

ZONING BY-LAW
FOR
TOWN OF TRURO

Adopted on February 15, 1960, under Article 23

Amended: February 18, 1963 /September 21, 1964 /February 21, 1966 /February 20, 1967
/August 7, 1972 /April 14, 1975 /April 12, 1977 /April 10, 1978 /June 21, 1978 /May 18, 1981

ZONING BY-LAW

SECTION I — PURPOSE

In accordance with General Laws, Chapter 40A and any amendments thereto and Article 89 of the Amendments to the Constitution, a By-Law to promote the health, safety, convenience and welfare of the inhabitants of Truro, prevent the overcrowding of land, conserve the value of land and buildings, assist in the safeguarding of adequate water supplies, conserve natural resources, prevent blight of the environment and encourage the most appropriate use of land throughout Truro. (2/60,6/78)

SECTION II — DEFINITIONS

For the purpose of this By-law, certain terms and words shall have the following meaning unless a contrary meaning is required by context or is specifically prescribed. Terms and words not defined herein but defined in the Zoning Act, General Laws, Chapter 40A, as amended, shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. (2/60,6/78)

Abandonment:

The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishing; or the replacement of the nonconforming use or building by a conforming use or building. (6/78)

Accessory:

Accessory or accessory use is a use incident to, subordinate to and on the same lot as a principal use. (6/78)

Accessory Building:

A building devoted exclusively to a use subordinate to and in support of the principal use of the lot on which it is located. (6/78)

Alteration:

Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure. (6/78)

Beach:

Also known as "Coastal Beach" means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water. Coastal beaches extend from the mean low water line landward to the dune line, or coastal bankline, whichever is closest to the ocean, or to the seaward edge of existing man-made structures, when these structures replace one of the above lines. (6/78)

Bog, Marsh, Swamp, Wet Meadows:

As defined in Massachusetts General Laws, Chapter 131, Section 40. (6/78)

Build:

The word "build," shall include the words "erect," "construct," "alter," "enlarge," "move," "modify," and any others of like significance. (6/78)

Building:

The word "building" shall include the word "structure" whether portable or fixed, unless the context unequivocally indicates otherwise; any three dimensional enclosure by any building materials of any space for use or occupancy, temporary or permanent, and shall include foundations in the ground and parts of any kind of structure above ground, except fences, field or garden walls or embankment retaining walls. (6/78)

Cooperative:

Any real property owned by the corporation, association, society or company where, by virtue of membership in such association, society or company or, by virtue of the ownership of stock in such corporation, an entity becomes entitled to a lease or occupancy agreement for a specified unit or apartment owned by such corporation, association, society or company. (5/81)

Cottage Colonies, Cabins, or Motor Courts:

This shall include cottages or cabins for human habitation customarily rented to the transient public by the day, week, month, or season; consisting of two or more units under one ownership located on a parcel of land wherein the lot area occupied by each unit does not meet the lot requirements in the district where located. (2/60, 6/78)

Dune:

Also known as "Coastal Dune" means any hill, mound or ridge of sand landward of a coastal beach deposited by wind action or storm overwash. Coastal dune shall also mean sand deposited by artificial means and serving the purpose of storm damage protection or flood control. (6/78)

Dwelling Unit, Apartment Unit:

A building or portion thereof consisting of one or more rooms containing cooking and sanitary facilities and designed for human habitation by one family independent of other facilities. An adjacent or adjoining building, or portion thereof, studio or guest house which has these facilities is considered to be a separate dwelling unit. (5/81)

Dwelling, One Family:

A single, separate dwelling unit, designed for occupancy by one family only. (5/81)

Dwelling, Two Family, Duplex:

A detached building containing two dwelling units whether side by side, over each other or in any other combination. (5/81)

Dwelling, Multifamily, Apartment Building:

A detached building containing three or more dwelling units, including apartment buildings, garden apartment buildings, town house or row houses. (5/81)

Family:

An individual, two or more persons related by blood or marriage, or a group of persons who need not be so related not exceeding five in number, living as a single housekeeping unit. (5/81)

Home Occupations:

Any accessory use which has been by custom carried on by the occupants of the dwelling unit with a limited number of nonresident employees, and not changing the residential character of the building. This shall include resident carpenters, plumbers, electricians, and similar tradesmen, artist studio including sale of art produced, sale of fish or shellfish, radio-TV-Hi-Fi repairs and related electronic services, nursery school, furniture repair, refinishing and upholstering, dressmaking, home hand crafts, home cooking, bicycle repairs, real estate, insurance, the practice of any recognized profession, and any others of similar nature which may be approved by the Board of Appeals in accordance with Section IV-B hereof, but shall not include the operation of a store or food service, or the display or sale to the passing public of goods not manufactured on the premises, or in the case of fish or shellfish, not caught by the occupant. (2/60,6/78)

Hotel and Motel:

A building consisting of a room, rooms or units customarily rented to the transient public by the day, week or month which room or rooms contain their own toilet and sanitary facilities but which may or may not contain cooking facilities. (5/81)

Lot:

An area or parcel of land undivided by a street in undivided ownership with definite boundaries used or available for use as the site of one or more buildings. (6/78)

Lot Area:

An area of a lot when used for building purposes shall not be less than the minimum required by this By-law for the district in which it is located.

