

**RECEIVED**

*By Town Clerk's Office at 11:59 am, Sep 06, 2024*

# **WARRANT**

## **Burlington Town Meeting**



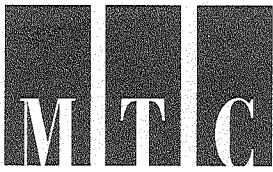
**September 23, 2024**  
**7:00 P.M.**

**Burlington, MA**  
Burlington High School  
Fogelberg Auditorium

**INDEX OF ARTICLES  
BURLINGTON TOWN MEETING  
MONDAY  
SEPTEMBER 23, 2024**

<b>ARTICLE NUMBER</b>	<b>SUBJECT</b>	<b>PAGE NUMBER</b>
	<b>TOWN COUNSEL’S LETTER</b>	<b>1</b>
	<b><u>GENERAL ARTICLES (green paper)</u></b>	
1	Reports of Town Officers & Committees	2
2	Annual Town Election Date	2
3	Change of Use of Water Department Building for Temporary Police Station	3
4	Town Clerk - Change to Appointed Position	3
5	Home Rule Petition Special Legislation Concerning Liquor Licenses	4
	<b><u>FINANCIAL ARTICLES (golden paper)</u></b>	
6	Will of Marshall Simonds	5
7	A&P Compensation Plan	5
8	Fox Hill School Building	5
	<b><u>GENERAL BYLAW ARTICLES (blue paper)</u></b>	
9	Amend Article II – Representative Town Meeting – Section 1.0 by Adding Paragraph 1.2 –Town Meeting Accessibility	7
10	Home Rule Petition to Amend Chapter 686 of the Acts of 1970, as Amended – An Act to Add a New Paragraph, Section 12 (h) – Town Meeting Accessibility	8
11	Article I, Section 9, New Paragraph 9.1 – Recall Petition	9
12	Create Ad Hoc Committee – Recommend an Electronic Voting System for Town Meeting	11
13	Amend Article V Section 1.5.4 - Committee Composition of the Information Systems Security Advisory Committee	12
14	Amend Article III, Rules of Debate Section 11.2	14
15	Amend Article III, Reports of Town Officials Section 16.0	14
16	Rescind Prohibition on Marijuana Establishments	15
	<b><u>ZONING BYLAW ARTICLES (yellow paper)</u></b>	
17	Marijuana Retail Amendment and Overlay	16
18	Rezoning Middlesex Commons from Retail Industrial (IR) to General Business (BG)	21
19	Town Common Signage Amendment	21
20	Definitions and Use Table Housekeeping Amendment	23
21	Parking and Landscaping Modernization	75
22	Refine the Definition of “Experiential Retail & Commercial Interactive Venue”	92
23	Temporary Sign Bylaw Amendment	93
24	Accessory Use Regulations Relating to One - Family Dwelling (RO) District:	95
	○ Article II Definitions	
	○ Article V Dimensional Requirements	
	○ Article IX Administration and Procedures	

**COMMONWEALTH OF MASSACHUSETTS / CONSTABLE'S REPORT**



Mead, Talerman & Costa, LLC  
Attorneys at Law

---

30 Green Street  
Newburyport, MA 01950  
Phone 978.463.7700  
Fax 978.463.7747  
  
www.mtclawyers.com

August 24, 2024

Bill Beyer, Town Moderator  
Selectboard  
Town of Burlington  
29 Center Street  
Burlington MA 01803

RE: Town Meeting Warrant

Dear Mr. Moderator and Members of the Select Board;

Reference is made to the above captioned matter. In that connection, I have reviewed the Warrant for the September 23, 2024 Town Meeting and have found it legal as to form. I will note the following:

- Articles 3 includes a change of use of property, albeit temporary, and therefore a 2/3 vote is required in accordance with G.L. c. 40 §15.
- Article 8, to the extent the article is funded with borrowing, it will require a 2/3 vote pursuant to G.L. c. 44 §8.
- Articles 17 – 24 are all zoning changes that pursuant to G.L. c. 40A §5 require a 2/3 vote to adopt.

I would also note the following with respect to Article 9 which seeks to amend the Town Meeting Bylaws and require Town Meeting to be a hybrid Town Meeting, thereby allowing remote participation. This proposal seeks to amend section 1.2.2 and limit access to a hybrid meeting to a defined number of Town Meeting members, namely 1/3 of the total members of Town Meeting. It further gives the authority to the Town Clerk to determine who may or may not attend Town Meeting remotely. By requiring Town Meeting to be hybrid by limiting the number of members who can attend hybrid without a valid basis for making such determination, other than first come first serve, treats all members differently. All members of Town Meeting must have the same rights of access. Please note, further, that the time frame by which to notify the Town Clerk of needing/wanting to participate remotely seems insufficient and unclear. If Town Meeting were continued from a Wednesday to a Monday, all notices would be required on Friday, but then accommodations by the Town Clerk would need to take place over a weekend.

---

*Millis Office*

730 Main Street, Suite 1F  
Millis, MA 02054  
Phone/Fax 508.376.8400

---

*New Bedford Office*

227 Union Street, Suite 606  
New Bedford, MA 02740

Or, is the two day notice requirement effective only prior to the commencement of the opening night? This should be clarified.

Finally, while the Article does provide direction that the Town Clerk makes the decision about who gets to attend remotely and who does not, what happens if a person needs to attend remotely due to a valid disability, but was not one of the first ones to ask for remote participation. How does the Town Clerk accommodate that request?

Article 10 seeks to amend the Special Act. Unlike Article 9, Article 10 applies to any public meeting of any Board, Committee or Department of the Town. Yet, it is seeking to amend the provisions in the Special Act which are solely related to Town Meeting. This article is too broad and as I have noted previously, is contrary to the provisions of the Open Meeting Law whereby the chairs of boards and commissions make the determination on how to run and hold their meetings.

Should you have any questions, please let me know. Otherwise, I will update this letter upon review of the final motions.

Regards,

A handwritten signature in black ink, appearing to read 'Lisa L. Mead', with a stylized, flowing script.

Lisa L. Mead  
Town Counsel

cc: Town Clerk

**BURLINGTON TOWN MEETING**  
**MONDAY**  
**SEPTEMBER 23, 2024**  
**7:00 P.M.**

In accordance with the provisions of Chapter 686 of the Acts of 1970 of the Commonwealth of Massachusetts, you are hereby notified that the Town Meeting Representatives of the Town of Burlington will meet in general assembly at the Burlington High School, Fogelberg Auditorium to act on the following articles of the warrant.

**GENERAL ARTICLES**

**ARTICLE #1**

**RE: Reports of Town Officers & Committees**

To hear and act on the reports of the Town Officers and Committees including but not limited to: Housing Needs Assessment Report; or to act in any other manner in relation thereto.

Submitted by the Select Board at the request  
of various Boards and Committees

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

**ARTICLE #2**

**RE: Annual Town Election Date**

To see if the Town will vote to set the Annual Town Election for April 5, 2025; or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
the Town Clerk

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

**ARTICLE #3**

**RE: Change of Use of Water Department  
Building for Temporary Police Station**

To see if the Town will vote to change the use of the building and parking lot located at 171 Middlesex Turnpike from water department purposes to temporary headquarters for police station purposes until such time as the new police station is constructed at which time the use will revert to water department purposes, or to act any other manner in relation thereto.

Submitted by the Select Board

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

**ARTICLE #4**

**RE: Town Clerk - Change to Appointed Position**

To see if the Town will vote to have its elected Town Clerk become an appointed Town Clerk for the Town of Burlington; and if such vote passes by a simple majority, to instruct the Select Board to place on the ballot for the Annual Town Election being held on Saturday, April, 2025, a ballot question to see if the residents of the Town of Burlington will vote to have its elected Town Clerk become an appointed Town Clerk; or to take any other action in relation thereto.

Submitted by the Select Board

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

**ARTICLE #5**

**RE: Home Rule Petition Special Legislation  
Concerning Liquor Licenses**

To see if the Town will vote to petition to the General Court, accompanied by a bill for a special law relating to the Town of Burlington to be filed with an attested copy of this order be, and hereby is, approved under Clause (1) of Section 8 of Article 2, as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted as follows:

**AN ACT TO EXTEND THE TIME FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE  
LICENSES IN THE TOWN OF BURLINGTON**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Subsection (e) of section 1 of chapter 9 of the acts of 2020 is hereby amended by striking out the words “not later than 5 years after the effective date of this act” and inserting in place thereof the following words: “on or before January 22, 2028”.

SECTION 2. This act shall be effective upon its passage.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
Simon Property Group

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

## **FINANCIAL ARTICLES**

### **ARTICLE #6**

### **RE: Will of Marshall Simonds**

To see if the Town will vote to accept from the Trustees under the will of Marshall Simonds in an amount \$77,644.31, for the improvement of Simonds Park, same to be expended under the direction of the Recreation Commissioners; or to act in any other manner in relation thereto.

Amount: \$77,644.31

Submitted by the Select Board at the request of the  
Recreation Commission

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

### **ARTICLE #7**

### **RE: Fund the Administrative and Professional Compensation Plan**

To see if the Town will vote to adopt the Administrative & Professional Compensation Plan for FY2025, and transfer from the FY2025 Negotiated Settlement Account a sum of money for the purpose of funding the plan, same to be expended under the appropriate authorities; or to act in any other manner in relation thereto.

Amount: \$TBD

Submitted by the Select Board at the request of the  
Town Administrator

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

### **ARTICLE #8**

### **RE: Fox Hill School Building Project**

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Building Committee for the Fox Hill Elementary School located at 252 Fox Hill Road, Burlington, MA 01803 for construction of a new elementary school which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for



the Project shall not exceed the lesser of (1) forty-seven and forty-one hundredths percent (47.41%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or to act in any other manner in take any action relative thereto.

Amount: \$100,484,141

Submitted by the Select Board at the request of the  
School Committee/ School Building Committee

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

## **GENERAL BYLAW ARTICLES**

### **ARTICLE #9**

### **RE: Amend Article II – Representative Town Meeting – Section 1.0 by Adding Paragraph 1.2 – Town Meeting Accessibility**

To see if the Town will vote to amend Article II – Representative Town Meeting – Section 1.0 by adding a new paragraph, 1.2 that would read as follows:

#### **SECTION 1.2 – Town Meeting Accessibility:**

Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, the Town of Burlington may hold Town Meetings at which participants may attend either in person or remotely (hereinafter sometimes called a “hybrid meeting”), subject to the following:

- 1.2.1 The Town Meeting shall be a hybrid meeting, and the warrant shall contain such provisions as shall be deemed by the Moderator and Town Counsel to be necessary to properly notify participants in such meeting of the requirements set forth in this Section.
- ~~1.2.2~~ Except as otherwise set forth in this Section, Town Meeting Members and other participants in a hybrid meeting may elect to attend such meeting either in person, at the location designated in the warrant for such meeting, or via remote access using a video conferencing platform. The number of Town Meeting Members attending via remote access under this Bylaw shall be limited to one third (1/3) of the total number of town meeting member positions. Those requesting remote access shall notify the Town Clerk and the Moderator, via email to the official town email addresses for those individuals, no later than two (2) business days prior to the Town Meeting session, unless circumstances beyond the control of the Town Meeting Member, i.e. sickness, family death, occurs and the number of allowed to attend via remote access is not exceeded. ~~The Town Clerk shall make a determination as to whether a Town Meeting Member may attend remotely solely based on the order in which the request was received.~~
- 1.2.3 The video conferencing platform shall afford all remote participants in a hybrid meeting the ability to identify and hear the Moderator and each Town Meeting Member who attends the meeting, as well as any other persons who participate in the meeting. All remote participants in a hybrid meeting shall have substantially the same access as in-person participants to the content of handouts, presentations and other material distributed or displayed, prior to or during the meeting,
- 1.2.4 The video conferencing platform shall afford all participants in a hybrid meeting speak and be heard by the Moderator and each Town Meeting Member who attends the meeting, as well as any other persons who participate in the meeting. As such, all participants shall have a substantially equal opportunity to request recognition by the Moderator, make a motion or raise a point of order or question of privilege.
- 1.2.5 All Town Meeting Members participating in a hybrid meeting, whether attending in person or via remote access, shall have the opportunity to vote on all matters put to a vote of Town Meeting Members; such votes shall to the extent feasible be taken substantially contemporaneously; and such votes shall in the case of recorded votes be published as soon as practicable subject to the abilities of the respective voting systems used for in-person and remote votes. All votes at a hybrid meeting shall be taken by such means and

in such a manner as shall be determined by the Moderator to accurately and securely record the votes of those entitled to vote at the meeting.

- 1.2.6 All actions taken during a hybrid meeting held pursuant to sub-sections 1.2.1 through 1.2.5 are hereby ratified, validated and confirmed to the same extent as if the hybrid meeting had been conducted entirely in person, and such actions shall be deemed to comply in all respect with all other applicable laws, charter provisions, ordinances and Bylaws.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
General Bylaw Review Committee

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

**ARTICLE #10**

**RE: Home Rule Petition to Amend Chapter 686  
of the Acts of 1970, as Amended – An Act to Add  
a New Paragraph, Section 12 (h) – Town  
Meeting Accessibility**

To see if the Town will vote to authorize the Select Board to file a Home Rule Petition with the Great and General Court amending Chapter 686 of the Acts of 1970, as amended by adding a new paragraph, Section 12 (h). This new paragraph would read as follows:

(h) The Town Meeting or any public meeting by any Board, Committee or Department shall be accessible by all who wish to attend, either in person or via an electronic communications platform. This communications platform will allow users to connect via video, audio, phone, and chat, using an internet connection and a supported device. Members of these meetings shall be able to be recognized by the Moderator or Chair, and their vote, where applicable, be recorded via the electronic communications platform.

