

## **Part I - Definitions**

### **I.E. Definitions**

**Artist Live/Work/Gallery:** The use of all or a portion of a structure for living and work by residents engaged in the creation, manufacturing or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, ceramics, sculpting; performing and visual arts including but not limited to dance, photography, music composition, and filmmaking production and pre- and post-production activities (but not to include Adult Entertainment). Sales of resident-created works are also allowed on premises.

**Artisan Production/Creative Enterprises:** Individual and/or small-scale firms involved in the on-site production of hand-fabricated or hand-manufactured parts and/or custom or craft consumer goods through the use of hand tools or small-scale, light mechanical equipment. Artisan production includes apparel manufacturing, confectionery, jewelry making, wood and metal working, pottery and glass making, and equivalents. Showrooms and ancillary sales of goods produced on-premises are allowed.

**Brewery, Distillery, or Winery with Tasting Room:** A business located in a building where the primary use is for the production and distribution of malt, spirituous, or vinous beverages. A tasting room, not to exceed 25% of the building's gross square footage, is permitted as an accessory use. Any such facility that only provides samples at no charge and limited in size as set forth in M.G.L c/ 138 shall have a Commonwealth of Massachusetts issued Farmer Series Pouring License. The facility may host marketing events, special events, and/or factory tours. The facility may only sell beverages produced by, and commercial goods branded by, the brewery, distillery or winery. The facility may sell permitted beverages by the bottle to consumers for consumption off the brewery premises.

**Brew Pub:** Restaurants which are licensed by the United States Department of Alcohol, Tobacco and Firearms and the Commonwealth of Massachusetts, under the relevant statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises, but which also produces malt beverages including beer, ales and hard ciders, which may be sold to other establishments, but not to exceed 50% of the establishment's production capacity.

## **Part II - Purpose**

### **II.A.2.d. Central Business: CB**

The purpose of the Central Business District regulations is to promote pedestrian-oriented, mixed-use development that is compatible with a transit-oriented downtown through general and specialty retail, office, and other commercial uses in a compact downtown area complemented by a variety of residential environments that promotes the use of transit. Furthermore, while preserving the area as the Town's financial, civic, cultural, and government center. It is the intent to promote a livable urban downtown environment with a multitude of activities and pedestrian presence by preventing the location of auto-oriented uses which detract from a high level of pedestrian activity.

**Part III – Table of Uses**

To be inserted into Section II.B. Table of Uses

<b>USE CATEGORY</b>	<b>CB<sup>i</sup></b>
<b><u>1. RESIDENTIAL</u></b>	
E. Mixed use	Y <sup>ii</sup>
F. Mixed use complex	Y
G. Multi-Family	Y <sup>iii</sup>
H. Artist Live/Work/Gallery	Y
<b>USE CATEGORY</b>	<b>CB</b>
<b><u>2. RESIDENTIAL ACCESSORY</u></b>	
E. Private stables, barn, similar accessory structures	N
F. Accessory swimming pool	SPP
<b><u>3. INSTITUTIONAL AND RECREATIONAL</u></b>	
C. Cemeteries	N
N. Cultural and educational centers	Y
O. Center for performing arts	Y
P. Educational training facilities and conference centers accessory to permitted use	N
<b><u>4. AGRICULTURAL</u></b>	
A. Greenhouses, nurseries, horticulture, forestry, floriculture	SPP
C. Boarding of dogs, cats, horses	SPZ
<b><u>5. COMMERCIAL</u></b>	
E. Retail stores/custom work shops	SPP
K. Restaurant	Y <sup>iv</sup>
L. Fast Food Establishment	Y
M. Brew Pubs	Y <sup>v</sup>
O. Financial institution drive thru one lane only	N
CC. Hotel	SPP
<b><u>6. MANUFACTURING AND INDUSTRIAL</u></b>	
B. Artisan Production/Creative Enterprise	Y
D. Brewery, Distillery, or Winery with Tasting Room	SPP
E. Limited manufacturing	N

