

WINCHENDON ZONING BYLAW AUDIT - PART 1

Articles 1 Through 6

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November 15, 2021

Introduction

The purpose of this evaluation is to identify provisions in the Winchendon Zoning Bylaw that could be revised to provide better economic development opportunities in targeted areas; allow for an appropriate density and mixed of uses in designated zoning districts while ensuring higher quality design; identify sections of the bylaw where reorganization and coordination is needed; suggest updated terms, uses and techniques which to consistent with current planning and sustainable development best practices; and general recommendations for making the document more user-friendly. This audit follows the Zoning Bylaw Table of Contents and provides commentary and recommendations for key provisions.

Table of Contents – General Comments

- The articles are not consistent with the page number references.
- There should be a list of tables, figures, diagrams, examples, and appendices. If they are not located in the bylaw than the source should be identified.
- Page numbers should start at Article 1 (currently they start on the front cover).
- The 2 photos on the front cover (solar and wind energy) are out of context and should be relocated to Section 6.10 and 6.11.
- The footer identifies the bylaw last being amendment on May 21, 2018 but the date on the cover says October 28, 2019.
- There is inconsistency in the numbering hierarchy throughout the bylaw. The most commonly used numbering sequence is identified below. A numbering format should be selected and used throughout the bylaw as suggestion in the diagram below.

WINCHENDON ZONING BYLAW AUDIT

<p style="color: #4F81BD; margin: 0;">Most Used Numbering Hierarchy</p> <div style="border: 1px solid gray; background-color: #f0f0f0; padding: 5px; margin: 5px 0;"> <p>ARTICLE 1 – TITLE (14 Pts)</p> <p>1.1 Header (12 Pts)</p> <p style="padding-left: 20px;">1.1.1 Sub-header 1 (10 Points)</p> <p style="padding-left: 40px;">1. Sub-header 2</p> <p style="padding-left: 60px;">A. Sub-header 3</p> <p style="padding-left: 80px;">1. Sub-Header 4</p> </div>	<p style="color: #4F81BD; margin: 0;">Recommended Numbering Hierarchy</p> <div style="border: 1px solid gray; background-color: #f0f0f0; padding: 5px; margin: 5px 0;"> <p>ARTICLE 1 – TITLE (14 Pts)</p> <p>1.1 Header (12 Pts)</p> <p style="padding-left: 20px;">1.1.1 Sub-Header 1 (10 Pts)</p> <p style="padding-left: 40px;">1. Sub-Header 2</p> <p style="padding-left: 60px;">A. Sub-Header 3</p> <p style="padding-left: 80px;">1). Sub-Header 4</p> </div>
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Notes:

- Inconsistency in numbering hierarchy in some sections
- Lack of paragraph indents, bold, and underline making it difficult to see headers and sub-headers
- Some sections are right justified, and others are not.
- References to figures and appendices that are not in the text.
- Times New Roman is the most commonly used font.

- Some sections are right justified, and others are not.
- The lack of paragraph indents, bold, and underline make it difficult to distinguish section headers and sub-headers. The entire bylaw should be reformatted with a consistent paragraph structure and numbering hierarchy.
- There are numerous references to figures, examples, and appendices that are not located in the bylaw. The table of contents should include consistent references and a list of all appendices, figures, tables, diagrams, and illustrative examples.

Zoning Bylaw Tables and Figures (Existing)

- TABLE 3.1. Zoning District Designations
- 5.2. SCHEDULE OF USE REGULATIONS (Last amended May 15, 2017)
- TABLE 6.3. SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)
- FIGURE A : WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)
- FIGURE B: WIND ENERGY CONVERSION SYSTEM (Illustrative Example Only)
- 7.2 TABLE OF DIMENSIONAL & DENSITY REGULATIONS
- Table 8.7 Stacking & Escape Lane Requirements

Planning Board Rules, Regulations, and Design Guidelines (formerly Appendices)

The Appendices should be thoroughly updated and reformatted. Below are existing appendices, figures and examples.

- APPENDIX A. FIGURES AND GUIDELINES
- FIGURE A.3.1.1 – Housing Types: Single Family Detached, Duplex (2-family attached), Town Houses, Multi-Family, and Garden-Style Apartments – see Articles 2, 3.1, and 4.6.6-3.
- FIGURE A.3.1.2 – Residential Intensities, see Articles 2, 3.1 and 4.7
- FIGURE A.3.1.3 – Commercial and Industrial Use Patterns – see Articles 2, 3.1
- FIGURE A.3.1.4 – Planned Development, Mixed use – see Articles 2, 3.1 and 4.7
- Updated Zoning Map available in Town Clerks Office and Department of Planning and Development.
- EXAMPLE A.3.2. ZONING EXAMPLE
- FIGURE A.4.6. GOLF RESIDENTIAL OVERLAY DISTRICT MAP (N.B. Map not to scale.)
- FIGURE A.6.3 Accessory Structure – see Article 2 and 6.3
- FIGURE A.7.2.1 Lot definitions – see Article 2
- Examples deleted due to Zoning Bylaw change of May 22, 2007 (unclear what this was)
- Examples deleted due to Zoning Bylaw change of May 22, 2007 (unclear what this was)
- FIGURE A.7.2.3 – Yard definitions – see Article 2 and 7.2
- FIGURE A.7.2.4 – Buffer Zones or Yards – see Article 2 and 7.2
- FIGURE A.7.2.5 – Building height – see Section 7.2

- FIGURE A.7.2.6 – Impervious Surface – see Section 7.2
- FIGURE A.7.3 – Reduced frontage lot – see Section 7.3, Panhandles (aka. Pipestems) may be allowed in the case of accessing back land in accordance with Article 7.3.
- Example A.8.2 PARKING EXAMPLES AND TABLES
- Figure A.8.5.1 – Sample Acceptable Parking Sizes and Layouts
- FIGURE A.8.5 – Sample of a Preferred Parking Structure (Except It Lacks Cutoff Lighting), Note Swales for Stormwater Management and Ped/Bike Friendly Design.
- FIGURE A.8.7 – Stacking spaces – see Section 8.7
- Figure A.9.1 – Sign Types and Locations – Articles 9
- Figure A.9.2 – Preferred and Avoided Signs – See Article 9.
- Example A.9.6.6 and A.9.6.7 – (Sign for a PD zone)
- Example A.9.11 – (Sign example for the C1 zone)
- Figure A.11 – Cluster/Flexible development – see Article 11
- EXAMPLE A.11.6 – (A conventional vs cluster subdivision)

APPENDIX B - INCLUSIONARY ZONING REQUIREMENTS

APPENDIX C - REVIEW PROCESS FLOWCHART

APPENDIX D - SITE PLAN CHECKLIST

APPENDIX E - ADDITIONAL SITE PLAN CONSIDERATIONS

APPENDIX F. PERFORMANCE PARAMETERS

APPENDIX G – REFERENCES

Article 1: Introduction

1.1 Purpose and Spirit of the Bylaw

- This is an unusual statement and isn't really a purpose statement. It seems to be more of a commentary made by a local official. Maybe it should be titled "Background" as Subsection 1.1.1
- "Mission" is more of a "Purpose and Intent" statement and should be identified and numbered accordingly. Each (or none) of the 3 paragraphs should be numbered or in paragraph form.

1.2 Authority

1.3 Title

1.4 Basic Scope and Application

1.5 Communication

- Phrases like "deals with", "discusses", "takes up", etc. is fairly loose language for a zoning bylaw.

Article 2: Definitions

- Definitions should include all use terms includes in 5.2 – Schedule of Use Regulations. A list of other use term to be considered on Table 5.2. - Primary Uses and Table 6.3 – Accessory Use Table are included in the definitions are identified in Articles 5 and 6 below.
- BIG BOX RETAIL - Should be "Gross Floor Area" to be clear. This is a pretty low threshold for Big Boxes. Typically, they are 30K to 45K. For example, the typical CVS or Walgreens is about 30,000 GFA. A general retail store less than 15,000 GFA is not defined in this section.
- BUSINESSES CENTER - What are the characteristics that make these locations "Business Centers"? Is this definition necessary and is it referencing a specific bylaw?
- GAS STATION - It's unclear as to whether a Gas Station can be combined with a Convenience Store.
- See additional comments on specific definitions in the separate Winchendon Zoning Bylaw Audit.

Article 3: Establishment of Zoning Districts

3.1 Division into Districts

- Figures referred to in this section are located in the Zoning Bylaw Appendices which also contain descriptions of each of the zoning districts. The general descriptions of each of the base zoning districts and overlay zoning districts should be located in this section of the Zoning Bylaw. The descriptions in the appendix should be merged with this section.

TABLE 3.1. Zoning District Designations

- There are actually 16 zoning districts total (not 15) – 7 base districts and 9 overlay districts.
- The Zoning Map identifies 5 "Zoning Overlays" – Floodplain, Golf Residential, Gateway Overlay, Historic, and Aquifer. The names and numbers of overlay districts should be consistent between the bylaw and the zoning map.
- Table 3.1 does not include the Groundwater Protection Overlay District or the Golf (Course) Residential Overlay District as identified as the Golf Residential Overlay District on the Zoning Map.

3.2 Location of Districts; Zoning Map

- There are inconsistencies in the base and overlay zoning district names between the zoning bylaw and the zoning map. Some zoning overlay districts are identified on the map but not the bylaw and vice versa. Also, the Insert Zoning Map is not identified on the primary zoning map and does not have a title or legend.
- Sec. 3.2.2 - The appendices indicate that the Example A.3.3 referred to in this section has been removed.

3.3 Lots Split in Separate Districts

- There appear to be a significant number of split lots particularly in the C1 and C2 zoning districts along the major commercial corridors – Rt 12 and R 202. Where the zoning boundaries do not follow the lot lines in these districts the setback in feet from the centerline of the roadway is identified on the zoning map.

3.4 Location of Superimposed District; Map References

3.5 Historic District

- The Historic District should be identified on the zoning map and the Winchendon Centre Historic District general bylaw should be included in the Appendices.

SEE TABLE 3.1 AND ZONING MAP RECOMMENDATIONS BELOW

WINCHENDON ZONING BYLAW AUDIT

ZONING DISTRICTS

TABLE 3.1. Zoning District Designations

Designation	Table 3.1 Title	Article 4 Title (Special Zoning Districts)	On Zoning Map
R80	Rural Residential		YES
R40	Rural Suburban Residential		YES
R10	Neighborhood Residential		YES
C1	Highway Commercial		YES
C2	Neighborhood Business		YES
PD	Planned Development	Planned Development District	YES
I	Industrial		YES
IR	Ice Racing District (overlay)	Ice Racing District	NO
MCOB	Mill Conversion Overlay District	Mill Conversion Overlay District (MCOB)	NO
LMOB	Lake Monomac Overlay District	Lake Monomac Overlay District (LMOB)	NO
GAOB	Gateway Overlay District	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy (superimposed)	Wetlands Conservancy District	NO
Rt. 140 COB	Route 140 Corridor Overlay District	Route 140 Corridor Overlay District (Rt. 140 COB)	NO
	NOT ON TABLE	Flood Plain Conservancy Districts	YES
	“AQUIFER” ON INSERT MAP	Groundwater Protection Overlay District	YES
	NOT ON TABLE	Golf Course Overlay District (not on Map/ Bylaw)	YES
	NOT ON TABLE	Winchendon Town Centre Historic District	YES
	NOT ON TABLE	Med./Adult Use Marijuana Retail Overlay District (not on Map/Bylaw)	NO

There are inconsistencies in the name of districts and the names on the Zoning Map, and several districts on Table 3.1 or in the Zoning Bylaw are missing on the Zoning Map

WINCHENDON ZONING BYLAW AUDIT

ZONING MAP

District	Title	On Zoning Map
R80	Rural Residential	YES
R40	Rural Suburban Residential	YES
R10	Neighborhood Residential	YES
C1	Highway Commercial	YES
C2	Neighborhood Business	YES
PD	Planned Development District	YES
I	Industrial	YES
IR	Ice Racing District (overlay)	NO
MCOD	Mill Conversion Overlay District	NO
LMOD	Lake Monomonac Overlay District	NO
GAOD	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy	NO
Rt. 140 COD	Route 140 Corridor Overlay District	NO
	Flood Plain Conservancy Districts	YES
	Groundwater Protection Overlay District	YES
	Golf Course Overlay District	YES
	Winchendon Town Centre Historic District	YES
	Med./Adult Use Marijuana Retail Overlay District	NO

Legend

Sewer Lines

Water Lines

Highways

Roads and Streets

Maintained, Paved

Maintained, Gravel

Not Town Maintained

Trail Inventory

Schools

Certified Vernal Pool

Potential Vernal Pool

Parcels

Winchendon Boundary

State Boundary

Zoning District

C1- Large Scale Commercial

C2- Neighborhood Commercial

Planned Development

Industrial

Pond

R80- Rural Residential

R40- Suburban Residential

R10- Neighborhood Residential

Zoning Overlays

Floodplain

Golf Residential

Gateway Overlay

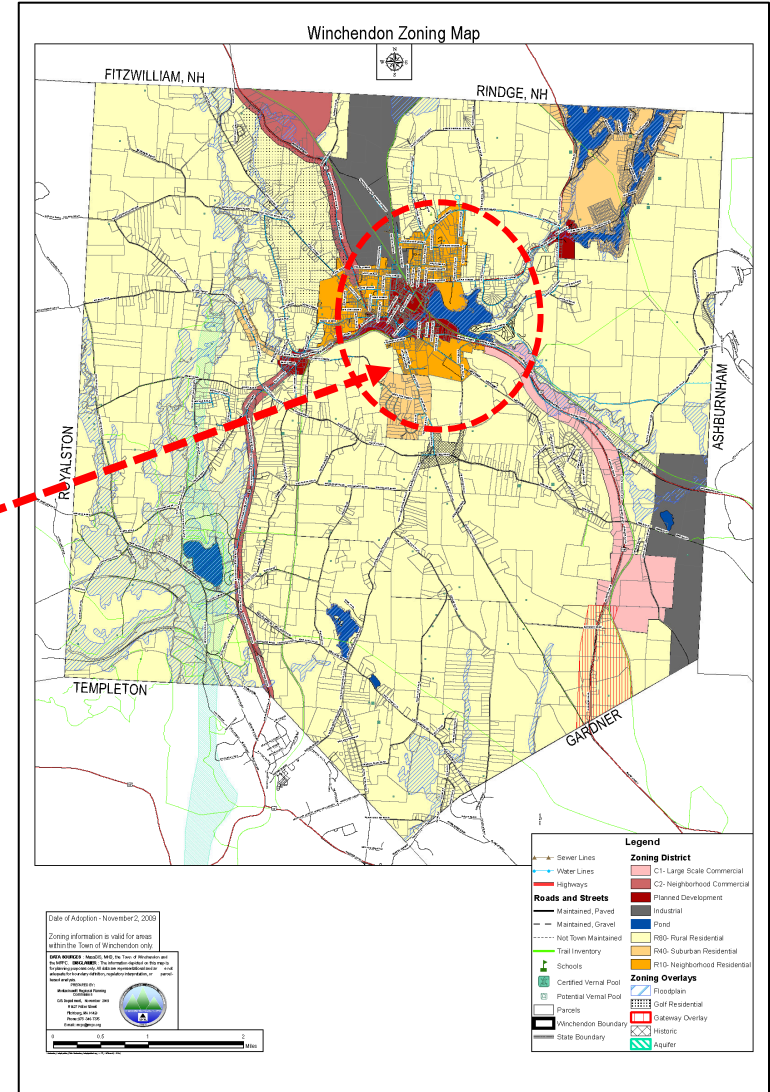
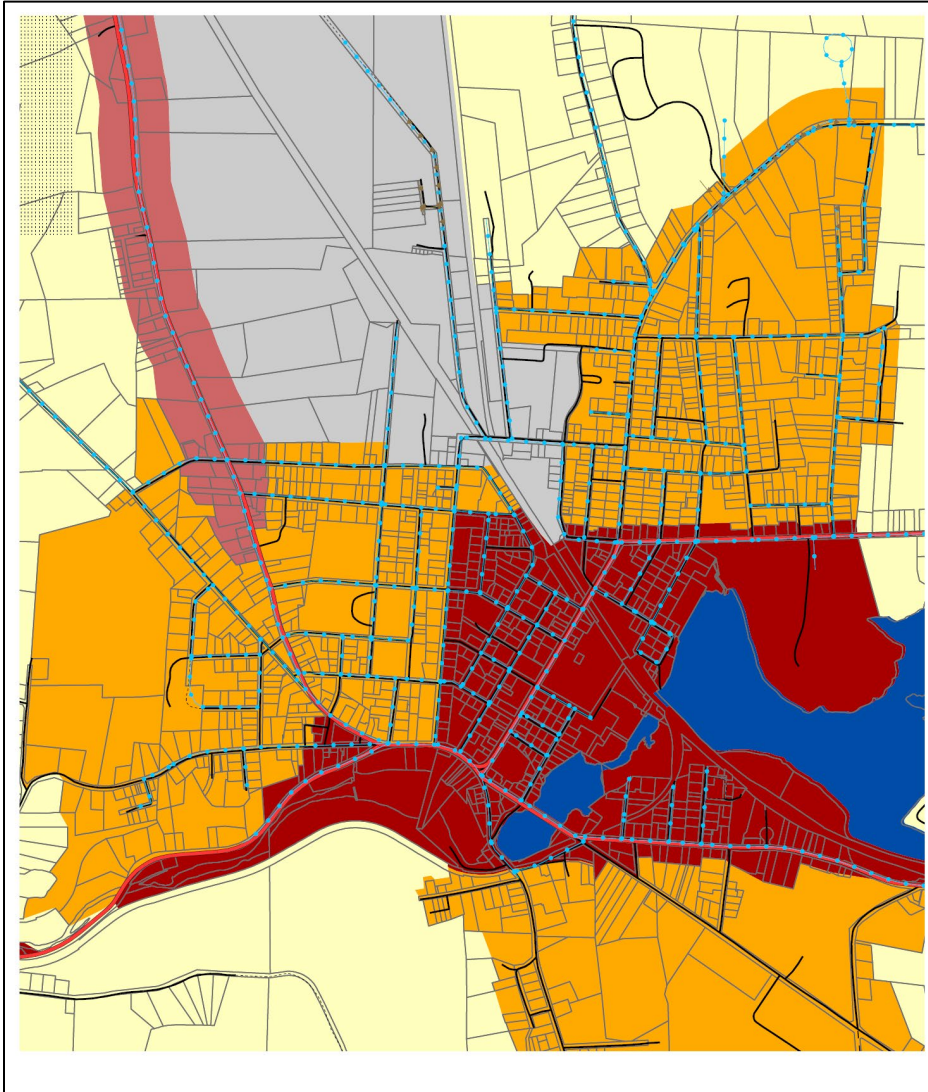
Historic

Aquifer

The legend on the Zoning Map does not match the district titles and acronyms on Table 3.1 in the Zoning Bylaw

WINCHENDON ZONING BYLAW AUDIT

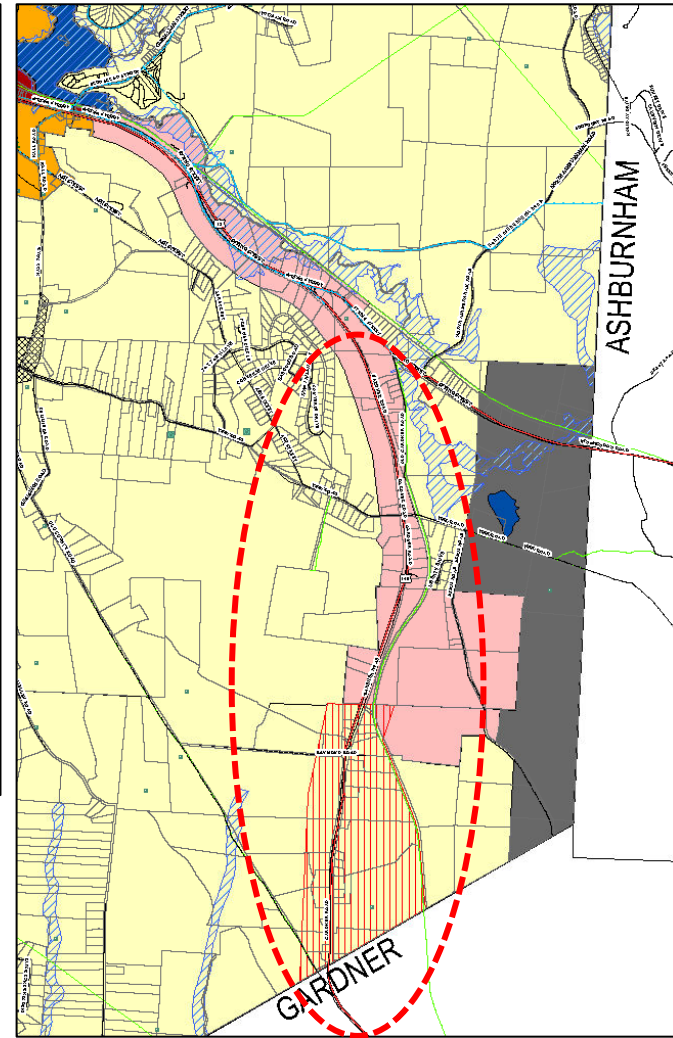
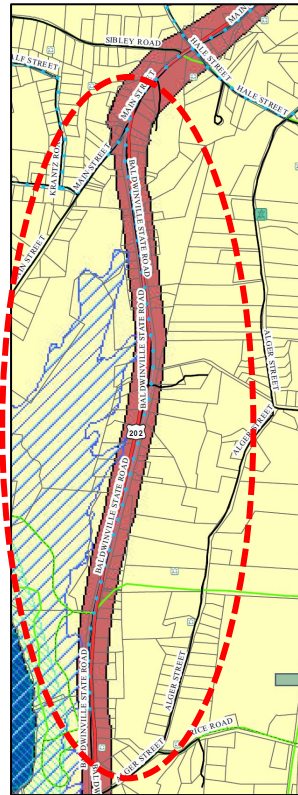
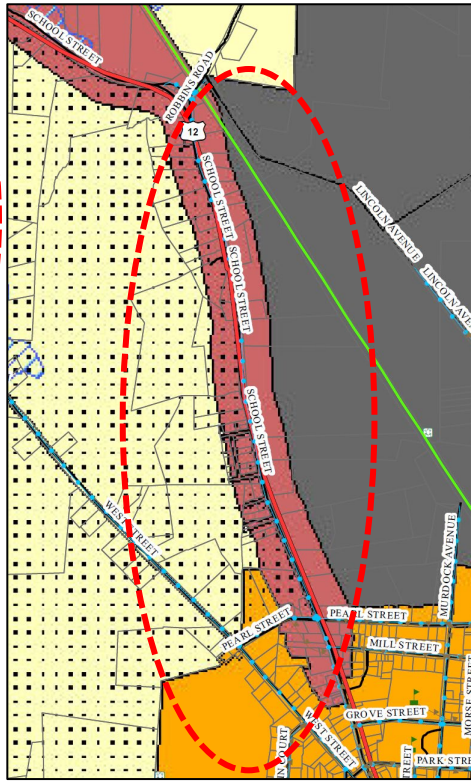
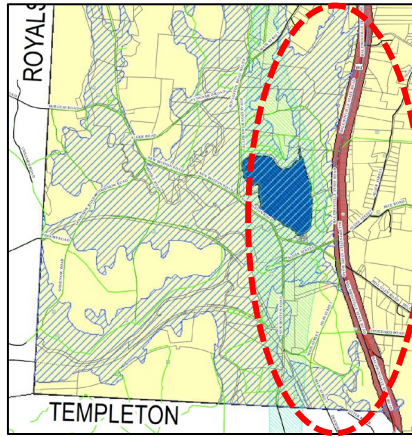
ZONING MAP



The Insert Zoning Map is not identified on the town-wide Zoning Map and has to legend, scale, or street names.

WINCHENDON ZONING BYLAW AUDIT

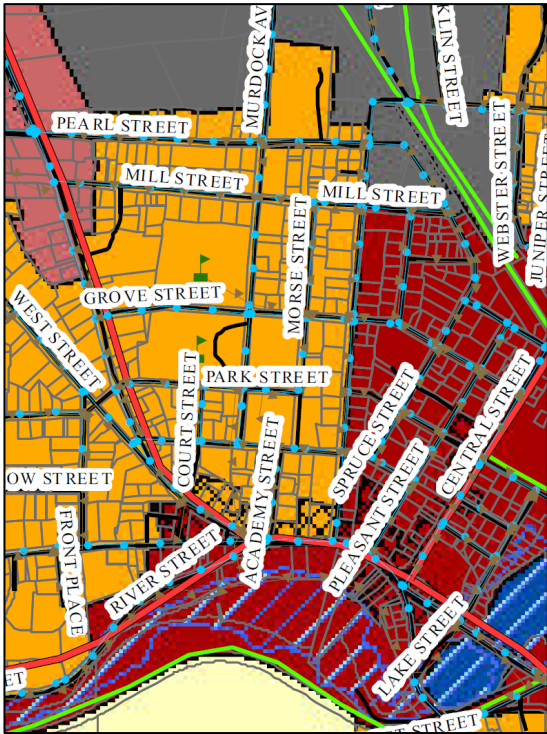
ZONING MAP



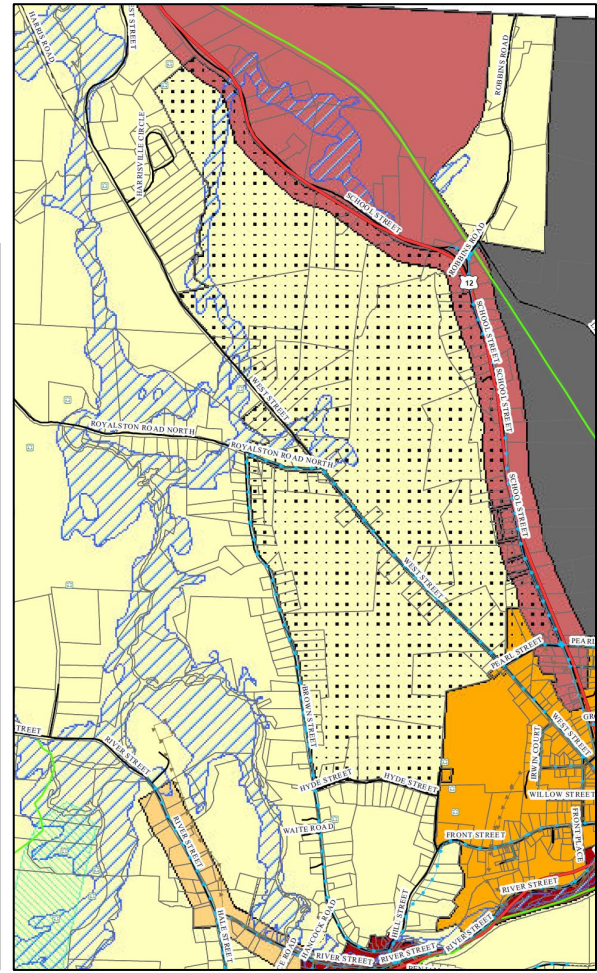
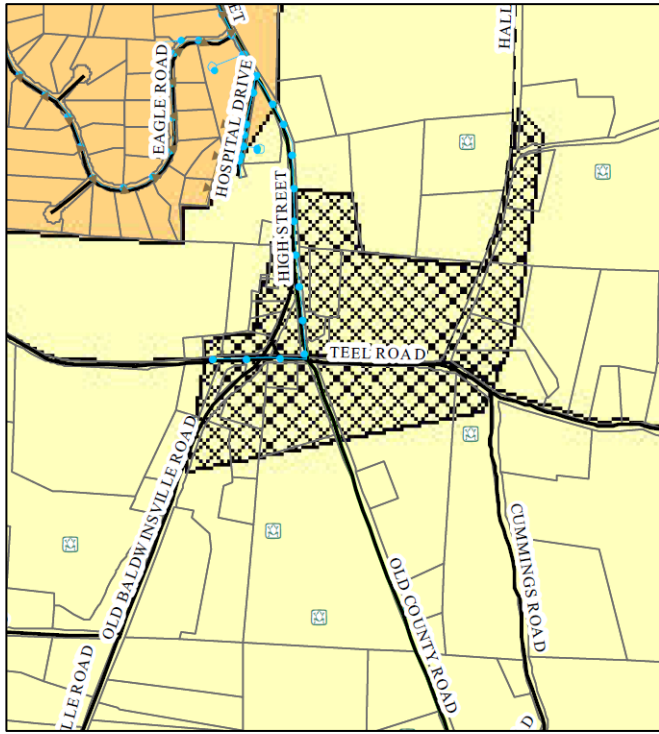
- ❑ Several districts have split parcel lines and there is no measurement of depth from the ROW on the map. Multiple street name labels make it hard to see parcel lines.

