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Comment [EAL1]: See deletion of § schools and churches

Comment [EAL2]: This is not actually a zoning district, and should be deleted from listing in Article V. The definition is adequate to allow

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ARTICLE VII

[HISTORY: Adopted by the Special Town Meeting of the Town of Plymouth 11-15-1972 by Art. 2, effective 3-27-1973. Renumbering adopted by the Annual Town Meeting 4-6-2004 by Art. 30. Amendments noted where applicable.]

ARTICLE I  
Authority, Purpose and Definitions

§ 205-1. Authority and purpose. [Amended 4-6-1978 ATM by Art. 59]

In pursuance of authority conferred by MGLG. L. c. 40A, §§ 1 to 17, inclusive, and all acts in amendment thereof, and for purposes including but not limited to promoting the health, safety, convenience, and welfare of the inhabitants of the Town of Plymouth, and more particularly to promote the most appropriate use of land throughout the Town in accordance with a comprehensive plan; to preserve and increase its amenities; to secure safety from flooding and other dangers; to lessen congestion in the streets; to prevent overcrowding of land; to conserve the value of land and buildings; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and for other appropriate purposes, the Town of Plymouth does hereby enact the following regulations to be known as the "Zoning Bylaw of the Town of Plymouth."

COMPREHENSIVE PLAN — A plan for the future growth and development of the Town prepared by the Planning Board in accordance with MGLG. L. c. 41, § 81D and Chapter 7, Section 1 of the Town Charter and incorporating plans and recommendations concerning the physical, economic and environmental development of the Town; land use; public facilities and services; utilities; population density and housing; conservation; redevelopment and rehabilitation; and such other matters as may affect the growth and development of the Town. Such plan shall provide the basis for zoning and land use regulations of the Town. [Added 4-7-1987 ATM by Art. 69]

Comment [EH3]: Add walking, bicycle and sustainability in this paragraph

Comment [EAL4]: These are desirable goals, but this section of a ZBL ordinarily recites only those purposes set out in the preface to Chapter 40A. See attached.

Comment [EH5]: ? Including sustainable renewable energy

§ 205-2. Validity and separability.

The invalidity of one or more sections, sentences, clauses, or provisions of this bylaw shall not invalidate or impair the bylaw as a whole or any other part thereof.

§ 205-3. Definitions.

- A. For the purposes of this bylaw, the following words and phrases shall have the meanings given herein unless clearly stated or implied to the contrary.
- B. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied." The word "lot" includes the word "plot", "plat" or "parcel."

Comment [EAL6]: What does this add – is anyone using this term, and in what context?

ABUTTING — Having a common property line with; contiguous; fronting upon.

ACCESSORY USE OR STRUCTURE — A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADULT BOOKSTORE — An establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by

their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGLG.L. c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT ENTERTAINMENT, INCLUDING ADULT DANCE CLUB — An entertainment establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is permits a person or persons to perform in a state of nudity as defined by MGL in G.L. c. 272, and e. § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT MOTION PICTURE THEATER — An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGLG.L. c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT PARAPHERNALIA STORE — An establishment having as a substantial or significant portion of its stock, devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in MGLG.L. c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

ADULT USES — The collective term used to refer to those uses listed in G.L. c. 40A, §9A, including an adult bookstore, an adult motion picture theater, an establishment which displays live nudity for its patrons (adult dance club), an adult paraphernalia store, an adult video store, and such other uses as included within those uses permitted to be regulated pursuant to provided by MGLG.L. c. 40A, § 9A. Flashing lights and exposed illuminated gas tube lights shall not be visible from the exterior of the building. [Added 4-10-1996 ATM by Art. 21]

ADULT VIDEO STORE — An establishment having as a substantial or significant portion of its stock-in-trade, videos, movies, or other film materials which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGLG.L. c. 272, § 31. [Added 4-10-1996 ATM by Art. 21]

BED AND BREAKFAST – A home occupation, provided that, in addition to the limitations on home occupations, . . .

BERM – An earthen mound designed to provide visual interest on a site, screen undesirable views and reduce noise.

