

**Zoning Bylaw Amendments
Greenville Village Neighborhood Business District (NB)
2/10/2021**

Amend Section 5.6 of the Zoning Bylaw (Greenville Village Neighborhood Business District), as shown below:

5.6 Greenville Village Neighborhood Business District (NB)

5.6.01 Purpose and Intent

To enable the development and redevelopment of Leicester's Greenville area in keeping with the historic development pattern including the size and spacing of structures by allowing, in addition to residential uses, convenient small-scale retail, service and other small-scale commercial uses compatible with nearby residential areas, which minimize traffic, parking visibility, late hour operations, destruction of historic buildings or architectural features, or other characteristics not compatible with the existing character of the surrounding residential neighborhood, and further providing that no such use shall be permitted which would be detrimental or offensive by reason of odor, noise, excessive vibration or danger of explosion or fire.

5.6.02 Permitted Uses

No building or structure shall be used and no change shall be made in the use of land or premises, except for one or more of the following purposes:

5.6.02.1 All uses that are permitted in the Residential 1 District (R1), under Section 3.2, Schedule of Use Regulation, except that the Planning Board shall be the Special Permit Granting Authority for all uses listed as requiring a special permit, and unless otherwise regulated in this Section 5.6.

5.6.02.2 All non-residential projects, of any size, shall require site plan review (See Section 5.2) in the Neighborhood Business (NB) district, except for reuse of existing structures (with no parking lot expansion) for uses not requiring a special permit. The following uses are allowed with site plan review by the Planning Board, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4 below.

- A.** Retail services, including but not limited to a drug or package store; grocery, variety, clothing or shoe store; hardware or household appliance sales and services; music store; computer store; book, card, or stationery store; news dealer.
- B.** Professional or administrative offices.
- C.** Office or clinic for medical or dental examination or treatment of persons as outpatients, including laboratories incidental thereto.
- D.** Financial institution, such as bank or credit union.
- E.** Personal services, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; or photographer's studio
- F.** Artisans, Jewelry Makers, Handicrafts, Artists Studios
- G.** Mortuary, undertaker, or funeral establishment.
- H.** Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure.
- I.** Restaurant, lunchroom, or other eating establishment primarily for on-premises consumption, not to include fast food establishment.

- J. Delicatessen, traditional bakery, confectionery, caterer, and other similar establishments, which incidentally sell retail food and beverages in disposable containers for off-site consumption.
- K. Small-Scale Ground-Mounted Solar Energy Systems (Medium-Scale and Large-Scale Ground-Mounted Solar Energy Systems are prohibited.)

5.6.03 Special Permit Allowed Uses

The following uses shall require a special permit for use from the Planning Board:

5.6.03.1 Business uses as listed in Section 3.2.03 except where prohibited under Section 5.6.04 or where said use is prohibited in all other districts, which are not listed above in Section 5.6.02.2, provided that no individual establishment shall exceed 3,000 square feet in gross floor area, except as regulated under Section 5.6.03.4.

5.6.03.2 Drive-through facility.

5.6.03.3 Take-out establishments primarily engaged in the sale, dispensing or serving of food, refreshments or beverages for consumption off the premises or consumption in vehicles temporarily parked on the premises, or at tables, benches or counters, the majority of which are out of doors, not to include establishments commonly known as fast food establishments.

5.6.03.4 Establishments that exceed 3,000 square feet in gross floor area per establishment, provided that in no event may a special permit be issued for individual establishments in excess of 6,000 square feet in gross floor area. Commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34) are exempt from the above size limitations, except that any expansions shall require a special permit.

5.6.03.5 Additional uses allowed by special permit in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34)

A. Makerspaces

B. Outdoor storage and parking of commercial vehicles and construction vehicles associated with uses in the existing building (i.e. not rental storage)

C. Rental self-storage facility (outdoor storage prohibited)

5.6.04 Prohibited Uses:

5.6.04.1 Any use not expressly permitted above.

5.6.04.2 Vehicle-related uses (sales, service and repair of all vehicle types including but not limited to trucks, boats and recreational vehicles, towing companies, taxi or limousine service, etc.)

