**Zoning Article Summary**

**Article 29 – Zoning Bylaw Prohibition of Recreational Marijuana**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider a proposed amendment to the Zoning Bylaw that would insert a new Chapter 32 – Marijuana Not Medically Prescribed as petitioned by the Board of Selectmen. This article would amend the Town’s Zoning Bylaw to prohibit all types of commercial, non-medical, marijuana establishments as allowed by the petitioned ballot question approved in November 2016.

This proposal is a companion article to the ballot question posed to the voters on April 10, 2017 and would prohibit all non-medical commercial businesses related to marijuana, including marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana related businesses. This proposal would not prohibit the personal use of marijuana or growing of marijuana at a residence as permitted by law.

The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

At the meeting of March 28, 2017 on a motion made by Penny Dumas, seconded by Heather Hart and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.

**Article 30- Zoning Bylaw Temporary Moratorium of Recreational Marijuana**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider a proposed amendment to the Zoning Bylaw that would insert a new Chapter 31 – Temporary Moratorium on Recreational Marijuana Establishments. The purpose of this temporary moratorium is to allow sufficient time to engage in a planning process to address the potential impacts of recreational marijuana establishments in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

A copy of the text is attached. The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

At the meeting of March 28, 2017 on a motion made by Susan Waters, seconded by Heather Hart and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.

If Article 29 passes – there will be a substitute motion that no action be taken on this article.

**Article 31 – Zoning Bylaw – Food Establishment/Fast Casual**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider a proposed amendment to the Zoning Bylaw that would This proposal would amend the definitions of Fast Food Establishment and Restaurant contained in Chapter Two and would also insert a new definition for Fast Casual Restaurant in its appropriate location within Chapter Two. This proposal would also amend Chapter Seven – Commercial District and Chapter Eleven Commercial II District by inserting Walk Up Establishment and Fast Casual Restaurant as permitted uses.

This proposal would update our categories of and definitions for restaurants contained within the bylaw to be more in line with industry standard definitions. This proposal would also add Fast Casual Restaurants and Walk Up Establishments (already defined in the bylaw) to the Commercial and Commercial II Zoning Districts. For reference a Walk Up Establishment is defined as “An establishment such as an ice cream or sandwich shop that by design of its physical facilities, service, or packaging, allows pedestrians to receive a service or obtain a product without entering the establishment”. No other Zoning Districts would be impacted by this proposal at this time.

The Planning Board reviewed these definitions and categories in conjunction with a request to allow drive thru windows in the Village Gateway District. The current zoning bylaw has two categories of restaurant – fast food and restaurant. The main differentiation is that a fast food restaurant has a drive thru window and a restaurant does not. After spending a great deal of time on this issue, the Board was of the opinion that it made sense to create categories of restaurants that are differentiated by operational mode and size requirements. While the Board did not support the Citizen Petition to allow Fast Casual with Drive Thru Window by Special Permit in the Village Gateway District, the definitions laid the groundwork for the petition rather than the petitioner requesting Fast Food Restaurants be allowed in that District. It also provides the framework for looking at restaurants in terms of functional category, vs just defining a restaurant by whether or not it has a drive thru window. You will note that the drive thru “may” be allowed, by right or special permit which also gives flexibility in where this may be appropriate.

A member of the Board of Selectmen asked if this proposed change impacted the Commercial Tourist District; it does not. The CT District is unique because of a range of architectural styles, small shops and unique dining experiences. While we do have some restaurants that offer take out such as BT Smokehouse, and Jimmy D’s, and they are not what would be traditionally considered as fast food or formula restaurants which are commonly defined as those that are “required by contractual or other arrangements to be virtually identical to restaurants in other communities as a result of standardized menus, ingredients, food preparation, décor, uniforms and the like”. We think that most, would agree that a proliferation of these formula type restaurants would not be appropriate to the character of the CT District and could ultimately result in the demolition of other smaller structures to accommodate such. We also believed that if a drive thru is permitted within the CT District it could lead to the demolition of structures to make room for such.

The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

At the meeting of March 28, 2017 on a motion made by Russell Chamberland, seconded by Charles Blanchard and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.

**Article 32 – Zoning Bylaw – Definition of Single Family Attached and Detached Dwelling & Mutli Family Dwelling**

**Article 33 – Zoning Bylaw – Amend Permitted Uses in the Rural Residential, Suburban Residential and Special Use Districts**

**Article 34 – Zoning Bylaw – Open Space Residential Development**

**The above noted Articles are all related and will be discussed below. Articles 35 and 36 and 36 are also related.**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider proposed amendments to the Zoning Bylaw. First, to consider amending Public Hearing - First, to consider amending Chapter Two – Definitions by updating the definitions for single family dwelling by adding a new definition for Single Family Attached Dwelling and Single Family Detached Dwelling. Second, to consider amending Chapter Seventeen – Open Space Residential Development (OSRD) by updating the permitted and Special Permit uses, adding a new section on building heights, adding a new section on housing types, and updating the section on Reduction of Dimensional Requirements. Lastly, to consider amending Chapter Five, Section 5.01 (a) Permitted Uses to state single family detached dwelling and to update 5.02 Exceptions by Special Permit to include single family attached dwelling within an OSRD, Chapter Six, Section 6.01 (a) Permitted Uses to state single family detached dwelling and to update 6.02 Exceptions by Special Permit to include single family attached dwelling within an OSRD, and Chapter Fourteen, Section 14.01 (a) Permitted Uses to state single family detached dwelling and to update 14.02 Exceptions by Special Permit to include single family attached dwelling, two family dwelling and multi family dwelling within an OSRD.

