

SUMMARY OF DIFFERENCES BETWEEN CURRENT ARTICLE 4 AND NEW ARTICLE 4 USE REGULATIONS

As discussed in Town Counsel's September 29, 2022 Zoning Diagnostic, the existing Article 4 use regulations require extensive reorganization and revisions to ensure conformance with the Zoning Act, to improve consistency of terms, to remove redundant, superfluous, or outdated entries, to clarify ambiguities, and to generally make it more user friendly. While developing an entirely new set of use regulations was outside the scope of the Zoning Bylaw Committee's charge from the Select Board, the Committee did undertake to update the types of uses allowable in the Town and to make major changes in how permitted uses are identified and organized in the Bylaw. Additionally, the Committee's proposed new Article 4 incorporates provisions to address statutorily exempt uses.

Below is a list of the most significant changes to the Use Regulations, divided into two groups: Housekeeping Changes (primarily organizational/editorial changes), and Substantive Changes.

Housekeeping Changes include:

- Dividing the principal use regulations and accessory use regulations into separate sections.
- Creating a new, alphabetized Table of Principal Uses based upon broad principal use category descriptions, in lieu of the current Table of Permitted Uses. The current Table (adopted in 1989) lists only specific uses and does not differentiate between principal and accessory uses.
- Supplementing the Table of Principal Uses with descriptions of the types of uses included within each principal use category.
- Updating the use regulations to
 - specifically address statutorily exempt uses such as educational, religious, childcare, and agricultural uses;
 - to eliminate some outdated uses such as lodging houses, and plants for drycleaning, cold storage and freezing;
 - to recognize some modern day uses (such as pet day care and electric vehicle charging stations)

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- Locating the Table of Principal Uses directly into the text of Article 4, rather than in a separate appendix. (The current Table of Permitted Uses is placed in an appendix to the Zoning Bylaw).
- Grouping the accessory use regulations into a dedicated Accessory Use section, and incorporating all detailed requirements for special accessory uses such as Accessory Dwelling Units Home Occupations, and Common Driveways that are currently located in other Articles of the Bylaw.
- Creating a separate section for the Bylaw’s Temporary Use Regulations.
- Amending the Article 2 definitions of certain terms used in Article 4, to:
 - Remove any regulatory language that is now incorporated into Article 4, and
 - to clarify ambiguous or vague language.

The amended definitions included: Accessory Dwelling Unit, Accessory Use, Bed and Breakfast Establishment, Common Driveway, Guest House, and Multi-family Dwelling.

- Deleting Article 2 definitions of terms that are unnecessary because:
 - The terms are no longer used in Article 4 (Apartment, Bed and Breakfast House, Lodging House); or
 - The terms are now described in Article 4 (Veterinary Hospital and Veterinarian Practice).

Substantive Changes

- Establishing broad categories of principal uses that group similar principal uses based on category descriptions. Most of the specifically listed principal uses in the existing Table of Permitted Uses fall within one or more of the new categories.
- The broad principal use categories allow for establishment of uses not currently included in the Table of Permitted Uses, but which share similar characteristics. For example, “Retail Store,” “Personal Service Establishment,” and “Marina or Boatyard.” Attached is a comparison chart showing which new category or categories would include the principal uses currently listed in the Table of Permitted Uses.

- The principal use categories expand the types of uses identified in the current Zoning Bylaw: by including Assisted Living Facility; Childcare Facility; Craft Shop, Artist Studio; Commercial Greenhouse or Garden Center; Pet Day Care, and Pet Boarding.
- Large Scale Ground Mounted Solar installations are allowed by Special Permit in the Technology Business District in addition to the Overlay District
- The existing provision that generally authorizes a special permit to be issued for any use not listed in the Table of Permitted Uses is being removed. This type of general special permit authorization is not permissible under State law.
- The Accessory Dwelling Unit (ADU) regulations are no longer in a standalone Article. They have been relocated to Article 4. The ADU regulations have also been changed to:
 - ✓ Allow an ADU in an existing accessory building rather than solely in the principal dwelling;
 - ✓ Allow exterior changes and additions to an existing dwelling or accessory building in order to accommodate an ADU;
 - ✓ Allow an ADU special permit to “run with the land” rather than terminate upon the sale of the property.
- The Common Driveway regulations have been moved from Article 7 into Article 4. The regulations have been changed to:
 - ✓ Specifically identify common driveways as an accessory use;
 - ✓ Authorize the Planning Board to issue a special permit for a common driveway to serve up to 4 lots for single family dwellings, subject to certain legal control and design standards.
- Parking of Commercial Motor Vehicles is allowed as an accessory use, but with limitations on the size and number of commercial vehicles that may be parked or garaged on residentially zoned land without a special permit.
- Some new Accessory Uses are added:
 - ✓ Small-scale roof-mounted and ground-mounted Solar Energy installations are permitted by right as accessories to all residential and non-residential uses, subject to height limits.