5.6.04.3. All types of Marijuana Establishments regulated by Section 5.15.

5.6.04.4 Rental Self-Storage Facilities (indoor or outdoor)

5.6.05 Site Development Standards

All non-residential use, or conversion to a non-residential use, within the NB district shall comply with all Site Development Standards in Section 5.6.05.1 through 5.6.05.3 described below:

5.6.05.1 Parking & Loading

Non-residential uses within a NB district shall provide parking and loading facilities in compliance with Section 5.1, PARKING AND LOADING REQUIREMENTS AND UNLOADING SPACE, the Planning Board's Parking Regulations, and the following additional requirements:

- A. Parking facilities sufficient to accommodate the motor vehicles of all employees, customers and other persons normally visiting the site at any time shall be provided on the lot and off the street.
- B. In determining the appropriate number of parking spaces required, the Planning Board may give consideration to the hours of usage of the proposed use/structure, the opinion of municipal officials or consultants as to the adequacy or inadequacy of parking spaces within the specific area of the proposed use/structure, as well as other relevant information to assist the Planning Board in determining the need for additional parking for motor vehicles.

C. All parking shall be provided on the same lot with the principal use or on a contiguous lot within the same zoning district, provided that no space is counted as meeting the requirements of more than one building or use.

D. New parking areas shall be located to the side or rear of the primary structure.

E. Parking areas serving all non-residential structures shall be hard-paved.

F. Parking areas shall include handicap accessible parking spaces as required by 521 CMR, Architectural Access Board Code, as may be amended from time to time.

G. To the maximum extent feasible, loading areas shall be located at the rear of the building, off the street right-of-way.

H. Adequate turning and maneuvering space shall be provided for loading areas, without encroachment into parking areas.

I. Parking area lighting may not shine beyond the property lines, except for driveway entrances where light may shine onto the immediate area of the street right-of-way.

5.6.05.2 Landscaping

A. A landscaped buffer zone, of at least the width of the required setback, continuous except for approved driveways, shall be established along any side of the lot with road frontage to visually separate the building and ~~it's~~ its parking areas from the road.

B. A landscaped buffer zone along the side and rear of each lot, of at least the width of the required side and rear setback, shall be provided where a proposed non-residential use abuts a residential use.

~~C. A landscaped buffer zone of at least 50 feet shall be provided where a NB district boundary abuts a Residential District (R1, R2, and SA).~~

~~C.D.~~ The buffer zones shall be planted with grass, ground cover, medium height shrubs, and shade trees planted at least every fifty (50) feet. The buffer zone shall include both deciduous and evergreen shrubs and trees. Trees and shrubs at driveway intersections shall be set back a sufficient distance from such intersections so as not to obstruct traffic visibility.

~~D.E.~~ An opaque buffer shall be provided to screen exposed storage areas, machinery, garbage "dumpsters", service areas, truck loading areas, utility buildings and structures from the view of abutting properties and streets, using plantings, fences and other methods compatible with the goals of this regulation.

~~E.F.~~ Parking shall not be located within required buffer areas.

~~F.G.~~ All landscaped areas and buffers shall be maintained in good condition and shall be kept free of refuse and debris. Shrubs or trees that die shall be replaced within one growing season.

~~G.H.~~ Appropriate water management procedures shall be followed to serve all landscaped areas, including irrigation systems if warranted.

~~H.I.~~ The Planning Board may require a bond to ensure that required landscaping improvements are maintained and survive for at least one growing season following the completion of planting.

~~I.J.~~ The Planning Board shall have the authority to adopt from time to time suitable landscaping regulations, which may include the required height and spread of trees and shrubs in buffer zones and parking areas.

J. The landscaped buffer requirements in paragraphs A & B shall not apply to reuse of existing structures and associated parking areas. The Planning Board may require a landscape buffer for uses requiring a special permit.

5.6.05.3 Design

The Planning Board shall have the authority to adopt from time to time suitable regulations to specify design standards within the Greenville Village Neighborhood Business District. Such standards may include regulation of building form and features, architectural details, and historic buildings.

5.6.06 Special Permits – NB District

5.6.06.1 Requirements and Procedures

- A. The special permit granting authority for all special permits in the NB District shall be the Planning Board except where such authority is specifically delegated to the Zoning Board of Appeals. No building, use or occupancy permits for any ~~construction of any use designated "SP" (Special Permit) under the NB District use requiring a special permit shall be issued~~ except in accordance with the terms of a special permit as set forth herein. This shall apply to new construction, change in use to a use requiring a special permit, and resumption of any use requiring a special permit where the use has been discontinued or abandoned for more than two (2) years.
- B. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board ~~Rules & Regulations for Special Permit Applications~~ Special Permit Regulations.
- C. Procedures for Special Permits (filing, hearing notification, and decision timelines) shall follow MGL Ch.40A, Section 9, Special Permits, and Section 11, Notice for Public Hearing.

5.6.06.2 Special Permit Review Criteria

The Planning Board shall grant a special permit only after finding that the proposed use will be consistent with the purpose and intent of this bylaw, and that the proposed use or structure is in conformance with the following criteria:

- A. Provision shall be made for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and property. The service level of adjacent streets shall not be significantly reduced due to added traffic volume or type of traffic in accordance with the most recent edition of the Massachusetts Highway Department Highway Capacity Manual;
- B. The proposed use shall not overload the capacity of water and sewer systems, stormwater drainage, solid waste disposal facilities, and other public facilities;
- C. The design of the project shall provide for adequate methods of disposal of sewage, refuse, or other wastes generated by the proposed use;
- D. The project shall be compatible in character and scale with existing uses and other uses allowed by right in the district.
- E. The project shall comply with all applicable environmental laws and regulations;
- F. The proposed project shall be consistent with Leicester's Master Plan;
- G. The project shall comply with all Site Development Standards required in the NB district where applicable.

Zoning Bylaw Amendments Marijuana Establishments 2/10/2021

Amend Section 1.3 (Definitions), by inserting new definitions and amending existing definitions, as follows:

MARIJUANA: Marijuana or Marihuana means all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided that "Marijuana" shall not include: (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes marijuana products except where the context clearly indicates otherwise.

MARIJUANA COURIER: an entity licensed to deliver Finished Marijuana Products, Marijuana Accessories and Branded Goods directly to Consumers from a Marijuana Retailer, or directly to Registered Qualifying Patients or Caregivers from a Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to Consumers, Registered Qualifying Patients or Caregivers and is not authorized to Wholesale, Warehouse, Process, Repackage, or White Label. A Marijuana Courier is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of marijuana or marijuana products to consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

MARIJUANA CULTIVATOR: an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA DELIVERY LICENSEE: an entity that is authorized to deliver marijuana and marijuana products directly to consumers and as permitted, Marijuana Couriers to patients and caregivers

MARIJUANA DELIVERY OPERATOR: an entity licensed to purchase at Wholesale and Warehouse Finished Marijuana Products acquired from a Marijuana Cultivator, Marijuana Product Manufacturer, Microbusiness or Craft Marijuana Cooperative, and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Branded Goods directly to Consumers, but is not authorized to Repackage Marijuana or Marijuana Products or operate a storefront under this license. A Delivery Operator is an additional license type under G.L. c. 94G, § 4(b)(1) that allows for limited delivery of Marijuana or Marijuana Products to Consumers; and shall not be considered to be a Marijuana Retailer under 935 CMR 500.002: *Definitions* or 935 CMR 500.050: *Marijuana Establishments* and shall be subject to 935 CMR 500.050(1)(b): *Control Limitations*.

MARIJUANA ESTABLISHMENT: a licensed Marijuana Cultivator, Marijuana Testing Facility, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Delivery Operator or any other type of licensed marijuana-related business or businesses at a single location except a medical marijuana treatment center.

MARIJUANA ESTABLISHMENT, NON-RETAIL: a marijuana establishment that does not involve on-site retail sales to consumers, including Marijuana Cultivators, Marijuana Product Manufacturers that only sell to Marijuana Establishments but not consumers, Marijuana Testing Facilities, and Marijuana Transportation or Distribution Facilities. Not to include Marijuana Outdoor Cultivator or Marijuana Delivery Operator. [amended ATM 6/2/2020]

MARIJUANA RETAILER, CONSUMER SALES ONLY: a marijuana establishment that involves on-site retail sales to consumers and may also involve delivery to consumers by Marijuana Courier, excluding Marijuana Social Consumption Operators.

