive Reuse Overlay District (AROD).

**[Amended ATM 5/5/2008]**

### **A. The purpose of the Adaptive Reuse Overlay District (AROD) is to:**

- (1) Provide specific regulations allowing for the reuse of municipal, religious, and historic mill buildings in a way that promotes public health, safety and welfare and is in keeping with the adjacent character of the neighborhood.
- (2) Provide regulatory flexibility and intensification of use in municipal, religious, and historic mill buildings to prevent disinvestment or deterioration of buildings that have become obsolete for their original purposes.
- (3) Allow for the reuse of municipal, religious, and historic mill buildings as a means to increase the town's overall tax base, create employment opportunities and ensure efficient use of municipal services so as to not create a burden on these services.
- (4) Encourage the adaptive reuse of historic buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.

### **B. Eligibility for Conversion**

The following shall be eligible for conversion to those uses listed in Section D of this bylaw:

- (1) A municipal building located in any zoning district if it was used for not less than fifteen (15) years for municipal use.
- (2) Any existing structure having not less than 10,000 square feet constructed more than sixty (60) years ago and historically part of a mill complex.
- (3) Any existing structure used for one or more of the following religious uses for not less than fifteen (15) years: churches, convents, schools, rectories, and parish halls.

### **C. Scope of Authority**

The AROD is superimposed over all the underlying zoning districts in the Town. Except as specified in this Section 5.10, the provisions of the underlying zoning districts shall remain in effect. The regulations of this overlay district shall govern reuse, reconstruction or expansion of those buildings eligible for conversion as describe in Subsection B above. The Special Permit Granting Authority for an Adaptive Reuse Development (ARD) under this section shall be the Planning Board. Adaptive Reuse Developments which utilize any of the provisions of this Section 5.10 relative to use, parking, and/or dimensional controls shall require a special permit from the Planning Board. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board Rules & Regulations for Special Permit Applications.

### **D. Uses Permitted**

- (1) Uses allowed by ~~the~~ right *[note: deletion of the word "the" doesn't require an amendment, as the original bylaw as passed doesn't include the word "the" – it appears to have been added in error.]*  
The following uses be allowed by-right:
  - a) Any uses permitted by right in the underlying zoning district in which the structure is located.
  - b) Conversion of former municipal buildings to private medical or professional offices.
- (2) Uses allowed by Special Permit  
The following uses are allowed by special permit and subject to site plan review:
  - a) Senior Village Development residential uses, Adult Day Care Facilities, and Senior Village Community Centers as defined under Section 5.7.03
  - b) Multi-family
  - c) Professional or administrative offices

- d) Community recreational center or personal training centers
- e) Medical Clinic, Dental Office, Veterinarian Office, and Ancillary Offices and Facilities
- f) Community center or conference center with meeting rooms
- g) Studios for art, drama, speech, dance, or music
- h) Retail
- i) Indoor commercial recreation or health club
- j) Research and Development uses including ancillary office use and electronic and computer laboratories, but not including ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material

**k) Mixed-Use Development, Vertical Mix**

**l) Mixed-Use Development, Horizontal Mix**

**m) Brewery, Distillery, Winery**

**n) Brew Pub**

**o) Makerspace**

- (3) Multiple or Mixed Uses: Any combination of uses allowed by right in D(1), and uses allowed by special permit in D(2), may be allowed provided they are compatible with each other and maintain the public health, safety and welfare of the community.
- (4) Uses required by MGL c40A, Section 3, such as public and private non-profit religious and educational institutions are allowed in the AROD by right subject to Site Plan Review.

**E. Parking Requirements**

- (1) For all new buildings and structures and for reuse or substantial restoration of existing buildings or structures within the Adaptive Reuse Overlay District, the parking requirement of Section 5.1 of the Zoning Bylaw shall apply.
- (2) The Planning Board shall be authorized to modify parking, loading requirements, dimensional requirements for off-street parking and loading areas; layout requirements and the number of required spaces in conjunction with the grant of a special permit pursuant to this Section 5.10. This provision shall only apply to uses in the Adaptive Reuse Overlay District which are located in buildings or structures in existence as of the date of the adoption of this Section of the Leicester Zoning Bylaw. In determining the appropriate reduction, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information. The decrease in number of required spaces shall not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and shall not derogate the intent and purpose of this Bylaw.

**F. Dimensional and Other Requirements**

- (1) The Planning Board, by Special Permit, shall have the authority to waive or modify dimensional controls set forth in Section 4 of the Zoning Bylaw.
- (2) The Site Development Standards for the underlying district are applicable. Where the underlying district does not have Site Development Standards, the standards for the Business (B) District shall apply. The Board, through the ARD special permit, may allow for modifications of Site Development Standards where not feasible due to existing site constraints.
- (3) For multi-family projects, the maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:
  - a) Existing structures

- b) Proposed method and efficacy of stormwater disposal
  - c) Availability of water and sewer
  - d) Trip generation, traffic safety and internal site traffic
  - e) Character of the proposed ARP and its relation to the surrounding neighborhood(s)
  - f) Character of the existing buildings and the potential for reuse thereof
  - g) Applicability of the Water Resource Protection Overlay District
  - h) Reports of the technical consultants of the Planning Board and all other reviewing boards
- (4) Existing Buildings may be expanded provided that such expansion is consistent with the building's historic character and scale and does not cause substantial detriment.
- (5) New Buildings may be constructed on the ARD site provided that the number, type, scale, architectural scale, and uses within such new buildings shall be subject to Planning Board approval. For all new structures or buildings, the dimensional requirements of the underlying zoning district shall apply and, if applicable, to the extent that the dimensional requirements vary dependent upon the use of the building, the pre- dominant use based upon gross floor area utilized shall govern.
- (6) All proposed signs shall comply with Section 3.2.07 of the Bylaw, except that if the building and land on which situated are located in a single family district (SA, R1, R2), the Planning Board may permit a sign of no larger than 10 square feet which identifies only the building and its occupants.

#### **G. Standards for Approval**

- (1) As a condition of any special permit for the an Adaptive Reuse Project that proposes **10 or more** multi-family dwelling units, a minimum of ten (10%) of the total number of dwelling units shall be required, in perpetuity, to be restricted to persons qualifying as moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate incomes. **This affordability requirement is recommended but not required for live-work spaces associated with makerspaces.**
- (2) The proposed project preserves or enhances the historic significance of existing buildings on or eligible to be on the State or National Register of Historic Places and, where applicable, the eligibility of the same for listing on the State or National Register of Historic Places as an individual property or a contributing property to an area.
- (3) Any expansion of existing buildings on or eligible to be on the State or National Register of Historic Places is consistent with the U.S. Secretary of the Interior's Standards for Rehabilitation, as determined by the Leicester Historical Commission.
- (4) The project shall have sufficient local infrastructure to accommodate the proposed development
- (5) The proposed ARD does not cause substantial detriment to the neighborhood after considering the following potential consequences
- a) noise, during the construction and operational phases,
  - b) pedestrian and vehicular traffic,
  - c) environmental harm,
  - d) visual impact caused by the character and scale of the proposed structure(s), and

The SPGA may attach such additional conditions and limitations to a Special Permit granted under this Section as may be necessary to protect the neighborhood surrounding the property, and as may be necessary to encourage the most appropriate use of the land and building to be converted.