

DOWNTOWN OVERLAY DISTRICT

101 Purpose.

Downtown zoning is the creation of a specific zoning district for the unique needs of small mixed use commercial areas; to provide goods, services and housing in a more compact environment; to encourage redevelopment; and, to create a vibrant, walkable, pedestrian- and bicycle-friendly environment. The Downtown Overlay District seeks to preserve and enhance the existing mixed uses of downtown North Andover.

It is hereby declared to be the intent of the Downtown Overlay District to establish reasonable standards that permit and control mixed residential, commercial, governmental, institutional, and office uses in the Town of North Andover. Furthermore, it is the intent of this district to:

1. Encourage a diverse mix of residential, business, commercial, office, governmental, institutional and entertainment uses for workers, visitors, and residents.
2. Encourage mixed uses within the same structure.
3. Encourage first floor retail space
4. Encourage a pedestrian and bicycle friendly environment so that commercial enterprises and consumer services do not rely on automobile traffic to bring consumers into the area.
5. Permit uses that promote conversion of existing buildings in a manner that maintains and enhances the visual character and architectural scale of existing development within the district.
6. Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
7. Allow for more compact development than may be permitted in other zoning districts to reduce the impacts of sprawl.
8. Encourage consolidation of curb cuts for vehicular access and promote more efficient and economical parking facilities.
9. Encourage uses that minimize noise and congestion.
10. Allow for an appropriate density of land uses and people to support a vibrant downtown.

This bylaw is intended to be used in conjunction with other regulations as adopted by the town, including historic district regulations, design guidelines, site plan review, and other local bylaws designed to encourage appropriate and consistent patterns of village development.

102. Location

The Downtown Overlay District shall consist of the area delineated on the Town's zoning map, but shall include the area along Main Street from Sutton Street to Merrimac Street; Water Street from the intersection with Main Street to High Street; Waverly Road from Main Street to First Street; Ellis Court; School Street; Second Street from Main Street to Maple Avenue; and Maple Avenue from First Street to Third Street. Said area is described on the Town of North Andover Zoning Map as amended through _____.

103. Permitted Uses

The following uses shall be permitted by right in the Downtown Overlay District:

1. General merchandise retail stores and salesrooms
2. Specialty food stores, retail bakeries and coffees shops
3. Sporting goods stores

4. Craft, hobby, book and music stores
5. Art gallery
6. Hardware stores
7. Convenience stores
8. Drug stores, pharmacies
9. Banks
10. Professional offices
11. Medical or dental offices
12. Business services such as copying and mailing services
13. Travel agency
14. Municipal, civic or public service buildings, such as post office, telephone exchanges, town offices, school, library, museum, or place of worship
15. Hall, club, theater, or other place of amusement or assembly
16. Food services establishments such as full or limited service restaurants and drinking establishments
17. Indoor amusements
18. Bed and breakfast facility or inn with six (6) rooms or less
19. Multi-family dwelling
20. Mixed-use structures
21. Any accessory use customarily incident to any of the above permitted uses, provided that such accessory use shall not be injurious, noxious, or offensive to the neighborhood.

The following uses shall be permitted by special permit in the Downtown Overlay District:

1. Drive-throughs for any of the above allowed uses
2. Free-standing automated teller machine (ATM)
3. Day care center
4. Bed and breakfast facility or inn with more than six (6) rooms
5. Hotel or motel
6. Funeral homes
7. Any retail use listed above as an allowed use that exceeds a gross floor area of 25,000 sq. ft.
8. Public garage

The following uses are specifically prohibited in the Downtown Overlay District:

1. Gas stations and automotive repairs and body shops
2. Automobile, motorcycle, and truck sales
3. Outdoor storage of vehicles or merchandise
4. Warehousing
5. Any retail use with a gross floor area in excess of 50,000 sq. ft.
6. Any other use allowed in the Industrial 1, 2, 3, or 4 districts that are not listed above.

103. Design Guidelines

The Downtown Overlay District is an integral commercial center; it represents an important part of the Town's heritage and its character creates an identity for North Andover today. Compatible design helps to enhance the quality of life for all residents while strengthening the economic viability of the Downtown. The Downtown Overlay District Design Guidelines seek to encourage visual harmony and historic integrity, and encourage creative design solutions. The Design Guidelines do not dictate style, but rather suggest a variety of choices for achieving design compatibility within the Downtown Overlay District. The Design Guidelines can also

help to protect the property values by encouraging improvements that maintain buildings as viable assets.

