



## **Land Use Committee**

Date: Friday September 1, 2023  
Time: 9AM  
Location: Municipal Complex, Conference Room A  
Subject: Land Use Committee Meeting

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CALL TO ORDER – Councilor Beth Moreau

- I. Discussion on Gateway Zoning:
  - a. Review List of Properties determine process moving forward
  - b. Review of existing zoning compared to Gateway Zoning, discussion.
- II. Home occupation definition discussion and review
  - a. Review of Other Jurisdictions, what might be helpful discussion.
- III. Update on ADU handbook
- IV. Update from Housing Navigator
- V. Public Input
- VI. Adjournment

***Members of the public also have the option to join this meeting over Zoom using the link below:***

**Join Zoom Meeting**

<https://us06web.zoom.us/j/83952047936>

**Meeting ID:** 839 5204 7936

**Passcode:** 134858

Agenda Item I

To Gateway? Key= GA/MH (garden apartment/mobile home park) I (Industrial) OR (office research) GB (general business)

	Property	Map-Lot	Size of Lot	Current Zone	Future Zone	Current Development
1	126 Lang Road	0291-0001-0001	26.72	GA/MH	G1	None
2	1 Freedom Cir	0285-0001-0000	28.05	GA/MH	G1	Patriots Park
3	55 Heritage Ave	0285-0004-0000	2.85	I	G1	Warehouse building
4	70 Heritage Ave	0285-0011-000B	7.44	I	G1	Storage Units/Com
5	100 Heritage Ave	0285-0011-00A2	4.79	I	G1	Storage Units
6	Constitution Ave	0285-0016-3000	8.47	I	G1	Office type buildings
7	2300 Lafayette Road	0273-0007-0001	Unknown	G1 & I	G1	Water Country
8	Campus Drive	0266-0004-0000	36.70	I	G1	Community Campus
9-15	2032 Lafayette Rd	0267-0004-0000	3.46	OR	G1	Service CU Bank
	2010 Lafayette Rd	0267-0005-0000	2.90	OR	G1	Service CU Offices
	2000 Lafayette Rd	0267-0006-0000	2.27	OR	G1	Employment Sec
	1950 Lafayette Rd	0267-0007-0001 & 2	Unknown	OR	G1	Two office condos
	1900 Lafayette Rd	0267-0008-0000	3.98	OR	G1	Medical Buildings
	0000 Lafayette Rd	0267-0001-0007	6.33	OR	G1	US Army Corp
	1700 Lafayette Rd	0252-0001-0000	4.30	OR	G1	Public Ser Co Office
16	2059 Lafayette Rd	0268-0013-0000	.30	MRB	G1 or G2	Office building
17	0000 Lafayette Rd	0268-0012-0000	.62	MRB	G1 or G2	Vacant land
18	2021 Lafayette Rd	0268-0011-0000	22 Lots range in size To .26-.44	SRB	G1 or G2	Small house lots Across from OR dist
	To 1601 Lafayette Rd	To 0251-0126-0000		All lots SRB		
19	2 Mirona Rd	0253-0006-0000	1.13	I	G2	Auto Repair
20	11 Mirona Rd	0253-0008-0000	4.07	I	G2	Auto Repair
21	1 Mirona Rd	0253-0007-0000	1.83	I	G2	Glass Company
22	1035 Lafayette Rd	0246-0001-0000	3.13	SRB	G1 or G2	Church
23	545 Lafayette Rd	0229-0006-0000	.96	SRB	G1 or G2	Dentist Office
24	000 Lafayette Rd	0229-006A-0000	1.01	SRB	G1 or G2	Vacant land behind dentist office
25	500 US Route 1 BYP	0173-0009-0000	3.49	I & GRA	G1	Car dealership
26	185 Cottage Street	0174-0014-0000	.89	GRA	G1 or G2	Medical Office
27	505 US Route 1 BYP	0234-0005-0000	2.56	GB	G1 or G2	Hotel
28	US Route 1 Byp	0233-0145-0000	2.66	OR	G1	Vacant municipal land
29	445 US Route 1 Byp	0234-0003-0000	5.13	OR	G1	Public Service Co
30	Borthwick Ave	0234-0007-0007	4.29	OR	G1	Public Service Co
31	Borthwick Ave	0234-0002-0000	4.77	OR	G1	Public Service Co
32	650 Borthwick Ave	0234-0007-0006	2.89	GB	G1 or G2	Hotel

	Property	Map-Lot	Size of Lot	Current Zone	Future Zone	Current Development
33	100 Cokley Rd	0234-0006-0000	1.21	GB	G1 or G2	The Granite Group
34	549 US Route 1 BYP	0234-0051-0000	18.22	GB	G1 or G2	Car dealership
35	153 Boyd Rd	0174-0012-0000	1.22	GB	G1 or G2	Parking lot
36	580 US Route 1 BYP	0175-0011-0000	3.68	GB	G1 or G2	Hotel
37	300 Woodbury Ave	0175-0004-0000	1.77	GB	G1 or G2	Hotel
38	120 Spaulding TPKE	0236-0033-0000	10.63	GB and SRB	G1 or G2	Car dealership
39	150 Spaulding tpke	0236-0035-0000	.20	GB	G1 or G2	Retail shop
40	157 Farm Lane	0236-0034-0000	.42	GB	G1 or G2	Two apt bldgs.
41	180 Spaulding Tpke	0236-0039-0000	1.25	GB	G1 or G2	Car dealership
42	200 Spaulding Tpke	0237-0056-0000	22.23	GB and SRB	G1 or G2	NE Marine and Ind
43	201 Echo Ave	0237-0057-0000	.34	GB	G1 or G2	Apt bldg.
44	Oriental Gardens	0215-0009-several	Unknown	OR	G1	Mobile home park
45	300 Gosling Rd	0214-0003-0000	38.71	WI and OR	G1	Public Service Co
46	Commerce Way	0216-0001-0001	4.11	OR	G1	Vacant land
47	135 Commerce Way	0216-0001-0011	5.39	OR	G1	Office building
48	155 Commerce Way	0216-0001-0010	5.49	OR	G1	Office building
49	175 Commerce Way	0216-0001-0009	4.07	OR	G1	Office building
50	170 Commerce Way	0216-0001-0002	6.86	OR	G1	Office buildings
51	195 Commerce Way	0216-0001-0008	2.82	OR	G1	Office building
52	215 Commerce Way	0216-0001-008A	8.82	OR	G1	Office buildings
53	210 Commerce Way	0216-0001-0004	4.24	OR	G1	Office building
54	230 Commerce Way	0216-0001-0005	5.62	OR	G1	Office buildings
55	Shearwater Drive	0217-0002-1975	4.53	OR	G1	Vacant land
56	1303 Woodbury Ave	0217-0001-0000	1.51	G1 & MRB	G1	Rite Aid
57	1000 Market St	0219-0063-0001 & 3	Unknown	OR	G2	Office bldg. hotel

Should all of Heritage Ave be something other than industrial??

