

Revisions 6/12/26
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ARTICLE 2

GENERAL PROVISIONS

Section 2.2 Definitions

Mixed Commercial Use Development. A single building with more than one type of permitted land use, or a single lot with no more than two buildings and permitted land uses, where the different permitted land uses are in physical proximity, planned as a unified, complementary whole, and functionally integrated through shared vehicular and pedestrian access and parking areas. One Mixed Use Residential Living Unit is permitted per Mixed Commercial Use Development. Mixed Commercial Use Developments are limited to retail, service, office, and restaurant (excluding drive-thru) uses.

Mixed Use Residential Living Unit. A separate, self-contained unit, no larger than 1,000 square feet, exclusive of any balcony, porch, or patio, designed for use as a residence by an individual or a family, located within a building containing non-residential uses. In any building with more than one story, the unit must be on a floor above the ground floor. A Mixed Use Residential Living Unit must contain complete housekeeping facilities, including a toilet and culinary accommodations not common to the non-residential uses. Any balconies, porches, or patios shall be located to the rear of the building.

Story. A story is the designated above ground level of a building designed for human occupancy, excluding unutilized attics, crawl spaces, and certain cellars.

Summary Review Process. The process by which an application is approved, in accordance with the terms of the Regulations, including, but not limited to, requirements concerning applicable setbacks, lot area and size, and lot frontage, applicable to a proposed development, and without requiring that a public hearing be held, a variance or special permit be granted, or some other discretionary zoning action, other than a determination that a proposed development is in conformance with the Regulations and that public health and safety will not be substantially impacted by such proposal.

Transit Community Middle Housing Development. A residential building containing not fewer than two dwelling units and not more than nine such units.

Use: The specific purpose, or if within an approved Mixed Commercial Use Development, the specific purposes, for which a lot or a building is designed, arranged, intended to be used, or for which it is or may be occupied or maintained. The terms "permitted use," "special use," or either of their equivalents shall not be deemed to include a non-conforming use, as defined herein.

ARTICLE 3 DISTRICT REGULATIONS

Section 3.1 Uses by District

LAND USES

Mixed Commercial Use Development

Permitted in RA-1 Zone – No

Permitted in an RA-2 Zone – No

Permitted in a B- Zone – Yes, by Special Permit

Permitted in an IND-1 and IND-2 Zone – No

Permitted in a CP Zone – No

Mixed Use Residential Living Unit

Permitted in RA-1 Zone – No

Permitted in an RA-2 Zone – No

Permitted in a B- Zone – Yes

Permitted in an IND-1 and IND-2 Zone – Yes

Permitted in a CP Zone – Yes

Transit Community Middle Housing Development

Permitted in RA-1 Zone – No

Permitted in an RA-2 Zone – No

Permitted in a B- Zone – Yes

Permitted in an IND-1 and IND-2 Zone – Yes

Permitted in a CP Zone – Yes

ARTICLE 3 DISTRICT REGULATIONS

3.4 Business (B) District

3.4.1 Purpose

The purpose of the Business (B) District is to enhance the quality of new development or redevelopment along Route 68 and Route 69 corridors and to provide for commercial and office uses in a manner that respects compatibility with surrounding uses **and does not affect public health and safety.**

3.4.13 Transit Middle Housing Developments

Transit Community Middle Housing Developments, if in compliance with this Section 3.4, may be permitted by the Summary Review Process.

3.4.14 Mixed Use Residential Living Unit

Mixed Use Residential Living Units, if in compliance with this Section 3.4 and the Special Use Standards in Section 4.23, may be permitted by the Summary Review Process.

3.5 Industrial – Manufacturing 1 (IND-1) District

3.5.1 Purpose

The purpose of the Industrial – Manufacturing 1 (IND-1) District is to provide for a broad range of industrial and commercial uses in a setting that will not have environmental objectional influences on adjoining residential and business district **and does not affect public health and safety.**

3.5.13 Transit Community Middle Housing Developments

Transit Community Middle Housing Developments, if in compliance with this Section 3.5, may be permitted by the Summary Review Process.

3.5.14 Mixed Use Residential Living Unit

Mixed Use Residential Living Units, if in compliance with this Section 3.5 and the Special Use Standards in Section 4.23, may be permitted by the Summary Review Process.

3.6 Industrial – Manufacturing 2 (IND-2) District

3.6.1 Purpose

The purpose of the Industrial – Manufacturing 2 (IND-2) District is to provide for a broad range of industrial and commercial uses in a setting that will not have environmental objectional influences on adjoining residential and business district **and does not affect public health and safety.**

3.6.13 Transit Community Middle Housing Developments

Transit Community Middle Housing Developments, if in compliance with this Section 3.6, may be permitted by the Summary Review Process.