The Town of Sturbridge prepared a Master Plan in 2011 and has since been working on implementing the goals of the plan. Chapter Three- Housing contains several recommendations aimed at providing high quality affordable housing in attractive neighborhoods through the development of appropriate zoning bylaws, regulations and programs designed to encourage a variety of housing types. The Planning Board and Town Planner have worked to prioritize the various goals noted in the plan and have identified two of these goals as high priority items.

These two specific goals identified include:

1. Consider amending the Multiple Dwelling Project chapter of the zoning bylaw to be a more effective tool in creating a variety of housing options; and

2. Amend the Open Space Residential Development bylaw to allow such projects by right rather than by special permit and eliminate the minimum threshold of ten acres. This would provide more of an incentive to develop OSRD’s thereby helping to conserve open space while diversifying the type of housing in Sturbridge.

Within Chapter Three of the Master Plan, it is noted that the Town should examine whether the Multiple Dwelling Project provisions of the Zoning Bylaw (Chapter 21) is an effective tool in adding diversity to the Town’s housing stock. This section of the bylaw allows multiple dwelling units to be built in both the Rural Residential and Suburban Residential Zoning Districts by Special Permit on properties that are at least fifteen acres in size as an alternative to typical grid subdivision development. Projects constructed using this tool, must meet certain siting and design requirements. The Master Plan further recommends that since Open Space Residential Development is also permitted in these residential districts, it may be a more useful tool in allowing for a more flexible development pattern while achieving the Town’s goals of preserving open space and diversifying the types of housing available. However, it is important to note that the OSRD Bylaw as written allows only for single and two family residential housing. It has been our experience that the bylaw does not encourage diversity in the Town’s housing stock as written.

The provision of quality affordable housing and the preservation of open space are common themes across regional, state and especially local goals. Some of the local goals related to housing are noted above. A variety of CMRPC plans, have similar goals. For instance, the Land Use Priority Plan that the Town of Sturbridge participated in lists two goals related to growth and the provision of housing. Most notably the plan states:

* New commercial and residential growth must occur in a manner that is respectful of open space, resources, transportation networks and water resources in the region; and
* Workforce housing must continue to be produced and preserved within the region at a scale that allows the number of workers living in the region to keep pace with the number of new jobs created in the region.

Finally, this theme continues with the State’s Sustainable Development Principles which encourage us to among other things: (1) Concentrate development and mix uses; (3) Make efficient decisions, (4) Protect land and ecosystems; (5) Use natural resources wisely and (6) Expand housing opportunities.

Therefore, we applied for District Technical Local Assistance from CMRPC and worked with them to review options. After that review, it was determined that it made sense to eliminate the Multiple Dwelling Project Bylaw and to update the OSRD Bylaw to accomplish these goals.

The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

At the meeting of March 28, 2017 on a motion made by Susan Waters, seconded by Heather Hart and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.

Attached is a FAQ Sheet used for the meeting.

**Article 35 – Zoning Bylaw – Multiple Dwelling Projects**

**Article 36 – Zoning Bylaw – Amend Permitted Uses in Rural Residential and Suburban Residential Districts**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider proposed amendments to the Zoning Bylaw. First, to consider amending Chapter Two – Definitions by deleting the definition for Multiple Dwelling Project, second, to delete Chapter Twenty One – Multiple Dwelling Projects in its entirety and also to delete the following sections of the bylaw; Chapter Five, Section 5.02 (f) Multiple Dwelling Project by Special Permit, Chapter Six, Section 6.02 (c) Multiple Dwelling Project by Special Permit, and Chapter Fourteen, Section 14.02 (c) Multiple Dwelling Project by Special Permit.

This proposal deletes Chapter 21 as this is redundant with the Open Space Residential Design as amended in Article 34 and this proposal deletes Multiple Dwelling Project as a permitted use as this was deleted in article 35.

A copy of the text is attached. The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

At the meeting of March 28, 2017 on a motion made by Russell Chamberland, seconded by Penny Dumas and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.

**Chapter 37 – Zoning Bylaw Chapter 21 – Off Street Parking, Loading and Drive Thru Standards**

The Planning Board held a Public Hearing on Tuesday, March 28, 2017 to consider proposed amendments to the Zoning Bylaw to consider inserting a new Chapter 21- Off Street Parking, Loading and Drive Thru Standards. This new Chapter will update standards by inserting language for alternative vehicle parking spaces, adding a new Table for required parking spaces and inserting procedures for reductions in required parking spaces and will also consolidate parking standards found throughout the bylaw into one Chapter. A new section on Drive Thru Facilities standards will also be inserted into this Chapter. The items that have been consolidated from Chapters Twenty and Twenty Five will be deleted.

The hearing was legally published in the local newspaper for two consecutive weeks and all others were notified as required.

This proposal combines the parking and loading standards found within Chapter Twenty and Chapter Twenty-Five and places that language in one consolidated Chapter for ease of use. This new Chapter will also update standards by inserting language for alternative vehicle parking spaces, adding a new Table for required parking spaces and inserting procedures for reductions in required parking spaces and will also consolidate parking standards found throughout the bylaw into one Chapter. A new section on Drive Thru Facilities standards will also be inserted into this Chapter. The existing language is proposed to be deleted from Chapter Twenty and Twenty Five.

At the meeting of March 28, 2017 on a motion made by Russell Chamberland, seconded by Susan Waters and voted 7-0, the Planning Board voted to support the proposed amendment to the zoning bylaw as written and ask that this article be placed on the Annual Town Meeting warrant.