

## 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)

<b>5.3.1 Residential</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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 <sup>1</sup>	P	P	P	P	P	P
Stable, Private <sup>2</sup>	O	A	A	A	A	A

<b>5.3.1 Residential cont'd.</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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

<sup>1</sup> In accordance with the provisions of Section VII of this By-law.

<sup>2</sup> 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.

<b>5.3.2 Commercial</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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 <sup>1</sup>	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 <sup>2</sup>	O	O	O	A <sup>3</sup>	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

<b>5.3.2 Commercial cont'd</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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 <sup>4</sup>	A	O	O	O	A	O
Restaurant, Drive-In <sup>4</sup>	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
Trailer Park	O	O	O	O	O	O

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

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

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

<sup>4</sup> 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.

<b>5.3.3 Commercial (Heavy)</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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

<b>5.3.4 Institutional</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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

<b>5.3.4 Institutional cont'd</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Municipal Purposes	P	P	P	P	P	P
Municipal Wind Turbine <sup>1</sup>	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

<sup>1</sup> Special Permit authorized under Section 6.25 and 8.4.2 of these Zoning By-laws

<b>5.3.5 Farm Uses</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Farm, Commercial	P	P	P	P	P	P
Farm-Family, Agriculture	P	P	P	P	P	P
Farm-Family, Livestock <sup>1</sup>	O	A	A	A	A	A
Greenhouse, Commercial	P	P	P	P	P	O
Riding Academy <sup>1</sup>	O	A	A	A	A	O
Stable, Public <sup>1</sup>	O	A	A	A	A	O

<sup>1</sup> 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; 4/25/06 ATM, ART 23)

<b>5.4.1 Minimum Lot Requirements</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
Area (Square Feet)	20,000	30,000	40,000	3 Acres	40,000	30,000
Frontage (feet)	125	135	135 <sup>1</sup>	200	200	135

<sup>1</sup>Increase to 200 feet on Route 6

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

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> Minimum yard requirements may be reduced to R1 requirements for residential uses with a

Special Permit from the Zoning Board of Appeals.

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

<b>5.4.3 Maximum Building Coverage</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>C</b>	<b>C2</b>
Maximum Building Coverage	15%	15%	15%	25%	15%

<b>5.4.3.1 Maximum Site Coverage in the National Seashore Park</b>	
<b>Lot Area</b>	<b>Maximum Site Coverage</b>
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
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.

Within the NSP District with a Lot Area over 10,500 sq. ft., the following provisions shall apply:

(a) As used within this Section the following terms shall have the definitions indicated below:

**Dwelling Space Area** shall mean the total of the Floor Area, Livable within a dwelling plus the floor area of garage space attached to or built into a dwelling, and the floor area in excess of 750 square feet of the aggregate floor area of all Exterior Spaces.

**Exterior Spaces** shall mean screened porches, and decks thirty-six (36) inches or more above grade.

(b) Calculation of Site Coverage: Within the NSP District Site Coverage shall be calculated by adding the Dwelling Space Area to the gross horizontal area of the floors of any detached structure(s) having a roof. The following shall be excluded from this calculation: attic space, cellars and/or basement floor area not devoted to residential use, and any Shed. As indicated above, only the floor area in excess of 750 square feet of the aggregate floor area of the Exterior Spaces shall be included in the calculation of Dwelling Space Area.

(c) The Maximum Site Coverage of a Lot within the NSP District shall conform to the above table.

(d) In no event shall the site coverage of the Dwelling Space Area on any lot exceed 2,800 square feet nor shall the Maximum Site Coverage of any lot exceed 3,600 square feet.

<b>5.4.4 Maximum Height of Buildings</b>	<b>CD</b>	<b>R1</b>	<b>R2</b>	<b>NSP</b>	<b>C</b>	<b>C2</b>
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 in which located 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.