Said lot shall not be interpreted to include any areas below mean water level on fresh water, below mean high water on tidal water, areas of exposed ground water, or within the limits of any defined way. No less than 75% of the minimum area required shall consist of contiguous upland exclusive of marsh, bog, swamp, beach, dune or wet meadows. (6/78)

Lot Frontage:

The lot frontage shall be the distance along a straight line connecting the points of intersection of the side lot lines with the front lot line. (6/78)

Lot Line Front:

A line dividing a lot from a street or road right of way. On any lot bounded on more than one side by a street, the street boundary that is to be the lot front shall be so designated in any application for a permit to build on such lot. (6/78)

Lot, Nonconforming:

A lot lawfully existing at the effective date of this By-law or any subsequent amendments thereto, which is not in accordance with all provisions of this By-law. (6/78)

Motel:

A building consisting of rental units customarily rented to the transient public by the day, week, month, or season, containing two or more units under one roof, each unit having its own toilet facilities and outside entrance. Motels may provide kitchen facilities for each unit, but each unit shall consist of not more than one room exclusive of the toilet facilities. (2/60,4/77,6/78)

Trailer:

Any vehicle or similar structure which is, has been or may be portable, and is arranged, intended, designed or used for dwelling, sleeping, eating or business or as a place in which persons may congregate, which includes a mobile home. (6/78)

Use:

The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained. (6/78)

Use, Nonconforming:

A use lawfully existing at the time of adoption of this By-law, or any subsequent amendments thereto, which does not conform to one or more provisions of this By-law. (6/78)

SECTION III — ESTABLISHMENT OF DISTRICTS

III-A Types of Districts

For the purpose of this By-law, the Town of Truro is hereby divided into Zoning Districts to be designated as follows:

1. Residential - R (2/60,6/78)
2. General Business - GB (2/60,6/78)
3. Limited Business - LB (2/60,6/78)
- Limited Business/Beach Point - BP (6/78)
4. Seashore - S (2/63,6/78)
5. Flood Plain (4/78)

III-B Location of Districts

The location and boundaries of the Zoning District are hereby established as shown on map entitled "Zoning District Map of the Town of Truro, Massachusetts", dated May 18, 1978, which accompanies this By-law as Appendix A and is declared to be a part of this By-law. (2/60,2/63,2/66,2/67,6/78)

III-C Boundaries of Districts

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning District Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, water course or other body of water, it shall be construed to be the center line or middle thereof, or where such

boundary approximates a Town boundary, then to the limits of the Town boundary.

2. Where a boundary is indicated as following approximately or parallel to a street, railroad, water course or other body of water it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning District's Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning District's Map.
3. Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the center line of a street, railroad, water course or other body of water and unless it is otherwise indicated, it shall be construed to intersect at right angles to the tangent to the curve at the point of intersection.

(6/78)

III-D Lots in Two Districts

When a District boundary line, at the time such line is adopted, divides any lot in one ownership and the distance between the boundary line and the lot line is more than 10 feet, a use that is permitted on one portion of the lot may be extended into the other portion provided the first portion includes the required frontage, and provided a Special Permit is granted by the Board of Appeals.

(6/78)

III-E Flood Plain District Regulations

1. Purpose

To provide that the land in the Town of Truro subject to seasonal or periodic flooding, tidal surges and wave wash shall be used in such a manner as to promote the health, safety and welfare of the residents thereof and of the public generally, to protect property and so as to not burden the Town with costs resulting from unwise land use.

2. Definitions

- (a) "Assessed value" is the structure's value as shown in the Town's tax assessment records. The assessment is based on 100% valuation and results from a periodic reassessment of the structure's value.
- (b) "Base flood elevation" is the 100 year flood elevation designated on the Truro Flood Insurance Rate Maps (FIRM).

3. Flood Plain District

The Flood Plain District is hereby established as an overlay district and includes all special flood hazard areas, designated as Zone A, A1-30, and V130, on the Town Flood Insurance Rate Maps, hereinafter "FIRM", dated December 12, 1975 and on file with the Town Clerk, Planning Board and Building Commissioner. These maps as well as the accompanying Truro Flood Insurance Study shall be and are part of this By-Law and are incorporated herein by reference.

4. Regulations

The following requirements apply in the Flood Plain District.

- (a) Within Zones A1-30 all new construction and substantial improvements, whereby cost of the improvements equals or exceeds 50% of the assessed value of the

structure shall have the lowest floor including basement elevated to or above the base flood elevation, or in the case of nonresidential structures, be floodproofed watertight to the base flood elevation.

- (b) Within Zone A, where the base flood elevation is not provided on the FIRM, the Building Commissioner shall determine the base flood elevation from other Federal, State, Municipal or private studies, if any. If the data is not available from either the FIRM or other studies, the minimum requirements of the State Building Code, Section 748 shall apply.
- (c) Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall certify that the construction methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.
- (d) Located within the Flood Plain District are areas designated as coastal high hazard areas (Zone V). Since these areas are extremely hazardous due to high velocity water surges and hurricane wave wash, the following provisions shall apply:
 - (1) All new construction shall be located landward of the reach of the mean high tide.
 - (2) The use of fill for structural support is prohibited.
 - (3) Man-made alteration of sand dunes, which in the opinion of the Building Commissioner may increase potential flood damage, is prohibited. The building of a structure on a dune may in itself constitute alteration if the dune's growth and development is inhibited or changed so as to decrease the dune's present and future value as a natural deterrent to an protection from, water surges and wave wash.
 - (4) All new construction and substantial improvements, as defined herein, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest supporting member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood elevation.
 - (5) A registered professional engineer or architect shall certify that the structure is securely anchored in compliance with Section 4(d) (4) herein, so as to withstand velocity waters and hurricane wave wash.
 - (6) All new construction and substantial improvements shall have the space below the lowest floor free of obstruction, except for the pilings or columns, or be constructed with "breakaway walls" intended to collapse under stress. Such enclosed space shall not be designed or used for human habitation.
- 5. In the event it's the applicant's opinion that the land or structure in question is not, in fact, located within a Special Flood Hazard area, or that any other data upon which the Building Commissioner is relying, is erroneous, the applicant shall furnish at his expense sufficient technical information to support his opinion. (4/78)