WINCHENDON ZONING BYLAW AUDIT

ZONING MAP



Historic District Parcels



Golf Overlay District

Article 4: Special Zoning Districts

4.1 Ice Racing District

4.2 Mill Conversion Overlay District (MCO)

- Has this bylaw been used for mill rehabilitation/renovation? Commercial, residential, mixed use? Are there any Chapter 40R Smart Growth Overlay Districts (SGOD) in Winchendon? Old mills are common sites for SGODs.
- 4.2.3 - In addition to the identification of the individual parcels located in the 3 mill sites, the Mill Conversion Overlay District (MSOD) should be identified on the Zoning Map.
- 4.2.4 - Why not allow additional infill structures to support the conversion of the older mill buildings which are expensive to renovate. The project may not be economically viable without additional buildings. (Cordage Park in Plymouth is a good example).
- 4.2.5 – Has the Planning Board adopted rules and regulations specific to the MSOD?
- 4.2.8 - The list of permitted uses is pretty limited. The Town may want to consider expanding the mix of uses such as assisted living, medical facilities, light manufacturing/fabrication, etc. A column should be added to 5.2 Use table for MSOD and the specific uses identified.
- 4.2.9.4 - Parking requirements have to be flexible for these projects especially when there is a mix of uses and a difference in the peak demand hours between different uses.

4.3 Wetlands Conservancy District

- This should be identified as an overlay district. Possibly retitle to “Wetlands Conservancy Overlay District”. This overlay district is not identified on the Zoning Map.

4.4 Flood Plain Conservancy Districts

- This district should be identified as an overlay district. Possibly retitle to “Flood Plain Conservancy Overlay District”.
- 4.4.2 - Have the FIRM maps been updated since 1982 and, if so, have any changes been reflected in the overlay district map?

4.5 Groundwater Protection Overlay District

- 4.5.2 – The “Groundwater Protection Map” is identified as the “Aquifer” on the Zoning Map. It should be “Groundwater Protection Overlay District.”

4.6 Lake Monomac Overlay District (LMO)

- 4.6.2 - This overlay district is not identified on the Zoning Map and should be.

4.7 Planned Development District

- This appears to be the base zoning district for the town center area.
- 4.7.1 - Have there been any mixed use projects or other significant commercial developments since this bylaw was adopted in 2007?
- 4.7.1.A - The numbering sequence is different in this section than the previous ones. Should be a consistent format such as 1.1.1.1.A.1.

- 4.7.1.A - This is really a purpose and intent statement. In order to facilitate traditional mixed use, pedestrian-oriented centers, and walkable neighborhoods this statement has to be backed up by the permitted use table, dimensional requirements, sufficient density, parking and pedestrian access standards, streetscape standards, purposeful open space requirements, and sign regulations.
- 4.7.2.C - More important than the quantity of the open space is the quality. Also, open space in an urban environment should be complimentary and flexible such as streetscapes, pocket parks, plazas, courtyards, seating terraces, trails, and other purposeful spaces.
- 4.7.2.G - Locating parking behind or to the side of the building is critical to creating a desirable town center and walkable district. Joint access and parking between properties should also be allowed.
- 4.7.2.K – The 4:1 FAR is reasonable for a small/medium town center but may not be achievable under the dimensional standards for the PD district on Table 7.2.
- 4.7.4 - This section seems to allow only Townhouses and not Apartments or Condominiums which could also be on a single lot. Clearer descriptions, diagrams, and example images should be added to the Zoning Bylaw or Appendices.
- 4.7.4.A - Townhouses don't necessarily have to be on separate lots but they are always separated horizontally by a common wall. Condominiums and Apartments can be on a single lot and separated horizontally and vertically by common walls and common entrances.
- 4.7.4.B - Townhouses can be on smaller lots than 3,600 SF. A minimum lot size of 1,800 SF would not be unusual.
- 4.7.4.B - There should be provisions for Residential Units (not townhouses) as most mixed use developments are apartments and condos located above or behind commercial uses. It's unusual for DUs to be on separate lots in a mixed use district.
- 4.7.5 – Sideyard setback waivers should be allowed for all buildings in a traditional town center context, not just mixed use buildings.
- 4.7.5.B - The 1.5 times the Min. Lot Size + 2,000/DU is likely to be a significant deterrent to mixed use in the PD district.

4.8 Gateway Overlay District

- This overlay district covers the southern portion of the Route 140 (Gardner Road) from the townline north to Old Gardner Rd. It overlays the Rural Residential District and is bordered to the east by Liberty Road. The boundary to the west does not follow parcel lines and is an undefined depth from Rt 140.
- There are no “nodes” identified, the district just covers the first mile of Rt 140.
- 4.8.1 - The purpose of sprawl repair, strip development retrofit, and nodes of walkable commercial and residential development are good but have to be backed up by reasonable use, dimensional, and site design standards.
- 4.8.2 – The underlying district is Rural Residential so the commercial use opportunities are pretty limited.
- 4.8.2 – It can be difficult for smaller retail centers to succeed when they are fully screened from the highway. An alternative approach is to allow development close to the street with attractive streetscapes, sidewalks or trails, and well design buildings.

4.9 Route 140 Corridor Overlay District

- What is the difference between this overlay district and the Gateway Overlay District? The Rt. 140 COD is not on the Zoning Map but the GOD is and covers the southern segment of Rt 140 where the

underlying zoning is R80. The rest of the corridor is covered by C1 – Large Scale Commercial which is a base district.

- 4.9.1 - There are good purpose statements such as increase tax base, enhance appearance, shared access, distinctive architecture, etc.
- 4.9.2 - Only “Gateway Overlay” District is on the map which is identified in 4.8 above. Shouldn’t this section just replace the C1 zoning on Rt 140 and Rt 12 as the base district.
- 4.9.4 - These design standards are well thought out and can be effective in reducing sprawl and facilitating higher quality developments.
- 4.9.4.3 - Reduced/Shared curb cuts and internal access is good for controlling sprawl. Shared parking and consistent streetscapes with sidewalks or paths along the frontages are also useful.
- 4.9.4.3 - The Town may want to a limit on footcandles so that external lighting does not spill over to adjacent properties.
- 4.9.4.6 - Shared and reduced parking is an essential tool for reducing strip development. But it is also an effective economic development tool as vacant or underutilized parking areas are lost opportunities for new development, jobs, private investment, and tax revenue. The 20% parking deduction could be higher depending on the mix of uses and the differences in peak hour parking demands.
- 4.9.4.7 -Parking lot design requires the majority of parking spaces to be located to the side or rear of the building which is an effective method of reducing sprawl and getting higher quality developments. I would recommend concrete sidewalks rather than brick pavers for maintenance purposes.
- 4.9.4.9 – Landscape standards should focus on simple open spaces where people can gather such as pocket parks, plazas, seating terraces. These active spaces are the most effective and utilized.
- 4.9.4.10 – The architectural design standards can be supplemented with illustrative diagrams and photos in the appendices.

Article 5: Use Regulations

5.1 Basic Requirements

- Some of the Special Permits appear to be under the Planning Board’s jurisdiction. The table should identify a “SPZ” for those under ZBA jurisdiction and a “SPP” for those under the Planning Board jurisdiction.

5.2 Schedule of Use Regulations

- SEE EVALUATION OF THE USE TABLE IN SEPARATE ANALYSIS.
- There are several uses on the table that are not defined in Article 2 – Definitions. All uses on the table should be defined. Also, there are a lot of uses defined in Article 2 which are not on the Use Table including: Apartment; Animal Feed Lot; Auction; Condominium; Two-Family Dwelling; Efficiency Unit; Gallery; General Manufacturing; Light Manufacturing; Public Utilities; Solid Waste; and Townhouse.
- This schedule should be identified as a table and should be in landscape format so that it is easier to read. It would also be helpful to the public if a column were added referring to specific building or use requirements as applicable under Articles 4, 6, 10, and 11.

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories		Zoning Districts							Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
5.2.1 Residential Uses											
A.	Single family detached dwelling	Y	Y	Y	N	Y	N	Y	Y	Article 11	Should consider limiting SF/2F detached fronting on Central Street as the main street of PD and town. Low density residential can often conflict with commercial activity.
B.	Two-family detached dwelling	SP	SP	Y	N	Y	N	Y	N	Article 11	Duplexes should be allowed in the more rural areas and may be an opportunity for dispersed affordable housing.
C.	Conversion of a single family dwelling existing at the adoption of this bylaw to not more than four family use (Note 10)	SP	SP	SP	N	Y	N	SP	NA	Note 10	Increasing DUs in underutilized comm. and mixed use districts can spur new investment
D.	Buildings or lots containing dwellings in combination with retail stores or other permitted business use (Note 1)	N	N	SP	SP	Y	N	Y	N	Note 1, Article 11	This should be "Mixed Use Development" and the description should be in Art. 2 - Definitions.
E.	Boarding House	SP	SP	SP	N	SP	N	SP	Y	Article 11	
F.	Multi-family dwellings, up to four units per lot	N	N	SP	N	SP	N	SP	Y	Article 11	The definition is 3 or more units but this use here say 4 is the limit?; MF should be considered in all comm. and res. districts by right or SP at appropriate densities with design standards.
G.	Residential Development - detached/attached units (See Article 11) amended 5/23/11	Y	Y	Y	Y	Y	N	Y	N	Article 11	Needs to be defined. This is a series of standards for residential development under Article 11 that addresses density and open space requirements that should be consistent with dimensional and density standards in Article 7.
H.	Accessory dwelling unit (Note 11) (SEE 6.3 ACCESSORY USES)	SP	SP	SP	N	SP	N	Y	Y	Note 11; Sec. 6.3 Accessory Uses	ADUs should be considered in all comm. and res. districts by right or SP at appropriate densities with design standards. ADUs provides dispersed affordable units, diversity of the housing stock, and supplemental income for homeowners.
I.	Mobile home park or court; sales of demonstration models allowed (Note 5)	SP	SP	SP	N	N	N	N	Y	Sec. 6.7, Note 5 (Should be Note 4 too)	This is for MH Parks but are standalone Mobile Homes Permitted?
J.	Home based business (SEE 6.5 HOME BUSINESS)	Y	Y	Y	Y	Y	N	Y	Y	Sec. 6.5 - Home Businesses	This is already on the Accessory Use Table and should be removed here.
5.2.2 Commercial Uses											
A.	Retail store or larger scale retail services larger than 15,001 sq. ft including sales room or market for sale of merchandise to the public	N	N	N	Y	Y	SP	Y	N		There's no general definition of Retail Store; This definition is very similar to Big Box Retail below.
B.	Small scale retail services that do not exceed 15,000 sq. ft.	SP	SP	SP	Y	Y	SP	Y	N		

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories		Zoning Districts							Definition (A.2)?	Performance Std's (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
C.	Convenience Store without gas station	SP	SP	SP	Y	Y	N	Y	Y		It's unclear if Convenience Stores can also have gas
D.	Restaurant, tavern, café or similar establishment for serving food and/or beverages	N	N	SP	Y	Y	N	Y	Partial		Restaurant is defined but not Bar, Tavern, Café; Could restaurants be allowed by SP in rural residential and Ind. districts if compatible with surrounding area
E.	Restaurant - take out, fast food, drive through, walk-up window	N	N	N	SP	SP	N	SP	Y	Sec. 8.7 Drive Thrus	Performance standards for drive thru facilities in PD should project the ped. Environment
F.	Theater, movie theater, bowling alley or other indoor amusement or entertainment use	N	N	N	Y	Y	SP	SP	Partial		Should be "Indoor Amusement" and cover theater, movies, bowling in the definition
G.	Commercial parking lot or parking garage	N	N	SP	Y	SP	SP	SP	Y		May consider performance standards for location size, access, pedestrian facilities, landscaping, etc.
H.	Kennel structure, commercial or veterinary hospital	SP	SP	SP	SP	SP	SP	SP	Y		Consider performance standards for noise and odor
I.	Hotel, motel or similar lodging	N	N	SP	SP	SP	SP	SP	Y		
J.	Bed & breakfast or similar lodging	SP	SP	SP	SP	SP	N	Y	N		Definition refers to Country Inn in Article 2 yet there is a difference in which zones they are permitted in
K.	Country Inn	SP	SP	SP	SP	SP	N	SP	Y		Needs to be better defined with size thresholds similar to B&B without host requirement.
L.	Bank or financial institution	N	N	N	Y	Y	SP	Y	N		Drive Thrus should maintain ped. Environment
M.	Real estate, insurance or professional office	N	N	N	Y	Y	N	Y	N		
N.	Professional medical office or clinic	N	N	N	Y	Y	N	Y	Y		Professional Office Building in Art. 2
O.	Office Building	N	N	N	Y	Y	N	Y	Y		Should be considered in IND districts
P.	Self-service storage facility	N	N	N	SP	SP	SP	N	N		Should be well screened when adjacent to residential areas
Q.	Big-box retail establishment	N	N	N	SP	N	N	N	Y		
R.	Sales and/or service establishment for motor vehicles, Class I, II) recreational vehicles to include off road and marine, including storage of motor vehicles and recreational vehicles.(all types)(Note 12)	N	N	N	SP	SP	N	SP	Y	Note 12	Doesn't appear that the PD would be an appropriate location for a large footprint motor vehicle dealership when there are other highway oriented comm. districts
S.	Mobile home sales	N	N	N	SP	N	SP	N	N		
T.	Gas station and/or motor vehicle repair	N	N	N	SP	SP	SP	SP	Y		Should be performance standards for locating gas stations in PD. Cumberland Farms is a good example with the pumps to the side and the building on the sidewalk.
U.	Auto body shop and painting	N	N	N	SP	N	SP	N	N		
V.	Mixed-use (retail or office with residential above) (Note 8)	N	N	SP	SP	Y	N	Y	N	Note 8	This should be "Mixed Use Building" and definition added to Art. 2
W.	Adult uses	N	N	N	N	N	SP	N	Partial	Sec. 6.9	Referred to as Adult Establishment in Definitions

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories		Zoning Districts							Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
X.	Retail sales & service facility for boats and marine equipment	N	N	N	Y	SP	SP	N	N		A large footprint use that may not be appropriate in a walkable district like PD
Y.	Undertaking or funeral establishment	N	N	SP	N	Y	N	N	N		These uses often prefer older homes such as in the PD but parking can be a challenge to manage.
Z.	Retail sales and service of farm equipment	SP	N	N	Y	SP	SP	SP	N		A large footprint use that may not be appropriate in a walkable district like PD
AA	Mall or enclosed shopping plaza	N	N	N	SP	SP	SP	SP	N		This use doesn't seem feasible without direct access to major highways
BB	Carwash	N	N	N	Y	SP	N	SP	N		
CC	Small engine repair for lawnmowers, motorcycles, etc. to be enclosed in a barn or garage and not to include automobiles or auto body repair	SP	SP	SP	SP	SP	N	N	N		Would be appropriate in the IND districts
DD	Land transportation passenger terminal facility	N	N	N	SP	SP	SP	SP	Y		
EE	Sales of Motor Vehicles as an accessory use to motor vehicle repair shop or auto body shop.	N	N	N	SP	SP	SP	SP	N		A large footprint use that may not be appropriate in a walkable district like PD
FF.	Gallery	N	N	N	SP	SP	SP	SP	Y		Also identified as an "Auction" which is confusing.
5.2.3 Industrial Uses											
A.	Warehouse or other building for storage, assembly or marketing wholesale products or equipment	N	N	N	Y	N	Y	SP	Y		A large footprint use that may not be appropriate in a walkable district like PD; Maybe in C-2 by SP
B.	Enclosed heavy manufacturing, processing, fabrication, packaging, assembly and storage	N	N	N	N	N	Y	SP	Partial		Defined as Light Manufacturing in Art. 2; Fabrication is defined in Art. 2
C.	Printing or publishing plant	N	N	N	SP	SP	Y	SP	N		A large footprint use that may not be appropriate in a walkable district like PD
D.	Research, experimental or testing laboratory	N	N	N	Y	SP	Y	SP	Y		A large footprint use that may not be appropriate in a walkable district like PD
E.	Building materials or contractor's yard, including exterior storage of materials, products or equipment but with all such material to be screened by a fence or appropriate landscaping	N	N	N	Y	N	Y	N	Y		
F.	Open air salvage yard, junk yard (Class III) (Note 6)	N	N	N	N	N	SP	N	Y	Note 6	
G.	Above ground storage of heating fuel	N	N	N	SP	N	SP	N	N		
H.	Enclosed light manufacturing processing, fabrication, packaging, assembly and storage, marketing	N	N	N	Y	SP	Y	SP	Partial		Defined as Heavy Manufacturing in Art. 2; Fabrication is defined in Art. 2
I.	Expansion, conversion or rehabilitation of existing light industrial uses	N	N	N	Y	Y	Y	Y	N		Consider SP and performance standards related to size and type in the industry
J.	Hydropower generation	SP	SP	SP	SP	SP	SP	SP	N		
K.	Wind power generation	SP	SP	SP	SP	SP	SP	SP	Y	Section 6.10	
L.	Solar Energy Collection System (see Section 6.11 for limitations)	Y	Y	Y	Y	Y	Y	Y	Y	Section 6.11	
M.	Mobile Car Crushing conducted commercially (Note 13)	N	N	N	N	SP	SP	N	N	Note 13	Unusual type of use
5.2.4 Agricultural and Forestry Uses											
A.	Commercial Forestry	Y	Y	Y	Y	Y	Y	Y	N		
B.	Orchard, market garden or other commercial agricultural use:	Y	Y	Y	Y	Y	Y	Y	Y		

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories		Zoning Districts							Definition (A.2)?	Performance Std's (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
C.	Commercial nursery, greenhouse or sales of produce								Y		
	(5 acres or less)	Y	Y	Y	Y	Y	SP	Y	Y		Why SP in IND for smaller farms but not larger ones?
	(More than 5 acres)	Y	Y	Y	Y	Y	Y	Y	Y		
D.	Commercial poultry or livestock farm including riding stable or commercial stable (Note 2)								Y	Note 2	
	(5 acres or less)	SP	SP	N	SP	SP	SP	SP			
	(More than 5 acres)	Y	Y	Y	Y	Y	Y	Y			
E.	Accessory poultry or livestock for noncommercial use, private stable, or kennel structure, non-profit (Note 2 and 3) (SEE 6.3 ACCESSORY USES)								Y	Note 2, Note 3, Sec. 6.3 - Accessory Uses	If it's an "accessory use" than it should be located in the Accessory Use table
	(Under 5 acres)	Y	Y	SP	SP	SP	SP	SP			Why would larger farms be allowed by right and smaller by SP?
	(5 acres and above)	Y	Y	Y	Y	Y	Y	Y			See above
F.	Accessory non-commercial agriculture excluding poultry and livestock (SEE 6.3 ACCESSORY USES)	Y	Y	Y	Y	Y	Y	Y	N	Sec. 6.3 - Accessory Uses	If it's an "accessory use" than it should be located in the Accessory Use table
G.	Commercial earth removal	N	N	N	N	N	SP	N	N	Article 10	
5.2.5 Conservation and Recreation											
A.	Conservation and wildlife preserve	Y	Y	Y	Y	Y	Y	Y	N		
B.	Private club, lodge or cultural civic or other non-profit social or recreation use	SP	SP	SP	SP	SP	SP	SP	Y		
C.	Recreational activity conducted commercially, i.e. campground, ski area or golf course	SP	SP	SP	SP	N	SP	SP	Y		Does appear feasible in the PD district
D.	Go-cart / off road motorcycle racetrack (Note 9)	N	N	N	N	N	SP	N	Y	Note 9	
E.	Ice Racing (Note 7)								4.1	Section 4.1; Note 7	Should identify the underlying base zoning district
F.	Miniature golf, batting cage or driving range	SP	SP	SP	SP	SP	SP	SP	Y		
G.	Public recreational boating or swimming area.	SP	SP	SP	SP	SP	SP	SP	N		
H.	Commercial recreational boating or swimming area.	N	N	N	SP	SP	SP	SP	N		
5.2.6 Institutional Uses											
A.	Church or place of worship including parish house or rectory	Y	Y	Y	Y	Y	Y	Y	N		
B.	Religious, sectarian or denominational, private or public school building or related use	Y	Y	Y	Y	Y	Y	Y	N		
C.	School, hospital, medical institution or government building	Y	Y	Y	Y	Y	Y	Y	N		Should hospitals and medical institutions be considered separately with performance standards where they may impact surrounding neighborhoods?
D.	Cemetery	SP	SP	SP	N	N	N	N	N		
E.	Day nursery or other similar agency for day care of children or adults	Y	Y	Y	Y	Y	Y	Y	N		May consider SP related the size and type in certain facilities
F.	Nursing, rest or convalescent home, assisted living facility	SP	SP	SP	N	SP	N	SP	Partial		Only definition of Assisted Living Facility
G.	Museum	SP	SP	SP	SP	SP	SP	SP	Y		Why SP in PD? Seems like a typical civic use in a town center.

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories		Zoning Districts							Definition (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
5.2.7 Governmental and Public Service Uses											
A.	Administration building, police or fire station or other government-related use	SP	SP	SP	Y	Y	SP	Y	N		Why not by right in IND where there is more underutilized land
B.	Uses related to water supply or sewerage treatment	SP	SP	SP	SP	SP	SP	SP	N		
C.	Wireless Communications Facility (WCF) (See Section 6.6)								Y	Sec. 6.8	
	Minor WCFs (June 12, 2000)	Y	Y	Y	Y	Y	Y	Y	Y		
	* only allowed if located on a water tank, or as a co-location on an existing										
	(Building Permit Required)									Building Permit Required	
	Interior WCFs	Y	Y	Y	Y	Y	Y	Y	Y		
	(Building Permit Required)									Building Permit Required	
	Major WCFs	SP	SP	SP	SP	SP	SP	SP	Y		
D.	Public Utility Installations	SP	SP	SP	SP	SP	SP	SP	N		Need to define this use. Certain utilities could have a negative impact on town center of certain neighborhoods
5.2.8 Special Use Categories											
A.	Non-retail Marijuana Facilities. Non-retail Marijuana Facilities are subject to the provisions set forth in Art. 6.12. * see note 14	SP*	N	N	SP	SP	SP	SP	N	Art. 6.12.; Note 14	

EXAMPLE OF RECENTLY ADOPTED PRINCIPAL USE TABLE PROVIDED BY BCPD BELOW

A. Residential

Household Living (As Listed Below)

- Single-Family - Detached Dwelling
- Townhouse/Rowhouse
- Two-Family - Attached Dwelling
- Multi-Family - Attached Dwelling (≥3)
- Mixed Use - Attached Dwelling

Group Living (As Listed Below)

- Community or Group Residence
- Nursing Home/Assisted Living/ Independent Living Facility
- Dormitory, Fraternity or Sorority
- Homeless Shelter and Service Center
- Single Room Occupancy Housing (SRO)
- Boarding House
- Trailer Camp or Park

B. Lodging

- Bed & Breakfast or Inn

E. Commercial - Retail Uses

- Retail Stores and Services (not elsewhere set forth)
- Weaponry Store
- Packaged Liquor Store
- Pet Store
- Convenience Store
- Grocery Store
- Big Box Retail Store
- Building/Home Supplies & Equipment
- Drug Paraphernalia Store
- Adult Entertainment Retail Establishment

F. Commercial - Eating & Drinking

- Restaurant
- Restaurant, Fast-Food or Take Out
- Bar or Tavern
- Brew Pub
- Brewery, Distillery, Cidery, Winery
- Micro Brewery, Distillery, Cidery, Winery with Tasting Room Recycling Collection Facility*

J. Industrial

Prohibited Industrial Uses (As Listed Below)

- Earth Removal
- Junkyard or Automobile Graveyard
- Tire Recycling & Re-treading
- Low-level Radioactive or Nuclear Waste Facility

General Industrial Uses (As Listed Below)

- Manufacturing
- Light Manufacturing
- Research, Development or Testing Laboratories and Facilities
- Biotechnology Facilities
- Heavy Materials Sales and Distribution Facility
- Warehouse, Wholesale Trade & Distribution
- Self Storage Facility
- Transportation Terminal
- Heavy Materials Sales and Distribution
- Material Salvage and Recycling Facility

5.2 SCHEDULE OF USE REGULATIONS Principal Use Categories	Zoning Districts							Definition (A.2)?	Performance Std's (A.5 and A.6)?	COMMENTARY
	R-80	R-40	R-10	C-1	C-2	I	PD			
	Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
Hotel or Motel Hotel or Motel, Large Extended Stay Hotel or Motel Hostel C. Commercial - General Services Educational Facilities & Use (Nonexempt) Property Maintenance & Repair Service Maintenance & Repair of Consumer Goods Personal Services Personal Dry Cleaning & Laundry Services* Body-Art Establishment Business Support Services Broadcast and/or Recording Studio Moving Services Funeral Home Wireless Communications Facilities <u>Animal Services (As Listed Below)</u> Animal Clinic or Hospital Pet Grooming Pet Training and Care Commercial Kennel Veterinarian <u>Day Care Service (As Listed Below)</u> Adult Day Care Center Child Day Care Center Family Day Care Large Family Day Care D. Commercial – Office Business or Professional Office Medical Offices, Center, or Clinic Bank and Financial Services Data Center Co-Working Space	Caterer/Wholesale Food Production Adult Entertainment Establishment G. Commercial - Art & Creative Enterprise Artisan Production & Creative Studio Shared Creative Workspace and Arts Education Work/Live Creative Studio H. Commercial - Auto-Oriented Motor Vehicle Sales and Service Motor Vehicle Rental Motor Vehicle General Repairs and Maintenance Motor Vehicle Body Painting and Body Repair Motor Vehicle Light Service Station Motor Vehicle Light Service Station and Convenience Store Dispatch Service Commercial Surface Parking Facility Commercial Structured Parking Facility* I. Civic, Recreational & Institutional <u>Recreational Uses (As Listed Below)</u> Indoor Commercial Recreation Outdoor Commercial Recreation Marine Recreational Facility <u>Civic Uses (As Listed Below)</u> Cemetery Club or Lodge (Nonprofit) Community Center Museum Flat Floor Event Space* Theatres and Auditoriums Conference and Convention Center Arena* Sports Complex <u>Institutional Uses (As Listed Below)</u> Religious Assembly/Establishment (EXEMPT) Educational Facility (EXEMPT) Municipal Facilities Public Utilities Services Public Utility Facility Hospital	Biomass Recycling Facility* Contractor's Yard Batch Asphalt & Concrete Plants Commercial Dry Cleaning & Laundry Services <u>Marine Dependent Industrial Uses (As Listed Below)</u> Maritime Trade* Water Freight Terminal Waterfront Storage and Distribution Facility Seafood Handling and Processing Seafood Packaging and Distribution <u>Marijuana Related Uses (As Listed Below)</u> Marijuana Retailer Craft Marijuana Cooperative Marijuana Cultivator Marijuana Product Manufacturer Marijuana Research Facility Medical Marijuana Treatment Center Independent Testing Laboratory K. Agriculture Agricultural Use (Exempt) Agricultural Use (Nonexempt)								

NOTES (Amended Nov. 8, 2007)

- Note 1: In newer mixed use bylaws, residential use is being permitted on the ground floor when its setback a certain distance which allows commercial uses to take advantage of the frontage visibility. In this case “Frontage Zones” are created to preserve commercial opportunity up front where visibility is highest while allowing more flexibility for mixed use including residential on the ground floor deeper into the lot.
- Note 4: There doesn’t appear that any uses referenced in Note 4 but I think it’s supposed to be for 5.2.1.I - Mobile Homes.
- Note 5: Unusual word selection. How about “disaster” rather than “holocaust”
- Note 6. Refers to open air salvage yard, junk yard (Class III)
- Note 9: This refers to Go-Carts and Motorcycle Racetracks. Should be relocated to Section 6 as performance standards for these uses.
- Note 10: For conversions of SF to MF =< 4 DUs. Should probably be relocated to Section 6 as a performance standard.
- Note 11: This is a good provision as it makes it easier to permit ADUs.
- Note 12: Refers to Motor vehicle sales.
- Note: Applicable to “Mobile Car Crushing”?
- Note 14: Refers to Non-Retail Marijuana Facilities.