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- ✓ Accessory electric vehicle charging stations are allowed by right in residential districts for use by occupants of the premises. In non-residential districts, accessory Electric Vehicle Charging Stations are allowed subject to Site Plan Approval.
- ✓ Accessory Drive-through or Drive-up Service windows or kiosks are allowed by special permit in non-residential districts, subject to certain site design standards.
- The inclusionary housing requirements are now referred to as the Inclusionary Housing Contribution (IHC) Requirements. The regulations have been modified to:
 - ✓ More clearly Identify the specific types of residential uses and developments that are subject to the inclusionary housing requirements;
 - ✓ Clarify the purposes.
 - ✓ Significantly limit options for substituting off-site housing units or monetary payments in lieu of providing required the units or lots within the subject development.
 - ✓ Include a requirement that the inclusionary units be deed restricted to meet State Agency requirements.

Proposed Principal Use Category Associated with Principal Uses Listed in the Existing Table of Permitted Uses

| <u>As Currently Listed in the Table of Permitted Uses</u> | <u>Associated New Use Category Description</u> |
|---|--|
| Detached one-family dwelling | Detached Single-family Dwelling |
| The conversion and/or use of a one-family dwelling existing on 1-5-1955 as a dwelling for not more than 2 families | Two-family Conversion |
| The conversion and/or use of a one-family dwelling existing on 1-5-1955 as a dwelling for more than 2 families | Multi-family Conversion |
| Dwellings of more than 1 family including those in combination with stores or other permitted uses | Multi-family Dwelling/Mixed Use |
| Church, rectory, parish house, Convent or other religious use | Religious Use |
| Nonprofit educational use, either Public, private or religious | Religious Use |
| Golf course | Outdoor Sport Facility or Club |
| Fishing reservations or Wildlife Preserve | Private Conservation or Open Space Recreation |
| Cemetery | Cemetery |
| Historical Association or Society | Club or Lodge |
| Hospital or Sanitarium | Hospital or Nursing Facility |
| Sanitary Landfill and other Solid Waste Facilities | Governmental Use |
| Administrative, Cultural, Recreational, Wastewater Treatment, Water Supply, Fire, Police, or other Protective Use operated by the Town or other government agency | Governmental Use/ Essential Service |

Agricultural, horticulture, and floriculture, not including a greenhouse or stand for retail sale

Commercial Agriculture
(if commercial and on more than 5 acres)
Farm if noncommercial, or on less than 5 acres

Noncommercial Forestry, Growing of crops and other vegetation and Conservation of Water Plants and Wildlife Extensive Uses In Natural Habitats

Private Conservation or Open Space Recreation/Farm

Raising or Keeping of Livestock, Horses, Poultry, and Grazing Animals for Commercial Use

Commercial Agriculture on more than 5 acres
Farm if less than 5 acres

Commercial Stables, Kennels

Commercial Agriculture (if raising breeding on 5+acres)/Kennels and Stables if less than 5 acres

or Veterinary Hospital in which all animals, fowls, or other forms of life are in completely enclosed buildings at least 200 feet from any lots line

Veterinary Hospital

Stores for the Sale of Goods at Retail, Including dry goods, food, apparel and accessories, furniture and home furnishings, smallwares, and hardware

Retail Store

Restaurants (other than fast-food restaurants) serving foods or beverages from within the premises

Restaurant

Fast Food Restaurants

Fast Food Restaurant

Establishments for selling new or used Automobiles and trucks, new automobile tires, and other accessories, farm equipment, aircraft, motorcycles, and household trailers