BUFFER AREA — An area of land separating established to protect adjacent land uses of a different character and kept by keeping the land in its open, natural state, or, if not naturally or adequately vegetated, this area shall be fully restored or landscaped so as and employ other methods of screening to provide a visual and sound barrier between disparate or incompatible land uses. The use of fencing, however, shall not be allowed. The buffer area is may not intended to be used for on-site septage facilitiessewage disposal, the collection, storage, or leaching of drainage, or parking or vehicular uses other than approved entrance and exit points. [Added 4-5-1986 ATM by Art. 58]

BUILDABLE AREA — The portion of a lot remaining after required yards have been provided.

BUILDING -

BUILDING COMMISSIONER – The officer charged with enforcement of this Bylaw, as provided in G. L. c. 40a, §7.

BUILDING LINE — The line between side lot lines measured parallel to a line connecting their foremost points (where they intersect with street line) at the rear of the required front yard, except that in the case of lots with reduced frontage in accordance with § 205-17J, the building line shall be at the nearest line to the street between the side lot lines which meets both the minimum full lot

**Comment [EAL7]:** Add this restriction to special permit conditions 2 §

**Comment [EH8]:** ? Move to text ? including LED

**Comment [EAL9]:** Or, “accessory residential use”? This is often regulated as a special permit, in order to limit the number of bedrooms to the particular situation, and to control guest parking that require at least a site plan review level of control. Let’s consider whether we want to burden the Building Inspector, as opposed to having an SPGA deal with the many possible particulars, neighborhood opposition, etc., that this use tends to trigger.

**Comment [EAL10]:** LAH 12/6/13 e-mail.

**Comment [EAL11]:** Numerous references throughout to “buffer,” vary in details.

**Comment [EAL12]:** Retain prohibition of fencing within Buffer? Why? Change to “unless (state standard for permission)”?

**Comment [EAL13]:** Q; Insert a definition that distinguishes “structure” and “building” (shelter vs. no roof, or list types of elements (wall of a certain height limitation, e.g.) excluded from the definition??

**Comment [EAL14]:** Term used in the Charter. See also, amendment to §205-5B(2)(c).

width and the minimum front yard requirements. [Added 4-6-1978 ATM by Art. 56; amended 4-8-1985 ATM by Art. 54]

Comment [EH15]: Insert Randy's language – note Special Permit exemptions.

**BUILDING PERMIT** — A permit required for any construction on any structure or use which provides the Town with a means of assuring that all plans for work are in accordance with the Building Code, issued by the Building ~~Inspector~~ Commissioner. An approved zoning permit is a prerequisite for a building permit.

Comment [EAL16]: Consider deleting.

**CAPITAL IMPROVEMENT** — A scheduled improvement or addition to the Town's physical facilities of a nonrecurring nature and including but not limited to infrastructure, public utilities and public facilities, construction of new buildings or structures, major repairs or additions to existing buildings or structures, purchases of land and purchases of major items of equipment, and any necessary planning, engineering or feasibility studies associated with such capital improvements. [Added 4-7-1987 ATM by Art. 64]

Comment [EAL17]:

**CAPITAL IMPROVEMENTS PROGRAM** — A long-term planned and prioritized schedule of proposed spending for capital improvements, and including a listing of all capital improvements proposed to be undertaken, together with supporting data and cost estimates, methods of financing and recommended time schedules for each improvement listed. [Added 4-7-1987 ATM by Art. 64]

**CERTIFICATE OF OCCUPANCY** — The final permit required from the Town before any use or structure may be occupied, issued by the Building ~~Inspector~~ Commissioner; a means of assuring that all work has been completed in accordance with plans approved for zoning permits and building permits and that all work conforms to the requirements of all building, zoning and health regulations of the Town.

**CONTIGUOUS** — See "abutting."

**DENSITY** — A rough measure of the intensity or amount of a land use and its related activity. Density is expressed most commonly in terms of dwelling units/acre, persons/dwelling unit, persons/acre, or floor area ratio.

Comment [EH18]: Revise definition

**DESIGN REVIEW BOARD** - A five-member board appointed by the Selectmen, comprised, to the extent practicable as follows, from the following categories: an architect ~~or???~~ a landscape architect, a designee of the Planning Board, a lawyer, a realtor, a nominee of any of the local historical or pilgrim societies, or a contractor, with members serving terms of three years or until their successors are appointed. Members may be removed for cause by the Selectmen following written charges and a properly advertised public hearing. Vacancies shall be filled forthwith by appointment by the Selectmen for the unexpired term of members whose positions become vacant.