The Design Guidelines apply only within the Downtown Overlay District and supplement the site and design criteria provisions of this Section. They are triggered by change to the urban design features, architectural features and on- and off-site construction or improvements for new or redeveloped parcels as follows:

103.1. Urban Design Features

- a. Alleys, parks or open spaces, patios, sidewalks and planting strips, outdoor seating areas for private commercial use
- b. Building type (for example townhouse, storefront retail)
- c. Signage

103.2 Architectural features for any work consisting of an increase in floor area through either the placement or construction of a new principal structure, a new accessory structure, an addition, alteration or rehabilitation to a principal or accessory structure, a conversion of one use type to another, or any new use or structure requiring a curb cut.

- a. Building facades (new and rehabilitation & repair)
- b. Exterior features
- c. Building height, setbacks and build-to-lines
- d. Roofs and rooftop features
- e. Exterior materials, doors and windows
- f. Exterior colors
- g. Signage, flags and banners
- h. Sign design standards as applicable and consistent with Section 6 of this Bylaw
- i. Exterior illumination

103.3 On-site and off-site improvements

- a. Fences and walls
- b. Patio, square, or plaza
- c. Landscaping with areas and plants noted
- d. Special pavement and sidewalk treatment
- e. Setbacks and sidewalk and utility easements
- f. Street and parking lot lighting
- g. Street furniture, trash containers, benches news racks, kiosks
- h. Parking standards including shared parking agreements
- i. Refuse storage and access
- j. Traffic circulation plan and street improvements as needed to relieve excessive congestion

104. Site and Design Criteria.

The site and design criteria within this Section shall be applicable to all residential projects greater than three (3) units, mixed use and nonresidential property.

104.1 Site Access

New curb cuts on existing public ways shall be minimized. To the extent feasible, access to businesses shall be provided through one of the following methods: (a) through a common driveway serving adjacent lots or premises or (b) through an existing side or rear street thus avoiding the principal thoroughfare. Garages doors or loading docks are prohibited on the front façade of any building facing the street.

- a. Curb cuts within two hundred (200) feet of intersections are subject to site plan review.
- b. Curb cuts greater than thirty (30) feet and driveway openings greater than twenty (20) feet are subject to a site plan review. Full width curb cuts are prohibited.

104.2 Parking Requirements

The following criteria are included to ensure that new and renovated off-street parking areas are constructed in accordance with the Downtown character and the provisions of this bylaw.

- a. Parking areas shall be located to the side and rear of the structure. Parking areas shall be designed such that parking is prohibited within the required front yard setback.
- b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of ten (10) or more spaces, bicycle racks facilitating locking shall be provided to accommodate one (1) bicycle per twenty (20) parking spaces or fraction thereof.
- c. Where possible, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between businesses and the parking areas.
- d. The applicant may reduce the number and/or the location of the required parking spaces, through a Site Plan Review. Consideration may be given to the hours of usage of the proposed use/structure, hours of usage of other uses/structures within the Downtown Overlay District, amount of shared parking with other uses, as well as other relevant information to assist the granting authority in determining the need for additional parking for motor vehicles. Relief may be granted provided that it is demonstrated that the additional demand for such spaces can be reasonably met without placing an undue burden on existing facilities already relying on such spaces under the following conditions:
 - i. Allow parking areas to be shared with adjoining businesses based upon having peak user demands at different times provided that all businesses sharing parking are located on the same lot.
 - ii. On-street parking spaces within a radius of two hundred (200) feet may be counted as part of the required parking need.
 - iii. Parking spaces on a separate lot or lots within a radius of six hundred (600) feet, measured from the lot line of the principal use, may be counted.
- e. Where such parking abuts a residential district, it shall not be located within less than five (5) feet of the lot line, and a wall or fence of solid appearance or a tight evergreen hedge having a height of no less than five (5) feet shall be erected and maintained between such area and the property in the residential district.

104.3 Pedestrian and Bicycle Circulation

Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas, and should be designed in concert with landscaping plans noted below. New construction should improve pedestrian access to buildings, sidewalks and parking areas, and should be completed with consideration of safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths connecting their site with abutting

areas in order to promote pedestrian and bicycle circulation and safety. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

104.4 Landscaping and Appearance

Appropriate landscaping and design shall be incorporated into new and expanded development within the district. Landscape design plans shall be prepared by a landscape architect, although the permitting authority may accept a plan prepared by someone other than a landscape architect if it believes the plan meets the design guidelines noted below and is in concert with the intent of this regulation. Landscape plans shall show the type, size and location of all proposed plantings.

