

## Chapter 38

### Mixed Use Residential Zoning District

This chapter establishes the Mixed Use Residential Zoning District (MURZD) and the standards that are specifically applicable within that district.

#### 38.1 Purpose – Boundaries – Permitted Uses

**38.1.1 What are the boundaries of the MURZD?** The boundaries of the Mixed-Use Residential Zoning District are shown on the official zoning map that accompanies this bylaw.

**38.1.2 What is the purpose of the MURZD?** This zoning district is transitional between the predominantly commercial TCZD and the residential neighborhoods and open space to the east. It is currently occupied by a mix of uses that includes offices, elder housing, and retail. There are also large vacant parcels, the appropriate development of which will play a key role in the implementation of the town's goal of creating a pedestrian-friendly, design-conscious, mixed-use growth center. As WDB 38.1.3 explains, future development in this zoning district will be predominantly higher density residential, housing a population that can easily bicycle or walk into the TCZD and that will help support improved transit service in the future.

#### 38.1.3 What uses are permitted in the MURZD?

38.1.3.1 Residential. New development in this zoning district must be predominantly residential. For the purposes of this 'predominantly' will be defined by three criteria.

- New development must have a minimum density of at least five dwelling units per acre, an average density of 7.5 dwelling units per acre, and may have a density of up to 15 units per acre, as provided by Chapter 19 of this bylaw.
- Nonresidential uses should generally be in mixed-use buildings that also include dwellings. Buildings that do not include dwellings will be limited to no more than 15% lot coverage.
- At least 10% of the proposed dwellings must be included in the first phase of development.

38.1.3.2 Commercial. Retail shops, personal services, restaurants, and the other commercial uses that are anticipated in this zoning district must be comparatively (when compared with the commercial uses permitted in the TCZD and MUCZD) small scale. This does not mean these uses will serve only the nearby dwellings, but the appearance, mix of uses, and scale of both buildings and uses must be that of a local or neighborhood shopping center rather than that of a regional shopping center. Table 38.A lists the uses that may be permitted, but all proposed uses must also comply with this purpose statement and the standards adopted below.

38.1.3.3 Offices. The existing office buildings will be conforming uses, but new office space should be mixed with residential and/or permitted commercial uses, consistent with WBD 38.1.3.2.

38.1.3.4 Accessory Uses. Customary accessory uses and structures are permitted in all zoning districts, as provided by Chapter 17 of this bylaw.

**38.2 Permits.** Permit requirements are explained in Chapters 4-6 of this bylaw. With the minor exceptions noted there, all development in this zoning district will require a discretionary permit before an administrative permit can be approved.

### **38.3 Standards**

#### ***38.3.1 What dimensional standards apply in this zoning district?***

38.3.1.1 Is there a maximum building height? Building height is limited to 36 feet, except as provided by WDB 38.5.4.

38.3.1.2 Are there property line setbacks? Setbacks from rear and side property lines in this zoning district are controlled by the landscaped buffer requirements of Chapter 23 of this bylaw.

38.3.1.3 Are there setbacks from roads? Yes. The minimum setbacks from roads in this zoning district shall be:

- from the right-of-way of I-89, 150 feet; and
- from the right-of-way of an arterial road, 50 feet.
- There is no minimum setback from other roads. New buildings in this zoning district should have a direct and immediate relationship to the street. A sidewalk or recreation path must be provided along with street trees. Depending on the proposed character and intensity of the development the DRB may permit street trees to be installed in tree wells in a wide sidewalk or it may require a planting strip.

38.3.1.4 Use of Required Setbacks. The required setbacks must be landscaped as a Type I, III, or IV buffer in compliance with Chapter 23 of this bylaw. Access drives, roads, pedestrian ways, underground utility lines, and where such lines are permitted, overhead utility lines may cross required setbacks at a right angle ( $\pm 10^\circ$ ). Pedestrian ways may also run parallel to and within a required setback. Parking and loading areas may not be placed within required setbacks.

38.3.1.5 Lot Size and Dimensions.

- Lot Size. There is no minimum lot size in this zoning district.
- Frontage. All lots must have at least 40 feet of frontage on an existing or proposed public or private road. The DRB may require a greater frontage where necessary to provide safe access to the lot.

***38.3.2 Do the general standards of this bylaw apply to development in this zoning district?*** Yes. Development in this zoning district must, unless specifically exempted, comply with all standards established in this bylaw.

**38.3.3 Are there additional standards specific to this zoning district?** Yes. They are presented in the following sections.

**38.4. Outdoor Sales and Storage.** Outdoor sales and storage are not permitted in this zoning district except for the temporary outdoor storage of construction equipment and materials in compliance with Chapter 17 of this bylaw.

**38.5 Development Pattern.** Existing development in this zoning district is auto-oriented. Adequate parking and loading areas will still be allowed, but the streetscapes created by new development in the MURZD must be pedestrian-oriented. Re-development must also comply with these standards, to the extent determined to be feasible by the DRB.

**38.5.1 How will development be made more pedestrian-friendly?** Buildings must invite pedestrians in, rather than being isolated from the street and sidewalk.

38.5.1.1 Pedestrian Connections. There must be a direct pedestrian connection between the principal building entrance/s and the sidewalk/s or path/s along the adjoining street/s.

38.5.1.2 Building Line to Street. New buildings must come to the setback from the street or, where it is on private property, to the sidewalk. This means that parking must move to the side and/or rear of the building or be handled in nearby parking areas or structures. An exception of up to 30% of a building's frontage may be made for an entry plaza or courtyard.

