

To see if the Town will vote to amend the Zoning Bylaws Article II, Definitions, Article IV Sections 4.2 “Principal Use Regulation Schedule” and 4.3 “Accessory Use Regulation Schedule” by deleting, and amending (~~striketrough~~ to be removed, **underlined and bold** is new) as follows:

## ARTICLE II: DEFINITIONS

The intent of this section is to provide definitions for certain terms, words and/or series of words which are to be utilized in the interpretation of this bylaw, whether or not the definition stated herein is contrary to common usage or contrary as quoted in a dictionary.

Terms and words not defined herein but defined in the Commonwealth of Massachusetts Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either this bylaw or the Building Code shall have the meaning given in the most recent edition of Webster’s Unabridged Dictionary.

### 2.1 A

#### **Accessory Apartment**

**(See Article XI, Section 11.2.0 Accessory residential uses in One-Family Dwellings: Accessory Apartments)**

#### **Accessory Use of ~~or~~ Structure**

**(See Use of Structure, Accessory)**

#### **Adult Day Health Center**

A facility offering daytime programs for older adults providing health care and assessment, personal care, social programs, recreational activities, meals and transportation, but not providing overnight or residential accommodations.

#### **Adult Bookstore**

An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of books, magazines, videos, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31. (see Section 10.3)

### Adult Club

An establishment having twenty-five (25) percent or more of its entertainment is devoted to a person or persons working or performing in a state of full or partial nudity, or distinguished or characterized by an emphasis on a matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.(see Section 10.3)

### Adult Paraphernalia Store

An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of devices, objects, tools, or toys, which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.(see Section 10.3)

### Adult Theater

Any building, structure, or premises used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.(see Section 10.3)

### Adult Video Store

**An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of videos, books, magazines, and other matter which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31. (see Section 10.3)**

### Affordable Housing Unit

**A dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under M. G. L. Chapter. 40B Sections 20-23.**

### (Qualified) Affordable Housing Unit Purchaser

**An individual or family with household incomes that do not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD), for the standard Metropolitan Statistical Area that includes Burlington.**

### (DHCD) Affordable Housing Unit Sales Price or Rent

**The sales price or rent for each Affordable Housing Unit shall be a price that is affordable to a qualified affordable housing unit purchaser, adjusted for household size depending on the size of the applicable affordable unit(s), which sales price is calculated in accordance with the Commonwealth's Local Initiative Program and acceptable to DHCD for the standard Metropolitan Statistical Area in which Burlington is located. DHCD will determine the sales price for all for-sale units and the rental payment for all rental units.**

Animal Services. Including Animal Clinic or Hospital, Pet Grooming, Pet Training and Care, Commercial Kennel, and Veterinarian:

- (1) Animal Clinic or Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use. Animal clinics and hospitals may have ancillary animal board facilities. Overnight boarding of animals is limited to patients recovering from medical procedures.
- (2) Pet Grooming: The grooming of dogs, cats, and similar household pets.
- (3) Pet Store: Establishment that sells, or otherwise provides, household pets and/or the sale of pet supplies.
- (4) Pet Training and Care: Kennel and/or training centers for animals which may be operated on a daily basis but not overnight.
- (5) Commercial Kennel: Animal rescue shelters, boarding facilities, pet resorts/hotels, or training services for dogs, cats, and other household pets which may be operated on a daily basis and may have overnight accommodations.

**Aquifer**

**Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.**

**Alteration**

**Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.**

**Apartment, See Dwelling Garden Apartment**

**As of Right**

**Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, or other discretionary zoning**

**Assisted Living Facility**

**A facility as defined by M.G.L Chapter 19D, providing room and board, which provides assistance with activities of daily living and personal care services for three or more non-related adults, and collects payments or third party payments to pay for the provision of assistance with activities of daily living. Assisted living facilities are for frail elders who do not require 24-hour skilled nursing care. Assistance with dressing, bathing, eating, housekeeping, medicine monitoring, and other activities of daily living may be provided, along with an array of services, from meals to social and wellness activities. All assisted living residences are required to be certified by the Executive Office of Elder Affairs.**

**Awning, Continuous**

A roof like covering, as of canvas, stretched upon a frame that is affixed to a building to cover a

business front and used above or before any place as a shelter from rain or sun.

## 2.2 B

### Banking and Financial Services

A financial institution regulated by the Commissioner of Banking for the Commonwealth of Massachusetts. Uses related to the exchange, lending, borrowing, and safe-keeping of money.

### Bakery

An establishment that primarily bakes food products such as cakes, breads, cookies, pies, pastries, and similar goods, exclusively intended for off-site consumption. A bakery may not offer drive-through window service.

### Base flood elevation

Base flood elevation is the height of the flood waters resulting from a flood having a one percent chance of being equaled or exceeded in any given year, which is also known as a 100-year flood.

### Basement

A portion of a building, partly underground, which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground.

### Bed and Breakfast

An owner-occupied one family dwelling offering temporary lodging accommodations for travelers, operated under an Innkeeper's license from the ~~Board of Selectmen~~ **Select Board**, and subject to any requirements of the Massachusetts Department of Public Health and the Burlington Board of Health. No Bed and Breakfast shall have more than 4 rooms to rent, nor shall any one room be rented by more than 3 unrelated people. Guest rooms shall not be provided with separate cooking facilities. Meals may be prepared and served from a central kitchen facility.

### Body Art

The practice of physical body adornment by licensed practitioners utilizing techniques including, but not limited to, body piercing, tattooing, cosmetic tattooing, branding and scarification. Body piercing shall include puncturing or penetrating the skin of a person, not including the ear, for the purpose of inserting jewelry or other adornment. No practitioner of body art shall practice, and no establishment in which body art is applied shall be operated without a license issued by the Board of Health. Body Art establishments shall not be located within one thousand (1,000) feet of each other, within five hundred (500) feet of the nearest lot line of a place of worship or a building used for religious purposes, or within one thousand (1,000) feet of a school, nonprofit educational use, library, or museum.

### Brewery, Distillery, Cidery, Winery

An establishment that uses equipment and/or processes for the large scale production, packaging, and distribution of malt, spirituous, or vinous beverages pursuant to G.L. c. 138, §19 and relevant federal

statutes. Such establishment may include on-site sampling via a taproom or counter, restaurant, the sale of permitted beverages produced on the premises to consumers for off-site consumption, and the sale of commercial goods branded by the establishment.

### Building

A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

### Building, Accessory See Use or Structure, Accessory

### Building Area

The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

### Building, Attached

A building having any portion of one or more walls in common with adjoining buildings.

### Building Coverage

The building area expressed as a percent of the total lot area.

### Building, Detached

A building having open space on all sides.

### Building Front

A building front is the side of a building that is nearest to the street.

### Building Height

The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges, for gable, hip and gambrel roofs. This definition excludes penthouses, bulkheads and other allowable superstructures above the roof line.

### Building, Principal

A building in which is conducted the principal use of the lot on which it is located.

## 2.3 C

### Carport

**A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.**

### Caterer/Wholesale Food Production

An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

### Cellar

**A portion of a building, partly underground, which has less than one-half of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground.**

### Child Care Center

Any day care center or school age child care program, as defined under M.G.L. Chapter 15D, Section 1A, and as may be amended from time to time, however named, which receives children for temporary custody on a regular basis.

### Collaborative Workspace

A commercial or non-profit organization providing individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent desks, dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.

### Community Garden

A private or public facility for collaborative cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family

### Compliance Guidelines

Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time. Applicable to the MBTA Communities Multi-family Overlay District (MCMOD) in Section 8.6.0.

### Conference Center

A facility used for governmental and service organizations, business and professional conferences, and seminars along with associated vendor halls and accessory functions. A conference center must be associated with a hotel, restaurant, municipal building or office park.

