

Connecticut:

Retail Business Size Cap Neighborhood Business Districts - Fairfield, Connecticut

In 2007, the city of Fairfield enacted the following regulations, which limit retail stores and restaurants located in neighborhood business districts to no more than 4,000 square feet. The city has twelve neighborhood business districts.

The size limits were prompted in part by a proposed Walgreens in the Stratfield neighborhood. (A typical free-standing Walgreens is about 14,000 square feet.) Concerned about the traffic and other impacts the store would have on the area and angry that the property owner had declined to renew the lease of a locally owned neighborhood grocery store in order to make room for Walgreens, hundreds of residents rallied against the project. In June 2007 town officials denied Walgreens a permit to build on the grounds that it was incompatible with the neighborhood.

<http://www.newrules.org/retail/size.html>

Formula Business Restriction Neighborhood Business Districts - Fairfield, Connecticut

In 2007, the city of Fairfield enacted the following measure, which stipulates that formula businesses may not locate in neighborhood business districts unless they undergo review and obtain a special permit. The city has twelve neighborhood business districts.

The measure was prompted in part by a proposed Walgreens outlet in the Stratfield neighborhood. Concerned about the traffic and other impacts the store would have on the area and angry that the property owner had declined to renew the lease of a locally owned neighborhood grocery store in order to make room for Walgreens, hundreds of residents rallied against the project.

In June 2007 town officials denied Walgreens a permit to build on the grounds that it was incompatible with the neighborhood. The Walgreens fight also led the city to adopt a [store size cap](#) that limits stores and restaurants in neighborhood business districts to no more than 4,000 square feet.

Old Saybrook, Connecticut

In 2002, the town enacted an ordinance **banning stores over 88,000** square feet and restricting stores in some parts of town to no more than 25,000 square feet.

Stafford, Connecticut <http://www.staffordfirst.org/>

Stafford First was formed in response to the news of a possible invasion of the community by a Big Box Retail Chain Super Store. During the ensuing year Wal-Mart never filed an application

- 6 month moratorium was passed
- Special use permit regulation was passed by the PZC
- A consultant was hired to help the PZC with development issues
- We were a catalyst for the CERC study
- The Stafford Mercantile Project was started
- Residents were empowered to become politically involved

- Stafford First received grant for grass roots organizations
- An illegal referendum was blocked
- The number of PZC Alternates was increased
- The Stafford PZC passed regulations containing a **size cap** effectively preventing a "WM" superstore.

Across the Country.....

Source: <http://www.newrules.org/retail/size.html>

NEIGHBORHOOD

[Store Size Cap - Brookside - Kansas City, MO](#)

In November 2000, the Kansas City Council voted to approve two new ordinances that will protect the Brookside neighborhood from large-scale, suburban-style chain store development. The first creates the Brookside Business District as a special zoning district, with its own rules and requirements. The second restricts retail uses in the area to 10,000 square feet, except for grocery stores, which may be as large as 25,000 square feet; prohibits drive-through restaurants and other rules.

[Store Size Cap - North Beach - San Francisco, CA](#)

In response to San Francisco residents' and merchants' concerns, including increased traffic congestion, proliferation of food service uses, the loss of neighborhood-oriented businesses and changes in the local neighborhood character, the City and County of San Francisco created Neighborhood Commercial Individual Area Districts (NCDs) in 1987. These NCDs were established in many San Francisco neighborhoods, including North Beach. Part of the NCD rules relate to limiting large retail outlets.

CITYWIDE

[Store Size Cap - Andover, MA](#)

Residents of Andover, a community of 31,000 people north of Boston, voted at their annual Town Meeting in April 2007 **to prohibit retail stores over 65,000** square feet.

[Store Size Cap - Agoura Hills, CA](#)

In 2002, voters in Agoura Hills, a community 20 miles north of Los Angeles, adopted a measure limiting stores to **no more than 60,000** square feet. Note that the ordinance's definitions are designed to prevent retailers from evading the size cap by building two or more adjacent stores.

[Store Size Cap - Ashland, OR](#)

Ashland, a town of 17,000 in southern Oregon, has a citywide ordinance **limiting retail stores to no more than 45,000** square feet.