SECTION IV — RESIDENTIAL DISTRICT

IV-A Permitted Uses in Residential District

- 1. a. Single family dwellings except trailers, mobile homes, Quonset huts or portable buildings. (2/60, 6/78)

- b. One tent for non-commercial use per lot, for a specified period of time and with the written consent of the owner and the Board of Health. The Board of Health may limit the period of time the tent is erected and used. (6/78)
- 2. Home occupations as defined in Section II of this By-law.
- 3. Education uses.
- 4. Religious uses.
- 5. Hospitals, nursing and/or convalescent homes.
- 6. Renting of rooms or furnishing of board.
- 7. Agricultural, horticultural, floracultural (See Section IV-B.7).
- 8. Accessory use to a permitted main use on the same premises.
- 9. Public and private parks, playgrounds, and noncommercial recreational activities.
- 10. Municipal use.

(2/60,6/78)

IV-B The following uses are permitted by Special Permit:

- 1. Research or experimental laboratory (See Section VIII-E).
- 2. Private club not conducted for profit.
- 3. Marine installation.
- 4. Boys' or Girls' camps.
- 5. Lawn mower, motorcycle, moped repair.
- 6. Other home occupation.
- 7. On a parcel of five (5) acres or less, the raising of livestock, fur bearing animals, or fowl provided such activity is not detrimental to a residential neighborhood.

(2/60,6/78)

- 8. Duplex Houses and Apartments
 - a. For the purpose of promoting the more efficient use of the land, in keeping with the protection of the quality of life and ecology, and at the same time giving relief to those with problems of obtaining adequate housing, owners of land and homes may make application to the Board of Appeals for Special Permits authorizing the construction of Duplex Houses or the conversions of single family dwellings to apartments, under the conditions outlined below.
 - b. Duplex Houses may be built in Business Zone Districts on lots of one or more acres in size, providing the duplex is not more than 3000 square feet in size and provided the requirements of paragraph e are met.
 - c. Owners of single family dwellings in any zoning district, except the Seashore District, may convert them to not more than two apartments provided the lot is at least 3/4 of an acre in size. Any new construction which is a part of the conversion will not be more than 500 square feet and provided the requirements of paragraph e below are met.
 - d. Before approving an application for Special Permit for either of the above, the Board of Appeals shall satisfy itself that the following requirements are met:
 - 1) Provisions of applicable building, health and safety codes are complied with, as determined by the Building Commissioner.
 - 2) One apartment shall be owner occupied.
 - 3) The duplex or conversion is essential to provide needed housing.
 - 4) The duplex or conversion is compatible with and will not derogate from or be

detrimental to the neighborhood.

- 5) Other provisions of protective regulations (setbacks, frontage, height, distance between wells and septic fields and the like) are complied with.
- 6) The use is in harmony with the general purpose and intent of the By-law.

(4/77,6/78,5/81)

SECTION V — LIMITED BUSINESS DISTRICT

V-A Permitted Uses

1. Any use permitted or authorized in Section IV.
2. Cottages or Cabin Colonies, Motor Courts as defined in Section II. (2/60,6/78)
3. Motels as defined in Section II. (2/60,6/78)

SECTION VI — GENERAL BUSINESS DISTRICT

VI-A Permitted Uses

1. Any use permitted or authorized in Section IV.
2. Any use permitted or authorized in Section V.
3. Hotel or Restaurant.
4. Place of amusement or assembly or club conducted for profit.
5. Automobile service station, repair shop, storage garage or salesroom.
6. Retail or wholesale business service or public utility.
7. Any industrial or manufacturing use, if authorized by the Board of Appeals, provided that no such use is injurious or offensive or tends to reduce values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.
8. The use of signs as defined in Section II, paragraph 4, with a total area of not more than eighteen (18) square feet per sign, except that when attached to the front wall of any building the total area shall not exceed three (3) square feet for each foot of frontage of the building. There shall be not more than two (2) signs per location.

SECTION VII — SEASHORE DISTRICT

The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the Town; and to conserve natural conditions, wildlife and open spaces for the education, recreation and general welfare of the public.

1. Permitted Uses

- a. Conservation of land, water, wildlife, vegetation, and other natural features and values.
- b. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore.
- c. Recreation, including but not limited to hunting, fishing, swimming and boating.
- d. Agricultural, horticultural, floracultural (See Section IV-B.7). (2/63,6/78)
- e. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
- f. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, providing such uses are not

detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishings of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwelling as a residence.

- g. Customary or self home occupations as defined in Section II, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public. (2/63, 6/78)
 - h. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from the abutters' property lines and further do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back of side line requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.
 - i. Public Utilities.
 - j. Religious and Educational use.
 - k. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than three acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and 25-foot distance from abutters' property lines.
2. The use of signs as defined in Section VIII-G, with double-faced sign on property of a residential occupant which shall pertain to the occupancy, sale, or rental of such property as herein authorized and such sign shall not exceed two square feet in area and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination; provided, that the above limitations shall not apply to facilities deemed by the Secretary of the Interior to be necessary on federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore. (2/63, 6/78)
3. Except as provided above there shall be in the Seashore District:
- a. No burning of cover unless determined by the Board of Fire Engineers to be necessary for the welfare and safety of the Town and then such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.
 - b. No filling of land, dumping, nor removal of soil, loam, sand, or gravel.
 - c. No cutting of timber except:
 - (1) By an owner for the purpose of reasonably controlling brush or trees;
 - (2) Maintenance cutting in pastures;
 - (3) Cutting for clearance or maintenance on rights-of-way including those pertaining to public utilities or public highways.
 - d. No building or structures.
 - e. No commercial or industrial venture or activities.