### Congregate Living Facility

A noninstitutional shared living environment which integrates shelter and service needs of functionally impaired and/or socially isolated seniors who are otherwise in good health and who do not require constant supervision or intensive health care as provided by an institution. Each resident or couple shall have an individual bedroom and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other senior persons, such as in a common dining facility.

### Continuing Care Retirement Community

A facility that includes combinations of independent living, congregate living, assisted living, and long term care facility (nursing home) within a single facility or on the same tract, offering lifetime housing and a variety of health care, social, and recreational services. (also known as Life Care Community)

### Convalescent Home

~~Any institution, however named, whether conducted for charity or profit, which is to be maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing, convalescent care or purposes related to the principal use of such institution.~~

### Contractor Services

Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling, and related sales and services.

### Convenience Store

A retail store that is designed and stocked to sell food, beverages, lottery, **smoking supplies**, and other household supplies to customers. It is designed to attract a large volume of stop-and-go pass-by traffic.

### Creative Workspaces & Industrial Arts Facilities

Organizations providing multipurpose collaborative workplace facilities and business planning, finance, and multi-purpose facilities dedicated to providing space for various creative enterprises. The subcategory includes arts centers, creative incubators, culinary incubators, design & innovation centers, fabrication laboratories, and their substantial equivalents.

### Custodial Care Facility

~~A facility that provides nonmedical care addressing the patient's personal needs, such as bathing, dressing, and eating. Such care may be provided by people without professional medical skills or training.~~

## 2.4 D

### Data Center

Uses providing information storage and processing services to other businesses or end users through a collection of computer servers and related information technology infrastructure. **This use shall not establish commercial wells and must connect to the public water supply. Proof of approval by the local electric utility company must be provided.**

### Demolition

The act of pulling down, destroying, removing, or razing a building or structure, in whole or in part (including the demolition of exterior walls or roof), or commencing such work with the intent of completing the same, all as determined by the Inspector of Buildings; provided, however, that the term "demolition" shall not include the ordinary maintenance or repair or an addition to any building or structure.

### Distribution Facility

A facility where goods are received and/or stored for processing, fulfillment, and delivery to customers.

### District

A zoning district as established by Article III of these Bylaws. In addition, there are Wetlands, Flood Plain, Aquifer, Water Resource, **Wireless Communications, MBTA Communities Multi-Family**, Civic Center and Central Business overlay districts.

### Dormitory

A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to two (2) individuals per room, with common bath and toilet facilities and without individual cooking facilities.

### Drive-Through

A building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service.

### Driveway

An open space, which may be paved, located on a lot, built for access to a garage, or off-street parking or loading space.

### Drugstore/Pharmacy

An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.



#### Dwelling, Garden Apartments

A multi-family complex typically characterized by low-rise buildings, usually no more than three stories, surrounded by landscaped green spaces such as gardens, lawns, and trees.

#### Dwelling, Multi-Family

A building designed and used as living quarters and habitation by four (4) or more families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters.

#### Dwelling, One Family

A building used exclusively and continuously or at intervals, singly and apart from any other building, as living quarters and habitation by one family, containing cooking, bathroom and sleeping facilities.

#### Dwelling, Residential Unit

A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

#### Dwelling, Three-Family

A building used as living quarters and habitation by three families, containing separate cooking, bathroom and sleeping facilities in each of the three living quarters. The configuration of units must be in a side-by-side layout, not vertically above one another.

#### Dwelling, Townhouse/Rowhouse

An attached single-family residential dwelling unit located on individual or common lots. Each unit has a separate entrance from the street and separated from other units by a common wall.

#### Dwelling, Two-Family

A building used as living quarters and habitation by two families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters.

## 2.5 E

#### Educational Uses, For Profit

For profit/taxable schools or educational uses for the operation of such as business which shall include, but not limited to the following uses: trade, music, dance, and art.

#### Elderly Housing

Any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the Secretary of Elder Affairs **M.G.L Chapter 19D§1**, and which was never licensed under M.G.L.

## Chapter 111.

### Erected

The word "erected" shall include the words "attached," "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."

### Essential Services

Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead transmission or distribution systems for gas, electricity, steam, water, communications, supply, or sewage.

## 2.6 F

### Family

**One (1) or more persons living together in one (1) dwelling unit as a single nonprofit housekeeping unit as distinguished from a group occupancy, a boarding house, rooming house, club, hotel or other communal arrangements.**

~~One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided, that a group of five (5) or more persons who are not within the second degree of kinship to each other, as defined by civil law, shall not be deemed to constitute a family.~~

### Family Child Care Home

Any private residence which on a regular basis receives temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs and as in accordance with M.G.L., Chapter 15D §1A.

### Farmers Market

A market, usually held out-of-doors, where farmers can sell their produce, other edible farm products, flowers, fireplace wood, preserves and similar products to the public. Products at such markets should be locally and/or regionally grown. Farmers Markets are subject to regulation by the Board of Health.

### Filling Station

Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, where the following services may be rendered and sales made, and no other:

- (a) Sales and servicing of spark plugs, batteries, and distributor parts;
- (b) Tire servicing and repair, but not recapping or re-grooving;
- (c) Replacement of mufflers and tailpipes, water hose, fan belts, brake fluid, light bulbs,

fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;

- (d) Radiator cleaning and flushing, including removal and replacing;
- (e) Washing and polishing, and sale of automotive washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, water pumps and lines;
- (h) Minor servicing, replacement and repair of carburetors;
- (i) Emergency wiring repairs;
- (j) Adjusting and repairing brakes;
- (k) Servicing of front end including ball joints;
- (l) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (m) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to the principal operation. The maximum floor area that may be allocated to the display and sales of such convenience items, and of customer accessible automotive parts, including aisle, shelving, counters, customer accessible cooler shelves, and transaction area, shall not exceed 350 square feet. Exterior display of such convenience items shall be prohibited;
- (n) Provision of road maps and other informational material to customers; provision of restroom facilities;
- (o) Safety inspections.

#### Fire Lane

An open space in which no building or structure may be erected and in which no automotive vehicles may be parked, except that buildings may be interconnected by corridors or walkways if provision is made for access by fire apparatus to all outside walls. The open space shall be between a building and a line parallel to and fifteen (15) feet equidistant from a building.

#### Fitness Center

An indoor establishment, providing space or facilities for physical exercise, fitness and health, occupying more than 5,000 square feet but not more than 20,000 square feet.

#### Fitness Studio

An indoor establishment, providing space or facilities for physical exercise, fitness and health, occupying not more than 5,000 square feet

## Floor Area, Floor Area Ratio, and Maximum Floor Area Ratio

### Floor Area, Gross

The floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

### Floor Area, Net

The actual occupied area within a building, not including accessory unoccupied areas or thickness of walls.

### Floor Area Ratio (FAR)

The ratio of the sum of the gross floor area of all buildings on a lot to the total land area of a lot.

### Floor Area Ratio, Maximum

Where a Maximum Floor Area Ratio is given, it shall mean that in no case shall the Floor Area Ratio (FAR) provided in Section 5.2.0 of Article V be exceeded, except as otherwise provided for in Section 5.1.10 of Article V. For purposes of this bylaw, the Gross Floor Area of a parking structure or structures shall not apply to the Maximum Floor Area Ratio.

### Food Hall, Public Market

A facility comprised of one or more retailers where food and beverages are prepared and offered for sale to patrons for consumption on and off the premises. The incidental sale of retail items is also permitted.

### Frontage

The property line adjacent to (a) a public way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved, endorsed and constructed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Burlington, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Frontage shall be measured in a single continuous, uninterrupted line along a street or streets.