3.6.14 Mixed Use Residential Living Unit

Mixed Use Residential Living Units, if in compliance with this Section 3.6 and the Special Use Standards in Section 4.23, may be permitted by the Summary Review Process.

Section 3.8 Commerce Park (CP) District

3.8.1 Purpose

The purpose of the Commerce Park Zone is to provide the Town of Prospect business and industrial development in a park-like setting to encourage higher quality buildings consistent with the Plan of Conservation and Development. Such development should constitute well-planned, functional and aesthetically pleasing environments for prosperous business community, should, by design, be compatible with abutting zones and uses, and should not affect public health and safety.

3.8.3 Permitted Uses

7) Mixed Use Residential Living Unit.

3.8.15 Transit Community Middle Housing Developments

Transit Community Middle Housing Developments, if in compliance with this Section 3.8, may be permitted by the Summary Review Process.

3.8.16 Mixed Use Residential Living Unit

Mixed Use Residential Living Units, if in compliance with this Section 3.8 and the Special Use Standards in Section 4.23, may be permitted by the Summary Review Process.

ARTICLE 4

SUPPLEMENTAL REGULATIONS

4.22 MIXED COMMERCIAL USE DEVELOPMENT

4.22.1 Mixed Commercial Use Development Purpose

This Section provides standards and conditions applicable to the use of property for Mixed Commercial Use Developments, to ensure compatibility with such use and associated development with neighborhoods and surrounding properties and to protect public health, safety, and convenience.

4.22.2 Applicability

A Mixed Commercial Use Development may be established in a Business (B) District and shall be allowed only by Special Permit of the Planning and Zoning Commission, subject to conformance with the applicable Business (B) District, Site Plan Approval Requirements, Special Permit Standards, Gateway Overlay District Standards (if applicable), and Special Use Standards of this Section 4.22.

4.22.3 Mixed Commercial Use Development Special Use Standards

Mixed Commercial Use Developments shall comply with each of the following Special Use Standards:

4.22.3.1 There shall be a minimum lot area of four (4) acres for a Mixed Use Development.

4.22.3.2 Uses permitted in a Mixed Commercial Use Development are limited to retail services, personal services, business offices, and restaurants (excluding drive-thru).

4.22.3.3 No more than one (1) Mixed Use Residential Living Unit shall be permitted per Mixed Commercial Use Development.

4.22.3.4 Approval from Chesprocott Health District or its successor is required.

4.22.3.5 Mixed Use Residential Living Units shall be in compliance with Section 4.23.

4.22.4 Building /Site Design for Mixed Commercial Use Developments

excluding drive-thru4.22.4.5 Parking for a Mixed Commercial Use Development shall comply with Article 6. Any parking provided for a Mixed Use Residential Living Unit shall be designated so that such parking spaces are reserved for the occupants of such Mixed Use Residential Living Unit and so that customers of retail services, personal services, business offices, or restaurants (excluding drive-thru) on the lot do not occupy such spaces.

4.22.4.6 The site plan shall incorporate the retail services, personal services, business offices, or restaurants (excluding drive-thru) ensuring that parking areas, landscaped spaces, and other site amenities benefit all on-site uses and that uses share the site harmoniously.

4.22.4.7 Any retail service, personal service, business office, or restaurant (excluding drive-thru), along with the Mixed Use Residential Living Unit (if any), shall be designed to allow these uses to operate in concert.

4.22.5 Decision Considerations:

4.22.5.1 The Mixed Commercial Use Development Use will improve the design of the building(s) and the lot.

4.22.5.3 If located in a Gateway Overlay District, a Mixed Commercial Use Development is compatible with other developed lots and uses along the Gateway corridors.

ARTICLE 4

SUPPLEMENTAL REGULATIONS

4.23 MIXED USE RESIDENTIAL LIVING UNITS

4.23.1 Mixed Use Residential Living Units Purpose

This Section provides standards and conditions applicable to the use of property for Mixed Use Residential Living Units, to ensure compatibility with such use and associated development with neighborhoods and surrounding properties and to protect public health, safety, and convenience.