Article 6: Non-Conforming and Special Buildings and Uses**6.1 Applicability**

- Should retitle for clarity to – NON-COMFORMING, ACCESSORY, AND SPECIAL BUILDINGS AND USES.

6.2 Non-Conforming Uses

- 6.2.3 - Refers expansion of pre-existing non-conforming buildings in the Planned Development District which has an expanded maximum impervious surface coverage ranging from 25% - 70% which supports traditional village center development. This provision should be added Table 6.3 – Dimensional Standards.

6.3 Accessory Uses and Dwellings**TABLE 6.3 - SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)**

- This table should be reformatted for clarity.
- Additional accessory uses for consideration are listed at the bottom on the table.

SEE COMMENTARY AND RECOMMENDATIONS BELOW

TABLE 6.3 - SCHEDULE OF ACCESSORY USE REGULATIONS (Amended 5/19/08)											
Principal Use Categories - Accessory Uses		Zoning Districts							Defintion (A.2)?	Performance Stds (A.5 and A.6)?	COMMENTARY
		R-80	R-40	R-10	C-1	C-2	I	PD			
		Rural Residential	Suburban Residential	Neighborhood Residential	Highway Commercial	Neighborhood Business	Industrial	Planned Development			
A.	Accessory dwelling unit 6.3.1 through 6.3.4	SP	SP	SP	N	SP	N	SP	Y	6.3.1 through 6.3.4	
B.	Accessory poultry or livestock for noncommercial use, private stable or kennel structure, non-profit.								N		On the Use Table, See Section 5.2.4. Accessory agri. Should hae performance standards to ensure compatibility with surrounding residential
	(Under 5 acres)	Y	Y	SP	SP	SP	SP	SP			Why would larger farms be allowed by right and smaller by SP?
	(5 acres and above)	Y	Y	Y	Y	Y	Y	Y			See note above
C.	Accessory non-commercial agriculture excluding poultry and livestock	Y	Y	Y	Y	Y	Y	Y	N		See note above
D.	Home based business	Y	Y	Y	Y	Y	N	Y	Y	Sec. 6.5 - Home Businesses	This is already on the Accessory Use Table and should be removed here.
E.	Wireless Communications Facility (WCF) (See Section 6.8)									Section 6.8	
	Minor WCFs	Y	Y	Y	Y	Y	Y	Y			
	* only allowed if located on a water tank, or as a co-location on an existing wireless facility (Building Permit Required)									Building Permit Required	
	Interior WCFs (Building Permit Required)	Y	Y	Y	Y	Y	Y	Y		Building Permit Required	
	Major WCFs	SP	SP	SP	SP	SP	SP	SP			
F.	Parking of Heavy Vehicle under 26,000 GVW. (See section 6.4)	Y	SP	SP	Y	Y	Y	SP		Section 6.4	
G.	Parking of Heavy Vehicle over 26,000 GVW. (See section 6.4)	SP	SP	SP	SP	SP	SP	SP		Section 6.4	
H.	Non-Commercial passenger vehicles	Y	Y	Y	Y	Y	Y	Y			
I.	Kennel Structure, Hobby	Y	Y	SP	SP	SP	SP	SP			
J.	Dwelling accessory to Commercial or Industrial Use. (6.3.A)	N	N	N	N	N	Y	N		Section 6.3.A	
K.	Solar Energy Collection System to produce energy to be consumed entirely on the premises (See Section 6.11)	Y	Y	Y	Y	Y	Y	Y		Section 6.11	

EXAMPLE OF RECENTLY ADOPTED ACCESSORY USE TABLE PROVIDED BY BCPD BELOW

A. ACCESSORY RESIDENTIAL

Accessory Dwelling Unit

B. HOME OCCUPATIONS

Home Office

Home-Based Business

Hobby Kennel

C. ACCESSORY LODGING

Short Term Rental of a Dwelling Unit

Tourist Home

D. ACCESSORY COMMERCIAL

Off-Site Accessory Parking Facility

Car Share Parking Facility

Moving Vehicle Share Parking Facility

Drive Thru Facility

Food Hall or Public Market

Farmers Market, Vendors Court, and Mobile Food Markets

Motorized Single-User Shared-Transport Station (Bike/Scooter/Moped)

Parklet

Outdoor Merchandise Display

Outdoor Café Seating

Temporary Mobile Storage Unit

E. ACCESSORY AGRICULTURE

Apiculture

Aviculture

Farm Stand (EXEMPT)

Farm Stand (NONEXEMPT)

Community Garden Plots

- 6.3.1 - This should be titled Accessory Uses and Structures
- 6.3.2 - This purposes statement is specific to ADUs, not all accessory uses and structures. This should be titled Accessory Dwelling Units
- 6.3.4.A - It appears that this section is combining general accessory uses and structures with accessory dwelling units (ADUs) which in confusing and should be in a separate section such as Art. 11 – Residential Development.
- 6.3.4.E - There should be more robust ADU standards regarding the number, placement, type, and design. Are ADUs allowed in separate buildings such as a carriage house/garage, or as stand alone cottages? Newer ADU bylaws are allowing for a third unit depending on the size of the lot and other dimensional characteristics that insures no impact on surrounding neighborhood.
- 6.3.5.G. - 750 SF in living space is fairly limited. Modern cottages are typically 1,200-1,800 GFA with 2/3 bedrooms
- 6.3.6 - Shouldn't home businesses also be allowed in secondary buildings such as a studio?

6.4 Parking of Heavy Vehicles

6.5 Home Based Business

- 6.5.2. This section should refer to Accessory Use Table rather than identify the zoning districts in the text in case the table is amended.
- 6.5.3.C. Home based businesses should also be allowed in accessory structures as long as it meets the dimensional standards and other conditions in this section. Accessory buildings could also be limited in SF with larger HBBs requiring a special permit.
- 6.5.5 – Regarding signage, the correct reference is 9.9.C.

6.6 Swimming Pools

- Isn't fencing required to enclose the pool?

6.7 Mobile Home Parks and Courts

- Are individual mobile homes allowed if they meet the dimensional requirements of the underlying zoning district?
- 6.7.1 - What's the difference between a Mobile Home Park and a Mobile Home Court?
- 6.7.1.A - What is the purpose of requiring a 15 acre minimum lot size and 10,000 SF per unit? It seems excessive.

6.8 Wireless Communications Facilities

- The numbering hierarchy is different than other sections.

6.9 Adult Entertainment

- The formatting and numbering hierarchy is different than other sections.
- Figures - Should consider renumbering Figure A and B to 6.10.A and 6.10.B so that they are not confused with the figures contained in the Appendices. Also, the names of the figures are the same and should be differentiated.

6.10 Wind Energy Conversion Systems (WECS)

6.11 Solar Energy Collection Systems

6.12 Medical/Adult Use Marijuana Facilities and the Medical/Adult Use Marijuana Retail Overlay

District

- This is a model bylaw. May want to review and consider revisions as there has been a fair amount of case law since 2018.
- This overlay district is not shown on the zoning map. This is not an accessory use or non-conforming and should be relocations to Article 5 – Special Zoning Districts.

WINCHENDON ZONING BYLAW AUDIT - PART 2

Articles 7 - 13

Prepared by Ted Brovitz, Brovitz Community Planning & Design

November 30, 2021

Introduction

This memo summarizes the second part of the Winchendon Zoning Bylaw evaluation, Articles 7 through 13. The review process follows the Zoning Bylaw Table of Contents and provides commentary and recommendations for key provisions. Together with Part 1 of the evaluation (Articles 1 through 6), this “zoning audit” provides a framework for discussion with the Planning Board and town staff regarding the priorities for revisions to the zoning bylaw, zoning map, Planning Board Rules & Regulations, and Zoning Bylaw Appendices.

Article 7: Site Considerations-Dimensional and Density Regulations

7.1 Purpose

- The Purpose Statement is an unusual paragraph and difficult to follow. Consider revising or replacing it.

7.2 Basic Requirements

- 7.2.1 – Regarding lot size and shape, this paragraph is confusing. There should be a diagram illustrating this requirement.
- 7.2.3 Principal Buildings – Allowing multiple buildings is an important provision and the standards here are reasonable. Many town are allowing multiple principal buildings as long as they meet the use regulations, density, setbacks, FAR, coverage and other dimensional and intensity standards. This gives property owners more flexibility to invest in their properties, particularly commercial and industrial properties.
- 7.2.4 – Revise title to “Special Exceptions for Height, Lot Area, and Frontage”
- 7.2.4.B – Allows flexibility in lot area and frontage for previously plotted parcels.
- 7.2.5 - Requires (C1), (C2) to have a 50 foot minimum buffer zone and 100 foot BZ for (I) zones that abut residential property with landscaping and screening requirements. It should be noted on Table 6.2.

7.2 TABLE OF DIMENSIONAL & DENSITY REGULATIONS (Amended Nov. 8, 2007)

- There are no density provisions on Table 7.2 or in this section. There should be some basic density standards such as DU/MLS for each of the districts with addition provisions for PD. Article 11- Residential Development (RD) does have density provisions for different types of residential buildings but there is an opportunity for revisions to provide density and design standards for different forms of developments (i.e. OSRD, cottage courts, TND, and mixed use) and residential buildings types (see review of Article 11 below).

NOTES:

- NOTES: As an alternative to Notes this section could cover special exceptions and conditions for building height, lot size, frontage, mixed use, buffer zones, impervious surfaces, temporary or accessory buildings, and other variation of the dimensional standards on Table 7.2. New diagrams should illustrate the dimensional standards and variations allowed for in the notes.
- Note 1: Refers to impervious surfaces. Are pervious surfaces allowed and deducted from the impervious surface requirement? Figure reference should be 7.2.6.
- Note 2 and the different PDs on the table are confusing. The 3 types of Planned Developments should be clarified such as PD, PD2-MU1 (SF/2F), and PD3-MU2 (MF).
- Note 3 - This provides a density of 12 DUs/Acre which is probably not enough to make a mixed use project viable. 4.7.5.B - The 1.5 times the Min. Lot Size + 2,000/DU for Mixed Use is likely to be a significant deterrent to mixed use in the PD district.
- Note 4: Wetlands and Floodplains are separate overlay districts and should be identified separately on Table 6.2.
- Note 4: ZBA can allow the underlying dimensional standards to apply in the wetland and floodplain where sewer exists.
- Note 6 – Lots with 2 frontages have to meet the setback requirement on both sides.
- Note 7 - There appears to be some missing words in this paragraph.
- Note 8 – small temporary structures have reduced setbacks.
- Note 9 - In PD, MF/Townhouse lot width is reduced to 24 feet and the minimum lot area shall be 3600 square feet per dwelling unit as provided for in Section 4.7.4.B. All dimensional standards should be consolidated into Article 7.

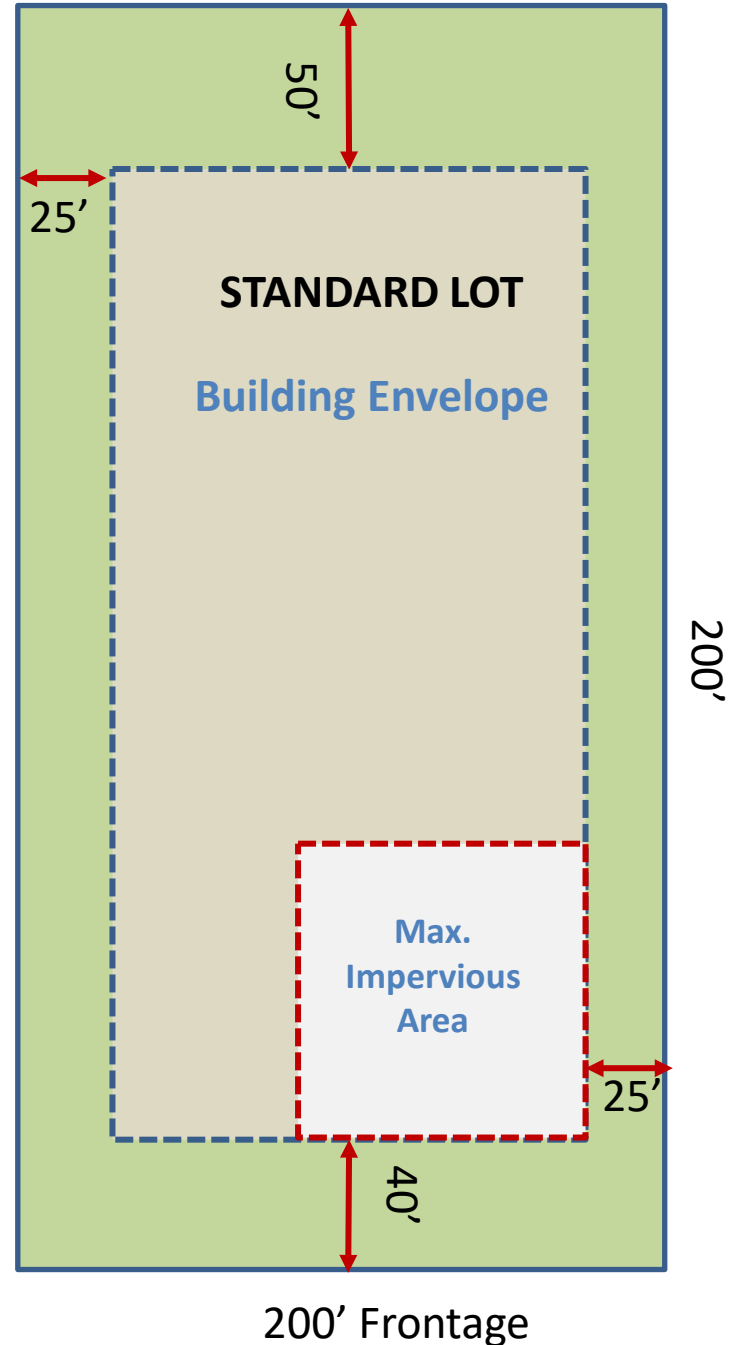
7.3 Reduced Frontage Lots

- 7.3.1. Purpose - The second paragraph should be titled “Criteria” . This requires that the reduced frontage lot can only have a SF house but if duplexes or MF are allowed in the zoning district they should be allowed here. The goal with these types of lots is to reduce the number of small streets and cul-de-sacs that are inefficient and become the town’s responsibility.
- 7.3.3.A - Figure A.7.3 is a diagram of a “porkchop lot” and should be revised for clarity.
- 7.3.3.A.8 – Rather than requiring twice the min. lot size, it should meet all the requirement setbacks and the House Circle diameter, or the required min. lot size not counting the pipestem and meeting all dimensional standards except frontage.
- 7.3.3.A.17 – This requires the “pipestem” to be no longer that a cul-de-sac in the subdivision regulations but it’s a private driveway serving a SF home, not a public street.

WINCHENDON ZONING BYLAW AUDIT

DIMENSIONAL STDS, LAND USE & DENSITY

Zoning District	Rural Residential (R-80)
General Lot Standards and Notes	
Minimum Lot Area (Sq. Ft.)	80,000
Frontage (Ft.) (Note 6)	200
Front Setback (Ft.) (Note 7, 8)	40
Side Setback (Ft.) (Note 7, 8)	25
Rear Setback (Ft.) (Note 7, 8)	50
Max. Structure Height (Floors)	2 1/2
Max. Man Made Structure Height (Ft.)	35'
Max Impervious Area as % of Lot (Note 1)	10%
Effective Requirements (Based on Application of Gen. Req.)	
Effective Lot Depth = M.L.S./Frontage	400 FT
Effective Building Envelope	46,500 SF
Effective Max. Lot Coverage by Bldgs/Parking	8,000
Effective Max. Buildings and Parking Footprint	90x90 FT
Effective Land Area Dedicated to Yard/Setback (SF)	33,500 FT
Effective Open Space Area (MLS - Max Lot Coverage)	72,000
Effective Open Space Area % of Total Lot Area	90%
Effective Floor Area Ratio (FAR)	0.25

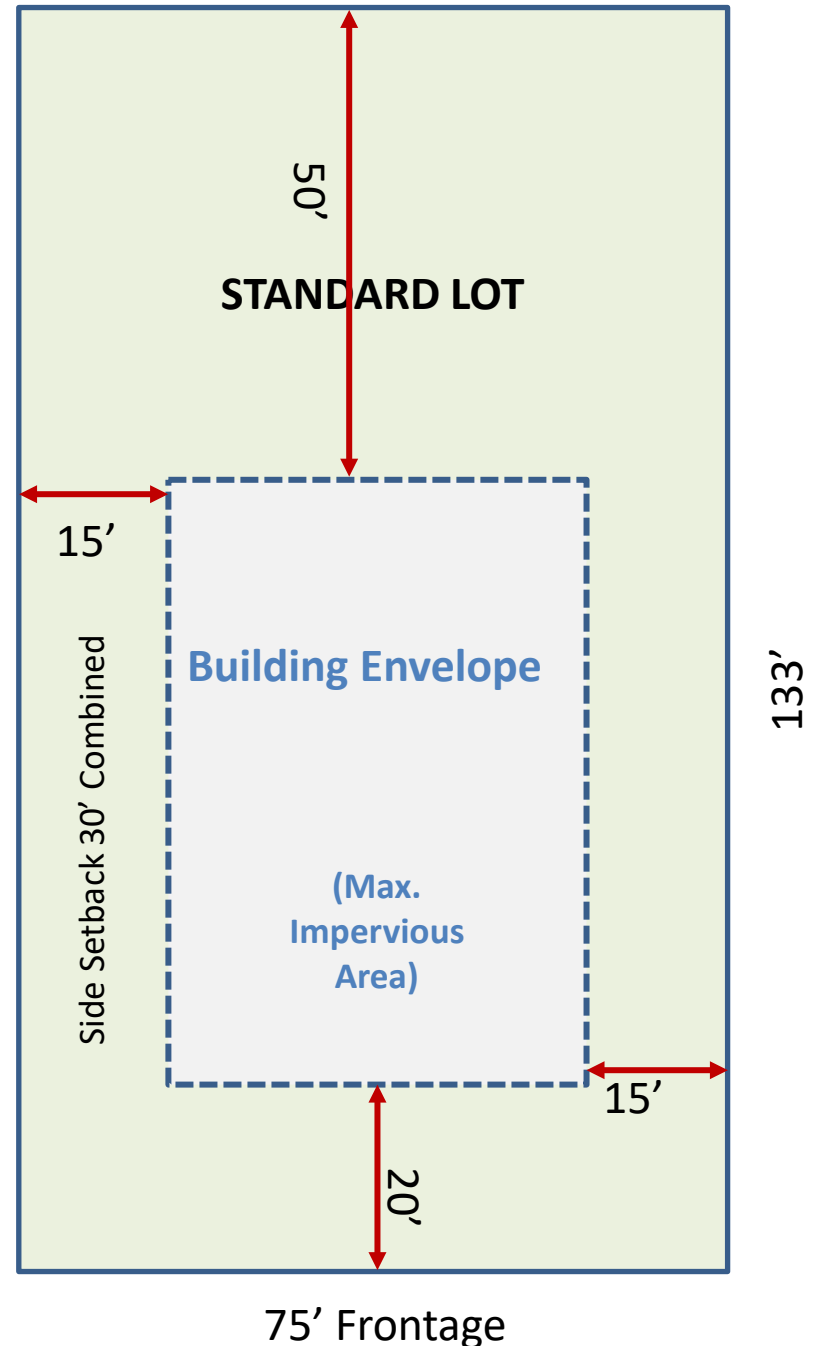


200' Frontage

WINCHENDON ZONING BYLAW AUDIT

DIMENSIONAL STDS, LAND USE & DENSITY

Zoning District	Planned Development (PD) - Other Residential
General Lot Standards and Notes	
Minimum Lot Area (Sq. Ft.)	10,000
Frontage (Ft.) (Note 6)	75
Front Setback (Ft.) (Note 7, 8)	20
Side Setback (Ft.) (Note 7, 8)	15
Rear Setback (Ft.) (Note 7, 8)	50
Max. Structure Height (Floors)	3
Max. Man Made Structure Height (Ft.)	45
Max Impervious Area as % of Lot (Note 1)	70%
Effective Requirements (Based on Application of Gen. Req.)	
Effective Lot Depth = M.L.S./Frontage	133
Effective Building Envelope	2,850
Effective Max. Lot Coverage by Bldgs/Parking	7,000
Effective Max. Buildings and Parking Footprint	84x84
Effective Land Area Dedicated to Yard/Setback (SF)	7,150
Effective Open Space Area (MLS - Max Lot Coverage)	3,000
Effective Open Space Area % of Total Lot Area	30%
Effective Floor Area Ratio (FAR)	1.75



7.2 TABLE OF DIMENSIONAL & DENSITY REGULATIONS WITH ART. 11 - RESIDENTIAL DEVELOPMENT (RD) STANDARDS

Zoning District	Minimum Lot Area (Sq. Ft.)	Frontage (Feet)	Front Setback (Feet)	Side Setback (Feet)	Rear Setback (Feet)	Maximum Structure Height (Floors)	Maximum Man Made Structure Height (Feet)	Maximum Impervious Area as % of Lot	Open Space Requirements (Sec. 11.4)	Residential Density (Sec. 11.10)	Max. DUs Per Building (Sec. 11.10.7)
R-80/Standard Lot	80,000	200	40	25	50	2 1/2	35'	10%	NA	NA	NA
R-80/Res. Development	7,500 SF/1st DU and 1,500 SF for each additional DU	50 Ft or 75 Ft for common driveways	5	5	5	2 1/2	35'	NA	50% of Dev. Tract of which 33% can be Wetlands	1 DUs/2 Acres	3 DUs/Res. Building (Triplex)
R-40/Standard Lot	40,000	150	40	25	50	2 1/2	35'	15%	NA	NA	NA
R-40/Res. Development	7,500 SF/1st DU and 1,500 SF for each additional DU	50 Ft or 75 Ft for common driveways	5	5	5	2 1/2	35'	NA	33% of the Dev. Tract of which 25% can be wetlands.	1 DU/Acre	3 DUs/Res. Building (Triplex)
R-10/Standard Lot	10,000	75	20	10	20	2 1/2	35'	25%	NA	NA	NA
R-10/Res. Development	3,750 SF/1st DU and 1,500 SF for each additional DU.	50 Ft or 75 Ft for common driveways	5	5	5	2 1/2	35'	NA	25% of the Dev. Tract of which 15% can be wetlands.	6 DUs/Acre (1 DU/7,620 SF)	PB-SP for MF Buildings without DU limits if doesn't exceed allowed density. (11.10.8)
C-1/Standard Lot	75,000	250	75	25	25	3	45'	45%	NA	NA	NA
C-2/Standard Lot	20,000	100	30	15	30	3	45'	45%	NA	NA	NA
C-2/Res. Development	7,500 SF/1st DU and 1,500 SF for each additional DU	50 Ft or 75 Ft for common driveways	5	5	5	3	45'	NA	50% of Dev. Tract of which 33% can be Wetlands	1 DUs/2 Acres	3 DUs/Res. Building (Triplex)
IND/Standard Lot	43,560	150	40	25	50	no	50'	No	NA	NA	NA
PD - Except Res./Standard Lot	5,000	75	5	0	0	3	45'	70%	NA	NA	NA
PD/Res. Development	3,750 SF/1st DU and 1,500 SF for each additional DU.	50 Ft or 75 Ft for common driveways	5	5	5	3	45'	NA	25% of the Dev. Tract of which 15% can be wetlands.	6 DUs/Acre (1 DU/7,620 SF)	PB-SP for MF Buildings without DU limits if doesn't exceed allowed density. (11.10.8)
PD - 1 & 2 Family Res./Standard Lot	10,000	75	20	20	20	2 1/2	35 feet	25%	NA	NA	NA
PD/Res. Development	3,750 SF/1st DU and 1,500 SF for each additional DU.	50 Ft or 75 Ft for common driveways	5	5	5	3	45'	NA	25% of the Dev. Tract of which 15% can be wetlands.	6 DUs/Acre (1 DU/7,620 SF)	PB-SP for MF Buildings without DU limits if doesn't exceed allowed density. (11.10.8)
PD - Other Res./Standard Lot	10,000 (Note 3, 9)	75 (Note 9)	20	Combined 30 feet (Note 4)	50	3	45 feet	70%	NA	NA	NA
PD/Res. Development	3,750 SF/1st DU and 1,500 SF for each additional DU.	50 Ft or 75 Ft for common driveways	5	5	5	3	45'	NA	25% of the Dev. Tract of which 15% can be wetlands.	6 DUs/Acre (1 DU/7,620 SF)	PB-SP for MF Buildings without DU limits if doesn't exceed allowed density. (11.10.8)

OTHER RES. DEV. (RD) REQUIREMENTS

- Lot Size (11.12.2.1): PB may allow lesser MLS/DU in existing buildings.
- Open Space (11.4): 2 acres of open space required on 10 acre + RD tracts not contiguous with existing playgrounds and parkland.
- Open Space (11.5) Open space use is restricted to mostly conservation land and de-emphasizes assive and active recreational uses
- Density (11.12.2.1): In R80/R40/C2 - MLS = 7,500 SF/1st DU and 1,500 SF for each additional DU; R10/PD = 3,750 SF/1st DU and 1,500 SF for each additional DU. PB may allow lesser MLS/DU in existing bldgs.
- DUs/Bldg (11.12.5) PB-SP required for MF buildings with > 5 DUs and requires basic design, orientation, and placement standards.