### Function Facility

An establishment which is rented for the purpose of hosting private parties, conferences, banquets, weddings or other social events.

### Funeral Home

A facility where the deceased are prepared for burial display and for rituals before burial or cremation. Such facilities may include chapels and showrooms for the display and sale of caskets,

vaults, urns, and other items related to burial services.

## 2.7 G

### Garage, Auto Repair

Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained.

### Garage, Residential

Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

### Garage, Municipal Maintenance

A building dedicated to the upkeep of public facilities.

### Garden Center

Places at which garden plants and equipment are sold, but generally not raised, in addition to related tools and accessories.

### Golf Course, Standard or Par Three

Course, including customary accessory buildings, where tee to hole distance averages not less than 80 yards.

### Green Space

An upland area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes. Retention areas and designated wetlands are not Green Space.

### Groundwater, Estimated Seasonal High Groundwater Table (ESHGWT)

The estimated highest level to a zone of saturation in the soil in most years under normal wet season, as determined by a Licensed Soil Evaluator. **(See Section 5.1.6)**

### Group Care Facility

A type of group quarters operated under the auspices of the Department of Mental Health or the Department of Developmental Services in which a group of up to eight (8) individuals not related by blood, marriage or adoption live together as a single housekeeping unit under a common housekeeping management plan in which some form of health care is provided.

## 2.8 H

### Hardware Store

A facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

### Hazardous Material

As defined by M.G.L Chapter 21E§2, material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human, health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. This term shall not include oil. The term shall also include all those substances which are included under 42 U.S.C. § 9601(14), but is not limited to those substances.

### Hazardous Waste

As defined by M.G.L Chapter 21C§2, a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential threat to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

### Hazardous Waste, Very Small Quantity Generator of (VSQG)

A facility which does not generate more than an average of 100 kilograms (220 pounds) per month on a yearly basis, nor accumulates at any one time 600 kilograms or more, of regulated recyclable material or non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.125 and 30.130 through 30.135, and further does not generate or accumulate any regulated recyclable material or acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

### Historically Significant Building or Structure

Any building or structure located within the Town which was, in whole or in part, constructed one hundred (100) or more years prior to the date of application for a demolition permit, and (a) which is listed on or is within an area listed on the National or State Register of Historic Places or is the subject of a pending application for such listing; or (b) which is or has been designated by the Burlington Historical Commission to be a historically significant building or structure, or which the Historical Commission finds to be eligible for such designation, following a finding by the Historical Commission; or (c) which is listed in the Cultural Resources Inventory adopted by the Planning Board:

- i. is associated with one or more historical persons or events, or with the cultural, economic, social or political history of the Town or Commonwealth; or
- ii. possesses architectural value or significance in terms of period, style, method of construction, or
- iii. is associated with a historically prominent architect or builder, either by itself or in conjunction with a group of buildings or structures.

#### Home Occupation 1

Use of a portion of a dwelling as an office by a physician, dentist or other professional person residing in the dwelling, incidental to such residence provided there is no display or advertising other than a permitted sign.

#### Home Occupation 2

Home occupations provided there is no display or advertising other than a permitted sign.

#### Hospital

Any institution, however named, licensed by the Commonwealth of Massachusetts as a hospital, acting through the Department of Public Health or any successor agency, whether operated for charity or as a nonprofit, which is maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution, including related facilities such as hospital diagnostic laboratory, outpatient departments, patient pharmacy, stock room, physical therapy, staff and administrative offices.

This definition is not intended to excuse a hospital from the requirements of Section 4.2.7.4 of the Use Table or any other section of Article IV, "Use Regulations", of the Burlington Zoning Bylaws.

#### Hotel

A building or buildings containing not less than forty (40) sleeping rooms for a fee, for transient guests accessed primarily from interior lobbies or halls, and customary lodging services, including maid service, furnishing and upkeep of furniture and bed linens, and telephone and desk service for resident or transient guests with a provision for serving food in a dining room, but no cooking in rooms occupied by guests. A full service hotel shall include conference and meeting rooms, restaurants and recreational facilities. (See 10.2)

#### Hotel, Motor **Hotel** or Motel

A building or buildings containing sleeping rooms for a fee, for transient guests, accessed through an individual exterior door per unit or room without cooking facilities in rooms occupied by guests. (See 10.2)

#### Hotel, Residence

A building or buildings containing not less than fifty (50) sleeping rooms for a fee, for transient guests which may provide for snacks or continental breakfast, in a public space, but not a formal restaurant or dining room for which additional charges are made, and which may also provide for

cooking and private dining in individual rooms. A residence hotel/motel shall be located within 1,500 feet of Route 3 or Route 128/95. (See 10.2)

#### Household Goods Repair and Service

Establishments for the repair of radios, televisions, appliances, and other household goods.

## **2.9 I**

#### Impervious Surface

Any surface which sheds water rather than absorbing it, such as roofs and roads, and has a runoff coefficient of ninety (90) percent or higher.

#### Independent Living Facility

A facility that provides residential accommodations for older adults. These residences may include common areas, a common dining facility, and space for the provision of social, psychological, and educational programs. Home health care or other community based services may be used on an individual basis. Meals, linen and housekeeping services may be offered. There may be some maintenance staff, but there is no medical or supervisory staff.

#### Incidental Retail - Service Uses

Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed.

#### Incidental Food Uses

Retail and food uses such as cafeterias, soda or dairy bars, dining halls, delicatessens, lunch counters wholly within the same building as the principal permitted use, conducted primarily for convenience of employees and guests with no exterior advertising display.

#### Incidental Retail and Restaurant

Retail stores and restaurants wholly within the same building as the principal permitted use available to the public with exterior advertising display.

#### In-Law Area

A second dwelling area located within a structure constructed as a detached one family dwelling, not exceeding 30% of the net floor area of the structure, and not internally separated from the main dwelling area, in a manner that maintains the appearance of the structure as a one family unit. The owner of the dwelling shall occupy either of the dwelling areas. There shall be no more than one in-law areas within a one family dwelling.

#### Inn

A building designed and used to provide temporary (not to exceed 30 days) accommodations for travelers, including sleeping quarters and bathroom facilities, but not cooking facilities, operated



under an Innkeeper's license from the Select Board. Meals may be prepared and served from a central kitchen/dining facility.

#### Inspector of Buildings

The person occupying the office of the Inspector of Buildings or is otherwise authorized to issue demolition permits.

#### Interim Wellhead Protection District Area

An area of one half (1/2) mile radius may be extended around any proposed public water supply well for which a Zone II has not been defined, within which all regulations and restrictions pursuant to this Bylaw shall apply. For wells with approved yields less than 100,000 gallons per day (GPD), the radius of the Interim Wellhead Protection Area shall be determined in accordance with Massachusetts Department of Environmental Protection (DEP) Division of Water Supply (DWS) Policy for Small Wells, DWS Policy 9201, issued June 10, 1992. An Interim Wellhead Protection Area shall not be in effect unless such radius is reflected as an amendment to the Aquifer and Water Resource District Map and adopted by Town Meeting.

## **2.10 J**

## **2.11 K**

#### Kiosk

Free standing business structure, by whatever name, of less than 144 square feet for drive up or walk up window service.

## **2.12 L**

#### Leachable Wastes

Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing waterborne contaminants to the environment.

#### Laboratory

A designated area within a building equipped to conduct scientific experiments, tests, research, experimental and testing activities including but not limited to, the fields of chemistry, electronics, engineering, geology, non-biologics medicine and physics.

#### Laboratories, Diagnostic Medical

Laboratories appurtenant to offices of physicians and dentists.

### Laboratories, Life Science - Research and Development

Life Science laboratories engaged in research, prototype manufacture, experimental and testing activities including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental and biomedical devices, subject to the regulations of the Board of Health. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.