- f. No drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.
- g. No continuous storage of materials or equipment.

(2/63,6/78)

4. Provisions relating to Variances and Exceptions:

Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals, of all applications or petitions made for variances or exceptions to the by-laws for the Seashore District and he shall be provided notice by the Planning Board of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. Subsequently, the Secretary shall be given notice by the appropriate board of any variance, or exception, or building permit, granted or denied for the area within the Seashore District.

(2/63,6/78)

SECTION VIII — GENERAL REGULATIONS

VIII-A Non conforming uses

No premises in the Town of Truro shall be used under the following conditions:

1. For any purpose of a junk yard, or storage of used motor vehicles or other equipment used as junk.
2. For the purpose of a commercial tenting camping area, or a trailer park.

VIII-B Continuation of non conforming uses

1. Any building or part of building, lot or parcel of land at the time of adoption of this by-law or any amendment thereto may continue to be used for the same purpose. Pre-existing structures or uses may be extended or altered, provided, that no such extension or alteration shall be allowed except by Special Permit upon a finding by the Board of Appeals that such change, extension, or alteration shall not be substantially more detrimental to the neighborhood than the existing non conforming use. A nonconforming use which has been abandoned for the period of two years, shall not be re-established, and any future use shall conform to the then current by-law.

(2/60,6/78)

VIII-C Special Permits

1. Construction or operation under a building or special permit shall conform to any subsequent amendment of this By-law unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
2. A special permit shall lapse after one year, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

3. Special permits may be approved only after a finding by the Board of Appeals that the proposed use is in the opinion of the Board in harmony with the general public good and intent of this By-law.

The approval shall be subject to any other applicable provision of this By-law and the Board may impose conditions, safeguards, and limitations on time and use which in the Board's opinion are necessary to comply with the intent and purpose of this By-law.

4. The Board of Appeals shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of those rules in the office of Town Clerk.

Said rules shall describe the size, form, contents, style and number of copies of plans and specifications and the procedure for submission and approval of the permits.

5. Special permits may only be acted upon following public hearings conducted in accordance with the provisions of Massachusetts General Law Chapter 40A or amendments thereto, within 65 days after filing with the Board the application for the permit.

The Board shall act on the application for special permits within 90 days following the public hearing. (6/78)

VIII-D Conversion of Cottage Colony, Cabin Colony, Motor Court, Hotel and Motel

Conversion of existing (or new) cottage colonies, cabin colonies, motor courts, motels, or hotels to single-family or multiple-family use under any type of ownership including cooperative ownership, condominium ownership, or other forms of ownership where a structure or portion thereof is held in different ownership from the remainder of the structure or the land on which it is situated or where ownership is held by different persons for different intervals of time or where a corporate or business trust entity holds title to the premises and grants rights to particular dwelling units by means of proprietary leases or similar arrangements including, but not limited to "time sharing" or "interval ownership", so-called, are prohibited unless the owner of any such property prior to the creation of or conversion to any single family or multi family use under cooperative ownership, condominium ownership, or any other of the aforementioned forms of ownership does the following: (4/77, 6/78, 5/81)

- A. Obtains a special permit from the Board of Appeals of the Town of Truro in compliance with section VIII (C) of this By-law and General Laws Chapter 40A, or any amendments thereto, and;
- B. Obtains a finding and certification from the Truro Board of Health that the septic system for said premises complies with the current health code requirements as promulgated by the Town of Truro Board of Health and as set forth in Title V of the State Sanitary Code or any amendments thereto as it relates to new construction, and;
- C. Obtains a certification of compliance with the parking requirements for single family dwellings as set forth in Section VIII Part F, Subpart 6 of the By-law. For purpose of this Section, each cottage, cabin or motor court unit, hotel room or unit shall meet the

applicable parking requirements for a single family residential dwelling, and;

- D. Executes a covenant with the Town of Truro, to be recorded in the Barnstable Registry of Deeds, covenanting and agreeing that other than one management unit, no units will be occupied or otherwise used during any period commencing December 1 and ending March 31 of the following calendar year and for each year thereafter.

(5/81)

VIII-E Accessory Use - Scientific Research or Development

The Board of Appeals may approve a special permit for activities which are necessary in connection with scientific research or scientific development or related production, and which are accessory to a permitted use, if the Board finds the proposed accessory use does not substantially derogate from the public good.

The permit may be approved whether or not the proposed accessory use is on the same parcel as the permitted use.

(6/78)

VIII-F Parking Requirements

1. No land shall be used and no building or structure shall be erected or used unless the off street parking and loading space requirements are provided as specified in this section. For the purpose of this section an enlargement of any building shall require the provision of off street parking for the resulting building as if it were newly constructed.
2. Where the computation or required parking space results in a fractional number, only the fraction of one half (1/2) or more shall be counted as one.
3. Required off street parking facilities shall be provided on the same lot as the principal use they are designed to serve.
4. Each required car space shall not be less than nine (9) feet in width and twenty (20) feet in length exclusive of drives and maneuvering space.
5. Where one building is for more than one use, parking requirements shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental and for seating capacity for the restaurant; a professional office in a residence must provide the space for both office use and the residential requirement.)

6. <u>Principal Uses</u>	<u>Number of Spaces</u>
Single family dwelling	Two spaces
Duplex houses and two family apartments	Two spaces per unit
Motels, Cottage Colonies, Hotels, Motor Courts, Cabins	Two spaces for owner or manager, plus 1 1/4 spaces for each rental unit, plus 1 1/2 for each 20 square feet of floor area available for meetings or functions.
Permitted offices in residence	In addition to two spaces for residence, three spaces plus one space for each nonresident

employee.