Comment [EAL19]: Otherwise, there are 6 or 7 categories, not 5.

Comment [EAL20]: Deleted language from §205-12 re: terms of initial appointees.

Comment [EAL21]: Q: Consider having members serve at the will of the BOS – "for cause" is a high standard for removal.

**DILAPIDATED** — A term describing buildings or structures which are in such a state of advanced deterioration as to require major overhaul or rebuilding.

Comment [EH22]: See APA definition

**DRIVE-~~IN~~-THROUGH RESTAURANT or FAST-FOOD ESTABLISHMENT** — Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles and including those establishments where customers may serve themselves and may eat and drink food, refreshments, or beverages in automobiles and including establishments intended for large volume or fast service with on- or off-premises consumption which, because of the nature of sales, operation, or market serviced, cause a large volume or frequent turnover to vehicular traffic.

Comment [EAL23]: Is this term used elsewhere – I don't find it.

Comment [EH24]: ? Deleting fast food establishment (this is the only reference)

**DWELLING UNIT** — One room or rooms connected together constituting a separate, independent housekeeping establishment for owner-occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the

same structure and containing independent cooking and sleeping facilities. The following types of dwelling units are specifically defined:

- (1) ~~DUPLEX-TWO-FAMILY~~ — A detached residential building containing two dwelling units, designed for occupancy by not more than two families.
- (2) MULTIFAMILY — A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (3) (4) SINGLE-FAMILY DETACHED — A detached residential dwelling unit, other than a mobile home, designed for and occupied by one family only.
- (5) SINGLE-FAMILY ATTACHED — A single-family residence which is attached to another single-family residence by a roof, carport, breezeway, or a common party wall, commonly called a "townhouse" or "row house."
- (6) TOWNHOUSE — A form of single-family attached dwelling unit which embodies separate units, normally with front and rear entrances and private yard space, and utilizing party wall construction.

ELDERLY — For purposes of § 205-29, elderly are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

Comment [EH25]: Requires Major Change

ELDERLY HOUSEHOLD — A household in which all permanent occupants are persons 55 years of age or older. [Added 5-12-1981 ATM by Art. 34]

Comment [EH26]: Requires Major Change

FILLING STATION or SERVICE STATION — Buildings and premises where gasoline, oil, grease, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor or routine servicing and repair may be performed.

FLOOR AREA, GROSS — The sum of the areas of each floor in a building measured from the exterior faces of exterior walls or from the center lines of party walls. [Added 4-24-1979 ATM by Art. 64]

- (1) Gross floor area includes the area at each floor in the structure except:
  - (a) Attic space less than five feet zero inches in height.
  - (b) ~~Cellar-Basement~~ space less than six feet zero inches in height.
- (2) When calculating gross floor area for the purpose of determining parking requirements, gross floor area for retail establishments, including restaurants, shall include the area of outdoor patios, walks, etc., if used for sales or service activities.

FLOOR AREA, NET — The gross floor area of a building minus the area of the following spaces measured to the inside of their walls: [Added 4-24-1979 ATM by Art. 64]

- (1) Hallways, including foyers.
- (2) Stairs and stairwells.
- (3) Structural elements over five square feet in horizontal cross section.

FLOOR AREA RATIO — A number expressed as a decimal which is used to measure the mass of a building; the ratio of the ~~total-gross~~ floor area to the total land area; ~~see § 205-28~~.

Comment [EH27]: ?define total floor area – ? Defined in Table 5

FRONTAGE — That portion of a lot contiguous with a street or street right-of-way line and providing access thereto. [Amended 3-28-1973 ATM by Art. 71]

HEIGHT — ~~Is defined as~~ ~~the~~ vertical distance of the highest point of the roof beams, in the case of a flat roof, or of the top of the rafters at the ridge in the case of a sloping roof, measured from the mean grade of the natural ground contiguous to the structure. Accessories or appurtenances necessary to the operation of the building and not greater than five feet in breadth may exceed the height limit by not greater than five feet, except that the total area of such appurtenances shall not exceed 5% of the total roof area. Other structures may be allowed by special permit. For structures other than buildings, height shall be measured from the mean grade of the natural ground around the structure to the highest point on the structure.

