

**MUNICIPAL BUILDING REUSE DISTRICT
MODEL BYLAW
June 2001**

A. Purpose

This section of the bylaw [see note 1] is intended to allow for the conversion of municipal buildings and the development of land on which they are situated in a manner that is compatible with the existing adjacent neighborhood. The Adaptive Reuse District (ARD) provides specific regulations allowing for the reuse of public buildings intended to promote public health, safety and welfare. The goal of the ARD is to allow for the reuse of large, non-residential formerly municipally owned buildings and to insure that such uses are compatible with their surroundings while ensuring that the structure retains its civic intent. Any uses permitted in the zoning district in which this structure is located shall be permitted.

B. Definitions

Uses as well as any terms not used elsewhere in the bylaw [see note 2].

C. Uses Permitted in ARD

Residential, non-residential and multiple or mixed uses defined in this By-Law or specified in this Section may be permitted by a Special Permit subject to Site Plan Review. Any uses permitted in the zoning district for which this structure is located shall be permitted. Municipal, educational and religious uses are allowed in the ARD by right subject to Site Plan Review.

The following uses are allowed by special permit and subject to site plan review [see note 3]:

- 1) Residential Uses [see note 4]:
 - a. Assisted living.
 - b. Senior housing.
 - c. Apartments or condominiums.
 - d. Artists lofts specifically used for live and work situations.
 - e. Nursing home.
- 2) Non-Residential Uses:
 - a. Professional or administrative offices.
 - b. Child Care Facility and/or Elder Care Facility.
 - c. Community recreational center or personal training centers.
 - d. Medical Clinic and Ancillary Offices and Facilities.

COMMENTS

1. This bylaw can either overlay the whole town and any public structure OR only one specific geographic area (i.e. R-20 zone). Does not have to be limited to only publicly owned buildings.

An **Overlay District** must be defined with specific boundaries and refer to a map approved by Town Meeting vote.

An **Overlay District** shall be considered as overlaying other districts. Uses in the underlying district shall be permitted. At least one use in the overlay district must be by right (i.e. single-family).

2. Any use not defined in the Definitions section of the Zoning Bylaw should be defined in this section

3. This list is not an exhaustive list and your community may choose to add or delete some uses.

4. Where feasible encourage affordable housing by requiring that a certain percentage of residential units are affordable as defined by the Commonwealth.

- e. Senior center, community center or conference center with meeting rooms.
 - f. Studios for art, drama, speech or dance.
 - g. Research and Development uses including ancillary office use and electronic and computer laboratories, but not ancillary manufacturing, assembly, sale or resale or storage for sale or resale of any goods, items, or material shall be allowed.
- 3) Multiple or Mixed Uses:

Any combination of single residential or non-residential use, as identified in this Section, may be allowed provided they are compatible with each other and maintain the public health, safety and welfare of the community.

E. Dimensional Controls

A building in a ARD previously owned or controlled by the Town and existing at the time of the issuance of a Special Permit may remain and may be rehabilitated and rebuilt in its location. Changes to the size [see note 5] of the building or exterior dimensions of such building shall be subject to dimensional controls of the By-Law, unless modified by this section.

1) For any reuse of such building, the following provisions shall apply:

- a. An increase in the footprint of the building being considered for reuse will be permitted provided the proposed increase is required for the following [see note 6]:
 - i. To conform to the requirements of the American Disabilities Act.
 - ii. To permit the reuse of the structure through necessary enhancements, which are not designed to increase the building capacity, but are required to make the building functional for the intended new use (i.e. lighting, elevator, railings, heating and cooling ducts, etc).
 - iii. Except for the existing building, access ways, walkways, required parking and loading spaces, the entire site shall be kept as an open area. To the greatest extent possible such open space shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location, and character to assure its proper functioning as an amenity for both the site and

COMMENTS

5. In many instances a municipality will specify the maximum allowable increase for expansion of the structure (i.e. no greater than 5% of existing footprint) and the need to conform to existing setbacks.

6. A municipality's Building Inspector and Historic Commission should play key roles in determining to what extent, using MA State Code, these renovations are

the surrounding area.

