

**SECTION 5 - GENERAL RESIDENCE DISTRICTS**

**DIRECTORY**

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## 5.100 PURPOSE

The purpose of General Residence Districts is to:

- preserve the rural character of the Town by maintaining low and moderate population density.
- minimize congestion on Town roads.
- provide uses compatible with on-site sewage disposal and water supply capabilities.
- minimize the impact of development on natural resources.
- allow the use of property without creating a nuisance to abutting properties.
- provide for certain non-residential uses which are compatible with the residential setting.

## 5.200 ALLOWED USES

The following uses are allowed in General Residence Districts:

### 5.201.1 Single Family Dwelling

A single building or portion thereof that provides living quarters for one family. The living quarters may or may not include cooking, sleeping or sanitary facilities but generally provides space for people to live. The living quarters shall be clearly designed for use by one family which forms a single housekeeping unit. Indications of a single housekeeping unit may consist of but not be limited to shared: living spaces, cooking, sanitary facilities, use of utilities or table board.

Where multiple facilities such as kitchens, baths, or living rooms are provided in a single-family home, they shall only be allowed in such a manner so that they cannot be partitioned into separate, family living quarters, unless as allowed in these by-laws.

### 5.201.2 Two-Family Dwelling

A single building or portion thereof that provides living quarters for two families. Each family living in separate, non-interactive living quarters in the same building with no internal access between living quarters. The living quarters may or may not include cooking, sleeping, or sanitary facilities but generally provides space for people to live. Indications of a single housekeeping unit may consist of but not be limited to shared: living spaces, cooking, sanitary facilities, use of utilities, or table board. Where multiple facilities such as kitchens, baths, or living rooms are provided in a dwelling unit of a two-family home, they shall only be allowed in such a manner so that they cannot be partitioned into separate family living quarters.

The exterior appearance of a two-family dwelling shall be so designed to resemble a single-family residence. In general, the two-family dwelling shall not have two entrance doors or garage doors serving different units on any one side of the building, or repetitious window or door placement which clearly identifies each residential unit.

### 5.202 Garages, Sheds & Storage Buildings

A building or structure used primarily for the purpose of storage, sheltering motorized vehicles and boats, or as a workshop provided that such building or structure shall not be used for business, service or industry except as allowed in these by-laws for such uses as home occupations, home educational uses, etc.

Each garage, shed, or storage building shall be limited to a maximum foundation footprint of 1,500 square feet. Barns, stables, and other buildings for agricultural uses are exempt from this limit. In addition, garages accessory to a residence are allowed to exceed the footprint limit by up to 1/3 the area of the residential living space.

#### 5.203 Renting of Rooms

Within a single-family dwelling, rooms may be rented to a maximum of two additional persons. The accommodations of these two additional persons shall be within the living quarters of the resident owner, sharing the same cooking, sanitary facilities and table board. A resident owner is defined as the person or entity that owns the fee to the property and occupies the premises.

#### 5.204 Accessory Apartments

Is a separate living area, which is clearly subordinate to the principal residential unit and meets standards defined below.

The purpose of accessory apartments is to provide diverse housing, typically for young couples, singles or elderly individuals who wish to live in Dartmouth but do not have the financial resources or desire to own a single-family home. Accessory apartments are also meant to provide housing for younger or older family members of persons residing in the principal residence who wish to live in separate living quarters.

In addition to the above purpose, an accessory apartment shall meet the following standards:

- A. Only one accessory apartment is allowed per lot.
- B. No other rental or leased accommodations may be provided on a lot for which an accessory apartment is allowed.
- C. Is located within or attached by a conditioned space<sup>1</sup> to a single-family residence in such a manner so as to maintain the appearance of a single-family residence.
- D. An accessory apartment can also be located in a detached accessory structure if the detached accessory structure was in existence prior to June 6, 2006, and the first floor footprint was a minimum of 400 square feet in area. The detached accessory structure must comply with current setback, height, and lot coverage requirements. An accessory apartment located in an existing, detached accessory structure shall be located within the footprint of the detached accessory structure.

The existing detached accessory structure can be completely rebuilt to accommodate the accessory apartment as long as the reconstruction occurs within the footprint of the existing accessory structure as it existed on June 6, 2006, and the exterior appearance complements the appearance of the primary residential structure on the property by incorporating a similar roof style/pitch, roofing material, windows, and siding materials.

Accessory apartments located in existing detached accessory structures are exempt from the requirement for a Special Permit to install plumbing in accessory buildings or structures.

- E. Contains not more than 800 square feet of habitable gross floor area<sup>2</sup>, and has no more than two (2) bedrooms.

