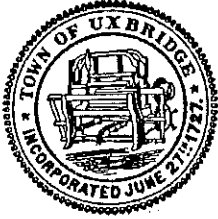


Received by
Uxbridge
Town Clerk



Town of Uxbridge
Zoning Board of Appeals
21 South Main Street
Uxbridge, MA 01569
(508) 278-8600, ext 2013

Memorandum

To: Board of Selectmen
From: Mark Wickstrom, Chair Zoning Board of Appeals
Date: March 12, 2015
Re: Spring Annual Town Meeting Warrant Article

At a regularly scheduled Zoning Board of Appeals meeting on March 11, 2015, the Board discussed and reviewed in detail the following warrant articles. The Board voted to place the following articles on the Spring Annual Town Meeting Warrant of 5/12/2015.

**ARTICLE: AMENDMENT TO THE ZONING BYLAWS, ARTICLE III
USE REGULATIONS, SECTION 400-11 ACCESSORY USES AND
STRUCTURES AND AMENDMENT TO APPENDIX A, TABLE OF USE
REGULATIONS, SECTION F "ACCESSORY USES"**

To see if the Town will vote to amend the Zoning Bylaws, Article III, Use Regulations, Section 400-11 Accessory Uses and Structures by deleting the existing section in its entirety and replacing it with the following and deleting Appendix A, Table of Use Regulations, Section F "Accessory Uses":

400-11 Accessory Uses and Structures

Accessory uses and structures are allowed to the extent they are accessory to the lawful, primary use of the land. If the primary use or structure is non-conforming to the zoning district, or would require a special permit under these Zoning Bylaws, then a new accessory use or structure shall be permitted only upon a special permit. If the primary use would require a special permit from the Planning Board, then that board shall be the special permit granting authority, otherwise the special permit granting authority shall be the Zoning Board of Appeals.

A. Home Occupation: As of Right.

Non-withstanding anything to the contrary home occupation shall be considered an allowed accessory use of a residential dwelling, so long as it:

1. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission, or environmental pollution;
4. does not utilize exterior storage of material or equipment;
5. does not utilize any exterior indication, including signs, of its presence or any variation from residential appearance;
6. does not produce any customer, pupil, or client trips to the occupation site and has no non-resident employees;
7. is a registered business with the Town Clerk or Secretary of the Commonwealth of Massachusetts.

B. Home Occupation: By Special Permit

A home occupation in a residential dwelling shall be allowed by Special Permit from the Zoning Board of Appeals so long as it:

1. meets the requirements of section 400-50;
2. complies with sections 2, 3, 4, 5 and 7 of Sub-section A above, except that an exterior sign may be allowed of not more than two square feet in area;
3. is conducted within a dwelling solely by the persons occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees;
4. has no drive-up or drive-thru business;

Said special permit for Home Occupation may be limited in time, and may limit hours of operation, maximum floor area used, off-street parking, and maximum number of vehicle trips, in addition to other restrictions as may be found necessary by the Zoning Board of Appeals.

C. Signs

1. Except as may be regulated by other sections of this Zoning By-Law, no sign, display, or other advertisement shall be attached, erected, or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted upon application therefor, so long as the sign, display or advertising:

- a) is accessory to the use of the property upon which it is located;
- b) does not impair public safety or interfere with traffic;
- c) is in compliance with the Historic District Regulations, (if within that District);
- d) is no more than twelve (12) square feet on one side, and have no more than two sides;
- e) complies with all dimensional setback requirements;
- f) is no more than six feet above the ground level at its highest point.

2. A sign, display or other advertisement that does not comply with subsection (d), (e) and/or (f) above may be allowed by a Special Permit from the Special Permit Granting Authority (hereinafter, "SPGA").

3. Internally illuminated signs and luminous signs may be allowed in the Industrial Zone. Signs illuminated from an external source directed solely

toward said sign is the only permitted method of illumination in the other zoning districts, unless a special permit from the SPGA is obtained. A permit for an illuminated sign shall be approved only if the applicant shows that the light is shaded, shielded, directed and/or maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect the neighboring premises nor the safe vision of operators of vehicles moving on public ways. Only white lights shall be used for external illumination of a sign.

4. Except by special permit of the SPGA, no changeable electronic variable signs or movable signs shall be allowed.

5. No sign, display or advertisement shall be painted on the exterior of a building or structure (except a sign structure). No sign shall extend beyond the roof line of the building to which it is attached. Roof signs are not allowed.

6. Signs erected by a governmental unit for public purpose are allowed. Temporary signs with public interest or community service announcements, (not including general advertising signs), may be erected on public ways, traffic islands, or other public property upon approval of the Board of Selectmen.

7. No signs, displays or advertisements may be posted upon poles, conduits, switchboxes, or other utilities unless approved by the Board of Selectmen. The Board of Selectmen may adopt rules, regulations and set a fee schedule relative thereto.

8. The following are exempt from regulation under this section:

- a) vehicle or pedestrian directional signs of no more than two square feet;
- b) signs specifically mandated, authorized or protected by state or federal law;
- c) decorative signs of no more than two square feet indicating the owner of residential property;
- d) temporary realtor signs on the premises of the property for sale;
- e) temporary political signs, no more than one per candidate;
- f) signs indicating the name of development projects on land under construction or development, if allowed by the permit granting authority for said construction or development;
- g) a temporary contractor sign during ongoing work on the premises.

9. The Special Permit Granting Authority under this Section C shall be the Zoning Board of Appeals, unless the landowner/applicant requires a permit or approval from the Planning Board, in which case that Board may act as the Special Permit Granting Authority.

D. Parking of Commercial Vehicles

Except for farm vehicles, used for that purpose and stored on the land where the farming activity is conducted, no commercial box trucks, combination vehicles, tractor trailers, heavy wheeled equipment, buses, or the like shall be stored on land with a primary residential use, unless the vehicle is adequately screened or garaged so as to preserve the residential nature of the neighborhood. This prohibition shall not include pick-up style trucks or vans.

SPONSOR: Zoning Board of Appeals

**ARTICLE: AMENDMENT TO THE ZONING BYLAWS – AMEND
APPENDIX A, TABLE OF USE REGULATIONS**

To see if the Town will vote to amend the Zoning Bylaws Appendix A, Table of Use Regulations. Under Part B, "Essential Services", by changing the table to "Y" in all zones.

SPONSOR: Zoning Board of Appeals

cc:

Town Manager Office
Finance Committee
Town Clerk