### Laboratories, Life Science - Commercial Manufacturing

Life Science laboratories engaged in the manufacture of life science technologies and medicines for commercial production to the market including, but not limited to, the fields of pharmaceuticals, biomedical technologies and engineering, life systems technologies, environmental, biomedical devices, subject to the regulations of the Board of Health. Biosafety Level 4 (BL-4) laboratories, as defined by the Centers for Disease Control and Prevention, are prohibited in Burlington.

### Life Science

Research, development and prototype manufacturing utilizing microorganisms or biological substances in the fields of Life Science, biotechnology, medical, pharmaceutical, environmental science, immunology, microbiology, virology, toxicology, rDNA, comparative medicine, genome research, cell biology and apparatus, machines and devices for research, development, pharmaceuticals, biomedical technologies, life systems technologies, environmental and biomedical devices manufacturing and advance and practical application in any such field or areas. Life Science and Biotechnology uses are subject to all federal, state and local regulations and best management practices including but not limited to the Burlington Board of Health Regulations for the Use of Recombinant DNA Technology, the National Institute of Health Guidelines for Research Involving recombinant DNA Molecules, and the Biosafety in Microbial and Biomedical Laboratories (BMBL).

### Liquor Store

Any alcoholic beverage sales establishment primarily involving the sale of beer, wine or distilled spirits for off-site consumption.

### Live/Work Building or Studio

~~An attached residential building type with one owner-occupied dwelling unit and one ground floor commercial unit.~~

### Loading Space

An off-street space which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one (1) vehicle.

### Long-Term Care Facility

An institution, or distinct part of an institution, which is licensed or approved by the Massachusetts Department of Public Health to provide twenty-four hour health care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. For the purposes of this bylaw, it includes: extended care facility, intermediate care facility, nursing home, ~~convalescent home~~, and rest home.

### Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one (1) ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot. Land determined to be wetlands shall not be included as part of the lot for purposes of determining the lot area. A lot for the purpose of this Bylaw may or may not coincide with a lot of record.

### Lot, Corner

A lot bounded by more than one (1) street which has an interior angle of one hundred thirty-five (135) degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such lot or by an extension of such street lines. A lot bounded by one (1) street shall be considered a corner lot when the tangents or straight segments of the street line between the sidelines of the lot form, or would form if extended, an interior angle of one hundred five (105) degrees or less.

### Lot Depth

The mean horizontal distance between the front lot line and the rear lot line.

### Lot, Interior

A lot, other than a corner lot, with only one (1) frontage on a street.

### Lot Line, Front

The property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as an address and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front line lot line.

### Lot Line, Rear

A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the street frontage.

### Lot Line, Side

Any lot line not a front or rear lot line.

### Lot, Nonconforming

A lawful unoccupied lot which existed as a lot of record at the effective date of this Bylaw or any subsequent amendment thereto, or any occupied lot which is not in conformity with the provisions of this Bylaw.

### Lot, Through

A lot other than a corner lot that is bounded by more than one street. In the case of a through lot,

when a lot is bounded by more than one street, any one of them but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is addressed on such frontage street.

#### Lot Width

The minimum distance between any two opposing lot lines

#### Lowest floor

The lower floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lower floor, provided that such enclosure is built in compliance with the provisions of Subsection 8.1.6(4).

## 2.13 M

#### Manufactured Home

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and shall not include prefabricated homes. For floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

#### Manufacturing

Uses that process, fabricate, assemble, treat, or package finished parts or products without the production or use in large quantities of hazardous or explosive materials. Operations may include the storage of materials, loading and unloading materials, and distribution of finished products.

#### Manufacturing, Light

Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

#### Manufacturing, Prototype

The manufacture of an original, full-scale or partial scale model of a new product or new version of an existing product which will be mass manufactured elsewhere.

#### Massage Therapy

The act of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing, kneading, guiding, or the like by manual or mechanical means, or as directed by the practitioner, for the purpose of invigorating, relaxing, or increasing physical and/or emotional wellbeing. Massage Therapy shall be accessory to an athletic club, health club, school, gymnasium, reducing salon, spa, medical office, or similar establishment, and may only be administered by a medical practitioner,

chiropractor, massage therapist, acupuncturist, physical therapist, or similar professional person licensed, certified, or exempted by the Commonwealth of Massachusetts.

#### MBTA

Massachusetts Bay Transportation Authority

#### Medical Offices, Center, or Clinic

An establishment providing outpatient health services involving the diagnosis and treatment of physical or mental ailments and disorders, including doctors, dentists, mental health practitioners, physical therapists, and their substantial equivalents. A medical office, Center or Clinic building does not include overnight care facilities.

#### Membership Club, Private

A building used to house a social, sports or fraternal association or organization if used exclusively by members and their guests. See Recreation Facility.

#### Membership Club, Public

A building used to house a social or sports association or organization used by members and their guests, and open to the public.

#### Mixed Use - Attached Dwellings

A building that typically accommodates a variety of ground floor commercial uses and upper-floor residential and office uses at a scale that is compatible and complimentary to its given district.

#### Mixed Use Development

A development containing a mix of residential uses and non-residential uses, including, without limitation: commercial, institutional, industrial or other uses on one lot or a group of contiguous lots owned or controlled by the same entity or unrelated entities that have developed a common development scheme. It also refers to a land use pattern that seeks to increase concentrations of population and employment in well-defined areas with a mix of diverse and compatible land uses all conceived, planned and integrated to create vibrant, workable, livable and attractive neighborhoods.

#### Mobile Food Market, Vendor Court

A market where groups of individual sellers utilizing food trucks, trailers or other mobile installations, offer items such as fresh produce, arts and crafts, and food and beverages.

#### Mobile Home, Temporary

A mobile home to be used for a predetermined period of time, which time may be extended by the Inspector of Bldgs. for the occupancy of a family whose dwelling has been damaged by fire or other cause until their permanent dwelling has been repaired or rebuilt. The limit of time, including extensions, shall not exceed a period of one (1) year.

### Motor Vehicle General Repair and Maintenance

An establishment, garage or work area enclosed within a building where repair, installation, or maintenance of all components of motor vehicle services are provided. This excludes body work, painting, and the storage of vehicles for the cannibalization of parts. This establishment may also provide retail gasoline, motor vehicle detailing services, oil and lubrication stations with the incidental sale and installation of tires and other automobile accessories, maintenance and minor repairs of motor vehicles.

### Motor Vehicle Body Painting and Body Repair

An establishment, garage or work area enclosed within a building where repairs are made to motor vehicle bodies, including fenders, bumpers and similar components and may offer fuel sales. The establishment may not store vehicles for the cannibalization of parts.

### Motor Vehicle Dealership Structured Parking Facility

Facility which may include integrated structured parking, provided said use is located on a lot abutting an Automobile Dealership use existing as of the date of the adoption of this subsection 4.2.5.10, and provided that the lot is located within 200 feet of Route 128/95 highway or ramp layout and at least 200 feet from the nearest One Family Dwelling (RO) residential zoning district boundary. Any Automobile Dealership allowed pursuant to this Section 4.2.5.10 (including the existing Automobile Dealership) shall be limited to a single brand at each location. Said lots comprising the existing and proposed Automobile Dealership uses shall be deemed to be one lot for density regulation and parking purposes (consistent with Section 5.2.0, Note 9.)

### Museum

An establishment in which objects of artistic, cultural, historical, or scientific interest are stored and exhibited.

### Municipal

Officially owned, operated, or used exclusively by the Town of Burlington.

