



MEMORANDUM

TO: Town Council
FROM: Planning Department
RE: Proposed Zoning Bylaw Amendments –Sections 12.34 & 3.325 Mixed-use Building
DATE: June 28, 2021

Bold/Italic text indicates proposed language.

~~**Bold/Strikethrough**~~ indicates proposed removal.

ARTICLE 12 DEFINITIONS:

12.34 Mixed-use Building: Mixed-use building is a building containing one (1) or more dwelling unit(s) in combination with permitted non-residential uses in accordance in Article 3.

ARTICLE 3 USE REGULATION

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

SECTION 3.325 MIXED-USE BUILDING

- N = No, the Use is not permitted in that Zoning District
- SPR = The Use is permitted with Site Plan Review (See Section 11.2)
- SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (see Section 10.3)

Zoning Districts													
R-O	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
R-LD													
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N

Standards & Conditions:

~~*A mixed-use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).*~~

~~*A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit*~~

~~Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).~~

~~In the Commercial (COM) District no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.~~

No more than 60% of the Gross Floor Area of the first or ground floor shall be a combination of residential use or parking including incidental and associated spaces.

A minimum of 40% of the Gross Floor Area of the first or ground floor shall be any permitted non-residential use, other than parking, including incidental and associated spaces.

Any dwelling units and enclosed parking on the first or ground floor shall be located at the rear of the building and designed to reduce visibility from the public way or walkways and areas customarily used by pedestrians and the public.

For sloping lots or lots with frontage on more than one right of way, the permit granting authority shall determine which floor(s) of the building is subject to the split of uses and criteria as mentioned above.

Bedroom Count: No more than 50% of the total number of dwelling units shall have the same bedroom count, with the exception of a mixed-use building containing less than ten units. The Permit Granting Authority may waive or modify this requirement for projects in which all dwelling units provided are Affordable (see Article 12, Affordable Housing).

Design Review & Other Permit Requirements: The Permit Granting Authority shall apply the design review provisions of Section 3.204 to any construction, renovation, or expansion of a mixed-use building, and may refer the application to the Design Review Board for advisory review and recommendations. The Permit Granting Authority shall also apply the criteria of Section 10.38 or Section 11.24.