Town of Upton
Village Center Bylaw

(*draft*) Frequently Asked Questions

1. *Why is the new Village Center zoning being proposed?*

The Town is seeking to establish bylaws for the commercial centers at each end of Rt. 140 in order to provide for additional commercial, residential, and mixed-use opportunities—while seeking to maintain the general character and design of the areas. The 2005 Master Plan provides numerous goals and strategies directly related to two areas proposed for rezoning and the proposed village center bylaw is in line with this objective.

The following is one of the Land Use Recommendations:

> *<u>Create Village Scale Zoning District for Town Centers and West Main Street (pg. 26)</u>*
> *Upton cherishes the village feel of the town center and the connecting neighborhoods along West Main Street. However, the existing zoning mandates a strip commercial style of development that is inconsistent with the traditional village scale and design of the area. The neighborhood could see continued disinvestment, particularly if the Planned Village Development west of the two town centers creates a new destination for shopping and services. Therefore, in an effort to preserve the existing neighborhood, create additional and appropriate economic development, and to permit small scale mixed use structures, complete with apartments on the upper stories, the town should create a new zoning district for the town centers and the connecting segment of West Main Street. This new zoning district would allow for small scale commercial and mixed use structures with minimal front yard and side yard setbacks. Parking should be on street or to the side or rear of the structures. Drive-throughs should be prohibited, and the overall landscape should be one of pedestrian scale and design.*

The proposed bylaw would change areas currently zoned "Commercial & Industrial" and "General Business" to Village Center A (VCD-A) which would allow additional uses, including residential, and would create distinct height requirements (3 stories) and setback requirements (close to the street). A second transitional area, Village Center B (VCD-B) is proposed to transition between the more active commercial & residential areas and the single family residential neighborhoods along the Main Street corridor.

2. *What is the goal of Village Center zoning?*

Some of the goals of the Village Center zoning amendments are to:

a. Create new development that is designed to follow traditional New England villages in terms of its physical design, scale, mix of uses, and visual character.
b. Provide for the development of new housing units in areas where the current commercial zoning does not allow new units.
c. Encourage more commercial and residential development in the village center areas where infrastructure and services exist rather than creation of new, more sprawling development in other areas of town.
d. The creation of two districts allows for the establishment of a transition zone or area between the more densely developed areas and the more residential corridor along Main Street.

The current commercial zoning in these areas was formulated in the 1940's and 1950's to allow and encourage automobile oriented uses such as gas stations, repair shops, and one stop shopping areas accessible only by cars. During this time the primary pattern of development and zoning encouraged large areas of parking at the front of the property with the building behind the parking. The effect of this pattern has been to encourage each individual business to create substantial parking areas and facilitate a pattern of land use dependent upon cars and where users would drive and park at individual locations.

The new zoning seeks to lay the groundwork so that future development provides a more pedestrian-oriented pattern of development by requiring new buildings to be built close to the road with the parking at the side or rear. Along with those requirements, the new zoning amendments seek to establish regulations and design guidelines that would help create more attractive and inviting building facades, landscape features, lighting, and signs that are oriented to pedestrians and create a sense of vibrancy. Finally, the zoning amendments seek to allow shared parking so that customers can park once and visit multiple destinations. Because zoning is the framework, it is important to implement it now so that in 5, 10, 15 years new development will occur and begin to re-shape the village centers.

3. *I own a single-family property in the proposed new district. How will this affect my property?*

Under the proposed bylaw, a single-family dwelling is an allowed use in both districts. Under the current zoning bylaw, and the amendments, owners of single-family dwellings can construct additions, porches, decks, etc. that comply with setbacks with a building permit.

Under the proposed bylaw, a single family dwelling can be converted to a two family dwelling with a Special Permit. In the Village Center B District, some additional commercial uses would be allowed with a Special Permit.

4. *I own a business in the proposed new district. How will it affect my property?*

Most existing businesses in the two districts will not be impacted by the proposed bylaw. In fact, many more opportunities for new uses and expansion of buildings will be opened up to take advantage of. However, for a few select uses, your business may no longer be listed as a permitted use in the district. In this case, the only impact will be to require a Special Permit for certain expansions or re-establishment after a period of discontinuance. Existing uses would be allowed to be rebuilt in the event of a fire or accidental destruction.

5. *Does a zoning change mean that if I stop operating a business I won't be able to sell it for the same use?*

The proposed bylaw establishes several new commercial uses so there will be more opportunities to create new businesses or expand existing ones. However, there were some business types that were restricted or eliminated in the proposed bylaw as it was determined that these uses may not be compatible with the Town's vision for these areas.

6. *What types of business would not be allowed?*

Generally, the new regulations would apply to the creation of new businesses. As such, the changes would not allow the creation of certain new automobile oriented uses. Generally, these are the more intensive uses such as gas stations and automobile repair uses. New uses containing drive through facilities would not be allowed in the new Village Center District areas. The table of uses is where uses are regulated for the new district. Any existing uses would be grandfathered and in no case would an existing business be required to close or move.

7. *Parking is already a challenge in West Upton, will this make things worse?*

Parking is always a challenge in vibrant town center commercial areas. The more popular and successful the area is as a destination, the more visitors will be drawn there. The key for this type of area, in addition to allowing sufficient on-street parking and municipal parking is to ensure that people only have to park once and can walk to multiple destinations after they leave their car. In addition, the bylaw seeks to mitigate some of the parking challenges by included several provisions to allow flexibility and more options such as shared parking, which is a key component of successful village centers.

8. *Will the new district create economic development opportunities for the Town?*

Under the proposed bylaw, as noted above, a broader mix of allowed uses is proposed. In the core Village Center District A (VCD-A) the primary purpose is to:

"…to allow for denser residential, commercial , and mixed use development while embracing village center design principles to encourage compatible development, redevelopment, adaptive reuse, and targeted preservation that enhances the economic base, encourages pedestrian activity, and attracts visitors."

In other words, the primary reason for this type of rezoning is to allow for the potential redevelopment of parcels now and in the future which can thoughtfully grow the local economy and contribute to the creation of a more vibrant and pedestrian oriented pattern of development. It is this type of village center that can result in the transformation of certain areas from individual destinations accessed by individual vehicle trips to an area where multiple activities can be accessed on vehicle trip. This results in a more vibrant area with a range of economic development opportunities.

The act of changing or amending zoning typically does not result in overnight changes or immediate economic impacts. However, in the long run as uses are discontinued or buildings outlive their useful lives, there is zoning in place that allows for reuse, redevelopment, or new buildings to be built and help create a new downtown village center area.

9. *Zoning seems complicated, who will be responsible for these new requirements?*

In most cases, the Town planning staff will meet with applicants/property owners at the infancy of a project and help to explain how the regulations work. Once a project plan is in place, either the Planning Board or Zoning Board of Appeals (depending on the use) will hold public hearings on individual applications and will be responsible for determining that a project meets the requirements. Once permitted, the Building Inspector is responsible for ensuring the project is built in accordance with the approved plans.

10. *It's been said that this bylaw will create unchecked development and transform Upton into an undesirable urbanized area. Is this true?*

Not at all. This bylaw will allow for careful consideration of specific development proposals that are designed to be in line with the character of Upton's existing town center. Additional development will be relatively small scale, limited by both building height and density. The geographic area for this proposed re-zoning is small and concentrated largely in existing commercial areas or areas with some existing multifamily residential uses. The new zoning includes requirements for both uses and building design which does not exist today.

11. *Your questions here.*