

Second Draft: Revision of Business District Regulations
5/20/2021

Commissioners:

Upon review of Draft #1, which was sent out last week, Nick made the following additional recommendations now incorporated in Draft #2:

1. Use the normal underlining and bold caps to more clearly indicate the proposed revisions.
2. To come closer to the goal of identical language and requirements for each of the business districts as recommended by the Planning Commission, add a development options section to each district. New Preston already had this in the current section 7.8 and Marbledale in section 9.5 so this language was copied for the Depot and Woodville.
3. Again, to come closer to the goal of identical language and requirements for each of the business districts, match Marbledale's 50 percent limitation for increase in coverage and reduction of setback requirements per Special Permit as specified in Marbledale's current sections 9.5.1 and 9.5.3.
4. Correct the footnote on page 25.

Three more issues still to be considered:

1. Regarding the split lots in the business districts: Will there be a minimum setback requirement from the district boundary line and if so, what will it be?
2. The section on split lots was added to Woodville to help meet the goal of identical language for the business districts. However, currently there are no lots divided by the district boundary line in the Woodville business district. Will we retain this section as proposed?
3. Should a new section 11.6.3 be added to address the minimum setback distance from any zoning district boundary line in cases when a Special Permit is granted per Section 7.8.1, 8.5.1, 9.5.2, or 10.5.1? If so, the current 11.6.3 would be renumbered 11.6.4.

Janet

Underlined: language to be deleted

BOLD CAPS: proposed new language

- 7.5 **Maximum lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase **UP TO 50 PERCENT** in the maximum permitted lot coverage if...
- 7.6 **Minimum Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction **UP TO 50 PERCENT** in the minimum setback and yard dimensions if...
- 7.8.1 A waiver of Section 3.2 of these Regulations, which requires that a lot situated in two districts must be governed in its entirety by the more restrictive district conditions.
SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B1 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B1 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B1 DISTRICT.

Page 25 Footnote:

Sections 17.8, 17.8.1, and 17.9 adopted 12/17/18

Sections **7.8, 7.8.1, AND 7.9** adopted 12/17/18

- 8.5 **DEVELOPMENT OPTIONS PERMITTED BY SPECIAL PERMIT. THE COMMISSION MAY PERMIT ONE OR MORE OF THE FOLLOWING SITE DEVELOPMENT OPTIONS UPON APPROVAL OF A SEPARATE SPECIAL PERMIT APPLICATION. TO BE CONSIDERED FAVORABLY, THE APPLICANT MUST DEMONSTRATE TO THE COMMISSION'S SATISFACTION THAT THE REQUIREMENTS AND CONDITIONS OF SECTIONS 8.6, 8.7, AND ALL OTHER APPLICABLE SECTIONS OF THESE REGULATIONS HAVE BEEN MET.**
- 8.5.1 **SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B2 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B2 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B2 DISTRICT.**

The current 8.5 is renumbered 8.6.

8.6 **Maximum Lot Coverage.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve an increase **UP TO 50 PERCENT** in the maximum permitted lot coverage if...

The current 8.6 is renumbered 8.7.

8.7 **Maximim Setback and Yard Dimensions.** The Commission may, by Special Permit, upon review of a site plan and other information supplied by the applicant, approve a reduction **UP TO 50 PERCENT** in the minimum setback and yard dimensions if...

The current 8.7 is renumbered 8.8.

9.5.2 A waiver of Section 3.2 of these Regulations, which requires that a lot situated in two districts must be governed in its entirety by the more restrictive district conditions.

SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B3 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B3 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B3 DISTRICT.

10.5 **DEVELOPMENT OPTIONS PERMITTED BY SPECIAL PERMIT. THE COMMISSION MAY PERMIT ONE OR MORE OF THE FOLLOWING SITE DEVELOPMENT OPTIONS UPON APPROVAL OF A SEPARATE SPECIAL PERMIT APPLICATION. TO BE CONSIDERED FAVORABLY, THE APPLICANT MUST DEMONSTRATE TO THE COMMISSION'S SATISFACTION THAT THE REQUIREMENTS AND CONDITIONS OF SECTIONS 10.6, 10.7, AND ALL OTHER APPLICABLE SECTIONS OF THESE HAVE BEEN MET.**

10.5.1 SPLIT LOTS. NOTWITHSTANDING THE PROVISIONS OF SECTION 3.2 OF THESE REGULATIONS, FOR ANY LOT THAT IS DIVIDED BY THE BOUNDARY BETWEEN THE B4 DISTRICT AND AN ADJOINING DISTRICT, THE COMMISSION MAY ISSUE A SPECIAL PERMIT FOR THE PORTION OF THE LOT WITHIN THE B4 DISTRICT TO ALLOW ANY USE THAT WOULD BE PERMISSIBLE ON ANY LOT THAT IS WHOLLY WITHIN THE B4 DISTRICT.