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
General Bylaw Review Committee

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

## ARTICLE #11

## RE: Article I, Section 9, New Paragraph 9.1 – Recall Petition

To see if the Town will vote to amend Article I, Section 9, by adding a new paragraph, 9.1 – Recall Petition, that would read as follows:

9.1 Any holder of an office elected solely by the voters of the Town of Burlington, with more than six (6) months remaining of their term of office, may be recalled based upon one or more of the Grounds for a Recall as set forth in section 9.1.2.1 below and removed therefrom by the qualified voters of said town as herein provided.

9.1.1 Prior to initiating a recall, a resident shall send written notice by certified mail return receipt to the elected official whom said resident intends to initiate a recall of, with a copy sent via certified mail return receipt to the Town Clerk. This written notice shall include the grounds for the anticipated recall and shall give the elected official the opportunity to respond to the grounds in writing within three (3) business days from receipt of said notice, with a copy to the Town Clerk, prior to any additional actions being taken. The elected official's response shall be sent certified mail return receipt to both the original sender and the Town Clerk. Prior to initiating the recall as set forth in section 9.1.2, the notice of said recall and response, if any, shall be provided to the Town Clerk.

9.1.2 No fewer than one percent (1%) of registered voters of Burlington, who are eligible to vote for the office at issue, may initiate recall by filing with the town clerk an affidavit of intent to recall, signed under the penalties of perjury, containing (1) the name of the elected official whose recall is sought; (2) the office held by the elected official whose recall is sought; and (3) a statement of the grounds of recall which are set forth in section 9.1.2.1 below. The town clerk shall, within two (2) business days of receipt of an affidavit of intent, certify, in accordance with the standards established by M.G.L. c.53 §7, the names of the voters of the town who signed the affidavit of intent.

### 9.1.2.1 Grounds **for Recall**

9.1.2.1a **Ethical Violations:** This can include instances of corruption, conflicts of interest, misuse of public funds, accepting bribes, or engaging in unethical behavior while in office, as set forth in M.G.L. c.268A.

9.1.2.1b **Ethical Misconduct:** This can include harassment, discrimination, or other forms of behavior that create a hostile or toxic work environment within the town government.

9.1.2.1c **Criminal Activity:** Elected officials may face recall if they are involved in criminal activities such as embezzlement, fraud, or other actions that violate the law.

9.1.2.1d **Failure to Fulfill Duties:** If an official consistently fails to fulfill their duties, neglects their responsibilities, or is consistently absent from important meetings and decision-making processes, it can lead to a loss of public confidence and a recall effort. If an elected official consistently ignores or dismisses the concerns and needs of their constituents, it can lead to frustration and a desire to remove them from office through a recall.

9.1.2.1e **Broken Promises:** If an elected official campaigned on specific promises or platforms and then fails to follow through on those promises once in office, it can lead to disillusionment among constituents and a recall movement.

9.1.3 Upon certification by the Town Clerk of a sufficient number of valid signatures, the Town Clerk shall, within three (3) business days, notify the primary petitioner (the voter first named on the filed notice of intent), that copies of printed form petition blanks are available at the office of the Town Clerk. The blanks shall be issued by the Town Clerk with the Town Clerk's signature and official seal attached thereto; they shall be dated and addressed to the Select Board and shall contain (1) the name of the person whose recall is sought, (2) the office from which recall is sought, (3) the grounds for recall as stated in the affidavit, and (4) the initial notice to the elected official along with the elected official's response, if any. The petitions shall demand the election of a successor to said office. A copy of the petition shall be entered into the record book to be kept in the office of the Town Clerk.

9.1.4 The recall petition shall be returned and filed with the town clerk no later than close of business on the twenty-first (21) calendar day following the date the clerk notifies the primary petitioner of the availability of the petition, or the next business day if the 21<sup>st</sup> day falls on a Saturday, Sunday, or legal holiday. The Clerk shall notify the primary petitioner of the final date and hour for filing. Said recall petition shall be signed by at least ten (10) percent of the registered voters of Burlington as of the last annual town election, and to every signature shall be added the place of residence of the signer, giving the street and number. The Town Clerk shall, within five (5) business days following the date of such filing, certify in writing thereon the number of signatures which are names of registered voters in said town as of the date such affidavit was filed with the Town Clerk.

9.1.5 If the petition shall be found and certified by the Town Clerk to be sufficient, the Town Clerk shall submit the certified petition to the Select Board within two (2) business days from certification of sufficient signatures and the Select Board shall forthwith, and in no more than five (5) business days, give written notice of the receipt of said certificate to the elected officer whose recall is being sought. If the officer sought to be removed does not resign within three (3) business days thereafter, the Select Board shall, within five (5) business days, order a recall election to be held not less than sixty-four (64) nor more than ninety (90) calendar days from the date of the vote scheduling the election; provided however, that if any other election is to occur in the town within one hundred (100) calendar days after the date of the vote, the Select Board may, in its discretion and by a majority vote of the Select Board, place the question of recall on the ballot at such other election. If a vacancy occurs in said office due to resignation of the official proposed to be recalled, after a recall election has been ordered, but not yet been conducted, the election shall nevertheless proceed as herein provided.

9.1.6 The nomination of all candidates, including the incumbent, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, unless otherwise provided in this act.

9.1.7 The incumbent shall continue to perform the duties of the office until the recall election, unless the elected official resigns. If the incumbent is not recalled, that person shall remain in office for the remainder of the incumbent's unexpired term, subject to recall as before. If recalled in the recall election, the incumbent shall be considered removed. The successor, upon qualification, shall hold office during the unexpired term; provided however that if such person is not qualified within ten (10) business days of said election, the position shall be deemed vacant and may be filled in accordance with applicable law.

9.1.8 Ballots used in a recall election shall submit the following proposition in the order indicated:

9.1.8a FOR THE RECALL OF [NAME OF ELECTED OFFICIAL] (OFFICE HELD)

9.1.8b AGAINST THE RECALL OF [NAME OF ELECTED OFFICIAL] (OFFICE HELD)

9.1.8.1 Beneath this, listed alphabetically, the names of the candidates nominated as provided herein.

9.1.8.2 If a majority of the votes cast on the recall question is in favor of the recall, the elected official shall be recalled and the ballots for the candidates shall be counted. The candidate who received the highest number of votes in the special election for the vacancy shall be elected.

9.1.8.3 If a majority of the votes cast on the recall question is against the recall, the votes for candidates to fill the potential vacancy need not be counted unless a vacancy exists at the time of the election.

10.0.0 A recall petition shall not be filed against an elected official within three (3) months after the official has taken office. An elected official shall not be subject to a subsequent recall effort for the same or substantially similar specific grounds listed in the notice of intent filed for any prior recall effort. No recall petition shall be filed against an elected official subjected to a recall election and not recalled thereby, until at least twelve (12) months after said previous recall election.

A person who has been recalled from office, or who has resigned from office after the recall petition has been filed with the Town Clerk, shall not be appointed to any town office, board, or committee within two (2) years after the recall or resignation.

or to act in any other manner in relation thereto.

Submitted by the Board of Selectmen at the request of  
The General Bylaw Review Committee

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

## **ARTICLE #12**

### **RE: Create Ad Hoc Committee – Recommend an Electronic Voting System for Town Meeting**

To see if the Town will vote to authorize the Select Board to establish an ad hoc Electronic Voting System Advisory Committee pursuant to Article III, Section 7.0 of the General Bylaws of the Town.

The purpose of the Electronic Voting System Advisor Committee (EVSAC) is to evaluate and recommend to the Town Meeting Members whether an Electronic Voting System (EVS) should be used for Town Meetings.

The Select Board shall appoint a seven (7) - member ad hoc EVSAC. One member to represent the Select Board, one member from the Finance Committee, one member to represent the Town Clerks Office, one member to represent the IT Department, and two members representing the Town Meeting Membership. The Town Moderator shall be a non-voting member of the committee.

A report of their finding(s) and recommendations(s) shall be made to the Town Meeting Members at the next session of the Town Meeting, no later than January 31, 2025. The EVSAC shall be disbanded subsequent to giving their report.

or to act in any other manner in relation thereto.

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

**ARTICLE #13**

**RE: Amend Article V Section 1.5.4 - Committee  
Composition of the Information Systems  
Security Advisory Committee**

To see if the Town will vote to amend Article V section 1.5 of the Town of Burlington General bylaws as follows (**bold and underline** new ~~cross-through~~ removed):

**1.5 Information Systems Security Advisory Committee**

**1.5.1 Introduction** Burlington relies on information systems to conduct Town business. Threats to the Town's information systems could come from external and internal actors. A successful attack could result in loss of security, privacy, or integrity to the Town's information systems, its data, and operational processes. Such attacks could persist for an extended period and may materially disrupt or destroy critical infrastructure or services and have adverse financial and other impact ~~to~~ **on** the Town and its citizens.

**1.5.2 Definition** The definition of an information system shall include, but is not limited to, computers, networks, phones, smart phones, video systems, cloud and software services, security systems, monitors, cameras, embedded control systems and other technologies.

**1.5.3 Committee Purpose** The Information Systems Security Advisory Committee (hereinafter referred to as the Committee) shall act in an oversight capacity reporting to the ~~Town of Burlington, General Bylaws, Article V 5-1~~ **Select Board of Selectmen**. The Committee must maintain cooperative working ~~Town of Burlington, General Bylaws, Article V 5-1~~ relationships with all Town supervisory bodies including the **Select Board of Selectmen**, School Committee, Recreation Commission, Planning Board, Library Trustees and Town information technology employees. This Committee does not replace or modify the Town's operational information systems structure.

The Committee responsibilities shall include any oversight activity, under the supervision of the **Select Board of Selectmen**, that impacts information system security and privacy. Such activities shall include, but are not limited to:

- Developing a mandatory information systems governance policy that applies to all information systems used by the Town to conduct Town business, to be adopted, approved and enforced by the **Select Board of Selectmen**;
- Ensuring the creation and periodic updates of a security threat model to analyze potential issues affecting new and existing information systems;
- Providing recommendations to reduce likelihood or ~~the~~ impact of a successful attack;
- Overseeing the development and periodic testing of effective business continuity and disaster recovery measures;
- Assessing and recommending for approval a set of priorities on future security initiatives;
- Ensuring integration of relevant information from regulatory organizations and standards bodies such as National Institute of Standards and Technology, Homeland Security, Commonwealth of Massachusetts and others as appropriate; and
- Reporting annually on Committee activities and recommendations Town's supervisory bodies and department heads.

1.5.4 Committee Composition The Committee shall consist of nine (9) voting members<sup>2</sup> total, of which five (5) members are ~~town~~ **to be Burlington residents with a background in cybersecurity and information technology**, to be appointed by the ~~Select~~ **Board of Selectmen** within thirty (30) days after the adjournment of the May Town Meeting, **and at other times as may be necessary to fill vacancies**. In the absence of an active committee, ~~these five (5) members shall be appointed as follows: two (2) will be appointed for three (3) years, two (2) members will be appointed for two (2) years, and one member (1) member will be appointed for (1) year. Thereafter, all appointments shall be three (3) years.~~ **In the event that a Committee member resigns, a replacement shall be nominated by the Committee, and if approved by the Select Board, shall be appointed to serve until the next cycle of Committee appointments, at which point their candidacy may be reconsidered for a three (3) year term.** The Committee shall annually elect a chairperson **and** vice-chairperson and ~~engage a recording clerk~~ **appoint a secretary**. The ~~recording clerk~~ **secretary** shall not be a member of the committee. The committee shall define the duties ~~and hours of the recording clerk, whose hourly rate will be set by a contract negotiated by the Town.~~ **of the secretary and fix the compensation of the secretary.**

Note: Amended Art. 34, TM 06/16/2022; App. A.G 10/25/22 ; Posted 10/28/22 ;

The remaining four (4) members shall be Town employees who are fully or partially responsible for information system security or can represent the position of their department to the Committee. Of these four (4), there shall be one employee from **each of the following:** Town administration, public safety, school department and the library appointed by the department's respective supervisory board. These ~~four~~ (4) members shall serve a three (3) year terms; at the ~~discretion~~ **pleasure** of their **respecting** appointing authority **body**. All ~~nine (9) members of the Committee shall be voting members. Committee members serve at the pleasure of their respective appointing body;~~ Note: 1.5 Added — Art. 32, TM 06/10/2020; App. A.G 7/30/2020 ; Posted 7/30/2020 ;

**In addition, the Committee shall also consist of one (1) non-voting member who shall be a member of the Select Board to serve as the Select Board Liaison, and may also include up to two (2) non-voting resident members with a background in cybersecurity and information technology who shall participate full in the Committee's meetings and discussions. Non-voting resident candidates shall be nominated by the Committee, and if approved by the Select Board shall serve until the next round of voting member appointments, at which point their candidacy may be reconsidered for a three (3) year term.**

**Or act in any manner in relation thereto.**

Submitted by the Select Board at the request of THE  
INFORMATION SYSTEMS SECURITY ADVISORY  
COMMITTEE

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



**ARTICLE #14**

**RE: Amend Article III, Rules of Debate Section 11.2**

To see if the Town will vote to authorize the removal of the word “seven” from the first sentence of Article III, Section 11.2 of the General by-laws and insert the word “twelve” in its place; or to act in any other manner thereto.