38.5.1.3 No Dead Walls. Dead walls are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception to this standard where a side wall does not face a street, pedestrian way, or customer parking area.

**What is a Dead Wall?** A dead wall is any uniform blank wall that is 30 or more feet long.

**38.5.2 How will buildings be made more appealing?**

38.5.2.1 Building Mass. Apparent building mass must be broken up using clearly-demarcated doors and windows, including display windows; variations in the building footprint; and architectural detailing, including changes in materials, patterns, textures, and color. Landscaping may be used to reinforce changes in massing. Changes in massing should not be merely cosmetic, but should correspond to the arrangement of internal space in the building.

38.5.2.2 Building Facades. Building facades must feature:

- a clearly distinguished foundation or base;
- a clearly distinguished top, which may be a parapet or cornice (it must be architectural, not just paint) or, preferably, a sloping roof; and
- a clearly-defined sign band or other set locations for signs.

38.5.2.3 Side and Rear Walls. The use of inferior materials for the sides or rear of a building is not permitted.

38.5.2.4 Mixing Uses. Mixed-use buildings must comply with the standards of Chapter 22 of this bylaw.

**38.5.3 *What other design elements are required?*** New development in the MURZD must offer the following elements:

38.5.3.1 ... multiple stories, and not just the appearance of multiple stories – single story buildings may be permitted as part of a multiple building development, but must not exceed 15% of total lot coverage;

38.5.3.2 ... wide sidewalks that may be used for outdoor dining and/or with seating that encourages outdoor social interaction;

38.5.3.3 ... an urban or neighborhood park, as defined in the *Open Space Plan*. Credit for compliance will be provided only where a proposed park is visible and accessible so that it complements other proposed uses. A picnic table for employee lunch breaks is not an urban park.

38.5.3.4 Multiple Structures. These elements may be provided cumulatively, in or accessory to, multiple buildings that are part of a specific plan.

**38.5.4 *Is there an incentive for the provision of affordable housing and/or structured parking?*** Yes. The maximum building height in this zoning district will be increased from 36 to 52 feet where perpetually affordable housing and/or structured parking are provided. To qualify, the development must create more than three (3) dwelling units, of which at least 30% are perpetually affordable, and/or provide 30% or greater of its parking requirement in a structure, resulting in a commensurate reduction in surface parking and loading areas.

**38.5.5 *Are there any limits on the use of the incentive offered by WDB 38.5.4?*** Yes. It is not the intent of the building height incentive to permit the construction of four or five story buildings with flat roofs. This incentive is intended to make it possible to build three or, depending on the grade of the site, four story buildings that have diverse, attractive sloping rooflines. Buildings with flat roofs are limited to 36 feet in height.

**38.6 Specific Plans.** Specific plans (see Chapter 9 of this bylaw) may be used to expand and refine the requirements of this zoning district. The DRB may, when reviewing a pre-application for the development of large or multiple parcels in the MURZD, recommend that the applicant submit a specific plan for the development of those parcels before a discretionary permit will be approved.

Table 38-A - Mixed Use Residential Zoning District	NAICS	Notes
Uses that are not specifically permitted are prohibited. Listed uses are permitted only in compliance with all applicable requirements of this bylaw and with the purpose statement for this zoning district. Accessory uses may not be listed separately, see Chapter 17 of this bylaw.		
<b>Residential (multi-family dwellings)</b>		At a density of at least 5 DU/A
<b>Retail Trade, but only as listed below</b>		
Furniture and Home Furnishings Stores	442	The key to “appropriate” retail in the MURZD is scale. Electronics Stores are permitted, for example, but the intent is to permit a storefront Radio Shack, not a large electronics dealer like a Best Buy. Likewise, food stores are permitted, but the intent is to permit a bakery, not a supermarket.
Electronics and Appliance Stores	443	
Food and Beverage Stores	445	
Health and Personal Care Stores	446	
Clothing and Clothing Accessories Stores	448	
Hobby, Toy, and Game Stores	45112	
Sewing, Needlework, and Piece Goods Stores	45113	
Musical Instrument and Music Stores	45117	
Book, Periodical, and Music Stores	4512	
Florists	4531	
Office Supplies, Stationery, and Gift Stores	4532	
<b>Information</b>		
Telecommunications Facilities	517	see Chapter 21 of this bylaw
<b>Finance &amp; Insurance</b>		
Real Estate	529	
<b>Professional, Scientific, and Technical Services</b> , but specifically not 54164, Veterinary Services as noted	54	Vets with outdoor treatment and/or boarding facilities must be located in the ARZD.
<b>Management of Companies &amp; Enterprises</b>		
Administrative Support Services	561	
<b>Educational Services</b>		
Health Care and Social Assistance	62	
<b>Arts, Entertainment, and Recreation</b> , but specifically not 71111 – Performing Arts Companies	71	Theaters should be in the TCZD.
<b>Accommodation &amp; Food Services, as listed below</b>		
Full Service Restaurants	72211	No drive-through food service is permitted.
Limited Service Eating Places (cafeterias, snack bars)	72011	
Caterers	723	Only in association with a permitted restaurant
<b>Other Services, but only as listed below</b>		
Personal & Laundry Services, specifically except 81203 Linen & Uniform Supply	812	
<b>Public Administration</b>		
	92	Public parks are permitted in all zoning districts.