- iv. No additional building or buildings of any type and no enclosed storage of any kind outside the existing building shall be allowed on the site [see note 7].
- b. The reuse of buildings which are listed as contributing or are eligible for listing on the National Register of Historic Places or the State Inventory of Historic Places shall be allowed with the following provisions:
 - i. External architectural features are preserved and/or restored, and in particular to the extent possible, historically significant exterior facades are preserved or restored.
 - ii. Original roof lines, to the greatest extent possible are preserved.
 - iii. Any necessary restoration should follow the preservation guidelines outlined in the Secretary of Interior Standards or the Massachusetts Historic Commission standards.

F. Special Permit Criteria

The Special Permit Granting Authority may grant a Adaptive Reuse Special Permit for the rehabilitation and utilization of buildings and the lot situated in the ARD provided the proposal is consistent with the following provisions [see note 8].

- 1) For any ARD Special Permit process the following criteria must be met:
 - a. Permitted Uses: The reuse of buildings and the lot in the ARD shall be consistent with the uses permitted in Section C.
 - b. Adequate Access: There shall be adequate provisions for safe access for pedestrians and motor vehicles and for emergency services to the building and the land on which situated.
 - c. Parking: Off-street parking spaces and loading and unloading spaces shall conform to the provisions of the Town's parking regulations and its subsections. The SPGA may grant waivers if existing parking does not meet current parking requirements and additional space would be a detriment to compatibility of neighborhood character.
 - d. Utilities: The building shall be tied into municipal water

COMMENTS

7. A municipality may allow additional buildings on the lot if acreage can handle additional structures. A suggested minimum is 10 acres. Any new building or buildings are subject to the existing zoning district for which this site is located.

8. It is recommended that a municipality approve a Comprehensive Special Permit to one entity for the reuse of the entire building and lot. This practice reduces the segmenting of the structure and ensures consistency of use while lessening neighborhood conflicts

9. Determine what your

and sewer services. All utilities serving the intended reuse must meet minimum standards as set by this bylaw [see note 9].

- e. Signs: All proposed signs shall comply with the Town's sign regulations and its subsections, excepting that if the building and land on which situated are located in a single family district, the Special Permit Granting Authority may permit a sign of no larger than 15 square feet which identifies only the building and occupants.

G. Site Plan Review Process³

In order to provide a detailed design review of any reuse of municipal buildings located within the ARD and for which a Adaptive Reuse Special Permit is being sought, there shall be a Site Plan Review by the Planning Board. Eight copies of the plans shall be submitted to the Planning Board when application is made for Site Plan Review. The Planning Board shall, as a minimum, take into consideration the following matters:

- 1) Arrangement, design, appearance and dimensions of proposed building changes, all exterior lighting, and all screening and landscaping features, including, but not limited to, fences, walls, plantings, drives and walks;
- 2) The driveway layout, having in mind public safety and convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjacent ways and lands;
- 3) The configuration and number of parking spaces in relation to proposed use of the premises;
- 4) Adequate waste disposal and surface and subsurface water drainage.

Site plan approval must be obtained from the Planning Board prior to the time when an application is made to the Special Permit Granting Authority for an Adaptive Reuse Special Permit in the ARD [see note 10]. Submitted with the application shall be one or more site plans and specifications, prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect.

At the time of filing, the applicant shall submit copies of all such plans also to the Planning Board, Board of Health, Board of Selectmen, Department of Public Works, Conservation Commission, Historical Commission, Housing Authority, Fire Chief, Police Chief, and other appropriate authorities in order to allow such Boards, Commissions, Committees, Authorities and persons to make appropriate recommendations to the Special Permit Granting Authority.

10. In some instances the Planning Board also serves as the SPGA. In these instances, a submittal should be reviewed only once for site plan approval and special permit approval.

The Planning Board shall have the power to approve, disapprove, approve with conditions or suggest modifications or recommendations to the plan or to any subsequent reviews to the plan. Any disapproval shall indicate what modifications to the plan would make it acceptable to the Planning Board. This power shall in no way eliminate, decrease or abrogate the powers of any other board, committee, commission or other authority having legal jurisdiction. It shall be the duty and responsibility of the applicant to secure any and all permits, licenses and approvals necessary to the project.