

# Amend Article 5

to

## Protect Open Space in Business Districts

### Warrant Article 5

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**ZONING BYLAW AMENDMENT/****OPEN SPACE IN BUSINESS DISTRICTS**

To see if the Town will vote to amend the Zoning Bylaw to update Section 2 DEFINITIONS, Section 5.3.21 SUPPLEMENTAL REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS, Section 5.3.22 GROSS FLOOR AREA, and Section 5.5.2 DIMENSIONAL AND DENSITY REQUIREMENTS to modify the requirements for landscaped and usable open space in the Business Zoning Districts; or take any action related thereto.

Inserted at the request of the Redevelopment Board

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## Protect Open Space in Business Districts

### Current Zoning Bylaw

#### Definitions Associated with Open Space

**Open Space:** A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

**Open Space, Landscaped:** Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Refer to Section 5.3.22.C. for how to calculate landscaped open space.

**Open Space, Usable:** The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8%, and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C. for how to calculate usable open space.

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## Protect Open Space in Business Districts

### Vote Language:

That the Zoning Bylaw be and hereby is amended as follows:

Amend SECTIONS 2, 5.3.21, 5.3.22, and 5.5.2:

#### Section 2: Definitions

##### Definitions Associated with Open Space

Open Space: A yard including sidewalks, swimming pools, terraced areas, decks, patios, play courts, and playground facilities; and not devoted to streets, driveways, off-street parking or loading spaces, or other paved areas.

Open Space, Landscaped: Open space designed and developed for pleasant appearances in trees, shrubs, ground covers and grass, including other landscaped elements such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – **except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building.** Refer to Section 5.3.22.C. for how to calculate landscaped open space.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation, including swimming pools, tennis courts, or similar facilities, or for garden or for household service activities such as clothes drying; which space is at least 75% open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required. Such space may include open area accessible to and developed for the use of the occupants of the building and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes – **except in the Business Districts where open space areas accessible to and developed for the use of occupants of the building may be located upon a roof, balcony, or balconies at any level of the building.** Open space shall be deemed usable only if at least 75% of the area has a grade of less than 8% and no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings with surface parking, no horizontal dimension shall be less than 20 feet. Refer to Section 5.3.22.C for how to calculate usable open space.

Section 5.3.21: Supplemental Requirements in the Business and Industrial Districts (paragraph D)

A. Screening and Buffers: Industrial and Business Districts and Parking Lots

(1) Screening and space buffers shall be required in any Industrial (I) or Business (B) district that abuts certain buildable residential lots. The minimum width of the buffer shall be as

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### The Amendment would:

- Eliminate the ARB's recommended changes to the definitions of landscaped and usable open space.
- Leave the existing definitions unchanged, so that roofs and upper story balconies of multi-story residential buildings cannot be counted towards the open space requirements.
- Require that landscaped and usable open space be at ground level for those buildings.