

USE REGULATIONS

SECTION 3. USE REGULATIONS

3.1 General Provisions

No land shall be used or building or other structures erected or modified in any district for any use not set forth in Section 4, Table I and denoted either with the word "yes" or by the letters "SP", except accessory uses permitted pursuant to Section 5 and nonconforming uses as provided in subsection 7.1. It is the intent of this Bylaw to prohibit in any district any use, which is not specifically permitted, as well as any use, which is denoted in Section 4, Table I, by the word "no".

3.2 Provisions Applicable to Section 4, Table I

Existing and future uses of land, buildings, or structures shall be allocated among the categories set forth in Section 4, Table I. Each use set forth in the principal use column of Table I shall be defined by reference to the subsection of Section 4 appearing next to such principal use, and each such use shall be subject to any conditions or limitations that are set forth in Table I or in the applicable subsection.

3.2.1 A use listed in Section 4, Table I, is permitted in any district under which it is denoted by the word "yes". If denoted by the letters "SP", the use is permitted only if the Board, or the Planning Board where it is specifically designated in this Bylaw, grants a special permit as provided herein and makes such specific findings as may be required by this Bylaw in respect of such use.

3.2.2 The word "yes" followed by one or more numerals in the Limited Business column denotes that the use is permitted only in the Limited Business District corresponding to such numeral(s). If no numeral appears, the use is permitted in all Limited Business Districts in accordance with the provisions of this Bylaw.

3.2.3 A use listed in Section 4, Table I, subsection 4.3 Institutional Uses, subsection 4.5 Business Uses and subsection 4.6 Industrial Uses, other than parking and loading, is permitted in the Industrial Park Districts and Limited Industrial Park District only when conducted entirely within one or more buildings.

3.2.4 Site plan approval in accordance with subsection 11.8 is required for a use where the letter "R" appears and is not required where the letters "NR" appear.

3.3 Formula Business

3.3.1 *Purpose.* The purpose of regulating the number, location, and visual features of formula businesses in the West Concord Business District and the West Concord Village District is to maintain the unique, small-scale, small-town character and the quality of life for all Concord residents by preserving the individuality and distinctive appeal of the West Concord Business and the West Concord Village districts. Preservation of the existing

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character, diversity, variety and scale of West Concord's Business and Village districts is also vital to the continuation of West Concord's ability to attract both residents and visitors. West Concord's Business and Village districts currently provide a mix of unique businesses, architecture, signage, and graphic and other design elements, which gives West Concord a distinctive visual appearance and small-scale eclectic ambiance. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the West Concord Task Force and in the West Concord Master Plan of 2010.

3.3.2 Limitation on the number of formula businesses in the West Concord Business District and the West Concord Village District combined: Limiting the number of formula businesses will allow the West Concord Business District and the West Concord Village District to avoid the proliferation of businesses that are homogenous, visually obtrusive, and often have a high impact on infrastructure, will safeguard West Concord's historical relevance, and will ensure that Concord residents and tourists continue to have unique dining, retail and service experiences in West Concord.

The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to ten. When the total existing number is equal to or greater than ten, no new formula businesses can be established until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of the West Concord Business or West Concord Village Districts. If a business in current operation becomes a formula business by means of additional locations being established, this business shall count toward the total number of formula businesses, but shall not be considered as a formula business being established.

3.3.3 Special permit required: The establishment of a new formula business or expansion or relocation of an existing formula business in the West Concord Business District and the West Concord Village District shall require the grant of a special permit as defined in Section 11.6 from the Planning Board.

3.3.4 Additional criteria for establishment, expansion, or relocation of a formula business in the West Concord Business District and West Concord Village District:

- (a) The formula business is designed and operated in a manner that preserves the community's distinctive small-town character;
- (b) The formula business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;
- (c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;
- (d) The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district;

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(e) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare; and

(f) No drive-through facilities are allowed.

3.3.5 *Determination:* A formula business may adapt its business activities in consultation with the Building Inspector so that the proposed establishment no longer qualifies as a formula business as defined in subsection 1.3.10.

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