

3.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or side lines of streets, or the center lines of right- of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

3.4.4 Where the boundary of district follows a stream or borders upon marsh land or projects into a pond or other body of water, said boundary line shall be deemed to be the center of said stream, abut the edge of said marsh and project across said pond or other body of water.

SECTION IV - APPLICATION

4.1 APPLICATION OF REGULATIONS

Except as specifically provided in this By-law:

- (1) No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is or is proposed to be located.
- (2) No building shall hereafter be erected or altered to accommodate or house a greater number of families, seasonally or permanently: to occupy a greater percentage of lot area: or to have narrower or smaller rear yards, front yards, side yards, and inner and outer courts than is specified herein for the district in which such building is or is proposed to be located.
- (3) No part of a yard or other open space about any building or use required for the purpose of complying with the provisions of this By-law shall be included as a part of a yard or other open space similarly required for another building or use.
- (4) No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, width, frontage, setback or yard provisions of this By-law. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.
- (5) Not more than one dwelling may be erected on a lot.

SECTION V - USES

5.1 CONFORMANCE WITH SCHEDULES

In the districts specified in Section 3.1 and in accordance with objectives of the districts specified in Section 3.2 no building, structure or premise shall be erected, altered or used except as set forth in the "Use Regulation Schedule" and "Intensity of Use Schedule" and as provided in Section 5.3 and 5.4

Symbols employed shall mean the following:

P – A permitted use

O – An excluded or prohibited use

A – Use authorized under special permits as provided for in Section 8.4.2

PB – Permitted only under a Special Permit issued by the Planning Board

5.2 PERMITTED USES

Permitted uses and uses authorized under special permits shall be in conformity with the provisions of Section 5.3 (Use Regulations) and shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, noise, vibration, danger of explosion or fire, traffic congestion. Any use not listed as a permitted use in Section 5.3 shall be deemed a prohibited use, except that a use not listed in Section 5.3 may be allowed by special permit as provided for in Section 8.4.2 from the Board of Appeals provided said Board determines that the use closely resembles in its neighborhood impact(s) a use listed as permitted or authorized under special permit, in the same zoning district. Said determination shall be in addition to the required findings of the Board as provided for in Section 8.4.2. ATM 4/23/90.

5.3 USE REGULATIONS

(Amended 4/30/85 ATM, Art. 60; 4/29/86, Art. 22)

5.3.1 Residential	CD	R1	R2	NSP	C	C2
Bed and Breakfast	P	P	P	P	P	P
Boat House, Private	P	P	P	P	P	P
Camper	O	O	O	O	O	O
Cluster Residential Development	O	PB	PB	O	O	O
Conversion of Dwelling Unit	O	A	A	O	O	O
Dwelling, Affordable	A	A	A	O	A	A
Dwelling, Affordable Accessory	A	A	A	A	A	A
Dwelling, Multiple-Family	O	O	O	O	A	O
Dwelling, One-Family	P	P	P	P	P	P
Garage, Private	P	P	P	P	P	P
Guest House, Private	O	P	P	P	P	P
Home Occupation	P	P	P	P	P	P
Parking, Private	P	P	P	P	P	P
Personal Services (Business)	A	O	O	O	A	O
Roadside Stand, Temporary	O	P	P	O	P	P
Service Trade Home Business (STHB)	A	A	A	A	A	A
Signs ¹	P	P	P	P	P	P
Stable, Private ²	O	A	A	A	A	A
5.3.1 Residential (continued)	CD	R1	R2	NSP	C	C2
Studio, Private	P	P	P	P	P	P
Swimming Pool/Tennis Court, Private	P	P	P	P	P	P
Trailer Home/Mobil Home	O	O	O	O	O	O

5.3.2 Commercial	CD	R1	R2	NSP	C	C2
Adult Bookstore	O	O	O	O	A	O
Adult Motion Picture Theatre	O	O	O	O	A	O

¹ In accordance with the provisions of Section VII of the by-law.