The current 10.5 is renumbered 10.8.

10.6 MAXIMUM LOT COVERAGE. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY

THE APPLICANT, APPROVE AN INCREASE UP TO 50 PERCENT IN THE MAXIMUM PERMITTED LOT COVERAGE IF:

- 10.6.1 THE PROPOSED LOT COVERAGE WILL ENHANCE THE VILLAGE CHARACTER OF THE DISTRICT BY MAKING THE PROJECT MORE IN KEEPING WITH THE COVERAGE, BUILDING SPACING, BUILDING ALIGNMENT, PEDESTRIAN AND VEHICULAR ACCESS, AND OTHER CHARACTERISTICS GENERALLY ESTABLISHED BY NEIGHBORING EXISTING LOTS AND BUILDINGS IN THE DISTRICT, AND
 - 10.6.2 THE PROPOSED PROJECT IS HARMONIOUS IN STYLE, SIZE, AND PROPORTION WITH ARCHITECTURE TYPICAL ELSEWHERE IN THE DISTRICT, AND EMPLOYS BUILDING MATERIALS THAT ARE HARMONIOUS IN APPEARANCE WITH THOSE TYPICAL ELSEWHERE IN THE DISTRICT.
 - 10.6.3 THE APPLICANT SHALL PROVIDE SURVEYS, PHOTOGRAPHS, ARCHITECTURAL DRAWINGS, EXPERT OPINIONS, OR OTHER INFORMATION TO SUPPORT THE APPLICATION.
 - 10.6.4 IN REVIEWING AN APPLICATION PURSUANT TO THIS SECTION 10.6, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.
- 10.7 MINIMUM SETBACK AND YARD DIMENSIONS. THE COMMISSION MAY, BY SPECIAL PERMIT, UPON REVIEW OF A SITE PLAN AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, APPROVE A REDUCTION UP TO 50 PERCENT IN THE MINIMUM SETBACK AND YARD DIMENSIONS IF:
- 10.7.1 THE REDUCTION, AS DETERMINED BY GRAPHICAL AND OTHER INFORMATION SUPPLIED BY THE APPLICANT, WILL ENHANCE THE VILLAGE CHARACTER OF THE DISTRICT BY ALIGNING THE PROPOSED STRUCTURE OR STRUCTURES GENERALLY WITH NEIGHBORING EXISTING BUILDINGS IN THE DISTRICT, AND WILL MAINTAIN BUILDING SPACING, STREETScape ELEMENTS, AND PEDESTRIAN ACCESS GENERALLY ESTABLISHED BY NEIGHBORING EXISTING BUILDINGS IN THE DISTRICT, AND
 - 10.7.2 THE PROPOSED PROJECT IS HARMONIOUS IN STYLE, SIZE, AND PROPORTION WITH ARCHITECTURE TYPICAL ELSEWHERE IN THE DISTRICT, AND EMPLOYS BUILDING MATERIALS THAT ARE HARMONIOUS IN APPEARANCE WITH THOSE TYPICAL ELSEWHERE IN THE DISTRICT.
 - 10.7.3 THE APPLICANT SHALL PROVIDE SURVEYS, PHOTOGRAPHS,

ARCHITECTUAL DRAWINGS, EXPERT OPINIONS, OR OTHER INFORMATION TO SUPPORT THE APPLICATION.

10.7.4 IN REVIEWING AN APPLICATION PURSUANT TO SECTION 10.7, THE COMMISSION MAY TAKE INTO CONSIDERATION ANY EXISTING AND PROPOSED OUTDOOR STORAGE ON THE LOT OF MERCHANDISE, GOODS, SUPPLIES, MACHINERY, MOTOR VEHICLES, AND OTHER EQUIPMENT AND MAY CONDITION THE SPECIAL PERMIT UPON AN APPROPRIATE LIMITATION OR PROHIBITION ON SUCH OUTDOOR STORAGE IN ORDER TO PRESERVE THE VILLAGE CHARACTER OF THE DISTRICT.