[Store Size Cap Belfast, ME](#)

In 2001, after Wal-Mart optioned land on the outskirts of Belfast, Maine, a community of

6,500 in the fast-growing midcoast region, the city council adopted a temporary moratorium on large stores and placed an initiative permanently **banning stores over 75,000** square feet on the ballot.

[Store Size Cap - Bellingham, WA](#)

After months of study and consideration by local officials and concerned citizens, the Bellingham City Council enacted the following ordinance, which **prohibits stores over 90,000** square feet and imposes design standards on those over 60,000 square feet.

[Store Size Cap - Bennington, VT](#)

In January 2005, the town of Bennington, home to 9,200 people and located in the southwest corner of Vermont, enacted the following ordinance. It **bans stores over 75,000** square feet in one commercial district and **50,000** square feet in the rest of the town. It requires proposals for stores over 30,000 square feet to submit to a community impact review conducted by an independent consultant chosen by the city. The cost of the review is to be paid by the developer.

[Store Size Cap - Boxborough, MA](#)

At their town hall meeting in March 2000, residents of Boxborough voted to **limit the size of new retail development to 25,000** square feet. The measure required a two-thirds margin to pass. It was unanimously recommended by the Board of Selectmen.

[Store Size Cap - Bozeman, MT](#)

In February 2003, the city of Bozeman, Montana, enacted an ordinance limiting retail stores to **no more than 75,000** square feet. The measure makes permanent a temporary moratorium on construction of large retail stores adopted in 2002.

[Store Size Cap - Charlevoix, MI](#)

The city enacted a measure that caps stores at 45,000 square feet, which is about 20 percent smaller than a football field and about one-quarter the size of a typical Wal-Mart supercenter. The adjacent township of Charlevoix adopted an ordinance **limiting stores to no more than 90,000** square feet and those over 50,000 square feet are additionally required to undergo market feasibility and traffic impact studies, and include a plan for reusing the building should the retailer vacate the space.

[Store Size Cap - Damariscotta, ME](#)

In March 2006, voters in Damariscotta, Maine, overwhelmingly approved the following measure **barring stores over 35,000** square feet (about the size of a medium grocery store). The size cap was approved by a 62 to 38 percent margin in what officials say was one of the largest election turnouts in the town's history.

[Store Size Cap - Easton, MD](#)

Prompted by several applications for retail development in excess of 500,000 square feet, larger than anything anticipated by the town's existing Comprehensive Plan, the Easton Town Council enacted a temporary moratorium on new "big box" retail stores in September 1999. In March 2000, the Town Council adopted an ordinance which **prohibits**

retail stores larger than 65,000 square feet and bars the Board of Zoning Appeals from granting a variance to allow a larger store.

[Store Size Cap - Hailey, ID](#)

Hailey, Idaho, limits the floor area of retail and wholesale businesses to no more than 36,000 square feet in the town's business and limited business zones and 25,000 square feet in other industrial and commercial zones. hopping centers with multiple tenants are allowed up to 72,000 square feet in the business zone, 36,000 square feet in the limited business zone, and 25,000 square feet in other industrial and commercial zones.

[Store Size Cap - Homer, AK](#)

After two years of consideration---including a review by a city council-appointed task force, numerous public hearings, and a voter referendum---the city of Homer, Alaska, has capped the size of retail stores at 25,000-45,000 square feet and adopted a community impact review process for proposed retail developments over 15,000 square feet.

[Store Size Cap - Madison, WI](#)

In April 2005, Madison, WI, adopted a big-box ordinance that imposes some limits on the size of retail stores, but it is quite permissive compared to other examples on this site. The ordinance limits retail buildings to a footprint of no more than 100,000 square feet, which is about the same land area as two football fields. Because the limit is on the footprint of the building, rather than the gross leasable area of the store, the rules allow stores to be larger provided they are multi-story.

[Store Size Cap - Middletown, RI](#)

In 2006, Middletown adopted a store size cap ordinance that prohibits retail buildings with a footprint of 35,000 square feet or more (individual retail outlets may be larger if they span more than one floor). A weakness of the law is that it allows developers to apply for a special use permit to exceed the size cap.

