Office of the Town Administrator

MEMORANDUM

Date: September 30, 2016

To: Town Council
Cc: Bryan Taberner, AICP, Director

From: Jeffrey Nutting, Town Administrator

Subject: Consideration to rezone land at the corner of Washington and Spring Street

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As you are aware the owners of Hillside Nursery have requested a zoning change to allow for the expansion of the nursery to a more diverse establishment. This has been an ongoing discussion for over a decade. Based on many conversations we drafted a new zoning bylaw that would allow for a "country store". A country store would be limited to 3,500 square feet and it would be a requirement that one half of the area sell flowers, produce, etc. and the other part would accommodate "convenience items" as well as the potential for a small seating area.

We held an informal neighborhood meeting in August that was well attended. Some neighbors oppose the change of use for various reasons and others supported the idea and many made no comments.

At this point in time, I believe the Council should go through the process of a public hearing and make a decision once you have heard from all the concerned citizens.

I am happy to answer any questions you may have.

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MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR

FROM: BRYAN W. TABERNER, AICP, DIRECTOR

RE: CREATION OF PROPOSED RURAL BUSINESS (RB) ZONING DISTRICT, BYLAW AMENDMENTS 16-768, 16-769, 16-770, 16-771, 16-772, & 16-773

CC: FRANKLIN PLANNING BOARD
JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR

DATE: SEPTEMBER 28, 2016

To create a new Rural Business Zoning District where a Country Store would be allowed within a primarily residential area , Franklin Town Council will need to approve six zoning bylaw amendments. A summary of the proposed zoning bylaw amendments is provided below. The amendment documents were developed considering the substantial public input received during August 2016.

Zoning Bylaw Amendment 16-768: Districts Enumerated. Creation of Rural Business Zoning District.

The Zoning Amendment would add a new "Rural Business" (RB) zoning district description to Section 185-4 of the Town's Zoning Bylaw. The proposed zoning district description is as follows:

> The Rural Commercial District (RB) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods, providing retail and agricultural services to the surrounding community. The district is further classified by rural neighborhood design concepts consistent with the character of the community, complementary in scale and appearance with the surrounding neighborhood, with low luminescent lighting fixtures, densely planted property borders, and pedestrian scaled signage with external illumination.

Zoning Bylaw Amendment 16-769: Definitions. Country Store

The Zoning Amendment would add the following definition for "Country Store" to Section 185-3 of the Zoning Bylaws:

> A retail sales establishment, consisting of one building not to exceed 3,500 square feet, selling retail items such as fresh fruits, vegetables, flowers, herbs, plants, gifts and crafts. The accessory sale of prepackaged retail foods, not made on premises, including baked goods, sandwiches, snack bar items, coffee, tea, preserved and imported foodstuffs is also allowed. A country store may sell a limited range of dry goods and convenience items to consumers, which shall not exceed 50% of the floor area open to the public. Up to twenty

(20) seats are allowed for interior and exterior seating. More than twenty seats shall require a Special Permit. Interior seating shall not exceed 10% of the floor area open to the public. Motor vehicle services, sales of outside petroleum products, Lottery, and sale of tobacco and alcoholic beverages, other than beer and wine, are not allowed.

Zoning Bylaw Amendment 16-770: Rural Business Zone Use Regulations

The Zoning Amendment would add the Rural Business zoning district to the Use Regulation Schedules (Attachments 2 through 8) of the Zoning Bylaws. Proposed uses allowed in the new Rural Business zoning district are similar to what is currently allowed in the Rural Residential I zone. Uses allowed by right or special permit are as follows:

- Residential Uses: Single Family only.
- Commercial Uses: Nursery/Greenhouse, Agricultural uses (but no livestock or poultry), and Country Store. A Country Store would require a Planning Board Special Permit.
- Accessory Uses: Professional Office/Studio, Retail Sales/Services (not to exceed 50% of floor area open to public), Storage and Distribution of Landscape Materials (seasonal only).
- Pre-existing non-conforming uses.

Zoning Bylaw Amendment 16-771: Rural Business Zone Dimensional Regulations

The Zoning Amendment would add the Rural Business (RB) zoning district to the Dimensional Regulations Schedule (Attachment 9) of the Zoning Bylaws. Proposed dimensional regulations are as follows:

- Minimum lot size is the same as the Rural Residential I zone (40,000 sf).
- Minimum frontage is the same as the Rural Residential I zone (200 feet).
- Minimum setbacks are similar to the Rural Residential I zone.
- Building height is less than allowed in the Rural Residential I zone: 1.5 floors, with a maximum height of 30 feet.
- Maximum impervious surface is less than allowed in the Rural Residential I zone.
    - The maximum gross building footprint of non-residential primary use structures is 3,500 square feet. Note: A Country Store would be a primary use structure.
    - A maximum of 10% of a parcel's upland can contain structures, and another 20% of the parcel's upland can be used for paving. Maximum of 30% of a parcel's upland can be impervious surface.

Zoning Bylaw Amendment 16-772: Rural Business Zone Sign Regulations

The Zoning Amendment would regulate the size of signs within the Rural Business zoning district; the maximum size of signage within the new district would be the same as those allowed in the Downtown Commercial Sign District.