Should west road be something other than industrial??

<b>Industrial</b>	<b>Office Research</b>	<b>General Business</b>	<b>Mixed Residential Business</b>	<b>Garden Apt/ Mobile Home</b>
To accommodate industrial, wholesale and storage uses whose operation and physical characteristics do not have detrimental impacts on surrounding areas.	To provide for campus-style development of offices buildings, research and development facilities, and complementary uses.	To provide for a wide range of retail and commercial uses in areas with excellent regional highway access.	To provide areas where a limited range of business establishments, including live/work units, can be located near or adjacent to residential development, providing a transition between residential neighborhoods and commercial districts.	To provide areas for garden apartment development at moderate densities (up to 4 dwelling units per acre), and to accommodate existing developed mobile home parks.
<p><b>Permitted uses:</b></p> <ol style="list-style-type: none"> <li>1. Post secondary school</li> <li>2. Municipally operated park and related activities</li> <li>3. Professional Office</li> <li>4. Business Office</li> <li>5. Financial Services Office-No retail bank</li> <li>6. Social Service Campus nonresidential (25 acres)</li> <li>7. Media Studio excluding any transmitting antenna tower</li> <li>8. Publishing facility or similar electronic production operation</li> <li>9. Trade, craft and general service establishments such as shop for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers</li> <li>10. Dry cleaning establishment with on-site cleaning facilities.</li> <li>11. Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods</li> <li>12. Wholesale use</li> <li>13. Wholesale lumber yards, lumber and contractor sales</li> <li>14. Light industry</li> <li>15. Research and development</li> <li>16. Food processing not including seafood processing</li> <li>17. Electronics manufacturing</li> <li>18. General manufacturing</li> </ol>	<p><b>Permitted uses:</b></p> <ol style="list-style-type: none"> <li>1. Post secondary School</li> <li>2. Historic preservation building</li> <li>3. Museum</li> <li>4. Municipally operated park and related activities</li> <li>5. Profession office</li> <li>6. Business office including real estate office</li> <li>7. Financial services office</li> <li>8. Publishing facility or similar electronic production operation</li> <li>9. Hospital</li> <li>10. Medical offices and clinics outpatient only</li> <li>11. Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers</li> <li>12. Hotel or motel up to 125 rooms</li> <li>13. Satellite dish receiver 42 inches or less in diameter</li> </ol>	<p><b>Permitted uses:</b></p> <ol style="list-style-type: none"> <li>1. Assisted living center</li> <li>2. Primary, secondary and post-secondary school</li> <li>3. Historic preservation building</li> <li>4. Museum</li> <li>5. Performance facility indoor up to and more than 500 occupancy</li> <li>6. Club, fraternal or service organization</li> <li>7. Religious, sectarian or private non-profit recreational use</li> <li>8. Cinema or similar indoor amusement use with no live performance</li> <li>9. Indoor recreation use such as bowling alley or arcade</li> <li>10. Health club, yoga studio, marital arts school, or similar use up to and more than 2,000 GFA</li> <li>11. Professional Office</li> <li>12. Business office including real estate office</li> <li>13. Financial institution services office and retail bank</li> <li>14. Media studio excluding any transmitting antenna tower</li> </ol>	<p><b>Permitted uses:</b></p> <ol style="list-style-type: none"> <li>1. Single family dwellings (thereby allowing ADUs)</li> <li>2. Two family dwellings</li> <li>3. Multifamily dwellings 3 to 8</li> <li>4. Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5- 2 to 4 units</li> <li>5. Live/Work Units</li> <li>6. Primary, secondary and post-secondary school</li> <li>7. Historic preservation building</li> <li>8. Municipally operated park and related activities</li> <li>9. Health club, yoga studio, marital arts school, or similar use up to 2,000 GFA</li> <li>10. Business office including real estate office</li> <li>11. Financial institution services office and retail bank</li> <li>12. Family day care facility</li> <li>13. Group day care facility including private preschool and kindergarten</li> <li>14. Drop-off/pick up only for items to be dry cleaned or laundered off site</li> <li>15. Self-service laundry for use by the general public</li> </ol>	<p><b>Permitted uses:</b></p> <ol style="list-style-type: none"> <li>1. Two family dwellings</li> <li>2. Townhouses</li> <li>3. Multifamily dwellings 3 to more than 8</li> <li>4. Manufactured housing park</li> <li>5. Municipally operated park and related activities</li> <li>6. Boat landings, boat docks, boathouses and associated marine uses non commercial</li> <li>7. Satellite dish receiver 42 inches or less in diameter</li> <li>8. Construction Trailer temporary use</li> <li>9. Temporary structures up to 30 days</li> <li>10. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling up to 180 days</li> <li>11. Accessory use to a permitted principal use, but not including any outdoor storage</li> <li>12. Home Occupation 1</li> </ol>