Retail stores and services	One space for each one hundred fifty (150) square feet of gross floor space.
Restaurants, clubs, theatres and other places of assembly	One space for each four seats.
Offices	One space for each five hundred (500) square feet of gross floor space.
Rooming and lodging houses	Two spaces plus one space for each rental unit over two.

(2/60,6/78)

VIII-G Signs

A complete Sign Code of the Town of Truro, adopted February 20, 1967, is available, under separate cover, at the Town Hall, and said code is incorporated in this By-law by reference.

(6/78)

VIII-H Trailers

Not more than one trailer may be kept on any parcel of land within the Town of Truro.

No trailer may be occupied while so located, nor shall land be leased for trailers. (6/78)

VIII-I Windmills

1. Windmills shall be permitted by a special permit from the Board of Appeals. In addition to the requirements set forth in Section VIII (C) of this By-Law, no special permit for a windmill shall be granted unless the Board of Appeals makes a finding that the windmill complies with the following:
 - a. The minimum setback distance for all windmills from any abutter's property line shall be at least equal to the maximum height of the machine from grade plus twenty (20) feet. Setbacks will be measured to the center of the tower base.
 - b. The maximum tower height shall be sixty (60) feet from grade to the center of the rotor.
 - c. Climbing access to the windmill tower shall be limited either by (i) the installation of a fence with locked gate around tower base or (ii) by limiting tower climbing apparatus to no lower than ten (10) feet from the ground. If a fence is used it shall be no lower than five (5) feet and constructed in such a manner as to restrict passage through said fence, including such construction as stockade, woven wood, chain link, etc., but excluding split rail.
 - d. The diameter of a rotor may not exceed thirty-five (35) feet. The minimum height of the rotor shall not be less than fifteen (15) feet from the ground as measured

from the lowest point of the arc of the rotor.

- e. The windmill will not generate excessive noise, cause interruption of television or radio station reception or otherwise constitute a public nuisance.
2. A windmill will be considered abandoned if not operated for a period of two (2) years or if it is designated as a safety hazard or a public nuisance by the Building Commissioner. Once a windmill is designated as abandoned, the owner shall be required to immediately dismantle it.
3. For purpose of the By-law, the following definitions shall be applied:
 - a. Windmill: A device which converts wind energy to mechanical or electrical energy.
 - b. Rotor: The blades plus the hub to which the blades of a windmill tower are attached.
4. Before applying for a special permit under this Section, the applicant shall obtain the Building Commissioner's approval of the proposed windmill. The Building Commissioner shall approve the proposed windmill upon making the determination that it (i) will not constitute a safety hazard or a public nuisance and (ii) complies with the State Building Code and other applicable law. The Building Commissioner's approval required herein shall be in addition to the building permit required by Section X (A) of the By-law. (5/81)

SECTION IX — AREA AND HEIGHT REGULATIONS

(2/60,9/64)

Definitions:

Attic. An area under a gable, hip, or gambrel roof, the rafter plates of which on at least two exterior walls are not more than three (3) feet above the floor of such area; except that any attic used for residence purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story. (9/64)

Basement. An area which may have its full height above ground level on not more than one side, and which may have not more than one-half of its height above mean ground level on any other side. A basement shall not be counted as a story. (9/64)

Cellar. An area having more than one-half of its height below ground level on all sides. A cellar shall not be counted as a story. (9/64)

Ground Level. The finished level of the ground to be built upon. (9/64)

Height of Building. The vertical distance from mean ground level to the highest point of the coping of flat roof, or to the deck line of a mansard roof, or, subject to the limitation imposed in paragraph 5(a) of Section IX-A, to the mean height level between eaves and ridge for

gable, hip, and gambrel roofs.

(9/64,6/78)

Mean Ground Level. Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at the centers of the four main sides. (9/64)

Story. That portion of a building other than a basement, cellar, or attic as herein defined, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.(9/64)

IX-A Area and Height Regulations

1. No building except building for accessory use, or cottages as defined in Section II, shall be constructed on a lot or parcel of land with a frontage of less than one hundred and fifty (150) feet on a public, private or approved way, nor with an area of less than thirty-three thousand seven hundred and fifty (33,750) square feet. (2/60,8/72,6/78)
2. Any lot or parcel of land having an area or frontage of lesser amounts than required by this By-Law may be considered as coming within the requirements of this section, provided such lot or parcel of land was shown on a subdivision plan, or described by deed duly recorded or registered in the Barnstable County Registry of Deeds prior to the adoption of this By-Law and provided such lot or parcel of land has an area of not less than five thousand (5000) square feet with a frontage of not less than fifty (50) feet. (2/60)
3. No building or part thereof, including buildings for accessory use, cottages as defined in Section II, shall be constructed within twenty five (25) feet of any side line, including front and rear lines of any lot. (2/60,6/78)
- 3a. No building or part thereof, including buildings for accessory use, cottages as defined in Sec. II shall be constructed within five (5) feet per each story of the building of any sideline, including rear lines of any lot in that part of the Limited Business area, defined in Section III, which is on the Town of Provincetown Water System. (2/63,6/78)
4. Units in Cottage Colonies and Motor Courts shall be located not less than thirty (30) feet apart from one another, and shall provide two hundred and fifty (250) square feet per unit, for off-street parking.
- 4a. No building or part thereof, including buildings for accessory use or cottages as defined in Sec. II, shall be constructed within the following distances of each other on the same lot, and shall provide two-hundred fifty (250) square feet per unit of off-street parking area, in that part of the Limited Business Area defined in Section III, which is on the Town of Provincetown water system. Distance between two one-story buildings must be 10 feet minimum: distance between a one-story building and a one and a half story building must be 12.5 feet minimum: distance between two buildings each of one and a half stories must be 15 feet minimum: distance between two buildings each of two stories must be 20 feet minimum. (2/67,6/78)
5. No building shall exceed Twenty-three (23) feet in height as defined in Section IX, except that: (9/64,6/78)
 - A. No building with a gable, hip, or gambrel roof shall exceed Thirty (30) feet in height, measured to the highest point of the roof. (9/64)
 - B. A height limitation of Fifty (50) feet above mean ground level, as defined herein,

shall apply to flagpoles and private noncommercial radio and television antennae which are free standing structures. (9/64,6/78)