Zoning Bylaw Amendment 16-773: Zoning Map Changes From Rural Residential I to Rural Business an Area on Washington Street

The Zoning Amendment would add one parcel on Washington Street (parcel 323-028-000) to the new Rural Business zoning district.

Please let me know if additional information is required for next week's Town Council meeting.

SPONSOR: *Administration*

TOWN OF FRANKLIN

ZONING BY-LAW AMENDMENT 16-768

DISTRICTS ENUMERATED. CREATION OF RURAL BUSINESS ZONING DISTRICT

A ZONING BY-LAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 185, SECTION 4, DISTRICTS ENUMERATED

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:
Chapter 185 of the Code of the Town of Franklin is hereby amended by adding the following text at §185-4. Districts Enumerated:

A. For the purposes of this chapter, the Town of Franklin is hereby divided into the following types of districts:

   Rural Residential I (RRI)

   Rural Residential II (RRII)

   Single-Family Residential III (SFRIII)

   Single-Family Residential IV (SFRIV)

   General Residential V (GRV)

   Residential VI (RVI)

   Residential VII (RVII)

   Commercial I (CI)

   Commercial II (CII)

   Business (B)

   Industrial (I)

   Limited Industrial (LI)

   Neighborhood Commercial (NC)

   Office (O)

   Downtown Commercial (DC)

   Rural Business (RB)

B. In addition, there are eight overlay districts: the Flood Hazards District as established in §185-24, the Water Resource District as established in §185-40, the Wireless Communications Services District as established in §185-44, the Biotechnology Use Overlay District as established in §185-42, the Adult Use Overlay District as established in §185-47, the Senior Village Overlay District as established in §185-48, the Sign District Map as established in §185-20 and the Medical Marijuana Use Overlay District as established in §185-49.

C. Intent of districts. The intent of the zoning districts is as follows: (Please refer to the Table of Use for specific uses as they relate to each zoning district.)

(1) The Rural Residential Districts (RRI, RRII) are intended primarily for single-family residential uses in a rural and semi-rural environment. Agricultural uses are generally permitted. Generally, commercial and industrial uses are not permitted.

(2) The Single-Family Residential Districts (SFRIII, SFRIV) are intended primarily for single-family residential uses in a semi-rural and suburban environment. Two-family residential uses may be permitted in some areas. Generally commercial and industrial uses are not permitted; however, limited commercial uses may be permitted in some areas.

(3) The General Residential V District (GRV) is intended primarily for single-family and two-family residential uses in a suburban downtown environment. Multifamily and apartment uses may also be permitted. In addition, certain commercial uses may be permitted, but most nonresidential uses are not allowed.

(4) The Residential VI District (RVI) is intended primarily for multifamily and apartment residential uses in a suburban environment. Limited commercial uses may be permitted. See §185-38. Multifamily and flexible development zoning bylaw for further requirements of the Residential VI District.

(5) The Residential VII District (RVII) is intended primarily for single-family residential uses in a semi-rural environment. Multiple, single-family dwelling units may be permitted. Preservation of open space is encouraged and most nonresidential uses are not allowed. Please see §185-50. Residential VII for further requirements of the RVII District.

(6) The Commercial I District (CI) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses in a downtown environment. Limited industrial uses may be permitted. Single-family, two-family and multifamily and apartment residential uses may also be allowed.

(7) The Commercial II District (CII) is intended primarily for office, retail, service, trade, restaurant, and other commercial uses and limited industrial uses in a suburban commercial environment. Single-family and two-family residential uses may also be permitted.

(8) The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.

(9) The Office District (O) is intended primarily for office parks, business uses, limited commercial and light industrial uses. Industrial uses such as warehouse and manufacturing are not permitted except as an accessory use. Residential uses are not permitted.

(10) The Industrial District (I) is intended primarily for light and medium industrial uses, warehouse and distribution uses, and business uses. Some commercial uses may be permitted but residential uses are not permitted.

(11) The Limited Industrial District (LI) is intended primarily for light industrial service, trade and limited business uses. In addition, accessory office and retail uses may be permitted. Residential uses are not allowed.

(12) The Neighborhood Commercial District (NC) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods providing retail and personal services which serve the surrounding neighborhood. Industrial uses are not allowed. The District is further classified by its neighbor- and pedestrian-friendly design concepts including low luminescent lighting fixtures, visibly obscured parking areas, densely planted property borders, nonintrusive architecture and pedestrian scaled signage with external illumination.

(13) The Downtown Commercial District (DC) is intended as a mixed use, transit-oriented commercial district which combines first floor commercial uses with upper floor office or multi-unit residential uses. An emphasis is placed on commercial uses like restaurants and retail that support an economically rich downtown environment.

(14) The Rural Business District (RB) is intended primarily for low-intensity commercial uses located in or within close proximity to primarily residential neighborhoods, providing retail and agricultural services to the surrounding community. The district is further classified by rural neighborhood design concepts consistent with the character of the community, complementary in scale and appearance with the surrounding neighborhood, with low luminescent lighting fixtures, densely planted property borders, and pedestrian scaled signage with external illumination.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2016

VOTED:

UNANIMOUS _____

A True Record Attest:

YES _____ NO _____

ABSTAIN _____

Teresa Burr
Town Clerk

ABSENT _____

_____

Judith Pond Pfeffer, Clerk