Article 8: Traffic, Parking and Circulation Regulations

8.1 General Requirements

- This whole section should be reorganized and updated. The amount of parking required to be first followed by parking reduction methods, placement, and design standards

8.2 Parking Location

- 8.2 - This sentence and the paragraph below should be titled “Parking Placement”
- 8.2 - The correct reference is EXAMPLE A.8.2 which includes a table with shared parking ratios and an example scenario. In recent years, both ULI and ITE have put out publications with formulas for off-street parking requirements and shared parking standards for different land uses. The SmartCode also has a shared parking table. This should be included in this section of the bylaw.
- 8.2.1 – Shared parking standards should follow the basic parking ratio requirements which should be in a table in the section. Otherwise, these are reasonable standards.
- 8.2.1.A-F – The additional standards for shared parking are reasonable.
- 8.2.1.C – This requirement should be revised to say that parking spaces should be no more than 500 feet from the nearest entrance. Typically, the distance would allow more distance, such as 600-750 feet
- 8.2.3 – Good on-street parking provisions.

8.3 Number of Parking Spaces Required

- 8.3.1 - Requiring PB approval for 10% increase in required spaces is a good standard. Typically, there is too much underutilized parking on many commercial developments which is a wasted economic opportunity for new buildings, businesses and tax revenue. The required on-site parking requirements should not be excessive and follow the latest standards from ULI and ITE.
- 8.3.1 – The table of required parking spaces should be included in the Zoning Bylaw and not the Appendices. The reference is to the ITE parking generation table, 2nd generation but the 5th generation is now available and should be applied here.

8.4 Size and Number of Spaces

- 8.4 – This section should be titled “Parking Placement and Dimensional Standards. The tables referred to in the appendices should be included in the bylaw, or some other alternative. There should be standards for the placement of parking on the lot, particularly for walkable districts like the PD district.
- 8.4.1 - The first sentence is out of context and should be removed. The title of this should be “Compact Car Standards”.
- 8.4.1.A – This provision is out of context. It belongs in Section 8.5 – Design Requirements and Figure A.8.5.1 is out of date and the diagram should be upgraded. Parking design diagrams should be located directly in the zoning bylaw and not in the appendices.
- 8.4.2 – A handicapped parking diagram should be provided.
- New standards should be provided for electric vehicle parking.

Table 8.3 INSTITUTE FOR TRANSPORTATION ENGINEERS (ITE) HANDBOOK – PARKING GUIDELINES

Table 14–2 ITE Parking Generation Rates

Use	Unit	Period	Peak Accumulation ^a (85% tile)	Spaces per Unit (Recommended Ratio ^b)
Commercial Airport	Enplaning passengers	Weekday	0.64	0.70
	Enplaning passengers	Saturday	1.48	1.62
	Enplaning passengers	Sunday	2.05	2.26
Light Industry	100 sq m (1,000 sq ft) GLA	Weekday	2.61(2.43)	2.87(2.67)
	Employee		1.00 ^c	1.10
Industrial Park	100 sq m (1,000 sq ft) GLA	Weekday	2.27(2.11)	2.50(2.32)
	Employee	Weekday	0.80	0.88
Manufacturing	100 sq m (1,000 sq ft) GLA	Weekday	2.45(2.28)	2.70(2.51)
	Employee	Weekday	1.00 ^c	1.10
Low-Rise Apartment	Dwelling unit	Weekday	1.38	1.52
		Saturday	1.53	1.68
High-Rise Apartment (central area)	Dwelling unit	Weekday	0.59	0.65
		Saturday	1.41	1.55
Residential Condominium	Dwelling unit	Saturday	1.23	1.35
Convention Hotel	Room	Weekday	1.10	1.21
Motel with Restaurant/Lounge	Rooms	Weekday	1.49	1.64
Movie Theater	Seats	Weekday	0.30	0.33
		Saturday	0.37	0.41
Sports Club/Health Spa Church/Synagogue	100 sq m (1,000 sq ft) GLA Attendees	Weekday	6.86(6.37)	7.55(7.01)
		Sunday	0.62	0.68
Hospital Medical-Dental Clinic/Office	100 sq m (1,000 sq ft) GLA 1	Weekday	2.48	2.73
		Weekday	5.92(5.50)	6.51(6.05)
General Offices Building	100 sq m (1,000 sq ft) GLA Employees	Weekday	3.23(3.00) ^d	3.55(3.30)
		Weekday	0.93	1.02
Office Park	100 sq m (1,000 sq ft) GLA	Weekday	3.53(3.28)	3.55(3.30)
Hardware/Paint/Home Improvement Store	100 sq m (1,000 sq ft) GLA	Weekday	3.48(3.23)	3.82(3.55)
		Saturday	4.51(4.19)	4.96(4.61)
Shopping Center	100 sq m (1,000 sq ft) GLA	Weekday	4.77(4.43)	5.24(4.87)
		Saturday	5.49(5.10)	6.04(5.61)
Quality Restaurant	100 sq m (1,000 sq ft) GLA	Weekday	18.73(17.40)	20.60(19.14)
		Saturday	21.65(20.11)	23.81(22.12)
Family Restaurant	100 sq m (1,000 sq ft) GLA Seats	Weekday	0.54	0.59
		Saturday	0.61	0.67
Fast Food Restaurant (without drive-in window)	100 sq m (1,000 sq ft) GLA Seats	Weekday	12.00(11.15)	13.20(12.26)
		Weekday	0.42	0.46
Bank—with drive-in & walk-in facilities	100 sq m (1,000 sq ft) GLA	Weekday	14.27(15.36)	15.70(16.90)
		Weekday	0.77	0.85
Fast Food Restaurant (with drive-in window)	100 sq m (1,000 sq ft) GLA Seats	Weekday	5.88(5.47)	6.48(6.02)
		Weekday	14.38(13.36)	15.83(14.70)
		Weekday	0.70	0.77

^a Average rate plus one standard deviation. Transportation Engineers, *Parking Generation*, 2nd Edition.

^b Ten percent effective supply factor. May not be needed in all cases (i.e., residential).

^c Adjusted to 1.00 space/employee.

^d Adjusted to 3.00 spaces/1,000 sq ft of building area.

Source: Weant & Levinson, *Parking*.

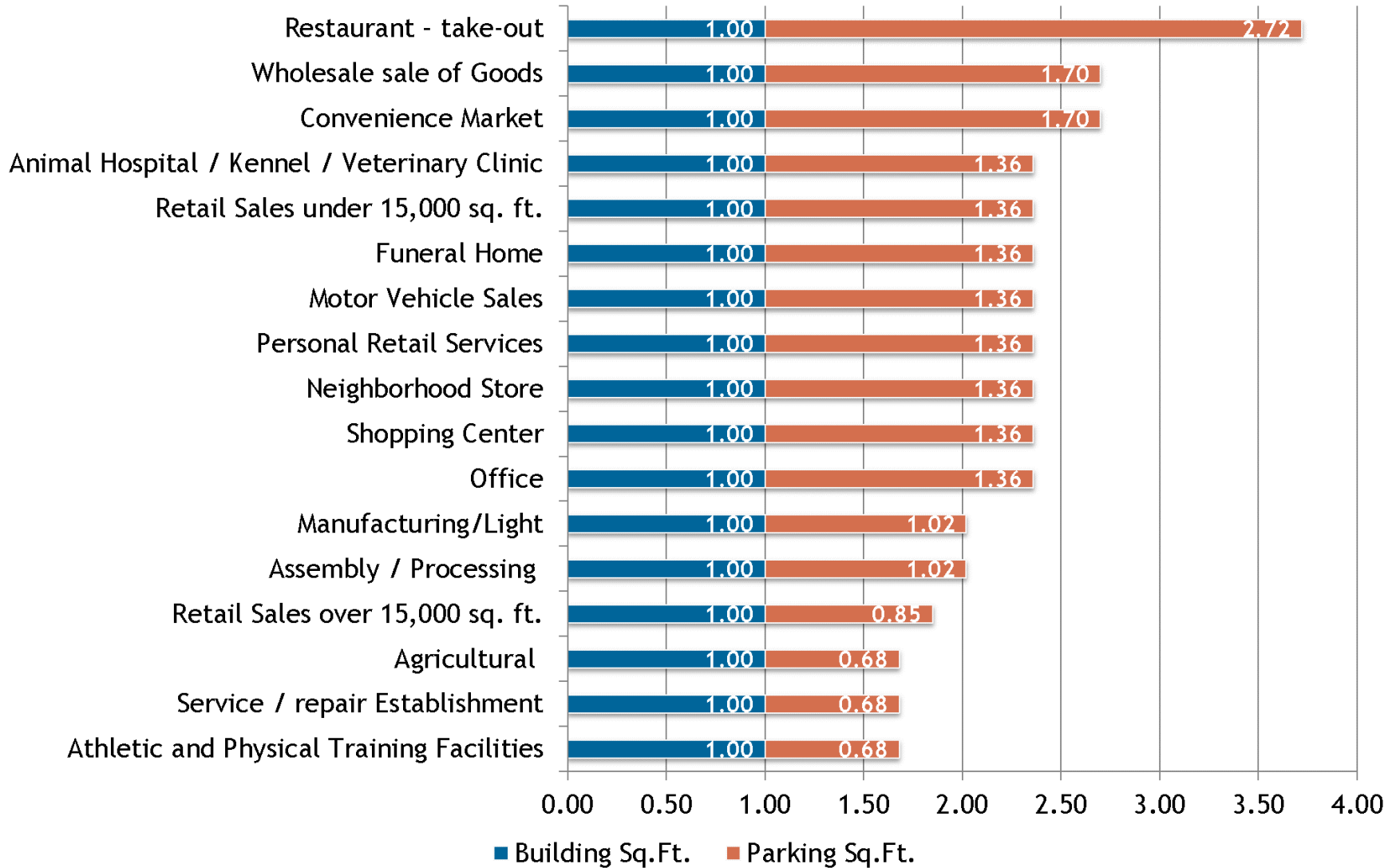
The current parking requirements in the Appendices are an incomplete list of uses and ITE parking rates from a 2008 study. The ITE parking rates are also from a previous edition

ITE Parking Requirements 4th Edition Compared to Winchendon Zoning Bylaw				
Use	Amount of Use	Winchendon Parking Std	ITE Rates	Above/Below
SF Home/Duplex	1 Unit	2 spaces	1.83 spaces	Above
Accessory Dwelling Unit	All Bedrooms	2 space	1.23 spaces	Above
Multi-Family Units	1 unit	1.52 spaces	1.23 spaces	Above
Lodging House, Motel or Hotel	1 Room	1.21 spaces	1.2 spaces	Same
Retail	1,000 GFA	3.55 spaces	2.14 spaces	Above
Medical offices and clinics	1 doctor	6.51 spaces	3.2 spaces	-
General office building	1,000 GFA	3.55 spaces	2.84 spaces	Above
Wholesale Establishment	500 SF	NA	2.3 spaces	UND
Manufacturing or industrial establishment	1000 sf	2.7 space	1.02 spaces	Above
Auditorium, theater, church, or other place of assemblage	Per seat	.68 spaces	0.2 spaces	Above
Public housing for elderly	1 unit	NA	0.59 spaces	UND
School (junior or elementary)	1 classroom	2 spaces	0.17 per student	-
School (high)	1 classroom	UND	0.09 per student	UND
	Assembly area	UND	-	UND
Community facility	300 SF	UND	0.96 spaces	UND
	Assembly area	UND	-	UND
Restaurants, night clubs or eating places	3 seats	UND	1.47 spaces	UND
	1000 sf	20.6 spaces	UND	Above
Bowling alley	1 lane	UND	3.13 spaces	UND
Barber shop, beauty parlor	1 chair	UND	UND	UND
	2 Employees	UND	UND	UND
Self service dry cleaners and self service laundries	2 machines	UND	1.4 per GFA	UND
Gasoline and service stations	1 service bay	UND	0.75 spaces	UND
Hospitals, extended care facilities or homes	1 Bed	2 spaces	3.47 spaces	Below
Day-care facility for children	1 FTE or equivalent	UND	1.38 spaces	UND
	300 SF classroom	UND	0.95 spaces	UND
Bed-and-breakfast	1 Bedroom	UND	1.2 spaces	UND
	Owner Occupant	UND	1.83 spaces	UND

Winchendon Zoning Bylaw applies the ITE Parking Generate Rates, Edition 2 from 2005

WINCHENDON ZONING BYLAW AUDIT

8. PARKING REQUIREMENTS



This diagram shows the relationship of building S.F. to parking S.F. under different uses. Generally, the lot coverage is approximately 1.5 x Building S.F. with on-site parking provided.

8.5 Design Requirements

- 8.5.1 – The reference to Figure A.8.2 is incorrect and A.8.5 is dated and should be replaced. It should reference A.8.5.1 which is also dated and updated. All diagrams should be located in the zoning bylaw.
- 8.5.2 – Does DPW have separate access and parking design standards or are they in the subdivision and site plan regulations?
- 8.5.4 – Better pervious pavers and other LID parking applications and standards should be provided.
- 8.5.6 – The town should consider different lighting levels for different types of uses.
- 8.5.6 – Parking lot landscape requirements should be expanded to specify canopy trees along the street and interior areas, and evergreen trees where buffers and screening is needed. Diagrams should be provided to illustrate the requirements.

8.6 Loading and Unloading Requirements

- 8.6 There should be design standards for the access and placement of loading areas.

8.7 Stacking Regulations for Drive-Up and Drive-Through Lines

- 8.7 – Placement standards are needed for drive thru/drive up facilities especially in pedestrian oriented districts such as PD.
- 8.7.1 – This section is for a drive up/drive thru facility but the diagrams is for gas station pumps. New diagrams should be provided.

8.8 Driveway Standards

- 8.2 - There should be written standards provide within this section or referred to. Curb cut design, curb extensions, shared access, sidewalk cuts, and number of curbcuts should be addressed in this section.

8.9 Other Means of Access

- Additional standards are needed for bicycle parking, electric vehicle/charging station parking, pedestrian access from public sidewalks and from the parking lot to the entrance.

Article 9: Signs

9.1. Purpose

- 9.1 - The purpose statement rambles and is repetitive. It should be condensed.
- 9.1.3 - Under Purpose Statement, recent case law limits the control that local governments have over “their message” or content. Location, appearance, condition is fine.
- 9.1.5 - This section references Figure A.9.1 which is a diagram showing a variety of signs in the Appendices The diagram should be updated.

9.2. General Provisions

- 9.2.1 - Figure A.9.2 – Preferred and Avoided Signs is referenced in this section but is out of context as it. It should be relocated to 9.1 – Purpose. Or included in the text as “Character Examples”
- I would like to know what the Building Commission’s experience has been with these sign bylaws in terms of requested variances, permitting and enforcement.
- 9.2.1.F Commercial Messages – This indicated that the information on the sign must pertain to location that it’s on unless otherwise permitted. Are off site signs permitted?

9.3. Temporary Signs

- 9.3.3.E Portable Signs refers to Appendix A.9.1 which illustrated a portable sign which looks like a sandwich board or A-frame sign for a businesses. There should be a distinction for sandwich board signs and standards for placement (on site or sidewalk), size, hours, etc.

9.4. Signs Prohibited in all Zones

- 9.5.1 - Roof signs can be attractively located below the peak with good design standards. They are common on older buildings that have been repurposed for commercial use.
- 9.5.8 – Signs painted directly on a building is not permitted but this is a common form of sign including murals which can be attractively done with good design standards.
- 9.5.10 It is unclear in this section if signs above the public ROW (projecting or blade signs) are permitted. These type of signs are very attractive and critical for a pedestrian oriented district like Town Center as they allow walkers and drivers to see businesses ahead of them.

9.5. Specifications Applying to all Signs

- 9.6.1 Projecting signs need to be defined. This provides the min/max height but not the projection off the building, SF, light source, materials, etc.
- 9.6.3 Sign Spacing Requirements – This section identifies ground, pole, and projecting sign but there are no definitions of these types of signs. Other signs that can be attractive are monument signs, window signs, marquees, neon, painted wall signs and murals, directory signs, etc. Diagrams of different signs would be helpful.
- 9.6.3 Sign Spacing Requirements – projecting signs have to be 50 feet apart which could be difficult in a pedestrian oriented district where storefronts tend to be narrow. Maybe change this to 1 projecting sign per storefront.
- 9.6.6 Regarding reflective colored sign, I’m not sure what is required here or the purpose of it. Example A.9.6.6 in the Appendices is also unclear and confusing.
- 9.6.7. Neon signs – This provision and Example A.9.6.7 in the Appendices appear to require neon signs to ½ of the permitted size. As an alternative, design standards should be created to ensure quality. Placement of neon in right context is quite attractive and was very prevalent in the first half of the 1900s
- 9.6.12 – Window signs are typically measured as a percentage of the window and door area such as 30%.

9.6. Off Premise Directional Signs

- 9.8.F Regarding off premises directory signs, they appear to be allowed within a street ROW, 32 SF, and within 50 feet of an intersection. This is unusual. How have these off premises signs worked in the community?

9.7. Signs in Residential Zones

- 9.9.C. Wall signs, ground signs, pole signs, projecting signs, and hanging signs should all be defined and supplemented with a diagram and character example photo.
- 9.9.E Subdivision Signs should be defined. They are similar to Monument Signs which are common in business parks. They should be permitted and with design standards provided.

9.8. Signs Allowed in the C-2 & PD Districts

- C-2 is the Neighborhood Comm. District and PD is the Planned Development District which covers the Town Center.
- As a pedestrian oriented district, the emphasis should be on projecting signs and wall signs. While the ground signs are generous at 32 SF per sign face (2 signs allowed), the SF maximum on individual walls signs to 8 SF under 9.10.2 is very limiting and the projecting sign limit of 6 SF under 9.10.2 is limiting as well. In addition to these signs, window signs, door signs, murals/painted signs, sandwich board signs, marquee signs, directory signs, and awning signs all contribute to a vibrant walking environment.

9.11 Signs Allowed in C-1 & I Districts

- Monument signs should be permitted and encouraged in the C-1 and I district. Also, a business park entry sign should also be defined and permitted in these districts similar to the residential subdivision sign.
- 9.11.3 Pole sign standards – This is a reasonable standard, but the provisions are somewhat confusing as is Example A.9.11 in the Appendices and cited here. This section should include a diagram illustrating how the signage is applied.

Article 10: Soil, Vegetation, Rock and Gravel Removal

10.3 Application for Soil, Vegetation, Rock and Gravel Removal

- This subsection could be relocated to the Planning Board Rules and Regulations.

10.4 Plan Distribution

- This subsection could be relocated to the Planning Board Rules and Regulations.

Article 11: Residential Development

- Residential Development is not refined in the Zoning Bylaw. Does it cover anything from a SF home to a large subdivision or MF projects? Or is intended to facilitate OSRD cluster development? This needs to be clarified.

11.1 Purpose

- The purpose statements are not numbered, and they are repetitive. Should be revised to feature housing flexibility, housing diversity, sustainable and efficient development patterns.

11.3 Exceptions

- 11.3.1 Existing Lots – This paragraph is very confusing and should be rewritten.

11.4 Open Space Requirements

- 11.4.1.1 - This paragraph is confusing but appears to require 2 acres of open space not contiguous with existing playgrounds and parkland on larger RD tracts of 10 acres or more. Not sure what the purpose of this requirement is.
- 11.4.1.3 This provision requires RDs in the R80 and C2 zoning districts to provide 50% open space which is a lot. The first sentence also says that natural constraints/resources including wetlands can not be counted as open space. In the next sentence it says that wetland related areas can make up 33% of open space.
- 11.4.1.4 This provision says that 33% of the tract has to be in open space including 25% wetlands in the R40 district.
- 11.4.1.5 - This provision says that 25% of the tract has to be in open space including 15% wetlands in the R10 and PD district.

11.5 Use of the Dedicated Open Space

- 11.5 indicated that open space can be used for agriculture, conservation, commercial forestry, stormwater management systems, and recreation. However, it doesn't require that a percentage of the open space be in passive and/or active use to the benefit of the residents and possibly to the public. This revision should be made for specific types of active and passive opens spaces defined and including design standards.
- 11.5.5. restricts recreational open space to tracts of more than 10 acres and a special permit from the PB. This should be changed to allow active and passive recreation such as parks, pocket parks, ball courts, picnic pavilion, ballfields, pools, trails, playgrounds, certain indoor recreational facilities, etc. that benefit the resident of the RD, and could also be accessible to the public. Design standards should also be provided for the different types of recreational open space.

11.6 Restrictions on the Use of Dedicated Open Space

- 11.6 These restrictions on the use of dedicated open space is really focused on conservation and preservation. Open space in this bylaw is not intended for passive or active recreational application which is a mistake in my opinion.

11.7 Specific Uses Allowed in the Dedicated Open Space

11.8 Improvements that may be allowed by Special Permit

11.9 Legal Protection Requirements

- 11.9 These provisions allow for open space to be conveyed to the town or a non-profit organization for protection from development which is a common practice.

11.10 Maximum Number of Dwelling Units

- This section defined the density for different zoning districts in a Residential District: In R80/C2 1 DUs/2 Acres; R40 = 1 DU/Acre; R10/PD = 6 DUs/Acre (1 DU/7,620 SF). This is actually higher than the min. lot size per DU by zoning district on Table 7.2.

- 11.10.7 This provision limits MF buildings to 3 DUs max (triplex) in the R80, R40, and C2 zoning districts which doesn't provide much flexibility in creating diversity in the housing stock.
- 11.10.8 - This provision allows the PB to grant special permits for MF buildings without limits of DUs in the R10 and PD as long as it doesn't exceed the allowed density per zone. However, the density is generally low in each district so special permits would only provide limited additional opportunity.

11.11 Development Procedures

- Have there been many Residential Developments permitted and built under this bylaw, and in which districts?

11.12 Design Standards

- 11.12.5 - This section allows MF with water and sewer and a special permit for MF buildings with more than 5 DUs with basic design, orientation, and placement standards.
- 11.12.16-10 includes design standards for connected sidewalks and trails, 2 parking spaces per DU in R10 and PD and 3 spaces per DU in other districts. It also allows for common driveways, and 1 curb cut per lot.
- 11.12.2.1 Lot Requirements: In R80/R40/C2 - MLS = 7,500 SF/1st DU and 1,500 SF for each additional DU; R10/PD = 3,750 SF/1st DU and 1,500 SF for each additional DU. PB may allow lesser MLS/DU in existing buildings.
- 11.12.13 Min. Front, Side, Rear Setbacks are 5 feet; Min. Frontage is 50 feet or 75 Feet frontage for common driveways. Max Height = Table 7.2
- There may be some conflicts or inconsistencies between the RD design standards in Section 11.12 and the parking requirements in Article 8, dimensional standards on Table 7.2, and density standards in the Table 7.2 notes.

Article 12: Site Plan Review

12.1 Purpose

- This is an unusual description for a zoning bylaw and should be relocated to the PB Rules and Regulations.
- This section references Appendix C – Review Process Flowchart; D – Site Plan Checklist; and E – Additional Site Plan Characteristics.

12.2 Projects Requiring Site Plan Review

- Is all Site Plan Review subject to Planning Board approval, or are there certain minor expansions or change if uses that can be approved administratively by the Planning Agent/Zoning Administrator or building commissioner?
- 12.2.1.A. Is site plan review actually required for exterior alternations for any type of building except 1 and 2 family homes?
- 12.2.1.B – Wouldn't all MF buildings be subject to site plan review? This is a very confusing paragraph.
- The waiver provision at the end of this section should be codified as 12.2.2

12.3 Exemptions from Site Plan Review

- 12.3.1.A Shouldn't accessory buildings 500 SF+ be permitted separately from SF homes and Duplexes?
- 12.3.1.D – This section references “town inspector” but other sections reference Planning Agent and Building Commissioner. The Bylaw should be consistent with personnel titles and responsibilities.

12.4 Required Submittals

- 12.4.2.B. – This section refers to required submittals and the PB Rules & Regulations. How do the Rules & Regs relate to the Appendices which are primarily design guidelines? Section 4 of the Rules & Regs in Design Standards for Site Plan Review. The Appendices should probably be integrated into this section.

12.6 Site Plan Evaluation

- 12.6.1.D. Adequacy of Landscaping and Screening – There are no landscaping requirements in the Zoning Bylaw to provide a standard for sufficient landscaping. Also, landscaping should not only screen parking and utilities but enhance the street frontage.
- 12.6.1.F. There are no lighting standards in the Zoning Bylaw to determine if the site plan is minimizing light pollution and intrusion.

12.7 Planning Board Regulations

- This section should reference the already adopted PB Rules & Regulations and indicated that it may be revised and edited from time to time.

Article 13: Administration, Enforcement and Amendment

13.7 Scheduled Development

- Are these Phased Growth requirements still in effect? If not, it should be removed.