**Part IV – Parking Regulations**

To be inserted after Section IV.B.1.b. as a new Central Business (CB) Zoning District Residential

## Parking Regulations

### a. Off-Street Parking Requirements:

#### 1) Residential Parking:

1. For residential structures, and the residential component of mixed-use structures:

Unit Type	Minimum Spaces Per Unit
Studio	0.5
One bedroom	1
Two bedroom	1.5
Three bedroom	2

2. On-site parking requirements may be reduced as determined by the Planning Board if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage.
3. The Planning Board shall maintain an inventory of off-street public parking spaces counted to fulfill residential parking requirements. This inventory shall preclude the allocation of off-street public parking spaces to more than one residential project.

#### 2) Commercial Parking Requirements

1. First floor commercial uses within the CB district, with the exception of non-medical office uses, are exempt from commercial parking requirements with a few exceptions:
  - a. Restaurants over 5,000 square feet shall provide parking at a maximum of 3 spaces per 1,000square feet.
  - b. Brew pubs over 85,000 square feet shall provide parking at a maximum of 3 spaces per 1,000square feet.

**Part V – Dimensional Regulations**

**To be inserted after Section IV.E.7 as a new Section IV.E.8 Central Business (CB) Zoning District Dimensional Regulations**

**a. Dimensional Specifications**

**3) Dimension Table of Parcels under 20,000 square feet**

District	Principal Building or Use	Lot Minimum		Minimum Setback		Minimum Landscaped	Minimum Height	Building Maximums		
		Area (s.f.)	Frontage (ft.)	Front <sup>+</sup> (ft.)	Side (ft.)	Open Space  Surface Ratio		Height	Lot  Coverage	Floor Area  Ratio
Central Business	Any residential use	5,000	-	10**	-	20%	2/25	3/40	60%	2.0
Central Business	Any other principal or mixed use	5,000	-	10**	-	15%		3/40	60%	2.0

**4) Dimension Table of Parcels 20,000 square feet or more**

District	Principal Building or Use	Lot Minimum		Minimum Setback		Minimum Landscaped	Minimum Height	Building Maximums		
		Area (s.f.)	Frontage (ft.)	Front <sup>+</sup> (ft.)	Side (ft.)	Open Space  Surface Ratio		Height	Lot  Coverage	Floor Area  Ratio
Central Business	Any residential use	5,000	-	10**	-	20%****	2/25	6/70	80%	3.0
Central Business	Any other principal or mixed use	5,000	-	10**	-	5%		6/70	80%	3.0

\*\* Minimum front setback as regulated, except where building lines have already been established in which case building lines must be maintained; to be used for landscaping, pedestrian and vehicular access. Additional uses within the front setback in the CBD are listed under Section IV.E.11.a., herein. No parking in the front setback.

\*\*\*\*Up to 50% of minimum landscaped open space may include private balconies, or be located on the roof of the structure as a garden or sitting area.

5) Height Requirements Near Residential Districts

Distance from Residential District**	Building Height
Within 50'	40'
Equal to or greater than 50' but less than 200'	50'
Equal to or greater than 200' but less than 300'	60'
Equal to or greater than 300'	70'

\*\*The distance category shall apply where at least 50 percent of the parcel's total area, in square feet, lies within one of the four categories listed above.

## Part VI – Site Plan Review

To be inserted into VI.F. Site Plan Review as noted

### VI.F.2. Applicability:

c. The following types of activities or uses require Central Business District Site Plan Review (CBDSPR) by the Planning Board. CBDSPR applies to both as of right uses and uses allowed by grant of a special permit within the Central Business (CB) Zoning District, including new construction of buildings and structures, additions to existing buildings and structures, and any increase in area for on-site parking and loading. CBDSPR has two levels: **minor** CBDSPR and **major** CBDSPR. All activities and uses within the CB District shall meet the design standards set forth in the Planning Board Rules and Regulations. If activities and uses do not meet these thresholds, no site plan review is required.

