

- A. Commercial saddle horses or riding stables.
- B. Public or semipublic institutions of a philanthropic or charitable character, nursing homes, acute care and rehabilitation facilities and elderly housing. **[Added 4-14-1992 ATM, Article 33]**
- C. Landscaping business and storage/staging facility. Such facility shall be an accessory use to the lawful principal use of the property and shall be located on the same property as the petitioner's dwelling. **[5-1-2006 ATM, Article 34]**
- D. Uses allowed by special permit in §210-13. **[Added 5-4-2009 ATM, Article 25]**

ARTICLE VI Business (B) District

§ 210-17. Size and setback requirements.

The following size and setback requirements shall apply:

- A. Minimum lot area: 15,000 square feet.
- B. Maximum lot coverage: 60%.
- C. Minimum setback from street line: 20 feet.
- D. Minimum side yard width: 10 feet.
- E. Minimum rear yard depth: 40 feet.
- F. Maximum building height: 35 feet.

§ 210-18. Permitted uses.

The following land uses and building uses shall be permitted in a B District. Any uses not so permitted are excluded, unless otherwise permitted by law or by the terms hereof.

- A. Bed-and-breakfast establishments and inns with a maximum of 12 guest rooms.
- B. Retail stores and retail service shops.
- C. Business or professional offices, medical offices and banks.
- D. Municipal uses.
- E. Funeral homes and mortuaries.
- F. Restaurants. **[Amended 5-1-2017 ATM, Article 33]**
- G. Mixed use buildings comprised of retail space on the first floor, and office space or residential dwelling units on the second and third floors. The residential dwelling units shall have dedicated on-site parking spaces. No dwelling unit shall have less than 600 gross square feet.

HOPKINTON ZONING BYLAWS: CHAPTER 210

H. Accessory uses.

§ 210-19. Uses allowed by special permit. [Amended 5-4-2009 ATM, Art. 25; 5-6-2015 ATM, Arc. 39]

A. The following uses shall be allowed in a B District upon the granting of a Special Permit by the Board of Appeals:

- (1) Gasoline service stations and automobile repair garages operating in compliance with all federal, state, and municipal regulatory requirements, expressly including the accessory use of retail sale of propane; provided, however, that the maximum size of any propane storage tank authorized by Special Permit issued pursuant to this section shall not exceed 2,000 gallons.
- (2) Single and multifamily residences and buildings used for dwelling purposes; provided, however, that all residential uses shall comply with the dimensional requirements contained in Article II, Residence A (RA) District.
- (3) Live commercial entertainment.
- (4) Car wash facilities.
- (5) Theaters, halls and clubs.

B. The following uses shall be allowed in a B District upon the granting of a Special Permit by the Planning Board:

- (1) Drive-in, drive-through, or drive-up uses, excluding the dispensing of food or drink; provided, however that:
 - a. An adequate dedicated area for at least four vehicles to queue shall be provided on the premises, and
 - b. Notification of the public hearing for such Special Permit shall be mailed to the owners of all properties within 1,000 feet of the premises.
- (2) Off-street parking facility.
- (3) Registered Marijuana Dispensary (RMD).

210-20. (Reserved)

ARTICLE VIA Downtown Business (BD) District (Added 5-7-2007 ATM, Article 25)

§ 210-20.1. Size and setback requirements.

The following size and setback requirements shall apply:

- A. Minimum lot area: 15,000 square feet.
- B. Maximum lot coverage: 60%.
- C. Minimum setback from street line: 5 feet.
- D. Minimum side yard width: 0 feet adjacent to property used solely for non-residential purposes at the time of application; 10 feet adjacent to property used partially or wholly for residential purposes at the time of application, or zoned for residential purposes.
- E. Minimum rear yard depth: 20 feet adjacent to property used solely for non-residential purposes at the time of application; 30 feet adjacent to property used partially or wholly for residential purposes at the time of application, or zoned for residential purposes.
- F. Maximum building height: 35 feet.

§ 210-20.2. Permitted uses. [Amended 5-4-2009 ATM, Article 18]

The following land uses and building uses shall be permitted in a BD District. Any uses not so permitted are excluded, unless otherwise permitted by law or by the terms hereof.

- A. Bed-and-breakfast establishments and inns with a maximum of 12 guest rooms.
- B. Retail stores and retail service shops.
- C. Business or professional offices, medical offices and banks.
- D. Municipal uses.
- E. Funeral homes and mortuaries.
- F. Restaurants. [Amended 5-1-2017 ATM, Article 33]
- G. Mixed use buildings comprised of retail space on the first floor, and office space or residential dwelling units on the second and third floors. The residential dwelling units shall have dedicated on-site parking spaces. No dwelling unit shall have less than 600 gross square feet.
- H. Accessory uses.

§ 210-20.3. Uses allowed by special permit. [Amended 5-4-2009 ATM, Art. 25; 5-6-2015 ATM, Art. 39]

HOPKINTON ZONING BYLAWS: CHAPTER 210

- A. The following uses shall be allowed in a BD District upon the granting of a Special Permit by the Board of Appeals:
- (1) Gasoline service stations and automobile repair garages operating in compliance with all federal, state, and municipal regulatory requirements, expressly including the accessory use of retail sale of propane; provided, however, that the maximum size of any propane storage tank authorized by Special Permit issued pursuant to this section shall not exceed 2,000 gallons.
 - (2) Single and multifamily residences and buildings used for dwelling purposes; provided, however, that all residential uses shall comply with the dimensional requirements contained in Article II, Residence A (RA) District.
 - (3) Live commercial entertainment.
 - (4) Car wash facilities.
 - (5) Theaters, halls and clubs.
- B. The following uses shall be allowed in a BD District upon the granting of a Special Permit by the Planning Board:
- (1) Drive-in, drive-through, or drive-up uses, excluding the dispensing of food or drink; provided, however that:
 - a. An adequate dedicated area for at least four vehicles to queue shall be provided on the premises, and
 - b. Notification of the public hearing for such Special Permit shall be mailed to the owners of all properties within 1,000 feet of the premises.
 - (2) Off-street parking facility.

