

**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 where all patrons are seated and no live entertainment is provided.
- 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]**

The following uses shall be allowed in a BD District upon the granting of a special permit by the Board of Appeals:

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- A. Gasoline service stations and automobile repair garages, expressly including the accessory use of retail sale of propane, provided the maximum size of a propane storage tank does not exceed 2,000 gallons, and also provided there is compliance with all other federal, state, and municipal regulatory requirements.
- B. Single and multifamily residences; buildings used for dwelling purposes. All residential uses must comply with the dimensional requirements contained in Article II, Residence A (RA) District.
- C. Live commercial entertainment.
- D. Drive-in, drive-through, or drive-up uses, but excluding the dispensing of food or drink, provided that:  
1) an adequate dedicated area for at least four vehicles to queue shall be provided on the premises, 2) 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, and 3) The Planning Board shall grant the Special Permit only if it finds that the proposed use will not be detrimental to the surrounding neighborhood. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such uses. **[Amended 5-6-2013 ATM, Art. 51]**
- E. Car wash facilities.
- F. Theaters, halls and clubs.
- G. Off-street parking facility. The Planning Board and not the Board of Appeals shall be the Special Permit Granting Authority for such facilities.

### **§ 210-20.4. Off-street parking.**

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 a street.

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at any one time and then only for a period not to exceed 14 days and for such further time as the Director of Municipal Inspections shall allow, not to exceed 30 days. [Amended 3-7-1963 ATM, Art. 35]

§ 210-124. Off-street parking. [Amended 4-14-1975 ATM, Article 30; 4-13-1978 ATM, Article 39; 10-10-1984 STM, Article 20; 4-9-1985 ATM, Art. 36; 6-11-1990 ATM, Article 28; 5-5-1997 ATM, Article 25, 5-5-2008 ATM, Article 27 & Art 29, ATM 5-3-2010, Article 39, 5-7-2012 ATM, Article 52]

A. Parking lots shall be designed and located to provide screening from abutting properties, buildings and streets, visual relief and sun and wind interruption within the parking area and to assure safe patterns of internal circulation. Landscaping requirements shall, wherever possible, be met by the retention of existing plants and natural landforms.

B. Parking requirements.

(1) The following off-street parking requirements shall apply to the uses listed below:

Type of Use	Number of Spaces
Bed & breakfast [5-5-2008 ATM, Article 29]	1 space for each unit available for occupancy
Child care facility [5-3-2004 ATM, Article 29]	1 for every 10 children of rated capacity of the facility plus 1 for each staff person on the largest shift
Conference center [5-5-2008 ATM, Article 29]	2 spaces for every 3 seats
Continuing Care Retirement Facility/Assisted Living/Nursing Home Facilities [5-3-2010 ATM, Article 47]	1 for every 3 beds, plus 1 for each employee on the largest shift
General office, medical and dental office, research and development and industrial uses [5-3-2004 ATM, Article 29. Amended 5-7-2012 ATM, Article 52]	3 per 1,000 square feet of gross floor area
Health services facility [5-5-2008 ATM, Article 29 Amended 5-7-2012 ATM, Article 46]	3 spaces per 1,000 square feet of gross floor area
Museums [5-5-2008 ATM, Article 29]	2 spaces per 1,000 square feet of gross floor area of public floor area, not including corridors and other service areas
Nursing home [5-3-2004 ATM, Article 29,	1 for every 3 beds plus 1 for each employee on the largest shift

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### 5-7-2012 ATM, Article 52]

Places of assembly [5-3-2010 ATM, Article 39]	1 for every 2 seats plus 1 for each employee on the largest shift
Recreational uses [5-3-2004 ATM, Article 29]	1 for every 5 occupants as permitted by State Building Code
Residential component of mixed use buildings [5-3-2004 ATM, Article 29]	1 for every bedroom
Restaurants [5-3-2010 ATM, Article 39]	1 for every 3 seats
Retail uses	4 per 1,000 square feet of gross floor area
Warehouse uses	1 per 1,000 square feet of gross floor area

(a) Where a use is not specifically referred to in this paragraph, the requirements for the most nearly comparable use specified above shall apply. In the case of mixed uses on a single lot, the parking requirement shall be the sum of the requirements calculated separately for each area of use, unless a special permit has been issued by the Planning Board pursuant to Section C. [Amended 5-4-2004 ATM, Article 29, 5-5-2008 ATM, Article 27]

(b) In the Downtown Business district, the number of parking spaces required shall equal 50% of the amount required in subsection (1) for each non-residential use. The spaces shall be provided using one or more of the methods listed below:

- On the same lot as the use;
- Marked spaces on the street directly adjacent to the use, between the side lot lines of the lot containing the use, and on the same side of the street as the use;
- As provided for in a shared or off-site parking special permit issued by the Planning Board pursuant to Section C. [Amended 5-3-2010 ATM, Article 39]

(2) Each parking space shall consist of a rectangle of following minimum dimensions:  
[5-3-1999 ATM, Art. 19, 5-7-2012 ATM, Article 52]

Small car/compact spaces	8 feet by 16 feet
Parallel/curbside parking spaces	8 feet by 22 feet
All other spaces	9 feet by 18 feet

In parking lots containing up to 50 parking spaces, 20% of such parking spaces may be for small car use. In parking lots of 50 spaces or more, up to 40% of such parking spaces may be for small car use. Said small-car spaces shall be grouped in one or more contiguous areas and shall be identified by signs.

