

# ITEM

# 24-008

To hold a Public Hearing to consider and act on forwarding to the Planning Board for a Public Hearing and recommendation, amendments to Chapter 315 (Zoning), Section 21 (Town Center District) F(6) (Hours of Operation), as recommended by the Ordinance Committee

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

**§ 315-21 Town Center District (TCD).**

A. The purpose of the Town Center District (TCD) is to provide an area in the center of Town that will allow for a mix of residential and low-intensity commercial uses that will enhance the livability and sustainability of the community.

- (1) All multiplex and nonresidential development shall be subject to the Town Center District Design Standards.
- (2) All multiplex and nonresidential uses shall be subject to Chapter **229**, Site Plan Review.
- (3) All development in this area shall be connected to public water and sewer, when available.

B. The following uses are permitted in the TCD:

- (1) Single-family dwellings.
  - (2) Duplex dwellings.
  - (3) Multiplex dwellings, subject to the provisions of § **315-44**, Multiplex dwellings.
  - (4) An accessory dwelling unit as permitted in § **315-45A**. **[Added 11-26-2012]**
  - (5) Personal services.
  - (6) Business and professional offices.
  - (7) Retail stores, maximum 2,000 square feet. Square footage shall not include internal storage areas.
  - (8) Small markets, maximum 2,500 square feet, with no drive-through. Square footage shall not include internal storage areas.
  - (9) Cafes, maximum 2,500 square feet, with no drive-through and in accordance with § **315-18F(3)**. Square footage shall not include internal storage areas and outdoor seating areas. Square footage shall include bathrooms, prep areas, cooking area and dining area. **[Amended 6-1-2015]**
  - (10) Residential care facilities, subject to § **315-71**.
  - (11) Health and fitness studio.
  - (12) Day-care centers and nursery schools for no more than 50 children, subject to the provisions of § **315-47** and site plan review. **[Amended 6-14-2021; 9-13-2021]**
  - (13) Municipal uses and buildings.
  - (14) Sewer pumping stations, subject to the provisions of § **315-59D**.
  - (15) Uses and buildings accessory to those above, except that no accessory storage units and buildings for nonresidential uses shall be permitted.
- C. The following uses are allowed as special exceptions in the TCD, requiring the approval of the Board of Adjustment and Appeals:

- (1) Home occupations.
- (2) Home-based occupations.
- (3) Home-based retail (subject to site plan review).
- (4) Bed-and-breakfasts.
- (5) Day-care homes.
- (6) Adult day care.
- (7) Accessory structures of public utilities.
- (8) Aboveground utility lines.
- (9) Uses and buildings accessory to those above.

D. The following lot standards shall apply within the TCD:

- (1) Minimum lot size of 10,000 square feet per unit if on public sewer; 20,000 square feet if not on public sewer.
- (2) In the case of duplex or multiplex developments, the minimum lot area per dwelling unit shall be no less than 5,000 square feet if on public sewer.
- (3) There shall be no less than 80 feet of lot frontage. This provision shall not apply to Map U13 Lot 109.
- (4) There may be multiple uses on one parcel as long as each use meets the required lot standards.

E. The following minimum setbacks are required for all structures in the TCD, except that sheds and driveways are permitted to a minimum setback of eight feet from the side and rear lot lines:

- (1) Front: 15 feet.
- (2) Rear: 15 feet.
- (3) Side: 10 feet.

F. The following performance standards shall apply within the TCD; provided, however that the Planning Board may determine, based on the specific elements of a proposed development, that the standards be modified. For additional requirements relating to building and site improvements, refer to the Town Center District Design Standards.

- (1) Building design. New structures, excluding single-family homes, within the district shall be of a New England architectural style and materials consistent with Section 2.1 of the Design Standards.
- (2) Lighting. The use of exterior lighting shall be only as required for safety and to identify, during business hours only, businesses, parking areas and sidewalks. Fixtures shall be fully shielded, giving off no light above the horizontal plane. There shall be no internally illuminated signs. No greater than one footcandle of lighting is permitted on the site, and there shall be zero footcandle at the property line.
- (3) Cafe standards.
  - (a) Seating shall be limited to 48 seats.

- (b) No more than 20 square feet of advertising shall be permitted on site. There shall be no advertising placed in windows or doorways of the building. Advertising shall not include internally illuminated signs.
- (c) Kitchen ventilation hoods will not be mounted on the front door street side of the building and will be located to minimize impact on neighboring properties.
- (d) Outdoor seating is permitted but must be buffered from adjacent uses by fencing and plantings unless located between the front of the structure and the public right-of-way. Outdoor seating shall not be counted toward the total seating referenced in Subsection **F(3)(a)**. Outdoor seating shall be permitted for up to 16 seats unless the Planning Board finds the unique characteristics of the site allows for additional outdoor seating. No additional parking shall be required for outdoor seating. **[Amended 6-1-2015]**
- (e) All parking and loading facilities shall be located to the side or rear of the building and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.
- (f) Rest room facilities for the patrons shall be provided on the premises.
- (4) Parking standards. Parking shall be located to the side or rear of multiplex residential and nonresidential structures.
- (5) Buffering and landscaping. All nonresidential uses must provide for the buffering of adjacent uses, where there is a transition from one type of use to another use, and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade and/or a combination of these or other techniques.
- (6) **Hours of operation. All nonresidential uses in the TCD shall be open for business only within the time frame of 6:00 a.m. to 9:00 p.m. Sunday – Wednesday and 6:00a.m. to 11:00 p.m. Thursday – Saturday.**
- (7) Commercial deliveries. Commercial deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m. for all nonresidential uses added to the district after April 11, 2011.
- (8) Noise.
  - (a) Intent. These performance standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the district, are not diminished by unreasonable noise levels generated by any permitted or special exception use within the district.
  - (b) Maximum permissible sound level. The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise shall not exceed a measurable level of 75 dB beyond the property boundaries of the site upon which the sound or noise is generated or originates.
  - (c) Sound or noise abatement. In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site-generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.
  - (d) Measurement of sound or noise. In cases where sound measurements are required in order to ensure compliance with these regulations, measurements shall be:
    - [1] Taken with a device meeting the standards of the American National Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
    - [2] Taken at a height of four feet above prevailing grade at the property boundary in question;

- [3] Taken with the instrument set to the A-weighted response scale; and
  - [4] Recorded by an individual familiar with sound measurement and the particular device being used.
- (e) Exemptions.
- [1] Activities related to public and private construction or maintenance work, agriculture, emergency warning devices, and other similar short-term or temporary uses may be administratively exempted from the requirements of this section if, in the opinion of the Code Enforcement Officer or his/her agent, sufficient reason exists to do so.
  - [2] In these special circumstances, the Code Enforcement Officer may place reasonable conditions (such as time limitations and hours of operation) on such an exemption.