§ 210-20.4. Off-street parking. [Amended 5-6-2015 ATM, Art. 34]

In addition to the provisions contained in § 210-124, Off-street parking, the following shall apply:

- A. No off-street parking shall be located between the principal building and Main Street. Off-street parking may be located between the principal building and other streets only upon the grant of a special permit by the Planning Board. The Planning Board may grant the special permit only if it finds that:
- (1) The proposed parking will not be detrimental to the surrounding neighborhood, and
 - (2) The proposed location and design of the parking will enhance the downtown streetscape.

For the purposes of this subsection, the term “streetscape” shall refer to all elements that constitute the physical makeup of a street, and that as a group, define its character, including building facades, frontage and placement; the paved street; street furniture; landscaping, including trees and other plantings; awnings; signs and lighting.

HOPKINTON ZONING BYLAWS: CHAPTER 210

ARTICLE VII

Rural Business (BR) District

[Added 10-10-1984 STM, Art. 20; Amended 5-6-2014 ATM, Article 31]

§ 210-21. Development and design objectives.

The purpose of the Rural Business (BR) District is to provide for appropriate development of commercial areas outside the center of town. Their location and design should be such that commercial activities can be performed without impeding local travel, disturbing residential neighborhoods or detracting from the appearance of the town, especially at any principal entrance thereto.

§ 210-22. Dimensional requirements. [Amended 5-5-2003 ATM, Article 27]

The following size and setback requirements shall apply:

- A. Minimum lot area: 45,000 square feet.
- B. Maximum lot coverage: 25%.
- C. Minimum lot frontage: 200 feet.
- D. Minimum setback from street line: 50 feet.
- E. Minimum side yard width: 10 feet except that the side yard depth shall be 25 feet from abutting property used partially or wholly for residential purposes at the time of application. [Amended 5-2-2011 ATM, Article 47]
- F. Minimum rear yard depth: 20 feet except that the rear yard depth shall be 40 feet from residential district zoning boundaries. [Amended 5-4-2009 ATM, Article 25]
- G. Maximum building height: 35 feet. [Added 5-5-2003 ATM, Article 27]

§ 210-23. Permitted uses. [Amended 5-4-2009 ATM, Article 18]

The following land uses and building uses shall be permitted in a BR District. Any uses not so permitted are excluded unless otherwise permitted by law or the terms hereof.

- A. Restaurants. [Amended 5-1-2017 ATM, Article 33]
- B. Retail stores, provided that not more than six employees are on the premises.
- C. Business, medical or professional offices and banks. [Amended 5-7-2012 ATM, Article 47]
- D. Retail business: retail service or public utility uses involving manufacturing, clearly incidental and accessory to a retail use, on the same premises, and the product is customarily sold on the premises, provided that not more than six operators are employed in such manufacturing. [Amended 4-8-1985 ATM, Article 15]
- E. On-site residence of owners or employees of a permitted use.
- F. Accessory uses. [Amended 5-4-2009 ATM, Article 25]
- G. Health services facility [Added 5-7-2012, Article 46]

HOPKINTON ZONING BYLAWS: CHAPTER 210

§ 210-24. Uses allowed by special permit. [Amended 4-15-1988 ATM, Article 53 and Article 66; 5-2-1994 ATM, Article 18; 5-2-2005 ATM, Article 30; 5-4-2009 ATM, Article 25; 5-3-2010 ATM, Article 46; 5-6-2015 ATM, Article 39]

- A. The following uses shall be allowed in the BR District upon the granting of a Special Permit by the Board of Appeals:
- (1) Filling station and routine automobile maintenance, but not including major repairs.
 - (2) Single-family residence.
 - (3) Live commercial entertainment and places of assembly.
 - (4) Veterinary clinic.
 - (5) Continuing Care Retirement Community Facilities/Assisted Living Facilities/Nursing Home Facilities.
- B. The following uses shall be allowed in a BR District upon the granting of a Special Permit by the Planning Board:
- (1) Drive-in, drive-through, or drive-up uses, excluding the dispensing of food or drink; provided, however that:
 - a. An adequate dedicated area for at least four vehicles to queue shall be provided on the premises, and
 - b. Notification of the public hearing for such Special Permit shall be mailed to the owners of all properties within 1,000 feet of the premises.
 - (2) Registered Marijuana Dispensary (RMD).

§ 210-25. Reserved. [Amended 5-6-1996 ATM, Article 37, 5-4-2009 ATM, Article 25]

§ 210-26. Design requirements. [Amended 5-6-1996 ATM, Article 37, 5-4-2009 ATM, Article 25, 5-2-2011 ATM, Article 47]

- A. Loading zone: as for IA District, § 210-29.
- B. Outdoor storage or display of merchandise or equipment: as for IA District, § 210-30.
- C. Landscaping: A landscaped area 12 feet in depth shall be provided along the street frontage of a lot.
- D. Screening adjacent to residence districts. The minimum setback area adjacent to a lot in a Residence A, Residence B, Residence Lake Front or Agricultural district shall be maintained in a wooded state to provide effective year-round screening of abutting property. All outdoor activity in a BR District, including parking, shall be screened as viewed from the ground. Acceptable screening may be a band of dense natural woodland 20 or more feet wide, differences in elevation sufficient to shield the view as required, an opaque fence or wall or evergreens planted to form a dense hedge of the required height within three years.