

DOWNTOWN DISTRICT (DD)

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

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

CO-WORK CENTER

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

ESTABLISHMENT

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

FAÇADE

The external faces of a building.

FRONTAGE OCCUPANCY

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

LANDSCAPED GREEN SPACE

Land that is covered with grass, trees, shrubs, or other vegetation and may include a pervious walkway that meets accessibility standards.

MICROBREWERY

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

MIXED-USE DEVELOPMENT

A development that includes any combination of permitted nonresidential uses and one or more dwelling units within a single structure; provided, however, that the inclusion of two (2) or more dwelling units in a mixed-use development shall not be deemed

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a multifamily dwelling. The ground floor facing the street shall be used only for permitted nonresidential uses, and residential dwellings cannot exceed: (a) 40% of the gross floor area of the above ground level floor space of a three-story building (no residential dwellings in the basement level); or (b) 50% of the gross floor area of the above ground level floor space of a two-story building (no residential dwellings in the basement level).

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

M. Downtown District, referred to as DD

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

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

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

§ 174-8.12 Downtown District

A. Permitted uses are as follows:

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

B. Permitted uses, up to a maximum of 3,000 square feet per establishment.

- (1) Retail sales and services.

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- (2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited).
 - (3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited).
 - (4) Personal services such as barber shop, beauty salon, tailor, or shoe repair.
- C. Permitted uses by special permit from the Planning Board are as follows:
- (1) Any use listed in Subsection B exceeding 3,000 sq. ft. per establishment.
 - (2) Mixed-use development that includes a nonresidential use that is a permitted use under Section 174-8.12(A) or Section 174-8.12(B) but with five (5) or more dwelling units.
 - (3) Mixed-use development that includes a nonresidential use requiring a special permit under this Section 174-8.12.
 - (4) Microbrewery.
 - (5) Veterinarian, animal hospital, or animal clinic.
 - (6) Medical or dental office.
 - (7) Multifamily dwelling, not to exceed ten (10) units.
 - (8) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.
 - (9) Indoor recreation, athletic or exercise facility.
- D. Uses by special permit from the Zoning Board of Appeals are as follows:
- (1) Accessory apartment.
 - (2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.
 - (3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.
- E. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.
- F. Development standards are as follows:
- (1) Minimum lot area: 5,000 square feet.

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- (2) Minimum frontage: 60 feet.
- (3) Minimum setbacks:
 - (a) Front: 10 feet.
 - (b) Rear: 35 feet.
 - (c) Side: 10 feet; 25 feet if adjacent to a residential district.
 - (d) Other street: 10 feet
- (4) Maximum front setback: 20 feet unless waived by the Planning Board.
- (5) Maximum Floor Area Ratio: 0.30 as of right, or a maximum of 0.50 by special permit from the Planning Board.
- (6) Minimum landscaped green space: 20 percent. At least 50 percent of the landscaped green space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the landscaped green space as part of Site Plan Review.
- (7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.
 - (a) With less than 50 feet of frontage: N/A
 - (b) 50-80 feet of frontage: 60%
 - (c) Over 80-100 feet of frontage: 70%
 - (d) Over 100 feet of frontage: 75%
- (8) Height regulations:
 - (a) Maximum building height: 35 feet and three stories,
- (9) Residential dwellings. Single-family or two-family dwellings in the Downtown District shall comply with RB District standards.

G. Building Regulations

- (1) The principal entrance(s) to the building shall be on the front façade, which shall face the street.
- (2) The maximum distance between street-level entrances in a single building shall be 35 feet unless waived by the Planning Board.
- (3) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or

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60 percent of the depth of the building unless waived by the Planning Board.

- (4) The maximum front setback in Section F(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for vehicle use.
- (5) Affordable housing. In any multifamily or mixed-use building with four or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD).

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

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

In the Downtown District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the procedural requirements and decision criteria of § 174-9, § 174-10, and 174-10.1(A) through (C) shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required. The Planning Board is authorized to promulgate design guidelines to carry forth the purpose and intent of these Bylaw provisions.

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

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

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- (5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

Part 7. Amend Article II, Establishment of District, § 174-4 **Zoning Map**, by adding the new *Downtown District* to the Southborough zoning map.