MARIJUANA OUTDOOR CULTIVATOR: a marijuana establishment that involves the cultivation of mature Cannabis outdoors without the use of artificial lighting in the canopy area, except to maintain immature or vegetative Mother Plants, including but limited to open air, hot house, or cold frame greenhouse production, which is not (a) for personal use or (b) conducted by a licensed caregiver, in amounts not to exceed the state imposed limits for individuals or caregivers. *[new ATM 6/2/2020]*

MARIJUANA PRODUCT MANUFACTURER: an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCTS: products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

MARIJUANA SOCIAL CONSUMPTION FACILITY: a “Marijuana Social Consumption Establishment” that is licensed by the Cannabis Control Commission where single servings of marijuana may be sold for consumption on the premises.

MARIJUANA SOCIAL CONSUMPTION OPERATOR: a marijuana retailer licensed to purchase marijuana and marijuana products from marijuana establishment and to sell marijuana and marijuana products on its premises only to consumers or allow consumers to consume marijuana and marijuana products on its premises only.

MARIJUANA TESTING FACILITY: An Independent Testing Laboratory as defined in 935CMR 500.002 licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

MARIJUANA RETAILER: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TRANSPORTATION OR DISTRIBUTION FACILITY: an entity with a fixed location not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain and possess cannabis or marijuana products solely for the purpose of transporting and temporarily storing the same on the premises for sale and distribution to Marijuana Establishments, but not consumers.

MEDICAL MARIJUANA TREATMENT CENTER: a not-for-profit entity registered under 105 CMR 725.100, also known as a Registered Marijuana Dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana for medical use.

Amend Section 3.2.03, by inserting new use #23 (and renumbering later uses), as follows:

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
18.	Medical Marijuana Treatment Center (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
19.	Marijuana Retailer, Consumer Sales Only (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
20.	Marijuana Establishment, Non-Retail (Planning Board Site Plan Review Required)	N	N	N	Y	N	Y	Y	Y
21.	Marijuana Social Consumption Facility	N	N	N	N	N	N	N	N
22.	Marijuana Outdoor Cultivator	SP	N	N	N	N	N	N	N
<u>23.</u>	<u>Marijuana Delivery Operator</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>

Amend Section 5.1.5.02.I, as follows:

I. Limitations

Marijuana Retailers, Consumer Sales Only shall be limited to ~~1 establishment~~ 2 establishments in the Town of Leicester.

**Zoning Bylaw Amendments
Outside Storage**

2/10/2021, revised 3/10/2021 [changes since 2/10/2021 shown in green]

A. Insert the following definitions in Section 1.3, Definitions:

RENTAL SELF-STORAGE FACILITY – A building or buildings consisting of individual self-contained units that are leased for the storage of vehicles or business and household goods. Storage of hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which pose a threat to human health or safety or a threat to the environment is prohibited. No activity other than storage shall occur in such facilities. Such facilities may have associated outdoor storage by special permit in certain Zoning Districts (See Sections 3.2.03. and 5.2.18).

B. Amend the Zoning Bylaw, Section 3.2, Schedule of Use, Subsection 3.2.03, Business, as shown below:

3.2.03 BUSINESS		SA	R1	R2	B	CB	I	BI-A	HB-1 & HB-2
13a.	Rental Enclosed Self-Storage Facility (outdoor storage prohibited) Rental Self-Storage Facility with no outdoor storage (Special Permits issued by Planning Board)	N	N	N	SP	SP	SP	SP	SP Y
13b.	Rental Self-Storage Facility with outdoor storage (Special Permits issued by the Planning Board)	N	N	N	SP	N	SP	SP	SP
26.	Land and water recreational vehicle (including boats) sales, rental, service, and storage yards. ³	N	N	N	SP	N	SP	SP	SP

³. Land and water recreational vehicle storage yards shall meet the requirements for Rental Self-Storage Facility with outdoor storage

C. Amend Section 3.30, Business Residential-1 (BR-1) Zone, by amending subsection aa, as follows:

aa. ~~Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.~~

aa. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

D. Amend Section 3.32, RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE, by modifying subsection h., as follows:

h. ~~Rental enclosed storage facilities by special permit issued by Planning Board.~~

h. Rental Self-Storage Facilities (with or without outdoor storage) by special permit from the Planning Board.