13.8 Penalties

13.9 Amendment

13.10 Planning Board Associate Member

WINCHENDON ZONING BYLAW AUDIT

Preliminary Recommendations

Ted Brovitz, Brovitz Community Planning & Design

December 6, 2021

General Recommendations

- Reformat the entire bylaw for consistency in numbering hierarchy and structure.
- Add all tables, exhibits, examples, diagrams, and figures to the Table of Contents.
- Add the Zoning Bylaw Appendices to the Table of Contents and include at the end of the bylaw so that users can easily find the related information. (See recommendation below to revise and integrate the Zoning Bylaw Appendices).
- Eliminate the Zoning Bylaw Appendices and integrate diagrams and examples directly into the Zoning Bylaw, Planning Board Rules and Regulations, and Subdivision Regulations as appropriate.
- Add new Appendices to the Planning Board Rules and Regulations such as the Old Towne Center Map and Standards, LID standards, etc.

Article 1: Introduction

- The Purpose and Spirit of the Bylaw is an unusual paragraph and isn't really a purpose statement. It should be rewritten.

Article 2: Definitions

- Definitions should include all use terms on Table 5.2 – Schedule of Use Regulations.
- Some other definition should be revised such as Big Box Retail, Business Center, and Gas Station. (See additional comments on specific definitions in the separate Winchendon Zoning Bylaw Audit).

Article 3: Establishment of Zoning Districts

- The general descriptions of each of the base zoning districts and overlay zoning districts should be located in this section of the Zoning Bylaw.
- Update the Zoning Map to include and be consistent with all of the base zoning districts and overlay districts provided for in the Bylaw.
- The Historic District is referred in Section 3.5 and on the map. If there are specific zoning regulations for properties identified on the Zoning Map include them in the Bylaw (The Winchendon Centre Historic District and other properties in the PD district are shown on the Zoning Map but there are no regulations in the Bylaw).

Article 4: Special Zoning Districts

- **Mill Conversion Overlay District (MCO):** Review this bylaw to expand the types of uses (i.e. commercial, light industrial/fabrication, residential, and mixed use, allow infill development, provide more flexibility in dimensional standards parking requirements, and ensure usable open spaces. (Cordage Park in Plymouth is a good example of flexible mill renovation, mixed use, and infill development).
- **Planned Development District (PB):** This is identified as a “Special District” but it is the base zoning district for the town center area. Therefore, it should allow a broad range of uses in a traditional New England village pattern of development with pedestrian oriented streetscapes and purposeful active/passive open spaces.
 - Revised dimensional and density standards to reflect traditional walkable, mixed use, higher intensity development patterns. For example, 4.7.2.K – the 4:1 Floor Area Ratio (FAR) is reasonable for a small/medium town center but is not achievable with the dimensional standards for the PD district on Table 7.2.
 - Facilitate more mixed use projects with more flexible use combinations, particularly residential.
 - Provide updated parking and pedestrian access standards, streetscape standards, purposeful open space requirements, and sign regulations. For example, appropriate open spaces in an urban environment should be complimentary and flexible such as tree belts, curb extensions, pocket parks, plazas, courtyards, seating terraces, trails, parklets, pedestrian alleys, rooftop terraces, and other purposeful spaces.
 - Expand the forms of residential and mixed use buildings and developments such as Townhouses/Rowhouses, Larger Multifamily and Mixed Use buildings (apartments, condominiums, cooperatives), Cottage Courts, Live/Work Units, Micro Units, Penthouses, etc. Clearer descriptions, diagrams, and example images should be added to the Zoning Bylaw.
- **Clarify and revised the Gateway Overlay District and Route 140 Corridor Overlay District.** There appears to be overlay between these 2 districts and possibly revise the consolidate the C1, GOD and COD districts into 1 districts for the Route 140 Corridor that emphasizes infill development, sprawl repair, mixed use at designated nodes, streetscape enhancements, flexible dimensional and parking standards, and building design.

Article 5: Use Regulations

- Revise the table format to landscape so that it’s easier to read.
- Uses on the table should be coordinated with definitions and performance standards from Article 6).
- Expand the uses to reflect current terminology and new uses that have emerged over the past 15 years. For example, the following list was provided for consideration:

EXAMPLE OF RECENTLY ADOPTED PRINCIPAL USE TABLE

A. Residential

Household Living (As Listed Below)

Single-Family - Detached Dwelling
Townhouse/Rowhouse
Two-Family - Attached Dwelling
Multi-Family - Attached Dwelling (≥3)
Mixed Use - Attached Dwelling

Group Living (As Listed Below)

Community or Group Residence
Nursing Home/Assisted Living/Independent Living Facility
Dormitory, Fraternity or Sorority
Homeless Shelter and Service Center
Single Room Occupancy Housing (SRO)
Boarding House
Trailer Camp or Park

B. Lodging

Bed & Breakfast or Inn
Hotel or Motel
Hotel or Motel, Large
Extended Stay Hotel or Motel
Hostel

C. Commercial - General Services

Educational Facilities & Use (Nonexempt)
Property Maintenance & Repair Service
Maintenance & Repair of Consumer Goods
Personal Services
Personal Dry Cleaning & Laundry Services*
Body-Art Establishment
Business Support Services
Broadcast and/or Recording Studio
Moving Services
Funeral Home
Wireless Communications Facilities

Animal Services (As Listed Below)

Animal Clinic or Hospital
Pet Grooming
Pet Training and Care
Commercial Kennel
Veterinarian

Day Care Service (As Listed Below)

Adult Day Care Center
Child Day Care Center
Family Day Care
Large Family Day Care

H. Commercial - Auto-Oriented

Motor Vehicle Sales and Service
Motor Vehicle Rental
Motor Vehicle General Repairs and Maintenance
Motor Vehicle Body Painting and Body Repair
Motor Vehicle Light Service Station
Motor Vehicle Light Service Station and Convenience Store
Dispatch Service
Commercial Surface Parking Facility
Commercial Structured Parking Facility*

I. Civic, Recreational & Institutional

Recreational Uses (As Listed Below)

Indoor Commercial Recreation
Outdoor Commercial Recreation
Marine Recreational Facility

Civic Uses (As Listed Below)

Cemetery
Club or Lodge (Nonprofit)
Community Center
Museum
Flat Floor Event Space*
Theatres and Auditoriums
Conference and Convention Center
Arena*
Sports Complex

Institutional Uses (As Listed Below)

Religious Assembly/Establishment (EXEMPT)
Educational Facility (EXEMPT)
Municipal Facilities
Public Utilities Services
Public Utility Facility
Hospital

J. Industrial

Prohibited Industrial Uses (As Listed Below)

Earth Removal
Junkyard or Automobile Graveyard
Tire Recycling & Re-treading
Low-level Radioactive or Nuclear Waste Facility

General Industrial Uses (As Listed Below)

Manufacturing
Light Manufacturing
Research, Development or Testing Laboratories & Facilities
Biotechnology Facilities
Heavy Materials Sales and Distribution Facility

D. Commercial – Office

Business or Professional Office
 Medical Offices, Center, or Clinic
 Bank and Financial Services
 Data Center
 Co-Working Space

Warehouse, Wholesale Trade & Distribution
 Self Storage Facility
 Transportation Terminal
 Heavy Materials Sales and Distribution
 Material Salvage and Recycling Facility
 Recycling Collection Facility*
 Biomass Recycling Facility*

E. Commercial - Retail Uses

Retail Stores and Services (not elsewhere set forth)
 Weaponry Store
 Packaged Liquor Store
 Pet Store
 Convenience Store
 Grocery Store
 Big Box Retail Store
 Building/Home Supplies & Equipment
 Drug Paraphernalia Store
 Adult Entertainment Retail Establishment

Contractor's Yard
 Batch Asphalt & Concrete Plants
 Commercial Dry Cleaning & Laundry Services

Marine Dependent Industrial Uses (As Listed Below)

Maritime Trade*
 Water Freight Terminal
 Waterfront Storage and Distribution Facility
 Seafood Handling and Processing
 Seafood Packaging and Distribution

*Marijuana Related Uses (As Listed Below)***F. Commercial - Eating & Drinking**

Restaurant
 Restaurant, Fast-Food or Take Out
 Bar or Tavern
 Brew Pub
 Brewery, Distillery, Cidery, Winery
 Micro Brewery, Distillery, Cidery, Winery with Tasting Room
 Caterer/Wholesale Food Production
 Adult Entertainment Establishment

Marijuana Retailer
 Craft Marijuana Cooperative
 Marijuana Cultivator
 Marijuana Product Manufacturer
 Marijuana Research Facility
 Medical Marijuana Treatment Center
 Independent Testing Laboratory

G. Commercial - Art & Creative Enterprise

Artisan Production & Creative Studio
 Shared Creative Workspace and Arts Education
 Work/Live Creative Studio

K. Agriculture

Agricultural Use (Exempt)
 Agricultural Use (Nonexempt)

Article 6: Non-Conforming and Special Buildings and Uses

- The Special Buildings and Uses should be relocated to Article 5 and become Performance Standards for uses on Table 5.2
- Update the Accessory Dwelling Unit (ADU) regulations to allow more flexibility in creating small and affordable units with revised designed guidelines.
- Consider adding additional accessory uses and standards to reflect current terminology and more complete table of accessory uses:

RECENTLY ADOPTED ACCESSORY USE TABLE			
ACCESSORY RESIDENTIAL	ACCESSORY COMMERCIAL		
Accessory Dwelling Unit	Off-Site Accessory Parking Facility		
	Car Share Parking Facility		
HOME OCCUPATIONS	Moving Vehicle Share Parking Facility		
Home Office	Drive Thru Facility		
Home-Based Business	Food Hall or Public Market		
Hobby Kennel	Farmers Market, Vendors Court, and Mobile Food Markets		
	Motorized Single-User Shared-Transport Station (Bike/Scooter/Moped)		
ACCESSORY LODGING	Parklet		
Short Term Rental of a Dwelling Unit	Outdoor Merchandise Display		
Tourist Home	Outdoor Café Seating		
	Temporary Mobile Storage Unit		
ACCESSORY AGRICULTURE			
Apiculture			
Aviculture			
Farm Stand (EXEMPT)			
Farm Stand (NONEXEMPT)			
Community Garden Plots			

Article 7: Site Considerations-Dimensional and Density Regulations

- Consider revisions to Table 7.2 - Table of Dimensional & Density Regulations to allow for greater density where appropriate such as in the Planned Development (PD) District where traditional town center development patterns include greater intensity and density. Certain dimensional should be revised to better fit the context of a town center such as front setback (typically, front setback is not required in a pedestrian oriented districts where business visibility at the sidewalk is critical. Where there are front setbacks, the space is typically utilized for activation of the storefront (i.e. plaza, sidewalk café, display, etc.).
- As an alternative to the Notes to Table 7.2, a new subsection could cover special exceptions and conditions for building height, lot size, frontage, setbacks, open space, mixed use, buffer zones, impervious surfaces, temporary or accessory buildings, and other variation of the dimensional standards on Table 7.2. New diagrams should illustrate the dimensional standards and variations allowed for in the notes.

Article 8 – Traffic, Parking and Circulation Regulations

- This section should be reorganized and updated.
- The existing parking space requirements in the Appendices is NOT a complete list of uses (a sample from a parking study) and the ratios are higher are consistently higher than the current ULI and ITE standards. Also, ULI, ITE and the SmartCode also have new standards for shared parking which should be referenced in this section.
- New standards should be provided for electric vehicle parking.
- Parking placement standards should be revised to ensure that most parking is located to the side and rear of the building to enhance the streetscape and building visibility. In the PD district, no parking should be allowed between the sidewalk and the building.
- While the shared parking standards are good, revisions are needed to encourage internal access between adjacent properties and shared access.
- Parking lot landscaping, pervious paves/LID applications, and lighting provisions should be revised and updated to current best practices.
- Access, driveway, and drive-thru provisions should be revised and updated to current best practices.

Article 9: Signs

- New diagrams of different sign types and example photos should be updated and integrated into this section rather than by reference in the Zoning Bylaw Appendices.
- Certain prohibited signs such as roof signs, painted wall signs/murals should be considered with good design standards.
- Revised design and placement standards are needed for projecting signs, neon signs, wall signs, and subdivision signs.
- Additional signs should be added such as marquee signs, monument signs, window signs, vertical banner sign, yard/bracket signs, awning/canopy sign, suspended signs, business park gateway sign, and display case.

Article 10: Soil, Vegetation, Rock and Gravel Removal

- Subsection 10.3 (application) and 10.4 (plant distribution) could be relocated to the Planning Board Rules and Regulations.

Article 11: Residential Development

- Residential Development is not defined in the Zoning Bylaw, but it appears to be for the purpose of cluster developments and conservation subdivisions.
- The open space standards require a large amount of the development tract (50%) and is primarily focused on conservation of natural resources and constraints. There is not much attention to passive and active open spaces that would benefit residents and potentially the public.
- There should be design standards for active and passive recreation such as parks, pocket parks, ball courts, picnic pavilion, ballfields, pools, trails, playgrounds, certain indoor recreational facilities, etc.
- Limitations on residential density and multi-family make limits the potential for this bylaw to expand housing diversity and affordability.
- There may be some conflicts or inconsistencies between the RD design standards in Section 11.12 and the parking requirements in Article 8, dimensional standards on Table 7.2, and density standards in the Table 7.2 notes (these standards are spread out in different sections of the bylaw).
- Consider revising Residential Development to be more specific in terms of the types of residential developments and residential building types. For example, RD may include Conservation Developments, Open Space Residential Development (OSRD), Open Space Preservation Development (OSPD), Continuing Care Retirement Community (CCRC); Traditional Neighborhood Development (TND), Transit Oriented Development (TOD), Pocket Neighborhood (i.e. Housing Coop, Cottage Court, Compact Neighborhoods), Mixed Use Development (MUD), Planned Development (PD), etc. In terms of housing types: SF Dwelling, Duplex, Triplex, Multi-Family, Apartment, Condo, Townhouse, Rowhouse, Live/Work Unit, Cottage/Bungalow, Loft, Penthouse, etc.

Article 12: Site Plan Review

- There are no landscaping requirements in the Zoning Bylaw to provide a standard for sufficient landscaping. Landscaping should not only screen parking and utilities but enhance the street frontage.
- There are no lighting standards in the Zoning Bylaw to determine if the site plan is minimizing light pollution and intrusion.

Article 13: Administration, Enforcement and Amendment

- There are Phased Growth requirements under Section 13.7. Are they still in effect? If not, they should be removed.

ZONING BYLAW AUDIT

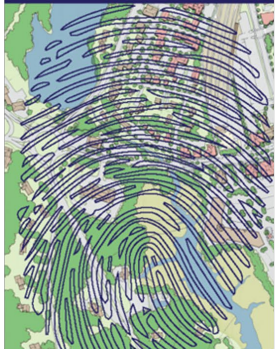
Town of Winchendon, MA

Winchendon Planning Board

Winchendon Planning & Community
Development Department

Planning Board Meeting
December 7, 2021

DISCOVERING COMMUNITY
IDENTITY AND OPPORTUNITY



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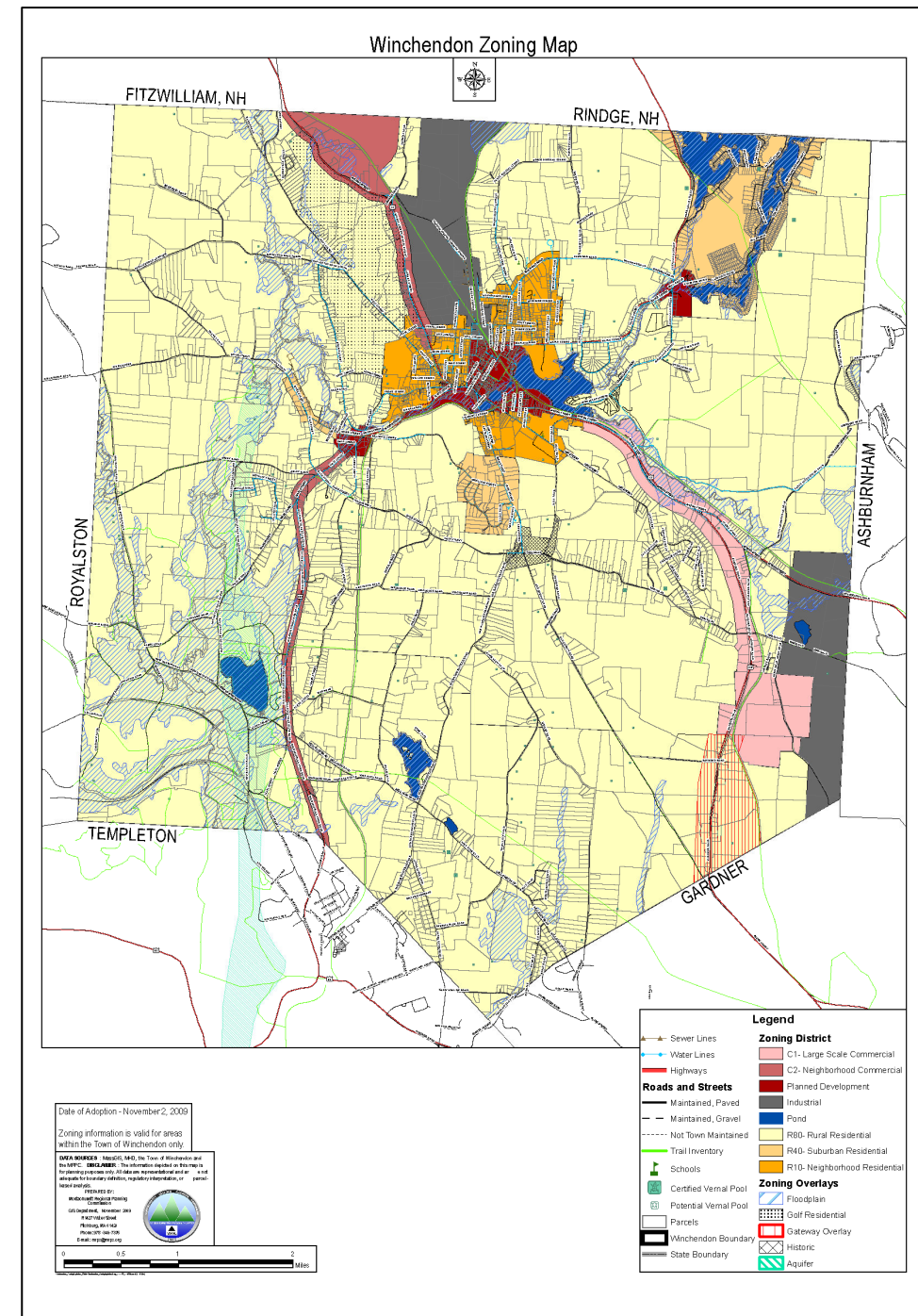


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WINCHENDON ZONING BYLAW AUDIT

PROJECT SCOPE

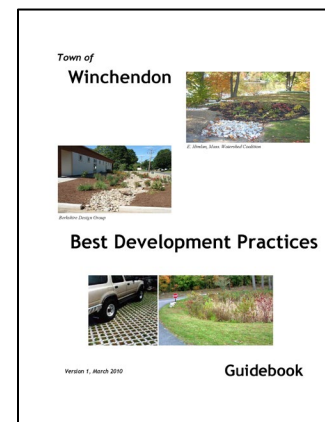
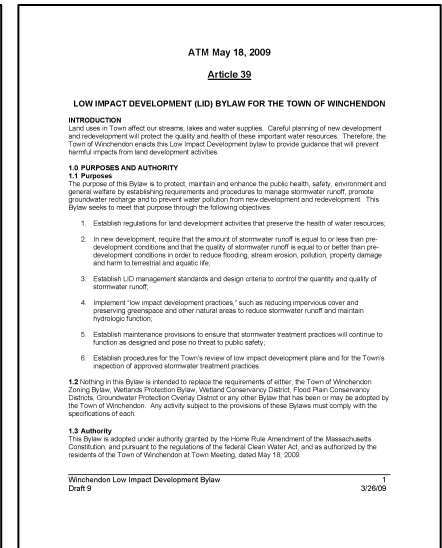
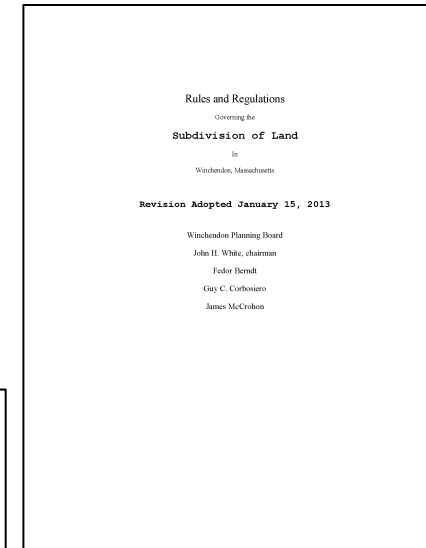
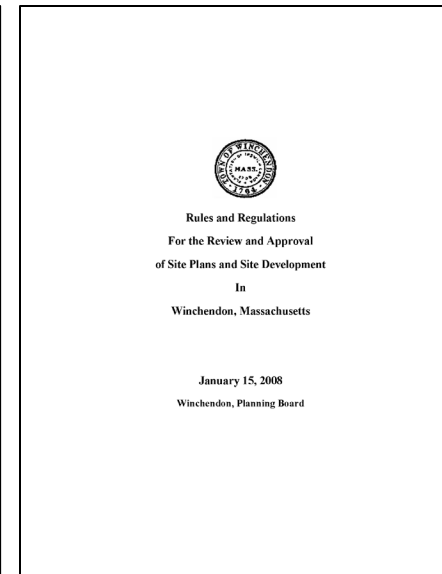
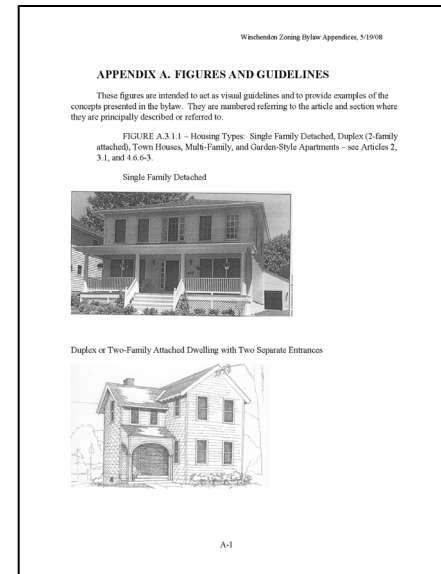
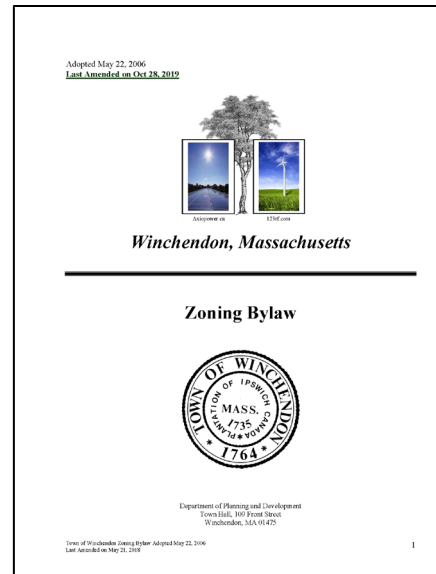
- ❑ **Reformatting/Reorganize:** Work with the Planning Board and Planning Department on reformatting and reorganizing the Zoning Bylaw making it easier for the public, town boards, staff, and applicants to understand and access.
- ❑ **Upgrade Graphics:** Replace dated diagrams, photos, figures, and illustrations in the Zoning Bylaw and Appendices as determined to be necessary by the Town in consultation with BCPD.
- ❑ **Revisions and Updates:** Make revisions and updates to the procedures for site plans, environmental design review, special permits, variances, appeals, rezoning, and other provisions as determined to be necessary by the Town in consultation with BCPD.
- ❑ **Model Bylaws and Case Studies:** Provide concepts, ideas, and models for amendments to the Zoning Bylaw and provide applicable development case studies to implement key Master Plan recommendations.
- ❑ **Public Participation:** Work with town staff to carry out the public participation process



WINCHENDON ZONING BYLAW AUDIT

GENERAL RECOMMENDATIONS

- **Reformat the Entire Zoning bylaw:** for consistency in numbering hierarchy and structure.
- **Update the Table of Contents:** Add all tables, exhibits, examples, diagrams, and figures.
- **Update the Zoning Bylaw Appendices** including all diagrams, examples, tables, and photos. and examples directly into the Zoning Bylaw, Planning Board Rules and Regulations, and Subdivision Regulations as appropriate.
- **Integrate Updated Appendices:** Into the Planning Board Rules and Regulations, Subdivision Regulations, and LID Standards, as appropriate.



GENERAL RECOMMENDATIONS

Most Used Numbering Hierarchy

ARTICLE 1 – TITLE (14 Pts)

1.1 Header (12 Pts)

1.1.1 Sub-header 1 (10 Points)

1. Sub-header 2

A. Sub-header 3

1. Sub-Header 4

Recommended Numbering Hierarchy

ARTICLE 1 – TITLE (14 Pts)

1.1 Header (12 Pts)

1.1.1 Sub-Header 1 (10 Pts)

1. Sub-Header 2

A. Sub-Header 3

1). Sub-Header 4

Notes:

- Inconsistency in numbering hierarchy in some sections
- Lack of paragraph indents, bold, and underline making it difficult to see headers and sub-headers
- Some sections are right justified, and others are not.
- References to figures and appendices that are not in the text.
- Times New Roman is the most commonly used font.

WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

Article 1: Introduction

- Rewrite the Purpose and Spirit of the Bylaw

Article 2: Definitions

- Add Definitions to match all use terms on Table 5.2 – Use Regulations.
- Revise some definitions such as Big Box Retail, Business Center, and Gas Station.

Article 3: Establishment of Zoning Districts

- Add descriptions of each of the base zoning districts and overlay zoning districts.
- Update the Zoning Map: Be consistent with all of the base and overlay districts in the Bylaw.
- Eliminate Historic District from the map or add applicable regulations.

WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

TABLE 3.1. Zoning District Designations

Designation	Table 3.1 Title	Article 4 Title (Special Zoning Districts)	On Zoning Map
R80	Rural Residential		YES
R40	Rural Suburban Residential		YES
R10	Neighborhood Residential		YES
C1	Highway Commercial		YES
C2	Neighborhood Business		YES
PD	Planned Development	Planned Development District	YES
I	Industrial		YES
IR	Ice Racing District (overlay)	Ice Racing District	NO
MCOD	Mill Conversion Overlay District	Mill Conversion Overlay District (MCOD)	NO
LMOD	Lake Monomac Overlay District	Lake Monomac Overlay District (LMOD)	NO
GAOD	Gateway Overlay District	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy (superimposed)	Wetlands Conservancy District	NO
Rt. 140 COD	Route 140 Corridor Overlay District	Route 140 Corridor Overlay District (Rt. 140 COD)	NO
		Flood Plain Conservancy Districts (not on table)	YES
		Groundwater Protection Overlay District (" Aquifer ")	YES
		Golf Course Overlay District (not in Bylaw)	YES
		Historic Properties (Not on table)	YES
		Med./Adult Use Marijuana Retail Overlay District (not on Table/Map/Bylaw)	NO

WINCHENDON ZONING BYLAW AUDIT

ZONING MAP

District	Title	On Zoning Map
R80	Rural Residential	YES
R40	Rural Suburban Residential	YES
R10	Neighborhood Residential	YES
C1	Highway Commercial	YES
C2	Neighborhood Business	YES
PD	Planned Development District	YES
I	Industrial	YES
IR	Ice Racing District (overlay)	NO
MCOD	Mill Conversion Overlay District	NO
LMOD	Lake Monomonac Overlay District	NO
GAOD	Gateway Overlay District	YES
WF	Wetlands and Flood Conservancy	NO
Rt. 140 COD	Route 140 Corridor Overlay District	NO
	Flood Plain Conservancy Districts	YES
	Groundwater Protection Overlay District	YES
	Golf Course Overlay District	YES
	Winchendon Town Centre Historic District	YES
	Med./Adult Use Marijuana Retail Overlay District	NO

Roads and Streets

- Maintained, Paved
- Maintained, Gravel
- Not Town Maintained
- Trail Inventory
- Schools
- Certified Vernal Pool
- Potential Vernal Pool
- Parcels
- Winchendon Boundary
- State Boundary

Legend

Zoning District

- C1- Large Scale Commercial
- C2- Neighborhood Commercial
- Planned Development
- Industrial
- Pond
- R80- Rural Residential
- R40- Suburban Residential
- R10- Neighborhood Residential

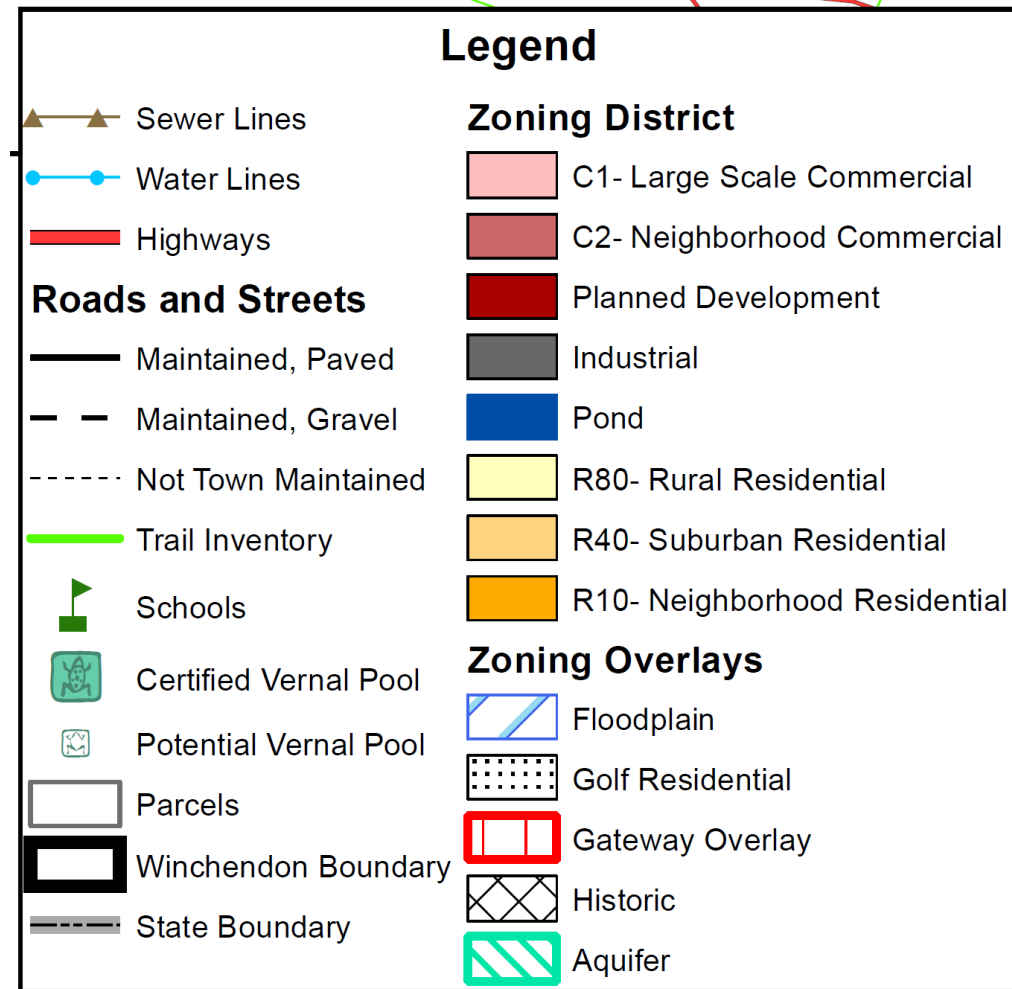
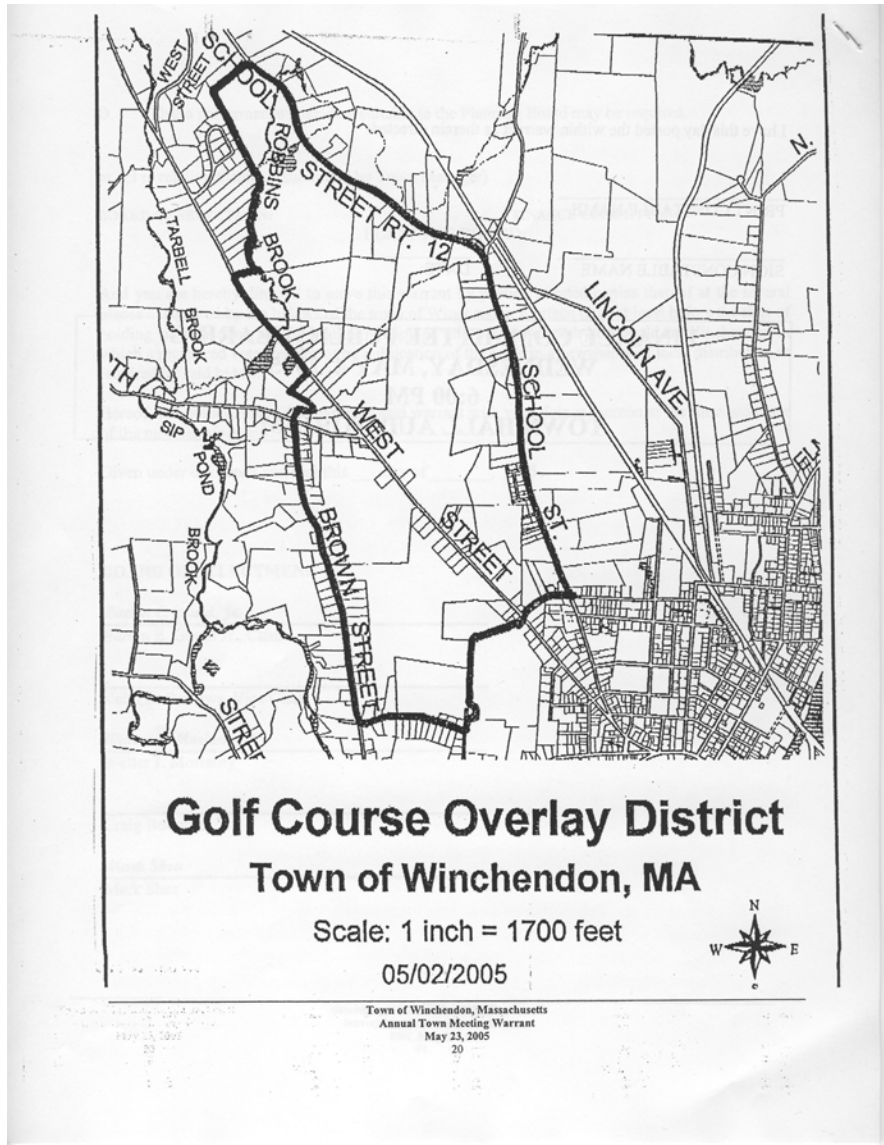
Zoning Overlays

- Floodplain
- Golf Residential
- Gateway Overlay
- Historic
- Aquifer

The legend on the Zoning Map does not match the district titles and acronyms on Table 3.1 in the Zoning Bylaw

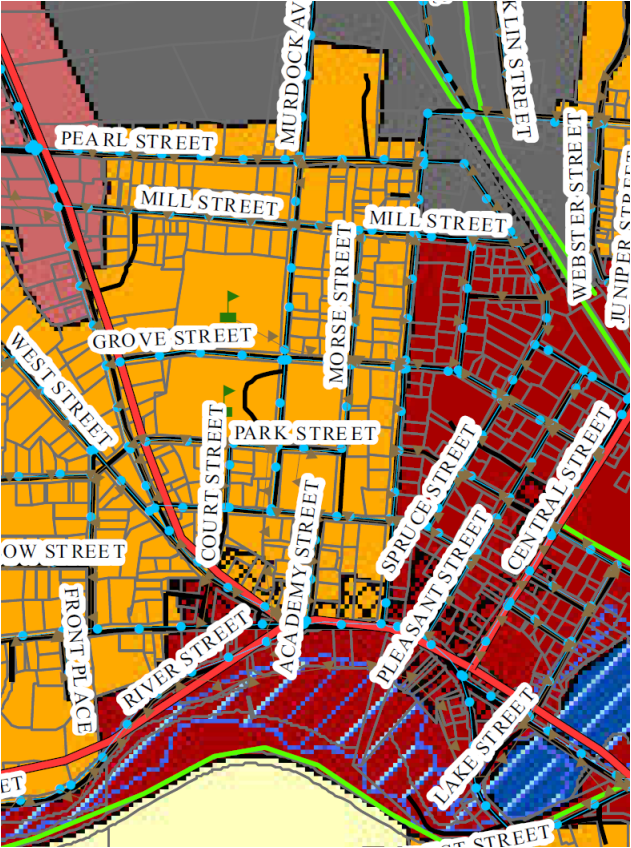
WINCHENDON ZONING BYLAW AUDIT

ZONING MAP

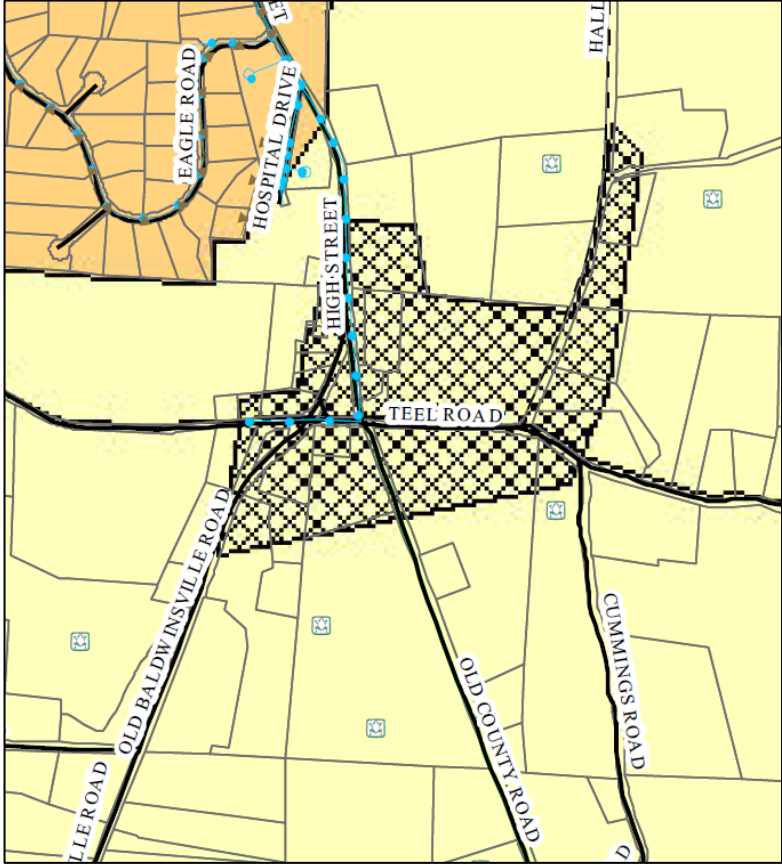


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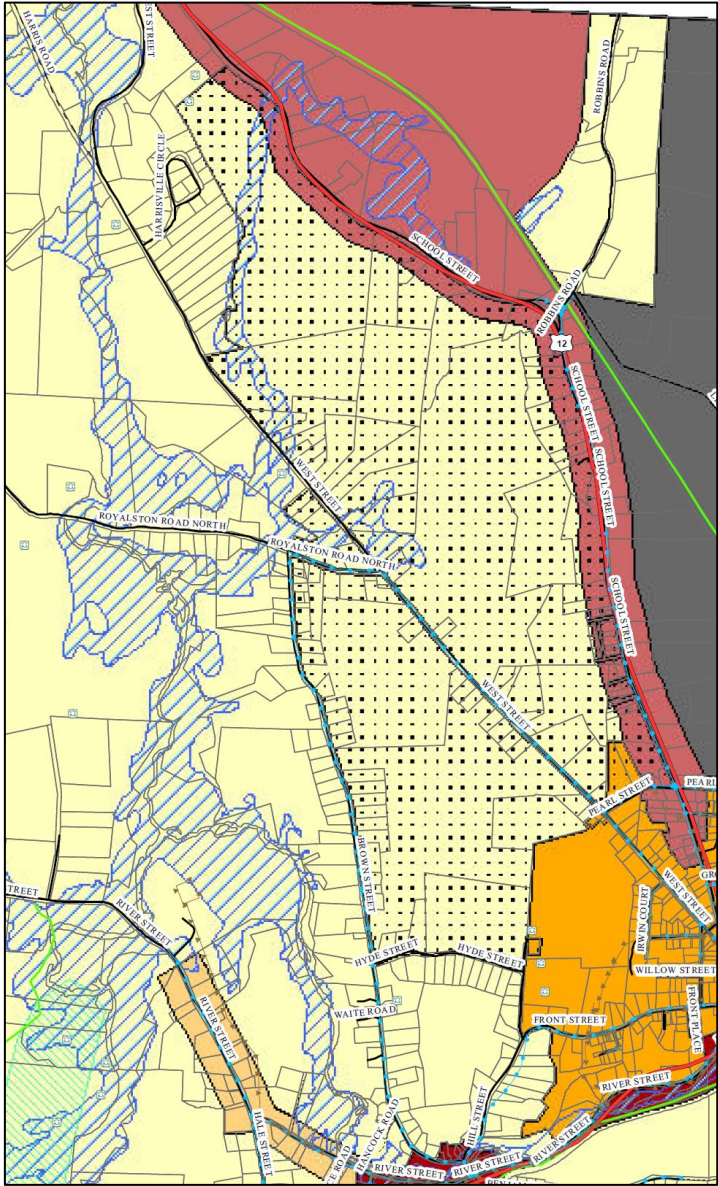
ZONING MAP



Historic District Parcels



Golf Overlay District



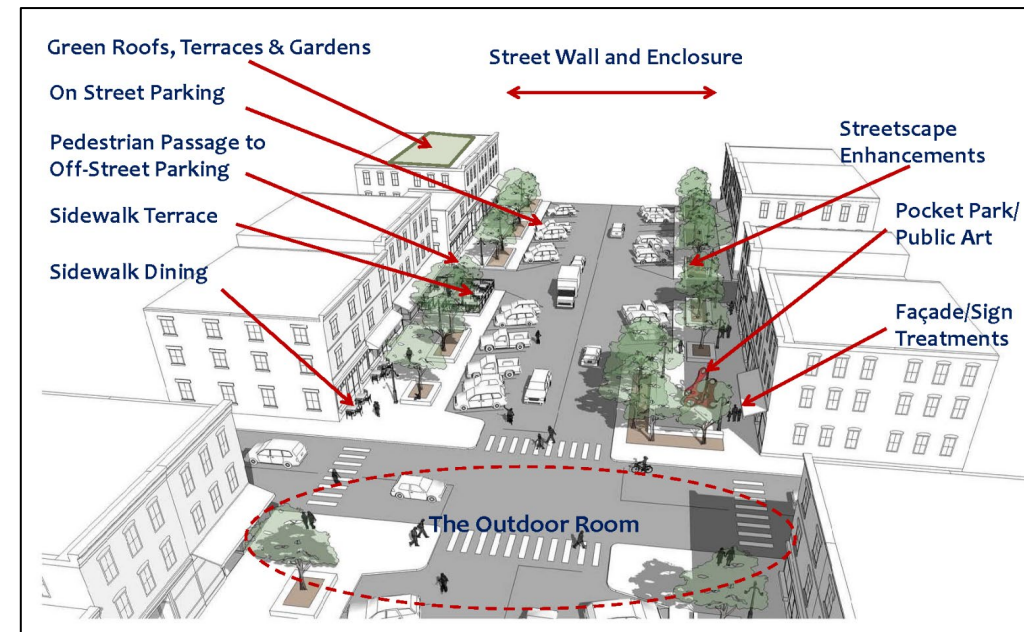
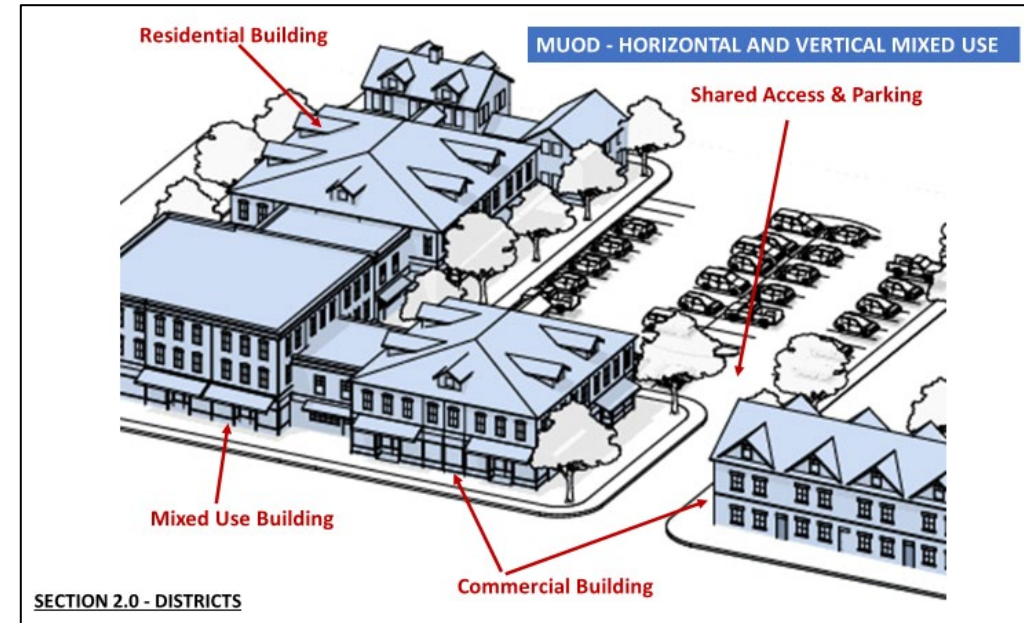
WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

Article 4: Special Zoning Districts

- Mill Conversion Overlay District (MCOB): Expand the types of uses; provide more flexibility in dimensional standards and parking requirements; ensure usable open spaces.
- Planned Development District (PB): Allow a broad range of uses in a traditional New England village pattern of development with pedestrian oriented streetscapes and purposeful active/passive open spaces.
 - Consider revisions to dimensional and density standards for village context.
 - Facilitate more mixed use development.
 - Update/Add standards for parking and pedestrian access, streetscapes, purposeful open space, and sign regulations.

Clarify and revised the Gateway Overlay District and Route 140 Corridor Overlay District. Possibly revise or consolidate C1, GOD and COD districts into 1 districts for the Route 140 Corridor that emphasizes infill development and sprawl repair.



WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

Article 5: Use Regulations

- Revise the table format to landscape so that it's easier to read.
- Uses on the table should be coordinated with definitions and performance standards from Article 6).
- Expand the uses to reflect current terminology and new uses that have emerged over the past 15 years. For example, the following list was provided for consideration:

Table 9.1.1 Permitted Uses

Use Category Specific Use	NR	UR	MR3	MR4	MR5	MR6	HR	FAB	CC	CI	CB	CIV	Use Specific Standards
Arts & Creative Enterprise													
Artisinal Production	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.a
Arts Exhibition	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.2.b
Arts Sales or Services	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.c
Co-Working	N	N	P	P	P	P	P	P	P	P	P	N	§9.2.2.d
Design Services	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.e
Shared Workspaces or Arts Education	SP	SP	P	P	P	P	P	P	P	P	P	N	§9.2.2.f
Work/Live Creative Studio	N	N	N	N	N	N	N	SP	N	N	N	N	§9.2.2.g
Auto-Oriented													
Commercial Vehicle Repair or Maintenance	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.a
Dispatch Service (except as follows)	N	N	N	N	N	N	N	N	N	P	P	N	§9.2.3.b
Towing Service	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.b.i
Gasoline Station	N	N	N	N	N	N	N	N	N	N	N	N	§9.2.3.c
Motor Vehicle Parking (as noted below)	--	--	--	--	--	--	--	--	--	--	--	--	§9.2.3.d
Off-Site Accessory Parking	SP	SP	N	N	N	N	N	N	N	P	P	N	§9.2.3.d.i
Personal Vehicle Repair or Maintenance	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.e
Vehicle Sales	N	N	N	N	N	N	N	N	N	SP	SP	N	§9.2.3.f
Cannabis Establishment													
Cannabis Cultivation	N	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	§9.2.4.b
Cannabis Product Manufacturing	N	N	N	N	N	N	N	P	N	P	N	N	§9.2.4.c
Cannabis Retail Sales	N	N	SP	SP	SP	SP	SP	N	SP	SP	SP	N	§9.2.4.d
Cannabis Research & Development	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.4.e
Cannabis Testing Laboratory	N	N	P	P	P	P	P	N	P	P	P	N	§9.2.4.f

P - Permitted SP - Special Permit Required N - Not Permitted

WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

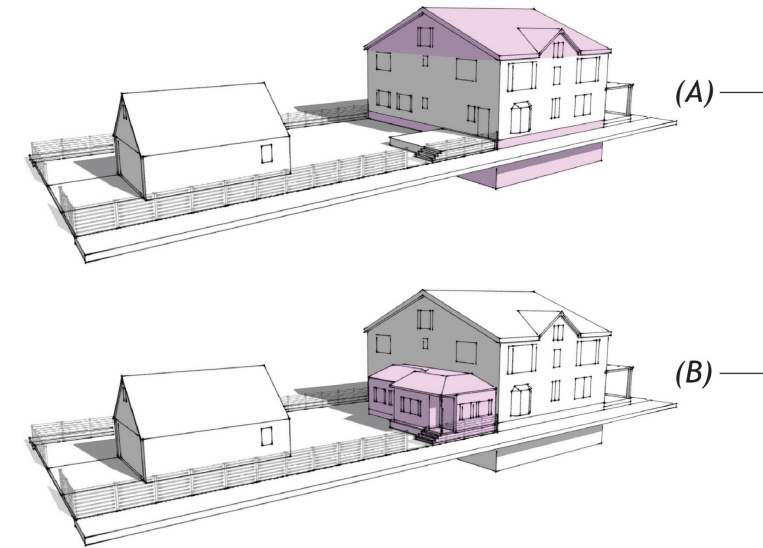
Article 6: Non-Conforming and Special Buildings and Uses

- The Special Buildings and Uses should be relocated to Article 5 and become Performance Standards for uses on Table 5.2
- Consider adding additional accessory uses and standards to reflect current terminology and more complete table of accessory uses:

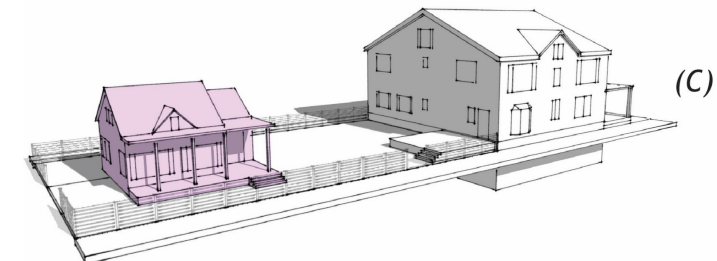
RECENTLY ADOPTED ACCESSORY USE TABLE			
ACCESSORY RESIDENTIAL	ACCESSORY COMMERCIAL		
Accessory Dwelling Unit	Off-Site Accessory Parking Facility		
	Car Share Parking Facility		
HOME OCCUPATIONS	Moving Vehicle Share Parking Facility		
Home Office	Drive Thru Facility		
Home-Based Business	Food Hall or Public Market		
Hobby Kennel	Farmers Market, Vendors Court, and Mobile Food Markets		
	Motorized Single-User Shared-Transport Station (Bike/Scooter/Moped)		
ACCESSORY LODGING	Parklet		
Short Term Rental of a Dwelling Unit	Outdoor Merchandise Display		
Tourist Home	Outdoor Café Seating		
	Temporary Mobile Storage Unit		
ACCESSORY AGRICULTURE			
Apiculture			
Aviculture			
Farm Stand (EXEMPT)			
Farm Stand (NONEXEMPT)			
Community Garden Plots			

- Update the Accessory Dwelling Unit (ADU) regulations to allow more flexibility in creating small and affordable units with revised designed guidelines.