² With approval of the Zoning Board of Appeals upon advice of the Board of Health and in accordance with restrictions that may be imposed.

Adult Paraphernalia Store	O	O	O	O	A	O
Adult Video Store	O	O	O	O	A	O
Establishment displaying live nudity ³	O	O	O	O	A	O
Amusement, Indoor	A	O	O	O	A	O
Amusement, Outdoor	O	O	O	O	A	O
Amusement Park	O	O	O	O	O	O
Animal Hospital	O	O	O	O	A	O
Antique Shop/Art Gallery	A	O	O	O	A	O
Arcade	O	O	O	O	A	O
Auto Court	O	O	O	O	O	O
Boat House, Commercial	A	A	A	O	A	O
Campground	O	O	O	O	O	O
Club	A	O	A	O	A	A
Communication Structure	O	A	A	A	A	A
Communication Building	O	A	A	A	A	A
Communication Appurtenance	A	A	A	A	A	A
Contractor's Yard	O	O	O	O	P	P
Cottage Colony	O	A	A	O	A	A
Filling Station	O	O	O	O	A	O
Food Truck	A	O	O	O	A	O
Funeral Home	A	A	A	O	A	O
Game Room	A ⁴	O	O	O	A ⁵	O
Garage, Public	O	O	O	O	A	O
Gift or Craft Shop	A	O	O	O	A	O
Guest House, Public	O	A	A	O	A	O
Individual Storage Units	O	O	O	O	A	A
Industry, Light	A	O	O	O	A	A
Inn	O	O	O	O	A	O
Lodge	A	O	O	O	A	O
Motel	O	O	O	O	A	O
Motor Vehicle Repair, Incidental	O	O	O	O	A	A
Nursery School	A	A	A	O	O	O
Nursing Home	O	A	A	O	A	O
Office, Business	A	O	A	O	A	O
Parking, Public	A	O	O	O	A	O
Personal Service (Business)	A	O	O	O	A	O
Pet Kennel	O	O	O	O	A	O
Registered Marijuana dispensary (RMD)	O	O	O	O	A ⁶	A ⁷

³ With the term "nudity" as defined by General Laws, Chapter 272, §31.

⁴ Only by not-for-profit organization or municipality on property principally occupied by said organization or municipality.

⁵ Only as an accessory, secondary use to an existing commercial use on the same lot.

⁶ Use authorized under special permits in the Medical Marijuana Overlay District in the C and C2 Zoning Districts as provided for in Section 9.3 and as provided for in Section 8.4.2 of these Zoning By-laws.

5.3.2 Commercial (continued)	CD	R1	R2	NSP	C	C2
Restaurant, Indoor ⁸	A	O	O	O	A	O
Restaurant, Drive-In ⁹	O	O	O	O	A	O
Restaurant, Fast Food ¹⁰	O	O	O	O	O	O
Restaurant, Formula ¹¹	O	O	O	O	O	O
Retail Trade (Business)	A	O	O	O	A	O
Roadside Stand, Semi-Permanent	O	O	O	O	O	O
Service Trade Business	O	O	O	O	A	A
Solar Photovoltaic Installation, Large-Scale Ground-Mounted (LSGMSPI)	O	O	O	O	O	P ¹²
Swimming Pools/Tennis Club (Public)	O	O	O	O	A	O
Swimming Pools/Tennis Club (Private)	A	O	O	O	A	O
Trailer Park	O	O	O	O	O	O

5.3.3 Commercial (Heavy)	CD	R1	R2	NSP	C	C2
Bulk Storage, Open	A	O	O	O	A	A
Bulk Storage, Tanks	A	O	O	O	A	A
Dump	O	O	O	O	O	O
Junk Yard	O	O	O	O	O	O
Industry, Heavy	O	O	O	O	O	O
Marine Aquaculture	A	O	O	O	A	P
Motor Vehicle Junk Yard	O	O	O	O	O	O
Motor Vehicle Repair Shop	O	O	O	O	A	O
Motor Vehicle Sales	O	O	O	O	A	O
Quarry, Sandpit, etc.	O	O	O	O	O	O
Transportation Terminal	O	O	O	O	A	O
Warehouse	O	O	O	O	A	A

