

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: #4a7ebb; 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>1.1.1 Sub-header 1 (10 Points)</p> <p>1. Sub-header 2</p> <p style="padding-left: 20px;">A. Sub-header 3</p> <p style="padding-left: 40px;">1. Sub-Header 4</p> </div> | <p style="color: #4a7ebb; 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>1.1.1 Sub-Header 1 (10 Pts)</p> <p>1. Sub-Header 2</p> <p style="padding-left: 20px;">A. Sub-Header 3</p> <p style="padding-left: 40px;">1). Sub-Header 4</p> </div> |
|---|---|

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 |
| MCOD | Mill Conversion Overlay District | Mill Conversion Overlay District (MCOD) | NO |
| LMOD | Lake Monomonac Overlay District | Lake Monomonac 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 |
| | 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

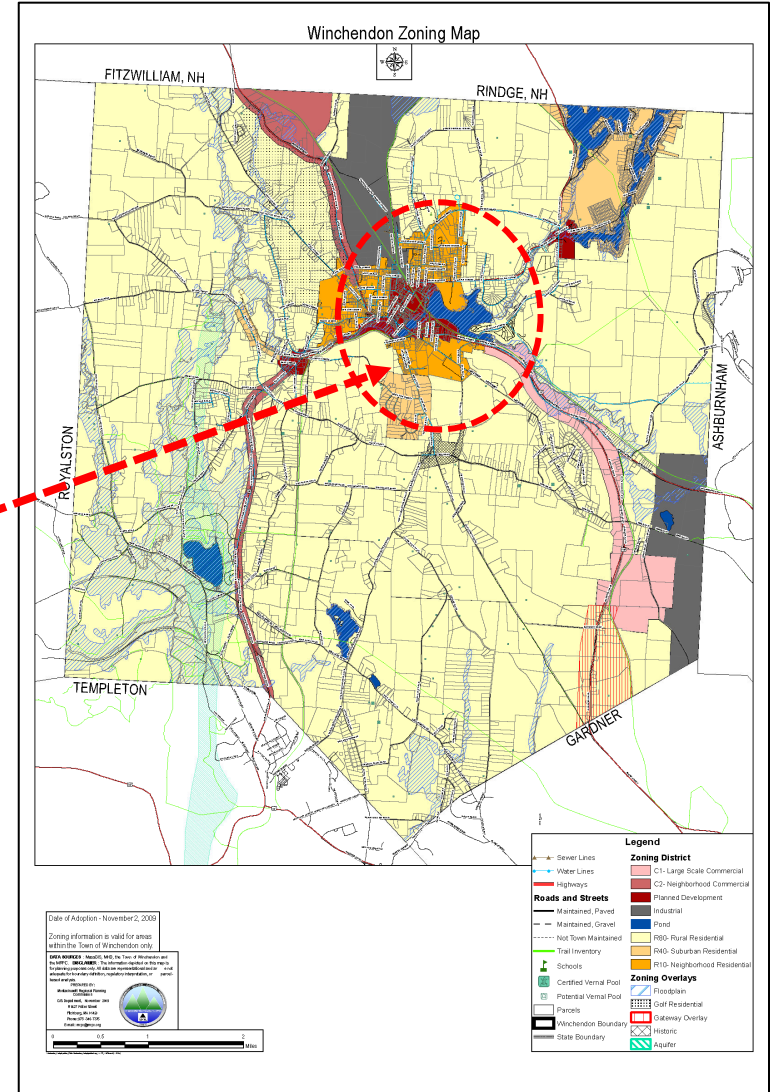
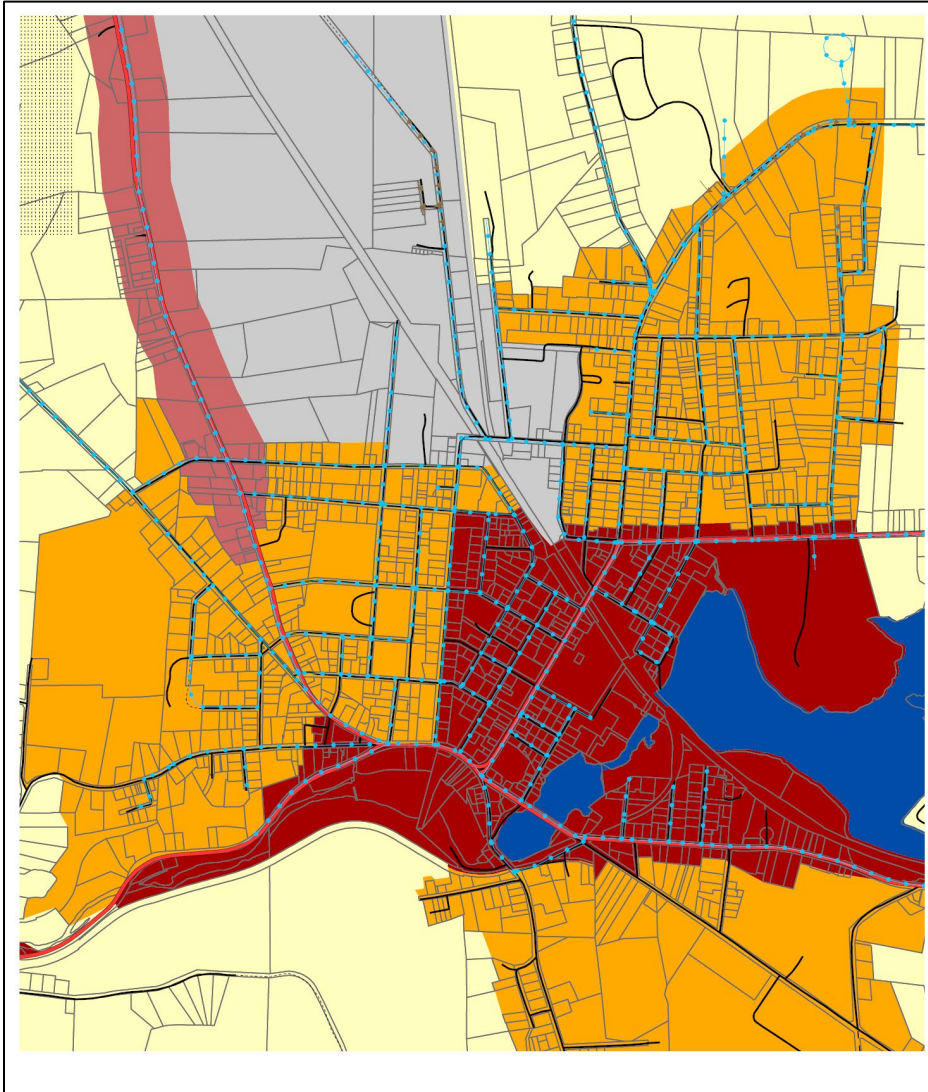
Historic