- a. Side yards shall be screened or landscaped as follows:
 - i. Where the distance between structures on adjacent lots is ten (10) feet or less the side yard shall be screened from public view by a solid fence or tight landscaping having a height of no less than five (5) feet. A chain link fence shall not be permitted.
 - ii. Where the distance between structures is greater than ten (10) feet the space shall be appropriately landscaped.
- b. Large parking areas (e.g. greater than twenty (20) parking spaces) shall be separated by landscaped islands of at least eight (8) feet in width, or in the alternative shall devote at least five (5) percent of the interior of the parking lot to landscaping. In addition, a minimum of one (1) shade tree shall be planted for every six (6) parking spaces required or built, within appropriate locations on the lot(s). The plan shall show the location of plantings, including use of plantings to buffer neighboring properties, and along the street frontage and pedestrian ways. Trees planted within parking areas shall be planted in protected pervious plots of at least sixty (60) square feet of area. Parking areas shall be screened with trees or plantings at least three (3) feet in height.
- c. A minimum of one (1) shade tree shall be planted for every forty (40) feet of street frontage or fraction thereof. Trees may be clustered and should be located between the sidewalk and the curb or in tree wells installed in the sidewalk.
- d. Streetscapes shall be accentuated with benches, planters, and other similar amenities to encourage pedestrian use.
- e. Any exterior lighting shall be directed downward to reduce glare onto adjacent properties.

105 Intensity of Use Within the Downtown Overlay District.

105.1 Location and Distribution of Uses

The ground floor of the front façade of a commercial building or a mixed use residential/commercial building shall be occupied by business uses only. When the rear façade faces a parking area, the ground floor shall also be occupied by business uses only, including in the rear of buildings.

105.2 Height

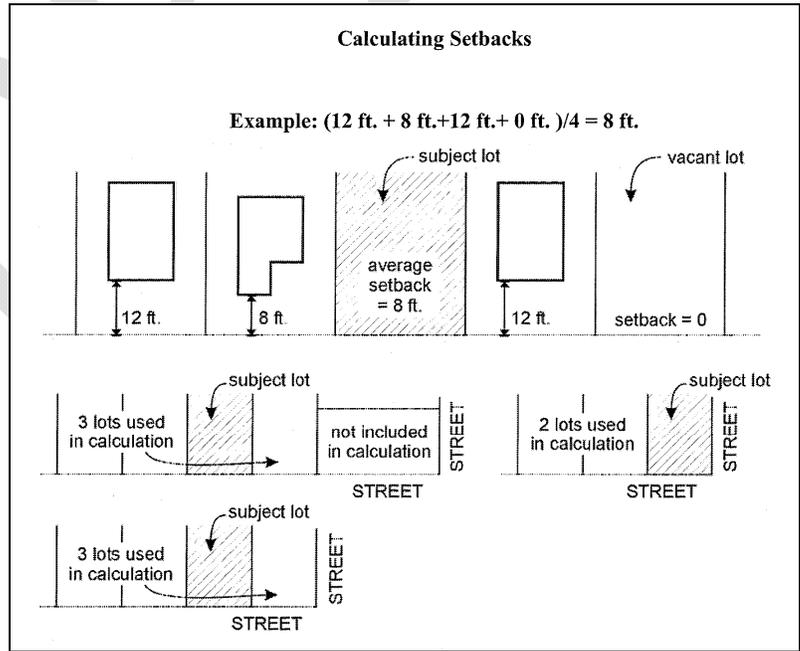
To accomplish the purposes of this Section, the Planning Board is authorized to grant a Special Permit to allow an increase in the height of structures either in existence, as reconstructed, or as new construction, so that the total height does not exceed forty (40) feet or three (3) stories within this overlay district. If any construction of a structure increases the intensity of use over what was previously in existence on the lot, the

Planning Board shall allow this increase only upon a finding that the additional height is consistent with the scale of adjacent structures and is necessary to maintain the area's character. The Planning Board must further find that the relaxation of height limitations will not interfere or negatively impact abutting properties, particularly property used or zoned for single-family residential purposes.

