

Add to Article 4: Specific Use Standards

§404 Home Offices, Home Occupations, and Home Businesses

- (1) **Home Offices:** No zoning permit shall be required for a home office that is located within a principal dwelling or existing accessory structure, occupies no more than 40% of the gross floor area of the principal dwelling, is carried on by a resident of that dwelling, and involves no signs, public access or outdoor storage or displays.
- (2) **Home Occupations:** No provision of this bylaw shall infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse impact on the character of the surrounding neighborhood or area. A zoning permit is required to ensure that the proposed home occupation complies with the following standards:
 - a. The home occupation shall be carried on by residents of the dwelling; in addition up to two (2) nonresident employees may work on the premises at any one time.
 - b. The home occupation shall be carried on within a minor portion of the principal dwelling, not to exceed more than 40% of the gross floor area of the principal dwelling, or within an existing accessory structure.
 - c. Exterior storage or display, other than that characteristic of a residential use, is specifically prohibited.
 - d. The home occupation shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties.
 - e. No traffic shall be generated in substantially greater volumes than would normally be expected from a residential use in the neighborhood. Home child care, as defined under §402(1) of this bylaw, is specifically exempted from this provision.
 - f. Off-street parking for residents and nonresident employees shall be provided in accordance with §310 of this bylaw. No commercial vehicles other than passenger vehicles (e.g., cars, vans, pick-up trucks) associated with the business shall be parked on the premises.
 - g. There shall be no exterior signage, except for one non-illuminated sign not to

exceed six (6) square feet, bearing the name and occupation of the resident.

- h. On-site retail sales shall be minor and incidental to the business.
- i. Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.
- j. A home occupation in a single unit dwelling shall be subject to administrative review by the administrative officer to ensure compliance with these standards. A home occupation in a two-unit or multiunit dwelling shall be subject to condition use review by the Development Review Board to ensure compliance with these standards.

(3) **Home Businesses:** Home Businesses may be allowed as an accessory to a single-family dwelling, subject to conditional use review under §907, and the following provisions:

- a. The home business shall be carried on by residents of the dwelling; in addition up to four (4) nonresident employees may work on the premises at any one time.
- b. The home business shall be carried on within a minor portion of the principal dwelling, not to exceed more than 40% of the gross floor area of the principal dwelling or, with the approval of the Development Review Board, a home business located in an accessory structure may occupy an area greater than 40% of the gross floor area of the principal dwelling.
- c. The home business shall not have an undue adverse impact on the character of the neighborhood, or result in a change in the outward appearance of the dwelling or the accessory structure.
- d. Exterior storage areas (e.g., for building, construction materials, dumpsters) must be completely screened year-round from public view and from neighboring properties. Landscaping may be required as appropriate. The storage of hazardous materials anywhere on the premises is prohibited, with the exception of materials customary and characteristic of residential uses (e.g., heating oil).
- e. The home business shall not generate traffic, including delivery traffic, in substantially greater volumes than is characteristic of the neighborhood.
- f. Adequate off-street parking shall be provided for residents, employees and

customers in accordance with §310. Commercial vehicles or equipment associated with the home business shall be parked in an enclosed area, or otherwise screened from public view and from adjoining properties.

- g. Adequate provisions shall be made for water, wastewater and the disposal of solid waste, in accordance with applicable municipal and state regulations.
- h. The home business shall meet all applicable sign standards in §305.
- i. The home business shall not generate noise, smoke, vibrations, dust, glare, odor, electrical interference or heat which is detectable at the property line, or which otherwise presents a hazard to public health and safety, or to neighboring properties.
- j. On-site retail sales shall be minor and incidental to the business.

§418 Industrial Uses

- (1) The following standards shall apply to all uses which fall under the classifications of Industrial I, Industrial II, and Industrial III. Pre-existing uses and operations in lawful existence as of the effective date of these regulations which exceed any of these standards shall be treated as a nonconforming use and shall be considered exempt until they are discontinued or altered in accordance with §313 of this bylaw.
- (2) The Development Review Board may require an independent study pertaining to one or more of the potential impacts to adjoining properties and uses within the vicinity of the project to ensure that the proposed use will operate in conformance with the standards.
 - a. **Lot Size:**
 - i. Class II Industrial uses shall be require a minimum lot size of two acres, with a maximum Floor Area Ratio (FAR) of no greater than .3.
 - ii. Class III Industrial uses shall require a minimum lot size of five acres, with a maximum Floor Area Ratio (FAR) of no greater than .3.
 - b. **Impervious Surface Coverage:** All industrial uses shall have an impervious surface coverage of no greater than 50%.
 - c. **Fire and Explosion:** All flammable and explosive materials used in processing shall be equipped with adequate safety devices against the hazard of fire and explosion, and adequate fire fighting and fire suppression equipment and devices which are standard for such industry or activity.