Comment [EAL28]: This phrase not necessary in comparison to style of other definitions.

Comment [EH29]: Define mean grade

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HIGH VOLTAGE UTILITY POLE – Utility pole structures in excess of 49 feet in height used for the transmission and distribution of a minimum of 25,000 kilovolts (kV) of electricity.

HOME OCCUPATION — An occupation conducted in a dwelling unit, provided that:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (2) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- (3) There shall be no sales of merchandise other than that produced on the premises;
- (4) No traffic shall may be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (5) No equipment or process or materials shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

Comment [EH30]: ? phrasing

Comment [EAL31]: BI comment 10/04/13: Occupation add 6 No exterior storage of vehicles, materials or products in connection with the Home occupation use.

Comment [EAL32]: Insert examples of or actual limitation to certain types of trade or professions. Customary home occupations vary somewhat from one community to another, give the local culture; however, physician, lawyer, beautician, etc. are commonly found. Examples of trades might be those partially performed in the home and partially on the road, such as plumber, locksmith FINISH THIS

Comment [EAL33]: Do we want to adhere to this limitation in light of the internet sales phenomenon?

Comment [EH34]: Add Building Policy on In-Law Apartments

LOT — An area of land in one ownership with definite boundaries recorded by deed or by plan in the Registry of Deeds or in the Land Court. [Added 4-17-1975 ATM by Art. 68]

~~LOT AREA - The portion of a parcel of land intended to be used as a site for a building or . . . exclusive of Portion of lot in a wetland area. Where any portion of a lot lies within a wetland area, that portion may be used to satisfy the area and yard requirements for the district in which the lot is situated provided that not less than 10,000 square feet or 60% of the required lot area, whichever is greater, is outside the wetland area. Areas greater than five feet in breadth which~~

Comment [EAL35]: Change to a more restrictive condition prohibiting detection "at the exterior of any building on the subject lot"?

Comment [EAL36]: Suggest move text from §205 – 39, subsection C: Portion of lot in a wetland area. Where any portion of a lot lies within a wetland area, that portion may be used to satisfy the area and yard requirements for the district in which the lot is situated provided that not less than 10,000 square feet or 60% of the required lot area, whichever is greater, is outside the wetland area. Areas greater than five feet in breadth which are covered by water shall not be included in the area requirements, and areas covered by water for any part of a normal year shall not comprise more than 15% of the required lot area.

LOT FRONTAGE — Lot frontage is a result of the required lot width For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to or an abutting a street shall be considered frontage and yards shall be provided as indicated under "yard" in this section.

LOT DIMENSIONS

- (1) Depth ~~of a lot shall be considered to be~~ the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines ~~in the rear~~.

Comment [EH37]: Val to craft language to further define

- (2) Width ~~of a lot shall be considered to be~~ the distance between side lot lines, measured across the rear of the required front yard; provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac (which may be 60%) ~~or in cluster developments.~~ [Amended 4-6-1978 ATM by Art. 56]
- (3) Lot area ~~shall be~~ a net figure, exclusive of any public rights-of-way. In the case of lots created after April 24, 1979, lot area shall also be exclusive of any private easements of record, except in nonresidential districts (WF, NC, TC, GC, AC, LI, AP, and LI/WF) where said easements are for underground or aerial utilities or underground drainage structures and the topography will allow the placement of pavement for parking or roadway use thereon. [Amended 4-24-1979 ATM by Art. 70; 5-13-1981 ATM by Art. 39]

**Comment [EH38]:** Insert Randy's language RE: utility easements

**LOT TYPES**

- (1) CORNER LOT — A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135°.
- (2) INTERIOR LOT — A lot other ~~than a corner lot~~ with only one frontage on a street.
- (3) THROUGH LOT — A lot other than a corner lot with frontage on more than one street. ~~Through lots abutting two streets may be referred to as "double frontage lots."~~
- (4) REVERSED FRONTAGE LOT — In relation to any given street, a through lot or corner lot ~~whose~~ vehicular access to which is provided on the street other than the one in question; ~~normally~~ defined in relation to a major street and ~~buffered separated?~~ from the street by an easement, planting, or walls.