#### 6) Threshold for **minor** CBDSPR

- i. All substantial alterations of existing structures or expansions of existing structures which results in a total floor area between 0-20,000 gross square feet;
- ii. All construction for a new structure or group of new structures resulting in less than 20,000 square feet of gross floor area.
- iii. Change of use less than 20,000 square feet of gross floor area that results in more than five additional required off-street parking spaces.
- iv. Construction, alteration, or expansion of a parking lot greater than five parking spaces.
- v. Modifications to a site plan previously approved by the Planning Board.

#### 7) Threshold for **major** CBDSPR

- i. All construction for a new structure or group of new structures resulting in greater than 20,000 square feet of gross floor area;
- ii. All substantial alterations of an existing nonresidential structure which results in a total of 20,000 or more gross square feet of floor area;
- iii. All new Mixed Use and new Mixed Use Complex projects.

### VI.F.3.e Application and Review Procedure

- (1) For **minor** CBDSPR projects the Planning Board shall review and render a decision within 60 days of receiving a complete application package as required. The Planning Board at the consent of the Applicant may grant an extension of time not to exceed an additional 45 calendar days. The Planning Board may grant additional extensions at the request of the Applicant.
- (2) For **major** CBDSPR projects the Planning Board shall review and render a decision within 90 days of receiving a complete application package as required. The Planning Board at the consent of the Applicant may grant an extension of time not to exceed an additional calendar 45 days. The Planning Board, at grant additional extensions at the request of the Applicant.

### VI.F.6. Central Business (CB) Zoning District Design Standards

- a. The purpose of the following design standards is to promote quality development that preserves and enhances Downtown Framingham's history and character; and to promote a walkable, pedestrian- and transit-oriented environment. These design standards are integral to the Central Business District regulations and must be met as part of any CB District Site Plan and Approval.

- b. Non-mandatory, "Downtown Framingham Design Guidelines" to complement the Design Standards included herein, are available through the Department of Community and Economic Development, the Planning Board, the Building Department, and/or on the Town of Framingham's website.
- c. The Planning Board may not waive the Design Standards as listed in VI.F.6, Central Business (CB) Zoning District Design Standards.
- d. All Downtown Framingham development, including development requiring Site Plan and Design Review and approval applications within the Central Business District shall be subject to the following:
  - 1. Building Scale
    - i. New buildings should have clearly expressed base, middle and top areas.
    - ii. Ground level ceiling heights along primary roadways (Concord Street, Union Avenue and Hollis Street) shall be a minimum of 14' to accommodate retail uses.
    - iii. New buildings' heights may differ, but shall reflect the height of adjacent buildings through aligning façade elements (e.g. cornices), or use of setbacks to reinforce the scale, massing, and proportions of existing structures.
  - 2. Facades
    - a. Buildings more than 50 feet in width shall be broken into bays to reflect historic building rhythm of Downtown Framingham.
    - b. Flat facades shall be avoided through the use of balconies, changing materials, or architectural detailing to provide visual appeal and to break down building scale.
    - c. Blank wall surfaces greater than 20 feet are prohibited when visible from the street.
    - d. Sides of buildings with frontage on a street shall include windows and doors.
  - 3. Windows
    - a. Façades along primary downtown streets (Concord Street, Union Street and Hollis Street) shall incorporate no less than 60% transparent glazing on ground floor to maximize visibility of street level uses.
    - b. Façades along secondary streets shall incorporate no less than 40% transparent glazing on ground floor.
    - c. No portion of the façade shall be constructed of highly reflective glass that prevents pedestrian visibility of interior ground floor activities.
    - d. Upper floor windows shall not be larger than ground floor windows.
    - e. Wherever possible, window styles shall be compatible with the historic style of adjacent structures.
  - 4. Entrances
    - a. Building Entrances
      - i. Primary building entrances shall be located on public sidewalks/streets, and on corners wherever possible to emphasize the pedestrian environment.
      - ii. Doorways to upper floors shall be separate from ground level retail entrances.
      - iii. Doors shall not extend beyond the exterior façade into pedestrian pathways.
    - b. Garage Entrances
      - i. Garage entrances shall be sited in locations that minimize the impacts of vehicle movement on pedestrian activity.