<p>19. Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office storage yard or storage building essential to service the area in which it is located</p> <p>20. Satellite dish receiver 42 inches or less in diameter</p> <p>21. Whip antenna not more than 30 feet in height</p> <p>22. Construction trailer</p> <p>23. Temporary structure up to 90 days</p> <p>24. Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling up and more than 180 days</p> <p>25. Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food</p> <p>26. Accessory use to a permitted principal use, but not including any outdoor storage</p> <p>27. Concessions and services located within the principal building</p> <p>28. Indoor storage of motor vehicles or boats as an accessory use</p> <p>29. Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</p> <p>30. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the</p>	<p>14. Whip antenna not more than 30 feet in height</p> <p>15. Construction Trailer temporary use</p> <p>16. Temporary structures up to 90 days</p> <p>17. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</p> <p>18. Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food</p> <p>19. Accessory use to a permitted principal use, but not including any outdoor storage</p> <p>Accessory use to a permitted principal use, but not including any outdoor storage</p> <p>20. Concessions and services located within the principal building</p> <p>21. Indoor storage of motor vehicles or boats as an accessory use</p>	<p>15. Publishing facility or similar electronic production operation</p> <p>16. Call center</p> <p>17. Medical offices and clinics outpatient only</p> <p>18. Group day care facility including private preschool and kindergarten</p> <p>19. Personal services</p> <p>20. Consumer services such as a copy shop, bicycle repair, and pet grooming</p> <p>21. Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers</p> <p>22. Drop-off/pick up only for items to be dry cleaned or laundered off site</p> <p>23. Self-service laundry for use by the general public</p> <p>24. Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium</p> <p>25. Convenience goods 1 both 6-11 and 24/7</p> <p>26. Convenience goods 2 6AM to 11PM</p> <p>27. Retail sales conduction within building</p> <p>28. Shopping center</p> <p>29. Fish market</p> <p>30. Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods</p> <p>31. Nightclub or bar less than 250 occupancy</p>	<p>16. Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium</p> <p>17. Convenience goods 1 6AM to 11PM</p> <p>18. Bed and Breakfast 1</p> <p>19. Bed and Breakfast 2</p> <p>20. Boat landings, boat docks, boathouses and associated marine uses non commercial</p> <p>21. Research and development not marine-dependent</p> <p>22. Satellite dish receiver 42 inches or less in diameter</p> <p>23. Construction Trailer temporary use</p> <p>24. Temporary structures up to 30 days</p> <p>25. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling up to 180 days</p> <p>26. Accessory use to a permitted principal use, but not including any outdoor storage</p> <p>27. Home Occupation 1 &amp; 2</p> <p>28. Concessions and services located within the principal building</p> <p>29. Indoor storage of motor vehicles or boats as an accessory use</p> <p>30. Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be</p>	<p>13. Concessions and services located within the principal building</p> <p>14. Indoor storage of motor vehicles or boats as an accessory use</p> <p>15. Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</p> <p>16. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length 9canoes and kayaks)</p> <p>17. Outdoor storage of lobster traps, lobster buoys and associated rope</p>
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<p>property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length (canoes and kayaks)</p> <p>31. Outdoor storage of lobster traps, lobster buoys and associated rope</p>	<p>22. Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</p> <p>23. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length (canoes and kayaks)</p>	<p>32. Restaurant take out only</p> <p>33. Restaurant fast food</p> <p>34. Restaurant, place of public assembly or function room up to 250 occupancy</p> <p>35. Inn</p> <p>36. Conference hotel</p> <p>37. Conference Center</p> <p>38. Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (ie lawn mowers) including accessory repair services</p> <p>39. Boat landings, boat docks, boathouses and associated marine uses non commercial and fishing boat landing 1</p> <p>40. Wholesale sales devoted to and in the same establishment as a permitted retail use occupying up to 20% of GFA of establishment and 21% to 40% GFA</p> <p>41. Food processing not including seafood processing</p> <p>42. Satellite dish receiver 42 inches or less in diameter</p> <p>43. Whip antenna not more than 30 feet in height</p> <p>44. Construction Trailer temporary use</p> <p>45. Temporary structures up to 30 days</p> <p>46. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided</p>	<p>limited to no more than 2 axles and 6 wheels</p> <p>31. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length (canoes and kayaks)</p> <p>32. Outdoor storage of lobster traps, lobster buoys and associated rope</p>	
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		<p>that there is an active building permit for rebuilding the destroyed dwelling up to 180 days</p> <p>47. Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food</p> <p>48. Accessory use to a permitted principal use, but not including any outdoor storage</p> <p>49. Home Occupation 1 &amp; 2</p> <p>50. Concessions and services located within the principal building</p> <p>51. Outdoor dining or drinking area, as accessory use to a permitted principal use</p> <p>52. Indoor storage of motor vehicles or boats as an accessory use</p> <p>53. Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</p> <p>54. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in</p>		
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		length or hand-powered craft without restriction as to length (canoes and kayaks)		
		55. Outdoor storage of lobster traps, lobster buoys and associated rope		
<p><b>Uses by Special Exception:</b></p> <ol style="list-style-type: none"> <li>Health club, yoga studio, martial arts, school, or similar use</li> <li>Social Service Campus residential (25 acres)</li> <li>Media Studio including any transmitting antenna tower</li> <li>Call center</li> <li>Veterinary Care</li> <li>Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks 10.581, 10.592, 10.843</li> <li>Sales, rental, leasing, distribution, and repair of trucks over 10,000lb GVW, recreational vehicles, marine craft or manufactured housing, and related equipment 10.581, 10.592, 10.843</li> <li>Impound Lot principal or accessory use</li> <li>Truck fueling facility 10.581, 10.592, 10.843</li> <li>Truck terminal 10.592, 10.843</li> <li>Repair of commercial marine craft and marine-related structures 10.581, 10.592, 10.860</li> <li>Food processing including seafood processing</li> <li>Biological or chemical laboratory</li> <li>Recycling facility or recycling plant 10.592, 10.853</li> <li>High hazard use including other uses listed in section but not including 14.90</li> <li>Public or private transformer station, substation, pumping station or automatic telephone</li> </ol>	<p><b>Uses by Special Exception:</b></p> <ol style="list-style-type: none"> <li>Residential care facility of more than 5 residents</li> <li>Retail bank</li> <li>Clinics with inpatient care</li> <li>Ambulatory surgical center</li> <li>Veterinary Care</li> <li>Drop-off/pick up only for items to be dry cleaned or laundered off site</li> <li>Hotel or motel 126 to 250 rooms</li> <li>Research and development</li> <li>Public or private transformer station substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building essential to service the area in which is located</li> <li>Helipad, as an accessory use to a permitted hospital use</li> <li>Satellite dish receiver more than 42 inches in diameter</li> <li>Temporary structures up to 180 days</li> </ol>	<p><b>Uses by Special Exception:</b></p> <ol style="list-style-type: none"> <li>Residential care facility more than 5 residents</li> <li>Place of assembly religious or other nonprofit</li> <li>Outdoor performance facility up and more than 500 occupancy</li> <li>Club, fraternal or service organization</li> <li>Media studio including accessory transmitting antenna tower</li> <li>Clinics with inpatient care</li> <li>Ambulatory surgical center</li> <li>Veterinary Care</li> <li>Convenience goods 2 24/7</li> <li>Retail sales large format business</li> <li>Sexually oriented</li> <li>Nightclub or bar 250 to 500 occupancy</li> <li>Restaurant, place of public assembly or function room from 250 to greater than 500 occupancy</li> <li>Boarding House</li> <li>Hotel or motel any amount of rooms</li> <li>Boat landings, boat docks, boathouses and</li> </ol>	<p><b>Uses by Special Exception:</b></p> <ol style="list-style-type: none"> <li>Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5-5 to 8 units</li> <li>Assisted living home</li> <li>Residential care facility 5 or fewer residents and 5 or more than 5 residents.</li> <li>Place of assembly religious or other nonprofit</li> <li>Club, fraternal or service organization</li> <li>Profession Office</li> <li>Media studio excluding any transmitting antenna tower</li> <li>Publishing facility or similar electronic production operation</li> <li>Medical offices and clinics outpatient only</li> <li>Personal services</li> <li>Consumer services such as copy shop, bicycle repair, and pet grooming</li> <li>Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers.</li> <li>Veterinary Care</li> <li>Convenience Goods 2 6AM to 11PM</li> <li>Manufacture of goods sold at retail on the premises, such as</li> </ol>	<p><b>Uses by Special Exception:</b></p> <ol style="list-style-type: none"> <li>Assisted living home</li> <li>Residential care facility of 5 or fewer residents</li> <li>Historic preservation building</li> <li>Public or private transformer station substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building essential to service the area in which is located</li> <li>Satellite dish receiver more than 42 inches in diameter</li> <li>Whip antenna not more than 30 feet in height</li> <li>Temporary structures up to 90 days</li> <li>Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</li> </ol>