4.23.2 Applicability

A Mixed Use Residential Living Unit may be established in a Business (B) District, Industrial – Manufacturing 1 (IND-1) District, Industrial – Manufacturing 2 (IND-2) District, and Commerce Park (CP) District, subject to conformance with the applicable Business (B) District, Industrial – Manufacturing 1 (IND-1) District, Industrial – Manufacturing 2 (IND-2) District, and Commerce Park (CP) District, Gateway Overlay District Standards (if applicable), Mixed Commercial Use Development Standards (if applicable) and Special Use Standards of this Section 4.23. A Mixed Use Residential Living Unit, if in compliance with this Section 4.23, may be permitted by the Summary Review Process.

4.23.3 Mixed Use Residential Living Unit Special Use Standards

Mixed Use Residential Living Units shall comply with each of the following Special Use Standards:

4.23.3.1 Approval from Chesprocott Health District or its successor is required.

4.23.3.2 Each Mixed Use Residential Living Unit shall have unobstructed, direct ingress and egress to the outside, separate from any other non-residential use.

4.23.3.3 Each Mixed Use Residential Living Unit shall have access to a private outdoor balcony, porch, or patio space that is not shared with any other non-residential use.

4.23.3.4 Soundproofing shall be designed and installed to isolate the normal sounds of any other non-residential use.

4.23.3.5 Odor-proofing must be designed and installed to contain any odors released from any other non-residential use.

4.23.3.5 Parking for a Mixed Use Residential Living Unit shall comply with Article 6. Any parking provided for a Mixed Use Residential Living Unit shall be designated so that such parking spaces are reserved for the occupants of such Mixed Use Residential Living Unit and so that customers of any other non-residential use on the lot do not occupy such spaces.

4.23.3.6 The site plan shall incorporate the Mixed Use Residential Living Unit along with any other non-residential use ensuring that parking areas, landscaped spaces, and other site amenities benefit all on-site uses and that uses share the site harmoniously.

4.23.3.7 Any other non-residential use, along with the Mixed Use Residential Living Unit (if any), shall be designed to allow these uses to operate in concert.

4.23.3.8 The Mixed Use Residential Living Unit is generally not allowed on the ground floor of any building and must not be visible from the street, except that windows and means of ingress and egress for the Mixed Use Residential Living Unit are permitted on the street side. Any private outdoor balcony, porch, or patio must not be visible from the street and, if located on the ground floor, must be screened with fencing or landscaping.

4.22.4.9 Mixed Use Residential Living Units are not eligible for any accessory use.

4.23.4 Decision Considerations:

4.23.4.1 The Mixed Use Residential Living Unit and non-residential uses will improve the design of the building(s) and the lot.

4.22.4.2 The Town needs a Mixed Use Residential Living Unit to provide a range of housing options permitted by the Zoning Regulations, including market-rate and affordable units.

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New Language in bold lettering

ARTICLE 6

OFF-STREET PARKING AND LOADING REGULATIONS

Section 6.1 Intent

It is the intention of these Regulations that:

1. **As such parking impacts public health and safety**, all buildings and uses ~~be~~ **are** provided with sufficient off-street parking and loading space to meet the needs of persons employed at or using such buildings or uses.
2. **Unless waived by the Commission**, no permit for the erection or substantial alteration of a building, or for the development of a use, shall be issued unless off-street parking and loading facilities shall have been laid out in a Site Plan in accordance with the appropriate requirements for buildings and uses set forth in ~~this~~ Article 6 and until the drainage plan for such parking and/or loading area, except in conjunction with single family dwellings not located in flood hazard areas, shall have been approved by the Planning and Zoning Commission.

Section 6.2 Zoning Permits

The Site Plans for any new building or any replacement or reconstruction of any existing buildings, when submitted to the Planning and Zoning Commission for a Zoning Permit in accordance with Article 11 herein, shall show specifically the location and size of the off-street parking and/or loading areas required to comply with this Section, and the means of access to such space from the public streets or highways. The drainage plan of such parking and/or loading area shall be approved by the Land Use Inspector with regard to safety to the area and adjoining properties. The Land Use Inspector shall not issue a Zoning Permit until the drainage plan of such parking and/or loading area has been endorsed with such approval.

Section 6.3 Completion Of Required Parking And Loading Areas

The use of any property for a principal or accessory off-street parking and/or loading area shall not commence until all work required in connection therewith is either completed or until the Land Use Inspector approves postponement of the improvements, or portion thereof, and accepts satisfactory surety in order to guarantee the completion of such postponed work.