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<sup>1</sup> Conditioned space is defined in CMR780, Mass. State Building Code

<sup>2</sup> Habitable gross floor area is the conditioned space in square feet of all horizontal planes based on the exterior walls of the building, but not including attic area.

- F. Is occupied by no more than two unrelated persons or three persons related by blood, adoption or marriage.
- G. The property owner must occupy either the accessory apartment or the primary single-family residence.
- H. The Board of Health confirms that the accessory apartment can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- I. The Building Department confirms that the accessory apartment can be accommodated with respect to CMR780, Massachusetts State Building Code.
- J. Two off-street parking spaces are provided for the accessory apartment in addition to other required parking spaces for the primary single-family residence and all these parking areas comply with applicable zoning standards.
- K. The primary single-family residence is not being used as a lodging house or rooms rented.
- L. The single-family residence/accessory apartment is located on a lot of at least 12,000 square feet.

#### 5.205 Home Occupations

An occupation, trade, profession, activity or use which is conducted for financial gain and such use is clearly incidental and subordinate to the use of the residential dwelling. The purpose of these standards is to strongly limit the size and intensity of a proposed home occupation so that the residential premises do not become retail or commercial in appearance or character.

The home occupation shall be of a type that does not affect the residential character of the neighborhood nor produce nuisances such as but not limited to, hazards from fire, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood.

Any home occupation is allowed if the activities of the home occupation do not appear different than the normal use of the property by the owner for his residence, appropriate measures are taken to prevent any nuisances listed above, and the conditions listed below are met.

The purpose of home occupations is to allow individuals to supplement their income or to encourage the development of small businesses in an environment with minimal overhead and financial risk. If the home occupation becomes successful and no longer fits within the constraints of the residential district, the business will then have the resources, experience and clientele to move into the commercial or industrial districts, thereby improving the economy of the Town and region.

Home occupations are allowed under the following conditions:

- A. The home occupation does not alter the residential appearance of the dwelling or accessory buildings.
- B. Such occupation shall be carried on by the person who owns the property or his immediate family who reside on the premises.
- C. Not more than one non-family member is on the premises at one time who assists or engages in the home occupation.

- D. The home occupation shall not utilize more than 600 square feet of space on the premises, including all areas for storage, office, work areas, or any activity associated with the home occupation.
- E. Off-street parking spaces are provided at the ratio of 1 space for each increment of 0 to 200 square feet of home occupation area and one for each additional employee.
- F. Home occupation space outside a building shall be screened from the street or abutting properties. Except that agricultural products, such as but not limited to vegetables, flowers, fruits, eggs, etc., produced on the premises, do not need to be screened.
- G. There shall be no exterior advertising regarding the home occupation exhibited on the premises except for one wooden identification sign not to exceed two square feet on each of two sides. Each side of the sign can be used for identification. The sign shall not be illuminated either internally or directly.
- H. Where products are offered for sale from the premises, at least 80% of the products for sale shall be produced on the premises. This requirement does not apply to products which are sold from the premises by mail.
- I. Traffic or congestion in the street will not be objectionably increased above that associated with a residential home. If more than two vehicles are regularly parked in the street (total of four hours in a 24-hour period) as a result of the home occupation, this will be considered an objectionable increase.
- J. Traffic/parking/pedestrian regulation signs are allowed if required by the Town.
- K. The Board of Health confirms that the home occupation can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.

5.206 Home Educational Uses

Educational uses operated from a residential property and which are taught without the benefit of full-time faculty and offer instruction for profit to individuals or groups in subjects such as but not limited to dance, art, martial arts, ceramics, etc. are allowed by right if the following conditions are met:

- A. The home educational use does not alter the residential appearance of the dwelling or accessory buildings.
- B. Instruction shall be carried on by a person who owns and resides on the premises, with no more than one additional instructor or other employee on the premises at one time.
- C. The home educational use shall not utilize more than 600 square feet of indoor space on the premises. Outdoor educational space shall be limited to facilities such as swimming pools or tennis courts that are normally associated with a residence.
- D. Off-street parking spaces are provided at the ratio of three spaces for each increment of 0 to 200 square feet of home educational use area and one for each additional employee.
- E. Home education use space outside a building shall be screened from the street or abutting properties.