<p>exchange, not including any business office storage yard or storage building providing community-wide or regional service</p> <p>17. Helipad as an accessory use to a permitted hospital use</p> <p>18. Satellite dish receiver more than 42 inches in diameter</p> <p>19. Temporary structure up to 180 days</p> <p>20. Outdoor storage of raw or partially finished material</p> <p>21. Outdoor storage of machinery equipment and vehicles other than 20.30 or 20.40</p>		<p>associated marine uses fishing boat landing 2</p> <p>17. Light industry</p> <p>18. Research and development</p> <p>19. Food processing including seafood processing</p> <p>20. Electronics manufacturing</p> <p>21. Public or private transformer station substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building essential to service the area in which is located and providing community-wide or regional service</p> <p>22. Satellite dish receiver more than 42 inches in diameter</p> <p>23. Temporary structures up to 90 days</p> <p>24. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</p> <p>25. Outdoor storage of machinery equipment and vehicles other than 20.30 or 20.40</p>	<p>crafts, coffee roasting and bakery goods</p> <p>16. Inn</p> <p>17. Public or private transformer station substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building essential to service the area in which is located</p> <p>18. Satellite dish receiver more than 42 inches in diameter</p> <p>19. Whip antenna not more than 30 feet in height</p> <p>20. Temporary structures up to 90 days</p> <p>21. Manufactured Housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</p>	
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	<b>Conditional Permit Uses:</b> 1. Drive-through facility, as accessory use to a permitted principal use	<b>Conditional Permit Uses:</b> 1. Drive-through facility, as accessory use to a permitted principal use		
<b>Dimensional Standards</b> Minimum Lot Dimensions 2 acres, 200 feet continuous street frontage and depth Minimum Yard Dimensions Front 70 feet, Side 50 feet and rear 50 feet Maximum structure dimensions Height 70 feet except 10.532.20 Roof appurtenance height 10 feet Building coverage 50% Floor area ratio No Requirement Minimum open space 20%	<b>Dimensional Standards</b> Minimum Lot Dimensions 3 acres, street frontage 300 feet and depth of lot 300 feet, exceptions for properties adjacent to North Mill Pond Minimum Yard Dimensions Front 50 feet, Side 75 feet, Rear 50 feet exceptions for properties adjacent to North Mill Pond Maximum Structure Dimensions Height 60 feet, roof appurtenance 10 feet building coverage 30% and Minimum open space 30% Exceptions for north mill pond and Piscataqua river	<b>Dimensional Standards</b> Minimum Lot Dimensions 43,560 SF, street frontage 200 feet, depth 100 feet Minimum Yard Dimensions Front 30 feet, side 30 feet and rear 50 feet Maximum Structure Dimensions Height 60 feet, roof appurtenance 10 feet, building coverage 30% and minimum open space 20%	<b>Dimensional Standards</b> Minimum Lot Dimensions 7,500 sf with same for per dwelling unit, 100 feet street frontage and 80 feet of depth. Minimum Yard Dimensions Front 5 feet special for Lafayette Rd, side 10 feet and rear 15 feet Maximum Structure Dimensions Sloped roof 40 feet flat roof 30 feet, roof appurtenance 10 feet building coverage 40% Minimum open space 25%	<b>Dimensional Standards</b> Minimum Lot Dimensions 5 acres with lot area per dwelling unit 10,000 sf Minimum Yard Dimensions Front 30 feet, 10.533 special for Lafayette Rd side 25 feet and rear is 25 feet Maximum Structure Dimensions Sloped or flat roof 35 feet with exceptions for parking on first floor roof appurtenance 8 feet building coverage 20% see 10.816 for MHP Minimum open space 50%

### Special Yard Requirements on Lafayette Road

Notwithstanding the minimum **front yard** requirements specified in Section 10.521 or Section 10.531, for any **lot** adjoining Lafayette Road between the Route 1 Bypass and the Rye town line, no **building, structure**, parking area, or display or storage area shall be located less than 80 feet from the centerline of Lafayette Road or 30 feet from the sideline of Lafayette Road, whichever represents the greater **setback**, except as otherwise permitted by this Ordinance.