5.3.4 Institutional	CD	R1	R2	NSP	C	C2
Camp	O	O	A	O	O	O
Cemeteries	O	A	A	O	O	O
Government Facilities	P	P	P	P	P	P
Health Care Clinic	A	A	A	A	A	A
Hospital	O	O	O	O	A	O

⁷ Ibid.

⁸ With the approval of the Zoning Board of Appeals upon advice of the Board of Health and in accordance with restrictions that may be imposed.

⁹ Ibid.

¹⁰ The use limitations pertaining to Fast Food Restaurant and Formula Restaurant shall apply whether the use is a principal use or accessory use.

¹¹ Ibid.

¹² Provided parcel contains at least 75% degraded or previously disturbed land, is held in common ownership as of the date of this amendment, and subject to LSGMSPI site plan review by the Planning Board to assure compliance with the C2 District Objectives contained in Subsection 3.2, and as provided in Subsection 10.3 of this by-law.

5.3.4 Institutional (continued)	CD	R1	R2	NSP	C	C2
Municipal Purposes	P	P	P	P	P	P
Municipal Wind Turbine ¹³	O	O	O	A	O	O
Public and Semi-Public Institutions of an Historic, Philanthropic or Charitable Nature	P	P	P	P	P	P
Religious Institutions	P	P	P	P	P	P
Utilities, with Open Storage	O	O	O	O	O	O
Utilities, without Open Storage	A	A	A	A	P	A

5.3.5 Farm Uses	CD	R1	R2	NSP	C	C2
Farm, Commercial	P	P	P	P	P	P
Farm-Family, Agriculture	P	P	P	P	P	P
Farm-Family, Livestock ¹⁴	O	A	A	A	A	A
Greenhouse, Commercial	P	P	P	P	P	O
Riding Academy ¹⁵	O	A	A	A	A	O
Stable, Public ¹⁶	O	A	A	A	A	O

¹³ Special Permit authorized under Section 6.25 and 8.42 of these Zoning By-laws.

¹⁴ With the approval of the Zoning Board of Appeals upon advice of the Board of Health and in accordance with restrictions that may be imposed.

¹⁵ Ibid.

¹⁶ Ibid.

5.4 INTENSITY OF USE SCHEDULE

(Amended 4/30/85 ATM, Art. 61 & 63; 4/29/86 ATM, ART.22; 4/25/06 ATM, ART 23)

5.4.1 Minimum Lot Requirements	CD	R1	R2	NSP	C	C2
Area (Square Feet)	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (feet)	125	135	135 ¹⁷	200	200	135

5.4.2 Minimum Yard Requirements	CD	R1	R2	NSP	C	C2	MSO
Front (feet)	25	30	30 ¹⁸	50	100 ¹⁹	50 ^{20, 21}	25 ²²
Side (feet)	20	25	25	35	35	35 ^{23, 24}	6
Rear (feet)	25	30	30	35	35	35 ^{25, 26}	15

5.4.3 Maximum Building Coverage	CD	R1	R2	C	C2
Maximum Building Coverage	15%	15%	15%	25%	15%

5.4.3.1 Maximum National Seashore Park Gross Floor Area (NSPGFA)²⁷	
Lot Area	Maximum NSPGFA
Less than 10,500 sq. ft. (just under ¼ acre)	5% Maximum Building Coverage
10,501 sq. ft. to 21,000 sq. ft. (~ ¼ to .48 acre)	1,050 sq. ft. plus 7.4% of lot area over 10,500
21,001 to 42,000 sq. ft. (.48 to .97 acre)	1,825 sq. ft. plus 3.2% of lot area over 21,000
5.4.3.1 Maximum National Seashore Park Gross Floor Area (NSPGFA) (continued)²⁸	

¹⁷ Increase to 200 feet on Route 6.