E. Amend Section 3.2.08, Parking of Commercial Vehicles, subsection B, as shown below:

B. Other Parking of Commercial Vehicles

1. Outdoor storage of commercial vehicles as a primary use is allowed by right in the **HB-1 and HB-2 district, and requires a special permit in HB-4, I, BI-A, RIB, and BR-1 districts**. This use is prohibited in all other zoning districts.
2. The continued and regular parking of commercial vehicles, tractor trailers, and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc.), where accessory to a lawfully **per-mitted permitted** commercial use, is allowed by right in all commercial zoning districts (B, CB, I, BI-A, HB-1, HB-2, BR-1, and RIB).
3. Parking of commercial and construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc) related to a Contractor's Yard where a special permit is required is subject to the requirement that such vehicles be stored in a garage in the Suburban Agriculture (SA) district, or screened by fencing or landscaping in the Business (B) district. The Planning Board may impose other conditions to protect abutting residential uses and the surrounding neighborhood.
4. The continued and regular parking of commercial vehicles, tractor trailers, or construction vehicles (including but not limited to tractors, backhoes, bulldozers, dump trucks, etc) accessory to a special-permitted commercial use in residential districts (SA, RA, and RB) will be addressed through the special permit process for the primary use. The **Special Permit Granting Authority Zoning Board of Appeals** may impose reasonable conditions to protect abutting residential uses and the surrounding neighborhood.

F. Add a new Section 5.18, Outdoor Storage

5.18 Outdoor Storage

5.18.01 Rental Self-Storage Facility with Outdoor Storage

All Rental Self-Storage Facilities with outdoor storage shall be required to meet the following standards:

- A. Outdoor storage areas shall be screened from view from roadways and abutting property owners by an opaque fence at least 6 feet in height.
- B. Storage areas shall not be located in required setbacks from property lines
- C. Outdoor storage areas shall not impede emergency access to the site or structures on the site.
- D. **All types of vehicles stored outside shall be in operable condition. Rental outdoor storage areas shall not be used as Vehicle Salvage Yards, which are prohibited in all Zoning districts.** Appropriate provisions shall be made to ensure vehicle fuel or other contaminants are appropriately controlled and don't infiltrate the ground.
- E. No commercial activity other than storage shall occur in indoor or outdoor areas, including vehicle maintenance, fueling, or repair work.

5.18.02 Other Outdoor Storage

- A. For parking of commercial vehicles, see Section 3.2.08 (Parking of Commercial Vehicles)
- B. Storage of large equipment or storage containers outside where accessory to a lawfully permitted commercial use on the same site is allowed by right in HB-1, HB-2, B, and I, and by special permit from the Planning Board in CB, RIB, BI-A, and BR-1. Emergency access to

structures shall be maintained at all times. Parking sufficient for the uses on site in conformance with the Planning Board's Parking Regulations must remain unobstructed.

G. Amend Section 5.6 [Greenville Village Neighborhood Business (NB) District], subsection 5.6.04, Prohibited Uses, by inserting a new section 5.6.04.4, as follows:

5.6.04 Prohibited Uses:

5.6.04.4 Rental Self-Storage Facilities (indoor or outdoor), except that Rental Self-Storage Facilities (indoor storage only) may be permitted by special permit in commercial structures in existence prior to the creation of the NB district (ATM 5/6/2002, Article 34)

[Note: the above paragraph G is only necessary if the separate article amending the NB district is disapproved at Town Meeting.]

g:\town planners office\zoning bylaw amendments\2021-05 town meeting\outside storage\outdoor storage 2021-03-10.docx

**Zoning Bylaw Amendments:
BR-1 & RIB District Re-Numbering Amendments
2/10/2021**

Amend Sections 3.30 and 3.32, as shown below:

Section 3.30: BUSINESS RESIDENTIAL-1(BR-1)ZONE

Single family residential uses permitted within this zone. Dimensional requirements per Section 4.2 Table 1.

The Special Permit Granting Authority in the BR-1 District shall be the Planning Board.

The Business uses permitted in this Zone are as follows:

