

Town of Charlton, MA
Tuesday, September 11, 2018

Chapter 200. Zoning

SECTION 2. Definitions

§ 200-2.1. Uses and structures.

ACCESSORY APARTMENT

- A. An accessory apartment is a dwelling unit constructed within and/or added onto an existing, one-family dwelling or attached garage. An accessory apartment contains a full bathroom, kitchen, living room, and bedroom. An accessory apartment shall not have more than one (1) bedroom. Only one (1) accessory apartment will be allowed within or added onto a one-family dwelling or its attached garage. The owner(s) of the residence in which or for which the accessory apartment is created shall occupy at least one (1) of the dwelling units on the premises, except for bona fide, temporary absences. The owner's dwelling unit shall not be rented during any such temporary absence.
- B. An accessory apartment shall be designed to maintain the appearance of a single-family residence as to the one-family dwelling of which it is a part, and shall be clearly subordinate to the one-family dwelling. Any exterior entrance to the apartment shall be located on the side or rear of the one-family dwelling, or of its garage, and any additions containing the apartment, in whole or in part, shall not increase the square footage of the original structure of the one-family dwelling by more than one thousand two hundred fifty (1,250) square feet. Accessory apartments may not be added to or expanded, and must be complete, separate housekeeping units that can be isolated from the original unit of the one-family dwelling. No more than two (2) persons may occupy an accessory apartment. For dwellings to be served by an on-site septic system, the owner must obtain written approval from the Board of Health before a building permit can be obtained for construction of the accessory apartment. This is to ensure that the existing sewage disposal system and water supply are adequate for the proposed accessory apartment.
[Amended 5-16-2016 ATM by Art. 24]

ACCESSORY BUILDING

An accessory building is one which is subordinate or incidental to the main use of a building on a lot. Accessory buildings on lots eighty thousand (80,000) square feet or larger shall not be limited in size with the exception of conformance to maximum building coverage requirements in each zone as required in § 200-3.2-D, Intensity of Use Schedule. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in size.
[Amended 5-21-2012 ATM by Art. 28; 5-16-2016 ATM by Art. 22]

ACCESSORY USE

A land use which is subordinate and incidental to a predominant or main use. See § 200-3.2, Use regulations, Subsection B(8), Accessory uses, for accessory use listing per zoning districts.

[Amended 5-21-2012 ATM by Art. 28]

ANIMAL OR VETERINARY HOSPITAL

Commercial facilities for keeping animals to be treated, in treatment or recovering from treatment in accord with normal veterinary practice as established by the Massachusetts Board of Registration, Veterinary Medicine. This definition shall not apply to educational institutions of veterinary science.

BOARDINGHOUSE

A building with not more than five (5) guest rooms where lodging and meals are provided by the proprietor for compensation.

BUILDING

A structure enclosed within exterior walls or firewalls built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property.

BUILDING AREA

Building area is the aggregate or the maximum horizontal cross-section area of the main building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than thirty (30) inches. Also excluded from building area are steps and one-story porches, decks, balconies and terraces.

DAY-CARE CENTER

A facility engaged in the regular daily care for remuneration of more than six (6) children who do not reside at the facility, and who are less than seven (7) years of age, or less than sixteen (16) years of age with special educational needs.

DISPOSAL AREA

The use of any area of land, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials made or used by human beings, or the demolition or abandonment of automobiles or other vehicles, boats or machinery or parts thereof.

DORMITORY

A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by bonafide educational or religious institutions as defined by MGL c. 40A, § 3, and the cases thereunder. Dormitories include fraternity or sorority houses, convents, priories or monasteries, but do not include clubs and lodges.

[Amended 5-21-2012 ATM by Art. 28]

DWELLING

A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multifamily dwellings, but not including hotels or boardinghouses.

DWELLING UNIT

One (1) or more rooms, whether or not containing an interior door in common with another dwelling unit, and containing cooking, sanitary, eating and sleeping facilities arranged for the use of one (1) or more persons; as distinguished from and not including boardinghouses, communes, dormitories, hotels, lodging houses and similar transient living accommodations; or trailer homes, mobile homes or trailer coaches or recreational vehicles outfitted with living accommodations.

DWELLING, MULTIFAMILY

A building designed for and occupied exclusively as a home or residence and containing three (3) or more dwelling units.

DWELLING, ONE-FAMILY

A detached building designed for and occupied exclusively as a home or residence and containing no more than one (1) dwelling unit.

DWELLING, TWO-FAMILY

A detached building designed for and occupied exclusively as a home or residence and containing two (2) dwelling units.

EXPOSURE

An exterior wall which faces a yard or courtyard whose minimum dimension shall be not less than fifty (50) feet.

FAMILY

An individual, two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons who need not be so related, living as a single housekeeping unit.

FAMILY DAY-CARE HOME

A facility engaged in the regular daily care for remuneration of (6) six or fewer children who do not reside at the facility, and who are less than seven (7) years of age, or less than sixteen (16) years of age with special educational needs.

FARM

A tract of land in separate ownership devoted primarily to agricultural use, including the raising of livestock.

FAST-FOOD RESTAURANTS

Establishments selling food prepared for immediate consumption which is distributed to consumers in whole or in part, by means of automobile drive-up windows, counters or by employees delivering such food to automobiles.

[Added 5-12-2012 ATM by Art. 28]

FIBER-OPTICS FACILITY

Manufacture or production of fiber-optic goods or products.

FLOOR AREA

The total area of the several floors of a building measured from the exterior building faces.

FRONTAGE

The continuous linear extent of a lot measured along the public street right-of-way from the intersection of one (1) side lot line to the intersection of the other side lot line of the same lot.

GARAGE, PRIVATE

A detached or attached accessory building for the parking or storage of vehicles belonging to the occupants of the premises.

GARAGE, PUBLIC

A building other than a private garage used for maintenance, repair or storage of automobiles or other vehicles for compensation.

HEAVY INDUSTRIAL USES

Uses of land whose primary products or activities are:

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|--|--------------------------------|
| Ordnance and accessories | Petroleum refining |
| Meat packing and/or slaughtering | Paving materials |
| Textile dyeing and finishing | Processing of reclaimed rubber |
| Wool scouring | Fertilizer plant |
| Tannery | Sawmills |
| Ready-mix concrete | Stone quarry |
| Refractory concrete block and brick | Sand or gravel pits |
| Metal fabrication requiring the use of drop hammers or other similar noise-producing heavy equipment | Paper or pulp mills |

HEIGHT OF BUILDING

The vertical distance from grade, which is the average ground level, to the top of the highest roof beams of a flat roof, or to the mean level of the highest gables or slope of a hip, pitch or sloped roof. When a building faces on more than one (1) street, the height shall be measured from the average of the grades at the center of each street front.

HOME OCCUPATION

An accessory use which is carried on by the permanent resident of a dwelling unit, with not more than two (2) nonresident employees, and only inside the dwelling with only customary home equipment used therein; further subject to the provisions that all materials and products of the occupation be stored only within the dwelling and accessory structures, no external alterations or structural changes not customary to a residential building are required; the home occupation is clearly incidental and secondary to the residential use, no products may be sold that are not incidental to the home occupation, and the occupation does not result in the production of offensive noise, vibration, heat, dust or other objectionable conditions such as on-street parking.

HOTEL/MOTEL

A building designed as the more or less temporary abiding place for more than twelve (12) persons or providing six (6) or more sleeping rooms in which lodging is provided with or without meals.

INSTITUTIONAL AND PHILANTHROPIC USES

A. Institutional and philanthropic uses are nonprofit social and educational activities, facilities and organizations which include the following:

- Parish halls and other religious or semi-religious meeting places
- Museums
- Agricultural and horticultural societies
- Historical societies
- Literary societies, including libraries
- Scientific societies
- Fraternal societies
- Charitable societies
- Civic societies

B. Institutional and philanthropic uses shall not include:

Profit-making businesses and government or nonprofit institutions engaged in the treatment of physical and mental illnesses, diseases and disabilities

Profit-making business and government or nonprofit institutions engaged in psychological or social counseling or therapy

Residential quarters for groups or individuals in which psychological or social counseling or therapy is administered

→ **LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION**

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

LIGHT MANUFACTURING

Warehousing, assembly, fabrication, processing and reprocessing of materials, and food products, excepting that meat packing, pet food plants, tanneries and slaughterhouses are prohibited. Also prohibited are establishments that treat and/or process hazardous waste or hazardous materials. Light manufacturing may include the production of medical devices and pharmaceuticals. Further provided that 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.

LODGING HOUSE

A dwelling in which living space without cooking facilities is let for compensation to twelve (12) or fewer persons and provides not more than five (5) guest rooms for persons who are not within the second degree of kinship to the owner or operator as defined by civil law.

LONG-TERM CARE FACILITY

Any institution, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of providing three (3) or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged. (Massachusetts Department of Public Health Regulations 105 CMR 151.000, effective February 6, 1980)
[Amended 5-21-2012 ATM by Art. 28]

LOT

An area of land in one (1) ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one (1) or more buildings or for any other definite purpose.

LOT LINE

The property line bounding the lot.

LOT WIDTH

The linear distance from side lot line to side lot line measured along the front yard setback line. At no point, between the front lot line and the rear of the principal structure located on the lot, shall the lot have a width less than two-thirds (2/3) of the minimum lot frontage required.

MAJOR RESIDENTIAL DEVELOPMENT

Five (5) or more dwelling units developed on a lot in single ownership, or on lots that were in single ownership in a five-year period prior to filing of an application for a building permit for any of the dwelling units.

MANUFACTURING

A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

MOBILE HOME

A dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and capable of being installed on a temporary or permanent foundation for use as temporary or permanent living quarters.

MOBILE HOME PARK

Any lot upon which two (2) or more mobile homes occupied for dwelling purposes are located.

NONCONFORMING USE OF STRUCTURE

A lawfully existing use of structure which conformed to the provisions of the zoning bylaw, if any, at the time it was established or constructed, but does not conform to the presently applicable requirements for the district in which it is located.

NURSING AND/OR CONVALESCENT HOME

Any institution, however named, whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three (3) or more persons admitted thereto for the purpose of nursing or convalescent care.

PARKING AREA

An area other than a street used for temporary parking of more than four (4) automobiles or other types of vehicles.

PARKING SPACE

A space designed to be occupied by, and adequate to park a motor vehicle plus access thereto. Within a parking area, each parking space shall not be less than eight and one-half (8 1/2) by eighteen (18) feet in width and length.

PROFESSIONAL OFFICE

An office of recognized professions such as doctors, dentists, lawyers, engineers, artists, musicians, architects, designers, and others, who through training are qualified to perform services of a professional nature.

RESTAURANT

An establishment for the sale of prepared food, more than half (1/2) the dollar sales of which are for consumption on the premises and within a building.

RIDING STABLE

A riding stable, also sometimes called boarding stables, riding trails and riding academies, is a facility for the boarding and/or riding of horses and ponies. [See Use Regulation Schedule, § 200-3.2B(4), Recreational Use No. 7.]

SINGLE OWNERSHIP

An individual person, two (2) or more individuals, a group or association of individuals or a partnership or corporation, including an organization of unit owners under MGL c. 183A, having common individual interests in a tract of land and improvements thereon.

STREET

Any public way laid out for vehicular traffic or used as a public way for such traffic.

STRUCTURE

Any combination of materials assembled at a fixed location and requiring attachment to the land through pilings, footings, foundations and the like, to give support or shelter and/or provide for human habitation or use, such as a building, bridge, trestle, tower, framework, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, swimming pool, or the like.

STRUCTURE ALTERATIONS

Any change in, or additions to, the structural or supporting members of a building or other structure as bearing walls, columns, beams or girders.

SUBSTANTIAL IMPROVEMENT

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:
 - (1) Before the improvement or repair is started; or
 - (2) If the structure has been damaged and is being restored, before the damage occurred.
- B. The term does not include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

TEMPORARY CONSTRUCTION OFFICE

A structure, building or trailer built on, or towed to, a site for the purpose of providing an on-site office in which to manage the construction of one (1) or more permanent structures or buildings.

TRAILER

A wheeled, roofed vehicle, without motor power, designed to be drawn by a motor vehicle and to be used for habitation, business or recreational use.

VARIANCE

A grant of relief from the requirements of this bylaw which use and construction in a manner that would otherwise be prohibited by the bylaw.

WAREHOUSE

A building used primarily for the storage of goods and materials or for distribution, but not for sale on the premises.

WIND ENERGY CONVERSION SYSTEM

Any device, such as a wind charger, windmill or wind turbine, which converts wind energy to a form of usable energy.

YARD, FRONT

An open, unoccupied space extending across the full width of the lot between the front most main building and the front lot line. The depth of the required front yard shall be measured perpendicular from the nearest point of the front lot line to the required front building set back line. (See diagram.)

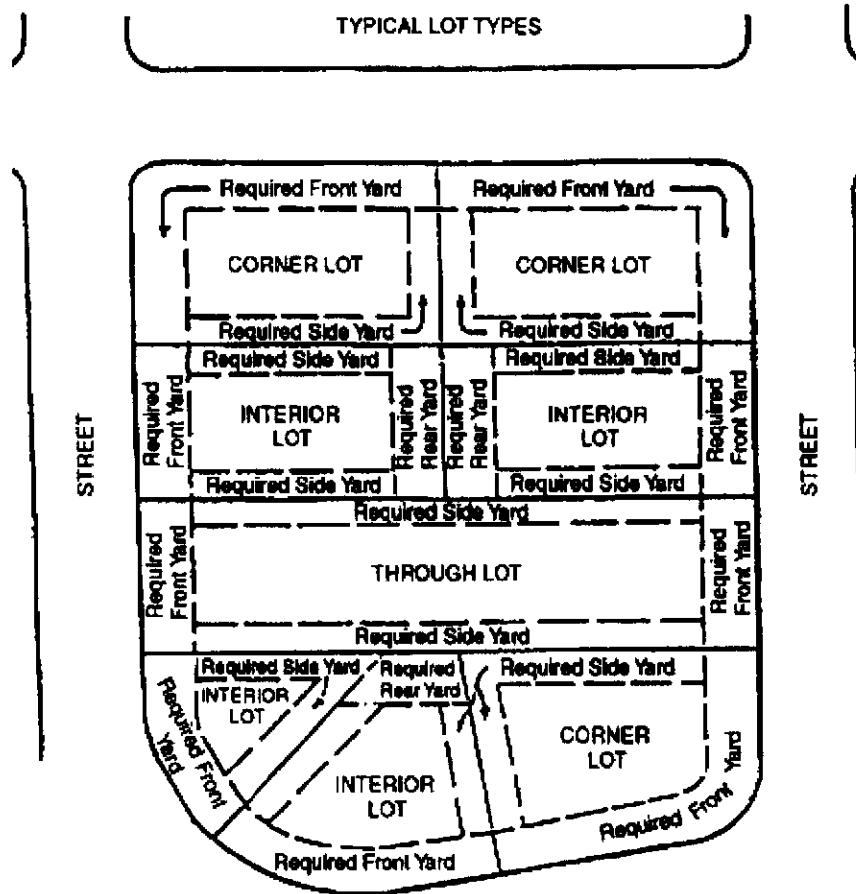
YARD, REAR

An open unoccupied space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured perpendicularly from the nearest point of the rear lot line to the required rear building setback line. (See diagram.)

YARD, SIDE

An open, unoccupied space between the main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured perpendicularly from the nearest point of the side lot line to the required side building setback line. (See diagram.)

DIAGRAM SHOWING REQUIRED YARDS



§ 200-2.2. Floodplain.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain subject to a one-percent or greater chance of flooding in any given year.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year.

DEVELOPMENT

Any human-made or -caused change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving excavation or drilling operations located within the special flood hazard.

FLOOD or FLOODING

A general and temporary condition of partial or complete inundation of normally dry land area from:

- A. The overflow of inland water; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Charlton.

FLOOD INSURANCE STUDY

The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

NEW CONSTRUCTION.

Structures for which the start of construction commenced on or after the effective date of the establishment of the Floodplain District provisions contained in Section 6 of this bylaw.