**Model Mixed Use Development Bylaw/Ordinance**

Prepared by PVPC, updated 9-2-14

1. **MIXED USE DEVELOPMENT**
2. **Scope**

To regulate Mixed Use Development in appropriate areas of the Town and to protect the public health, safety, and general welfare in the Town of \_\_\_\_\_\_\_\_ by establishing controls that will facilitate flexible development while protecting the public interest.

1. **Purposes**

1. The purpose of this bylaw/ordinance is to foster a greater opportunity for creative development by providing guidelines which encourage a mix of uses compatible with existing and neighboring properties; to provide housing and business uses in locations where a variety of town services are available; to promote utilization of existing buildings and property, and to encourage the provision of open areas. The intent, furthermore, is to encourage interaction among activities located within a Mixed Use Development, to enhance business vitality, reduce vehicular traffic, provide employment opportunities for residents close to home, ensure the compatibility with each other of the commercial, and residential uses, ensure that the appearance and effects of buildings and uses are harmonious with the character of the area in which they are located by:
   1. Allowing a diversity of uses in close proximity in the district within a limited area, including residential, retail, and office;
   2. Accommodating mixed-use buildings with neighborhood-serving retail, service and other uses on the ground floor and residential units above;
   3. Encouraging development that exhibits the physical design characteristics of pedestrian-oriented storefront-style shopping streets;
   4. Promoting the opportunity for people to work, meet, shop and utilize services in the vicinity of their residences,
   5. Providing opportunities for the development of affordable housing,
   6. Providing opportunities for a mixture of uses in the same building,
   7. Promoting a positive pedestrian environment in the district,
   8. Facilitating integrated physical design,
   9. Promoting a high level of design quality,
   10. Encouraging the development of flexible space for small and emerging businesses,
   11. Facilitating development proposals responsive to current and future market conditions, and
   12. Encouraging the development of open spaces and parks within the district to accommodate workers, residents, pedestrians, and shoppers.
2. **Establishment and Administration**