Gateway 1	Gateway 2
<p>The purpose of this district is to facilitate a broad range of housing types together with compatible commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.</p>	<p>This district is intended to facilitate a broad range of residential and mixed use development at a pedestrian scale and moderate density providing commercial uses that benefit residents of the district and surrounding neighborhoods along major corridors.</p>
<p><b>Permitted Uses:</b></p> <ol style="list-style-type: none"> <li>1. Single Family Dwelling</li> <li>2. Two-Family Dwellings</li> <li>3. Townhouse</li> <li>4. Multifamily dwellings more than 8 units</li> <li>5. Live/Work Units</li> <li>6. Historic Preservation building</li> <li>7. Municipally operated park or related activities</li> <li>8. Health club, yoga studio, martial arts school, or similar use up to 2,000 GFA</li> <li>9. Outdoor recreation use</li> <li>10. Professional office</li> <li>11. Business office including real estate office</li> <li>12. Financial institutions services office and retail bank</li> <li>13. Publishing facility or similar electronic production operation</li> <li>14. Medical offices and clinics outpatient only</li> <li>15. Family day care facility</li> <li>16. Personal services</li> <li>17. Consumer services such as copy shop, bicycle repair and pet grooming</li> <li>18. Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers</li> <li>19. Drop-off/Pick-up only for items to be dry cleaned or laundered off site</li> <li>20. Self-service laundry for use by the general public</li> <li>21. Convenience goods 1, 6AM to 11PM</li> <li>22. Convenience goods 2, 6AM to 11PM</li> <li>23. Retail sales conducted within a building</li> <li>24. Shopping center</li> </ol>	<p><b>Permitted Uses:</b></p> <ol style="list-style-type: none"> <li>1. Single Family Dwelling</li> <li>2. Two-Family Dwellings</li> <li>3. Townhouse</li> <li>4. Multifamily dwellings more than 8 units</li> <li>5. Live/Work Units</li> <li>6. Historic Preservation building</li> <li>7. Municipally operated park or related activities</li> <li>8. Health club, yoga studio, martial arts school, or similar use up to 2,000 GFA</li> <li>9. Outdoor recreation use</li> <li>10. Professional office</li> <li>11. Business office including real estate office</li> <li>12. Financial institutions services office and retail bank</li> <li>13. Publishing facility or similar electronic production operation</li> <li>14. Medical offices and clinics outpatient only</li> <li>15. Family day care facility</li> <li>16. Drop-off/Pick-up only for items to be dry cleaned or laundered off site</li> <li>17. Convenience goods 1, 6AM to 11PM</li> <li>18. Convenience goods 2, 6AM to 11PM</li> <li>19. Retail sales conducted within a building</li> <li>20. Shopping center</li> <li>21. Fish markets</li> <li>22. Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods</li> <li>23. Restaurant take-out only</li> <li>24. Restaurant fast food</li> <li>25. Restaurant occupancy up to 50</li> </ol>

<ul style="list-style-type: none"> <li>25. Fish markets</li> <li>26. Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods</li> <li>27. Nightclub or bar less than 250 occupancy</li> <li>28. Restaurant take-out only</li> <li>29. Restaurant fast food</li> <li>30. Restaurant occupancy up to 250</li> <li>31. Boat landings, boat docs, boathouses and associated marine uses non-commercial</li> <li>32. Satellite dish receiver 42 inches or less in diameter</li> <li>33. Construction Trailer</li> <li>34. Temporary structures up to 30 days</li> <li>35. Manufactured housing not on a foundation, as temporary placement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling up to 180 days</li> <li>36. Accessory use to a permitted principal use but not including any outdoor storage</li> <li>37. Home occupation 1 and 2</li> <li>38. Concession and services located within the principal building</li> <li>39. Outdoor dining or drinking area, as accessory use to a permitted principal use</li> <li>40. Outdoor dining or drinking area, as accessory use to a permitted principal use</li> <li>41. Indoor storage of motor vehicles or boats as an accessory use Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</li> <li>42. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length (canoes and kayaks)</li> <li>43. Outdoor storage of lobster traps, lobster buoys and associated rope</li> </ul>	<ul style="list-style-type: none"> <li>26. Boat landings, boat docs, boathouses and associated marine uses non-commercial</li> <li>27. Satellite dish receiver 42 inches or less in diameter</li> <li>28. Construction trailer</li> <li>29. Temporary structures up to 30 days</li> <li>30. Manufactured housing not on a foundation, as temporary placement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling up to 180 days</li> <li>31. Accessory use to a permitted principal use but not including any outdoor storage</li> <li>32. Home occupation 1 and 2</li> <li>33. Concession and services located within the principal building</li> <li>34. Outdoor dining or drinking area, as accessory use to a permitted principal use</li> <li>35. Indoor storage of motor vehicles or boats as an accessory use</li> <li>36. Indoor storage of motor vehicles or boats as an accessory use Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels</li> <li>37. Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property: not more than one motorboat or sailboat longer than 12 feet. Any number of motorboats or sailboats up to 12 feet in length or hand-powered craft without restriction as to length (canoes and kayaks)</li> <li>38. Outdoor storage of lobster traps, lobster buoys and associated rope</li> </ul>
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**Uses By Special Exception:**

1. Assisted living centers and homes
2. Residential care facilities up to and more than 5 residents
3. Place of assembly religious and other nonprofit
4. School primary, secondary or post-secondary
5. Museum
6. Indoor performance facility up to 500 persons
7. Outdoor performance facility up to 500 persons
8. Club, fraternal or service organization
9. Religious, sectarian or private non-profit recreational use
10. Cinema or similar indoor amusement use with no live performance
11. Indoor recreation use such as bowling alley or arcade
12. Health club, yoga studio, martial arts school, or similar use more than 2,000 GFA
13. Media Studio, excluding any transmitting antenna tower
14. Clinics with inpatient care
15. Ambulatory surgical center
16. Group day care facility including private preschool and kindergarten
17. Veterinary Care
18. Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium
19. Convenience goods 1, 24/7
20. Convenience goods 2, 24/7
21. Nightclub or bar from 250-500 occupancy
22. Restaurant occupancy 250 to 500
23. Boarding house
24. Bed and breakfast 1 and 2
25. Inn
26. Hotel or motel up to 500 rooms
27. Conference Hotel
28. Conference Center
29. Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (i.e. lawn mowers) including accessory repair services

**Uses By Special Exception:**

1. Assisted living centers and homes
2. Residential care facilities up to and more than 5 residents
3. Place of assembly religious and other nonprofit
4. School primary, secondary or post-secondary
5. Museum
6. Indoor performance facility up to 500 persons
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8. Club, fraternal or service organization
9. Religious, sectarian or private non-profit recreational use
10. Cinema or similar indoor amusement use with no live performance
11. Indoor recreation use such as bowling alley or arcade
12. Health club, yoga studio, martial arts school, or similar use more than 2,000 GFA
13. Media Studio, excluding any transmitting antenna tower
14. Group day care facility including private preschool and kindergarten
15. Personal services
16. Consumer services such as copy shop, bicycle repair and pet grooming
17. Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers
18. Veterinary Care
19. Self-service laundry for use by the general public
20. Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium
21. Nightclub or bar less than 250 occupancy
22. Nightclub or bar from 250-500 occupancy
23. Restaurant occupancy 50 to 500
24. Bed and breakfast 1 and 2
25. Inn
26. Hotel or motel up to 250 rooms
27. Light industry not marine dependent
28. Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office,