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

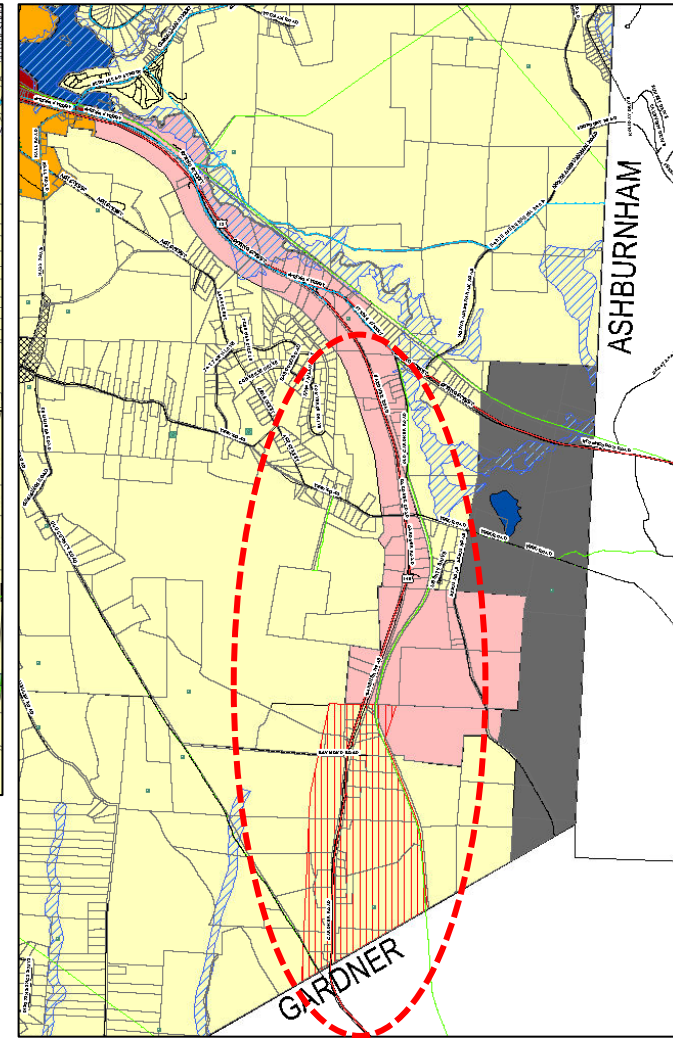
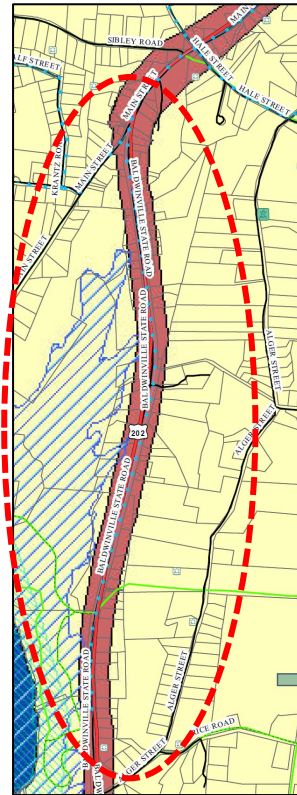
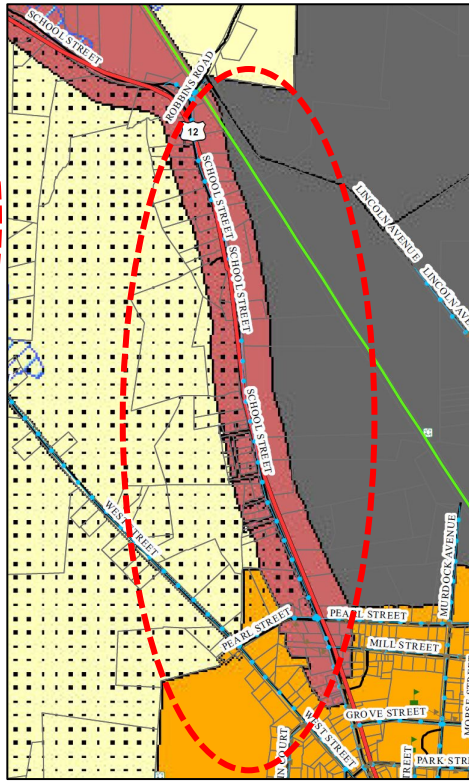
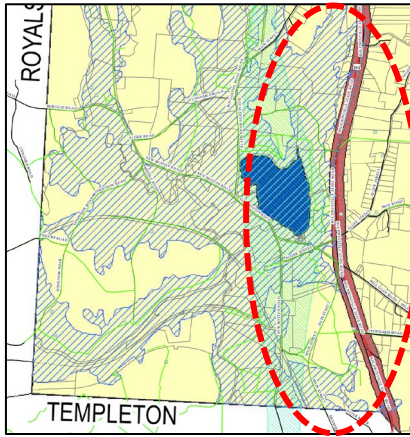
ZONING MAP