Submitted by the Select Board at the request of  
Monte L. Pearson

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

**ARTICLE #15**

**RE: Amend Article III, Report of Town Section 16.0**

To see if the Town will vote to add two new sentences to the General By-laws, in Article III, Section 16.0 Report of Town Officials. The new sentences would follow the current sentence “The information contained... including legal issues.”

The sentences will read: “Before the discussion of capital expenditures to be purchased with Free Cash at the May Town Meeting, the Town Administrator will give TM a presentation on the 10-year Capital Plan that is included as part of the Fiscal Year Proposed Operating Budget. The summary shall include highlighting all planned expenditures of one million dollars or more, a brief description of the use of those funds, and why the funds are allocated in a particular fiscal year.” or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
Monte L. Pearson

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

**ARTICLE #16**

**RE: Rescind Prohibition on Marijuana Establishments**

To see if the Town will vote to Rescind

1.42 – Prohibition on Marijuana Establishments: In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaw;

Submitted by the Select Board at the request of  
Alex Rutfield – Precinct 5

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

## **ZONING BYLAW ARTICLES**

### **ARTICLE #17**

### **RE: Marijuana Retail Amendment and Overlay**

To see if the Town will vote to amend Article III Section 3.1 “Districts”, Article IV Section 4.2.0 “Principal Use Regulation Schedule”, Article X Section 10.6.0 “Registered Marijuana Dispensary”, Article X Section 10.7.2 “DEFINITIONS”, and eliminate Article X Section 10.8. “PROHIBITION ON MARIJUANA ESTABLISHMENTS” of the Zoning Bylaw of the Town of Burlington and the Zoning Map as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Zoning Bylaw (~~striketrough~~ to be removed, **underlined and bold** is new).

#### **1. Amend Article III: DISTRICTS as follows:**

##### **SECTION 3.1.0 DISTRICTS**

##### **Overlay Districts**

The following special districts are hereby established and are set forth in Article 8.0:

FP	100 Year Flood Plain Districts
WR	Water Resources Districts
W	Wetlands Districts
A	Aquifer Districts
WC	Wireless Communications Districts
CC	Civic Center District
CBD	Central Business District
MCMOD	MBTA Communities Multi-Family Overlay District
<b><u>MR</u></b>	<b><u>Marijuana Retail</u></b>

##### **SECTION 3.2.0 LOCATION OF DISTRICTS**

**Marijuana Retail District: As shown on the map entitled, “Town of Burlington Marijuana Overlay District” prepared by Alex Rutfield, and dated July 16<sup>th</sup>, 2024**

2. Amend Article IV: USE REGULATIONS, Section 4.2.0 PRINCIPAL USE REGULATION SCHEDULE as follows:

	USE DESIGNATION	DISTRICT												OVERLAY DISTRICTS				
	INSTITUTIONAL AND RECREATIONAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MR	
4.2.2.31	Marijuana Establishment (See 10.8.0)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	
<u>4.2.2.32</u>	<u>Marijuana Retail (See 10.8.0)</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>NO</u>	<u>SP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>SP</u>	

3. Amend ARTICLE X: MISCELLANEOUS AND SPECIAL REGULATIONS as follows:

SECTION 10.6.0 REGISTERED MARIJUANA DISPENSARY AND **MARIJUANA RETAILERS**

10.6.1 Purpose and Intent

Applications for a Registered Marijuana Dispensary (RMD) **and/or Marijuana Retailer (MR)** shall be subject to additional criteria herein.

10.6.2 Procedures

All requests for consideration by the Planning Board for Special Permit approval of an RMD/MR shall be consistent with this section and Section 9.2.0 of the Zoning Bylaws. All RMDs/**MRs** must be licensed by the state Department of Public Health (DPH), **Cannabis Control Commission (CCC)**, or successor agency. At the time of application for approval of a Special Permit, the proponent is required to submit documentation to the Town that the state DPH or CCC has issued a valid license and/or permit to operate a Registered Marijuana Dispensary **or Marijuana Retailer**.

10.6.2.1 Notification

The abutter notification requirement is hereby extended to a distance of one thousand feet (1,000), to correspond with the buffer requirements below.

10.6.3 Approval Criteria

In addition to the approval criteria for Special Permit in Section 9.2.4 of the Zoning Bylaws, the Planning Board shall incorporate the recommendations of the Board of Health, Police Department, Fire Department, Building Department as conditions of approval for any Registered Marijuana Dispensary or **Marijuana Retailer**.

10.6.4 Additional Dimensional Requirements

In addition to the dimensional requirements set forth in Section 5.2.0 Density Regulation Schedule of the Zoning Bylaws, the following requirements shall apply.

#### 10.6.4.1 Buffer Requirement

**Purpose and intent of this section is hereby understood to prevent access to marijuana for those under the age of 21 and eliminating exposure to odor, noise, advertisement, or other nuisance due to the operation of marijuana establishments.**

The building within which a Registered Marijuana Dispensary **or Marijuana Retailer** is located shall not be:

1. Within one thousand (1000) feet of the nearest parcel boundary of another RMD or **MR**;
2. Within five hundred (500) feet of the nearest parcel boundary of a religious institution;
3. Within one thousand (1000) feet of the nearest parcel boundary of a place where children commonly congregate.
  - a. For these purposes, a place where children commonly congregate shall include: Dance schools; gymnastic schools; technical schools; vocational schools; public and private K-12 schools; facilities that offer tutoring or after school instruction; licensed daycare facilities (including private home daycare); parks that have play structures and athletic fields intended for use by children; accredited Headstart facilities; commercial establishments that host children's parties. This bylaw regulates intentional congregation of children--such as at schools, play structures, athletic fields, and the like, rather than incidental congregation of children, such as at ice cream parlors, pediatrics offices, and shopping venues, and the like. The applicant shall demonstrate compliance with buffer requirements under this regulation by provision of maps, and by an inventory of tenants and owners within the buffer, or by any other means the Planning Board might require. The buffer requirement applies to facilities in adjacent communities as well as facilities within Burlington.

#### 10.6.4.2 Amending the buffer requirement

The Planning Board shall have discretion to amend the buffer requirement as follows:

~~Where the Planning Board clearly distinguishes between uses within a single parcel, and finds that the intent of the buffer requirement can be met, as set forth in 10.6.4.1 above, the Board, in the exercise of its reasonable discretion, may waive the requirement that the 1,000 foot buffer be measured between the nearest points of parcel boundaries and instead require that measuring between nearest points of facilities, for example, measuring building to building, shall be the method of measurement where circumstances warrant the change.~~

**Where the Planning Board finds that the intent of the buffer requirement can be met, as set forth in 10.6.4.1 above, the Board, in the exercise of its reasonable discretion, shall waive or reduce the buffer requirement.**

#### 10.6.4.3 Adjacency to residentially zoned land

An RMD **or MR** shall not be located on a parcel that touches residentially zoned property (excluding Town-owned property that is zoned RO and is not used for residential purposes).

#### 10.6.5 Parking Requirements

Parking requirements shall be regulated under **7.2.5.12 "Other Uses"** 7.2 Section D "General Retail/Shopping Center" of the Zoning Bylaws.

#### 10.6.6 Nuisance

No equipment or process shall be used in such Registered Marijuana Dispensary **or MR** which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the parcel.

#### 10.6.7 Compliance and Suspension of License

The Special Permit for this use is subject to review for compliance on an annual basis by the Planning Board. Any new owner and or operator shall require a new Special Permit. In the event that the state Department of Public Health (DPH)/ **Cannabis Control Commission (CCC)** (or any successor agency) suspends the license or registration of a RMD or **MR**, the Planning Board may require the licensee's appearance at a public meeting.

#### 10.6.8 Limitations on Licenses

**The town will limit the number of MR licenses granted to 20% of liquor licenses issued, pursuant to M.G.L. ch. 138, §15, for sales for consumption off-premises (including "package stores")- not to include beer and wine only licenses. MRs shall only be located within the Marijuana Overlay District as shown on the zoning map.**

#### 4. **Remove** Section 10.7.0 Temporary Moratorium on Marijuana Retail Sale

##### Section 10.7.2 DEFINITIONS

The definitions contained in the AN INITIATIVE PETITION FOR A LAW RELATIVE TO THE REGULATION AND TAXATION OF MARIJUANA shall be the definitions used in the Moratorium. These definitions include but are not limited to the following:

"Marijuana" or "Marihuana", all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C of the General Laws; provided that "Marijuana" shall not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products.

"Marijuana accessories", equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing,

compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

"Marijuana establishment", a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of licensed marijuana-related business, **Excepting Marijuana Retailers for zoning purposes.**

"Marijuana products", products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

"Marijuana retailer", an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

#### Section 10.7.3 TEMPORARY MORATORIUM

~~For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, the on-site consumption of marijuana and marijuana products, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use). The moratorium shall be in effect through December 31, 2018 or six (6) months after the effective date of the Cannabis Control Commission regulations, whichever is later. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, consider the regulations of the Cannabis Control Commission regarding recreational Marijuana and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Marijuana Retail Sale (which includes dispensing, processing, and cultivation activities, and other related activities to the sale, storage and distribution of marijuana for non-medical use and the operation of a marijuana establishment for non-medical use); or to take any action relative thereto.~~

#### 5. Amend Section 10.8: Prohibition on Marijuana Establishments as follows:

##### Section 10.8. PROHIBITION ON MARIJUANA ESTABLISHMENTS

Prohibition on Marijuana Establishments, **not to include Marijuana Retailers,** In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all types of marijuana establishments, **excepting and excluding marijuana retailers,** as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, ~~marijuana retailers,~~ and any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Burlington. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time), nor shall it be construed to include registered marijuana dispensaries as defined by Article II, Section 2.18.2.1 of the Zoning Bylaws **or marijuana retailers as defined by Article II, Section 2.13.1 of the Zoning Bylaws;**

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
Alex Rutfield – TMM Precinct 5 on behalf of  
Will Seagaard

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

**ARTICLE #18**

**RE: Rezoning 43 Middlesex Turnpike  
(Middlesex Commons Shopping Center) from IR  
to BG**

To see if the Town will vote to rezone Middlesex Commons Shopping Center, 43 Middlesex Turnpike (Map 55, Parcel 22) from its current zoning of Retail Industrial (IR) to the General Business (BG) zoning district, and amend the Town of Burlington Zoning Map accordingly, or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
the Planning Board and EDENS

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

**ARTICLE #19**

**RE: Town Common Signage Amendment**

To see if the Town will vote to amend the Town of Burlington Zoning Bylaw, Article XIII, SIGN REGULATIONS, Section 13.1.5 “Municipal Uses”, as follows (underline and bold new, ~~cross-out~~ removed):

**A. Subsection 13.1.5.1 “Wall Signs”, by revising subsection 13.1.5.3.1 as follows:**

13.1.5.1.1 One (1) freestanding sign shall be permitted on each Town owned property except and notwithstanding any general bylaw or zoning bylaw to the contrary, the Town Common which shall be permitted to have no more than two (2) free standing signs.

**B. Subsection 13.1.5.3 “Freestanding Ground Signs”, by revising subsection 13.1.5.3.2 and 13.1.5.3.3 as follows:**

13.1.5.3.2 The freestanding sign shall be at least ten (10) ft. or more from any property line except and notwithstanding any general bylaw or zoning bylaw to the contrary, any free standing sign located on the Town Common which may be located within any of the setbacks for the district.



13.1.5.3.3 The maximum size for **the sign face(s) of** any free standing sign shall be six (6) ft. in height and ten (10) ft. in length. **The maximum height of the entire free standing sign including any structure within which the sign face is located shall be twelve (12) ft. in height and sixteen (16) ft in length.** The height of the sign shall be measured from the average adjoining grade to the top of the sign. The free standing sign is permitted to be double sided.

C. Subsection 13.1.5.3 “Freestanding Ground Signs”, by adding a new subsection 13.1.5.3.5 as follows:

**13.1.5.3.5 Notwithstanding any general bylaw or zoning bylaw to the contrary, any free standing sign located on the Town Common may include an “Illuminated Sign”. Only one (1) “Electronic Sign” in the area of the sign that is available for the advertising message, (hereinafter “Display Surface”) shall be allowed.**

**Illuminated Sign shall mean either:**

**Externally Illuminated: A sign, any part of which is illuminated from an exterior artificial light source.**

**or**

**Internally Illuminated: A sign illuminated by an artificial light source that is within the sign.**

**Electronic Sign shall mean: A sign whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments. For the purposes of this Article, electronic signs within ground or wall signs are regulated as one of the two (2) following types:**

**Electronic Display Sign: A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes but is not limited to plasma screens, digital screens, flat screens, LED screens, video boards and holographic displays.**

**Electronic Message Sign: A sign, or portion of a sign, that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.**

or to act in any other manner in relation thereto.