<p>30. Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks</p> <p>31. Sales, rental, leasing, distribution and repair of trucks over 10,000lbs GVW recreational vehicles, marine craft or manufactured housing and related equipment</p> <p>32. Wholesale sales devoted to and in the same establishment as a permitted retail use, occupying up to 20% GFA of establishment</p> <p>33. Light industry not marine dependent</p> <p>34. Research and development not marine dependent</p> <p>35. Food processing not including seafood processing</p> <p>36. Electronics manufacturing</p> <p>37. General manufacturing not marine dependent</p> <p>38. Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building essential to service the area in which it is located</p> <p>39. Satellite dish receiver more than 42 inches in diameter</p> <p>40. Whip antenna not more than 30 feet in height</p> <p>41. Temporary structures 31 to 90 days</p> <p>42. Manufactured housing not on a foundation, as temporary placement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</p> <p>43. Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food</p>	<p>storage yard or storage building essential to service the area in which it is located</p> <p>29. Satellite dish receiver more than 42 inches in diameter</p> <p>30. hip antenna not more than 30 feet in height</p> <p>31. Temporary structures 31 to 90 days</p> <p>32. Manufactured housing not on a foundation, as temporary placement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling more than 180 days</p>
<p><b>Uses By Conditional Use Permit:</b></p> <p>1. ADU attached</p> <p>2. Drive-through facility, as accessory use to a permitted principal use</p>	<p><b>Uses By Conditional Use Permit:</b></p> <p>1. ADU attached</p>

Not allowed Planned Unit Development?? Residential density incentive PUD??Manufactured housing park??

Amusement park, water park or theme park not allowed in any of our districts....

There is a big gap in restaurant occupancy beginning at 50 then up 250, Maybe the lower amount should be 100??

Concord NH

**28-5-30 Home Occupations.**

- (a) *Purpose.* The purpose of establishing conditions and limitations on home occupations is to recognize the increasing role of electronics and telecommunications in enabling individuals to work from their homes, and the growing use of computer and related equipment in the home which may have both personal and business applications. These regulations recognize that certain types of home-based businesses may be carried on without an adverse impact on the residential property or the neighborhood, but that limitations are necessary to preclude uses of a scale or type which may be incompatible in a residential context. This Section provides supplemental standards for two (2) levels of business use within a dwelling unit, and which are permitted where authorized by Section 28-2-4(k), Table of Accessory Uses, of this ordinance. The two (2) levels of accessory use are classified as minor home occupation; and major home occupation.
- (b) *Minor Home Occupation.* Minor home occupations include small scale business uses of a dwelling unit which are subordinate to the principal residential use of the property and that are indistinguishable in appearance and level of traffic generation from other dwelling units in a neighborhood. No minor home occupation shall be permitted which would be incompatible with traditional residential uses in the surrounding neighborhood. To be considered compatible with a residential neighborhood, a minor home occupation must meet all of the following conditions:
- (1) No goods, stock in trade, or other commodities may be visible from outside the dwelling unit;
  - (2) There are no on-premises retail sales of goods or merchandise from inventory held on the premises, with the exception of sales made via mail order or via telecommunication;
  - (3) The home occupation shall not employ persons who are not residents of the dwelling unit;
  - (4) The use shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference;
  - (5) Uses related to teaching and instruction to pupils shall be limited to those which accommodate not more than one pupil at a time;
  - (6) Not more than twenty-five (25) percent, not to exceed two thousand five hundred (2,500) square feet, of the habitable floor area of the dwelling unit may be utilized by the home occupation, or not more than a comparable amount of floor space in an existing accessory building existing at the time of the adoption of this ordinance;
  - (7) There shall be no external evidence of the occupation which differentiates the residence in appearance from other residential properties similarly situated; and
  - (8) The total number of daily vehicle trips to and from the property shall not exceed twelve (12);
  - (9) The use is not one of the following, which are expressly prohibited as minor home occupations:
    - a. Barber and beauty shops;
    - b. Real estate or insurance offices;
    - c. The boarding of animals or the operation of commercial kennels or stables and similar uses;
    - d. Uses involving the parking or storage of commercial vehicles; or
    - e. Automobile or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof.
- (c) *Major Home Occupation.* A major home occupation is a home-based business which may involve limited external evidence of business use such as the use of a portion of accessory buildings for business use, the employment of persons not residing on the property, or light shipping and delivery of manufactured,

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assembled or repaired products. A major home occupation shall not be permitted if it is determined that it may have a significant adverse impact on the surrounding neighborhood. In order to avoid adverse impacts on a neighborhood, a major home occupation shall not be authorized unless it meets all of the following standards and conditions:

- (1) The use is subordinate to a single-family detached dwelling, and is primarily a non-retail use;
- (2) Not more than twenty-five (25) percent of the habitable floor area of the dwelling unit, plus not more than two hundred fifty (250) square feet of floor area within an accessory building or structure (except those portions required to provide adequate off-street parking), may be devoted to such use;
- (3) The proprietor of the major home occupation is the owner-occupant of the property;
- (4) Not more than four (4) persons may be employed in the business use, only one of whom may not be an occupant of the residence;
- (5) The lot on which the major home occupation is established shall conform to the minimum dimensional standards established in Section 28-4-1(h), Table of Dimensional Regulations, of this ordinance;
- (6) Retail sales shall be limited to incidental sales of goods which are manufactured, assembled, or grown on site, or products which are directly related to the goods or services rendered by the major home occupation;
- (7) The use shall not create excessive traffic, noise, fumes, odor, dust, vibration, heat, glare, or electrical interference. To assure that such conditions are met, additional conditions limiting the hours of operation may be established as a further condition of the approval of a major home occupation;
- (8) Parking shall be provided as specified in Article 28-7, Access, Circulation, Parking, and Loading Requirements, of this ordinance;
- (9) A single on-premises sign is allowed which identifies the business and which conforms to the sign area limits and design requirements of Article 28-6, Sign Regulations, of this ordinance;
- (10) The use is not one of the following uses, which are expressly prohibited as major home occupations:
  - a. The boarding of animals or the operation of commercial kennels or stables and similar uses;
  - b. Uses involving the parking, dispatching, or storage of commercial vehicles, or the delivery and shipping of materials or goods by such vehicles on a more than once each day basis;
  - c. Automobile or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof;
  - d. Warehousing and distribution uses; and
  - e. Uses which generate more than twenty (20) vehicle trips per day based upon criteria published in the latest edition of Trip Generation by the Institute of Transportation Engineers (ITE) [Appendix D of this ordinance].