**Comment [EAL39]:** Presently, corner lots are defined as having two front lines.

**Comment [EAL40]:** Q: What, if anything, does this sentence add?

**Comment [EAL41]:** This phrase is confusing.

**Comment [EAL42]:** This phrase also confusing.

**LOW IMPACT DEVELOPMENT (LID) - The practice of using techniques in building and construction that minimize the effect that development will have on the quality of the surrounding environment by reducing runoff volumes through groundwater infiltration, evaporation and water re-use.**

**Comment [EAL43]:** LAH 12/6/13 e-mail.

MOBILE HOME — A detached, factory-built, single-family residential unit constructed according to the "manufactured home" standards of the U.S. Department of Housing and Urban Development (HUD) and which bearing s the HUD ~~m~~HUD manufactured mobile home seal and which is ~~designed for transportation after fabrication manufacture on streets and highways on its own wheels to the site of its permanent where it is to be residential occupied as a complete dwelling location, ready for occupancy except for minor and incidental unpacking and assembling operations, location on permanent or semi permanent foundations, connection to utilities and the like installation.~~ [Amended 5-12-1981 ATM by Art. 34]

**Comment [EAL44]:** Q: Is "on own wheels" a necessary component?

**Comment [EAL45]:** Q: Is this HUD conformity standard desired?

MOBILE HOME PARK — Premises especially located and designed for the parking or placing installation of mobile homes for the purpose of permanent residency, where mobile spaces are offered for sale or rent, and including residential amenities such as recreation areas, ~~and any other structures or facilities which may be provided for the residents of the park.~~ [Added 5-12-1981 ATM by Art. 34]

MUNICIPAL WASTEWATER FACILITY — A facility owned and/or operated by the Town of Plymouth municipality, or a private corporation under contract with the municipality, pursuant to M.G.L. c. 30B, § 1(e), for treatment, processing, or disposal of wastewater or septage or

**Comment [EH46]:** Check for current regulations

wastewater treatment residuals, provided the facility is located on land outside Zone II's as defined by 310 CMR 22.21(2), DEP Drinking Water Regulations, Wellhead Protection Zoning and Non-Zoning Controls. [Added 11-20-1996 STM by Art. 3]

~~NONCONFORMITY — See § 205-25.~~

OPEN SPACE — Includes ~~and implies~~ "useable open space." The part or parts of a lot or development intended and designed as functional or visual buffer areas or for outdoor use by the occupants of the lot or development for recreation, including but not limited to natural wooded or open areas, gardens, lawns, swimming pools, tennis courts or similar facilities, free from automotive traffic and parking except that incidental to the open space uses, and readily accessible to all those from whom it is required.

Comment [EAL47]: Lee, let's discuss this.

OPEN SPACE( This and following from RDD §62) — May include conservation land, land donated to the Town of Plymouth, recreational land, or land left substantially in its natural state, maintained and preserved for each use, and designed and intended for the use or enjoyment of the occupants of the RDD. In limited situations, the open space may be privately held provided it meets the overall intent of the RDD and appropriate restrictions are applied. Open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents of the RDD.

ORNAMENTAL PLANTS - Plants grown for decorative purposes in gardens and landscapes.

Comment [EAL48]: LAH 12/6/13 e-mail.

RURAL DENSITY DEVELOPMENT (RDD) — A parcel(s) designed and developed as a unit, with common open space as an integral characteristic, and which departs from the zoning requirements conventionally required in the Rural Residential District or the Large Lot Residential District concerning use of land, lot size, density, or other requirements.

PLANNED COMMERCIAL PARK — One or more structures housing uses allowed in § 205-47B, Neighborhood Commercial, and uses allowed or authorized by special permit in § 205-52, Airport, and subject to environmental design conditions, as specified, planned and designed as a unified complex so as to provide a functional and attractive development. [Added 4-4-1988 STM by Art. 6]

PLANNED OFFICE PARK — A group of office structures planned and designed as a unified complex so as to provide a functional and attractive development.

PLANNED SHOPPING CENTER — A shopping complex which is planned, designed, and developed as a unit so as to provide a functional and attractive area.

PUBLIC FACILITY — A capital improvement necessary to service ~~residential~~ development and including the following: [Added 4-7-1987 ATM by Art. 69]

Comment [EAL49]: NYS – how used throughout?

- (1) Street system.
- (2) Public or centralized private water supply, storage, and distribution system.