## **2.14     N**

### Nonconforming Use

A use of a building structure, or premises that does not conform to a use regulation prescribed by these Bylaws for the district in which it is located, but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

### Nonconforming Building, Structure, or Premises

A building structure, or premises that does not conform to a dimensional regulation prescribed by these bylaws for the district in which it is located or to regulations for off-street parking, off-street loading, or accessory structures, or buildings, but which building, structure, or premises was in existence at the time the regulation became effective and was lawful at the time it was established.

### Non-Profit Institution

Places primarily used for nonprofit educational corporations, including museums, libraries, art galleries, recreational facilities, and related facilities.

### Nursery

The business of propagating plants, including trees, shrubs, vines, seed, grass, live flowers and other plants and the storage and selling of such plants grown on the premises, and premises used therefore.

### Nursing Home (See Long Term Care Facility)

## 2.15 O

### Office

A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also a place in which a professional person conducts his professional business.

### Open Area, Percentage

The percentage of the lot area which is not occupied by any structure.

### Open Space Residential Development

A development of a residential lot or lots in which a portion of the land within the subdivision is set aside as permanently protected open space (see Section 11.6)

### Outdoor Storage Area

A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

### Outdoor Storage of Motor Vehicles

Facility intended for sale to the general public, incidental and subordinate to an Automobile Dealership use existing as of the date of adoption of this subsection and located on an abutting lot. Such storage must be located at least 1,100 feet from the nearest residential zoning district boundary. The Planning Board shall determine the maximum number of vehicles to be stored on such parcel. Access to the parcel upon which such storage occurs shall be from the lot upon which the Automobile Dealership is located. (Adopted 9/16/1991).

### Outdoor Merchandise Display

A outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service.

## Owner

The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

# 2.16 P

## Parapet

A wall or railing that runs along the edge of the roof of a building.

## Parking, Public Facility

Motor vehicle parking facility operated by the Town or private entity that is at grade and available to the public at-large. Such facility may charge an hourly, daily, or monthly fee.

## Parking Space

An off-street space inside or outside a structure for exclusive use as a parking stall for one (1) motor vehicle.

## Parking Lot

An off-street ground level improved area including paved parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of motor vehicles.

## Parking Structure

Parking spaces and adjacent access drives, aisles, and ramps that are located in a structure with one or more levels, used exclusively for the parking or storage of motor vehicles.

### Parking Structure, Detached

A stand-alone Parking Structure composed of more than one level. Detached Structured Parking may be totally below grade (underground) or either partially or totally above grade with those levels being either open or enclosed.

### Parking Structure, Integrated

A Parking Structure integrated within a building. Integrated Structured Parking may be below the finished floor area, and either below grade (underground) or partially or totally above grade with those levels being either open or enclosed.

## Parking Deck

An elevated Parking Structure composed of one level. A Parking Deck may be partially or totally above grade with those levels being open, enclosed or integrated into the grade of the site.



### Parklet

An area available to the public for recreational use that occupies a portion of a parking lot or parking lane that is closed to motor vehicle parking.

### Pedestrian Scale

The proportional relationship between the dimensions of a building or building element, street, outdoor space or streetscape element and the average dimensions of the human body, taking into account the perceptions and walking speed of a typical pedestrian.

### Penthouse, Mechanical

A non-habitable structure above the roof line of a building, comprising less than thirty-three and one-third (33 1/3) percent of the roof area for equipment incidental to the building.

### Personal Services

An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

### Premises

One (1) or more abutting lots, or lots separated only by a street, in the same ownership or use, together with all buildings and structures thereon.

### Primary Aquifer Recharge Area

Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

### Printing and Copying Services

Printers and similar shops or trades provided that all work shall be of custom or job order type for sale on the premises and that there shall be no production for stock or for wholesale.

### Professional Offices

Establishments providing direct services to consumers, such as administrative, executive, real estate, lawyers, insurance, distribution, wholesale, tailoring and similar enterprises.

### Professional Services

Any establishment whose primary activity is the provision of assistance, as opposed to products including but not limited to photographers (excepting photo processing), decorators, stationers, tailoring establishments and travel agencies.

### **Prototype Manufacturing**

**The manufacture of an original, full-scale or partial scale model of a new product or new version of an existing product which will be mass manufactured elsewhere.**

#### **Public**

Officially owned, operated, or used by the Town of Burlington, the Commonwealth of Massachusetts, the United States of America, or any office, department, or agency thereof.

#### **Public Water and Sewer Distribution Structures**

Any building, structure, or facility erected and/or maintained by the Town of Burlington for the purposes of supplying and distributing public drinking water or the collection and disposal of sanitary sewage.

## **2.17     Q**

## **2.18     R**

#### **Recorded**

Duly and properly filed in the appropriate Registry of Deeds or Land Court registration office.

#### **Recreation Facility, Indoor Commercial**

A structure for recreation, fitness, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Indoor commercial recreation may include dance halls, skating rinks, bowling alleys, health clubs, dance studios, or similar uses conducted for or not for profit.

#### **Recreation Facility, Outdoor Commercial**

Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this bylaw.

#### **Recreational Trailer or Vehicle**

A vehicular, portable unit designed for travel, camping or recreational use excluding Mobile Homes and House Trailers, and including the following:

##### **Travel Trailer**

A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.

### Pickup Camper

A portable dwelling unit designed to be mounted on a pickup truck or chassis, whether or not so mounted.

### Motorized Camper

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

### Tent Trailer

A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.

### Boat Trailer

A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

### Registered Marijuana Dispensary (RMD)

Registered Marijuana Dispensary means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, stores, processes (including development of related products such as edible MIPs (Marijuana Infused Products), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

### Religious Institution (Places primarily used for religious purposes)

A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious activities and purposes.

### Repair

With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

### Repair, Auto (See Garage, Auto Repair)

### Research and Development

Research, development, and testing activities that do not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard.

### Residential

Shall include one and two and three family dwellings and multifamily buildings. (See Dwelling)

Rest Home - See Long Term Care Facility.

### Restaurant

An establishment serving food and drink to patrons seated in a dining area, with service being provided to the patrons by wait staff. Takeout orders may be permitted as an incidental and subordinate percentage of the business. A restaurant may not offer drive-through window service.

### Restaurant, Fast Order Food Establishment

An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold and (d) primarily prepared in advance of a specific order for such food. Establishments which do not provide direct table service to their patrons shall be considered fast-order food establishments. Establishments providing primarily takeout service or delivery service shall be considered fast order food establishments. Establishments where the patrons order at a counter or window and carry the food order to a table shall be considered fast order food establishments.

### Roadside Stand

Premises for sale of edible farm products, flowers, fireplace wood, preserves and similar products, all of which have been produced or grown within Burlington, on land owned by the owner of the stand; no goods except plants, flowers, fireplace wood and edible farm products shall be stored or offered for sale outdoors.

### Retail, Experiential & Commercial Interactive Venue

The use of a retail tenant space for in-store experiential uses through engaging activities, sounds, motion, or special settings, including virtual reality and multimedia. Includes interactive uses that may be immersive and or allow for participation such as small-scale bowling, sport-oriented, theaters which may only be permitted in combination with a Restaurant or Fast Order Food Establishment as defined herein.

## 2.19 S

### Screening

A solid fence, wall or evergreen planting.

### Section 3A

Section 3A of **M.G.L. Chapter 40A, also known as** the Zoning Act. Applicable to the MBTA Communities Multi-family Overlay District (MCMOD) in Section 8.6.0

### Self-Storage Facilities

A building or group of buildings consisting of individual, self-contained units with interior or exterior access leased to individuals, organizations, or businesses for self-service storage of non-hazardous personal property, goods, products, materials or objects.