- C. Exception to such height limitations may be authorized by the Board of Appeals by Special Permit. (9/64,6/78)

SECTION X — ADMINISTRATION

X-A Enforcement

1. This By-law shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises. (2/60,6/78)
2. Any person, association, firm or corporation violating any of the provisions of this By-law may be fined not more than \$100 for each offense. Each day that such a violation continues shall constitute a separate offense. (2/60,6/78)
3. If the Building Commissioner is requested in writing to enforce this By-law against any person allegedly in violation of it, and the Building Commissioner declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefore within 14 days of receipt of such request.(6/78)

X-B Board of Appeals

A Board of Appeals consisting of five members and two associated members shall have the power conferred on it under Chapter 40A of the General Laws, and any amendments thereto. (2/60,4/75)

The Board of Appeals may issue Special Use Permits, may grant variances from any provision of this By-law, except variances as to use, upon appeal or petition in accordance with this By-law and Chapter 40A of the General Laws, and any amendments thereto. (2/60,6/78)

X-C Amendment

This By-law may be amended from time to time at an annual or special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws, and any amendments thereto.

X-D Notice

In all cases where notice of a public hearing is required by Massachusetts General Laws, Chapter 40A and amendments thereto, or by this by-law, notice shall be in accordance with the provisions of Massachusetts General Laws, Chapter 40A. (6/78)

X-E Recording Variances and Special Permits

No variance or special permit, or any extension, modification, or renewal thereof shall take effect until a copy of the decision bearing the certification of the Town Clerk that 20 days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Barnstable County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid

by the owner or applicant.

(6/78)

X-F Uses Not Expressly Permitted

Uses not expressly permitted by this By-law, as a matter of right or by permit, are expressly not permitted.

(6/78)

X-G Appeals and Judicial Review

1. Any person aggrieved by reason of his inability to obtain a permit or an enforcement action from the Building Commissioner, whether or not such person was previously a party to the proceeding, may appeal to the Board of Appeals.

The Planning Board or any person, including an officer or Board of the Town of Truro, or of an abutting town, aggrieved by an order of decision of the Building Commissioner or other administrative official, in violation of General Laws, Chapter 40A, and amendments thereto, and this By-law, may appeal to the Board of Appeals.

2. Any appeal under this section shall be taken within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk.

The Clerk shall immediately transmit copies of the appeal to the officer or board whose order or decision is being appealed.

The records of the case shall then be transmitted forthwith to the Board of Appeals by the officer or board whose order or decision is being appealed.

The appeal shall be conducted in accordance with the provisions of General Laws, Chapter 40A, Section 15, and amendments thereto.

3. Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, may appeal to the Superior Court or to the Land Court, in accordance with General Laws, Chapter 40A, Section 17, by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk. Notice of the action with a copy of the complaint shall be given to the Town Clerk so as to be received within such 20 days.

The form, contents and filing of the complaint shall be as prescribed by Massachusetts General Laws, Chapter 40A, Section 17, and amendments thereto.

(6/78)