~~(3)~~ — Public or centralized private wastewater facility.

~~RECREATIONAL DEVELOPMENT — See § 205-59. [Added 4-4-1988 ATM by Art. 53]~~

RECREATION EQUIPMENT, MAJOR — See § 205-9J.

RECREATIONAL CAMPGROUND — A parcel of land upon which campsites are located, established, and maintained for occupancy by campers or recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes from April 15 to October 15.

RECREATIONAL CAMPSITE — A plot of ground within a recreational campground intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

RECREATIONAL VEHICLE — A vehicular type of unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motor power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, and motor home.

ROADS:

- (1) ACCESS — The way which leads from the street, as herein defined, to the main office/facility.
- (2) SERVICE — Ways serving the campsites and different areas within the campgrounds, main service being a two-way collector and minor service being a one-way minor.

~~ROTOR~~ — ~~The blades plus the hub to which the blades of a WECS are attached. [Added 4 20-1982 ATM by Art. 47]~~

~~ROTOR DIAMETER~~ — ~~Distance from lowest to the highest reaching point of the rotor blades, their supporting structure, and hub of WECS, whether on vertical or horizontal axis. [Added 4 20-1982 ATM by Art. 47]~~

SCREENING — Any combination of materials ~~designed and intended placed so as~~ to provide protection from visibility, noise, dust, wind, or blowing particles, including walls, fences, earthen berms or mounds, hedges, trees, or shrubbery.

SCREENS - Trees, shrubs, walls, solid fences, etc. used to create a visual or noise barrier.

SIGNS — See § 205-19.

SPECIAL PERMIT — A permit which may be issued by the special permit granting authority to authorize a use which would not be allowed generally or without restriction throughout any particular zoning district but which, if controlled as to number, area, location, relation to the neighborhood and other characteristics, would not be injurious to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. A special permit is not a variance but may include a waiver of dimensional and similar requirements incidental to the special permit. See § 205-9. [Amended 4-4-1988 ATM by Art. 53]

SPECIAL PERMIT GRANTING AUTHORITY (SPGA)- The Planning Board or the Zoning Board of Appeals, as designated for particular special permits; where not designated, the SPGA shall be \_\_\_\_\_.

~~STREET~~ — ~~A public right of way, whether owned by the Town, county, state, or federal government and whether currently used for transportation purposes or not. Streets are classified according to § 205-22.~~

~~STREET LINE~~ — ~~The right-of-way line of a street.~~

STRUCTURE — A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, tower, retaining wall, tank, tunnel, platform, fence, screen, sign, flagpole, or the like; also implies "structure or part thereof."

**Comment [EAL50]:** LAH 12/6/13 e-mail, also contains alternate definition of SCREENING – “Fencing, walls, berms or dense vegetation use to visually shield or obscure structures, buildings and utilities from general view..”

**Comment [EH51]:** Unless otherwise noted, SPGA shall mean Zoning Board of Appeals

**Comment [EH52]:** ? 3 ft. reference

STRUCTURE, MINOR – See reference in §205-25 C. Nonconformities - which imposes separate standards for alteration, etc.

SDUBDIVISION CONTROL LAW – G. L. c. 41, §81A - 81GG.

SUBDIVISION REGULATIONS — The Rules and Regulations Governing the Subdivision of Land, Plymouth, Massachusetts.

Comment [EH53]: Define VARIANCE

USE — See "land-use."

VILLAGE DENSITY DEVELOPMENT — The erection or construction of a dwelling unit or units at a density of greater than one unit per 60,000 square feet in the R-40, R-25, R-20SL, and R-20MD Zoning Districts. ~~It shall not include~~ing the alteration, reconstruction, repair, demolition or maintenance of existing dwelling units nor the construction or erection of structures accessory to existing dwelling units. It shall include any other residential development, including the erection or construction of dwelling units on lots on a subdivision plan submitted and approved pursuant to the Subdivision Control Law, after the effective date of this section at or greater than the density herein designated. [Added 4-7-1987 ATM by Art. 69]

Comment [EAL54]: Q: What is the intended effect of this definition?

WETLAND — ~~See § 205-39. Those areas of any lots as defined in Chapter 196, Wetlands Protection and/or in Article~~ of the Plymouth Town Bylaws, as amended.

Comment [EAL55]: Moved definitional language from 205-39.