- ~~a-~~ 1. Legal, accounting, consulting, architectural, engineering, surveying, real estate, insurance or similar professional office.
- ~~b-~~ 2. Offices for agents for industrial, distributing and wholesale companies.
- ~~c-~~ 3. Travel agency or office.
- ~~d-~~ 4. Secretarial services, telephone answering service.
- ~~e-~~ 5. Photocopying service.
- ~~f-~~ 6. Photo studio; artist's, craftsman, locksmith's, or other artisan's studio.
- ~~g-~~ 7. Florist, gift, stationery, or antiques shop.
- ~~h-~~ 8. Repair and alteration of wearing apparel and accessories.
- ~~i-~~ 9. Repair shop for musical instruments.
- ~~j-~~ 10. Medical or dental office.
- ~~k-~~ 11. Barber or beauty shop.
- ~~l-~~ 12. Repair of household furnishings, including appliances and upholstery.
- ~~m-~~ 13. Repair and rental of non-motorized bicycles.
- ~~n-~~ 14. An inn or bed and breakfast establishment in a pre-existing building.
- ~~o-~~ 15. Collection agency for utilities; pickup for laundry or dry cleaning.
- ~~p-~~ 16. Child Care Facility and Family Child Care Home
- ~~q-~~ 17. Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, not including auto sales.
- ~~r-~~ 18. Sales and distribution facilities. but not storage of toxic or virulent substances.
- ~~s-~~ 19. Catering service, delicatessen or other food market or a permitted eating establishment.
- ~~t-~~ 20. Farm stand for sales of natural produce and commercial greenhouse.
- ~~u-~~ 21. Bank or equivalent financial institution, or automated teller facility.
- ~~v-~~ 22. Restaurant.
- ~~w-~~ 23. Shop and sales of supplies for plumbing, electrical, carpentry, cabinet making, plastering, masonry, glass, and similar work.
- ~~x-~~ 24. Light manufacturing or light assembly (By Special Permit).
- ~~y-~~ 25. A group of four or more commercial establishments planned, developed, and managed as a unit with off-street parking provided on the property.
- ~~z-~~ 26. Sales or Rental, up to 30 vehicles (30 or more by special permit).
- ~~aa-~~ 27. Enclosed storage facilities excepting hazardous materials or substances, hazardous waste, gas, oil or any substances or materials which poses a threat to human health or safety or a threat to the environment by Special Permit from the Planning Board.
- ~~bb-~~ 28. Athletic/recreation facilities.
- ~~cc-~~ 29. Establishments serving alcoholic beverages, including brew pubs, by special permit
- ~~dd-~~ 30. Senior Village Developments by special permit from the Planning Board.
- ~~ee-~~ 31. Accessory Apartment
- ~~ff-~~ 32. Large Wind Facilities by Special Permit from the Planning Board.
- ~~gg-~~ 33. Small Wind Facilities by Special Permit from the Planning Board

- ~~hh.~~ 34. Veterinary Clinic by Special Permit from the Planning Board
- ~~ii.~~ 35. Farmers' Market
- ~~jj.~~ 36. Private Kennel by Special Permit from the Planning Board (Commercial Kennels prohibited).
- ~~kk.~~ 37. Ground-Mounted Solar Energy Systems
- ~~ll.~~ 38. Medical Marijuana Treatment Center, (Planning Board Site Plan Review Required, see Section 5.15).
- ~~mm.~~ 39. Marijuana Establishment by special permit (See Section 5.15)
- ~~nn.~~ 40. Backyard Chickens
- ~~oo.~~ 41. Brewery, Distillery, Winery by special permit
- ~~pp.~~ 42. Earth Removal Operation or Earth Filling Operation by special permit from the Planning Board (See Section 5.16)

SECTION 3.32: RESIDENTIAL INDUSTRIAL BUSINESS ZONE (RIB) ZONE

Dimensional requirements per Section 4.2 Table 1. The Special Permit Granting Authority in the RIB District shall be the Planning Board.

A. Intent:

It is the intent of this section to provide for residential uses in somewhat higher density than in other residential zones and to provide and increase the value of residential property situated in the vicinity of operating businesses, to protect the community from the detrimental effects of development not suited to location near residences, to protect persons and property against the hazards of pollution; to conserve natural conditions and open spaces; to separate and otherwise divide potentially conflicting property uses and to provide a harmonious relationship between residential and commercial development.

B. Permitted Residential Uses Within This Zone Are:

1. Detached one-family dwelling subject to dimensional requirements set forth in Section 4.2 Table 1.
2. Two-family dwelling by Special Permit. Subject to dimensional requirements set forth in Section 4.2 Table 1.
3. Multi-family (more than 2 family dwelling) – by Special Permit. Dimensions for residential use are set forth in Section 4.2 Table 1.
4. Permitted Business uses within this Zone are as follows:

C. Permitted Business Uses:

The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.