SECTION XI — VALIDITY

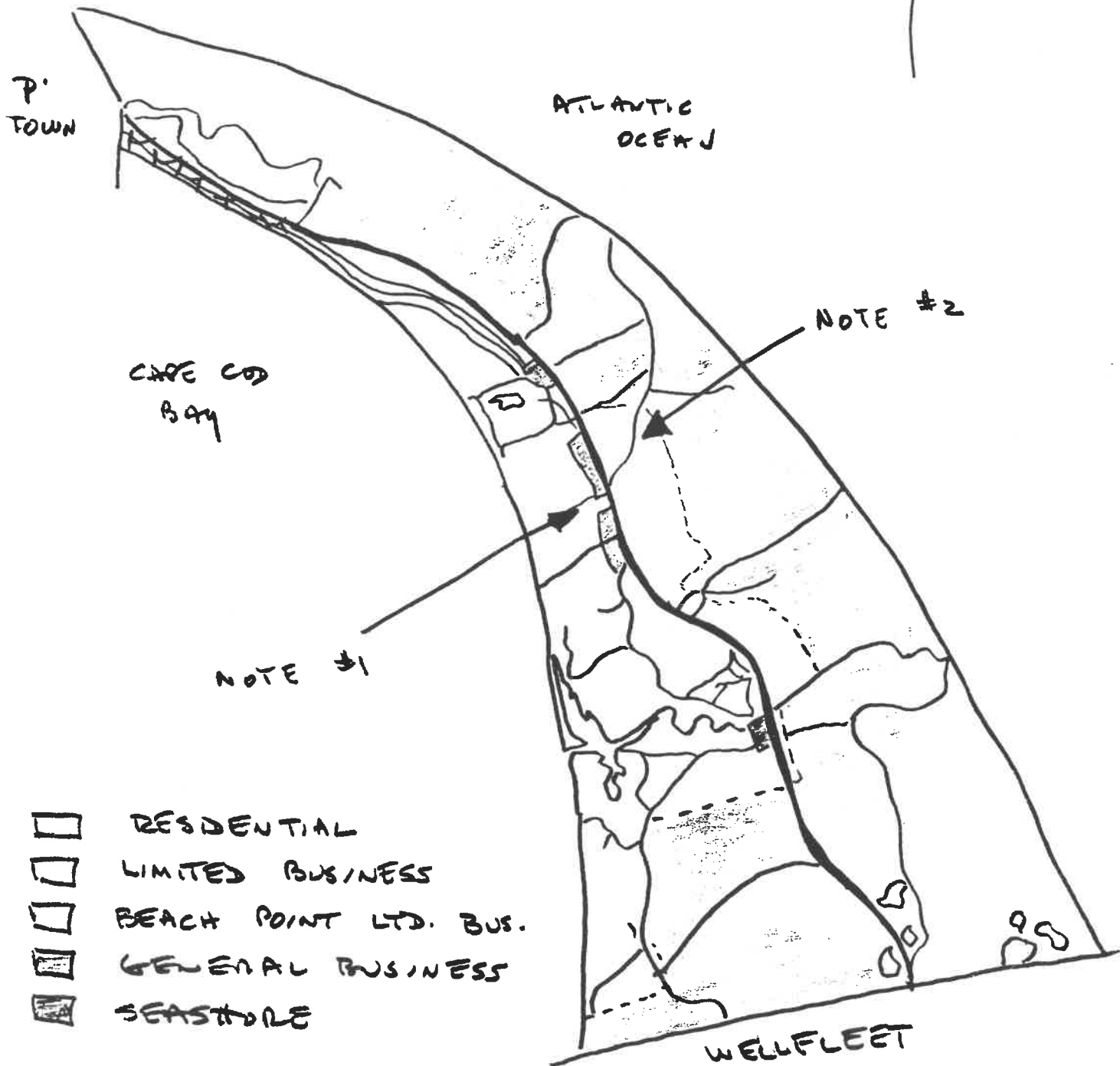
XI-A This By-Law shall not interfere or annul any By-Law, rule, regulation or permit, provided that unless specifically excepted where this By-Law is more stringent, it shall control.






XI-B The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

A

PROPOSED ZONING

TO PROPOSED ZONING AMENDMENTS.



-  RESIDENTIAL
-  LIMITED BUSINESS
-  BEACH POINT LTD. BUS.
-  GENERAL BUSINESS
-  SEASHORE

FOR EXPLANATION OF NOTES, SEE

NOTES #1 AND #2 REFER TO THE ONLY
TWO PROPOSED ZONING CHANGES:

NOTE #1 - PROPOSES AN AREA ACROSS
FROM CENTRAL SCHOOL ON ROUTE 6 -
587'± ALONG THE WEST SIDE OF
ROUTE 6 NORTH FROM THE
NORTHERN BOUNDARY OF THE SO-
CALLED "DAIRY QUEEN" PROPERTY
AND 500' DEEP BE ZONED
RESIDENTIAL FROM GENERAL
BUSINESS FOR SAFETY REASONS.

NOTE #2 PROPOSES THAT THE AREAS
300' DEEP ALONG BOTH SIDES
OF SOUTH#1 HIGHLAND ROAD
BE ZONED RESIDENTIAL
FROM LIMITED BUSINESS.

A PROFESSIONALLY DRAFTED MAP IS
BEING PREPARED BY SLADE ASSOCIATES,
WELLFLEET, MASS.

DESCRIPTIONS OF ZONING AREAS

As authorized under the ORIGINAL Zoning By-Laws accepted at the annual Town Meeting held on February 15, 1960, under Article 23.

Amended: February 21, 1966/February 20, 1967/April 14, 1975

GENERAL BUSINESS

AREA (A)

All the land contained in the following area which is bounded and described as follows: Beginning at a point on the southwesterly side-line of the old State Highway, 1925 layout, which point of beginning is located from the hereinafter reference point on a bearing of North 53°-14'-36" West at a distance of one hundred seven (107) feet. Said reference point is a Massachusetts Highway Bound at the intersection of the westerly side-line of the State Highway, 1950 layout and said old State Highway, 1925 layout and bears South 89°-40'-24" West from station 117 plus 82.28 of the main base-line of said 1950 State Highway lay-out and one hundred eighteen and 56/100 (118.56) feet therefrom;

From said point of beginning the area runs in a general northerly direction, following the westerly side-line of said old State Highway and three hundred (300) feet in width throughout, measured perpendicular thereto and three hundred (300) feet therefrom, ending opposite station 138 plus 78.44 of the said 1925 State Highway base-line.

AREA (B)

All the land contained in the area bounded on the East by the State Highway, 1950 layout;

On the West by the State Highway, 1925 layout, and

On the North by South Pamet Road as laid out by the Commonwealth of Massachusetts for the Town in 1951.

Said area is nearly triangular in shape and is less than three hundred (300) feet at its widest point.

AREA (C)

All the land contained in the area bounded as follows: beginning at the intersection of the easterly side-line of the old State Highway, 1925 layout and the northerly side-line of South Pamet Rd. and runs thence northerly by the said easterly side-line of said State Highway 1925 layout, to a point where said highway side-line intersects the location of the old North Pamet Road, a Town Way;

Thence easterly by the location of said old North Pamet Road to a point which is three hundred (300) feet distant from the said easterly side-line of the State Highway 1925 layout,

as measured perpendicular thereto;

Thence southerly on a line, parallel with said State Highway (1925) layout side-line, to a point where it intersects the westerly side-line of the State Highway (1951 layout) Route 6;

Thence southerly, southwesterly and westerly by said State Highway (1951 layout) and by said South Pamet Road, side-line to the point of beginning.