1. Attached Accessory Dwelling Unit (ADU)



2. Detached Accessory Dwelling Unit (ADU)



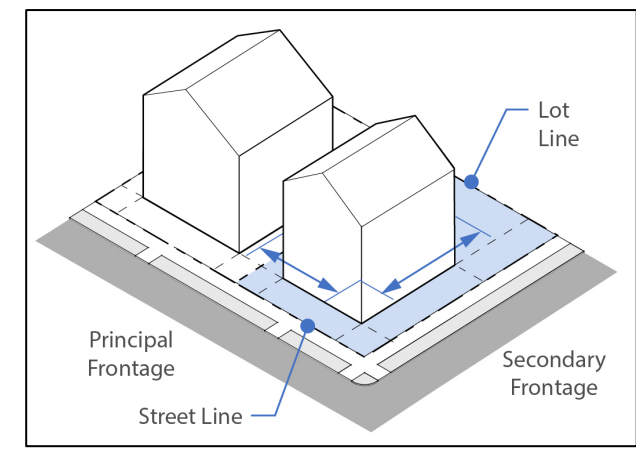
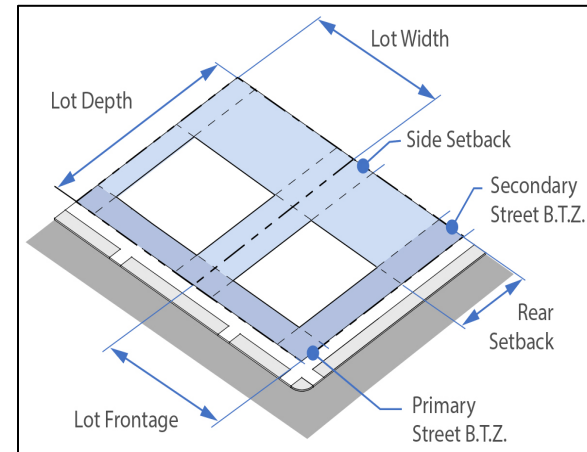
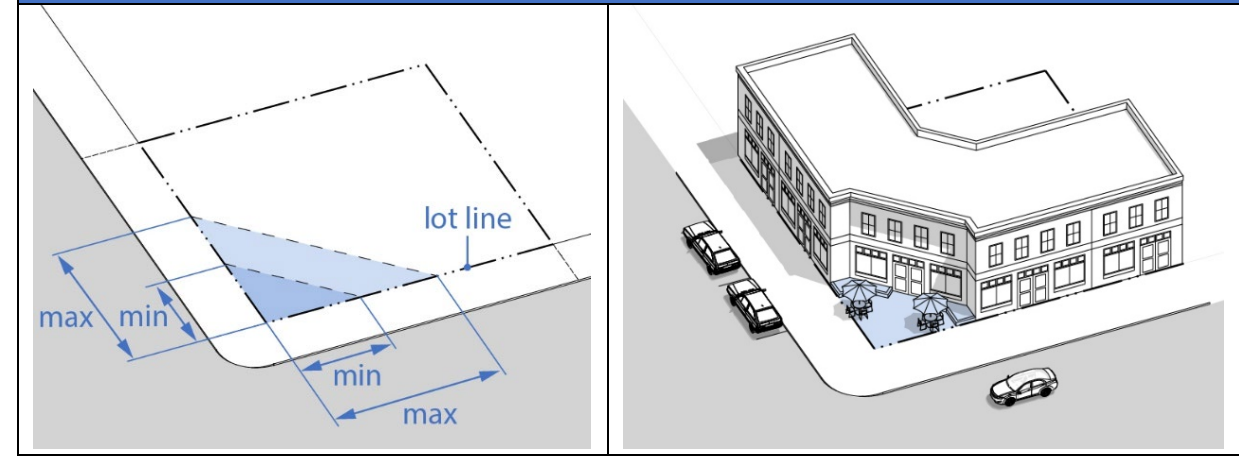
WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

Article 7: Site Considerations-Dimensional and Density Regulations

- Consider revisions to Table 7.2 - Table of Dimensional & Density Regulations to allow for greater density where appropriate such as in the Planned Development (PD)
- As an alternative to Notes to Table 7.2, a new subsection could cover special exceptions and conditions for building height, lot size, frontage, setbacks, open space, mixed use, buffer zones, impervious surfaces, temporary or accessory buildings, and other variation of the dimensional standards. New diagrams should illustrate the dimensional standards and variations allowed for in the notes.

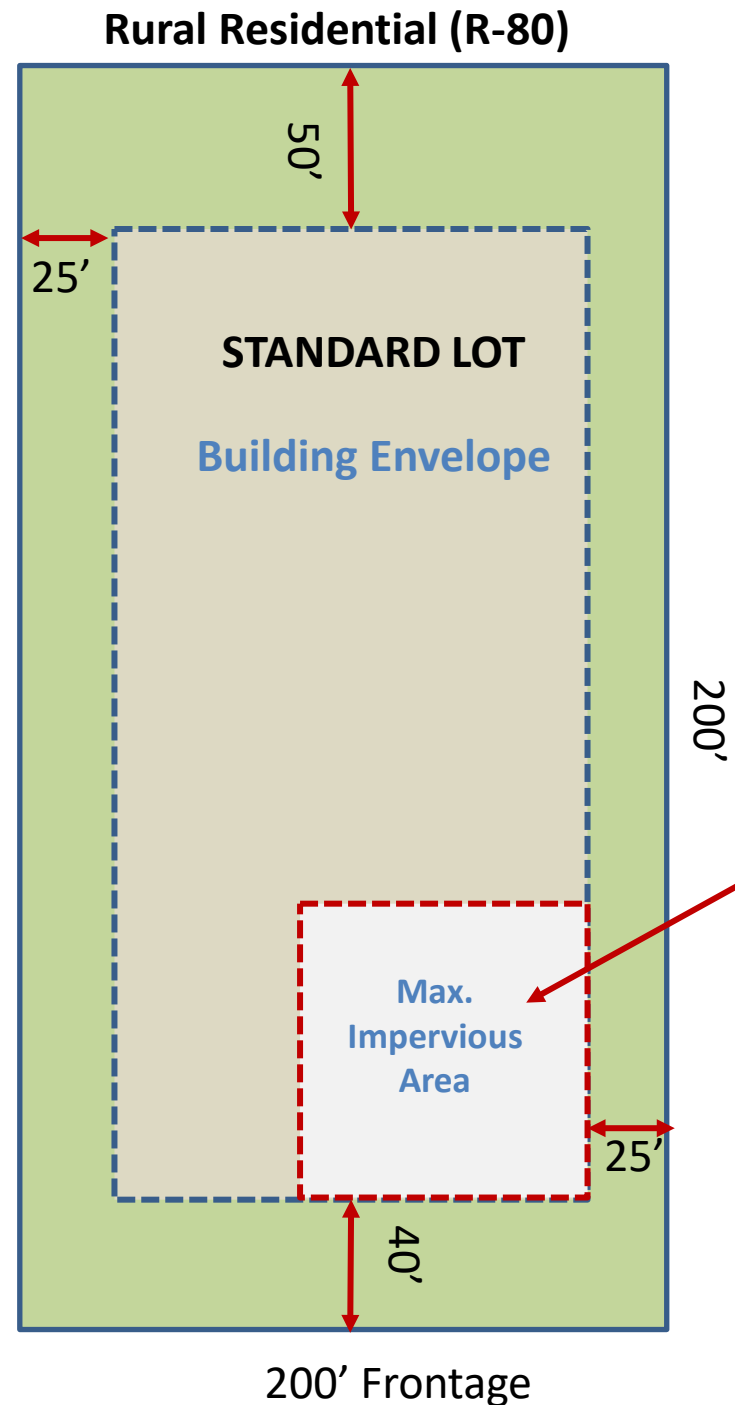
FIGURE 12.5 - FAÇADE ORIENTATION AND CORNER LOT SITE CLEARANCE



WINCHENDON ZONING BYLAW AUDIT

DIMENSIONAL STDS, LAND USE & DENSITY

Zoning District	Rural Residential (R-80)
General Lot Standards and Notes	
Minimum Lot Area (Sq. Ft.)	80,000
Frontage (Ft.) (Note 6)	200
Front Setback (Ft.) (Note 7, 8)	40
Side Setback (Ft.) (Note 7, 8)	25
Rear Setback (Ft.) (Note 7, 8)	50
Max. Structure Height (Floors)	2 1/2
Max. Man Made Structure Height (Ft.)	35'
Max Impervious Area as % of Lot (Note 1)	10%
Effective Requirements (Based on Application of Gen. Req.)	
Effective Lot Depth = M.L.S./Frontage	400 FT
Effective Building Envelope	46,500 SF
Effective Max. Lot Coverage by Bldgs/Parking	8,000
Effective Max. Buildings and Parking Footprint	90x90 FT
Effective Land Area Dedicated to Yard/Setback (SF)	33,500 FT
Effective Open Space Area (MLS - Max Lot Coverage)	72,000
Effective Open Space Area % of Total Lot Area	90%
Effective Floor Area Ratio (FAR)	0.25

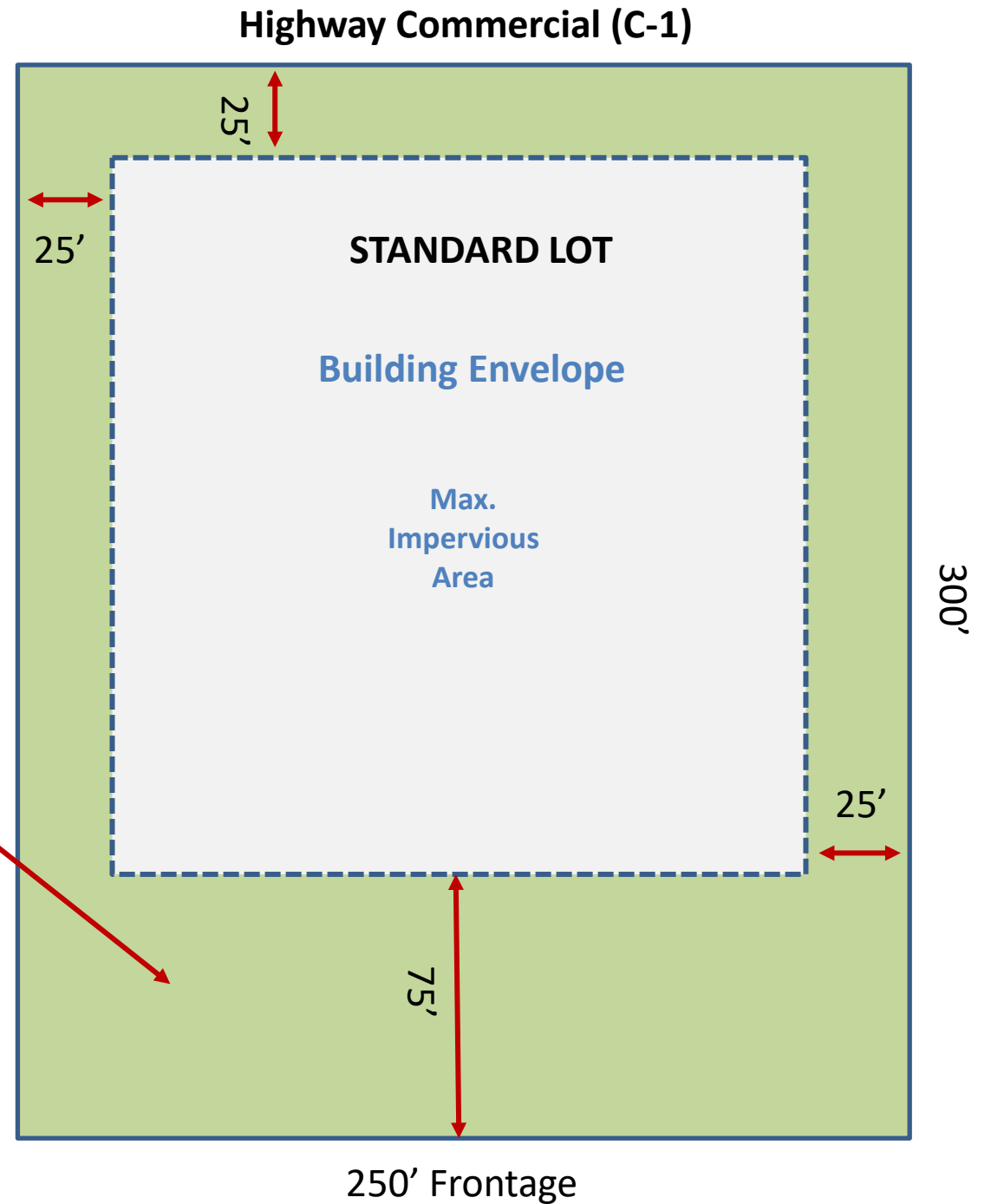


WINCHENDON ZONING BYLAW AUDIT

DIMENSIONAL STDS, LAND USE & DENSITY

Zoning District	Highway Commercial (C-1)
General Lot Standards and Notes	
Minimum Lot Area (Sq. Ft.)	75,000
Frontage (Ft.) (Note 6)	250
Front Setback (Ft.) (Note 7, 8)	75
Side Setback (Ft.) (Note 7, 8)	25
Rear Setback (Ft.) (Note 7, 8)	25
Max. Structure Height (Floors)	3
Max. Man Made Structure Height (Ft.)	45'
Max Impervious Area as % of Lot (Note 1)	45%
Effective Requirements (Based on Application of Gen. Req.)	
Effective Lot Depth = M.L.S./Frontage	300
Effective Building Envelope	40,000
Effective Max. Lot Coverage by Bldgs/Parking	33,750
Effective Max. Buildings and Parking Footprint	50x50
Effective Land Area Dedicated to Yard/Setback (SF)	35,000
Effective Open Space Area (MLS - Max Lot Coverage)	41,250
Effective Open Space Area % of Total Lot Area	55%
Effective Floor Area Ratio (FAR)	1.125

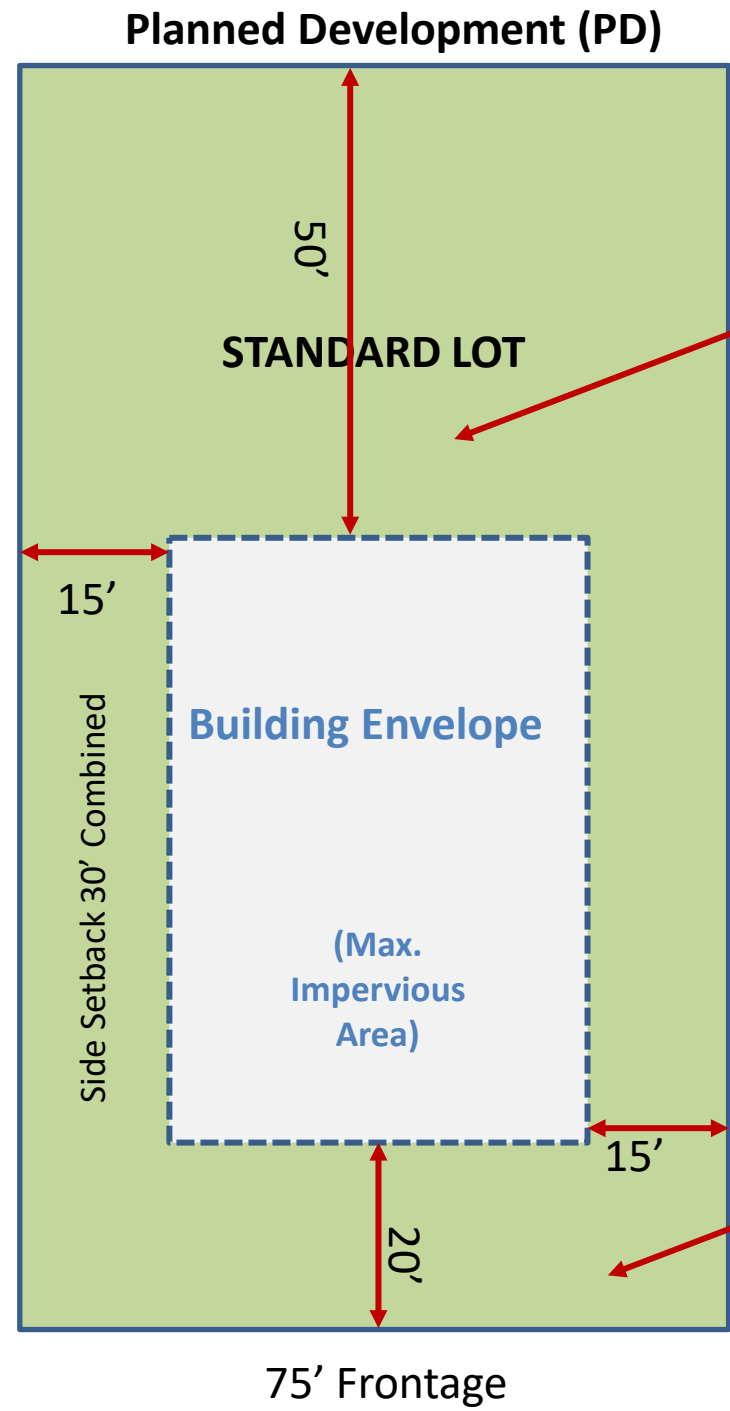
Large lot size, long frontage, deep front setback may contribute to sprawl, poor visibility, and limit opportunities of smaller business development



WINCHENDON ZONING BYLAW AUDIT

DIMENSIONAL STDS, LAND USE & DENSITY

Zoning District	Planned Development (PD) - Other Residential
General Lot Standards and Notes	
Minimum Lot Area (Sq. Ft.)	10,000
Frontage (Ft.) (Note 6)	75
Front Setback (Ft.) (Note 7, 8)	20
Side Setback (Ft.) (Note 7, 8)	15
Rear Setback (Ft.) (Note 7, 8)	50
Max. Structure Height (Floors)	3
Max. Man Made Structure Height (Ft.)	45
Max Impervious Area as % of Lot (Note 1)	70%
Effective Requirements (Based on Application of Gen. Req.)	
Effective Lot Depth = M.L.S./Frontage	133
Effective Building Envelope	2,850
Effective Max. Lot Coverage by Bldgs/Parking	7,000
Effective Max. Buildings and Parking Footprint	84x84
Effective Land Area Dedicated to Yard/Setback (SF)	7,150
Effective Open Space Area (MLS - Max Lot Coverage)	3,000
Effective Open Space Area % of Total Lot Area	30%
Effective Floor Area Ratio (FAR)	1.75

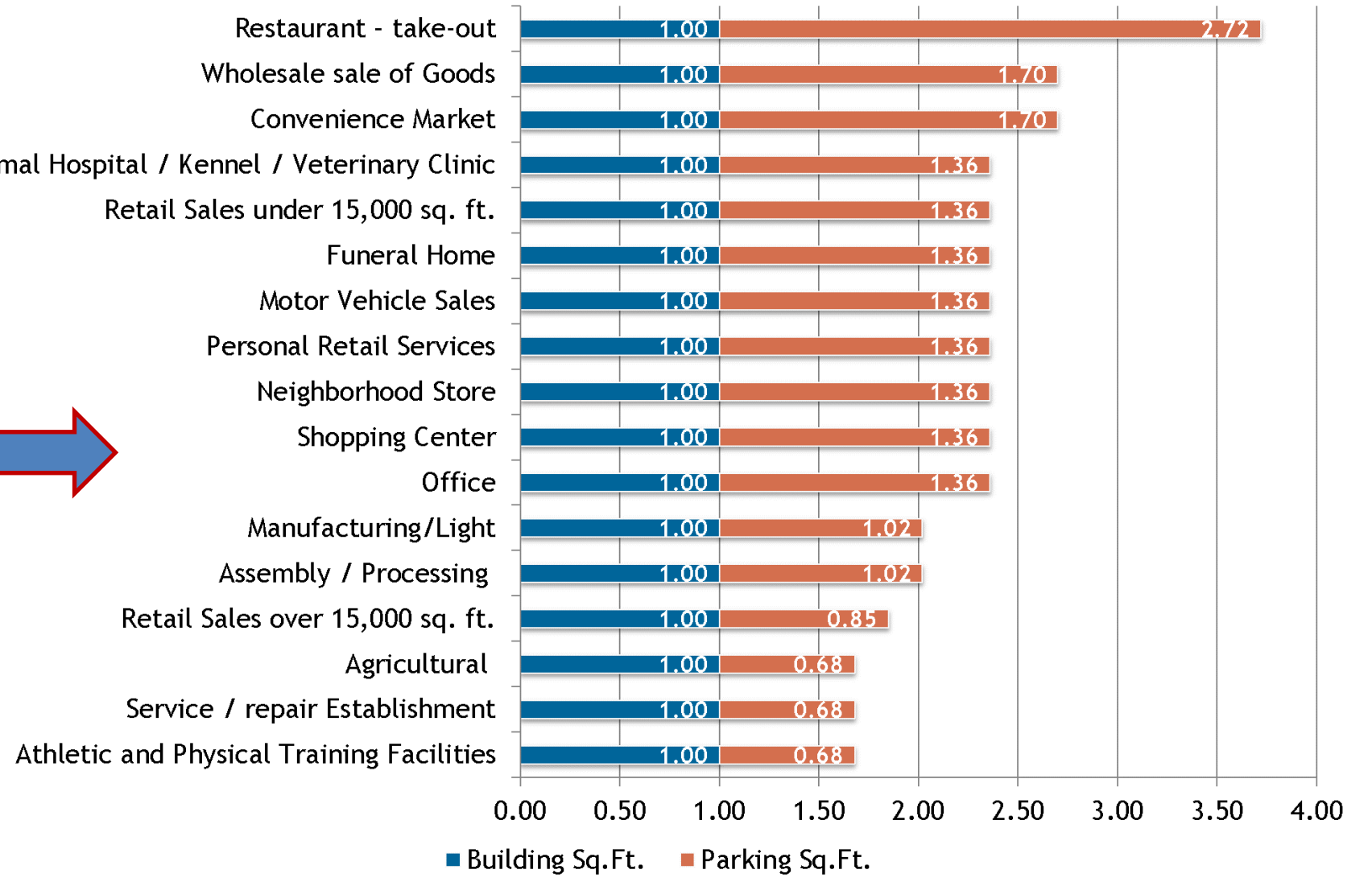
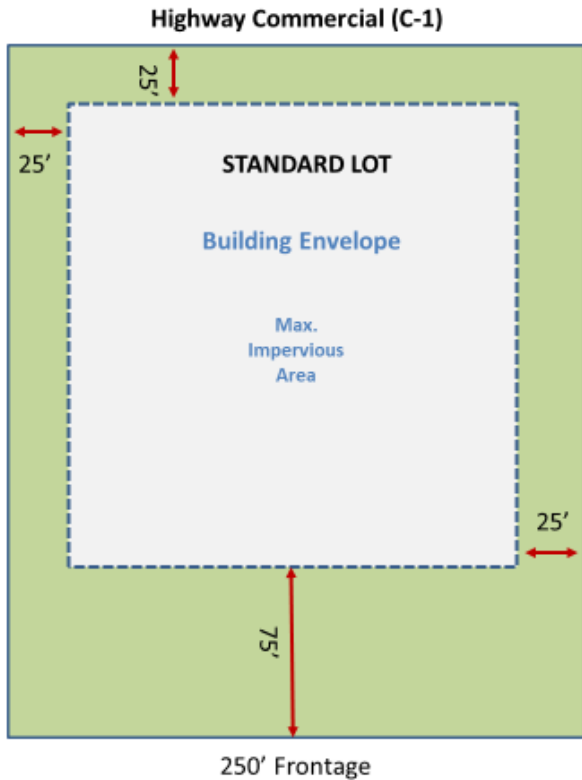


Deep rear setback in town centers limits opportunities

In town centers, the setback should be limited to enhance walkability. Standards are needed for streetscape and outdoor gathering spaces (i.e. dining terrace)

WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS



This diagram shows the relationship of building S.F. to parking S.F. under different uses. Generally, the lot coverage is approximately 1.5 x Building S.F. with on-site parking provided.

WINCHENDON ZONING BYLAW AUDIT

Article 8 – Traffic, Parking and Circulation Regulations

- Reorganize and update this section.
- Use the current ULI, SmartCode, and/or ITE standards for on-site parking and shared parking.
- New standards should be provided for electric vehicle parking, handicapped spaces, internal access, and shared access, driveways, and drive-thru.
- Parking placement standards should be revised to ensure that most parking is located to the side and rear of the building to enhance the streetscape and building visibility. In the PD district, no parking should be allowed between the sidewalk and the building.

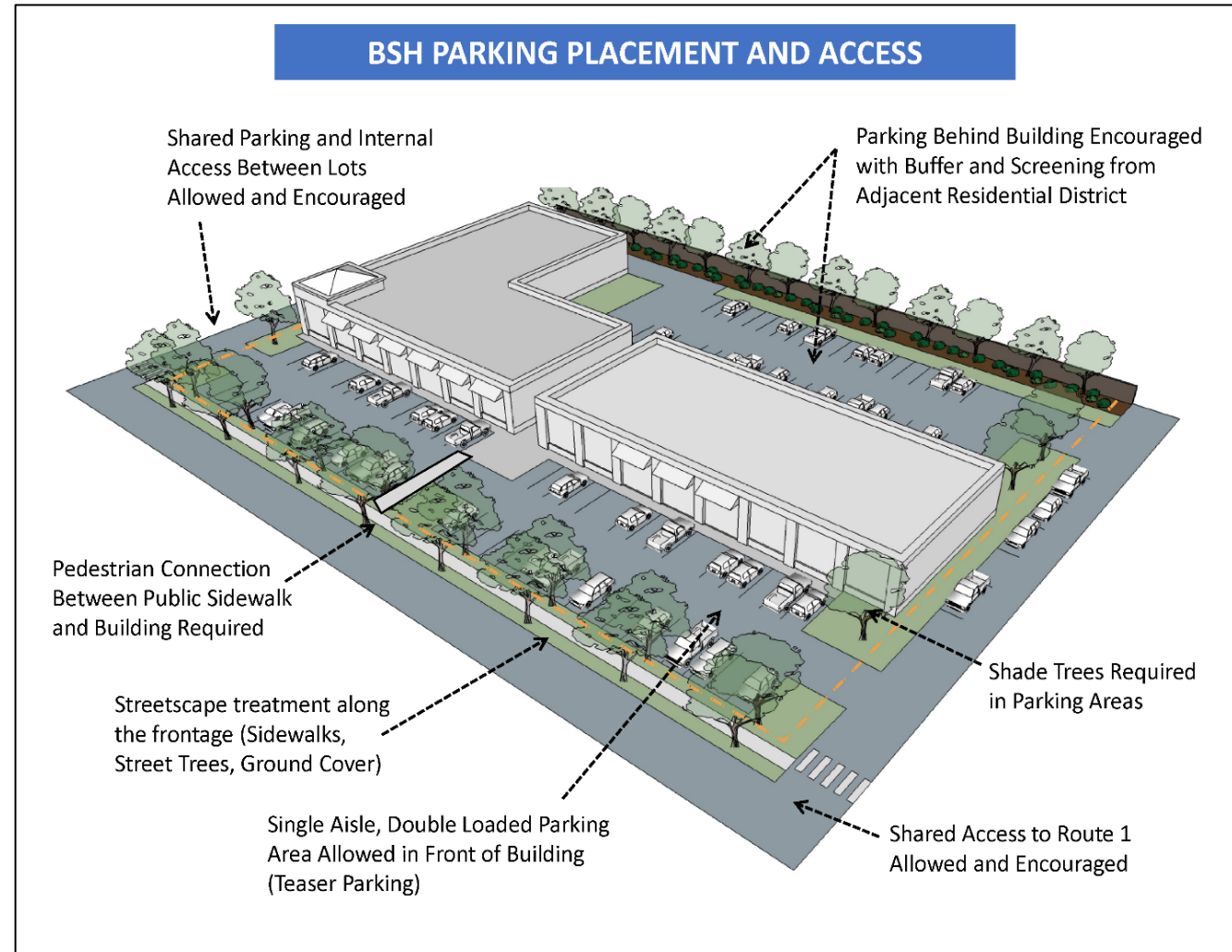
ITE Parking Requirements 4th Edition Compared to Winchendon Zoning Bylaw				
Use	Amount of Use	Winchendon Parking Std	ITE Rates	Above/Below
SF Home/Duplex	1 Unit	2 spaces	1.83 spaces	Above
Accessory Dwelling Unit	All Bedrooms	2 space	1.23 spaces	Above
Multi-Family Units	1 unit	1.52 spaces	1.23 spaces	Above
Lodging House, Motel or Hotel	1 Room	1.21 spaces	1.2 spaces	Same
Retail	1,000 GFA	3.55 spaces	2.14 spaces	Above
Medical offices and clinics	1 doctor	6.51 spaces	3.2 spaces	-
General office building	1,000 GFA	3.55 spaces	2.84 spaces	Above
Wholesale Establishment	500 SF	NA	2.3 spaces	UND
Manufacturing or industrial establishment	1000 sf	2.7 space	1.02 spaces	Above
Auditorium, theater, church, or other place of assemblage	Per seat	.68 spaces	0.2 spaces	Above
Public housing for elderly	1 unit	NA	0.59 spaces	UND
School (junior or elementary)	1 classroom	2 spaces	0.17 per student	-
School (high)	1 classroom	UND	0.09 per student	UND
	Assembly area	UND	-	UND
Community facility	300 SF	UND	0.96 spaces	UND
	Assembly area	UND	-	UND
Restaurants, night clubs or eating places	3 seats	UND	1.47 spaces	UND
	1000 sf	20.6 spaces	UND	Above
Bowling alley	1 lane	UND	3.13 spaces	UND
Barber shop, beauty parlor	1 chair	UND	UND	UND
	2 Employees	UND	UND	UND
Self service dry cleaners and self service laundries	2 machines	UND	1.4 per GFA	UND
Gasoline and service stations	1 service bay	UND	0.75 spaces	UND
Hospitals, extended care facilities or homes	1 Bed	2 spaces	3.47 spaces	Below
Day-care facility for children	1 FTE or equivalent	UND	1.38 spaces	UND
	300 SF classroom	UND	0.95 spaces	UND
Bed-and-breakfast	1 Bedroom	UND	1.2 spaces	UND
	Owner Occupant	UND	1.83 spaces	UND

Winchendon Zoning Bylaw applies the ITE Parking Generate Rates, Edition 2 from 2005

WINCHENDON ZONING BYLAW AUDIT

Article 8 – Traffic, Parking and Circulation Regulations

- Reorganize and update this section.
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- New standards should be provided for electric vehicle parking, handicapped spaces, internal access, and shared access, driveways, and drive-thru.
- Parking placement standards should be revised to ensure that most parking is located to the side and rear of the building to enhance the streetscape and building visibility. In the PD district, no parking should be allowed between the sidewalk and the building.