- ii. Audible and clearly visible signage shall be installed informing pedestrians when vehicles are exiting the structure.

5. Parking

- a. Below-grade parking or parking in the rear of the building should be encouraged wherever feasible.
- b. To encourage an active, pedestrian environment, surface vehicle parking shall be located behind or to the side of buildings whenever possible.

6. External Materials:

- a. Building materials shall reflect the character of Downtown Framingham. Predominant wall materials permitted within the CB district include brick, stone, pre-cast concrete, fiber board/hardy plank, and wood siding adjacent to residential districts.
- b. Vinyl siding is prohibited.

7. Awnings and Canopies

- a. Awnings and canopies are encouraged to enliven the ground floor and to provide shelter for ground floor outdoor uses such as dining.

8. Roof Form

- a. Roof forms and lines should complement adjacent buildings.
- b. Variations in height are encouraged with architectural elements including cornices and parapets to create interesting and varied rooflines.
- c. Rooftop mechanical equipment shall be screened and designed as a component of the overall roof design. It shall not appear to be an add-on element.

9. Service Areas, Utilities and Equipment

- a. Service and loading areas and mechanical equipment and utilities shall be located on the side or rear of a building and sufficiently screened using architectural forms, fencing and/or landscaping so as to not be visible from streets and public open spaces.
- b. Chain linked fencing is not allowed for screening.

10. Sidewalks

- a. Sidewalks shall include enough space for pedestrians (including those in wheelchairs or with strollers), street furniture, trees/plantings, and bicycle parking.
- b. Where possible, provide small setbacks to accommodate plantings and/or outdoor restaurant seating.

Part VII. Design Guidelines

To be voted upon and inserted into the Planning Board Rules & Regulations

INSERT DESIGN GUIDELINES

Part VIII. Waivers & Variances

To be inserted into the new Section IV.E.8 Central Business (CB) Zoning District Dimensional Regulations ó as section a.6)

- a. No height variances shall be granted for any use set forth within the Central Business (CB) Zoning District.

To be inserted into Section VI.F.10 Waivers and Variances

- a. The Planning Board may issue a site plan review decision within the Central Business District, subject to the requirements of this By-law, and in accordance with the additional requirements and standards specified within this Section VI.F., only if no variance has been issued from the requirements of this Section VI.F. or IV.B., or IV.E., herein. A variance for the Central Business District related to use, or requirements outlined in Section VI.F., shall render a property ineligible for the filing of an application within the Central Business District.
- b. All Projects within the Central Business Zoning District shall comply with Section VI.F.6. Central Business (CB) Zoning District Design Standards. However, the Planning Board may waive the requirements for Section VI.F.6. Central Business (CB) Zoning District by a four-fifth vote where such waivers will allow for better design and/or improved protection of natural and scenic resources.

To be inserted into Section VI.G. as a new subsection VI.G.5. Variances in the Central Business (CB) Zoning District

- a. No use variance shall be granted for any prohibited use set forth in Section II.B. Table of Uses, within the Central Business (CB) Zoning District within in the Town of Framingham

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<sup>i</sup> Uses designated öSPö require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area. All uses require a special permit from the Planning Board for uses with 8,000 or greater than 8,000 square feet of gross floor area, without limitation as to maximum size of establishment or building.

<sup>ii</sup> Mixed use structures over 30,000 square feet and/or over six stories tall shall require a special permit from Planning Board.

<sup>iii</sup> Multi-family structures with over 30,000 square feet and/or over three stories tall shall require a special permit from Zoning Board of Appeals.

<sup>iv</sup> Restaurants over 5,000 square feet shall require a special permit from the Planning Board.

<sup>v</sup> Brew pubs over 5,000 square feet shall require a special permit from the Planning Board.