AREA (D)

All the land contained in the area bounded as follows:

Beginning at a point on the westerly side-line of the State Highway, 1951 layout (Route 6) at the northerly side of Castle Road (a Town Way) and running thence westerly by said side of Castle Road to a point which is five hundred (500) feet distant from the said State Highway side-line and measured radially thereto;

Thence running in a general northerly direction, parallel and concentric with the said westerly side-line of the State Highway, and five hundred (500) feet distant therefrom, to a point opposite station 294 plus 63.37 of the 1925 State Highway base-line (Route 6A) and five hundred (500) feet westerly from the side-line thereof;

Thence easterly on a line perpendicular to said Highway, 1925 layout (Route 6A), five hundred (500) feet to a point on said State Highway (Route 6A) side-line opposite said station 294 plus 63.37 of said baseline;

Thence in a general southerly direction by the westerly side-line of the State Highway (Route 6) to the point of beginning by Castle Road. (2/66)

AREA (E)

All the area contained in a strip of land on the Southeasterly side of the Highland Road in the Village of North Truro three hundred (300) feet in width throughout bounded on the west by the State Highway 1925 layout, (Route 6A), on the North by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953; and on the East by the State Highway 1953 layout.

AREA (F)

All the area contained in a strip of land three hundred (300) feet wide on the Northerly side of the Highland Road in the Village of North Truro and bounded on the West by the State Highway 1925 layout (Route 6A); on the South by said Highland Road as laid out by the Commonwealth of Massachusetts for the Town of Truro in 1953 and on the East by the State Highway, 1953 layout.

LIMITED BUSINESS

AREA (AL)

All the Area contained in a strip of land three hundred (300) feet wide located along the Southeasterly and Easterly side-line of South Highland Road, said area beginning at the Easterly side-line of the State Highway, 1951 layout (Route 6) and following the said sideline of the South Highland Road, three hundred (300) feet in width throughout, in a general Easterly and Northerly direction to the intersection of said South Highland Road and Highland Road;

Thence continuing in the same direction along the Easterly side of said Highland Road to the intersection of said Highland Road and Coast Guard Road;

Thence continuing in the same general direction along the Easterly side-line of said Coast Guard Road to the terminus thereof at the Atlantic Ocean, holding the width of three hundred (300) feet throughout.

AREA (BL)

All the Area contained in a strip of land three hundred (300) feet wide along the Northwesterly and Westerly side of South Highland Road, said area beginning at the Easterly side-line of the State Highway, 1951 layout, (Route 6) and following the Westerly side-line of said South Highland Road in a general Easterly and Northerly direction and three hundred (300) feet in width throughout, to the intersection of said South Highland Road and Highland Road:

Thence continuing along the Westerly side-line of said Highland Road to the intersection of Coast Guard Road;

Thence continuing in the same general direction along the said side-line of Coast Guard Road to its terminus at the Atlantic Ocean and holding the width of three hundred (300) feet throughout.

AREA (CL)

All the Area contained in a strip of land one hundred fifty (150) feet wide along the Easterly and Northeasterly side of the State Highway, 1925 layout, (Route 6A) extending from Grozier Square in the Village of North Truro to the Provincetown Town Line, said area beginning at the Northerly terminus of the (General) Business Zone (Area F) on the Easterly side of said State Highway (Route 6A) follows the said side-line of said State Highway, holding the width of one hundred fifty (150) feet throughout, to the intersection of said State Highway with the Provincetown Town Line.

AREA (DL)

All the Area contained in a strip of land one hundred fifty (150) feet wide along the Westerly and Southwesterly side of the State Highway 1925 layout (Route 6A) from Grozier Square in the Village of North Truro to the Provincetown Town Line, said area beginning at the

Northerly side of Pond Road in said Village and at the Westerly side of said State Highway, follows the said side-line of said State Highway, holding the width of one hundred fifty (150) feet throughout, to the intersection of said State Highway and the Provincetown Town Line.

Beginning at a point on the southerly side of State Highway - Route 6A, which point is opposite Station 397 + 36.65 of the base-line of said State Highway, and running thence South 7°15'10" west for a distance of 150 feet to a point in the present southerly side-line of property of Michael A. Botelho et ux: thence South 77°8'40" west along said boundary line 156.01 feet: thence South 62°48'0" west 97.63 feet (alongside said boundary line.): thence South 56°42'50" west (along said boundary line) to the mean high tide mark of the water of Cape Cod bay.

Thence northerly and north-westerly by the mean high-tide mark of the waters of Cape Cod bay to the Truro-Provincetown line; thence northerly by said Town line to said State Highway known as Route 6A; thence southeasterly and southerly by State Highway to point of beginning; and from the junction of Route 6A and High Head road north along the boundary line of Route 6A to the Provincetown-Truro line; thence east along Provincetown-Truro line to State Highway Route 6; thence southerly along the boundary line of said Route 6 to High Head Road; thence westerly along the boundary line of High Head Road to the point of beginning. (2/67,4/75)

AREA (EL)

All the Area contained in a strip of land one hundred fifty (150) feet wide on either side of Cliff Road in the locality of Pilgrim Heights, and extending from the intersection of said Cliff Road with the Southerly side of Pilgrim Heights Road, also called High Head Road, in a general Southerly direction following said Cliff Road and one hundred fifty (150) feet on either side thereof to a point where said Cliff Road changes direction;

Thence continuing in a general Southerly direction, following the above alignment of Cliff Road produced and holding the width of said Cliff Road and one hundred fifty (150) feet either side, to the intersection with the Northerly side of the State Highway, (Route 6).

All land remaining in the Town of Truro not described as within the limits of the (General) Business Zone or the Limited Business Zone is Zoned as RESIDENTIAL.