(3) Maneuvering aisles within parking lots and access driveways from the street to parking lots shall not be less than 24 feet in width. If the maneuvering aisle or access driveway will be one-

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way, a narrower dimension may be proposed, subject to approval of the Planning Board. **[Amended 5-7-2012 ATM, Article 52]**

- (4) As part of the site plan approval process, the Planning Board may allow fewer parking spaces than are required by this Chapter for a use to be constructed, provided that the spaces to be unconstructed shall be delineated on the site plan and indicated as future parking spaces. All or part of said spaces shall be constructed if so required by the Board at a future date or may be constructed by the property owner/tenant at any time without prior Board approval.

### C. Shared and Off-Site Parking **[Added 5-5-2008 ATM, Article 27]**

- (1) The parking required by the uses located on a lot shall be provided on that lot, unless a special permit has been issued by the Planning Board. The Planning Board may issue a special permit to:
  - (a) Reduce the required number of parking spaces when there will be mixed uses on a lot by activities having clearly different peak demand times;
  - (b) Locate some required parking spaces on a separate lot under an agreement between property owners; and
  - (c) Locate some required parking spaces in a separate shared parking lot under an agreement between property owners, when the parking lot is shared by mixed uses having clearly different peak demand times.
- (2) Before granting the special permit, the Planning Board shall determine that the provision of parking spaces proposed will be in harmony with the general purpose and intent of this chapter and adequate for all parking needs, and that all parking spaces associated with a use are within practical walking distance. The Planning Board may issue the special permit with conditions, which may include, but not be limited to, the following:
  - (a) A requirement that shared and off-site parking arrangements between property owners be formalized in an instrument that runs with the land and is recorded at the Registry of Deeds;
  - (b) That adequate space is set aside on the lot to construct additional parking spaces in the future should the mix of uses and peak demand times change and require additional parking.

### D. Parking space reduction.

A special permit may be issued to reduce the number of parking spaces required for any use. The Planning Board shall be authorized to issue such special permits for uses that are allowed by right or by special permit from the Planning Board; the Board of Appeals shall be authorized to issue such special permits for uses that are allowed by special permit from the Board of Appeals. Before granting the special permit, the authorized Board shall determine that the provision of parking spaces proposed will be in harmony with the general purpose and intent of this Chapter and adequate for all parking needs. The special permit may be issued with appropriate conditions, which may include, but not be limited to, provisions for additional parking should uses change over time. **[ ATM 5-3-2010, Article 39]**

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- E. Landscaping and screening requirements. **[Amended 5-5-2008 ATM, Article 27, ATM 5-3- 2010, Article 39]**
- (1) Parking lots shall contain a planting area a minimum of five feet wide around the entire perimeter of the lot. Exceptions may be made in cases where the perimeter of the lot does not abut adjacent property, subject to the approval of the Planning Board.
  - (2) Parking lots shall contain around the perimeter and in the interior at least one tree per eight parking spaces.
  - (3) Trees shall be planted around the entire perimeter of the parking lot where appropriate, such as adjacent to abutting property and streets.
  - (4) Trees to be planted shall be a minimum of 2 1/2 inches in caliper six feet above grade, be of a species common in the area, tolerant of future site conditions and reach an ultimate height of at least 30 feet.
  - (5) At least 10% of the interior of any parking lot having 25 or more spaces shall be maintained with landscaping, including trees, in planting areas of at least four feet in width. **[5-7-2012 ATM, Article 52]**
  - (6) The portion of any parking lot which abuts a residential district or use shall be screened from such residential district or use by plant materials characterized by dense growth, or a combination of such plant materials, natural landforms and trees, which will form an effective year-round screen. Screening shall be at least five feet in height. Plant materials when planted may be less than five feet in height but not less than three feet in height if of a species or variety which shall attain the required height and width within three years of planting.
  - (7) The portion of any parking lot which abuts a public way shall be adequately buffered from such public way by plant materials characterized by dense growth or a combination of such plant materials, trees, natural landforms and other landscape features, such as stone walls. Plant materials may be required to be at least five feet in height. Plant materials when planted may be less than five feet in height but not less than three feet in height if of a species or variety which shall attain the required height and width within three years of planting.

**§ 210-125. Conversions of residential property. [Amended 4-9-1991 ATM, Article 25, 5-7-2007 ATM, Article 26, 5-4-2009 ATM, Article 25]**

The conversion of any house for rental purposes to accommodate not more than four dwelling units may be undertaken in any zoning district except an Industrial A (IA) or Industrial B (IB) District upon grant of a special permit by the Board of Appeals, provided that the exterior is not materially altered and provided that each dwelling unit so created contains a floor area of at least 600 square feet. Two parking spaces shall be provided on the site for each dwelling unit.

**§ 210-126. Accessory family dwelling unit. [Added 5-4-1993 ATM, Article 20, 5-4-2009 ATM, Article 25]**

- A. The intent and the purpose of this section is to permit accessory dwelling units in single-family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent