

## DOWNTOWN DISTRICT (DD)

~~February 26~~ March 9, 2021 Revisions

Part 1. Amend Article I, Miscellaneous Provisions, § 174-2 Definitions, by adding the following new terms and definitions in appropriate alphabetical order.

### **BED AND BREAKFAST**

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guest rooms and food service limited to breakfast for guests.

### **CO-WORK CENTER**

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

### **ESTABLISHMENT**

An institutional, business, commercial, or industrial activity that occupies all or a portion of a building; a place of business.

### **FAÇADE**

The external faces of a building.

### **FRONTAGE OCCUPANCY**

The percent of a lot's street frontage that is occupied by a building between the minimum and maximum front setback range.

### **MICROBREWERY**

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.<sup>+</sup>

### **MIXED-USE DEVELOPMENT**

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~~<sup>+</sup>The use requires a special permit in this district. The concerns raised in the Planning Dept. comment traffic, etc., would be handled the same way for this use as for any other, and the use would be subject to the same special permit granting criteria that apply to all special permits. Similarly, the ZBL already has parking and loading requirements. They should be applied to this use as much as they are to any other use.~~

A development that includes ~~both multifamily units<sup>2</sup> and~~ [any combination of permitted nonresidential uses and one or more dwelling units](#) within a single structure. The ground floor facing the street shall be used only for permitted nonresidential uses, and the total gross floor area occupied by nonresidential uses shall be at least 10 percent of the gross floor area of the structure.<sup>3-</sup>

Part 2. Amend Article II, Establishment of Districts, **§ 174-3 Districts enumerated**, by adding the following new district:

M. Downtown District, referred to as DD

Part 3. Amend Article III, Use Regulations, **§ 174-8.C.(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, § 174-8, Schedule of Use Regulations, by adding the following new section:

### **§ 174-8.12 Downtown District**

A. Permitted uses are as follows:

- (1) All uses permitted in the residential districts (RA and RB).
- (2) Mixed-use development,<sup>4</sup> provided that each use in the development is a permitted use under this Section 174-8.12(A) or Section 174-8.12(B).
- (3) Professional or business office, or bank, but not including a medical or dental office.
- (4) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsman, or bakery.
- (5) Bed and breakfast.
- (6) Child care center.

~~<sup>2</sup>We have added these words to address a Planning Board comment. However, note that in the ZBL's definitions, multifamily applies to a dwelling with 2 or more units. A mixed-use building is not a dwelling. Does the insertion of multifamily units here address the concern?~~

~~<sup>3</sup>If the Planning Dept. prefers to see a maximum on commercial space, what do they recommend?~~

~~<sup>4</sup>See revised definition of mixed-use development.~~

- (7) Co-work center.
- B. Permitted uses, up to a maximum of 3,000 square feet per establishment.
- (1) Retail sales and services.<sup>5</sup>
  - (2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited).
  - (3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited).
  - (4) Personal services such as barber shop, beauty salon, tailor, or shoe repair.
- C. Permitted uses by special permit from the Planning Board are as follows:
- (1) Any use listed in Subsection B exceeding 3,000 sq. ft. per establishment.
  - (2) Mixed-use development that includes a use requiring a special permit under this Section 174-8.12<sup>6</sup>
  - (3) Microbrewery.
  - (4) Veterinarian, animal hospital~~-<sup>7</sup>~~, [or animal clinic](#).
  - (5) Medical or dental office.
  - (6) Multifamily dwelling, up to twelve units.<sup>8</sup>
  - (7) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.
  - (8) Indoor recreation, athletic or exercise facility.
- D. Uses by special permit from the Zoning Board of Appeals are as follows:
- (1) Accessory apartment.<sup>9</sup>

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~~<sup>5</sup>“Retail sales and services” is a customary use term in zoning. If the Planning Department believes the term should be divided somehow or further described, please provide wording for review.~~

~~<sup>6</sup>The only reference to RA and RB is under permitted uses in Section A above. Obviously, something that requires a special permit in RA but is allowed as of right in the DD district would not require a special permit in DD because it would need one if the site were zoned RA ...~~

~~<sup>7</sup>Dog kennel was intentionally omitted.~~

~~<sup>8</sup>The comment about this item seems inconsistent with the town’s existing zoning. There is no specific wording about kitchens, unit sizes, and so forth in the RA special permit provision for multifamily dwellings in a major development, or housing for seniors, or conversions to two-family dwellings. Why would multifamily dwellings in DD be singled out and treated differently?~~

