

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

| 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 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 Trades | A | A | A | A | A | A |
| Signs ¹ | P | P | P | P | P | P |
| Stable, Private ² | O | A | A | A | A | A |
| 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 |

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

² 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.

| 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 |
| Adult Paraphernalia Store | O | O | O | O | A | O |
| Adult Video Store | O | O | O | O | A | O |
| Establishment displaying live nudity ¹ | 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 |
| Funeral Home | A | A | A | O | A | O |
| Game Room | A ² | O | O | O | A ³ | 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 |
| Home Industry, Small | A | O | A | O | P | A |
| Home Industry, Large | O | O | A | O | P | A |
| 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 |
| Restaurant, Indoor ⁴ | O | O | O | O | A | O |
| Restaurant, Drive-In ⁴ | O | O | O | O | A | O |
| Retail Trade (Business) | A | O | O | O | A | O |
| Roadside Stand, Semi-Permanent | O | O | O | O | O | O |
| Swimming Pools/Tennis Club (Public) | O | O | O | O | A | O |
| Swimming Pools/Tennis Club (Private) | A | O | O | O | A | O |
| Service trades (Business) | A | A | A | O | A | A |
| Trailer Park | O | O | O | O | O | O |

¹ With the term “nudity” as defined by General Laws, Chapter 272, §31.

² Only by not-for-profit organization or municipality on property principally occupied by said organization or municipality.

³ Only as an accessory, secondary use to an existing commercial use on the same lot.

⁴ 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.

| 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 |

| | | | | | | |
|--|---|---|---|---|---|---|
| Municipal Purposes | P | P | P | P | P | P |
| 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 ¹ | O | A | A | A | A | A |
| Greenhouse, Commercial | P | P | P | P | P | O |
| Riding Academy ¹ | O | A | A | A | A | O |
| Stable, Public ¹ | O | A | A | A | A | O |

¹ 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.

5.4 INTENSITY OF USE SCHEDULE

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

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|---------------------------------------|-----------|-----------|------------------|------------|----------|-----------|
| 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 ¹ | 200 | 200 | 135 |

¹ Increase to 200 feet on Route 6

| | | | | | | | |
|--|-----------|-----------|-----------------|------------|------------------|-----------------|-----------------|
| 5.4.2 Minimum Yard Requirements | CD | R1 | R2 | NSP | C | C2 | MSO |
| Front (feet) | 25 | 30 | 30 ¹ | 50 | 100 ² | 50 ³ | 25 ⁴ |
| Side (feet) | 20 | 25 | 25 | 35 | 35 | 35 ³ | 6 |
| Rear (feet) | 25 | 30 | 30 | 35 | 35 | 35 ³ | 15 |

¹ 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.

² 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.

³ Minimum yard requirements may be reduced to R1 requirements for residential uses with a Special Permit from the Zoning Board of Appeals.

⁴ Front yard setbacks may be reduced to zero with a Special Permit from the Zoning Board of Appeals.

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|--|-----------|-----------|-----------|------------|----------|-----------|
| 5.4.3 Maximum Building Coverage | CD | R1 | R2 | NSP | C | C2 |
| Maximum Building Coverage | 15% | 15% | 15% | 5% | 25% | 15% |

| 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 |

5.4.5 Intensity of Use Application to Multiple Family Dwellings

The first unit of a multiple family dwelling or of an apartment building shall require a minimum land area equal to the lot requirements of the district in which located. Each additional unit will require 8,000 square feet of land area. Front, side and rear yard and maximum building coverage requirements of the district in which the structures located shall apply. (Amended 4/30/85 ATM, Art. 64.

5.4.6 Intensity of Use Application to Affordable Accessory Dwelling Units

An Affordable Accessory dwelling Unit shall consist of a minimum of 150 square feet of Livable Floor area for a single occupant, or 250 square feet of Livable Floor Area for two occupants, subject to any requirements of the State Building code of State law.

5.4.7 Intensity of Use Application to the Conversion of Dwelling Units

No dwelling unit shall be converted into two or more units unless each resulting unit consists of a minimum of 600 square feet of livable floor area; the external appearance of the structure is not changed; the front, side and rear yard requirements of the district in which located are met; and the lot area is not less per dwelling than the lot requirement of the district in which located.

5.4.8 Intensity of Use Application to Motels

A minimum of an acre of land is required for the construction of a motel. Not more than 10 units may be constructed upon an acre of land with an additional 4,000 square feet being required for each unit in excess of ten. No motel unit shall be located nearer than 125 ft. to a public way. All other front, side and rear yard requirements of the district in which located shall be complied with.

5.4.9 Intensity of Use Application to Commercial Farm

A commercial farm shall require a minimum of five (5) acres of land.

5.4.10 Intensity of Use Application to Camps

A camp shall require a minimum of four (4) acres of land, exclusive of areas covered by water.

5.4.11 Intensity of Use Application to Cottage Colonies

No cottage colony shall be constructed upon an area consisting of less than 40,000 square feet, and there shall be a minimum of 4,000 square feet for each unit with no part of one unit

being located closer than 25 feet to another. The front, side and rear yard requirements of the district shall be complied with.

5.4.12 Intensity of Use Application to Restaurant

The total of the indoor and outdoor seating of the restaurant shall not exceed the total capacity of the restaurant as licensed by the Town of Wellfleet. ATM 4/23/90.

5.4.13 Intensity of Use Application to More Than One Allowed Principal Use and/or Principal Building on a Lot

More than one allowed Principal Use and/or Principal Building may be permitted on a lot in District C and District C2 with a Special Permit granted by the Zoning Board of Appeals in accordance with Section 8.4.2 of the Wellfleet Zoning By-laws.