1. The Mixed Use Overlay District is an overlay district that is superimposed over the underlying zoning districts and is shown on the Zoning Map as set forth on the map entitled “Mixed Use Overlay District”, dated \_\_\_\_\_\_\_\_\_ 2014, prepared by Pioneer Valley Planning Commission. This map is hereby made a part of the Zoning Bylaw/Ordinance and is on file in the Office of the Town/City Clerk.
2. The regulations for use, dimension, and all other provisions of the Zoning Bylaw/Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Mixed Use projects undergoing development pursuant to this Section 6.6. Within the boundaries of the Mixed Use Overlay District, a developer may elect either to develop a Project in accordance with the requirements of the Mixed Use Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw/Ordinance governing the underlying zoning district(s).
3. An applicant may seek development of a Project located within the Mixed Use Overlay District in accordance with the provisions of this Section 6.6, including a request for a Special Permit with Site Plan Approval.
4. The provisions of this Section 6.6 shall be administered by the Planning Board, except as otherwise provided herein.
5. The Planning Board may waive any information requirements it judges to be unnecessary to the review of a particular plan. Such waiver decisions must be documented in writing by the Planning Board.
6. **Definitions**
7. The following definitions shall apply to all mixed use applications under these zoning Bylaws/Ordinances:
8. **Assisted Living:** Housing for adults, with services provided, such as meals, laundry, and housekeeping.
9. **Business Services:** Services used in the conducting of business and commerce, including only:
   1. Consumer and mercantile credit reporting;
   2. News services;
   3. Research, development and testing;
   4. Business management and consulting;
   5. Insurance company service offices;
   6. Real estate offices.
10. **Café:** A coffee house or small restaurant, often with an enclosed or outdoor section extending onto the sidewalk.
11. **Cocktail Lounge:**  Is the use of a site for retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, and similar uses, other than a restaurant use as that term is described in this section.
12. **Driveway:** A space, located on a lot, built for access to a garage or off-street parking or loading space.
13. **Fast Food Restaurant:** An establishment whose principal business is the sale of pre-pared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off the premises. Orders are not generally taken at the customers table, and food is generally served in disposable wrapping or containers.
14. **Live-work Units:** A live/work unit is defined as a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.
15. **Lot Coverage:** The area of a lot covered by the footprint of all structures, as well as decks, balconies, porches, and similar architectural features, driveway areas, expressed as a percentage of the total lot area.
16. **Mixed Use Development:** The development of a tract of land, building, or structure with two (2) or more different uses such as, but not limited to, residential, office, retail, institutional, or entertainment, in a compact village form, with vehicular access to an accepted public way. A proposed Mixed Use Development shall demonstrate that the project shall be served by town water and sewer service upon completion of the proposed development.
17. **Municipal Facilities:** Facilities utilized in the provision of services normally provided by municipalities such as schools, parks, playgrounds, municipal office buildings, and maintenance buildings.
18. **Odor:** A strong and unpleasant smell, for example, a garbage or chemical smell.
19. **Personal Services:** Establishments primarily engaged in providing services involving the care of a person or his/her apparel, including but not limited to:
20. Laundering, dry cleaning and garments services not exceeding 5,000 square feet of floor area per establishment;
21. Coin operated laundries;
22. Shoe repair;
23. Photographic services;
24. Beauty and barber shops;
25. Apparel repair and alteration;
26. Funeral services;
27. Steam baths;
28. Reducing salons and health clubs;
29. Clothing rental.
30. **Professional Services:** Services performed by professional persons for business and personal use, including, but not limited to:
31. Medical and health offices and clinics not exceeding 5,000 feet of floor area per office or group of offices;
32. Planning;
33. Engineering and architectural;
34. Accounting;
35. Auditing and bookkeeping;
36. Educational and scientific.
37. **Senior and/or Handicapped Housing or Senior Apartments:** Age-restricted multi-unit housing for 55 and older adults, or handicapped persons, with self-contained living units for older adults who are able to care for themselves. Usually no additional services such as meals or transportation are provided.
38. **Sit Down Restaurant:** An eating establishment of high quality and with turnover rates generally of at least one hour or longer, serving food and beverages for retail sale, intended for consumption on the premises, and may include the sale and on-premises consumption of alcoholic beverages as an accessory use provided all necessary licenses are secured.
39. **Treebelt:** Can consist of tree planters, brick pavers, and benches with a minimum width of five feet.
40. **Use Regulations**
41. **Special Permit Uses in a Mixed Use Development**
42. Mixed use developments may be constructed in the Mixed Used Development Overlay District with the approval of a Special Permit with Site Plan Approval granted by the Planning Board. The following uses may be included within a mixed use development:
43. Retail Uses;
44. Sit Down Restaurants;
45. Cafes and outdoor dining areas;
46. Multi-family Residential uses;
47. Home Occupations;
48. Professional Service Offices;
49. Personal Service Establishments;
50. Municipal Uses;
51. Banks or financial institutions;
52. Health club;
53. Hotel/Motel not exceeding 10 guest rooms per establishment;
54. Bed-and-breakfast establishments;
55. Townhouses (single family dwellings connected by one or more walls);
56. Cinema, theatre, or auditorium;
57. Park, recreation or playground;
58. Artist studio/residence;
59. Assisted living residential uses, senior apartments and senior housing;
60. Artisan manufacturing or production (hand tools only, e.g. jewelry or ceramics);
61. Civic uses;
62. Live/work units;
63. Multiple Uses in the same structure.
64. Within a mixed use development, the following uses shall not be allowed as free standing buildings, and shall not provide drive through service windows:
65. Fast food restaurants;
66. High turnover sit-down restaurants;
67. Banks.
68. **Prohibited Uses in a Mixed Use Development**
69. The following uses shall not be included within a Mixed Use Development:
70. Industrial uses;
71. Motor vehicle sales, maintenance and repair facilities;
72. Gasoline filling stations;
73. Dry cleaning, linen cleaning, or diaper services which clean clothing articles on site.
74. Adult entertainment uses;
75. Animal hospitals, animal sales;
76. Automobile or truck sales;
77. Bars and cocktail lounges;
78. Drive-up services associated with any commercial use;
79. Junkyards.
80. **Same-structure/On-site Mixed Use**

Within an approved Mixed Use Development or Mixed Use Infill development, there shall be no restriction on combining different categories of use within the same building except any imposed by the State Building Code or other federal, state, or local regulations.