### Short-Term Rental

The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than twenty- eight consecutive calendar days for a fee. A Short -Term Rental may or may not be facilitated through a Booking Agent. A Short-Term rental is a property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least one room or unit is rented. A short-term rental includes but is not limited to an apartment, house, cottage, and condominium or other accommodation.

### Single-User Shared Transport Station

An area where a user may obtain a shared vehicle, bike etc. as a personal rental thus creating a hybrid between private vehicle use and mass or public transport.

### Solar

#### Solar Energy System

An active solar energy system that converts solar energy directly into electricity and/or other forms of energy, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy.

#### Solar Energy System, Ground-Mounted

An active Solar Energy System that is structurally mounted to the ground and is not mounted to a structure.

#### Solar Energy System, Roof-Mounted

An active Solar Energy System that is structurally mounted to the roof of a building or structure;

### Special Permit

A use of structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the special permit granting authority and in accordance with provisions of Article IX of this Bylaw.

### Storage

Buildings or part of buildings used for the storage of personal items and/or consumer goods.

### Storefront

The side of a store or store building facing a street.

### Story

That portion of a building contained between any floor and the floor or roof next above it, but not including a cellar or a basement if its ceiling is less than six (6) feet six (6) inches above the average finished grade or the uppermost portion so contained if under a sloping roof and not designed or intended to be used for human occupancy.

### Street

Any public or private way, road, bridge, alley, right of way, square, court and sidewalk.

### Structure

Anything constructed or erected, the use of which demands a permanent location in the soil, or attached to something having a permanent location in the soil.

### Structure, Temporary

A structure intended for continuous use for not longer than one year.

### Substantial Improvements

Substantial improvements shall include rehabilitation, reconstruction and/or extension of an existing building where the value of construction as determined by the Inspector of Buildings exceeds 50% of the appraised fair market value of the buildings as determined by the Town of Burlington Appraiser/Assistant Assessor. For the purposes of this determination, "value of construction" shall include all construction work undertaken on the building for the past three year period together with proposed work. In the case of the repair of a damaged building, fair market value shall be based on the value of a building before it was damaged. Fair market value shall not include the value of the land nor site improvements and land costs or the cost of site improvements shall not be included in the estimate of the value of construction.

### Supermarket

Establishment where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

## **2.20 T**

### Theater, Performance

An ~~enclosed~~ space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations such as plays, dance, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries.

### Theaters and Cinemas

An establishment which is regularly used for the exhibition of motion pictures, live broadcasts or other similar performances on a regular basis to the general public.

### Town

Any part of the Town of Burlington.

### Toxic or Hazardous Materials

Refer to Article VIII, Section 8.3.4.3 "Hazardous Materials" and Section 8.3.4.4 "Hazardous Waste".

### Trailer

See Recreational Trailer

### Trailer, Temporary

See Mobile Home, Temporary

### Transportation Demand Management (TDM)

Strategies aimed at guiding, distributing and reducing travel demand with a focus on shifting travel away from single occupancy vehicles toward mass transit, walking, biking, and ridesharing.

### Trucking Terminal

A business which services or repairs commercial trucks.

### Transportation Terminal

Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the premises is also included.

## **2.21 U**

### Urgent Care Facility

A walk-in clinic focused on the delivery of medical care for minor illnesses and injuries in an ambulatory medical facility not inclusive of a traditional hospital-based facility or freestanding emergency department.

### Use

The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

### Use of Structure, Accessory

A use incidental and subordinate to the principal use of a building, structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

### Use, Principal

The main or primary purpose for which a building, structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.

### Use, Temporary

Use, operation or occupancy of a parcel of land, building or structure for a period not to exceed one (1) calendar year.

## **2.22      V**

### Variance

Such departure from the terms of this Bylaw upon appeal in specific cases, as the Board of Appeals is empowered to authorize.

## **2.23      W**

### Warehouse

An establishment engaged in long-term storage and distribution of products, supplies, and equipment.

### Wholesale Trade

An establishment primarily engaged in selling merchandise to retailers; industrial, commercial, institutional, construction contractors, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for, or selling merchandise to, such persons or companies. Wholesale trade is not direct retail sale to the consumer.

### Wireless Communication Facilities (WCF)

A facility for the provision of wireless communication service, including, but not limited to, towers, monopoles, antennas, antennas attached to existing structures and associated accessory structures, if any, which facilitate the provision of wireless communication services.

### Wireless Communication Services (WCS)

The provision for the following types of services: cellular telephone, personal communications and enhanced specialized mobile radio service.



## Watershed

Lands lying adjacent to watercourses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

## **2.24 X**

## **2.25 Y**

### Yard

#### Front

An open space extending across the full width of the lot and lying between the front lot line and a line parallel to the front lot line that touches the nearest point of the building.

#### Rear

An open space extending across the full width of a lot and lying between a rear lot line of the lot, and a line parallel to the front lot line that touches the furthest point of the building from the front lot line, or the corner of a triangular lot farthest from the front lot line.

#### Side

The space extending from the front yard to the rear yard between a building and the adjacent side of the lot on which said building is located.

## **2.26 Z**

### Zone I

The protective radius required around a public water supply well or wellfield.

### Zone II

That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams, or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

### Zone III

That land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the

groundwater drainage area and will be used to delineate Zone III. In locations where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

4.2.0 PRINCIPAL USE REGULATION SCHEDULE											
REF. NO	USE DESIGNATION	DISTRICT									
4.2.1	RESIDENTIAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	
4.2.1.1	Dwelling, One Family	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.2	Dwelling, 2-Family	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.3	Dwelling, 3-Family	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.4	Dwelling, Garden Apartments	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.5	Dwelling, Garden Apartments (Operated by the Burlington Housing Authority)	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
<u>4.2.1.6</u>	<u>Dwelling, Multi-Family</u>	<u>NO</u>	<u>SP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
<u>4.2.1.7</u>	<u>Dwelling, Townhouse/Rowhouse</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
4.2.1.8	Hotel	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP
4.2.1.9	Hotel, Residence	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP
4.2.1.10	Hotel, Motor Hotel or Motel	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO
4.2.1.11	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.12	Dormitories	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.1.13	One Family Dwellings (Operated by the Burlington Housing Authority)	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.14	Garden Apartment (Operated as Affordable and Subsidized Living Units)	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO

**RO** – Single-Family Residential  
**RG** – Garden Apartment District  
**RC** – Continuing Care District

**BN** – Neighborhood Business District  
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4.2.1.15	Tents, Trailers, Campers, and Mobile Homes	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.16	Dormitories (Other than those specified in 4.2.1.10)	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.17	Open Space Residential Development	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.18	Assisted Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.19	Independent Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.20	<del>Custodial Care Facility, Group Care Facility</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>NO</del>	<del>SP</del>
4.2.1.20	Congregate Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.21	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.1.22	Group Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.1.23	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

4.2.2	INSTITUTIONAL & RECREATIONAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I
4.2.2.1	Religious Institutions	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.2	Non-Profit Institution	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.3	Child Care Center	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.4	Family Child Care Home	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.5	Adult Day Health Center	NO	NO	YES	YES	YES	YES	YES	YES	YES
4.2.2.6	Cemeteries and Related Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.2.2.7	Fire Stations and Sub-Fire Stations	SP	SP	SP	YES	YES	YES	YES	YES	YES