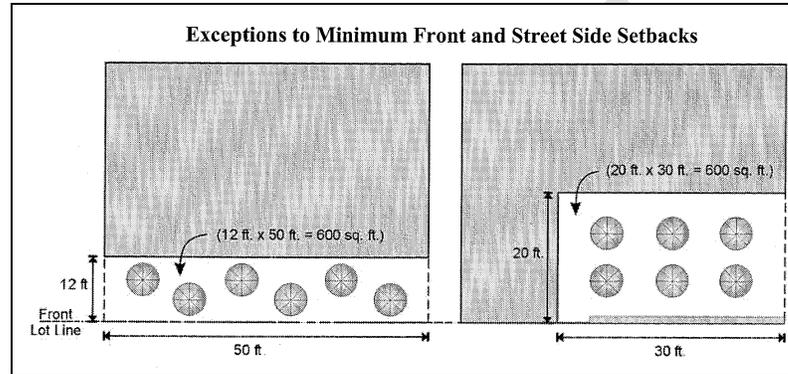
105.4 Setback

In keeping with the purpose of the Downtown Overlay District it is recognized that the areas have developed with distinct development patterns to match the traditional needs of the small lots and buildings that have made Downtown unique. Building setbacks within the overlay district may allow establishment of average setbacks so that redevelopment and new development will be in keeping with the existing streetscape layout. To accomplish the purposes of this Section, the Building Inspector is authorized to allow a calculation of front, side and rear setback standards for new or pre-existing structures as follows:

- a. Front, side and rear building setbacks shall be calculated as follows: The maximum front and street-side building setback may not exceed the average front yard depth of the nearest two (2) lots on both sides of the subject lot or ten (10) feet, whichever is less.
 - i. If one or more of the lots required to be included in the averaging calculation is vacant, such vacant lot(s) will be deemed to have a yard depth of zero feet.
 - ii. Lots fronting a street other than the subject lot or separated from the subject lot by a street or alley may not be used in the computing average.
 - iii. When the subject lot is a corner lot, the average setback will be computed on the basis of the two (2) adjacent lots that front on the same street as the subject lot.
 - iv. When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two (2) lots that front on the same street as the subject lot.



- b. The following exceptions to the maximum front and street side building setbacks apply:
- i. A portion of the building may be set back from the maximum setback line in order to provide an articulated façade, awning or marquee, or to accommodate a building entrance feature, provided that the total area of the space created must not exceed one (1) square foot for every linear foot of building frontage.
 - ii. A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than twelve (12) feet from the front or street side property line or at least forty (40) percent of the building façade must be located at the maximum setback line.



105.5 Orientation

Buildings shall be oriented parallel with the front setback line to establish and preserve a consistent building line, with primary entrances oriented toward the street. The front façade of a principal building shall face onto a public street and not towards a parking lot.

105.6 Articulation

Large expanses of blank walls are prohibited. A single building with a width of more than sixty (60) feet facing a street line or a public or municipal parking area shall be divided visually into sub-elements which, where appropriate, express the functional diversity within the building. Major articulations shall be spaced no farther apart than twenty-five (25) percent of the building length at street level. The articulation of a façade on a building shall be continued on all sides visible from a public street or courtyard.

105.7 Transparency

The intent of these transparency standards is to maintain a sense of visual continuity and provide interest for pedestrians by ensuring that the solid-to-void ratio (the percentage of glass to solid wall surface that is used on a building face) appears similar to that seen in traditional store fronts.

- a. A minimum of sixty (60) percent of the street-facing building façade between two (2) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.
- b. The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (a) above may not be more than three (3) feet above the adjacent sidewalk.
- c. Product display windows used to satisfy these requirements must have a minimum height of four (4) feet and be internally lit.

105.8 Doors and Entrances

- a. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- b. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.
- c. The main business entrance to each ground floor business shall be accentuated by larger doors, signs, roof overhangs, hooded front door, canopy or similar means.
- d. Where a building has a street frontage greater than one hundred (100) feet, doors must be placed an average of one door every fifty (50) feet of frontage.

105.9 Utilities

Underground utilities for new and redeveloped building are required unless physically restricted or blocked by existing underground obstructions.

106 Special Permit Standards and Criteria

In addition to the specific criteria regarding the grant of a special permit contained in Section 10.31 of this bylaw, the Planning Board shall issue a special permit only after consideration of the following:

- a. Impact on the neighborhood visual character, including architectural design, views and vistas; and
- b. Degree to which the proposed use will share an access driveway and/or parking with an adjacent use and avoids new curb cuts.