

Section VI: Limited Commercial District

A. Guiding Principle

Promote the viability of businesses while protecting the value of residential properties and maintaining the rural character of Rochester consistent with the Town's Master Plan.

(Amended Article 20, June 8, 2015 Annual Town Meeting)

B. Specific Objectives

1. Improve the economic viability of businesses.
2. Encourage mixed use development in Limited Commercial Districts.
3. Encourage diverse options for housing.
4. Maintain and build upon the historic aspects of the District.
5. Encourage a more pedestrian friendly environment.

(Amended Article 20, June 8, 2015 Annual Town Meeting)

C. Location

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the Town of Rochester, Massachusetts" dated October 29, 2009, as amended, and is hereby declared to be part of this By-law.

*(Amended Article II, October 29, 2009 Special Town Meeting)
(Amended: Article II & III, November 16, 1999 Special Town Meeting)*

D. Lot Dimensions

In a limited commercial district, for any principal permitted use, structure or group of structures, there shall be provided a lot of land having an area and frontage not less than frontage specified in the following table. Any building located, moved, altered or built within a lot shall conform to the table below, and no lot shall be changed in size or shape so as to result in a violation of the area, frontage and other dimensional requirements thereof.

In Mixed Use Developments, where the proposed development is adjacent to lots that have principal structures with front yard setbacks different from those required herein, the front yard setback shall be the

average setback of such adjacent principal structures on the immediately adjacent lots. On corner lots where two front yard setbacks apply, both front yards shall be the average setback of principal structures on immediately adjacent properties. If only one (1) adjacent lot is occupied by a structure, the minimum front yard shall be the average of the required minimum setback herein and the setback of such adjacent structure. In no event shall the setback for new structures be less than that required herein.

<u>Min. Lot Area Sq. Ft.</u>	<u>Min. Lot Frontage In Ft.</u>	<u>Min. Set-back In Ft.</u>	<u>Max. Impervious Surface % Lot Area</u>	<u>Max. Height Ft</u>	<u>Minimum Buildable Square Feet</u>
30,000	100	30 front 40 side 40 back	70	35	15,000

(Amended: Article XX, May 18, 2009 Annual Town Meeting)
(Amended: Article X, October 29, 2007 Special Town Meeting)
(Amended: Article XXIV, October 24, 2005 Special Town Meeting)
(Amended: Article 20, June 8, 2015, Annual Town Meeting)

E. Site Plan

1. Site Plan Review and Approval as specified in Section XVI applies. Mixed Use development in a Limited Commercial District that includes residential units requires Site Plan Review and Approval.

(Amended: Article XVII, February 27, 2002 Special Town Meeting)
(Amended: Article 20, June 8, 2015 Annual Town Meeting)

2. Perimeter Vegetative Boundary

A minimum 20 foot perimeter boundary shall be provided with berms, curbs or other barrier at its' inside edge to inhibit vehicular access. This boundary strip shall be landscaped with groundcover, grass, shrubs or evergreen screening. Screening shall be four-season evergreen plantings.

(Amended: Article XX, May 18, 2009 Annual Town Meeting)
(Amended: Article 20, June 8, 2015 Annual Town Meeting)

3. All service, loading and unloading shall be designed to be segregated from residential, customer and employee parking.

(Amended: Article XX, May 18, 2009 Annual Town Meeting)
(Amended: Article 20, June 8, 2015 Annual Town Meeting)

4. No parking within the minimum front setback.

(Amended: Article XX, May 18, 2009 Annual Town Meeting)

5. A building or portion of a building with a massing of more than 75 feet in length must be broken into smaller elements through wall plane setback, variation in roof/cornice lines, materials changes, or other means. Architectural design shall be compatible with the character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in roof and wall lines and other architectural techniques. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation and separation between buildings where appropriate.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

6. At least twenty (20) % of the disturbed site area of a completed project must be reserved for landscaped courtyards or decks, pedestrian pathways, gardens with pathways, children's play area, or other multi-purpose recreational and/or green spaces. Required setback areas shall not count towards the 20% requirement.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

7. Exterior lighting shall be shielded and not higher than 16 feet above grade within parking areas and no higher than 12 feet elsewhere. It shall be designed to prevent light trespass onto abutting properties. Fixtures shall be full cut-off throughout the site and designed to meet "dark sky" requirements.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

8. Adequate provisions shall be made for onsite storage of snow removed from parking lots and lanes or for its removal for authorized disposal elsewhere.

(Amended: Article 20 June 8, 2015 Annual Town Meeting)

F. Permitted Uses

In the limited commercial districts, the following uses are permitted as of right, but not including outside storage of materials or equipment.

(Amended: Article 20 June 8, 2015 Annual Town Meeting)

1. Store for the sale of goods at retail.
2. Restaurant for the serving of food or beverages to persons inside a completely enclosed building, subject to the condition that no mechanical or live entertainment shall be regularly furnished therein except where authorized by entertainment license issued by the Board of Selectmen.

3. Retail and Commercial Establishments.

(Amended: Article 20 June 8, 2015 Annual Town Meeting)

4. Business or professional office or agency, bank or other financial institution.
5. Parking lot solely for the use of the employees and customers of the commercial establishments and for residential parking.

(Amended: Article 20 June 8, 2015 Annual Town Meeting)

6. Display of one sign pertaining to the use of the premises with a total area of not more than nine square feet, the sign shall be limited to the identification of the premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.

(Amended: Article XIX, October 24, 2005 Special Town Meeting)

7. Board or lodging houses, convalescent or nursing home.

(Amended: Article XX, May 18, 2009 Annual Town Meeting)

8. Agricultural uses as allowed under M.G.L. Chapter 40A, Section 3.

(Amended: Article XX, May 18, 2009 Annual Town Meeting)

(Amended: Article 20 June 8, 2015 Annual Town Meeting)

9. Eight or fewer dwelling units over or adjacent to retail/commercial building allowed as of right in a Mixed Use Development.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

10. Unless otherwise prohibited or restricted herein, all uses permitted as of right in an Agricultural/Residential District.

(Amended: 20 Article June 8, 2015 Annual Town Meeting)

G. Uses Permitted by Special Permit

1. Other retail business or service establishment or commercial operation provided that such use is of the same general character and effect on adjacent property and improvement as the uses specifically permitted in the limited commercial district.
1. Display of a sign pertaining to the use of the premises with a total area in excess of nine square feet. The sign shall be limited to the identification of premises, their occupants or users, or the business conducted therein. Flashing or rotating lights shall not be permitted.
2. No structure or accessory structure will be allowed to be erected greater than 100 feet in height without a Special Permit from the Zoning Board of Appeals.

(Amended: Article XIII, May 19, 1997 Special Town Meeting)

4. Personal wireless facilities in accordance with Section XX.

(Amended: Article XVI, February 25, 2002 Special Town Meeting)
(Amended: Article V, November 27, 2000 Special Town Meeting)

5. Nine or more dwelling units over or adjacent to retail/commercial buildings require a Special Permit in a Mixed Use Development.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)

6. Vehicle Service Stations of any type.

(Amended Article 20 June 8, 2015 Annual Town meeting)

H. Enclosure of Uses

In the limited commercial district, all uses permitted as of right and all uses accessory thereto, shall be conducted within a completely enclosed building except the following:

1. Parking lots for the use of residents, employees and customers of the allowed commercial establishment, living, visiting, working or doing business within the district.
2. Signs permitted under Section F.5 and G.2 Thereof.

(Amended: Article 20, June 8, 2015 Annual Town Meeting)