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<b>4.2.3</b>	<b>AGRICULTURAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>	<b>I</b>
<b><u>4.2.3.1</u></b>	<b><u>All kinds of agriculture, horticulture and floriculture</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
<b><u>4.2.3.2</u></b>	<b><u>Garden centers; commercial greenhouses and nurseries (&lt; 5 acres)</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
<b><u>4.2.3.3</u></b>	<b><u>Commercial raising, boarding, breeding, or keeping of birds, fish, and animals; subject to the regulations of the Board of Health</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>SP</u></b>	<b><u>SP</u></b>	<b><u>SP</u></b>	<b><u>SP</u></b>
<b>4.2.4</b>	<b>OFFICE USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>	<b>I</b>
<b><u>4.2.4.1</u></b>	<b><u>Professional Offices</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>NO</u></b>	<b><u>SP</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>	<b><u>YES</u></b>
4.2.4.2	Professional Services	NO	NO	NO	SP	YES	YES	YES	YES	YES
4.2.4.3	Medical Offices, Center, or Clinic	NO	NO	NO	SP	YES	YES	YES	YES	YES
4.2.4.4	Public Offices	NO	NO	NO	NO	YES	YES	YES	YES	YES
4.2.4.5	Conference Center	NO	NO	NO	NO	NO	NO	NO	SP	SP
4.2.4.6	Collaborative Workspace	NO	NO	NO	SP	YES	YES	YES	YES	YES
4.2.4.7	Banking & Financial Services	NO	NO	NO	SP	YES	YES	YES	YES	YES
4.2.4.8	Data Center ( <b>&lt;50,000 sq. ft.</b> )	NO	NO	NO	SP	YES	YES	YES	YES	YES
<b>4.2.5</b>	<b>AUTOMOTIVE SALES AND SERVICE USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>	<b>I</b>
4.2.5.1	Motor Vehicle General Repair and Maintenance	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.2	Motor Vehicle Body Painting and Body Repair	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.3	Car Wash Establishments	NO	NO	NO	NO	NO	SP	NO	NO	NO
4.2.5.4	Retail Sales and Rental of Heavy Machinery and Vehicles	NO	NO	NO	NO	NO	SP	NO	NO	NO

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4.2.5.5	Automobile Dealership	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.5.6	Used Car Sales Establishment	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.5.7	Automotive Rental Agency	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.5.8	Outdoor Storage of Motor Vehicles (See 2.15) (at least 1,100 ft. from RO zone)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.5.9	Motor Vehicle Dealership Structured Parking Facility (See 2.13) (w/in 200 ft. of Rt. 128/95 and at least 200 ft. from RO)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.5.10	Fueling Station/Convenience Store	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BT	BG	IG
4.2.6.1	Personal Services	NO	NO	NO	SP	YES	YES	YES	NO
4.2.6.2	Convenience Store	NO	NO	NO	SP	SP	SP	YES	NO
4.2.6.3	Retail Stores (<= 10,000 sq. ft.)	NO	NO	NO	NO	YES	YES	YES	NO
4.2.6.4	Retail Stores (> 10,000 sq. ft.)	NO	NO	NO	NO	NO	NO	YES	NO
4.2.6.5	Supermarket	NO	NO	NO	NO	NO	NO	SP	NO
4.2.6.6	Post Offices	NO	NO	NO	NO	NO	NO	YES	SP
4.2.6.7	Household Goods Repair and Services	NO	NO	NO	NO	NO	NO	YES	NO
4.2.6.8	Laundry and Dry Cleaning Establishments (Other Than Pickup Stations or Self-Service)	NO	NO	NO	NO	NO	NO	YES	NO
4.2.6.9	Dry-Cleaning and Laundry Pickup Stations	NO	NO	NO	SP	YES	YES	YES	NO

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4.2.6.10	Restaurant, Fast Order Food and Take-Out	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.11	Restaurants	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.12	Bakeries and Delicatessen	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO
4.2.6.13	Commercial Kennel	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.14	Plumbing and HVAC Sales and Services	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.15	Contractor Services	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.16	Funeral Home	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.17	Laboratories, Diagnostic Medical	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.18	Kiosk	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.19	Massage Parlors	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.20	Massage Therapy	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.21	Photo Processing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.22	Printing and Copying Services	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.23	Adult Bookstore	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.24	Adult Club (See 10.3.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.25	Adult Paraphernalia Store (See 10.3.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.26	Adult Theater (See 10.3.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.27	Adult Video Store (See 10.3.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.28	Body Art	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.29	Self-Storage Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.6.30	Retail, Experiential & Commercial Interactive Venue (20,000 SF or Less)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

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4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BT	BG	IG
4.2.6.31	Retail, Experiential & Commercial Interactive Venue (Above 20,000 SF)	NO	NO	NO	SP	SP	SP	SP	NO
4.2.6.32	Pharmacy	NO	NO	NO	SP	SP	YES	YES	YES
4.2.6.33	Liquor Store	NO	NO	NO	SP	SP	YES	YES	YES
4.2.6.34	Pet Store	NO	NO	NO	SP	SP	YES	YES	YES
4.2.6.35	Hardware Store (< 15,000 sq. ft. gross floor area)	NO	NO	NO	SP	SP	YES	YES	YES
4.2.6.36	Caterer/Wholesale Food Production	NO	NO	NO	SP	SP	SP	SP	SP
4.2.6.37	Brewery, Distillery, Cidery, Winery with Tasting Room	NO	NO	NO	NO	NO	SP	SP	SP
4.2.7	INDUSTRIAL USES	RO	RG	RC	BN	BL	BT	BG	IG
4.2.7.1	Light Manufacturing	NO	NO	NO	NO	NO	NO	NO	YES
4.2.7.2	Research and Development	NO	NO	NO	NO	NO	NO	NO	YES
4.2.7.3	Printing Establishments (Other than those under 4.2.6.22)	NO	NO	NO	NO	NO	NO	NO	YES
4.2.7.4	Food Processors and Bakeries (Not operated for retail)	NO	NO	NO	NO	NO	NO	NO	YES
4.2.7.5	Laboratory	NO	NO	NO	NO	NO	NO	SP	SP
4.2.7.6	Laboratory, Life Science ( <i>Research &amp; Development</i> )	NO	NO	NO	NO	NO	SP	SP	SP
4.2.7.7	Laboratory, Life Science ( <i>Commercial Manufacturing</i> )	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.8	Wholesale Trade	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.9	Distribution Facility	NO	NO	NO	NO	NO	SP	NO	NO
4.2.7.10	Warehouse	NO	NO	NO	NO	NO	SP	NO	NO
4.2.7.11	Electronics Industries	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.12	Electroplating and Metal Finishing	NO	NO	NO	NO	NO	NO	NO	NO

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4.2.7.13	Hazardous and Toxic Materials and Chemicals Manufacture	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.14	Hazardous and Toxic Materials and Chemicals Use Storage, Transport, Disposal or Discharge	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.15	Commercial Hazardous Waste Storage and Treatment Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.16	Solar Energy System, Ground-Mounted	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
4.2.7.17	Generation or Storage of Hazardous Waste (Limited to the volumes classified as a very small quantity generator (VSQG))	NO	NO	NO	-	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.18	Generation or Storage of Hazardous Waste (In excess of the volumes classified as a very small quantity generator (VSQG))	NO	NO	NO	-	NO	NO	NO	NO	NO	NO	NO	SP
4.2.7.19	Creative Workspace and Industrial Arts Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
<b>4.3.0 ACCESSORY USE REGULATION SCHEDULE</b>													
<b>4.3.1</b>	<b>USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>				
4.3.1.1	Accessory Apartment	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.2	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.3	Home Occupation 1	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.4	Home Occupation 2	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.5	3- Car Garage (Not apply to farms).	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.6	Towers, antenna, windmills, and similar structures:												
	(a) towers and antennas for generation or transmission of telecommunication signals other than those covered by subsection 4.2.2.24 and Section 8.4.0	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