## 8.25 Home Occupations Manchester NH

A. Purpose. The purpose of establishing conditions and limitations on home occupations is to recognize the increasing role of electronics and telecommunications in enabling individuals to work from their homes, and the growing use of computer and related equipment in the home which may have both personal and business applications. These regulations recognize that certain types of home-based businesses may be carried on without an adverse impact on the residential property or the neighborhood, but that limitations are necessary to preclude uses of a scale or type which may be incompatible in a residential context.

B. Home Occupation. The purpose of establishing conditions for home occupations is to provide for small scale business uses of the home which are subordinate to the principal use of the property as a residence, and that are virtually indistinguishable in appearance and level of traffic generation from other residences in a neighborhood. No home occupation shall be permitted which would be incompatible with traditional residential uses in the surrounding neighborhood. To be considered compatible with a residential neighborhood, a home occupation must meet all of the following conditions:

1. No goods, stock in trade, or other commodities may be visible from outside the building;
2. There are no on-premise retail sales of goods or merchandise from inventory held on the premises, with the exception of sales made via mail order or via telecommunication;
3. The home occupation shall not employ persons who are not residents on the premises;
4. The use shall not create objectionable traffic, noise, fumes, odor, dust, vibration, heat, glare, or electrical interference;

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### Article 8. Supplementary Regulations for Specific Uses

5. Uses related to teaching and instruction to pupils shall be limited to those which accommodate not more than four pupils at one time, or in the case of music instructions involving the use of musical instruments, not more than one pupil at a time.
6. The use shall be confined to a space within a dwelling unit, and not more than 25% of the habitable floor area of the dwelling unit may be utilized by the occupation;
7. There shall be no external evidence of the occupation which differentiates the residence in appearance from other residential properties similarly situated;
8. Off-street parking shall be provided as specified in Article 10;
9. The use is not one of the following, which are expressly prohibited as home occupations:
  - a. Barber and beauty shops;
  - b. Real estate or insurance offices;
  - c. Commercial kennels or stables and similar uses;
  - d. Uses involving the parking or storage of tractor trailers, or the parking or storage of trucks with a gross vehicle weight (GVW) greater than 10,000 lbs.;
  - e. Auto or small engine repair or maintenance, welding, or other uses which involve the visible storage on the property of automobiles or the parts thereof.

## Nashua NH

**§ 190-47. Home occupations.**

- A. Minor home occupation. The purpose of this subsection is to permit the accessory use of a residence for business purposes which are clearly incidental to the principal residential use, provided that the use does not change the residential character or function of the property to the extent that the property would be distinguishable from other residential properties. Upon determination of compliance with the following conditions, the Administrative Officer shall issue a certificate of use and occupancy for the minor home occupation as provided for in § 190-130 of this chapter:
- (1) No nonresidents shall be employed on the premises.
  - (2) No more than 20% of the existing gross floor area of the dwelling or 200 square feet, whichever is less, shall be devoted to such use.
  - (3) The use shall be carried on entirely within the principal building.
  - (4) The use shall not change the internal or external residential character of the dwelling or require internal or external alterations to the structure.
  - (5) There shall be no exterior storage or display of any kind which is related to the home occupation.
  - (6) Visitation to the premises in conjunction with the home occupation by customers, vendors, solicitors or commercial deliveries shall be unusual and may only be on an infrequent basis, i.e., no more than three such visits per week, on the average.
  - (7) The use shall be conducted in such a manner that the premises is otherwise indistinguishable from other residences in the neighborhood and shall not create any noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in a residential dwelling.
  - (8) There shall be no advertising on the premises other than a single nonilluminated sign which shall not exceed two square feet in area and which may only identify the occupant's name and address. The street address of the premises shall be prominently displayed by use of numerals no smaller than three inches in height and no larger than six inches in height.
  - (9) Not more than one commercial vehicle shall be stored, parked or otherwise situated on the premises. Such vehicle shall not exceed 25 feet in length.
- B. Major home occupations. The purpose of this subsection is to permit the accessory use of a residence for business purposes which is clearly incidental to the principal residential use, provided that the use does not significantly change the residential character or function of the property to the extent that the use will be objectionable to other residential uses in the neighborhood. Specifically, the following special regulations must be met to the satisfaction of the Zoning Board of Adjustment as well as the conditions set forth in § 190-134 before a special exception can be granted. In granting a special exception, the Zoning Board of Adjustment may attach any reasonable conditions to the approval to ensure the protection of the residential character of the neighborhood: **[Amended 11-12-2008 by Ord. No. O-08-38]**
- (1) No more than one nonresident shall be employed.
  - (2) No more than 30% of the gross floor area of the dwelling or 300 square feet, whichever is less, shall be devoted to such use, except for child day-care facilities, which may use up to 420 square feet.

§ 190-47

§ 190-47

- (3) The use shall be carried on strictly within the principal building.
  - (4) The use will not change the internal or external residential character or function of the dwelling to the extent that the use will be objectionable to other residential uses in the neighborhood.
  - (5) There shall be no exterior storage or display of any kind which is related to the home occupation.
  - (6) The use shall not create any noise, dust, vibration, odor, smoke, glare, electrical interference, fire hazard or nuisance to any greater or more frequent extent than that usually experienced in other residential dwellings.
  - (7) Only goods produced on the premises, and made to order for a specific customer, may be sold on the premises.
  - (8) There shall be no advertising on the premises other than a single nonilluminated sign which shall not exceed two square feet in area. Such sign may only indicate the owner's name and address, and the street address shall be prominently displayed by use of numerals no smaller than three inches in height and no larger than six inches in height.
  - (9) Not more than one commercial vehicle shall be stored, parked or otherwise situated on the premises. Such vehicle shall not exceed 25 feet in length.
  - (10) The use will not cause vehicular traffic which is substantially different from that which currently exists on the street.
- C. Sign regulations. The following regulations apply to any home occupation sign in any residential district:
- (1) Maximum sign area shall be two square feet.
  - (2) Sign shall not be illuminated.
  - (3) Sign content shall be identification only including the name and address of the occupant or business.
  - (4) Maximum number of home occupation signage per premises shall be one.
  - (5) Advertising on the premises is prohibited.
  - (6) Street address of the premises shall be prominently displayed by use of numerals no smaller than three inches in height and no larger than six inches in height.
  - (7) The above conditions for home occupation signage apply to both minor and major home occupations, as referenced in this § 190-47 of this chapter.