Submitted by the Select Board

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

## ARTICLE #20

## RE: Use Table Modernization

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 (~~strike through~~ 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 listing; or (b) within an area listed on the National or State Register of Historic Places or is the subject of a pending application for such 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											OVERLAY DISTRICTS				
4.2.1	RESIDENTIAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.1.1	Dwelling, One Family	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.2	Dwelling, 2-Family	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.1.3	Dwelling, 3-Family	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.1.4	Dwelling, Garden Apartments	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	YES
4.2.1.5	Dwelling, Garden Apartments (Operated by the Burlington Housing Authority)	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES<sub>1</sub></u>
<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>NO</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>YES<sub>1</sub></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>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>	<u>YES<sub>1</sub></u>
4.2.1.8	Hotel	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.9	Hotel, Residence	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.10	Hotel, Motor Hotel or Motel	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.11	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.1.12	Dormitories	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.1.13	One Family Dwellings (Operated by the Burlington Housing Authority)	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.14	Garden Apartment (Operated as Affordable and Subsidized Living Units)	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	<u>YES</u>
4.2.1.15	Tents, Trailers, Campers, and Mobile Homes	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	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	YES	YES	NO	NO	NO
4.2.1.17	Open Space Residential Development	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.2.1.18	Assisted Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.19	Independent Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	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>YES</del>	<del>YES</del>	<del>SP<sub>4</sub></del>	<del>SP<sub>4</sub></del>	<del>NO</del>
4.2.1.20	Congregate Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.21	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.1.22	Group Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u>YES</u>
4.2.1.23	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
<b>4.2.2</b>	<b>INSTITUTIONAL &amp; RECREATIONAL 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>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.2.2.1	Religious Institutions	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.2.2.2	Non-Profit Institution	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.2.2.3	Child Care Center	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.2.2.4	Family Child Care Home	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.2.2.5	Adult Day Health Center	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.2.6	Cemeteries and Related Facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	<u>SP</u>
4.2.2.7	Fire Stations and Sub-Fire Stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u>SP</u>
4.2.2.8	Police Stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u>SP</u>
4.2.2.9	Municipal Maintenance and Garage Facilities	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	NO	NO	SP	NO	SP	<u>SP</u>
4.2.2.10	Public Parks, Community Centers, Public Libraries, Public Museums, Public	<u>SP</u>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>

	Art Galleries and Related Facilities																
4.2.2.11	Recreation Facility, Indoor Commercial	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.2.12	Recreation Facility, Outdoor Commercial	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.2.13	Educational Use, For Profit	NO	NO	NO	SP	YES	SP	YES	SP	SP	SP	NO	YES	YES	YES	YES	NO
4.2.2.14	Places and Buildings for Public Assembly (Other Than Above)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.2.15	Hospitals	NO	NO	NO	NO	NO	NO	SP	SP	SP	SP	NO	NO	SP	NO	NO	NO
4.2.2.16	Urgent Care Facility	NO	NO	NO	NO	NO	NO	SP	SP	SP	SP	NO	NO	SP	NO	YES	NO
4.2.2.17	Long-Term Care Facility	NO	NO	YES	NO	NO	NO	SP	SP	SP	SP	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.2.18	Communications Switching Station	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.2.19	Public Transportation Facility	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	SP	SP	SP	SP	NO
4.2.2.20	Radio and television transmitting sites	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	NO	NO	NO
4.2.2.21	Theaters and cinemas	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	NO	NO	NO
4.2.2.22	Public Water & Sewer Distribution Structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	<b><u>SP<sub>1</sub></u></b>
4.2.2.23	Performance Theater or Center	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.2.24	Registered Marijuana Dispensary ( <b>Medical</b> )	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	NO	NO	NO
4.2.2.25	Marijuana Establishment ( <b>Recreational</b> )	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.2.26	Fitness Centers (> 5,000 but < 20,000 sq. ft.)	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.2.27	Fitness Studios (< 5,000 sq. ft.)	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<b><u>SP</u></b>

4.2.3	AGRICULTURAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.3.1	<u>All kinds of agriculture, horticulture and floriculture</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>
4.2.3.2	<u>Garden centers; commercial greenhouses and nurseries (&lt; 5 acres)</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>
4.2.3.3	<u>Commercial raising, boarding, breeding, or keeping of birds, fish, and animals; subject to the regulations of the Board of Health</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>NO</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>NO</u>
4.2.4	OFFICE USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.4.1	<u>Professional Offices</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>SP</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES<sub>1</sub></u>	<u>YES<sub>1</sub></u>	<u>YES</u>
4.2.4.2	Professional Services	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES</u>
4.2.4.3	Medical Offices, Center, or Clinic	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES</u>
4.2.4.4	Public Offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES</u>
4.2.4.5	Conference Center	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u>SP</u>
4.2.4.6	Collaborative Workspace	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES</u>
4.2.4.7	Banking & Financial Services	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES</u>
4.2.4.8	Data Center ( <u>&lt;50,000 sq. ft.</u> )	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES <sub>1</sub>	NO	<u>YES</u>
4.2.5	AUTOMOTIVE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.2.5.1	Motor Vehicle General Repair and Maintenance	NO	NO	NO	NO	NO	SP	NO	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	NO	NO	NO	SP	NO	NO	NO

4.2.5.3	Car Wash Establishments	NO	NO	NO	NO	NO	SP	NO	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	NO	NO	YES	YES	NO	NO	NO
4.2.5.5	Automobile Dealership	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.6	Used Car Sales Establishment	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.7	Automotive Rental Agency	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	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	SP	NO	SP	NO	NO	NO	YES	YES	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	SP	NO	NO	NO	YES	YES	NO	NO	NO
4.2.5.10	Fueling Station/Convenience Store	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
<b>4.2.6</b>	<b>RETAIL, CONSUMER, AND TRADE 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>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.2.6.1	Personal Services	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>	<b><u>YES</u></b>
4.2.6.2	Convenience Store	NO	NO	NO	SP	SP	SP	YES	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.3	Retail Stores (<= 10,000 sq. ft.)	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<b><u>YES</u></b>
4.2.6.4	Retail Stores (> 10,000 sq. ft.)	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.5	Supermarket	NO	NO	NO	NO	NO	NO	SP	NO	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.6	Post Offices	NO	NO	NO	NO	NO	NO	YES	SP	YES	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.7	Household Goods Repair and Services	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.8	Laundry and Dry Cleaning Establishments (Other	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	NO



	Than Pickup Stations or Self-Service)																
4.2.6.9	Dry-Cleaning and Laundry Pickup Stations	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.10	Restaurant, Fast Order Food and Take-Out	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.11	Restaurants	NO	NO	NO	NO	NO	NO	SP	SP (see Art. 10.4.0)	NO	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<b><u>SP</u></b>
4.2.6.12	Bakeries and Delicatessen	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.13	Commercial Kennel	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	SP	SP	SP	SP <sub>1</sub>	NO
4.2.6.14	Plumbing and HVAC Sales and Services	NO	NO	NO	NO	NO	NO	SP	NO	NO	SP	NO	YES	YES	YES	YES <sub>1</sub>	NO
4.2.6.15	Contractor Services	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	YES	YES	SP	SP <sub>1</sub>	<b><u>SP</u></b>
4.2.6.16	Funeral Home	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	YES	YES	NO
4.2.6.17	Laboratories, Diagnostic Medical	NO	NO	NO	NO	SP	SP	YES	YES	SP	SP	NO	NO	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.18	Kiosk	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.19	Massage Parlors	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.20	Massage Therapy	NO	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<b><u>SP</u></b>
4.2.6.21	Photo Processing	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	NO	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.22	Printing and Copying Services	NO	NO	NO	NO	NO	NO	YES	NO	NO	YES	NO	SP	SP	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.2.6.23	Adult Bookstore	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.24	Adult Club (See 10.3.0)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.25	Adult Paraphernalia Store (See 10.3.0)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.26	Adult Theater (See 10.3.0)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.27	Adult Video Store (See 10.3.0)	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.28	Body Art	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.2.6.29	Self-Storage Facility	NO	NO	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	SP	SP	YES	YES	NO	SP	YES	NO	YES	YES	YES	YES	NO
4.2.6.31	Retail, Experiential & Commercial Interactive Venue (Above 20,000 SF)	NO	NO	NO	SP	SP	SP	SP	NO	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	NO
4.2.6.32	Pharmacy	NO	NO	NO	SP	SP	YES	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>YES</b></u>
4.2.6.33	Liquor Store	NO	NO	NO	SP	SP	YES	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>YES</b></u>
4.2.6.34	Pet Store	NO	NO	NO	SP	SP	YES	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>YES</b></u>
4.2.6.35	Hardware Store (< 15,000 sq. ft. gross floor area)	NO	NO	NO	SP	SP	YES	YES	YES	YES	YES	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>YES</b></u>
4.2.6.36	Caterer/Wholesale Food Production	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	SP	SP	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
4.2.6.37	Brewery, Distillery, Cidery, Winery with Tasting Room	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
<b>4.2.7</b>	<b>INDUSTRIAL 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>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.2.7.1	Light Manufacturing	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	SP	SP	NO
4.2.7.2	Research and Development	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	SP	SP	<u><b>YES</b></u>
4.2.7.3	Printing Establishments (Other than those under 4.2.6.22)	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	SP	YES	YES	NO
4.2.7.4	Food Processors and Bakeries (Not operated for retail)	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.2.7.5	Laboratory	NO	NO	NO	NO	NO	NO	SP	SP	YES	SP	NO	SP	SP	NO	SP	NO
4.2.7.6	Laboratory, Life Science ( <i>Research &amp; Development</i> )	NO	NO	NO	NO	NO	SP	SP	SP	YES	NO	NO	SP	SP	SP	SP	NO
4.2.7.7	Laboratory, Life Science ( <i>Commercial Manufacturing</i> )	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	SP	SP	SP	SP	NO
4.2.7.8	Wholesale Trade	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES	<u><b>SP</b></u>
4.2.7.9	Distribution Facility	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO
4.2.7.10	Warehouse	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO

4.2.7.11	Electronics Industries	NO	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES	<b><u>SP</u></b>
4.2.7.12	Electroplating and Metal Finishing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.13	Hazardous and Toxic Materials and Chemicals Manufacture	NO	NO	NO	NO	NO	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	SP	SP	SP	NO	SP	SP	YES	YES	<b><u>SP</u></b>
4.2.7.15	Commercial Hazardous Waste Storage and Treatment Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.16	Solar Energy System, Ground-Mounted	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<b><u>YES</u></b>
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	SP	SP	SP	NO	SP	SP	YES	YES	NO
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	SP	SP	SP	NO	NO	SP	YES	YES	NO
4.2.7.19	Creative Workspace and Industrial Arts Facility	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<b><u>YES</u></b>

### 4.3.0 ACCESSORY USE REGULATION SCHEDULE

4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BT	BG	IG	I	IR	OS	A	WR	CC	CBD	MCMOD
4.3.1.1	Accessory Apartment	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.2	Short-Term Rental	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO
4.3.1.3	Home Occupation 1	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.4	Home Occupation 2	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	<u>YES</u>
4.3.1.5	3- Car Garage (Not apply to farms).	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	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	NO	YES	YES	YES	YES	NO
	(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	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u>YES</u>

mounted																
(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	YES	SP	YES	YES	YES	YES	<u><b>YES</b></u>
(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	SP	NO	YES	YES	YES	YES	<u><b>SP</b></u>
(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	YES	NO	YES	YES	YES	YES	<u><b>SP</b></u>
(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	SP	NO	YES	YES	YES	YES	<u><b>SP</b></u>

	(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 Overlay Districts map for allowed uses)																
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	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.8	Swimming Pool	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u>SP<sub>1</sub></u>

<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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
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	SP	YES	YES	YES	YES	<u>YES</u>
4.3.1.10	Tennis Courts	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u>SP</u>
4.3.1.11	Bomb Shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.3.1.12	Roadside Stands (Limited to sales of produce grown on the premises)	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.13	Sheds, Barns, and Similar Structures	YES	YES	SP	NO	NO	NO	NO	NO	NO	NO	SP	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES<sub>1</sub></u>
4.3.1.14	<del>Aviculture</del> <b>The keeping of 7 or more chickens</b>	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES	NO
4.3.1.15	Buildings and Structures Normally Accessory to Multi-Family Development	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u>YES<sub>1</sub></u>

4.3.1.16	Mobile Homes, Temporary and Trailers	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
4.3.1.17	Temporary Tents on Residential Sites	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
4.3.1.18	Family Child Care Home	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
4.3.1.19	Residential Garage (For more than three automobiles)	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP<sub>1</sub></b></u>
4.3.1.20	Solar Energy System, Roof-Mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
4.3.1.21	Solar Energy System, Ground-Mounted	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP<sub>1</sub></b></u>
4.3.1.22	Community Garden	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>

<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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.3.2.1	Incidental Retail - Service Uses	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES	<u><b>SP</b></u>
4.3.2.2	Incidental Food Uses	NO	NO	NO	NO	SP	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<u><b>SP</b></u>
4.3.2.3	Incidental Retail and Restaurant	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	<u><b>SP</b></u>
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	SP	SP	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	NO
4.3.2.5	Protective Animal Keeping (More Than One)	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	NO
4.3.2.6	Outdoor Storage of Supplies and Equipment (Incidental to permitted uses, subject to requirements for	YES	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP	<u><b>SP</b></u>

	location, lighting, screening, fencing, cover and safety precautions)																
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	SP	YES	YES	YES	YES	NO	YES	YES	SP	SP	<u><b>SP</b></u>
4.3.2.8	Maintenance Shops, Power Plants, Machine Shops and Similar Structures to Support Permitted Uses	NO	NO	NO	NO	NO	SP	SP	YES	YES	YES	NO	SP	SP	SP	SP	<u><b>SP</b></u>
<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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
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*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
4.3.2.10	Parking Structure, Detached	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
4.3.2.11	Parking Structure, Integrated	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
4.3.2.12	Parking Deck	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u><b>SP</b></u>
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	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO



	permitted by special permit in the zoning district in which the off-street outdoor parking will be located																
4.3.2.14	On Premises Permanent Resident or Proprietor Unit	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	<b><u>YES</u></b>
4.3.2.15	Warehousing Incidental to Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	NO	NO	<b><u>SP</u></b>
<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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.3.2.16	Distribution Facility incidental to a Permitted Principal Use (Except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP	<b><u>SP</u></b>
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	NO	YES	YES	YES	YES	<b><u>YES</u></b>
4.3.2.18	Self-Storage Facility	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.3.2.19	Kiosks	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	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	SP	NO	NO	NO	YES	YES	YES	YES	<b><u>SP</u></b>
4.3.2.21	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	SP	SP <sub>1</sub>	SP <sub>1</sub>	<b><u>SP<sub>1</sub></u></b>

4.3.2.22	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	-	NO	NO	SP	SP	NO	NO	SP	NO	SP	SP	SP <sub>1</sub>	SP <sub>1</sub>	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	SP	SP	SP	NO	SP	SP	YES	YES	NO
4.3.2.24	Temporary Tents on Non-Residential Sites	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.3.2.25	Child and Family Day Care	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.3.2.26	Farmer's Markets	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES <sub>1</sub>	YES <sub>1</sub>	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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.3.2.27	Drive-Through Facility	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	SP	SP	NO	SP <sub>1</sub>	NO
4.3.2.28	Solar (See Section 10.9.0)																
4.3.2.29	Solar Energy System, Roof-Mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.3.2.30	Solar Energy System, Ground-Mounted	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP <sub>1</sub>	SP <sub>1</sub>	<u>YES</u>
4.3.2.31	Food Hall or Public Market	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	SP	NO	SP	SP	SP	<u>SP</u>
4.3.2.32	Mobile Food Market, Vendor's Court	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	SP	NO	SP	SP	SP	<u>SP</u>
4.3.2.33	Single-User Shared-Transport Station (Bike/Scooter/Moped)	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u>YES</u>
4.3.2.34	Parklet	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	SP	NO
4.3.2.35	Outdoor Merchandise	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	NO	NO	SP	<u>SP</u>

	Display																
<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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.4.1.1	Conservation of soil, water plants, and wildlife including wildlife management shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
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	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
4.4.1.3	Agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	See 4.2.3	See 4.2.3	YES	YES	<u><b>YES</b></u>
4.4.1.4	Maintenance or repair of existing structures, roadways and utilities	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
4.4.1.5	Periodic maintenance of existing water courses	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>
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	SP	SP	SP	NO	SP	YES	YES	<u><b>SP</b></u>
4.4.1.7	Structures for essential services	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u><b>SP</b></u>
4.4.1.8	Dredging expressly for mosquito or flood control by an authorized public agency	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u><b>SP</b></u>
4.4.1.9	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u><b>SP</b></u>

	and toxic materials) or equipment																
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	SP	SP	SP	YES	YES	YES	YES	<u><b>SP</b></u>
4.4.1.11	Discharges from manmade structures into the wetlands	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	<u><b>SP</b></u>
4.4.1.12	Structures for radio or television transmission by participants in emergency broadcast system	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES	<u><b>SP</b></u>
<b>4.4.2</b>	<b>ACCESSORY 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>	<b>I</b>	<b>IR</b>	<b>OS</b>	<b>A</b>	<b>WR</b>	<b>CC</b>	<b>CBD</b>	<b>MCMOD</b>
4.4.2.1	Accessory uses limited to fences, flagpoles, noncommercial signs, docks	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	<u><b>YES</b></u>

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

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

---

or to act in any other manner in relation thereto.

Submitted by the Planning Board

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

## ARTICLE #21

## RE: Parking and Landscaping Housekeeping Amendment

To see if Town Meeting will vote to amend the Zoning Bylaw Article VII, General Regulations, by deleting, amending and renumbering (~~striketrough~~ to be removed, **underlined and bold** is new) as follows.

### SECTION 7.2.0. PARKING REQUIREMENTS AND STANDARDS

#### 7.2.1 Purpose

- a) To promote traffic safety by assuring the adequate storage of motor vehicles off the public street and for their orderly access and egress to and from the public street;
- b) To prevent the creation of surplus amounts of parking spaces ~~which contribute to additional Single Occupancy Vehicle (SOV) trips, traffic congestion and traffic service level deterioration on roadways;~~
- c) To advance the efficiency of vehicular traffic on Burlington streets to reduce excessive delay and/or congestion;
- d) To consider and encourage ~~for~~ safe and convenient routes for pedestrians and bicyclists;
- e) To permit emergency vehicles to reach homes and businesses with a minimum of delay and to reduce motor vehicle and pedestrian accidents on Town streets;
- f) To prevent, reduce, and mitigate the impacts of development on parking demands, transportation system, neighborhood livability, public safety and the environment through the use of Transportation Demand Management (TDM) measures;
- g) To promote shared parking as a means to reduce excess pavement in an effort to curtail the heat island effect.

#### 7.2.2. Definition

**For the purpose of the MCMOD only this section the following definition shall apply.**

##### Improved Site Area

A portion of the property which has been improved by construction, excavation, landscaping or parking under an existing or prior use but shall not include that portion of the property which remains unpaved and/or unimproved. **It shall not include regular maintenance of existing facilities.**

#### 7.2.3. Applicability

##### ~~General~~

No permit for the construction, reconstruction, extension, or alteration of any building, structure, or use of land, and no building or land, or any part of ~~any building or land~~ **thereof**, may be occupied or used until parking has been provided in accordance with the requirements of this section.

##### ~~Additions~~

1. A building or site may be renovated or repaired without providing additional parking, provided there is no increase in gross floor area or improved site area.
2. When a building use or site use is increased in gross floor area or "Improved Site Area", parking compliance with this section is required for the additional floor or site area only.
3. When the gross floor area and Improved Site Area, either in combination or individually is increased by more than 50%, both the existing use and the additional floor or site area must conform to the parking requirements of this section.

~~For the purposes of this section "Improved Site Area" shall mean that portion of the property which has been improved by construction, excavation, landscaping or parking under an existing or prior use but shall not include that portion of the property which remains unpaved and/or unimproved. **It shall not include regular maintenance of existing facilities.**~~

#### 4. Change in Use

- a) A change in use must comply with the parking requirements unless the use has the same or a lesser parking requirement than the existing use.
- b) Where parking spaces required for the new use exceed the required parking spaces for the existing use, additional parking is only required for the difference between the current parking spaces required and the parking spaces required for the new use. If there is sufficient parking to accommodate all uses in the existing conditions the Applicant may employ the provisions of section 7.2.5 hereunder.

#### 7.2.4. Parking Space and Isle Dimensions

1. Standard Car Space. Parking spaces and aisles shall have the following dimensions unless otherwise allowed **by the Planning Director in consultation with the** Town Engineer:

FIGURE 7.1. PARKING SPACE AND AISLE DIMENSIONAL STANDARDS				
Dimension	Parallel	45 Degrees	60 Degrees	90 Degrees
Stall Width (min)	8 feet	9 feet	9 feet	9 feet
Stall Length (min)	20 feet	18 feet	18 feet	18 feet
Drive Aisle, 1 Way (min)	12 feet	12 feet	14 feet	20 feet
Drive Aisle, 2 Way (min)	20 feet	n/a	n/a	24 feet
Vertical Clearance	7'6" (min)	7'6" (min)	7'6" (min)	7'6" (min)

2. Compact Car Space: Eight (8) feet by fifteen (15) feet.
3. Retail Use Car Space: Nine (9) feet by eighteen (18) feet or width to be determined by the Town Engineer.
4. Accessible Parking Space: Thirteen (13) feet by eighteen (18) feet and designed in accordance with the standards set forth in the Rules and Regulations of the Architectural Access Board as they may be amended from time to time.

#### 7.2.5. Minimum and Maximum Parking Space Requirements

1. Parking Ratios

- a) Off-street parking spaces in the amounts specified in Figure 7.2 below shall be provided for all uses and buildings unless otherwise set forth herein.
- b) No spaces required by this section of the by-law shall be assigned to specific persons or tenants, except for those for whom the parking spaces were designed to serve except as **approved by the Planning Board.** ~~outlined in Section 7.2.5.1.~~
- c) At the determination of the Zoning Enforcement Officer, any subsequent change in the use of the site will require compliance with the parking requirements of this section unless as otherwise set forth herein.

## 2. Multiple Uses on Site

Where the Gross Floor Area of a building or buildings is divided among various uses, the Planning Board shall apply such parking space requirements and ratios specified in Figure 7.2 which most appropriately apply to the character and proportion of uses within such building or buildings.

## 3. Parking Ratio Waiver

In the event an application requires no relief other than a Parking Ratio Waiver, then the Applicant shall submit to the Planning Board its Waiver request in accordance herewith. The Application shall be considered at the next regular meeting of the Planning Board. The Planning Board may approve a Parking Ratio Waiver with a simple majority vote. In the event the Applicant is denied the Parking Ratio Waiver, the Applicant shall comply with the requirements of this Parking Bylaw.

The Planning Board may approve a Parking Ratio Waiver which contains up to 10% lower or 10% greater than the parking space requirements and ratios in Figure 7.2 Parking Requirements, provided it makes the following findings and determinations **as applicable to the site:**

- a) The amount of parking provided is adequate for the type and nature of the use proposed. The Planning Board shall take into consideration **any number of the following.**
  - i. The uses on the property and the time difference for peak hours,
  - ii. Shared parking for non-competing uses as described in section 7.2.6.3.i,
  - iii. Efforts to meet Low Impact Development (LID) landscaping and design techniques,
  - iv. The Applicant has designed their parking to meet the design criteria set forth in section ~~7.2.9~~ **7.2.10** and/or allows access between private parking lots within the site or adjacent sites.
- b) The applicant shall undertake appropriate provisions, to the satisfaction of the Planning Board, to ensure that the subject site would have adequate area for additional parking if greater parking demands arise from the current or future use of such site, and that such additional parking could be constructed in conformity with the Impervious Surfaces requirements, **where applicable,** in Section 8.3.8.4 of Article VIII of this bylaw, and any other requirements of this bylaw.

FIGURE 7.2 – PARKING REQUIREMENTS			
Principal Use	Parking Space Minimum	Parking Space Maximum	Notes
<b>A. RESIDENTIAL</b>			



One-Family Dwelling	2 per unit	-	<del>Exterior spaces may be within the lot setbacks</del>
Two-Family Dwelling	2 per unit	-	May include indoor <b>(garage)</b> parking, <del>and be within the lot setbacks</del>
<b><u>Three-Family Dwelling, Garden Apartment, and Multi-Family Dwelling</u></b>	1.5 per unit	1.5 per unit	
Age Restricted Dwelling – Attached	1 per unit	1.5 per unit	
Independent Living, Elderly Housing (public)	1 per unit	1.7 per unit	
Assisted Living, Congregate Living, Continuing Care Retirement Living	1 per every 4 units	1 per every 3 units	Plus one space for every two (2) employees during the largest shift
Dormitory	1 for every 3 beds	1 for every 3 beds	
<b>B. EDUCATIONAL, INSTITUTIONAL, RECREATIONAL</b>			
Day Care, Adult Day Health Center, Preschool	3 per 1,000 sq. ft.	3 per 1,000 sq. ft.	
Elementary and Middle Schools	2 per classroom	2 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for “Places of Assembly” and “Office” shall apply
High School	4 per classroom	4 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for “Places of Assembly” and “Office” shall apply
College, University, Technical School	5 per classroom	5 per classroom	Plus, for the floor area within the building not occupied by classrooms, the parking space requirements for “Places of Assembly”, “Office” and “Laboratory/Research” shall apply
Religious Institutions	1 for every 4 seats	1 for every 4 seats	
Libraries, Museums, and other non-recreational public facilities	1 for every 700 sq. ft.	1 for every 1000 sq. ft.	
Public Parks, Athletic Fields, Tennis, Aquatic, Other Public Institutional Uses	-	-	
<b>Principal Use</b>	<b>Parking Space Minimum</b>	<b>Parking Space Maximum</b>	<b>Notes</b>
Indoor Athletic and Exercise Facilities, Recreation Centers	4 per 1,000 sq. ft.	6 per 1,000 sq. ft.	
Outdoor Athletic Facilities	<del>5 per 1,000 sq. ft.</del> <b>20 per field</b>	<del>6 per 1,000 sq. ft.</del> <b>25 per field</b>	<del>or 9.5 spaces per acre</del>

<b>C. COMMERCIAL</b>			
Places of Assembly	1 per 4 seats	1 per 4 seats	
Motels, Hotels, Motor Hotels (No Function Space and/or Eating Establishments)	1 per sleeping room	1 per sleeping room	
Motels, Hotels, Motor Hotels (Including Function Space and/or Eating Establishments)	1 per sleeping room	1 per sleeping room	Plus floor area not occupied by sleeping rooms, the parking ratio for "Places of Assembly" and "Eating Establishments" shall apply
Medical/Dental/Veterinary – Out-Patient	5 per 1,000 sq. ft.	5 per 1,000 sq. ft.	
Hospital	2 per bed	4 per bed	
Office	2.5 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
<b>D. RETAIL</b>			
General Retail/Shopping Center	4 per 1,000 sq. ft.	4.5 per 1,000 sq. ft.	
Hardware/Paint Store	3 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Supermarket	3.5 per 1,000 sq. ft.	4.5 per 1,000 sq. ft.	
Convenience Store	4 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Convenience Store w/ Fueling Station	4 per 1,000 sq. ft.	4 per 1,000 sq. ft.	
Automotive Sales and Service	5 per 1,000 sq. ft.	5 per 1,000 sq. ft.	
Personal Services	4 per 1,000 sq. ft.	6 per 1,000 sq. ft.	
Full Service Restaurant	1 per every 3 seats	1 per every 3 seats	
Fast-Order Food Establishment	1 per every 3 seats	1 per every 3 seats	
Principal Use	Parking Space Minimum	Parking Space Maximum	Notes
<b>E. INDUSTRIAL</b>			
General Industrial, Light Industrial, Manufacturing	2.5 per 1,000 sq. ft.	2.5 per 1,000 sq. ft.	
Laboratory/Research	1.25 per 1,000 sq. ft.	1.25 per 1,000 sq. ft.	
Storage/Warehouse	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.	

## F. OTHER USES

When a use is proposed to be developed or implemented, and is not described or specified in the parking space requirements and ratios listed above, the Planning Board shall determine the minimum and maximum parking space ratio and requirement based on the character of the use proposed.

### 7.2.6. Parking Reduction Methods

The Planning Board may grant a special permit to reduce the parking space requirements specified on Figure 7.2 by more than ten percent (10%) where a development site includes a combination of uses with variation in peak parking demand times; shared parking lots on site; have shared parking agreements with proximate properties where uses have offset peak demand times; have a reasonable rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.

1. In considering a shared parking reduction in a mixed use development where shared parking is proposed, the Planning Board may require that the applicant prepare an evaluation of shared parking potential. Applicants are encouraged to follow the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition), the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), or other approved procedures as determined by the Planning Board.
2. On-Site Shared Parking

**Where an applicant cannot meet the minimum parking requirements on-site pursuant to Section 7.2.5 (Figure 7.2 - Parking Requirements), the applicant may present evidence to the Planning Board as part of Site Plan or Special Permit Review that the configuration of uses and parking areas will be adequate based on a shared parking analysis. Evidence that shared parking areas will be adequate for more than one non-residential use shall be in the form of calculations that show acceptable reductions based upon whether different uses compete for the same parking area as part of daily operations.**

- i. Non-competing Uses: In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demands for non-competing uses. Up to 75% of the requirements for the predominant use may be waived by the Planning Board if the applicant can demonstrate that the peak demands for two (2) or more uses do not overlap. **The predominant use shall be determined by the Inspector of Buildings.** An applicant may use the latest peak demand analyses published by the Institute of Traffic Engineers (ITE) or other source acceptable to the Planning Board.
- ii. Competing Uses: In mixed-use developments, applicants may propose a reduction in parking requirements where peak demands do overlap. In these cases, the Planning Board may reduce the parking requirements of the predominant use by up to 15%.
- iii. **On-Site Shared Parking Analysis Methodology**
  - a. **Sample Calculations for Determining Predominant Use Reduction**  
**Competing Uses**

<b><u>1. Baseline Parking Demand Determination</u></b>		
<b><u>Use</u></b>	<b><u>Building Size/Occupancy</u></b>	<b><u>Minimum Demand</u></b>
<b><u>Bank</u></b>	<b><u>3,000 square feet</u></b>	<b><u>12 spaces</u></b>
<b><u>Doctor's Office Building*</u></b>	<b><u>6,000 square feet</u></b>	<b><u>30 spaces*</u></b>
<b><u>Aggregate Parking Demand</u></b>		<b><u>42 spaces</u></b>
<b><u>2. Predominant Use Reduction of 15%</u></b>		
<b><u>30 spaces* -15% = 25 spaces</u></b>	<b><u>25 spaces + 12 spaces =</u></b>	<b><u>37 spaces</u></b>

**\*Predominant Use**

### **Non-Competing Uses**

<b><u>1. Baseline Parking Demand Determination</u></b>		
<b><u>Use</u></b>	<b><u>Building Size/Occupancy</u></b>	<b><u>Minimum Demand</u></b>
<b><u>Doctor's Office Building*</u></b>	<b><u>6,000 square feet</u></b>	<b><u>30 spaces*</u></b>
<b><u>Restaurant (dinner service)</u></b>	<b><u>120 occupancy</u></b>	<b><u>40 spaces</u></b>
<b><u>Aggregate Parking Demand</u></b>		<b><u>70 spaces</u></b>
<b><u>2. Predominant Use Reduction of 75%</u></b>		
<b><u>30 spaces* - 75%= 7</u></b>	<b><u>7 spaces + 40 spaces=</u></b>	<b><u>47 spaces</u></b>

**\*Predominant Use**

### **b. Time of Day Reduction**

**Where a proposed development would contain more than two uses and the applicant wishes to use shared parking to meet the minimum requirements of Section 7.2.4 (Figure 7.2 - Parking Requirements), the applicant shall first determine reductions for those uses with competing peak demands for Daytime Peak and Nighttime Peak in accordance with the methodology in Section 7.2.5.3.iii.a (Sample Calculations for Determining Predominant Use Reduction).**

**The result of the Daytime and Nighttime peak demand calculations shall then be compared to determine which set of competing demands shall be used to provide the overall parking space count. For example, daytime demands may exceed nighttime demands and, in that case, the daytime demand would serve as the overall parking demand for that site.**

### **Sample Mixed Use Plaza Profile:**

**Medical Office (10,000 square feet)**  
**Grocery Store (14,000 square feet)**  
**Retail, Daytime (5,000 square feet)**  
**Restaurant, Dinner Only (90 occupants)**  
**Restaurant, Lunch and Dinner (60 occupants)**  
**Bank (5,000 square feet)**

### **Step 1: Competing Uses (Daytime)**

<b>1. Baseline Parking Demand Determination (Daytime Peak)</b>		
<u>Use</u>	<u>Building Size/Occupancy</u>	<u>Minimum Demand</u>
<u>Medical Office*</u>	<u>10,000 square feet</u>	<u>50 spaces*</u>
<u>Grocery Store</u>	<u>14,000 square feet</u>	<u>49 spaces</u>
<u>Retail, Daytime</u>	<u>5,000 square feet</u>	<u>20 spaces</u>
<u>Restaurant, Lunch and Dinner</u>	<u>60 seats</u>	<u>20 spaces</u>
<u>Bank</u>	<u>5,000 square feet</u>	<u>20 spaces</u>
<u>Baseline Parking Demand</u>		<u>159 spaces</u>
<b>2. 15% Reduction Comparison (Daytime Peak)</b>		
<u>50*-15%=42 spaces</u>	<u>42+49+20+20+20=</u>	<u>151 spaces</u>
<b>*Predominant Use</b>		

### **Step 2: Competing Uses (Nighttime)**

<b>1. Baseline Parking Demand Determination (Nighttime Peak)</b>		
<u>Use</u>	<u>Building Size/Occupancy</u>	<u>Minimum Demand</u>
<u>Restaurant, Lunch and</u>	<u>60 seats</u>	<u>20 spaces</u>
<u>Restaurant, Dinner Only*</u>	<u>90 seats</u>	<u>30 spaces*</u>
<u>Grocery Store</u>	<u>14,000 square feet</u>	<u>49 spaces</u>
<u>Baseline Parking Demand</u>		<u>99 spaces</u>
<b>2. 15% Reduction Comparison (Nighttime Peak)</b>		
<u>30 seats*-15%=25 seats</u>	<u>20+25+49=</u>	<u>94 spaces</u>
<b>*Predominant Use</b>		

### **Step 3: Non-Competing Uses (Nighttime vs. Daytime)**

<u>Daytime Demand</u>	<u>151 Spaces (larger demand is chosen)</u>
<u>Nighttime Demand</u>	<u>94 Spaces</u>

### **3. Off-Site Parking**

Separate from, or in conjunction with Shared Parking provisions, an applicant may use off-site parking to satisfy their parking requirements. As part of the review process, the applicant shall provide the Planning Board with the necessary information to comply with the following standards:

- Off-site parking shall be located within a 700-foot walking distance, measured from the nearest point of the off-site parking area along paved public or private walkways to the principal building entrance served. **Unless the applicant can demonstrate that an alternative distance is reasonable and appropriate walkways are available.**
- Off-site parking may only be provided if the off-site lot has an excess number of spaces or if the applicant can demonstrate that the on-site and off-site uses have non-competing peak demands.
- The amount of required parking spaces being reduced on-site shall be equal to the amount being provided off-site. The parking locations shall demonstrate that both properties can account for up to 100% of the minimum required parking.

- d) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Burlington, documenting long-term use of the parking area provided to the Planning Board. The Planning Board may condition their approval on the continued existence of the written and binding shared parking agreement, the failure of which may render the permit null and void and subject to enforcement by the Inspector of Buildings.
  - e) On-street parking spaces that intersect or are completely contained within the frontage of the property may be counted toward the minimum parking requirements.
  - f) Uses sharing a parking facility shall provide for safe, convenient walking between uses and parking, including safe, well-marked pedestrian crossings, signage, and adequate lighting.
4. Proximity to Public Parking Facility. The Planning Board may grant a parking reduction where a development site is within reasonable walking distance to a municipally-controlled parking facility which is publicly-available during hours of operation of uses on site, has sufficient capacity, is not allocated for residential uses, and is connected by public sidewalk.
  5. Car-Sharing Program. The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees on a development site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site. **Unless the applicant can demonstrate that an alternative distance is reasonable and appropriate walkways are available.**
  6. Public Transportation Off-Set. On a public street where a regular **public transit** MBTA-bus route is established and where a bus stop is located within 700 feet of the main entrance of a development site, the Planning Board may grant a parking reduction. **Unless the applicant can demonstrate that an alternative distance is reasonable and appropriate walkways are available.**
  - ~~7. Public Parking Reserve. In lieu of providing the total on-site parking required, the Planning Board may accept a permanent easement on the property for the purpose of constructing public parking for all or a portion of the required on-site parking spaces. The reserve easement shall be subject to review and approval by the Planning Board.~~

#### 7.2.7. Parking Expansion Method

1. The Planning Board may grant a special permit to increase the parking space requirements specified on Figure 7.2 by more than ten percent (10%) if the Planning Board determines that all of the following findings and conditions are met:
  - a) The applicant has submitted data and evidence to the Planning Board, including but not limited to parking accumulation and utilization data that demonstrate the demand for additional parking spaces for such use or buildings, the latest edition of the Institute of Transportation Engineers (ITE) Parking Manual, the Urban Land Institute (ULI) Shared Parking Manual, or other comparable manual or document acceptable to the Planning Board.
  - b) The applicant, site operator, or owner who obtains a special permit to increase the number of parking space shall agree to reduce the estimated trip generation rates related to the subject development or use in both the a.m. and p.m. peak hours by 20%, based upon the latest edition of ITE Trip Generation manual, or other comparable manual or document acceptable to the Planning Board. The method or methods by which such a reduction is accomplished is subject to the approval of the Planning Board. The Planning Board may determine compliance with this condition by monitoring traffic movements at the site after project completion and occupancy.

The applicant, site operator, or owner shall fund this monitoring program in an amount agreed upon when the waiver is issued.

#### 7.2.8. Special Surface Parking Types and Standards

The following special parking types are intended to facilitate a smaller and more efficient parking footprint, multi-mobility, and context-based placement of parking.

##### 1. Stacked and Valet Parking

~~The Planning Board may allow valet or stacked parking if an attendant is present to move vehicles.~~ **The term stacked parking shall mean parking front to back in a commercial or multifamily setting.** If stacked parking is used for required non-residential parking spaces, a valet parking plan and a lease, recorded covenant, or other comparable legal instrument must be filed with the Town of Burlington ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:

- a) Adequate assurance of the continued operation of the valet car park is provided.
- b) An equivalent number of valet spaces is available to replace the number of required off-street parking spaces.
- c) The design of the valet parking area will not cause queuing in a vehicular travel lane.
- d) The valet parking area is not located adjacent to the front entrance of the building and or business.
- e) An attendant is provided to park vehicles during hours of operation.

~~The term stacked parking shall mean parking front to back in a commercial or multifamily setting. In the event an applicant meets the requirements noted above the Planning Board shall grant the request for stacked or valet parking.~~

##### 2. **Residential** Tandem Parking

The term Tandem Parking shall be parking front to back in a single or two family setting only. **The Planning Board shall permit Tandem Parking where the applicants meet the requirements noted below.** ~~The Planning Board may allow tandem parking under the following conditions:~~

- a) To be used to meet parking requirements for residential units only.
- b) Tandem spaces shall be assigned to the same dwelling unit.
- c) Tandem parking shall not be used to provide guest parking.
- d) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.
- e) Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.
- f) ~~The term Tandem Parking shall be parking front to back in a single or two family setting only.~~

~~The Planning Board shall permit Tandem Parking where the applicants meet the requirements noted above.~~

#### 7.2.9. Structured Parking Development and Design Standards

The Planning Board shall authorize all parking structures or garages for more than three (3) vehicles pursuant to Article XI, Section 9.2 “Special Permit”.

1. Placement and Scale. Structured parking may be constructed above ground and below ground, and attached or detached from the primary building and uses that it serves.
2. Pedestrian access to structured parking must lead directly to a public or private sidewalk and to the primary building. Structured parking that is attached directly to the primary building shall provide pedestrian access directly into the building.
3. General Development Standards.
  - a) Any parking structure or garage which is authorized by Planning Board shall not be included in the Maximum Aggregate Building-to-Ground Area Percentage pursuant to Section 5.2.0 of Article V of the district within which it is built.
  - b) The use of Parking Structures in the BG District shall not be allowed unless ALL of the following criteria are met:
    - i. The parcel boundary within which a Parking Structure is located cannot be within two hundred (200) feet of a Residential District.
    - ii. The lot area must be a minimum of 150,000 sf.
    - iii. The Parking Structure must be an accessory use to a restaurant with a Function Facility having a minimum occupancy of 400.
    - iv. Parking Structures shall not be allowed in the BG District unless the parcel within which the Parking Structure is located has an equivalent square footage of Green Space equal to 200% of the footprint of the Parking Structure, unless through a finding of the Planning Board pursuant to a “Site Plan” or “Special Permit” as described in Section 9.2.0 and 9.3.0 of Article IX, they determine an alternative public benefit; or to act in any other manner in relation thereto.
4. General Design Standard. Except for one-family and two-family dwellings, the street facing facade of any story of a building occupied by motor vehicle parking must be designed as follows:
  - a) Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
  - b) Windows must be back-lit during evening hours and internal light sources must be concealed from the view from public sidewalks.
  - c) The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building’s facade.

#### 7.2.10. Bicycle Parking



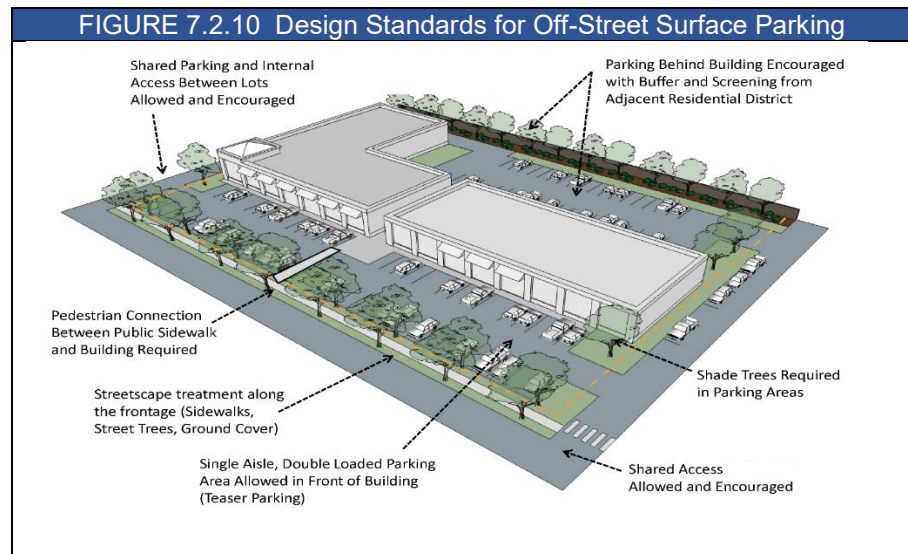
To facilitate bicycle use, the following bicycle parking regulations shall apply:

1. **Multi-Family and Mixed-Use Developments.** Developments with 5 or more multi-family units shall provide at least one indoor covered bicycle parking area with space for 5 bicycles for every 5 dwelling units unless an alternative standard is approved by the Planning Board.
2. **Non-Residential Uses.** Non-residential uses shall provide the following minimum bicycle parking spaces unless an alternative standard is approved by the Planning Board.

FIGURE 7.3 - BICYCLE PARKING REQUIREMENTS	
Size of Use	Required Spaces
5,000 to 10,000 square feet of gross floor area	4
10,001 to 30,000 square feet of gross floor area	10
30,001 square feet or more of gross floor area	14

3. **Placement.** Required Bicycle parking spaces may be placed on private property or on a sidewalk along the curb, provided that at least 5 feet of sidewalk remains clear for pedestrian use. Required bicycle parking shall be publicly accessible and located within 100 feet of a building entrance.

#### 7.2.11. Design Standards for Off-Street Surface Parking Facilities



1. **Applicability.**
  - a. As part of a Site Plan or Special Permit process, all new site development must conform with the design standards of this section.
  - b. When the gross floor area and **Improved Site Area**, either in combination or individually, is increased by more than 50%, the additional floor or site area must conform to the design standards of this section. ~~Such changes shall be permitted through a Site Plan or Special Permit process.~~
2. **Access.**
  - a) All off-street parking shall have direct access to a public street from a driveway, maneuvering

aisle, private way or permanent access easement.

- b) Where off-street parking facilities of 30 spaces or more are provided, a publicly accessible driveway must have a minimum width of eighteen (18) feet for vehicle access and 5-foot sidewalk connecting to the public street to the parking facility.
  - c) Shared driveways **in the RG, RC, BN, BL, BT, BG, IG, I, and IR zoning districts** are permitted and encouraged.
  - d) Shared internal access between adjacent private parking lots is encouraged and shall be explored in accordance with Section 9.3.0 “Site Plan” of this Bylaw.
3. Circulation.
- a) Parking lots and structures must be designed so that vehicles enter or exit the lot or structure onto a public street in a forward direction rather than backing out into the roadway except for single family dwellings.
  - b) **No driveway sideline shall be located within 20 feet of the street line of an intersecting way.**
  - c) **Driveway egresses serving 20 or more parking spaces must have not less than 250 feet sight distance in each travel direction entering an arterial street and not less than 150 feet sight distance on other streets.**
  - d) **No driveway opening shall exceed 30 feet in width (exclusive of radii) at the street line unless necessity of greater width is demonstrated by the applicant.**
  - e) **Openings shall be graded and drainage facilities provided where necessary to prevent stormwater from ponding or running across any sidewalk.**
4. Surfacing.
- a) Impervious Materials. Where on-site facilities are provided for parking or any other vehicular use areas, they must be surfaced with bituminous asphalt, concrete, or other types of dustless material, and maintained in a smooth, well-graded condition. The site plan must also conform with the Impervious Surfaces requirements intended to protect the Town’s water supply as outlined in Section 8.3.8.4 of Article VIII of this bylaw.
  - b) Pervious Materials. Pervious or semi-pervious parking area surfacing materials may be approved by the Planning Board in consultation with the Town Engineer. Permitted materials may include, but are not limited to grass, grasscrete, ring and grid systems used in porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete and other impervious material where applicable.
5. Curbs and Drainage.
- a) All surface parking areas must be graded and drained to collect, retain, and infiltrate surface water accumulation on-site to the greatest extent practicable.
  - b) Curbs or parking blocks are required at the edges of perimeter and interior landscaped areas. Curbing may have openings to allow drainage to enter and percolate through the landscaped areas taking into account size and soil conditions.

- c) Vertical Granite Curbing (VGC) is encouraged.

#### SECTION 7.3.0 GENERAL LOADING REQUIREMENTS AND PURPOSE

Loading space dimensions and locations shall be approved by the Planning Board, and loading spaces shall be so placed as not to require maneuvering within a public way or way used by the public.

- 7.3.1 General. Adequate off-street loading spaces or loading areas shall be provided and maintained by the owner of the property for each nonresidential building or use which is erected, enlarged or altered after the effective date of this Bylaw.
- 7.3.2 Same Lot. All loading spaces or loading areas required by this Bylaw shall be on the same lot as the building or use which they are intended to serve, and in no case shall any required loading area be part of an area used to satisfy the off-street parking requirements of this Bylaw.
- 7.3.3 No Queues or Backing onto Street. No loading facility shall be designed to require trucks to queue on a public way while awaiting off-loading. No loading facility shall be designed to require vehicles to back onto a public way; all turning maneuvers shall be accommodated on the premises.
- 7.3.4 Shared Loading. No part of an off-street loading area required by this Bylaw for any nonresidential building or use shall be included as part of an off-street loading area similarly required for another building or use, unless the type of buildings or uses indicates that the usage of such loading area would not occur simultaneously, as determined by the Planning Board.
- 7.3.5 Screening. Loading areas shall be screened in accordance with Section 7.4.0 of this Bylaw.
- 7.3.6 Location. No loading dock or bay shall be located within a required buffer area to an adjoining residential zoning district in accordance with Section 5.2.0 of this Bylaw. The Planning Board shall have final say on the siting of any loading dock;

#### SECTION 7.4.0 GENERAL LANDSCAPING REQUIREMENTS

- 7.4.1 Purpose. This section is designed to accomplish the following objectives:
1. Provide a suitable boundary or buffer between residential uses and nearby nonresidential uses;
  2. Separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots;
  3. Provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas; and
  4. Offer property owners protection against diminution of property values, if any, due to adjacent nonresidential use.
- 7.4.2 Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings.
- 7.4.3 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw.

Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

#### 7.4.4 Landscaping Requirements.

The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

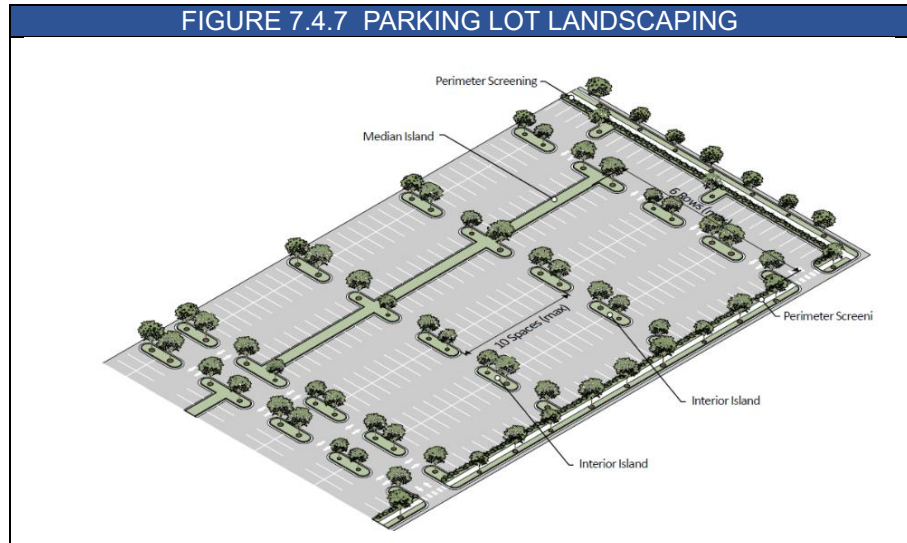
1. Screening. In accordance with an approved site plan, screening shall be provided, erected and maintained to shield RO and RG districts and municipal properties from adjoining business and industrial uses of land, and to shield RO districts from adjoining apartment uses. Screening shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the screening and a written agreement to complete the screening within a specified time and permit occupancy before the screening is installed.
2. Landscaping. In accordance with an approved site plan, landscaping shall be provided, erected and maintained on any part of any BN, BL, BG, BT, I, IR, IG, or RG lot which is not occupied by a structure or by required parking areas, service areas, and driveways; except that all or part of the required landscaping may be in its clean original wooded state. Landscaping features shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the landscaping and a written agreement to complete the landscaping within a specified time and permit occupancy before the landscaping is installed.
3. Residential Buffers. Property line(s) which also bound residential districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential use and multifamily dwellings. No part of any building or structure or any paved or unpaved surface intended for or used as a parking area may be located within the buffer area required by Section 5.2.0 of this Bylaw.
4. Accessory Receptacles. Dumpsters and similar accessory receptacles over one cubic yard capacity shall be enclosed and screened from all adjacent premises and streets from which such features would otherwise be visible in accordance with this Section.
5. Utilities. Any loading area or HVAC equipment or other electrical equipment placed on the ground level shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with this Section.
6. Plant Materials. Planted areas shall contain an appropriate mix of native plant species **as identified by the Native Plant Trust** that are appropriate to the proposed use, site layout, soils, and other environmental conditions. Vegetation is preferable to mulch where practical.
7. Existing Trees. Existing trees with a diameter at breast height (DBH) of twelve inches (12") or more shall not be removed except by prior approval of the Planning Board, and if removed, shall be replaced with a minimum 3" caliper tree, unless waived by the Planning Board.

- 7.4.5 Coordination with Site Plan Approval. The Planning Board shall require a landscaping plan as part of an overall site plan for any premises subject to site plan review pursuant to Section 9.3.0 of this Bylaw. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set

forth in this Section.

- 7.4.6 Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section and shall have a continuing obligation to comply with the provisions set forth herein. All plant materials required by this Section shall be maintained in a healthful condition, or replaced as necessary, in perpetuity.

7.4.7 Parking Lot Landscaping



1. Applicability.

- a) This Section applies to all on-site surface parking lots with 10 or more new spaces or new parking areas **with 10 or more spaces** ~~including 10 or more new spaces~~ created after the effective date of this bylaw. For purposes of this section, multiple parking lots contained on a single development site and any separate parking areas connected with drive aisles are considered a single parking lot.
- b) An existing parking lot may be renovated or repaired without providing additional landscaping, provided there is no increase in the size of the parking lot.
- c) When an existing parking lot is increased in size, the requirements of this section shall apply to the additional parking area only.
- d) When an existing parking lot is increased in size by more than 50% cumulatively, landscaping is required for both the existing parking area and the new parking area.

2. Perimeter Screening. All surface parking lots with frontage on any portion of a street right-of-way shall be screened with the following:

- a) A minimum 10-foot wide, landscaped area with a continuous row of shrubs, grasses, and/or shade trees must be provided between the street and parking lot.
- b) Shrubs and grasses must be a minimum of 18 inches in height when planted and must reach a

minimum size of 36 inches in height within 3 years of planting.

- c) A 36-inch high wall in a minimum 5-foot length may be substituted for the continuous row of shrubs.
- d) Plants shall be salt tolerant.
- e) Breaks for pedestrian and vehicle access are allowed.

3. Interior Islands.

- a) A landscaped interior island ~~must~~ shall be provided for every 10 parking spaces. Interior islands shall be distributed evenly throughout the parking area. Interior islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
- b) An interior island abutting a double row of parking spaces shall be a minimum of 8.5 feet in width and 300 square feet in area.
- c) An interior island abutting a single row of parking spaces shall be a minimum of 8.5 feet in width and 150 square feet in area.
- d) Interior islands may be installed below the level of the parking lot surface with curb breaks to allow for runoff capture. This type of island is prohibited in the following areas.
  - i. Within the Aquifer (A) overlay district.
  - ii. Where soil is designated as Type C or Type D via the Hydrologic Soil Group classification system as designated by the US Department of Agriculture's Natural Resource Conservation Service.
  - iii. Where said design conflicts with the requirements of restrictions related to properties which may be governed by the Massachusetts Contingency Plan.

4. Median Islands.

- a) A landscape median island shall be provided between every 6 single parking rows.
- b) A landscape median island shall be a minimum of 5 feet wide.
- c) A median island may also serve as the location for a sidewalk. In such case, the sidewalk must be a minimum of 6 feet wide, and the remaining planting area must be no less than 5 feet wide.
- d) Median islands may be consolidated, or intervals may be expanded in order to preserve existing trees.
- e) Median islands may be installed below the level of the parking lot surface with curb breaks to allow for runoff capture. This type of island is prohibited in the following areas.
  - i. Within the Aquifer (A) and Water Resources (WR) overlay district unless the island is designed to pre-treat the runoff prior to infiltration.
  - ii. Where soil is designated as Type C or Type D per the Hydrologic Soil Group Classification System as designated by the US Department of Agriculture's Natural

Resource Conservation Service.

- iii. Where said design conflicts with the requirements of restrictions related to properties which may be governed by the Massachusetts Contingency Plan.

5. Tree Coverage.

- a) Each interior island shall include at least one salt tolerant shade tree per 150 square feet.
- b) In no case can there be less than one shade tree for every 2,000 square feet of parking area including driving aisles.

- 6. Maintenance and Installation: All required parking lot landscaping shall be properly installed and maintained in perpetuity.

or to act in any other manner in relation thereto.

Submitted by the Planning Board

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

**ARTICLE #22**

**RE: Refine the Definition of “Experiential Retail & Commercial Interactive Venue”**

To see if the Town will vote to amend Article II, Section 2.18 “R” of the Zoning Bylaw of the Town of Burlington to amend the definition of “Retail, Experiential & Commercial Interactive Venue” as follows (~~striketrough~~ = remove and **bold and underlined** = add):

Retail, Experiential & Commercial Interactive Venue

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

Or ~~take act in~~ any ~~action relative~~manner in relation thereto.

Submitted by the Select Board at the request of  
the Director of Economic Development

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

## ARTICLE #23

## RE: Temporary Sign Bylaw Amendment

To see if the Town will vote to amend Article XIII: SIGN REGULATIONS of the Zoning Bylaw of the Town of Burlington by adding the following new section, and further that non-substantive changes to the numbering be permitted for consistency:

### SECTION 13.3.0 TEMPORARY SIGNS

#### 13.3.1 Allowed Temporary Signs

District	Allowed Temporary Signs
(RO) One Family Dwelling District	<ul style="list-style-type: none"><li>• A temporary sign advertising rental, lease or sale of the premises which shall be six (6) sq. ft. or less.</li></ul>
(RC) Continuing Care Districts	<ul style="list-style-type: none"><li>• A temporary sign erected during the construction of a building shall be 48 square feet or less and 10 feet or less in any other dimension.</li></ul>
(BG) General Business Districts (BN) Neighborhood Business Districts (BL) Limited Business Districts (BT) Continuous Traffic Business Districts	<ul style="list-style-type: none"><li>• A temporary sign advertising rental, lease, or sale of the premises, which shall be six (6) sq. ft. or less.</li><li>• A temporary sign erected during the construction of a building shall be 48 sq. ft. or less and 10 ft. or less in any dimension.</li></ul>
(IR) Retail Industrial (IG) General Industrial (I) Innovation Districts (Town of Burlington) Municipal Uses	<ul style="list-style-type: none"><li>• A temporary sign advertising rental, sale, or lease of premises not exceeding 24 sq. ft.</li><li>• A temporary sign erected during the construction of a building shall be 48 sq. ft. or less and 10 feet or less in any dimension.</li></ul>

#### 13.3.2 Temporary Sign Program for Businesses

##### 13.3.2.1 Purpose:

The purpose of this program is to provide businesses with guidelines for the use of temporary signs to promote their products and services in a manner that is consistent with the aesthetic and safety standards of the community.



#### 13.3.2.2 Definitions:

- a. Temporary Sign: Any sign, banner, or similar structure intended for temporary display to advertise a business, product, or event. Not to include feather banners and inflatable tubes. Not to exceed 12 square feet
- b. Business Owner: The proprietor or authorized representative of a business located in Burlington, Massachusetts.

#### 13.3.2.3 Permit Requirement:

- a. No person shall erect, install, or display a temporary sign without first obtaining a temporary sign permit from the Town's online permit system.
- b. Temporary sign permits shall be valid for a maximum period 14 calendar days from the date of issuance.

#### 13.3.2.4 Permit Application Process:

- a. Business owners wishing to display a temporary sign shall submit a completed permit application no more than three (3) times per calendar year.
- b. The permit application shall include the following information:
  - Name and address of the business
  - Description and dimensions of the temporary sign
  - Proposed location of the temporary sign
  - Dates of display
  - Property owner or property management approval
- c. The Building Department shall review permit applications and may approve or deny permits based on compliance with applicable regulations.

#### 13.3.2.5 Permit Fees:

As established by the Burlington Board of Selectmen, a fee will be charged for the issuance of a temporary sign permit.

#### 13.3.2.6 Permit Conditions:

- a. Temporary signs shall be displayed only on the premises.
- b. Temporary signs shall not obstruct pedestrian or vehicular traffic, impede visibility at intersections, or interfere with the effectiveness of traffic control devices.
- c. Temporary signs shall be securely fastened and maintained in good condition throughout the duration of their display.

#### 13.3.2.7 Enforcement:

- a. The Burlington Building Department is responsible for enforcing the provisions of this by-law.

- b. Violations of this by-law may result in fines and/or removal of the temporary sign at the expense of the property owner, and denial of future permit requests.

Submitted by the Select Board at the request of  
the Economic Development Director

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

## **ARTICLE #24**

## **RE: Accessory Use Regulations Relating to One-Family Dwelling (RO) District**

To see if the Town will vote to amend Burlington Zoning Bylaws Article II: Definitions, Article V: Dimensional Requirements, and Article IX: Administration and Procedures as follows:

### **1. Article II: Definitions, by adding the following definitions:**

#### **2.19**

#### Setback

The minimum distance by which any structure must be separated from a lot line.

#### Setback, Front

A front setback extends across the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way line and the nearest allowable point of any structure, including but not limited to swimming pool, tennis court, or the like.

#### Setback, Rear

A rear setback extends across the entire length of the rear property line between the side property lines and the depth is measured as the distance between the rear lot line and the nearest allowable point of any structure, including but not limited to swimming pool, tennis court, or the like.

#### Setback, Side

A side setback extends from the required front setback to the required rear setback and is measured from the side lot line to the nearest allowable point of a structure, included but not limited to swimming pool, tennis court, or the like.

#### Structure, Accessory

A detached structure, the use of which is subordinate to that of the main structure or to the main use of the land and which is located on the same lot as the main structure or use. Swing Sets or the like are excluded from this definition.

**2. Article II: Definitions, by editing existing definitions (strikethrough to be removed and underline and bold new)**

**2.2**

Building

**A structure which is 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 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. **Provided that for new residential construction, the mean finished grade is determined to be existing at time of permit application.**

**2.19**

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.~~ **and installed in or on the land.**

**3. Article V: Dimensional Requirements by editing Section 5.1 as follows (strikethrough to be removed and underline and bold new):**

**5.1.3 Limitation of Area of Accessory Uses or Structures**

5.1.3.3 In RO districts, no accessory use or ~~uses~~ **structure** shall occupy part of the required front or side yards and not more than twenty (20) percent of the rear yard, other than required off-street parking.

5.1.3.4 In all districts except RO, no accessory use ~~or~~ **structure** shall occupy any part of the required minimum ~~yard setback~~ adjacent to RO and RG districts.

5.1.3.5 In RO districts, no accessory ~~building~~ **structure** shall be more than twenty (20) feet in height.

4. **Article V: Dimensional Requirements by editing Section 5.2 Density Regulation Schedule as follows (strikethrough to be removed and underline and bold new):**

Article V

**SECTION 5.2.0 DENSITY REGULATION SCHEDULE:** No building ~~or structure~~ shall be constructed **or located**, nor shall any existing building ~~or structure~~ be enlarged or altered **without a building permit, and only** except in conformance with the Density Regulation Schedule, as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear setbacks, and maximum height of structures except as may otherwise be provided elsewhere herein. <sup>4</sup> **Accessory Use Structures greater than 65 SF OR 10 feet in height to the top of the structure require an Accessory Use Structures Permit issued by the Inspector of Buildings pursuant to Section 9.7 hereof.**

	RO	RG	RC	BN	BL	BG	BT	IG	I	IR
Minimum Lot Area <sup>9</sup>	20,000 sf	120,000 sf	100,000 sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft
Minimum Front-Yard <b><u>Setback</u></b>	25 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	25 ft <sup>5</sup>	25 ft <sup>5</sup>	100 ft
Minimum Side Yard <b><u>Setback</u></b>	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft
Minimum Rear Yard <b><u>Setback</u></b>	15 ft	50 ft	25 ft	10 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	15 ft <sup>5</sup>	100 ft
Minimum Lot Width	20 ft	20 ft	20 ft	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Yard Adjoining RO & RG, OS and Residentially Zoned Land in Contiguous Municipalities <sup>10</sup>	None	50 ft	50 ft	50 ft depth of	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	20 % depth of lot <sup>6</sup>	100 ft depth of lot	20 % depth of lot <sup>6</sup>
Maximum Aggregate Building-to-Ground Area Percentage	None	25%	25%	33.33%	33.33%	33.33%	33.33%	25%	25%	25%
Maximum Building & Structure Height <sup>11</sup>	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft <sup>8</sup> 80 ft <sup>8</sup>	30 ft <sup>7</sup> 90 ft <sup>7,12</sup>	30 ft <sup>8</sup> 80 ft <sup>8</sup>
Minimum Feet Between Buildings	None			None	None	None	None	None	50 ft	None
Maximum Floor Area Ratio	None	None	None	None	None	None	None	.15 <sup>2,3</sup>	.15 <sup>2,3</sup>	None

See notes for Density Regulation Table immediately following.

**5. Article IX: Administration and Procedures by adding the following NEW section in its entirety:**

Section 9.7 ADMINISTRATIVE PERMITS PROCESS AND PROCEDURES

9.7.1 From time to time as authorized hereunder, the Inspector of Buildings shall have the authority to issue Administrative Permits.

9.7.1.2 Process: The Inspector of Buildings shall be authorized to promulgate regulations consistent with this bylaw which shall, at a minimum, set forth specific procedures and required submittals for any Administrative Permit hereunder.

9.7.1.3 Conditions: The Inspector of Buildings may include conditions to any permit issued hereunder and which are consistent with the intent and purpose of this bylaw.

9.7.1.4 Approval: So long as the application for an Administrative Permit complies with the requirements of the bylaw governing same and the submission requirements as promulgated by the Inspector of Buildings, the Inspector of Buildings shall issue the permit.

9.7.1.5 Appeals: An appeal of the denial or granting of an Administrative Permit shall be filed with the Zoning Board of Appeals in accordance with G.L. Ch. 40A §8.

9.7.2 Types of Administrative Permits

9.7.2.1 Accessory Use Structures Permit

or to act in any other manner in relation thereto.

Submitted by the Select Board at the request of  
Zoning Bylaw Review Committee

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

And you are directed to serve this Warrant by posting attested copies thereof at the Town Hall and in at least three other public places in the Town at least 14 days before the time of said meeting.

Hereof fail not and make return of this Warrant with your doings thereon at the time and place of said meeting.

Given under our hands this 12th day in August in the year Two Thousand Twenty Four

**SELECT BOARD of Burlington**

Joseph Morandi, Chair

Michael Espejo, Vice Chair

James Tigges, Member

Nicholas Priest, Member

Sarah Cawley, Member

A true copy

Attest:

Constable

*Amy E. Warfield*

I have served this Warrant by posting attested printed copies thereof at the Town Hall and three other places in Town.

*William H. Harell*, *September 6*, 2024  
Constable Month and Day