¹⁸ On Route 6 increase to 100 feet except front yard setback may be reduced to not less than 30 feet with a Special Permit from the Zoning Board of Appeals.

¹⁹ Of which not less than 25% of the required front yard must be maintained with vegetative cover (20% of which must border Route 6 and meet requirements, as specified in 6.12.1, "Perimeter Buffering"). Front setbacks may be decreased to 50 feet for non-residential uses, provided building is wood-sided. Front setbacks may be decreased to 30 feet for residential uses with a Special Permit from the Zoning Board of Appeals.

²⁰ Minimum yard requirements may be reduced to R1 requirements for residential uses with a Special Permit from the Zoning Board of Appeals.

²¹ Minimum front, side, and rear yard requirements for Large-Scale Ground-Mounted Solar Photovoltaic Installations (LSGMSPI) shall be 100 feet, except for accessory structures, which shall be subject to minimum front, side, and rear yard setback requirements for C2 zoning district.

²² Front yard setbacks may be reduced to zero with a Special Permit from the Zoning Board of Appeals.

²³ See Footnote 20.

²⁴ See Footnote 21.

²⁵ See Footnote 20.

²⁶ See Footnote 21.

²⁷ The National Seashore Park Gross Floor Area (NSPGFA) of a Lot within the NSP District shall conform to the above table. In no event shall the dwelling exceed 2,800 sq. ft., nor shall the sum of the NSPGFA of a dwelling and its accessory buildings on any NSP District lot exceed 3,600 sq. ft.

Lot Area	Maximum NSPGFA
42,001 to 84,000 sq. ft. (.97 to 1.92 acre)	2,500 sq. ft. plus 1.43% of lot area over 42,000
84,001 to 126,000 sq. ft. (1.92 to 2.89 acres)	3,100 sq. ft. plus 1.2% of lot area over 84,000
126,001 sq. ft. (2.89 acres and above)	3,600 sq. ft.

National Seashore Park Gross Floor Area (NSPGFA) - The sum of the horizontal area(s) of the floors of a dwelling and all accessory buildings on a lot within the National Seashore Park District. All dimensions shall be measured between exterior faces of exterior walls, or exterior floor faces of decks.

For the purposes of calculating of NSPGFA, the following shall be included:

- Garage space, whether stand-alone or attached to or built into the dwelling or accessory buildings shall be attributed to the appropriate building.
- Basements, except areas as noted below.
- The sum of excess areas of 1.) total porch area in excess of 400 sq. ft., and 2.) total deck area five (5) feet or more above grade in excess of 400 sq. ft. The sum of such excess areas shall be attributed to the dwelling.
- A Guest House, Private, which in the NSP District may exceed 250 sq. ft., and will be deemed an accessory building.

And the following shall be excluded:

- Cellars and attics.
- Floor area with a ceiling height of less than five (5) feet.
- Sheds - up to two sheds, plus one additional shed for each half acre above one acre of Lot Area. Any sheds beyond this limit shall be included in NSPGFA as accessory buildings.
- Basement areas used exclusively for heating, cooling, mechanical and electrical equipment necessary to the operation of the building.

5.4.4 Maximum Height of Buildings	CD	R1	R2	NSP	C	C2
Stories	2	2	2	2	2	2
Feet	28	28	28	28	28	28

²⁸ The National Seashore Park Gross Floor Area (NSPGFA) of a Lot within the NSP District shall conform to the above table. In no event shall the dwelling exceed 2,800 sq. ft., nor shall the sum of the NSPGFA of a dwelling and its accessory buildings on any NSP District lot exceed 3,600 sq. ft.