**§ 275-24.1. Requirements for all home occupations.**

The following standards apply to all home occupations-1, -2, and -3:

- A. On resident's property. Home occupations shall be conducted by the individual on the property in which he/she resides.
- B. Inside the dwelling. All activity related to the home occupation shall be conducted inside the dwelling or inside a garage or barn-type outbuilding.
- C. Character. Home occupations must be subordinate to the residential use and must have little or no impact upon the neighborhood. There must be minimal indication of the home occupation evident from the road or from neighboring properties.
- D. Retail sales. There shall be no retail sales of goods or products on the premises, except:
  - (1) As may be incidental to the primary office or personal services occupation (such as sales of hair products to a salon customer);
  - (2) For goods shipped pursuant to mail/email/telecommunication order;
  - (3) To customers who visit by prearranged appointment only; or
  - (4) For barn sales as specified under home occupation-3.
- E. Delivery of goods. The regular receipt or delivery of merchandise, goods or supplies to or from the business shall be limited to U.S. mail service, a standard parcel delivery service utilizing a two-axle vehicle, or a private passenger automobile.
- F. Outside storage/parking. There shall be no outside storage or parking of materials, equipment, or vehicles (except for one ordinary passenger vehicle, pickup truck, or van related to the business). Box trucks are permitted by special exception subject to a determination that adequate buffering can be provided.
- G. Performance standards. There shall be no emission of noise, odor, dust, fumes, vibration, or smoke beyond the property or, in the case of multifamily dwellings, beyond the dwelling unit.
- H. Septic system. Septic system design/capacity for home occupations that utilize significant additional water or wastewater volumes, such as hair salons and catering services, shall be verified in writing by a licensed New Hampshire septic designer or a professional engineer.
- I. Multifamily dwellings. Home occupations are allowed in all residential property. Any proposal for a home occupation-2 or home occupation-3 in a dwelling other than a single-family dwelling shall be reviewed as a special exception (see § 275-24.6 below). In addition, the owner and residents of all units in the dwelling shall be notified of the hearing by certified mail.
- J. Parking.
  - (1) Adequate parking must be provided either on street or on site as determined by the Planning and Development Department (or the ZBA where a special exception is required).
  - (2) All parking design requirements stipulated in Article 5, Residential Zoning Districts, shall be met.
  - (3) Parking shall be located in a regular residential driveway, in the side yard, or in the rear yard.

§ 275-24.1

§ 275-24.3

Parking can occur in the front yard if the Director of Building, Zoning, and Licensing Services has found that no other alternative exists. Back-to-back parking is permitted. If the amount of parking is noticeably greater than that for a typical single-family dwelling then it shall be fully screened or buffered. It is emphasized that if parking cannot be handled properly and unobtrusively then the home occupation shall not be permitted.

- K. Hours of operation. Hours for customers to visit the home occupation are restricted to the following unless otherwise specifically approved: 8:00 a.m. to 7:00 p.m., Monday through Friday; 9:00 a.m. to 6:00 p.m. Saturday.
- L. Nontransferability. Home occupation approvals are not transferable; they are issued to a specific individual applicant for a specific home occupation at a specific site.
- M. Certificate of occupancy. Prior to the commencement of any home occupation, a certificate of occupancy must be obtained from the Director of Building, Zoning, and Licensing Services when deemed necessary by the Director or requested by the applicant.
- N. Expansion. No expansion of the scope, or significant change in the nature, of any home occupation for which an approval has been granted shall occur without subsequent review and approval.
- O. Revocation. An approval for a home occupation may be revoked by the Director of Building, Zoning, and Licensing Services for violation of any provisions of this chapter or of any conditions of the approval. Appeals of any such revocation shall be made to the Zoning Board of Adjustment.
- P. Commercial districts. Within commercial districts, where the use is allowed, it need not be pursued as a home occupation even if the business owner operates from his/her house. However, site review approval is still required and the applicant is responsible for obtaining all other applicable permits.

**§ 275-24.2. Home occupation-1.**

A home occupation-1 is an office-type home occupation. All of the following standards apply:

- A. Employees. There shall be no more than one employee working on site other than household members who reside with the operator;
- B. No customers. There shall be no customers who come to the residence;
- C. Deliveries. Minimal deliveries may be made to the residence;
- D. No signage. There shall be no signs visible from the road;
- E. No external indication. There shall be no external indication of the enterprise; and
- F. No review. No review or approval process is required except that a letter of intent must be submitted to the Planning and Development Department.

**§ 275-24.3. Home occupation-2.**

A home occupation-2 is an office or personal services type home occupation which may be more intensive than a home occupation-1. All of the following standards apply:

- A. Employees. There shall be no more than one employee working on site other than household members who reside with the operator.
- B. Five hundred square feet. There shall be no more than 500 square feet of area used for the business.

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- C. Signage. There may be only one sign for the business visible from the street. The sign shall be nonilluminated and shall not exceed three square feet in area per side.
- D. Classes. Instruction in classes shall be limited to four pupils at one time.

**§ 275-24.4. Home occupation-3.**

A home occupation-3 is an office, personal services, processing, or small-scale craft-production type home occupation which is more intensive than home occupations-1 and -2. All of the following standards apply:

- A. Employees. There shall be no more than two employees working on site other than family or household members who reside with the operator.
- B. Area. There shall be no more than 1,000 square feet of area used for the business.
- C. Signage. There may be only one sign for the business visible from the street. The sign shall be nonilluminated and shall not exceed four square feet in area per side.
- D. Barn sales. If there is a barn on the property which was built prior to 1960 it may be used for retail sales (but not for the sales of any vehicles). The ZBA shall approve the type of items offered for sale as part of a special exception review to ensure there is no adverse impact upon the neighborhood.
- E. Classes. Instruction in classes shall be limited to eight pupils at one time.

**§ 275-24.5. Review process without special exception.**

A home occupation-2 or a home occupation-3 where no special exception is required shall be subject to the minor site plan review process as set forth in the Rochester Site Plan Regulations.

**§ 275-24.6. Review process with special exception.**

The review process for a home occupation-2 or a home occupation-3 where a special exception is involved requires the submission of a special exception application to the Zoning Board of Adjustment, ZBA approval, and then minor site plan review approval as set forth in the Rochester Site Plan Regulations.

**§ 275-24.7. Prohibited home occupations.**

The following occupations/activities shall not be considered home occupations:

- A. Bed-and-breakfast.
- B. Contractor's storage yard.
- C. Funeral home.
- D. Kennels or stables, commercial.
- E. Nursing home.
- F. Any vehicle or other heavy equipment repair.
- G. Restaurant.

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H. Retail sales operation (except as noted above).

I. Veterinary clinic.

J. Commercial yard sales (except for barn sales as noted above).

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