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

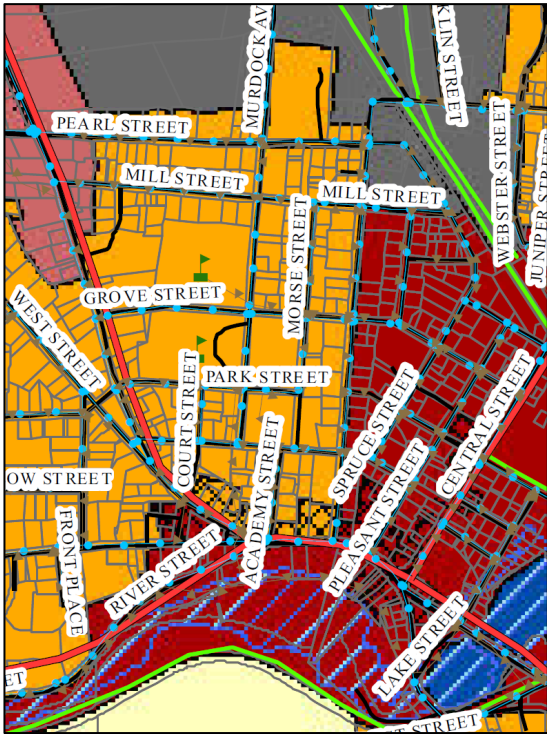
ZONING MAP



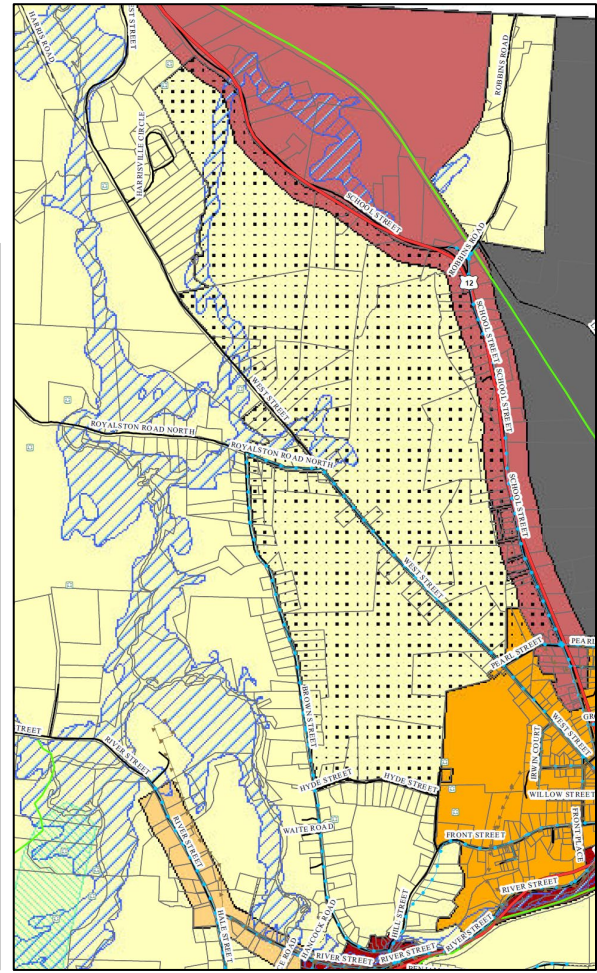
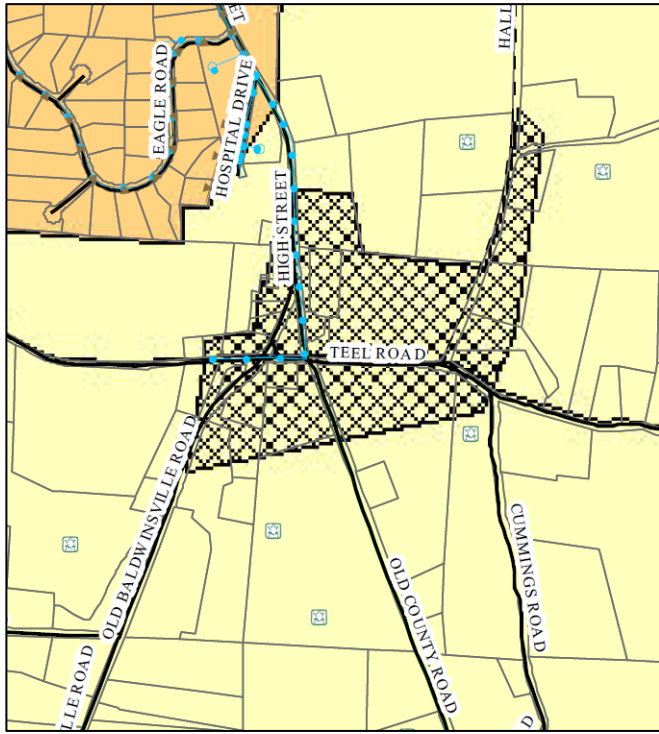
- ❑ Several districts have split parcel lines and there is no measurement of depth from the ROW on the map. Multiple street name labels make it hard to see parcel lines.

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 (MCOB)

- 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 (LMOB)

- 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 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 | | | |
| 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 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 | | | |
| 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 Ro 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.