WINCHENDON ZONING BYLAW AUDIT

PRELIMINARY RECOMMENDATIONS

Article 9: Signs

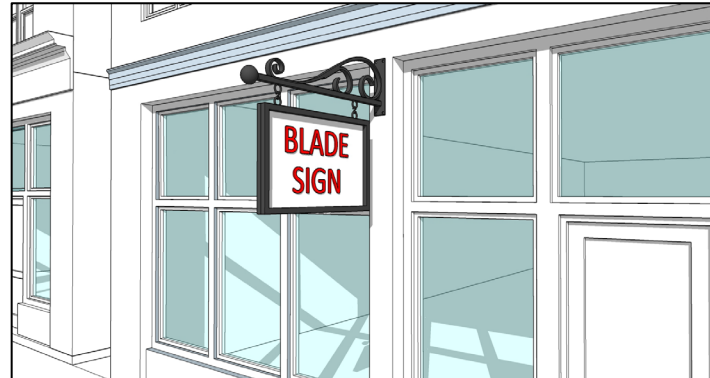
- Add new diagrams and photos for different sign types.
- Revise design and placement standards for projecting signs, neon signs, wall signs, and subdivision signs.
- Revised/New signs for consideration: Marquee signs, Monument signs, Window Signs, Vertical Banner Sign, Yard/Bracket Signs, Awning/Canopy Sign, Suspended Signs, Business Park Gateway Sign, Display Case, Painted Wall/Mural Sign, Neon Sign, Roof Sign.



FREESTANDING/ YARD SIGN



WALL SIGN



PROJECTING SIGN



AWNING SIGN



WINDOW SIGN



BANNER SIGN

WINCHENDON ZONING BYLAW AUDIT

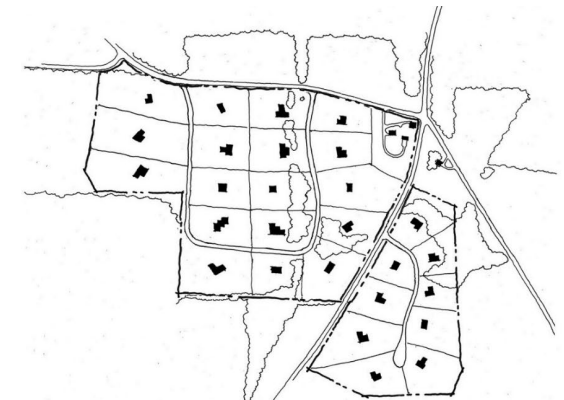
PRELIMINARY RECOMMENDATIONS

Article 11: Residential Development

- Residential Development is not defined but it appears to be for cluster developments.
- Add open space standards require a large amount of the development tract (50%) and is primary focused on conservation of natural resources vs useable active open spaces that benefit residents.
- Consider design standards for active and passive recreation such as parks, pocket parks, ball courts, picnic pavilion, ballfields, pools, trails, playgrounds, certain indoor recreational facilities, etc.
- Limitations on residential density and multi-family make limits the potential for this bylaw to expand housing diversity and affordability.
- Consider more types of residential developments types. For example, Open Space Residential Development (OSRD), Traditional Neighborhood Development (TND), Pocket Neighborhood (i.e. Housing Coop, Cottage Court), Mixed Use Development (MUD).
- Consider more residential building types: SF Dwelling, Duplex, Triplex, Multi-Family, Apartment, Condo, Townhouse, Rowhouse, Live/Work Unit, Cottage/Bungalow, Loft, Penthouse, etc.

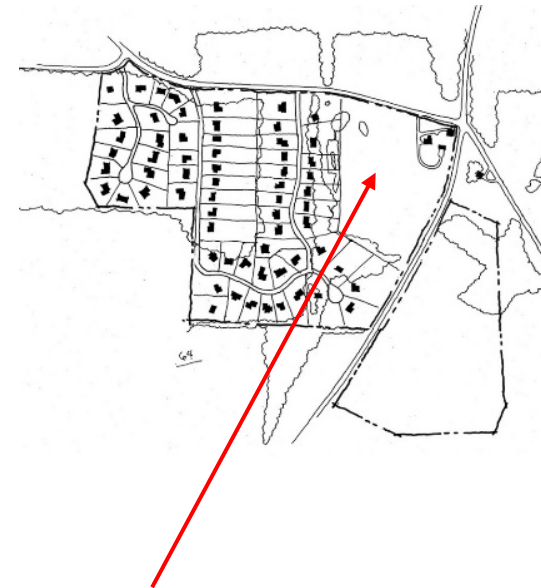


EXISTING FARM
57 ACRES



CONVENTIONAL DEVELOPMENT

- 27 APPROXIMATELY 2-ACRE LOTS
- SPRAWL CONDITIONS
- LOSS OF RURAL CHARACTER
- NO OPEN SPACE

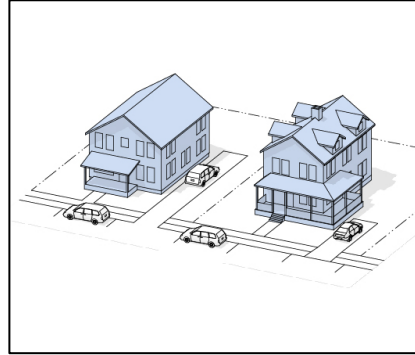


OSRD/Save
The Farm



TND/Purposeful
Open Space

EXAMPLE BUILDING TYPES AND DESIGN STANDARDS



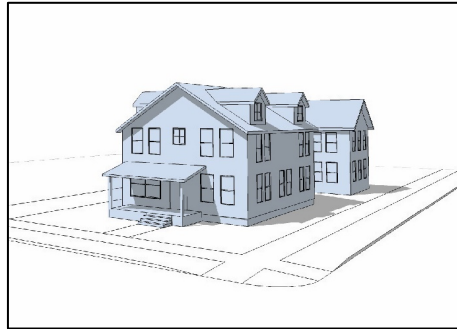
SF HOUSE



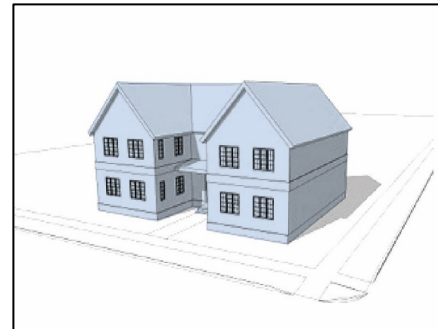
COTTAGE COURT



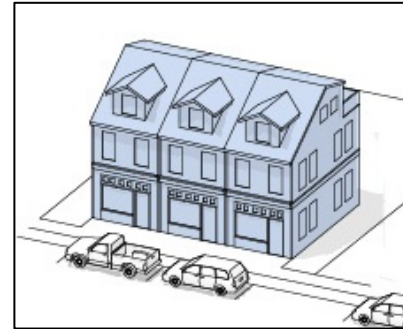
ROWHOUSE AND TOWNHOUSE



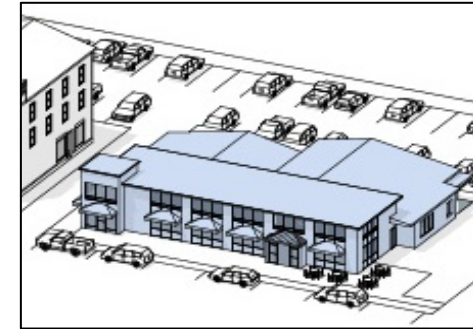
PAIRED HOUSE



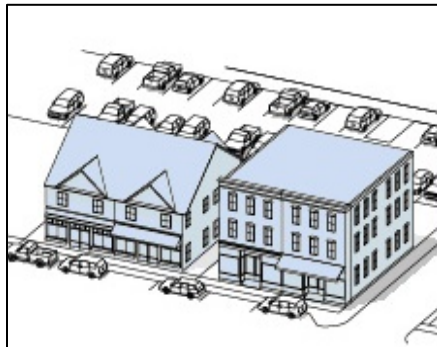
MULTI-FAMILY BUILDING



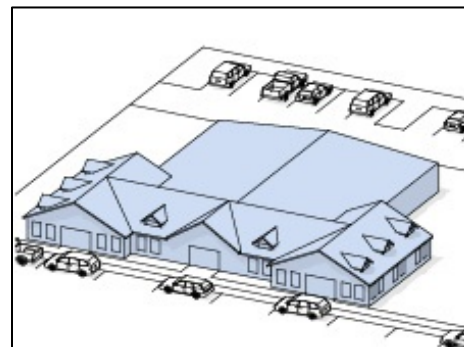
LIVE/WORK BUILDING



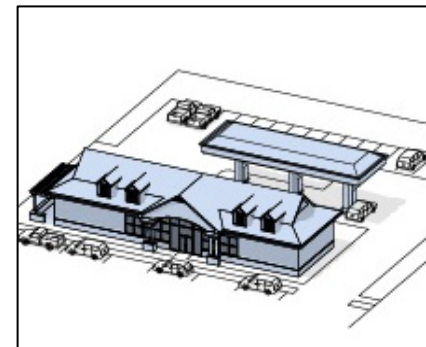
GEN. COMMERCIAL BUILDING



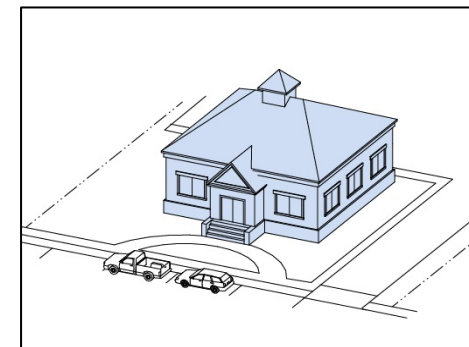
MIXED USE BUILDING



FLEX/FABRICATION BUILDING

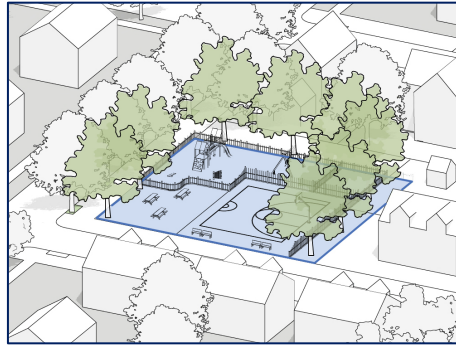


GAS BACKWARDS

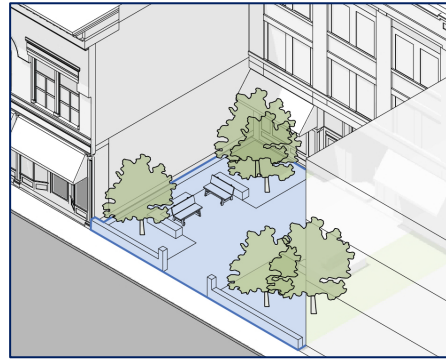


CIVIC BUILDING

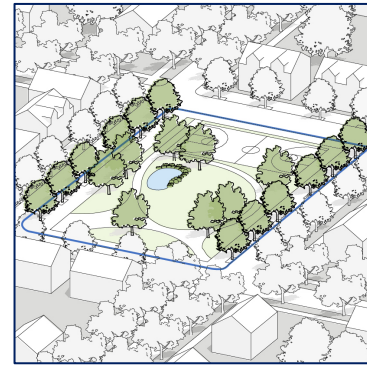
EXAMPLE OPEN SPACE TYPES AND DESIGN STANDARDS



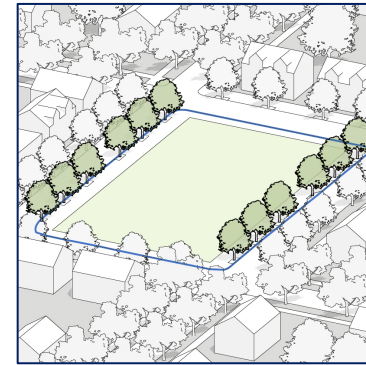
POCKET PARK/PLAYGROUND



FORECOURT



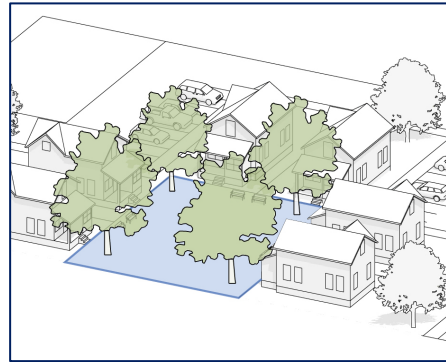
NEIGHBORHOOD PARK



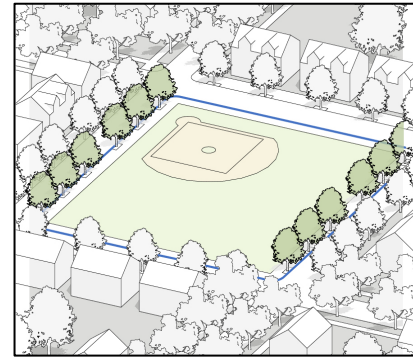
GREEN/COMMON



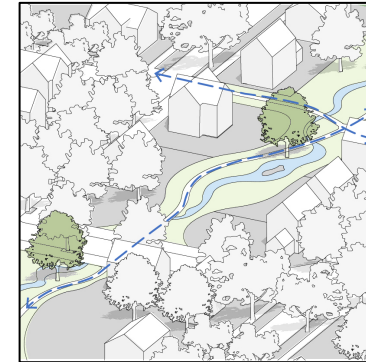
OUTDOOR TERRACE



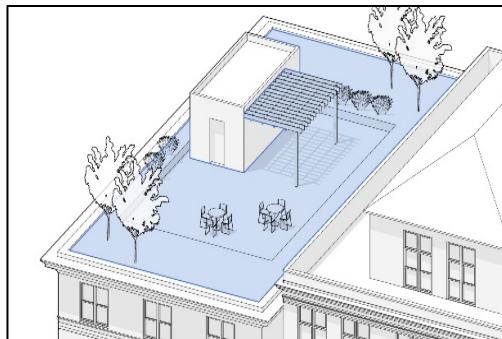
COURTYARD



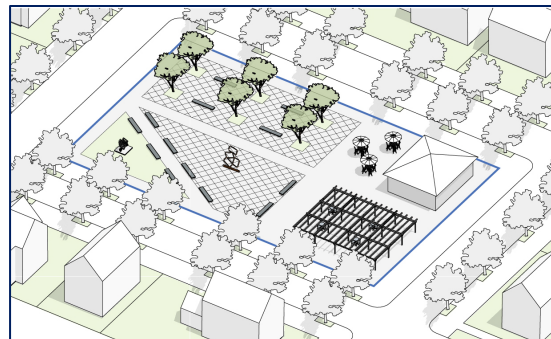
ATHLETIC FIELD/COURT



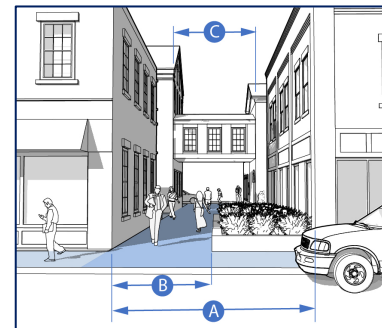
PATHWAY



ROOFTOP TERRACE



PLAZA/SQUARE



PEDESTRIAN PASSAGE



COMMUNITY GARDEN

WINCHENDON ZONING BYLAW AUDIT

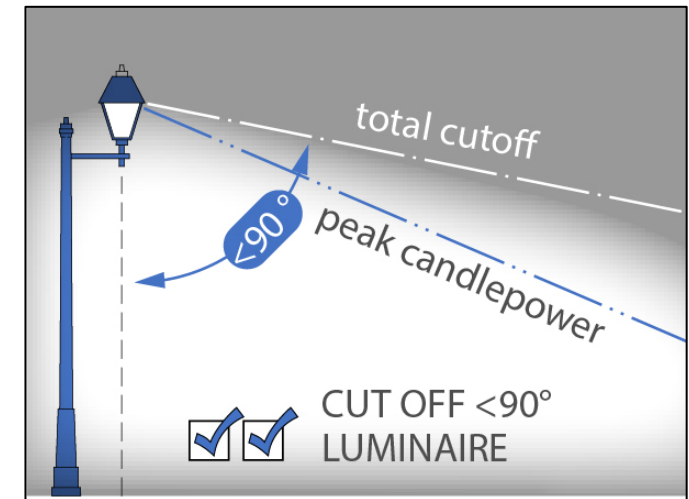
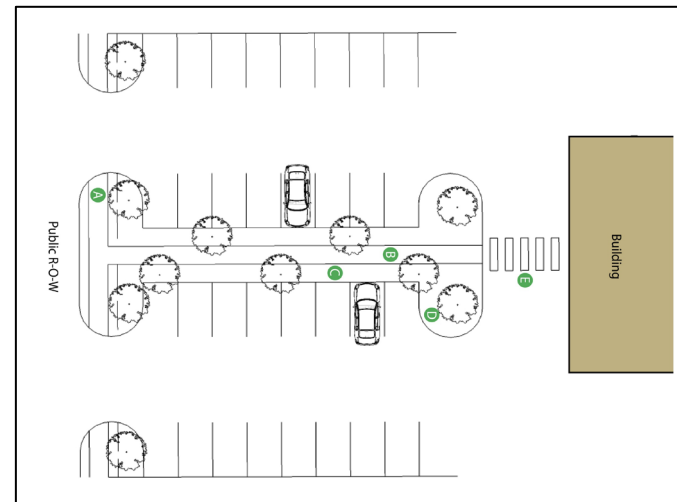
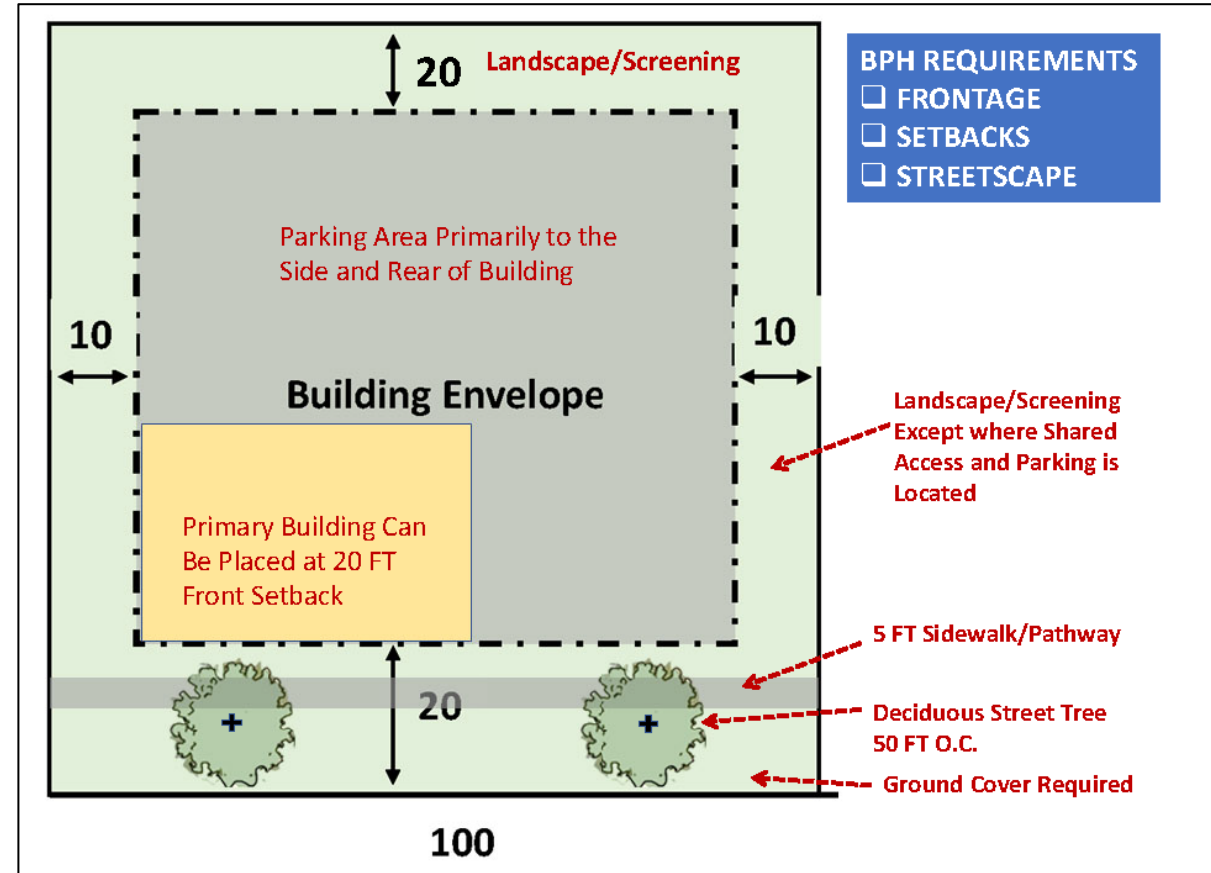
PRELIMINARY RECOMMENDATIONS

Article 12: Site Plan Review

- Add landscaping requirements to the Zoning Bylaw with standards for parking, utilities, screening, and streetscape frontage.
- Add lighting standards in the Zoning Bylaw to control light pollution and intrusion.

Article 13: Administration, Enforcement and Amendment

- Phased Growth requirements under Section 13.7. Are they still in effect? If not, they should be removed.

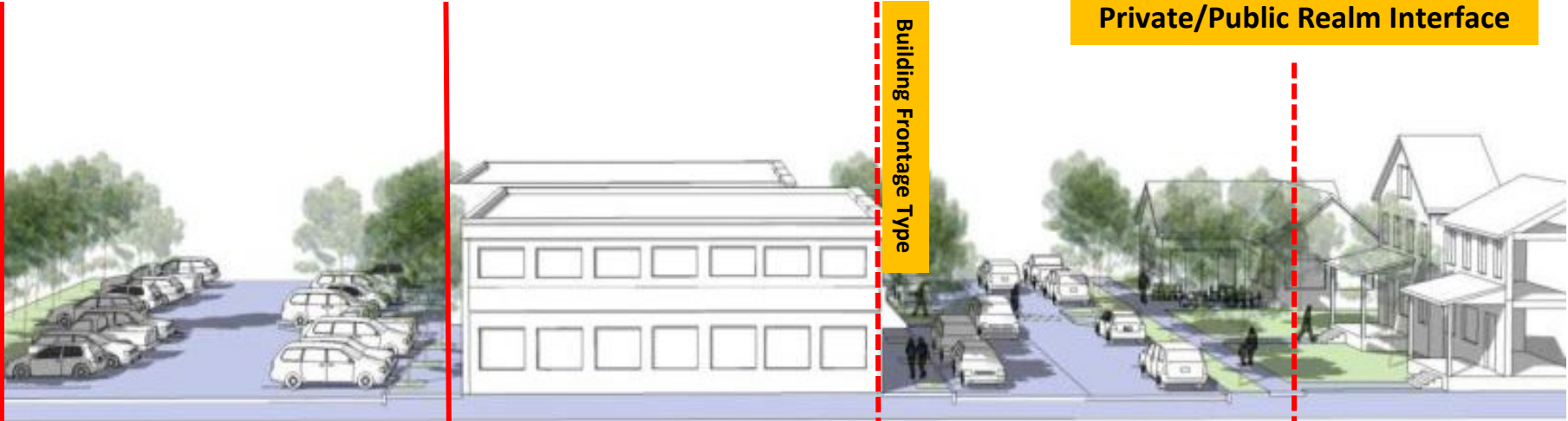


CONTEXT-BASED ZONING STANDARDS

ZONING STANDARDS FOR PUBLIC AND PRIVATE REALMS

OUTDOOR ROOM

Private/Public Realm Interface



Site Standards

- Parking Placement
- Ped/Vehicle Access
- Landscaping
- Lighting/Screening
- Utilities
- Signage
- LID/Sustainability Stds
- Buffer/Screening

Building Standards

- Bldg. Placement
- Building Types
- Building Uses
- Bldg. Frontage Types
- Building Components
- Bldg. Height/Stepbacks
- Building Design Stds

Street Standards

- Complete Street Hierarchy
- Streetscape Treatment
- Sidewalk Use/Activation
- On-Street Parking/Parklets
- Intermodal Facilities
- Utilities
- LID/Sustainability Stds

Open Space & Rec Types

- Parks, Playgrounds, Commons

Outdoor Amenity Spaces

- Yards
- Dining Terrace
- Green Roofs
- Courtyards
- Comm. Gardens
- Plazas
- Forecourts

PRIVATE REALM

PUBLIC REALM

POPS