- d. **Vibration:** All industrial uses shall cause no inherent and recurring generated vibration perceptible without instruments at any point along the lot line. Temporary construction and maintenance activities are excluded from this restriction.
- e. **Noise:**
 - i. Whether pulsating, intermittent, or continuous, noise shall not exceed 60 decibels at the lot line of the property from which it originates from 7:30 a.m. to 7:30 p.m. Specifically exempted from these standards are:
 - 1. Maintenance or construction activity;
 - 2. Transportation vehicles not used in the ordinary operation of a use or a business; and
 - 3. Occasionally used safety signals, warning devices, and emergency relief valves.
 - ii. Whether pulsating, intermittent, or continuous, noise shall not exceed 40 decibels at the lot line of the property from which it originates from 7:30 p.m. to 7:30 a.m.
- f. **Odor:** The emission of obnoxious odors of any kind shall not be permitted, nor the emission of any toxic or corrosive fumes or gases.
- g. **Emissions, Particulates and Air Pollution:**
 - i. No emissions shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling at any point on or beyond the property.
 - ii. Dust created by an industrial operation shall not be exhausted or wasted directly into the atmosphere.
 - iii. Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by landscaping or other acceptable means.
- h. **Electrical Interference:** The industrial use shall not create electrical interference in neighboring buildings or land uses.
- i. **Heat:** Heat emitted at any or all points shall not at any time cause temperature increase perceptible to humans on any humans on any adjacent property, whether such change be in air, ground or water temperature, or in the temperature of any structure adjoining the property.

- j. **Lighting:** Industrial and exterior lighting shall conform to the standards of §306 of this bylaw and shall not be used in such a manner that produces glare on public roads and neighboring properties. Arc welding, acetylene torch cutting or similar process shall be performed so as not to be seen from any point beyond the outside of the property.
- k. **Liquid and Solid Wastes:** No discharge of liquid or solid wastes or other materials of such nature of temperature as can contaminate surface or groundwater shall be permitted into the ground or any rivers, lakes, or ponds, except in accordance with all state and federal regulations.
- l. **Open Storage:**
 - i. All open storage of materials incidental to the industrial use shall be screened from view from any point beyond the outside of property and shall be secured from access by the general public.
 - ii. The open storage of lumber or other combustible materials shall be situated so it may be accessible to fire trucks at any time.
- m. **Traffic:** Traffic and trip generation shall not reduce the operating level of the Burke's state and town highways below a level of service "C." To this end, the Development Review Board may require a Traffic Management study in accordance with §908 of this bylaw.

Definitions

Floor Area Ratio (FAR): The gross floor area of all buildings or structures on a lot, divided by the total lot area, excluding the areas prohibited from development in accordance with §304 of this bylaw.

$$\text{FAR} = \frac{\text{Total building floor areas}}{\text{Total lot area minus slopes – undevelopable land}}$$

Gross Floor Area: The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, corridors, and lobbies from the exterior face of exterior walls, or from the centerline of a common wall separating two dwelling units, but excluding any space with a floor-to-ceiling height of less than 6 feet, six inches.

Home Business: A business conducted by the resident(s) of a single-family dwelling, and not more than 4 non-resident employees, which is carried on within the principal dwelling and/or an accessory structure, and otherwise meets the requirements of this bylaw.

Home Office: A self-employment activity conducted entirely within a minor portion of a principal dwelling or within an existing accessory structure which is carried on by a resident of that dwelling, and involves no signs, public access or outdoor storage or displays.

Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof, or not more than two 2 nonresidents, which is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Impervious Surface Coverage: The gross area of all impervious surfaces on the lot, divided by the total lot area, excluding the areas prohibited from development in accordance with §304 of this bylaw.