[Store Size Cap - Mt. Shasta, CA](#)

In March 2005, the City Council of Mount Shasta, California, voted 3-2 to enact the following ordinance, which caps stores at 50,000 square feet and requires proposals for stores over 20,000 square feet to undergo an economic impact review and obtain a conditional use permit.

[Store Size Cap - Neptune Beach and Atlantic Beach, FL](#)

When Wal-Mart proposed a 117,000-square-foot supercenter in Neptune Beach, Florida, residents organized to keep the retailer out. The Neptune Beach City Council rejected Wal-Mart's application on the grounds that it would have a negative impact on traffic and community character. The City Council also adopted a size cap ordinance that limits stores to no more than 60,000 square feet.

[Store Size Cap - Nobleboro, ME](#)

In March 2006, voters in the town of Nobleboro endorsed a measure capping stores at

45,000 square feet. The following language was then written into the town's zoning code in November 2006.

[Store Size Cap - North Elba \(Village of Lake Placid\), NY](#)

Residents of North Elba, New York spent five years trying to stop Wal-Mart from erecting an 80,000 square foot store within their town. The town's planning board rejected the retailer's plans in January 1996. The planning board was sued by Wal-Mart, which claimed its decision was unsubstantiated, arbitrary and capricious. A New York appellate court upheld the planning board decision. The ordeal prompted the community to enact a size ordinance **limiting single retail stores to 40,000** square feet and **capping shopping centers at 68,000** square feet.

[Store Size Cap - Northhampton, MA](#)

In May 2002, the Northampton City Council enacted ordinances **prohibiting retail stores larger than 90,000** square feet, and requiring that developers proposing stores larger than 20,000 square feet either construct pedestrian-friendly, two-story buildings contiguous to the street or pay a \$5 per square foot mitigation fee. The fee will be used to fund economic development activities designed to offset the impact of retail sprawl on downtown businesses.

[Store Size Cap - Portsmouth, RI](#)

After successfully fighting a proposal to build a 147,000-square-foot Target superstore in this small rural community, the grassroots group Preserve Portsmouth proposed a store size cap ordinance. In February 2008, the Town Council enacted a measure **barring stores over 45,000** square feet and imposing additional standards on those of 25,000 square feet or more.

[Store Size Cap - Rockville, MD](#)

In August 2000, the city of Rockville enacted the following ordinance, which **bans stores over 65,000** square feet and requires those over 25,000 square feet to comply with design and siting guidelines.

[Store Size Cap - Santa Fe, NM](#)

In July 2001, the city of Santa Fe, New Mexico, adopted the following ordinance **prohibiting retail stores larger than 150,000** square feet and requiring stores over 30,000 square feet to comply with architectural and site design standards.

[Store Size Cap - Skaneateles, NY](#)

After three consecutive six-month building moratoria in response to a proposal to construct a 150,000 square foot shopping center, this small town of 7,500 people adopted a comprehensive town plan which included a zoning restriction **limiting retail stores to no more than 45,000** square feet and shopping center sites to no more than 15 acres.

[Store Size Cap - Taos, NM](#)

In September 1999, the town of Taos enacted an ordinance restricting construction of

large retail stores. The measure **bans new stores that exceed 80,000** square feet and requires developers to obtain a special permit to build stores over 30,000 square feet.

[Store Size Cap - Walpole, NH](#)

On March 14, 2000, the residents of Walpole voted 3 to 1 to enact a **40,000** square foot size limit on new retail stores and restaurants. The new law was adopted following attempts by Wal-Mart to build in the community in 1999. The retailer withdrew in response to strong opposition from residents.

[Store Size Cap - Warwick, NY](#)

The town of Warwick, New York, a rural community about one hour north of Manhattan, enacted a new Comprehensive Plan in 1999 and a new Zoning Code in early 2002. The Comprehensive Plan calls for supporting "small, locally owned businesses and retail centers. The Zoning Code **bans stores over 60,000** square feet and shopping centers with multiple stores that together exceed 80,000 square feet.

[Store Size Cap - Westford, MA](#)

Even though Westford, MA beat back a Wal-Mart in 1994, the Town Meeting soon after added future protection by **prohibiting the building of large retail developments (over 60,000 sq. ft.)** and making it harder to build 30,000 - 60,000 sq. ft. developments by requiring that they apply for special permits, allowing time for citizen input and review by planning boards.

