

Chapter 200 Zoning

SECTION 3: Use and Intensity Regulations

§ 200-3.1 Zoning districts.

Principal Uses

A. Establishment. The Town of Charlton is hereby divided into the following zoning districts.

Title	Short Name
Agricultural	A
Low Density Residential	R-40
Residential - Small Enterprise	R-SE
Neighborhood Business	NB
Village	V
Community Business	CB
Industrial - General	IG
Business Enterprise Park	BEP
Floodplain	FP
Adult Entertainment	AE
Wireless Telecommunication Facilities	WCF

B. Zoning Map. The boundaries of the districts are defined and bounded on the map entitled "Town of Charlton Zoning Map" dated March 3, 1987, on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this bylaw, together with any amendments adopted by vote of the Town Meeting. Upon adoption the Zoning Map shall also be the Official Town Map.

C. District boundaries. Boundaries of zoning districts indicated on the Zoning Map as approximately following or terminating at a Town limit or lot line, or street, railroad, or stream center lines shall be construed to be actually at those lines. Boundaries indicated as at a numerically noted distance from a street line shall be construed to be actually parallel to, and located such distance in feet from such street line. When not locatable in any other way, boundaries shall be determined by scale from the map.

D. Divided lots. Where boundary of a zoning district divides a lot having frontage on a street in a less restricted district, the provisions of this bylaw covering the less restricted portion of the lot may extend not more than twenty-five (25) feet within the lot beyond the district boundary. Where the boundary of a district divides a lot having frontage on a street in a more restricted district, the provisions of this bylaw covering the more restricted portion of the lot shall extend to the entire lot. For the purposes of this section, the districts in descending order from more restricted to less restricted are: Floodplain, Agricultural, Low Density Residential, Residential - Small Enterprise, Neighborhood Business, Community Business, Business Enterprise Park and Industrial General.

E. District intents and purposes.

- (1) Agricultural (A): to provide for agricultural and lowest density residential sites while at the same time encouraging open space, preserving or enhancing views, protecting the character of the historic rural and agricultural environs, preserving or enhancing visual landscapes, recognizing site and area limitations for on-site wastewater disposal systems in terms of drainage, soil suitability, proximity to surface and aquifer and other subsurface water resources, and slope.

- (2) Low Density Residential (R-40): to provide sites for low-density residential development with respect to the existing character of the neighboring homes and properties, including compatible related home-oriented activities and pursuits in a rural environment.
- (3) Residential - Small Enterprise (R-SE): to provide sites for a mixture of medium- and low-density residential uses and small-scale commercial and light industrial uses appropriate to an existing mill village.
- (4) Neighborhood Business (NB): to provide sites for ~~Principal~~ ~~Uses~~ business development for local and transient services compatible with low- and medium-density residential development within village settings which, through landscaping and design or through preservation, enhance the natural landscaping and historic environs; at the same time protecting any existing views, minimizing the visibility of parked cars, avoiding the appearance of commercial strips as well as congestion in the abutting streets and ways, and retaining the character and the quality of life in the rural New England village.
- (5) Community Business (CB): to provides sites for businesses that serve the entire Town and people and traffic passing through the Town, and which, through proper siting, landscaping and design, create amenities and avoid, to the maximum extent possible, the appearance of commercial strips, and adverse impacts on abutting streets and uses.
- (6) Industrial - General (IG): to provide sites for industry which create employment opportunities and capitalizes on the use of Charlton's access and environmental conditions and labor force, while recognizing the limitations of Charlton to handle traffic, water runoff, sewage, and other environmental and neighborhood impacts.
- (7) Business Enterprise Park (BEP) (replaced IP May 2003): to provide parcels of land zoned as industrial parks, where "compatible industries" are encouraged to locate in a parklike setting. Such industries shall be "abutter friendly"; that is, they shall impact abutting lands minimally as to sight, sound, odor and traffic. Allowed uses include a mix of manufacturing, research and development, office, distribution, and other compatible uses which offer an opportunity for employment growth and an expansion of the tax base in the Town of Charlton.
- (8) Floodplain (FP): to insure the minimization of flood damage and to minimize any impediment to the natural flow of flood waters. This applies to all zones.
- (9) Adult Entertainment (AE): to provide an area where adult entertainment uses are allowed and regulated.
- (10) Wireless Telecommunication Facilities (WCF): to provide locations where wireless communication facilities are allowed, but regulated to minimize their aesthetic impacts as much as practicable.
- (11) Village (V): to promote mixed-use development consistent with traditional New England villages, to provide pedestrian-scale amenities to encourage small-scale retail uses commercial services in harmony with a residential environment, and to offer flexibility in design standards that recognizes strict adherence to well-intended regulations can inhibit the originality needed to preserve and create vigorous village environments.

§ 200-3.2 Use regulations.

A. General. Buildings and other structures shall be erected or used and premises shall be used only as set forth in the "Use Regulation Schedule" except as exempted by § 200-3.4 or by statute. Symbols employed on the "Use Regulation Schedule" shall mean the following:

- | | |
|---|--|
| Y | A permitted use |
| P | A use whose exercise is subject to regulation by means of a site plan review and approval. |
| N | An excluded or prohibited use |

SP A use permitted under special permit granted by the Planning Board

B. Use Regulation Schedule.

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
(1) Agricultural, Floriculture and Horticultural Uses	Principal Uses							
(a) Raising and keeping of livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel over five (5) acres	Y	Y	Y	Y	Y	Y	Y	Y
(b) Raising and keeping livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel of five (5) or fewer acres	Y	Y	P	P	P	P	N	N
(c) Raising of crops, whether for sale or personal consumption, on a parcel of any size	Y	Y	Y	Y	Y	Y	Y	Y
(d) Indoor commercial horticulture/floriculture establishments (e.g., greenhouses)	Y	Y	Y	Y	Y	Y	Y	Y
(2) Residential Uses [Amended 5-21-2012 ATM by Art. 28]								
(a) Dwellings, one-family	Y	Y	Y	Y	Y	Y	N	N
(b) Accessory apartments	Y	Y	Y	Y	Y	Y	N	N
(c) Dwellings, two-family	N	Y	Y	Y	Y	Y	N	N
(d) Multifamily dwellings (see § 200-5.1)	N	P	P	N	SP	N	N	N
(e) Lodging and/or boarding houses	P	P	P	P	P	P	N	N
(f) Mobile homes, mobile home parks or trailers for human habitation. (See special regulations in § 200-5.2.)	N	N	N	N	N	N	N	N
(g) Major residential development	P	P	P	P	P	P	N	N
(h)	N	N	P	P	P	N	N	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
Dwelling units over first floor commercial uses								
(i) In one- and two-family dwellings, a mix of residential and commercial uses	N	N	P	P	P	P	N	N
Principal Uses								
(3) Public and Semi-Private Uses								
(a) Public, private, sectarian or denominational schools (nonprofit)	P	P	P	P	P	P	P	P
(b) Day-care centers	P	P	P	P	P	P	P	SP
(c) Family day-care homes	P	P	P	P	P	P	P	P
(d) Religious uses	P	P	P	P	P	P	P	P
(e) Nursing and/or convalescent homes	P	P	P	P	P	P	N	N
(f) Hospitals and clinics for in- and out-patient care (nonprofit)	P	P	P	P	P	P	SP	SP
(g) Community and/or neighborhood centers	P	P	P	P	P	P	N	N
(h) Other institutional and philanthropic uses	P	P	P	P	P	P	N	N
(i) Cemeteries	P	P	P	P	P	P	N	N
(j) Other municipal uses voted by Town Meeting	P	P	P	P	P	P	P	P
(4) Recreational Uses								
[Amended 10-21-2014 STM by Art. 9]								
(a) Standard golf and par-3 golf courses	Y	Y	P	P	N	P	P	N
(b) Golf driving ranges and miniature golf courses	P	N	P	P	N	P	P	N
(c) Other recreational facilities conducted for gainful profit, including indoor and outdoor theaters, physical fitness centers, health clubs and indoor and outdoor tennis and racquetball facilities	P	N	N	P	P	Y	SP	SP
(d) Massage parlors	N	N	N	N	N	N	N	N
(e)	P	P	P	Y	Y	Y	SP	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
Private membership clubs								
(f) Picnic and beach areas	Y	P	P	Y	Y	Y	N	N
(g) Riding stables and/or boarding, horse riding trails, and riding academies	P	P	P	N	N	P	N	N
			Principal Uses					
(h) Camp grounds	Y	P	P	P	N	P	N	N
(i) Other private predominantly open recreational areas	Y	P	P	P	N	P	N	N
(j) Public recreational facilities	P	P	P	P	P	P	N	N
(5) Business Uses								
[Amended 5-21-2012 ATM by Art. 28; 5-16-2016 ATM by Art. 17; 5-16-2016 ATM by Art. 18; 5-15-2017 ATM by Art. 22]								
(a) Retail establishments serving the convenience goods needs of a local area, including but not limited to: grocery, delicatessen, baker, supermarket, drugstores and similar uses, having less than twenty thousand (20,000) square feet of gross building area	N	N	P	P	P	P	SP	N
(b) Retail establishments serving the convenience goods needs of a local area, including but not limited to: grocery, delicatessen, baker, supermarket, drugstores and similar uses, having twenty thousand (20,000) square feet or more of gross building area	N	N	N	N	SP	P	SP	N
(c) Auction galleries	P	P	Y	Y	P	Y	SP	N
(d) Flea markets	P	P	Y	Y	N	Y	SP	N
(e) Hotels or inns	N	N	N	P	P	P	SP	SP
(f) Motel or motor courts	N	N	N	P	N	P	SP	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
(g) Personal and consumer services establishments, including but not limited to: barber shops, shoe and leather repair, beauty shops, laundry or dry-cleaning establishments and laundromats	N	N	Y	Y	Y	Y	P	N
	Principal Uses							
(h) Fast-food restaurants	N	N	N	N	N	P	P	N
(i) Restaurants	P	N	P	P	P	P	SP	N
(j) Other eating and drinking establishments, most notably known as bars and grills	N	N	P	P	SP	Y	SP	N
(k) Offices of licensed medical and dental practitioners limited to general outpatient care and diagnosis	N	N	P	P	P	Y	P	N
(l) Business, professional and general offices with less than twelve thousand (12,000) gross square feet of floor area per structure	N	N	Y	Y	P	Y	P	N
(m) Business, professional and general offices with twelve thousand (12,000) or more gross square feet of floor area per structure	N	N	P	P	SP	P	P	P
(n) Gasoline service stations	N	N	N	N	N	P	P	N
(o) Fuel oil dealers and stations	N	N	N	N	N	P	P	N
(p) Car-wash establishments	N	N	N	N	N	P	P	N
(q) Banks	N	N	P	P	P	P	P	N
(r) Services most notably known as "automatic teller machine" (ATM), whether freestanding or accessory	N	N	N	P	P	P	P	P
(s) Funeral homes	P	P	P	P	N	Y	SP	N
(t) Animal kennels or animal hospitals	P	N	P	P	N	P	Y	N
(u) Schools (for profit)	N	N	P	P	P	Y	SP	N
(v)	P	P	P	P	N	P	SP	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
Hospitals and clinics for in- and outpatient care (for profit)								
(w) Storage trailers — units designed and used solely for storage not habitation; such trailers may be used as a nonconstruction site office	N	N	N	N	N	P	N	N
Principal Uses								
(x) Adult entertainment establishments as per § 200-5.9 of this bylaw								
[1] Adult bookstore	N	N	N	N	N	N	SP ¹	N
[2] Adult motion-picture theater	N	N	N	N	N	N	SP ¹	N
[3] Adult paraphernalia	N	N	N	N	N	N	SP ¹	N
[4] Adult video store	N	N	N	N	N	N	SP ¹	N
[5] Adult live entertainment establishment	N	N	N	N	N	N	SP ¹	N
(y) Commercial storage facilities	N	N	N	N	N	P	P	N
(6) Communications, Transportation and Public Utility Uses								
[Amended 10-18-2016 STM by Art. 14; 10-18-2016 STM by Art. 15; 10-16-2017 STM by Art. 12]								
(a) Communications tower for federally licensed amateur radio operator, limited to seventy-five (75) feet in height, and requiring a minimum distance between the base of the tower and the property boundary line and/or any residential structure to be equal to the height of the tower, including any aerials or antennas that may be mounted on the tower	SP ³	SP ³	SP ³	SP ³	SP ³	SP ³	SP ³	SP
(b) Wireless communications facilities as per § 200-5.10 of this bylaw	SP ²	SP ²	SP ²	SP ²	N	SP ²	SP ²	SP

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
(c) Bus or railroad passenger terminals	N	N	N	N	N	N	P	SP
(d) Rail terminals, including rail freight yards or freight terminals	N	N	N	N	N	N	P	SP
Principal Uses								
(e) Truck terminals, truck freight yards or freight terminals	N	N	N	N	N	N	P	SP
(f) Commercial aircraft landing areas								
[1] Airport or aircraft landing area for fixed-wing flying craft	N	N	N	N	N	N	P	N
[2] Helicopter aircraft or gyroplane landing area	P	N	N	N	N	N	P	N
(g) New automobile sales and/or new truck sales and/or rental establishments	N	N	P	N	N	P	P	N
(h) Used automobile sales and/or used truck sales	N	N	P	N	N	P	P	N
(i) Independent storage areas or parking areas, automobile parking garages for five (5) or more automobiles	N	N	P	P	N	P	P	SP
(j) Electric generating facilities with less than or equal to fifty (50) megawatts of power output	N	N	N	N	N	P	P	N
(k) Electric generating facilities with more than fifty (50) megawatts of power output	N	N	N	N	N	N	N	N
(l) Gas/Gasoline transmission facilities	N	N	N	N	N	P	P	P
(m) Electric distribution stations or substations	P	P	P	P	N	P	P	P
(n) Wind energy conversion systems	P	P	P	P	N	P	P	P
(o) Taxi or limousine service and other vehicles for hire with drivers and	N	N	P	Y	P	Y	Y	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
having no more than three (3) vehicles and containing no more than nine (9) passengers in any one (1) vehicle								
(p) Taxi or limousine service and other vehicles for hire with drivers and having four (4) or more vehicles and containing no more than nine (9) passengers in one (1) vehicle	N	N	N	N	N	P	P	N
(q) Water storage tanks, for public water systems as defined by 310 CMR 22.02, provided that any portion of the structure shall not be less than one hundred (100) feet from any residential structure, and that the distance from the base at ground level of any tank to any property or street line be equal to the height of the tank. Neither the minimum lot size specified in § 200-3.2D nor any other minimum lot size shall apply to such use.	Y	Y	Y	Y	P	Y	Y	Y
(r) Water pump stations and appurtenances	Y	Y	Y	Y	Y	Y	Y	Y
(s) Natural gas distribution stations, substations, and piping, provided that any portion of the structure (not including dwelling service pipe) shall not be less than three hundred (300) feet from any residential structure and that the minimum lot size and setbacks shall not be less than required in § 200-3.2D. A variance may be granted by the Zoning Board of Appeals.	P	P	P	P	N	P	P	P

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
All gas storage tanks in such facilities shall be subsurface.								
(t) Large-scale ground-mounted solar photovoltaic installations	P	P	P	P	P	P	P	P
(u) Sewer pump stations and appurtenances	Y	Y	Y	Y	Y	Y	Y	Y
(7) Industrial and Warehouse Uses [Amended 5-21-2012 ATM by Art. 28]								
(a) Light manufacturing establishments. Storage of goods or materials shall not be permitted on any lot except in an appropriate enclosure and also in compliance with § 200-4.1E hereof.	N	N	P	N	N	N	P	P
(b) Biotechnology	N	N	N	N	N	N	N	SP
(c) Fiber-optics facilities	N	N	N	N	N	N	N	SP
(d) Medical research and development	N	N	N	N	N	N	N	SP
(e) The following research and development or office uses:								
[1] Scientific or research laboratories	N	N	P	P	P	P	P	P
[2] Offices for technical, executive, professional or administrative uses	N	N	P	P	P	P	P	P
(f) Sawmills, lumber and building materials establishments	N	N	N	N	N	P	P	N
(g) Automobile and/or truck repair garages	N	N	P	N	N	P	P	N
(h) Scrap metal and other materials storage yards, including scrap automobiles and trucks	N	N	N	N	N	N	SP	N
(i) Land and water recreation vehicle (including boats) sales	N	N	P	N	N	P	P	N

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
and service and storage yards								
(j) Public storage areas or buildings such as those for road salt and sand and municipal vehicles	P	P	P	P	N	P	P	N
	Principal Uses							
(k) Stone, sand and/or gravel processing operations	N	N	N	N	N	P	P	N
(l) Hazardous waste disposal sites	N	N	N	N	N	N	N	N
(m) Resource recovery plants	N	N	N	N	N	N	N	N
(8) Accessory Uses [Amended 5-21-2012 ATM by Art. 28]								
(a) Customary home occupations conducted as a gainful business, provided that all parking for such businesses shall be provided on the premises where the home occupations are conducted; and further provided that all products thereof are produced or sold on the premises. (See definition of "home occupation" in § 200-2.1.)	Y	Y	Y	Y	Y	Y	Y	N
(b) Accessory professional office in a dwelling conducted by the resident occupant, provided that all parking for such professional services shall be provided on the premises where the professional offices are located	Y	P	P	Y	Y	Y	Y	N
(c) Accessory buildings such as a private garage, playhouse, greenhouse, tool shed and private swimming pool	Y	Y	Y	Y	Y	Y	Y	N
(d) Trailers for office and storage use only during construction. The trailer	Y	Y	Y	Y	Y	Y	Y	Y

Principal Uses	Districts							
	A	R-40	R-SE	NB	V	CB	IG	BEP
for office/storage use shall not be used for habitation. These temporary on-site construction office/storage trailers may be located on the building site upon issuance of a building permit and must be removed within fourteen (14) days after an occupancy permit has been issued.								
(e) Food services as accessory use to serve employees of and visitors to principal use	P	P	P	P	P	P	P	P
(f) Fitness centers as accessory use to serve employees of principal use	P	P	P	P	P	P	P	P
(g) Personal and consumer services as accessory use to serve employees of principal use	N	N	N	N	N	N	N	P
(h) Day-care center or any child-care facility including day care and family care as accessory use to serve employees of principal use	SP	SP	SP	SP	SP	SP	SP	SP
(i) Emergency power back up facility with less than or equal to thirty (30) megawatts of power output	P	P	P	P	P	P	P	P
(j) Helicopter or gyroplane landing area as accessory use to serve business and/or industries in district	N	N	N	N	N	N	N	SP

NOTES:

- ¹ Adult entertainment establishments are only allowed in locations identified in § 200-5.9 of this bylaw.
- ² Wireless communication facilities are only allowed in locations identified in § 200-5.10 of this bylaw.
- ³ A federally licensed amateur radio operator may be allowed to construct a communications tower in this district, subject to a special permit issued by the Planning Board, upon application made by following the

NOTES:

procedure in § 200-7.1H(2) of the Charlton Zoning Bylaw. Criteria for granting said special permit shall be based solely on that which is allowed under MGL c. 40A, § 3.
[Amended 5-21-2012 ATM by Art. 28]

C. Special rules.

Principal Uses

- (1) Vehicle access to major residential developments shall be adequate to service the traffic that such developments will generate. Applicants for site plan approval and for special permits for such developments shall submit a traffic and engineering study showing the vehicle access conditions on Town of Charlton and private streets over which vehicles must travel, on the shortest route, to get to the development from a state highway. The study shall identify all conditions of road surface, curvature, grade, drainage, driver sight distance and roadway and pavement width on all such streets. The study shall also contain an evaluation by a professional engineer, registered in the State of Massachusetts, of the adequacy of the streets and access to handle the estimated vehicular traffic that will be generated with the development fully occupied.
 - (a) The Planning Board, in considering an application for site plan approval, and the Zoning Board of Appeals, in considering such an application for a special permit, may determine that such vehicle access to a major residential development is not adequate, and may use that determination as a reason to refuse to grant said site plan approval or special permit. In making its determinations, the Planning Board and Zoning Board of Appeals may seek the advice of other Town officials, such as the Superintendent of Highways, Fire Chief, and Police Chief, and may also seek advice from experts in traffic and roadway engineering.
 - (b) The Planning Board and Zoning Board of Appeals may make their approvals of site plans and special permits, respectively, contingent on the execution of the terms of written agreements, voluntarily entered into between the permit-issuing authority and applicants, that bind the applicants to remedy the substandard vehicle access conditions at their own expense. In addition to these provisions, all requirements of Charlton's Subdivision Regulations must be met in obtaining site plan approval and/or a special permit.^[1]
[Amended 5-21-2012 ATM by Art. 28]

[1] *Editor's Note: See Ch. 210, Subdivision of Land.*
- (2) Business Enterprise Park and Industrial - General buffers. In Business Enterprise Park and Industrial - General Zoning Districts, a landscaped strip twenty (20) feet in width shall be created and maintained along the lot frontage on a road. In addition, a landscaped strip one hundred (100) feet in width shall be created and maintained along any lot boundary that abuts an R-40 or an Agricultural District, or an Historic District. The landscaping shall be of plant materials that provide a year-round screening of the view of any industrial or commercial buildings or their appurtenances from the abutting residential zoning district or historic district. Passive uses, such as recreation, septic systems and wells shall be allowed within the buffer area, provided that the year-round screening is maintained; however, detention ponds are not allowed.
- (3) Outside bulk storage, contractor's yards, disposal areas or areas of open storage related to manufacturing, processing, warehousing, wholesale trade or a public utility facility shall be screened from an adjacent residential use, a residential district, and street by a solid stockade fence at least six (6) feet in height or densely planted trees or shrubs at least six (6) feet or more in height, or be equivalently obscured by natural vegetation on a year-round basis. No more than fifty percent (50%) of a lot may be used for outdoor storage.
[Amended 5-21-2012 ATM by Art. 28]
- (4) A home occupation shall not include the services of more than two (2) employees not resident on the premises.

- (5) Uses customarily accessory to a residence shall include the occasional sale of used household goods, a motor vehicle, or a boat or trailer of a resident.

D. Intensity of Use Schedule.

[Amended 10-18-2016 STM by Art. 15; 10-16-2017 STM by Art. 12]

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Width and Contiguous Street Frontage (feet)	Principal Uses			Maximum Building Coverage (% of lot)	Maximum Building Height (feet)
			Minimum Front Yard (feet)	Minimum Side Yard (feet)	Minimum Rear Yard (feet)		
Agricultural A	60,000	175	30	15	30	25	36
Low Density Residential R-40	40,000 ¹	150	30	15	15	30	36
Residential - Small Enterprise R-SE	40,000 ^{1,3}	150	30	15	15	30 ⁴	36
Neighborhood Business NB	20,000 ¹	100	40	15	15	30	36
Village V ⁽⁷⁾	10,000 ⁽⁸⁾	75	10 ⁽⁹⁾	10	10	60 ⁽¹⁰⁾	36
Community Business CB	40,000 ¹	150	40	15	15	30	36
Industrial - General IG	40,000	150	40	35 ²	35 ²	40	36
Business Enterprise Park BEP	80,000	260	50 ⁵	50 ⁵	50 ⁵	33	36 ⁶

NOTES:

- 1 An additional twenty thousand (20,000) square feet of contiguous land area is required for each dwelling unit beyond the first dwelling unit and fifty (50) feet of additional lot frontage plus twenty (20) feet for each dwelling unit beyond two (2). This requirement shall apply to two-family and multifamily dwellings, but shall not apply to accessory apartments.
- 2 Side and rear yards shall each be at least seventy (70) feet when abutting any residential or agricultural district.
- 3 In an R-SE Zone, a twenty thousand (20,000) square foot lot requires a sewer connection. Without a sewer connection, the minimum lot size is forty thousand (40,000) square feet.
- 4 No building in an R-SE Zone may exceed twenty thousand (20,000) square feet in gross floor area.
- 5 In Business Enterprise Park Districts, buildings shall be set back a minimum of fifty (50) feet from the front lot line. Parking lots shall be set back a minimum of twenty (20) feet from the front lot line, or a minimum of thirty (30) feet from the front lot line if the front lot line abuts a state-numbered route, and they shall not be located within the required side or rear yards, nor within the required buffer area.
- 6 To accomplish the purposes of the Village District, the Planning Board may authorize by special permit a reduction of front, side and rear setback standards for new or preexisting structures. The Board must find that the required setbacks would result in, or have resulted in, construction of structures that are not in keeping with the area's scale and character. The Board must further find that the relaxation of said

NOTES:

- standards will not interfere or negatively impact abutting properties, particularly property used or zoned for residential purposes.
- 7 In Village Districts, the minimum lot size is ten thousand (10,000) square feet for lots served by the municipal sewer system and twenty thousand (20,000) square feet for lots without a sewer connection.
 - 8 In order to maintain a strong sense of streetscape, in the Village District there is also established a maximum front setback of twenty-five (25) feet. **Principal Uses**
 - 9 The maximum impervious coverage of the lot (buildings, parking, access drives, etc.) shall not exceed eighty percent (80%).
 - 10 Minimum performance standards as detailed in the Intensity of Use Schedule are hereby not applicable to water and sewer pump stations and appurtenances.

§ 200-3.3 Intensity regulations.

- A. General. Buildings or structures shall be erected or used and premises shall be used only as set forth in the "Intensity of Use Schedule" (§ 200-3.2D), except as exempted by statute.
- B. Supplementary requirements.
 - (1) No building or structure shall exceed thirty-six (36) feet in height; except that spires, water tanks, communications towers, chimneys, flag poles, and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purposes they are normally intended to serve. Towers for wireless communication facilities (WCF) may not exceed one hundred fifty (150) feet in height except as allowed in § 200-5.10, and a communications tower for a federal licensed amateur radio operator may not exceed seventy-five (75) feet in height.
[Amended 5-21-2012 ATM by Art. 28]
 - (2) No fence, wall, hedge, shrubbery or other obstruction shall be permitted to block vision between two and one-half (2 1/2) feet and eight (8) feet above the street grade on a corner lot within a triangular area formed by the intersecting street lines and a straight line which joins points on such street lines twenty (20) feet from their intersection.
 - (3) No structure other than a dock or boathouse shall be located within thirty (30) feet of the normal bank of any river or stream having a year-round running flow of water, or of any lake or pond containing one thousand (1,000) square feet or more of water eleven (11) months of the year, or of mean high water.
 - (4) No accessory building shall be located within any required front or side yard. No accessory building shall be located within any required rear yard, except for a building accessory to a one- or two-family dwelling, and shall not be located closer than ten (10) feet to a lot line.
 - (5) Two-thirds (2/3) of the total land area of every building lot must be free from wetlands as defined in the Massachusetts Wetland Protection Act as most recently revised and other conditions which make building impossible or hazardous. However, where a building lot contains a contiguous upland area equal to two-thirds (2/3) of the minimum lot size required in that district, the lot shall be exempt from the provisions of this section. No such lot shall be further subdivided so that the contiguous upland area is reduced to less than two-thirds (2/3) of the minimum lot size required by this section.
 - (6) In districts where accessory apartments are permitted, no dwelling unit shall contain more than one (1) accessory apartment.
 - (7) Retaining walls on lots are required to have at least a five-foot setback from front, rear and side lot lines.

C. Special cases.

- (1) Where two (2) or more principal structures are erected on the same lot, adequacy of access utility service, and drainage serving each structure shall be functionally equivalent to that required for separate lots in the Planning Board's adopted Subdivision Regulations;^[1] the minimum lot area, width, and frontage shall be the sum of the requirements for each structure; and the minimum distance between such structure shall be the height of the higher building.

[1] *Editor's Note: See Ch. 210, Subdivision of Land. Principal Uses*

- (2) Where no street line has been established or can be readily determined, such line shall be assumed to be thirty (30) feet from the center of the traveled roadway for the purpose of applying these regulations.
- (3) Projections of not more than three (3) feet are permitted in required yards for architectural features of a building, such as stairs, chimneys, cornices, eaves or canopies, but not for bay windows or other enclosed habitable projections.
- (4) Any structure located on a corner lot shall be set back from all streets a distance equal to the front yard setback requirement in the district.

§ 200-3.4 Nonconforming conditions.

A. Lots. A lot that does not conform to the intensity requirements of this bylaw shall be governed by the following provisions:

- (1) Such lot shall not be built upon unless it meets the criteria contained in MGL c. 40A, § 6, or Subsection A(2) herein.
- (2) Any lot lawfully laid out by plan or deed duly recorded, as defined in MGL c. 41, § 81L, or any lot shown on a plan endorsed with the words "Approval Under the Subdivision Control Law Not Required" or words of similar meaning and import, pursuant to MGL c. 41, § 81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width and depth requirements, if any, of the Charlton Zoning Bylaws in effect in the Town of Charlton where the land is situated, notwithstanding the amendment of provisions of the Zoning Bylaw imposing minimum area, frontage, width, depth or yard requirements, or more than one (1) such requirement, in excess of those in effect at the time of such recording or endorsement; (1) may thereafter be built upon for single- and two-family residential use if, at the time of adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same district, or (2) may be built upon for residential use for a period of five (5) years from the date of such recording or such endorsement, whichever is earlier, if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that adjacent land located in the same district; and further provided in either instance, at the time of building (A) such lot has an area of seven thousand five hundred (7,500) square feet or more and a frontage of fifty (50) feet or more in a district zoned for residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the Charlton Zoning Bylaw in effect in the Town, and (B) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side, and rear yard setback, if any, in effect at the time of such recording or such endorsement, whichever is earlier, and to all other requirements for such structure in effect at the time of building.
[Amended 5-16-2016 ATM by Art. 21]
- (3) The land shown on a definitive subdivision plan or a preliminary subdivision plan which is followed within seven (7) months by a definitive plan shall be governed by the zoning in effect when the plan is first submitted in accordance with MGL c. 40A, § 6. The use of land shown on an Approval Not Required plan

shall be governed by the zoning in effect when the plan is first submitted in accordance with MGL c. 40A, § 6.

- (4) No such lot may be changed in size or shape so that a nonconformity with the provisions of this bylaw is increased in degree or extent, or a violation created, except by a public taking of a portion of the lot.
[Amended 5-21-2012 ATM by Art. 28]

B. Structures. A lawfully existing structure which does not conform to the ~~Principal Uses~~ requirements of the bylaw may continue. Any reconstruction, extension, structural change or alteration of such structure shall be governed by the following:

- (1) Any reconstruction, extension or structural changes to a lawfully nonconforming structure shall conform with the provisions of this bylaw and to any proposed amendment for which first notice of the public hearing has been published.
- (2) If a nonconforming structure devoted to a conforming use is destroyed by fire or other catastrophe, it may be repaired or rebuilt, provided that the restoration is commenced within twenty-four (24) months, and completed within thirty-six (36) months of the catastrophe, and no nonconformity with the provisions of this bylaw is increased in degree of extent or a violation created. Otherwise, it may be repaired or rebuilt only in conformity with the provisions of this bylaw.
[Amended 5-16-2016 ATM by Art. 20]

- (3) Any alteration of a lawfully existing nonconforming structure shall conform with the provisions of this bylaw or to any proposed amendment to it if the alteration is begun after the first notice of the required public hearing has been published, when the alteration will provide for the use of the structure as follows:

- (a) For a substantially different purpose;
- (b) For the same purpose in a substantially different manner; or
- (c) For the same purpose to a substantially different degree.

- (4) Any alteration, reconstruction, extension or structural change to a single-family or two-family residential structure shall not be permitted if there will be an increase in the nonconforming nature of the structure.

- (5) Changes in nonconforming structures devoted to nonconforming uses shall be governed by Subsection C of this section.

C. Uses. Any lawful existing use of a structure or land which does not conform to the provisions of this bylaw may continue. Any change or substantial extension of such use shall be governed by the following:

- (1) Any change or substantial extension of a lawfully existing nonconforming use of a structure or land shall conform with the provisions of this bylaw and to any proposed amendment to it for which first notice of the required public hearing has been published. Such change or extension in an R-40 or an A District shall not exceed fifty percent (50%) of the land area occupied by the principal structure at the time such uses become nonconforming; nor shall such change or extension cause the use to be more nonconforming in terms of the Intensity of Use Schedule (§ 200-3.2D).
[Amended 5-15-2017 ATM by Art. 21]

- (2) Any extension to the use of a nonconforming structure shall be governed by Subsection B(3) of this section.

- (3) Any nonconforming structure or use which has been abandoned for a period of two (2) years shall not be reestablished except in conformance with this bylaw.

- (4)

If a structure or group of structures devoted to a nonconforming use is damaged or destroyed for fire or other catastrophe, it may be repaired or rebuilt and the use restored, provided that the restoration is commenced within twelve (12) months and completed within twenty-four (24) months of the catastrophe. Otherwise, it may be repaired or rebuilt only in conformance with the provisions of this bylaw.

- (5) Preexisting nonconforming structures or uses may be extended, altered, or changed by special permit, provided that the Zoning Board of Appeals finds that the extension, alteration, or change will not be substantially more detrimental than the existing ~~Principal Use~~ use of the structure. Notwithstanding any other provisions of these bylaws, the alteration, reconstruction, extension or structural change (collectively "alteration") of a preexisting, nonconforming single-family or two-family residential structure will be deemed not to increase the nonconforming nature of such a structure, and shall be permitted as of right, if the structure is nonconforming solely because of insufficient frontage or lot area, or both, and the proposed change shall meet all dimensional requirements for front setback, side and rear setbacks, building coverage, lot coverage, maximum floors and maximum height.