- a. 1. Light manufacturing or light assembly facility limited to small scale assembly and manufacturing industries which are not injurious, noxious or offensive, or tend to reduce residential property values in the same or adjoining districts by reason of emission of odor, fumes, dust, smoke, vibration, sewerage, and/or industrial waste, noise, danger of explosion, fire or otherwise. Manufacturing allowed in this paragraph shall not include heavy industrial operations such as steel manufacturing, heavy forging presses and the like and shall be for utilizing hand labor or quiet machinery and process.
- b. 2. Landscaping services involving equipment purchasing.
- c. 3. Nursing home; extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care.
- d. 4. Child Care Facility and Family Child Care Home.
- e. The dimensional requirements for the business uses in this zone shall be the same as the BR-I Zone Section 4.2 Table 1.
- f. 5. Senior Village Developments are allowed by special permit from the Planning Board.
- g. 6. Accessory Apartment
- h. 7. Rental enclosed storage facilities by special permit issued by Planning Board.
- i. 8. Uses allowed in the HB-1 district under sections 3.2.03, 3.2.04, 3.2.05, 3.2.06, and 3.33, only by special permit issued by the Planning Board. Uses prohibited under Section 3.33.3 are also prohibited in the RIB district.

- ~~j.~~ **9.** Small Wind Facilities by Special Permit from the Planning Board.
- ~~k.~~ **10.** Farmers' Market
- ~~l.~~ **11.** Small-Scale and Medium-Scale Ground-Mounted Solar Energy Systems
- ~~m.~~ **12.** Large-Scale Ground-Mounted Solar Energy Systems by Special permit from the Planning Board
- ~~n.~~ **13.** Backyard Chickens
- ~~o.~~ **14.** Vehicle Sales or Rental, up to 30 vehicles (30 or more by special permit)
- ~~p.~~ **15.** Taxi or Limousine Service
- C.D.** **Development within the RIB District** shall comply with Sections 5.5.02 through 5.5.04, except that the landscaped buffer specified in Section 5.5.02.2.C shall be 50 feet, rather than 100 feet. At the discretion of the Planning Board, the width of the required fifty (50) foot landscaped buffers from an abutting residential use or district may be reduced to a minimum of twenty (20) feet where site constraints do not allow for the 50-foot buffer and an opaque fence is provided to provide screening from the abutting residential use or district.

g:\town planners office\zoning bylaw amendments\2021-05 town meeting\housekeeping amendments\br-1 & rib renumbering 2-10-2021.docx

Zoning Bylaw Amendments:
Highway Business Industrial (HB-1 & HB-2) District Amendments
 2/10/2021, revised 3/10/2021
 [changes since 2/10 draft shown in green]

A. Amend the Title of Section 5.5, as follows:

5.5 HIGHWAY BUSINESS-INDUSTRIAL DISTRICT **§ 1** (HB-1 **& HB-2**)

B. Amend Sub-Section 5.5.02 and 5.5.03.1.B., as follows:

5.5.02 Site Development Standards

All non-residential use, or conversion to a non-residential use, within the HB-1 district shall comply with all Site Development Standards in Sections 5.5.02.1 through 5.5.02.3 described below:
 The following site development standards shall apply to all new construction of non-residential uses, expansions of more than 25% of the existing non-residential uses, and increases of more than 10 parking spaces.

5.5.02.1 Parking, Loading Areas, and Access

Non-residential uses within the HB-1 Zone shall provide parking and loading facilities in compliance with Section 5.1, PARKING AND LOADING **REQUIREMENTS AND UNLOADING SPACE**, and the following additional requirements:

5.5.03.1 Requirements and Procedures

B. Applicants for Special Permits under this section shall submit plans in compliance with the Leicester Planning Board **Special Permit Regulations Rules & Regulations for Special Permit Applications**.

B. Amend Section 5.5.02.2.C, as follows:

- C. A landscaped buffer of at least 100 feet shall be provided where an **HB-1 or HB-2 district** boundary abuts a Residential District (R1, R2, SA).

C. Amend Section 5.5.03, as follows:

Wherever in this bylaw and the related sections of the Town of Leicester Zoning Bylaw a permitted use in the HB-1 **or HB-2** district requires a Special Permit, the administrative procedures described below shall govern the procedure for issuance of this Special Permit.

D. Throughout the remaining subsections of Section 5.5, replace the phrases “HB-1 Zone” and “HB-1 district” wherever these phrases appear with “HB-1 & HB-2 districts”