[Store Size Cap - Zionsville, IN](#)

In response to Wal-Mart's bid to place a supercenter in their town, Zionsville, Indiana (pop=12,000), enacted an ordinance **prohibiting stores over 60,000** square feet.

[Store Size Cap - Other Examples](#)

See some other examples of retail business size limitations.

COUNTY

[Store Size Cap - Coconino County, AZ \(Flagstaff\)](#)

In August 2001, the Coconino County Board of Supervisors adopted the following ordinance, which **prohibits retails stores larger than 70,000** square feet and requires a conditional use permit for those larger than 25,000 square feet.

[Store Size Cap - Kauai, Hawaii](#)

In May 2007, Kauai became the first Hawaiian island to prohibit big-box stores by instituting an island-wide store size cap of 75,000 square feet.

[Store Size Cap - Ravalli County, MT](#)

In April 2006, the Ravalli County Commission unanimously adopted an ordinance **limiting stores to no more than 60,000** square feet. The ordinance is an interim measure that will remain in effect for one year while the community works on a permanent ordinance.

[Store Size Cap - Talbot County, MD](#)

In 2003, the Talbot County Council enacted an ordinance **barring stores over 65,000** square feet from locating in any area of the county outside of the boundaries of incorporated cities and towns. Lowe's, a national home improvement chain, gathered signatures to force a ballot referendum on the size cap in November 2004. But voters upheld the cap in a 53 to 47 percent vote.

[Store Size Cap - Tuolumne County, CA](#)

In January 2004, the Tuolumne County Board of Supervisors voted unanimously to **ban retail outlets over 60,000** square feet (about half the size of the average Home Depot store).

[Store Size Cap - Whatcom County, WA](#)

In September 2008, Whatcom County in Washington state adopted a store size cap measure **limiting retail stores to no more than 65,000** square feet in urban growth areas and no more than 35,000 square feet in the rest of the county.

INTERNATIONAL

[Store Size Cap - Ireland](#)

In 1998, the Irish government enacted a temporary cap on the size of retail stores. The policy was made permanent in 2001. The law restricts stores in the Dublin area to 3,500 square meters (**38,000** sq. ft.) and applies a 3,000 square meter (**32,000** sq. ft.) limit to the rest of the country. The policy also requires that retail stores be located in town centers whenever possible.

[Store Size Cap - Norway](#)

Many countries have taken steps to limit or bar large-scale retail stores and malls, particularly in areas outside of city centers. The intent of these laws is to protect existing local retail districts and to prevent urban sprawl and automobile dependency. A Norwegian law enacted in January 1999, placed a five year moratorium on the construction of retail centers larger than 3000 square meters (**32,300** square feet).

Links:

- [How Big is Too Big?](#) - Visual illustration of different store sizes, ranging from Main Street retailers to supercenters.
- [Protecting Locally Owned Retail: Planning Tools for Curbing Chains and Nurturing Homegrown Businesses](#) by Stacy Mitchell, Main Street News, February 2004. (c)National Main Street Center, National Trust for Historic Preservation. All rights reserved.
- [Big-Box Sprawl and How to Control It](#) - by Constance E. Beaumont with Leslie Tucker, Municipal Lawyer, March/April 2002

Fiscal Impact Study: http://www.amiba.net/pdf/barnstable_fiscal_impact_report.pdf

- **Specialty retail** generates best fiscal results at \$326/1,000 sq. ft. annually.
- **Business parks** generate \$112/1,000 sq. ft.
- **Offices** generate a positive \$66/1,000 sq. ft. annually.
- **Hotels** generate the smallest annual surplus at \$35/room.
- The shopping center generates the lowest annual deficit of **-\$314**/1,000 sq. ft.
- The BIG BOX retail generates an annual deficit of **-\$486**/1,000 sq. ft.
- The worst nonresidential fiscal results are generated by the restaurant and fast food restaurant with annual net deficits of **-\$1,100** and **-\$5,168**/ sq. ft., respectively. (Due to significantly higher road maintenance and public safety costs.)