Industry: The assembling, manufacturing, compounding, processing, packaging, treatment, or testing of materials, goods, or products.

Industry Class I: An industrial use that:

- a. Occurs entirely within an enclosed principal structure on the lot;
- b. Occupies less than 10,000 square feet;
- c. Does not produce flammable, explosive, or hazardous materials;
- d. Does not entail open storage of materials incidental to the industrial use;
- e. Operates between the hours of 7:30 a.m. to 7:30 p.m.
- f. Has up to three (3) delivery trucks per day, none to exceed 16,000 pounds.

Industry, Class II: An industrial use that:

- a. Occurs entirely within an enclosed structure;
- b. Has a Floor Area Ratio of no greater than .3 on a lot that is no smaller than two (2) acres.
- c. Does not produce flammable, explosive, or hazardous materials;
- d. Does not entail the open storage of combustible materials incidental to the industrial use;
- e. Operates between the hours of 7:30 a.m. to 7:30 p.m.
- f. Delivery truck traffic does not exceed 10% of its daily trip generation.

Industry, Class III: All other industrial uses.

Trip Generation: The total number of vehicle trips produced by a specific land use or activity.

Proposed Change for Table 310.11: Minimum Off-Street Parking Requirements*

Home Occupation and Home Business: One space per 1.2 non-resident employees

Summary of Home Office, Home Occupation, Home Business

	Home Office	Home Occupation	Home Business
Review Process	None	Administrative Review for Single-Unit Dwellings, Conditional Use Review for Two-Unit and Multiunit Dwellings	Conditional Use Review for Single Unit Dwellings in VMU, AR I, and AR II
Within principal dwelling or accessory structure	Yes	Yes	Yes
Size Limit	40% of gross floor area	40% of gross floor area Can be larger if in an accessory structure	40% of gross floor area Can be larger if in an accessory structure
Non-resident employees	None	Two	Four
Outdoor storage of materials	None	None	Screened from public view No hazardous materials
Parking	Not applicable	One space per 1.2 non-resident employee* No commercial vehicles on premises	One space per 1.2 non-resident employee* Commercial vehicles and equipment screened from public view
Signs	None	One non-illuminated sign, not to exceed six square feet	Two signs, not to exceed twenty square feet May be illuminated Other standards of §305 will apply
Traffic/trip generation	None	None in greater volumes than is characteristic of the neighborhood	None in greater volumes than is characteristic of the neighborhood
Landscaping/Screening	None	None	May be required for outdoor storage
Retail Sales	None	Minor and incidental to the business	Minor and incidental to the business
Operating Hours	Not applicable because there is no exterior display	Not specified, but shall not have an undue adverse impact on the character of the neighborhood.	Not specified, but shall not have an undue adverse impact on the character of the neighborhood.
Where allowed	All districts	All districts	Village Mixed Use AR – I AR - II

A Summary of Industrial Class Uses

	Industrial Class I	Industrial Class II	Industrial Class III
Review Process	Conditional Use Review	Conditional Use Review	Conditional Use Review
Size/intensity	Maximum of 10,000 square feet	Situated on no less than 2 acres. Minimum FAR of .3	Situated on no less than 5 acres. Minimum FAR of .3
Parking	Maximum impervious surface coverage of 50%. One space per 1.2 employees Standards in §310 apply.	Maximum impervious surface coverage of 50%. One space per 1.2 employees Standards in §310 apply.	Maximum impervious surface coverage of 50%. One space per 1.2 employees Standards in §310 apply.
Enclosed activity	Entirely within the principal structure on the lot.	Enclosed within any structure on the lot.	Not required.
Flammables, Explosives	None	None	Yes. Must be equipped with safety and fire suppression devices
Open storage	None	None	Yes. Must be screen from any point outside the property and secured. Combustibles must be accessible by fire trucks.
Operating hours	7:30 a.m. to 7:30 p.m.	7:30 a.m. to 7:30 p.m.	24 hours
Traffic/trip generation	No delivery truck greater than 16,000 lbs. Up to three deliveries a day.	Delivery trucks can be greater than 16,000 lbs., but they cannot exceed 10% of daily trip generation.	No restrictions. But...conditional use review criteria can be expanded to explicitly include hours of operation.
Where allowed	Village Mixed Use AR-I	Village Mixed Use AR-I	AR-I *Limited to Route 5