1. **Special Permit Criteria for All Mixed Use Developments**
2. All Mixed Use Developments must meet the Special Permit with Site Plan Approval requirements in Section 5.4.
3. All Mixed Use Developments must meet the following additional Special Permit criteria:
4. The project complies with the additional performance standards specific to Mixed Use Developments in Section 6.66 below.
5. The project is consistent with the purposes of this Bylaws/Ordinance, as stated in Section 6.62.
6. **Dimensional Requirements**

The dimensional requirements applicable to the Mixed Use Overlay District are shown in the Table of Dimensional and Density Regulations in Section 4.3.

1. **Performance Standards for Mixed Use Developments**

To the extent feasible, all Mixed Use Developments must meet the Performance Standards in noted below.

No use shall be permitted that causes or results in dissemination of dust, smoke, gas or fumes odor, noise, vibration or excessive light under standards set forth in the performance criteria in this chapter.

Any other performance standards of the town shall also apply to uses conducted under this Section 6.6 of the Zoning Bylaws/Ordinances.

* 1. **Access and Traffic Impacts:**

1. Traffic and safety impacts to the existing and proposed roads shall be minimized.
2. Access shall be provided to the extent feasible through an existing side street or a shared driveway. Curb cuts shall be limited, and shall be as narrow as is feasible without resulting in traffic safety issues.
3. Pedestrian and vehicular traffic shall be separated; walkways shall be provided for access to adjacent properties and between businesses.
4. Plans must illustrate provisions for automobile, pedestrian and bicycle circulation. Provisions must be made for motor vehicle, bicycle, and pedestrian circulation connections to adjacent lots.
5. The Planning Board shall require a detailed traffic study for high volume traffic generating uses with a trip generation rate over 700 vehicles/day (based on Institute of Transportation Engineers rates found in Trip Generation); for the construction of new Mixed Use Development structure of more than 25,000 square feet in gross floor area; and for any external enlargement that brings the Mixed Use Development total to 25,000 square feet gross floor area for all structures. The Planning Board may waive any or all requirements for a traffic study for external enlargements of less than 2,000 square feet of gross floor area in excess of the 25,000 gross floor area threshold. The traffic impact statement shall contain:
6. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
7. The proposed traffic flow pattern for both vehicles and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
8. Traffic flow patterns at the site including entrances and egresses, loading and unloading areas, and curb cuts on site and within one hundred (100) feet of the site;
9. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road, including the projected number of motor vehicle trips to enter or depart from the site estimated for daily hour and peak hour traffic levels, road capacities and impacts on intersection. Existing daily and peak hour traffic levels and road capacities shall also be given;
10. A parking lot vehicle traffic and pedestrian circulation plan shall be designed to minimize conflicts and safety problems.
    1. **Noise:**
11. In orderto protect, preserve, and promote the health, safety, welfare, peace, and quiet of the inhabitants of the town/city through the reduction, control, and prevention of such loud or raucous noise that unreasonably disturbs, injures, or endangers the comfort, privacy, repose, health, peace or safety of reasonable persons, all noise levels, measured at a height of four feet (4’) above the ground surface at all property lines, using a sound meter which meets the most current American National Standards Institute's Specification for Type II Sound Level Meters, must not exceed the following standards:

|  |  |
| --- | --- |
| Time of Day | Max. Sound Level (dBA) |
| 7:00 a.m. to 7:00 p.m. | 65\* |
| 7:00 p.m. to 11:00 p.m. | [50](http://library.municode.com/HTML/11700/level2/PTICHRELE_SPACH.html#PTICHRELE_SPACH_S50COSUMEVO) |
| 11:00 p.m. to 7:00 a.m. | [45](http://library.municode.com/HTML/11700/level2/PTICHRELE_SPACH.html#PTICHRELE_SPACH_S45INPE) |

\*Note: 65 dba = normal conversation; 50 dba = noise level of a normal working refrigerator; 45dba = a quiet library

1. These standards shall not apply to power tools and equipment (i.e. lawn mowers, leaf blowers, sweepers, snowblowers or snow removal, etc.) used in the normal maintenance of the site’s outdoor areas (i.e. lawn, garden, parking, etc.). Such outdoor maintenance shall be limited to between the hours of 8:00 am 7:00 pm.
   1. **Emissions and Odors:**
2. Emissions and odors shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located. No emissions are permitted which can:

* cause any damage to health of humans, animals or vegetation
* cause excessive soiling
* result in odorous gases or odoriferous matter in such quantities as to be offensive

1. The determination of what emissions are in violation of this provision shall be made by the Zoning Enforcement Officer or his/her designee taking into consideration all of the following:

* the level of the odor;
* the nature of the odor is usual or unusual;
* the origin of the odor is natural or unnatural;
* the level of the ambient odor;
* the proximity of the odor to living/sleeping facilities;
* the nature and zoning of the area from which the odor emanates and the area where it is received;
* the duration of the odor; and whether the odor is recurrent, intermittent, or constant.
  1. **Lighting:**

1. Lighting systems should be designed, constructed, and installed in a manner that controls glare and light trespass, minimizes obtrusive light, conserves energy and resources while maintaining safety, visibility, security of individuals and property and curtailing the degradation of the nighttime visual environment. Evenly distributed lighting throughout a site will minimize impacts on surrounding neighborhoods and increase efficiency. By directing light where it is needed and only the intensity necessary to serve the intended purpose, these standards will prevent glare and its harsh shadows and blind spots. All lighting shall comply with the following:

* Except for approved exterior lighting, operations producing glare shall be conducted entirely within an enclosed building. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as welding shall be permitted beyond its lot lines onto neighboring properties, or onto any street.
* Exterior lighting, including but not necessarily limited to lighting of exterior walls of buildings from an external light source, lighting of parking areas, and lighting of walks and drives shall be done in such a manner to direct light away from adjacent lots and public ways.
* All outdoor light fixtures and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent light trespass beyond the property line, and light above a ninety-degree horizontal plane. If necessary, an applicant may need to provide photometric plans and/or manufacturing specification sheets to show conformance with these standards
* All nonessential lighting, including display, parking, and sign lighting, shall be turned off after business hours, leaving only the lighting necessary for site and pedestrian security, crime prevention and streetlighting.
* All lighting shall be recessed and shielded to prevent off-site glare.
* Site lighting shall conform to the following output standards:

|  |  |  |
| --- | --- | --- |
| Maximum (footcandle) | Site Average (footcandle) | Footcandle at  Property Line |
| 5 | 2.5 | 0 |

* 1. **Storage:**

1. All materials, supplies and equipment shall be stored in accordance with Fire Prevention Standards of the National Board of Fire underwriters and shall be screened from view from public ways and abutting properties.
   1. **Waste Disposal:**
2. Waste disposal shall follow State and Town Board of Health regulations.
3. Storage of waste and waste facilities shall be screened from view from public ways and neighboring properties.
4. Appropriate provisions shall be made for the disposal of trash, which may include, but shall not be limited to, the provision of trash compactors within the building or on site, as well as a signed annual contract for rubbish removal.
   1. **Loading/Unloading:**
5. The Planning Board, when acting upon an application under Section 6.6 of these Zoning Bylaws/Ordinances, may require that operations, including loading and unloading shall be limited to weekdays between the hours of 8AM and 7PM only.
6. Loading and unloading platforms and doorways specially designed for loading/unloading are prohibited on the front side of any building.
   1. **Walkways**
7. For public convenience a pedestrian and/or bicycle way shall connect all uses on the site and otherwise provide appropriate circulation or continuity to an existing pedestrian or bicycle circulation system. These uses include, but are not limited to residential, parking, transit, bicycling, industrial, recreation, and commercial.
8. Walkways must conform to requirements of the American with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (MAAB).
9. Sidewalks are required along all town streets. A treebelt is required adjacent to sidewalk areas. The Planning Board can waive treebelt requirements in situations where they determine that local conditions warrant.
10. The development should provide internal and/or public pedestrian connections that are direct, convenient and pleasant with appropriate amenities (e.g. attractive sidewalks and benches).
    1. **Vehicular Access, Parking and Loading, and Shared Parking Requirements**
11. The project shall meet all parking requirements of Section 5.7 of the Zoning Bylaws/Ordinance.
12. Parking shall be located to the side or rear of buildings. In no case shall parking be allowed in the planting strip adjacent to the sidewalk or within the front setback of any lot.
13. Parking spaces may be located either on or off the lot. Applicant must show proof of space, its location relative to the dwelling unit, and must indicate if the space is owned or leased.
14. Buildings that do not have frontage on a street must provide access for emergency and service vehicles through the layout and design of driveways, interior service roads, or pedestrian and bicycle circulation corridors.
15. Where there is more than one category of use, then the number of spaces required shall be 70% of the sum of required spaces for each category of use.
16. The Planning Board may reduce the number of required parking spaces for the commercialportion of the building by 50%.
17. Off-street loading requirements are: Multi-Family Residential, Office, Retail, Consumer Service, and Public Assembly uses require one bay per every 50,000 square feet of floor area.
18. The Planning Board may allow shared parking in a mixed use development as part of the Special Permit approval. The minimum number of parking spaces for a mixed use development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved procedures. A formal parking study may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal. The actual number of parking spaces required shall be based well-recognized sources of parking data such as the ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates.
    1. **Development Standards**
19. Existing buildings shall be re-used for mixed use developments, where feasible, as a priority over new construction.
20. New construction design shall be in harmony with the existing neighborhood or district.
21. Buildings or structures that are listed or eligible for inclusion on the National Register of Historic Places and/or the Massachusetts Register of Historic Places or within a local historic district as established by M.G.L. Chapter 40C, shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on, or eligibility for inclusion on the State or National Register of Historic Places.
22. Applicants shall consult the \_\_\_\_\_\_\_\_\_ Design Guidelines Handbook for guidance regarding design issues for mixed used development. Applicants shall indicate how the proposed development addresses the design issues referenced in the \_\_\_\_\_\_\_\_ Design Guidelines Handbook.
    1. **Signs:**
23. Signs shall conform to the existing Bylaws/Ordinances of the Town/City of \_\_\_\_\_\_\_\_ (Section 5.9), except that the following additional standards apply to all mixed uses:
    * + - 1. Permitted signs include: signs located within the sign band on building facades; awning signs; hanging signs projecting from building facades; window signs and un-moveable free-standing signs.
          2. Temporary signs permitted include: political signs; special events signs; and for sale or for lease signs.
          3. Prohibited signs include: flashing signs; roof signs; moveable signs; internally lit plastic signs.
          4. Each business may display not more than two permanent signs.
          5. Sign materials should be durable and easy to maintain. Signs may be constructed of wood, metal, stone, gold leaf, glass, canvas, stained glass or encased in a wooden frame.
          6. Sign illumination may include external white light illumination, provided it is shaded from view off the premises, and neon.
          7. Sign size: Signs may not exceed sixteen square feet in area.
          8. Sign height: Free-standing pole signs shall have a maximum height of ten feet; other free-standing signs shall have a maximum height of four feet.
    1. **Landscaping Requirements:**
24. Screening of mechanical equipment, trash, and loading areas shall be provided through the use of walls, fences, and/or dense, evergreen plant materials.
25. Parking areas shall be screened from adjacent residential uses, streets, and walkways using trees and shrubs adapted to the region, of specimen quality conforming to the American Standard for Nursery Stock, (American Standards Institute, Inc.), and shall be planted according to accepted horticultural standards. Berms may be used for screening along the street in conjunction with plant materials.
26. The landscaped perimeter area shall be at least five feet wide, and can consist of trees, tree planters, brick pavers and benches.
27. Landscaping shall be provided for driveways and other interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular traffic.
28. The interior parking area shall be landscaped with sufficient shade trees to provide 50% shade within fifteen (15) years of installation.
