

## SECTION 10. SPECIAL DISTRICT REGULATIONS

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### 10.1 Mixed Use Overlay District

A. Purpose: The purposes of this Mixed-Use Village Overlay District (MUVOD) are to encourage a mix of business, commercial, professional, residential, and recreational uses and to promote compact, village-style development that is pedestrian-oriented and incorporates traditional architectural features compatible with the Town character. A vibrant mixed-use village will minimize impacts on public services; maximize efficient use of public infrastructure; increase and diversify the Town's tax base; create a thriving small business environment; provide diverse housing opportunities; encourage the reuse of existing underutilized or vacant properties; attract new investment and promote economic development within the Town. The following section is intended to further the general goals, objectives, and recommendations outlined in the Tyngsborough Master Plan and Tyngsborough Economic Development Plan.

B. Boundaries: The boundaries of the MUVOD shall include the areas as shown on the Tyngsborough Assessor's Map Sheet 21, Block 23-1, lots 6, 13, 14, 15, 16, and 17, encompassing an area consisting of approximately 43 acres with frontage on Westford Road. The boundaries of the MUVOD shall also include the areas as shown on the Tyngsborough Assessor's map Sheet 15, Parcel 18; Map Sheet 22, Parcels 7, and 23; and map Sheet 22, parcel 20, Lot 17, encompassing an area consisting of approximately 12.2 acres with frontage on Westford Road and Dunstable Road.

C. Relationship to Existing Zoning: The underlying zoning shall remain an integral part of the Tyngsborough Zoning Bylaw and shall be neither modified, repealed, nor amended, except as otherwise provided in this Section. The property owners in the MUVOD shall possess all current zoning rights and be subject to the requirements applicable in the underlying zones. In the event that an owner desires to use the owner's property for Mixed-Use Development as defined in the Section, the rules and regulations of the MUVOD shall apply, and by filing an application for development subject to the rules and regulations of this Section, the owner shall be deemed to accept and agree to them. Where the MUVOD provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning shall apply.

D. Permitted Uses. The following uses are allowed, in the MUVOD, subject to the requirements set forth in this Section:

1. General Permitted Uses:
  - a) Conservation; and
  - b) Recreation
2. Permitted Residential Uses:

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- a) Multi-family dwelling.
- 3. Permitted Government, Institutional, and Public Service Uses:
  - a) Municipal;
  - b) Public or Private Utility Facilities; and
  - c) Post Office
- 4. Permitted Business and Industrial Uses:
  - a) Retail Store; provided however, no single Retail Store use shall occupy an area exceeding 10,000 square feet;
  - b) Business or Professional Office
  - c) Financial;
  - d) Restaurant;
  - e) Restaurant-Fast Food; provided, however, no Restaurant-Fast Food use shall incorporate a drive-through service;
  - f) Lodge or Club;
  - g) Veterinary Care;
  - h) Personal Service Facility;
  - i) General Services;
  - j) Studio;
  - k) Commercial Recreation-Indoor or outdoor facilities, operated as a business and open to the public for a fee;
  - l) Lounge or Pub;
  - m) Amusement Facility Indoor; provided, however, no Amusement Facility Indoor shall incorporate a cinema;
  - n) Commercial Broadcast Facility;
  - o) Day Care Facility;
  - p) Light Manufacturing; provided, however, no single Light Manufacturing use shall occupy an area exceeding 10,000 square feet;

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- q) Industrial Office/R&D; provided, however, no single Industrial Office/R&D use shall occupy an area exceeding 10,000 square feet.

5. Other Permitted Uses:

- a) Farmer's Markets, Farm Stands, and Similar Facilities; and
- b) Outdoor Sales of Holiday Trees, Wreaths or Similar Products.

E. Site Plan Special Permit: All uses and structures in the MUVOD are subject to a Special Permit and Site Plan Special Permit from the Planning Board in accordance with Sections 2.7 and 2.8 of this Bylaw. In addition to the requirements of Sections 2.7 and 2.8, all design criteria set forth in this Section 10.1 shall apply. The Planning Board shall be the Special Permit Granting Authority for any Special Permits under this Section 10.1.

F. Dimensional Requirements:

- 1. General Dimensional Requirements in the MUVOD. Uses and structures within the MUVOD shall conform to the following requirements unless the requirements are otherwise waived by the Planning Board as provided herein:
  - a) Residential/Business/Industrial Minimum Lot Area: 2 acres
  - b) Minimum Frontage: 200 feet
  - c) Minimum Front Yard Setback: 30 feet
  - d) Minimum Side Yard Setback: 20 feet
  - e) Minimum Rear Setback: 20 feet
  - f) Maximum Building Height: 3½ stories or 45 feet
  - g) Minimum land area per Lot/Dwelling area: Building coverage not to exceed 25 percent of total lot area

2. Special Provisions:

- a) The minimum separation between two or more buildings on the same lot shall be at least 20 feet.
- b) The Planning Board may waive or modify any dimensional requirements set forth in this Section if, in its opinion, the modifications will result in an improved design in light of the stated purposes of this Section.
- c) The building footprint of any single building located within the MUVOD shall not exceed 40,000 square feet.
- d) Public restrooms shall be made available in accordance with the design guidelines