Dealership

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Hotels and Motels

**Lodging House for More than
5 persons other than members of
the family**

Funeral Home or Mortuary Establishment

**Retail Sale of Marina Petroleum
Products, Fishing and Boating Gear
Apparel, Boats and Boat Trailers and
Supplies**

Convalescent and Nursing Home

Showroom for Building Supplies

**Medical and Dental Offices not
Attached to doctors' or dentists'
Residences**

**Membership Club or Nonprofit
Organization**

Auto Service Stations

And Automobile Repair

**Miscellaneous Trade and Repair
Service Shops**

**Indoor Motion Picture Amusement
And Recreation Establishment**

Outdoor Motion Picture Establishment

Wind Energy Conversion Facility

Ground Mounted Solar Installations

**Transient Lodging
Accommodations**

ELIMINATED

Funeral Home

Marina; Boatyard

Hospital or Nursing Facility

Wholesale Sales and Storage

Professional Office

Club or Lodge

Automobile Service Station

Automotive Repair Garages

Building Trades/Repair Shops

Indoor Entertainment Facility

Open Air Entertainment Facility

Wind Energy Conversion Facility

**Large Scale Ground-Mounted
Solar Facility**

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**Boat Yards, Repair and Open Air Sales
And Storage of Boats, Boat Livery, or
Marina**

Marina; Boatyard

Commercial Parking Lot

ELIMINATED

Appliance and Furniture Repair Service

Repair Service

**Commercial and Membership Sports
And Recreational Facilities**

**Outdoor Sports and Recreation
Facilities**

**Miscellaneous Business Offices,
Including Insurance and Real Estate**

Business Offices

**Personal Service Establishments,
Including Beauty Salon, Barbershop,
Tailor, Etc.**

Personal Service Establishments

**Other Similar Retail
and Service Uses**

**Retail Store/Personal Services/
Repair Shop**

Bank with Accessory Drive-in windows*

Financial Offices

**Facility for Assembling Electrical or
Electronic Devices, Appliances,
Apparatus and Supplies, including
Computers**

Light Manufacturing

Veterinarian Practice

Veterinary

Medical Marijuana Treatment Center

**Medical Marijuana Treatment
Center**

**Plant for Dry Cleaning, Cold Storage or
Freezing, Power Laundry**

ELIMINATED

**Storage Yard, Warehouse or Distribution
Plant for Construction Supplies and
Equipment, Firewood, Building Material,
Textiles, Food Products, Household Supplies,
and any Products of Manufacturing Activities
Permitted in this District (Whether or not
Produced on the Premises)**

**Wholesale Sales or Storage Facility
Storage Business/
Open Air Wholesale
Sales or Storage**

Aboveground Storage of Gas and Petroleum Products

ELIMINATED as Principal Use

**Printing Establishment
Publishing Establishment**

**ELIMINATED
ELIMINATED**

**REPLACED BY: Print Shop;
Photo Studio**

Plant For Manufacturing Electrical or Electronic Devices, Appliances, Apparatus And Supplies

Light Manufacturing

Manufacturing Plant for Medical, Dental or Drafting Instruments, Optical Goods, Watches or Other Precision Instruments

Light Manufacturing

Manufacturing of Advertising Displays, Awnings, Shades, Bakery Products, Nonalcoholic Beverages, Brushes, Candy, Clothing or Other Textile Products, Jewelry Ice, Leather Goods, Toys, or Wood Products

Light Manufacturing

Beverage Bottling or Food Packaging Plant but Not Including Meat and Fish Products

Light Manufacturing

Light Metal Fabrication or Refinishing Plant

Light Manufacturing

Research, Experimental, or Testing Laboratory

Research and Development

Wholesaling Other Durable Goods

Wholesale Sales or Storage

**and Manufacturing
Other Durable Goods**

Light Manufacturing

**NEW USES ADDED: Open Air Business Uses: Pet Care, Pet Boarding
Commercial Greenhouse;
Garden Center;
Repair Garage; Auto Body Shop**

Business Uses: Craft Shop; Artist Studio

Residential Uses: Assisted Living Facility

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