Section 6.4 Off-Street Parking Requirements

Adequate off-street parking spaces, open or enclosed, shall be provided for any building or use in accordance with the minimum requirements of this Section **unless waived by the Commission**. Any land that is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these parking regulations. Reasonable and appropriate off-street parking requirements for buildings and uses which do not fall within the categories listed shall be determined in each case by the Commission upon consideration of all factors entering into the parking needs of such use.

MINIMUM OFF-STREET PARKING REQUIREMENTS

<u>Type of Building or Use</u>	<u>Required Parking Spaces</u>
(1) Residence	Parking to be determined by the Commission based upon public health and safety needs
(2) Elderly Housing in Residential Zones	Parking to be determined by the Commission based upon public health and safety needs. Spaces shall be located not more than 150 feet from the unit.
(3) Congregate Elderly Housing	1. Residence parking to be determined by the Commission based upon public health and safety needs. 2. Space per employee during the largest daily work shift period. 3. 1 guest space per 4 assisted living units. 4. 1 space 12 x 55 feet with a minimum vertical clearance of 12 feet shall be provided for service to the "Commons" building.
(4) Transit Middle Housing	Parking to be determined by the Commission based upon public health and safety needs.
(5) Mixed Use Residential Living Unit	Parking to be determined by the Commission based upon public health and safety needs.
(6) Home occupation or accessory professional office	2 spaces in addition to dwelling requirements.
(7) Places of assembly, including but not limited to, churches, auditoriums,	1 space for each 4 fixed seats or equivalent gross floor area.

theaters and stadiums

Where pews or benches are used as seats, 1 space per 8 linear feet is required.

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| (8) Food and beverage establishments including, but not limited to, restaurants, luncheonettes, soda fountains, clubs (public and private), fraternal organizations and lodges | 1 space for each 75 sq. ft. of gross floor area, including outdoor service areas, if any. |
| (9) Taverns, Cafes | 1 space for each 75 sq. ft. of gross floor area including outdoor service areas, if any. |
| (10) Morticians | 40-space minimum. |
| (11) Nursery Schools | 1 space per staff member plus 1 space for each 2 students. |
| (12) Hotels, motels and boarding, lodging and rooming houses | 1 space for each rooming unit, plus required parking for facilities used for eating, drinking, assembly, and other such uses. |
| (13) Automotive services, including but not limited to, gas stations, auto accessories, auto repair, auto body and paint shop, muffler installation, tire shops and engine and transmission overhaul shops. | 1 space for each 250 sq. ft. of gross floor area; or 3 spaces per bay, lift or equivalent for customer and employee parking only, whichever is greater. |
| (14) Vehicular dealerships including, but not limited to, those that sell new and used motor vehicles, trailers, watercraft and mobile homes. | 1 space for each 250 sq. ft. of gross floor area, or 1 space for each 1,500 sq. ft. of open sales display lot area, whichever is greater. |
| (15) Open or outdoor businesses including, but not limited to, those businesses that sell building supplies, machinery, equipment, swimming pools, nurseries and garden supplies. | 1 space for each 250 sq. ft. of enclosed sales floor area, plus 1 space for each 1,000 sq. ft. of open sales display lot area. |
| (16) Appliance, carpet, furniture, electrical, heating and plumbing retail sales | 1 space for each 500 sq. ft. of gross floor area. |
| (17) Other retail sales and service establishments | 1 space for each 250 sq. ft. of gross floor area. |

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| (18) General business and professional offices | 1 space for each 250 sq. ft. of gross floor area or two spaces for each office or tenant, whichever is greater. |
| (19) Convalescent, nursing or rest home | 1 space per four patient beds plus 1 space per employee during the maximum work shift. |
| (20) Medical Facility | 1 space for each 250 sq. ft. of gross floor area. |
| (21) Wholesale and distribution, warehousing and storage, truck terminals and other enclosed storage uses, and manufacturing and industrial establishments | 1 space for each 750 sq. ft. of gross floor area or 1 space for each employee on the maximum work shift, whichever is greater. |
| (22) Schools – Public or Private | 1 space per teacher, plus 1 space per other staff member on the maximum shift, plus 1 space per each 10 students. |
| (23) Schools – Special Events | To be determined per the maximum allowed capacity of the designated assembly area or outdoor event. |
| (24) <u>Uses Not Listed</u> - The minimum number of parking spaces required for other uses not listed under Article 6 shall be determined by the Commission. Where the minimum number of parking spaces for a particular use is to be determined by the Commission, the Commission shall be guided by the nature, intensity, and mix of the proposed use; including projected attendance, number of employees, visitors or customers, the experience of similar facilities elsewhere, and the location of overflow parking in the event of insufficient spaces. | |