29. The use of porous pavement and/or perforated brick or block shall be used to the extent feasible to increase on-site water retention for plant material, groundwater supplies, and to reduce problems associated with runoff.
30. Completion of the landscaping requirements may be postponed due to seasonal weather conditions for a period not to exceed six (6) months from the time of project completion.
31. Applicants shall reference the landscaping recommendations of the \_\_\_\_\_\_\_\_Design Guidelines Handbook when preparing a proposed landscape plan.
    1. **Maintenance of Landscaping and Screening:**
32. All landscaping and screening shall be maintained by the property owner.
33. Landscaping and screening plant materials shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic.
34. Shrubs or trees that die shall be replaced within one growing season.
35. If the property owner fails to do so, the town reserves the right to maintain the landscaping and screening after notifying the owners, agents, renters, or lessees by certified mail at their last known address or at the subject property address, that it shall be removed or trimmed within seven days of the notice by the Director of Public Works.
36. The town shall assess the owners, agents, renters, or lessees for the cost of trimming or removal plus an additional amount of up to 20% of the charges for administrative costs, to the owner and to the lessee, agent, occupant, or other person in possession and control of the property.
37. If any property owner fails or refuses to pay when due any charge imposed under this section, the Director of Public Works may, in addition to taking other collection remedies, certify due and unpaid charges, including interest, to the Town Treasurer to be levied against the person's property for collection by the county in the same manner as delinquent general taxes upon such property are collected as provided by the Town/City of \_\_\_\_\_\_\_\_.
    1. **Appearance/Architectural Design**
38. Architectural design shall be compatible with the historic character and scale of building in the neighborhood and the Town/City of \_\_\_\_\_\_\_\_ through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Applicants should consult the \_\_\_\_\_\_\_\_\_ Design Guidelines Handbook for specific guidance on design issues.
39. Variations in architectural detail, form and siting shall be used to provide visual interest and avoid monotony.
40. Existing buildings subject to reconstruction or rehabilitation and proposed buildings shall be compatible with the historic character and scale of contiguous buildings within the immediate neighborhood vicinity.
41. Proposed buildings should relate harmoniously to each other with adequate light, air, circulation, and separation between buildings.
42. Buildings shall be designed so that only retail, restaurant, and personal service establishments shall be located on the ground or below grade building levels.
43. The entire building façade must be oriented to front and side street property lines and must be located within ten feet of such property lines, with sidewalks in front of buildings.
44. Public open spaces, such as plazas and pocket parks, are encouraged within the development;
45. In making its decision, the Planning Board may consider whether the building design is compatible with the following design guidelines:
46. exterior facades are faced with wood, metal, or vinyl clapboards, or stone or brick;
47. exterior facade treatment is compatible on all four sides;
48. rooflines are peaked;
49. facades facing town streets have windows facing the street.
    1. Multi-family Housing Limits
50. Within a mixed use development, multi-family housing units may only be constructed on the second floor of a mixed use structure which has a business, personal or professional services use on the first floor. Senior and/or Handicapped Housing or Senior Apartments are allowed on the first floor to meet accessibility needs.
    1. **Green Infrastructure and Stormwater Runoff**
       1. To the extent feasible, Mixed Use Development projects shall recharge all stormwater on site. The use of green infrastructure strategies for stormwater recharge, such as permeable pavements, tree box filters, green streets, rain gardens, stormwater infiltration basins and green roofs, are strongly encouraged. Applicants’ site plans shall indicate how the proposed development addresses green infrastructure and stormwater recharge.
    2. **Outdoor Dining**
       1. Outdoor dining shall be permitted by right, as an accessory use for any restaurant use, and must comply with the following standards:
          1. Alcohol may be served to and consumed by patrons in outdoor dining areas, provided that all necessary licenses are acquired. These licenses are to be gathered through the Board of Selectmen, the Building Department and the Board of Health.
          2. The hours of operation of outdoor dining areas may be equal to or less than the hours of operation of the main restaurant. Dining areas which abut residential areas must end outdoor dining and seating by 11pm.
          3. Litter must be cleaned up regularly.
51. **Optional Affordable Housing Bonus**
52. At least ten (10%) percent of the total dwelling units in a mixed use development may be designated as affordable housing. Affordable housing will be defined as those residential units affordable to a household earning up to eighty percent (80%) of the median income in the town/city of \_\_\_\_\_\_\_\_\_\_ statistical area.
53. The affordable housing units shall include resale, lease or rental controls that will ensure continued affordability by future low and moderate income households. Deed restrictions or similar devices shall be used to limit future sale or rental prices for these purposes.
54. The affordable units may be located in an existing structure if their construction constitutes a net increase in the number of dwelling units in the development.
55. A bonus of twenty-five percent (25%) additional dwelling units – over and above the allowable density - may be awarded if the above criteria are met.
56. Mixed Use Infill developments shall not qualify for this Affordable Housing Bonus.

***ADDITIONAL AMENDMENTS NEEDED***

***Amendment to Table of Dimensional and Density Regulations in Section 4.3:***

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| ***Zoning District*** | ***Minimum Lot Area*** | ***Minimum Frontage*** | ***Minimum Front Yard*** | ***Minimum Side Yard*** | ***Minimum Rear Yard*** | ***Maximum Height*** | ***Maximum Lot Coverage*** |
| ***Mixed Use Overlay (with Town Water and Sewer)*** | ***45,000 s.f.*** | ***200 feet*** | ***10 feet*** | ***20 feet*** | ***20 feet*** | ***35 feet/ 2.5 stories*** | ***60%*** |