~~<sup>9</sup>If the town wants to permit ADUs as of right—which would be a good thing!—don’t put that discussion solely on the back of the DD district. It should be discussed in terms of all districts and not just this one. Same comment applies to two-family~~

- (2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.
  - (3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.
- E. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.
- F. Development standards are as follows:
- (1) Minimum lot area: 5,000 square feet.<sup>10</sup>
  - (2) Minimum frontage: 60 feet.
  - (3) Minimum setbacks:
    - (a) Front: 10 feet.
    - (b) Rear: 35 feet.
    - (c) Side: 10 feet; 25 feet if adjacent to a residential district.
    - (d) Other street: 10 feet
  - (4) Maximum front setback: 20 feet unless waived by the Planning Board.
  - (5) Maximum lot coverage: 80 percent
  - ~~(5)(6) Minimum landscaped green space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the open space as part of Site Plan Review.~~
  - ~~(6) Maximum floor area ratio: 0.35 as of right, or a maximum of 0.70<sup>11</sup> by special permit from the Planning Board.~~
  - (7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.
    - (a) With less than 50 feet of frontage: N/A

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~~conversions. This district was written to be as consistent with possible with the rules that apply in your business village districts.~~

~~<sup>10</sup> Obviously, if someone wants to build on a 5,000 sq. ft. lot, they still have to meet all the other dimensional requirements of the district. Someone with only 5,000 sq. ft. may not develop some or many of the proposed uses; they would have the option to decide, or perhaps to assemble land.~~

~~<sup>11</sup> The maximum FAR was increased to 0.70 in v. 5. Not sure where 0.50 came from.~~

- (b) 50-80 feet of frontage: 60%
  - (c) Over 80-100 feet of frontage: 70%
  - (d) Over 100 feet ~~or more~~ of frontage: 75%
- (8) Height regulations:
- (a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below
  - (b) Minimum ground floor height: 12 feet
  - (c) Maximum ground floor height: 18 feet
- (9) Residential dwellings. Single-family or two-family dwellings in the Downtown District shall comply with RB District standards.
- G. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 48 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.
- H. Building Regulations
- (1) The principal entrance(s) to the building shall be on the front façade, which shall face the street.
  - (2) The maximum distance between street-level entrances in a single building shall be 35 feet unless waived by the Planning Board.<sup>12</sup>
  - (3) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building unless waived by the Planning Board.
  - (4) The maximum front setback in Section F(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for vehicle use.
  - (5) Affordable housing. In any multifamily or mixed-use building with four or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to

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~~<sup>12</sup> This is a maximum separation between front entrances. The entrances could be closer together. The purpose of the regulations in this section is to “shape” the size and configuration of business spaces to encourage small tenant businesses.~~

development under this section.<sup>13</sup>

- I. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough.

Part 5. Amend Article III, Use Regulations, by adding the following new section, **§ 174-10.2 Downtown District plan approval.**

In the Downtown District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the procedural requirements and decision criteria of § 174-9, § 174-10, and 174-10.1(A) through (C) shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.<sup>14</sup>

Part 6. Amend Article III, Use Regulations, § 174-12 **Parking and loading regulations**, by inserting the new Section F below and relabeling the existing Section F. Egress to Section G.

- F. Exceptions in the Downtown District. Off-street parking requirements for development in the Downtown District shall comply with Section E above except for the following uses:
- (1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.
  - (2) Bed and breakfast: one space for each guest room plus two spaces for the owners of the premises.
  - (3) Restaurants and other places serving food or beverages: one space for each four seats.<sup>15</sup>
  - (4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.<sup>16</sup>
  - (5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

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~~<sup>13</sup> Recommendation: keep SHOPC in here. It would be good for the Planning Board to have their expertise. Refer the legal question to Atty. Costa.~~

~~<sup>14</sup> What additional or different language does the Planning Dept. want here? How are other uses subject to site plan review but not a special permit handled for purposes of the LID bylaw?~~

~~<sup>15</sup> Best practices in parking requirements no longer include set-asides for employee parking.~~

~~<sup>16</sup> This section sets a parking for the uses in mixed-use buildings. Why would 174-12.E(1) apply?~~

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