

May 20, 2024 Annual Town Meeting— Village Center Overlay District Bylaw, Article [TBD] (DRAFT REV to 4/4/24)

I. ¹Note— Insert in the Zoning Bylaw the following new Section XXI entitled:

Section XXI: Village Center Overlay Zoning District Bylaw

1. Purpose and Intent

The overall intent and purpose of the Village Center Overlay District (the “VCOD”) is to encourage economic development opportunities in the Jefferson Village area consistent with the goals of the 2015 District Local Technical Assistance project related to the Village District Zoning Bylaw Development, the 2019 Master Plan Update regarding Village development, and the 2020 Village Center District Plan. Specifically, the purposes of the VCOD are:

1. To promote flexible economic development within the historic Jefferson Village area.
2. To encourage reuse and redevelopment of existing buildings and existing lots by providing more flexible development options than apply in the underlying Commercial and Village zoning districts.
3. To create a walkable mixed-use area.
4. To encourage developments of compatible land uses at village densities.
5. To encourage site design consistent with the historic village character.
6. To preserve and enhance the historical, cultural, and architectural assets of the Jefferson Village area.

2. Establishment, Applicability

The VCOD is hereby established, the boundaries of which are shown on the Town of Holden Zoning Map, as amended. This bylaw shall only apply if voluntarily selected by submittal of an application for development within the VCOD, otherwise all provisions of the underlying Commercial or Village zoning districts remain in effect.

3. Administration

The Permit Granting Authority and the Special Permit Granting Authority for this bylaw shall be the Planning Board (the “Board”).

4. Site Plan Review

¹ Notes are not part of the proposed bylaw amendments but are intended to be instructions only for the placement of the bylaw amendments in the Holden Zoning Bylaw, subject to approval of this bylaw.

Notwithstanding the site plan requirements of Section XI.J.3.g.(A) through (D) to the contrary, all VCOD developments shall require a site plan review by the Planning Board.

5. Use Regulations

- A. A VCOD development may include one or more of the uses permitted in either of the respective underlying zoning districts, as provided in Zoning Bylaw Section V, Table 1: Use Regulations. Where the same use is allowed in both underlying zoning districts the use may be permitted in accordance with the less restrictive use requirement. Notwithstanding the preceding sentences of 5A, the following uses are not permitted in a VCOD development:
 - 1. New residential uses not associated with a new Mixed Use development.
 - 2. Industrial uses otherwise allowable in a Planned Business Development.
 - 3. Drive-through service.
 - 4. Wholesale and Manufacturing uses.
- B. The following additional uses are permitted by special permit in the VCOD:
 - 1. Business incubators, co-working spaces, maker spaces.
 - 2. Retail incubator, food use incubator.
 - 3. Bed and breakfast establishment.
 - 4. Brewery, distillery, or winery.
 - 5. Brew pub, winery tasting area, or distillery tasting area.
 - 6. Outdoor seating related to the uses permitted in 5.A above and 5.B.
 - 7. Non-accessory parking lots.

6. Dimensional Requirements

Notwithstanding the dimensional provisions of the following Zoning Bylaw sections: Section VI, Table 2: Area Regulations; Section VI, Table 3: Height and Bulk Regulations; Section XI.J.3.i, Mixed Use Development; Section V.E, Village Use Regulations; and Section XI.J.3.d, Planned Business Development to the contrary, the dimensional requirements set forth in this section shall apply to VCOD development.

- 1. Minimum Lot size: 10,000 sq. ft.
- 2. Minimum Lot width: 50 ft.
- 3. Minimum Lot Frontage: 50 ft.

4. Minimum Front yard setback: 20 ft.
5. Minimum Side and rear yard setbacks: 10 ft.; 15 ft. if adjacent to land located in a residential zone.
6. Maximum permitted building height: 35 ft.
7. Maximum Building Coverage of Lot: 75%.
8. Mixed Use Development Percentage of Residential Use Gross Floor Area: Not to exceed 66%.

7. Parking, Loading, and Landscaping Requirements

Notwithstanding the parking, loading, and landscaping standards of the following Zoning Bylaw sections: Section V.E, Village Use Regulations; Section XI.J.3.i, Mixed Use Development; and Section XI.J.3.d, Planned Business Development to the contrary, the Section VIII.A through C, Parking, Loading, and Landscaping standards shall apply to VCOD development, except that the parking, loading, and landscaping standards of Section VIII.A through C may be modified by vote of the Planning Board by no set maximum amount.

8. Lighting Requirements

Section VIII.D, Lighting shall apply to VCOD development.

9. Signage

Notwithstanding the provisions of Section V.E, Village Use Regulations to the contrary, Section VII, Signs and Billboards shall apply to all to VCOD development.

10. Nonconforming Situations

Notwithstanding the provisions of Section IX, Nonconforming Uses, Structures, and Lots to the contrary, nonconforming, nonresidential uses located within the underlying zoning districts shall not be altered, expanded, or changed as part of VCOD development. Nonconforming structures may be reconstructed, extended, or structurally changed as part of VCOD development by special permit from the Planning Board.

11. Conditions

The Planning Board may impose reasonable conditions on an approved VCOD development, including conditions consistent with the purpose and intent of this bylaw.

12 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of this bylaw shall not be affected thereby. The invalidity of any section or

sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Town of Holden Zoning Bylaw.

II. Note— Insert in Zoning Bylaw Section II, Definitions, the following new definitions:

1. **DRIVE-THROUGH SERVICE:** The provision of a product or service by means of a window or automated service point (e.g., ATM) where said window or automated service point is designed or intended to allow a customer to remain in a motor vehicle while obtaining the products or services offered.
2. **BUSINESS INCUBATOR:** A specialized facility or program that provides support to startup companies and entrepreneurs in developing their businesses.
3. **RETAIL INCUBATOR:** A specialized program designed to support new retail businesses by providing resources, mentorship, and a supportive environment to help them grow and succeed.
4. **FOOD USE INCUBATOR:** Also known as a kitchen incubator or culinary incubator, is a shared commercial kitchen space that provides affordable certified kitchen facilities for food preparation.
5. **CO-WORKING SPACE:** A shared office environment where individuals from different companies work together in a communal setting, sharing facilities, services, and tools.
6. **MAKER SPACE:** A collaborative work space inside where individuals gather to make, learn, explore, and share using various tools and equipment
7. **BED AND BREAKFAST ESTABLISHMENT:** An owner-occupied dwelling with no more than six (6) guestrooms that includes a breakfast at the guestroom rate, and provides for a term of residency of less than eight (8) days. Guestrooms shall not include individual kitchen facilities, but shall be allowed an individual or shared bath/toilet facility, with at least one toilet, one bath/shower, and one washbasin separate from those required for the single-family residence portion of the dwelling. A maximum of two guests are allowed per room and children under the age of twelve (12) years shall not be considered in the total number of guests. The use of that portion of the dwelling devoted to transient occupancy shall be accessory to the use of the dwelling as a single-family residence and shall not change the character thereof.
8. **FLOOR AREA, GROSS:** The sum of the horizontal areas of the several floors of a building excluding areas used for accessory garage purposes, basements, cellar areas and attics. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches

III. Note— Insert in the Zoning Bylaw Section III.A: Establishment of Zoning Districts, Division Into Districts the following under the Full Name and Short Name headings, respectively:

Village Center Overlay District/VCOD

IV. Note— Insert in the Zoning Bylaw Section V: Use Regulations between current items C and D the following text,

Village Center Overlay District: All uses in a Village Center Overlay District shall conform to the regulations of Section XXI.

V. Note—Zoning Map: See attached