

Article XLVI. Business Redevelopment

[Added AFTM 11-8-2004, Art. 3, approved 12-30-2004]

§ 240-240. Business Redevelopment District.

A. Purpose. The purpose of this article is to promote the revitalization of commercial centers using mixed-use redevelopment integrating retail, office, restaurant and community service uses with housing, such as second floor apartments, condominiums and townhomes. This redevelopment fosters pedestrian-friendly streetscapes by requiring rear and side yard parking, allowing shared parking between businesses and uses, reducing and consolidating curb cuts, and allowing parking reductions in exchange for on-site green space. The district also relaxes front, side and rear yard setbacks to encourage sidewalk development and pedestrian-friendly storefronts to offer streetside gathering places in front of redeveloped properties, rather than front yard parking fields.

B. Permitted mixed uses (residential/commercial uses).

(1) Section **240-18.1** notwithstanding, any combination of permitted community service, business and commercial uses together with residential uses under six (6) units per acre with the following criteria:

(a) Commercial or community service uses must be present within at least the first story space within any mixed-use structure sited within one hundred (100) feet of the street frontage.

[Amended AFTM 11-15-2010, Art. 3, approved 12-13-2010]

(b) Any new mixed use construction with a proposed gross floor area of ten thousand (10,000) square feet or more requires a special permit from the Planning Board. Therefore Subsection **G(2)(a)** will not apply to new commercial construction incorporating residential uses.

(c) Permitted residential uses:

[1] One-, two- and three-family dwellings.

C. (Reserved)

D. Permitted community service uses.

(1) Churches, schools, libraries, museums, educational, research and philanthropic institutions, cemeteries.

- (2) All municipal purposes, including the administration of government, parks, playgrounds, recreation buildings, Town forests, water towers, fire and police stations.

E. Permitted business and commercial uses.

- (1) Retail sales not more specifically listed only if each establishment occupies no more than four thousand (4,000) square feet gross floor area.
- (2) Business or professional offices, bank, medical clinic, computer center.
- (3) Personal and household services only if each establishment occupies no more than four thousand (4,000) square feet gross floor area.
- (4) Class I or Class II restaurants.

F. Permitted accessory uses. Such accessory uses as are customarily incidental to any of the above uses except that the outdoor display and/or storage of goods and merchandise for sale is permitted beyond the front yard setback only when such display and/or storage is wholly incidental and secondary to a primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks and front yards.

G. Special permit uses:

- (1) Uses allowed on special permit from the Board of Appeals:

- (a) Commercial accommodations. (See Article XXVII.)
- (b) Multifamily use greater than six (6) units per acre, up to eight (8) units/acre if the Board of Appeals finds: that the public good will be served; that the business zoned area would not be adversely affected; and that the uses permitted in the zone would not be noxious to a multifamily use.

[Amended STM 4-3-2012, Art. 4, approved 5-4-2012]

- (c) The outdoor display and/or storage of goods and merchandise for sale other than as permitted under Subsection F. The issues raised in Subsection F shall be issues to be considered in addition to those specified in § 240-216.
- (d) Any change, alteration, modification, or addition to an existing business or commercial shopping center that would result in a building with a gross floor area of ten thousand (10,000) square feet or more.

(e) Motor vehicle service stations.

(f) Nursing homes.

(g) Class III restaurant.

(2) Uses allowed on special permit from the Planning Board:

(a) Any new construction of a business or commercial shopping center with a proposed gross floor area of seven thousand (7,000) square feet or more.

(b) Any new mixed use construction with a proposed gross floor area of ten thousand (10,000) square feet or more.

H. Dimensional requirements.

(1) Minimum lot size: twenty thousand (20,000) square feet.

(2) Minimum lot width: one hundred twenty-five (125) feet.

(3) Maximum lot coverage by structures, paving and parking: sixty percent (60%).

(4) Maximum lot coverage by structures: twenty percent (20%).

(5) Maximum building height: thirty-five (35) feet.

(6) Minimum setbacks:

(a) Front yard: twenty (20) feet.

(b) Side yard/rear yard: ten (10) feet.

(7) Minimum frontage: one hundred (100) feet.

[Amended ATM 4-11-2005, Art. 25, approved 5-9-2005]

I. Site plan requirements. One (1) curb cut shall be allowed by right per lot with Main Street frontage. One (1) curb cut shared between abutters is preferable. The Planning Board under site plan review may grant exceptions if two (2) curb cuts are absolutely necessary to access parking facilities or to reduce traffic impacts on a given site.

J. Parking requirements.

(1) Parking shall be provided as per Article XXII, Parking Requirements, of the Zoning Bylaw. All parking shall be located in side or rear yards behind the front facade line of the building, the exact location to be determined by the Planning Board under site plan review. However, the number of the required parking spaces may be altered by the Planning Board under site plan review for uses allowed as a matter of right, or by the special permit granting authority for uses allowed by special permit in the following manner:

(a) Number of spaces: may be reduced for mixed use developments at the discretion of the Planning Board based on the number of uses that are complementary in days and hours of operation. Parking may also be reduced if pedestrian amenities both on-site and between properties and the street line are incorporated into the site planning. In no case shall parking be reduced below fifty percent (50%) that is required pursuant to Article XXII unless by special permit; the Board of Appeals allows for such pursuant to § **240-107B**.

(b) Location of spaces: Parking may be located off premises if shared parking between businesses or uses can be demonstrated via long-term agreements, leases, and licenses of five (5) years or more and to the satisfaction of the Planning Board or Board of Appeals as the case may be. Shared parking shall not be allowed that is more than three hundred (300) feet from the property line.

(2) Definitions.

FRONT FACADE LINE

A line even with the front facade of a building extending out to the side property lines delineating the front and side yards on a site for site design purposes.