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	(b) antennas, other than satellite dish antennas, for the purpose of private reception of telecommunication signals, which antennas do not exceed 12 feet in height above the ground or 12 feet above the roof of a building on which they are mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES
	(c) towers, windmills and similar structures that do not exceed 12 feet in height measured from the ground	YES	YES	YES	YES	YES	YES	YES	YES	YES
	(d) towers, windmills and similar structures that exceed 12 feet in height measured from the ground	SP	SP	SP	SP	SP	SP	SP	SP	SP
	(e) satellite dish antennas that are 8 feet or less across at their greatest width <u>and</u> which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted <u>and</u> which are at least 100 feet away from property that is zoned RO One Family Dwelling	NO	SP	SP	YES	YES	YES	YES	YES	YES
	(f) satellite dish antennas that are greater than 8 feet across at their greatest width <u>or</u> which exceed 12 feet in height above the ground or the roof of a building on which they are mounted <u>or</u> which are located on or within 100 feet of property that is zoned RO One Family Dwelling	SP	SP	SP	SP	SP	SP	SP	SP	SP
	(g) Wireless Communications Facilities which are subject to Section 8.4.0 shall be permitted in the Wireless Communications Overlay Districts in accordance with the map depicting the districts and the provisions of Section 1.0 of the Zoning Bylaws	(refer to Wireless Communication C								
4.3.1.7	Outdoor parking of not more than one unregistered motor vehicle or one boat per dwelling unit	YES	YES	NO	NO	NO	NO	NO	NO	NO
4.3.1.8	Swimming Pool	YES	SP	SP	SP	SP	SP	SP	SP	SP
4.3.1	<b>USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>	

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4.3.1.9	Greenhouse (limited to 250 sq. ft. and not used for commercial purposes)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.10	Tennis Courts	YES	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.3.1.11	Bomb Shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.12	Roadside Stands (Limited to sales of produce grown on the premises)	SP	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.13	Sheds, Barns, and Similar Structures	YES	YES	YES	SP	SP	NO	NO	NO	NO	NO	NO
4.3.1.14	<del>Agriculture</del> <b>The keeping of 7 or more chickens</b>	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.15	Buildings and Structures Normally Accessory to Multi-Family Development	NO	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.16	Mobile Homes, Temporary and Trailers	YES	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES
4.3.1.17	Temporary Tents on Residential Sites	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.18	Family Child Care Home	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.19	Residential Garage (For more than three automobiles)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.1.20	Solar Energy System, Roof-Mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.21	Solar Energy System, Ground-Mounted	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
4.3.1.22	Community Garden	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>			
4.3.2.1	Incidental Retail - Service Uses	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.2	Incidental Food Uses	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
4.3.2.3	Incidental Retail and Restaurant	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.5	Protective Animal Keeping (More Than One)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

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4.3.2.6	Outdoor Storage of Supplies and Equipment (Incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions)	YES	NO	SP	NO	NO	NO	SP	SP	SP	SP
4.3.2.7	Off-Street Outdoor Overnight Parking of Freight-Carrying or Material-Handling Vehicles and Equipment or Buses	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES
4.3.2.8	Maintenance Shops, Power Plants, Machine Shops and Similar Structures to Support Permitted Uses	NO	NO	NO	NO	NO	NO	NO	SP	YES	YES
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO*
<b>4.3.2</b>	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>		
4.3.2.10	Parking Structure, Detached	NO	NO	NO	NO	NO	NO	NO	NO*	NO*	NO*
4.3.2.11	Parking Structure, Integrated	NO	NO	NO	NO	NO	NO	NO	NO*	NO*	NO*
4.3.2.12	Parking Deck	NO	NO	NO	NO	NO	NO	NO	NO*	NO*	NO*
4.3.2.13	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.14	On Premises Permanent Resident or Proprietor Unit	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.15	Warehousing Incidental to Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.16	Distribution Facility incidental to a Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP
4.3.2.17	Storage Facility (Incidental to a permitted principal use except hazardous and toxic materials/chemicals)	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES

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4.3.2.18	Self-Storage Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.19	Kiosks	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.20	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.21	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.22	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	NO	-	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.23	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.24	Temporary Tents on Non-Residential Sites	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.25	Child and Family Day Care	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.26	Farmer's Markets	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.27	Drive-Through Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.28	Solar (See Section 10.9.0)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.29	Solar Energy System, Roof-Mounted	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES
4.3.2.30	Solar Energy System, Ground-Mounted	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.31	Food Hall or Public Market	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2.32	Mobile Food Market, Vendor's Court	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP
4.3.2	<b>USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BT</b>	<b>BG</b>	<b>IG</b>				
4.3.2.33	Single-User Shared-Transport Station (Bike/Scooter/Moped)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES
4.3.2.34	Parklet	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.35	Outdoor Merchandise Display	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	SP

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<b>4.4.1</b>	<b>PRINCIPAL USES IN THE WETLANDS DISTRICT</b>	<b>RO</b>	<b>RG</b>	<b>RC</b>	<b>BN</b>	<b>BL</b>	<b>BG</b>	<b>BT</b>	<b>IG</b>
4.4.1.1	Conservation of soil, water plants, and wildlife including wildlife management shelters	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.2	Outdoor noncommercial recreation limited to nature study areas, walkways, boating or fishing where otherwise legally permitted	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.3	Agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.4	Maintenance or repair of existing structures, roadways and utilities	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.5	Periodic maintenance of existing water courses	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.6	Creation of a pond or pool or other changes in water courses for swimming, fishing or other recreational uses, agricultural uses, scenic features, drainage improvements	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.7	Structures for essential services	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.8	Dredging expressly for mosquito or flood control by an authorized public agency	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.9	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous and toxic materials) or equipment	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.10	Outdoor noncommercial recreation not specifically permitted by right in section 4.4.1.2 including public parks, non-paved playfields, and similar activities	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.11	Discharges from manmade structures into the wetlands	SP	SP	SP	SP	SP	SP	SP	SP
4.4.1.12	Structures for radio or television transmission by participants in emergency broadcast system	SP	SP	SP	SP	SP	SP	SP	SP

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4.4.2	ACCESSORY USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	BT	IG
4.4.2.1	Accessory uses limited to fences, flagpoles, noncommercial signs, docks	YES	YES	YES	YES	YES	YES	YES	YES

\* (4.3.2.9) Except permitted by Special Permit in an (IG) District only as an accessory use to a Hospital principal use at which, at a minimum (i) inpatient and outpatient care and services are provided; and (ii) such facility has not less than fifty (50) beds for inpatient treatment.

In approving a special permit for such parking structure or structures, the Planning Board may (1) limit the number of structures permitted on any site, and (2) determine the maximum number of parking spaces to be permitted and contained on or within a parking structure or structures, as the Planning Board deems appropriate. Further, in approving a special permit for parking structure or structures, the Planning Board may require that specific numbers of existing surface parking spaces, or existing paved or impervious surface areas on a site or sites, be removed and be converted to pervious surface areas, or landscaped areas. In addition, the Planning Board may require that approval of a special permit for a parking structure or structures not result in a net increase of the total number of parking spaces in existence at the time of application for such special permit.

## LEGEND

### Aquifer (A) and Water Resource (WR) Districts: See Article VIII, Section 8.3.3 Interpretation and Application

#### Civic Center (CC) & Central Business District (CBD) Districts

**YES** = Allowed use in the CC, CBD, and MCMOD only if the **YES<sub>1</sub>** and **SP<sub>1</sub>**= Allowed use by right or special permit in the CC, underlying zoning permits. CBD, and MCMOD superseding any underlying zoning.

**SP** = Allowed use in the CC and/or CBD by Special Permit only if the **NO** = Is not allowed in the CC or CBD regardless of underlying zoning provisions

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or to act in any other manner in relation thereto.

Submitted by the Planning Board

PASSED ( )    DEFEATED ( )    POSTPONED INDEFINITELY ( )    OTHER ( )

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