WIND ENERGY CONVERSION SYSTEM (WECS) — A device which converts wind energy to mechanical, pneumatic, fluid, or electrical power. Includes tower, rotor, energy conversion equipment, such as generators or inverters, all controls and integration equipment. May include multiple installations. [Added 4-20-1982 ATM by Art. 47]

YARD — ~~A portion of a lot required to be maintained as~~ open space unoccupied and unobstructed by any structure or portion of a structure ~~of from~~ three feet ~~or more in height~~above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, ~~and other customary yard accessories, ornaments, and furniture~~ may be permitted located in any yard ~~subject to yard, to~~ height limitations and requirements limiting obstruction of visibility, and accessory structures may be allowed in required yards by special permit. Yards for principal building on lots created after April 24, 1979, shall be measured so as to be exclusive of land subject to any easement of record, except in nonresidential districts (WF, NC, TC, GC, AC, LI, AP, and LI/WF) where said easements are for underground or aerial utilities or underground drainage structures and the topography will allow the placement of pavement for parking or roadway use thereon. Specific yard areas shall be measured as required below, except that for lots fronting on a street or way without a defined right-of-way, yard areas and setbacks shall be measured from a line parallel to the center line of the travel way which is offset a distance equal to 1/2 the minimum right-of-way width required by the Subdivision Rules and Regulations for the street class on which the lot has frontage. For the purpose of this definition, scenic streets all have right-of-way widths as required for major streets. [Amended 4-24-1979 ATM by Art. 70; 5-13-1981 ATM by Art. 39; 4-5-1986 ATM by Art. 53]

Comment [EAL56]: "Setback" is the term most often used throughout this ZBL.

Comment [EAL57]: NTS – Talk to BI re: his request: Please do not delete" - ?

Comment [EAL58]: NTS – Shorten this considerably!

Comment [EAL59]: Unnecessary per definition of "height"

Comment [EAL60]: Already excluded from definition of "structure."

Comment [EAL61]: Q: Do we want to keep this accessory sp permit requirement? In the alternative "sheds" of minimal dimensions might be allowed in side or back yards.

Comment [EAL62]: Q: Travelled?

Comment [EAL63]: Not lawful to employ a standard outside the ZBL.

Comment [EAL64]: Definition needed for "scenic streets," or is the intent to refer to roads designated as "scenic road" pursuant to G. L. c. 40, §15C?

YARD, FRONT — A yard extending between side lot lines across the front of a lot adjoining a public street, subject to the following:

(1) ~~except that in~~In the case of lots with reduced frontage in accordance with § 205-17J, the front yard line shall be measured at right angles from the nearest common property line. [Amended 4-6-1978 ATM by Art. 56; 4-8-1985 ATM by Art. 54]

- ~~(1) In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of six feet.~~
- (2) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yard shall be provided on all frontages.
- (3) In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
- (4) Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lots lines.

**YARD, SIDE** — A yard extending from the rear line of the required front yard to the front line of the required rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the side lot line.

**YARD, REAR** — A yard extending across the rear of the lot between side lots lines. In the case of through lots and corner lots, there will be no rear yards but only front side yards. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel to the rear lot line.

~~**ZONE** — One of the districts into which the Town is divided for the purpose of regulating various land uses; a zoning district or a district.~~

~~**ZONING PERMIT** — A permit issued by the Director of Inspections pursuant to §205-5, preliminary to the application for required prior to issuance of a building permit~~

~~which for providing an applicant with a preliminary assessment of the application of District use requirements and dimensional standards as applied to a proposed use and structure the Town with a means of assuring that all plans for uses or structures are in accordance with the requirements of the Zoning Bylaw, issued by the Building Inspector Commissioner. Any applicant aggrieved by a Zoning Permit decision shall apply for a building permit and any appeal from the denial or ore conditions on a building permit shall be deemed to include an appeal of the Zoning Permit decision.~~

**Comment [EAL65]:** Requiring two front yards is very demanding – are we wedded to this?

**Comment [EAL66]:** Q” “width” in this context means same width as length of required frontage?

**Comment [EAL67]:** Delete as unnecessary? “district” is self-explanatory and has been substituted throughout where appropriate.

**Comment [EAL68]:** NTS - Include any of the following language in §5, if and as needed.