- F. There shall be no exterior advertising regarding the home educational use exhibited on the premises except for one wooden identification sign not to exceed two square feet on each of two sides. Each side of the sign can be used for identification. The sign shall not be illuminated either internally or directly.
- G. Traffic will not be objectionably increased above that associated with a residential home. If more than two vehicles are regularly parked in the street (total of four hours in a 24-hour period) as a result of the home educational use, this will be considered an objectionable increase.
- H. Classes are limited to no more than 5 students per session or class, with only one class or session conducted on the premises at any one time.
- I. Traffic/parking/pedestrian regulation signs are allowed if required by the Town.
- J. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- K. Classes shall only be conducted between the hours of 8:00 a.m. - 9:00 p.m.
- L. The Board of Health confirms that the educational use can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- M. The home education shall be of a type that does not affect the residential character of the neighborhood nor produce nuisances; such as, but not limited to, hazards from fire, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent, or electrical interference which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood.
- N. Any home educational use is allowed if the activities of the home educational use do not make the property appear different than the normal use of the property by the owner for his residence or appropriate measures are taken to prevent any nuisances.

5.207 General Educational Uses (Non-Profit)

General Educational Uses (non-profit) are uses which provide a curriculum of academic instruction and include full-time teaching staff in facilities such as, but not limited to kindergartens, elementary schools, middle schools, junior high schools, high schools, colleges and universities or museums and libraries; which are operated as a non-profit organization. General Educational Uses (non-profit) are allowed by right if the following conditions are met:

- A. The scale of the proposal does not detract from the residential character of the neighborhood.
- B. The architecture of buildings is residential in character, particularly providing gabled roofs, wood siding, an articulated footprint and varied facade face. Alternate architectural styles or materials can be considered if appropriate for the site and not out of character with the neighborhood.
- C. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- D. Parking spaces shall be provided at a ratio of 1 per 400 square feet of educational space.

- E. The Board of Health confirms that the general educational use can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- F. Adequate vegetative or earthen buffering exists or is provided on a plan of development to screen parking and large buildings from adjacent streets and properties.
- G. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/ parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- H. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- I. The Building Commissioner shall forward all proposals for General Educational Uses to the Planning Board for a report with recommendation regarding compliance with the above criteria.

#### 5.208 Places of Worship

An institution or place where religious services, spiritual meetings or associated activities are held on a regular basis.

#### 5.209 Agricultural Uses

Agricultural Uses are uses which include the use of land for agricultural purposes such as dairying, equine activities, pasturage, animal and poultry husbandry, crop production, truck farming, horticulture, floriculture, forestry, aquaculture, hydroponics, or viticulture and uses ancillary to these activities.

The purpose of defining and setting standards for agricultural uses is to encourage legitimate agricultural uses in the Town of Dartmouth by allowing these uses to function with minimal conflict. This agricultural use regulation applies to all agricultural uses, provided that these uses shall enjoy all the rights and privileges, and be subject to those liabilities, afforded to such uses under Massachusetts General Laws. Massachusetts Law shall apply in the event that it affords more protection to agricultural uses above five acres in area than does this by-law.

The right to farm is hereby recognized to exist in the Town and is hereby declared a permitted use provided it is in conformance with federal, state, and local law. The right to farm includes, but is not limited to:

1. Production of crops, trees, foods, fibers, apiary and forest products, livestock, poultry, and other agricultural commodities.
2. Housing of farm laborers located on the farm at which they are employed, subject to State building codes and Town zoning.
3. Erection of agricultural buildings, including those dedicated to the processing and packaging of the output of the farm and those ancillary to agricultural production.
4. Grazing of animals and use of range for fowl.
5. Construction of fences.
6. Operation and transportation of large, slow-moving equipment over roads within the Town.

7. Control of pests, including, but not limited to, insects and weeds, predators and diseases of plants and animals, subject to Massachusetts Pesticide Board Regulations.
8. Conducting agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural output or services of the farm.
9. Use of any and all equipment accessory to agriculture, including but not limited to: irrigation pumps and equipment, aerial and ground seeding and spraying, tractors, harvest aids, and bird control devices.
10. Processing and packaging of the agricultural output of the farm.
11. Operation of a farmer's market or farm stand with attendant signage, including the construction of building and parking areas in conformance with applicable Town and State standards.
12. Operation of a pick-your-own operation with attendant signage.
13. Replenishment of soil nutrients and improvement of soil tilth.
14. Clearing of woodlands using open burning and other techniques, installation and maintenance of vegetative and terrain alterations and other physical facilities for water and soil conservation and surface water control in wetland areas, as stipulated in Farming in Wetlands Resource Area: A guide to Agriculture and the Massachusetts Wetlands Protection Act, Commonwealth of Massachusetts, Departments of Environmental Management, Environmental Protection, and Food and Agriculture. Rev. January 1996 (Publication on file at the Dartmouth Town Hall at the offices of the Conservation Commission, the Town Clerk, and the Agricultural Commission) or the most recent applicable guidance.
15. On-site composting of organic agricultural wastes which is subject to best management practices, prevents the unpermitted discharge of pollutants, is accessory to the primary agricultural use, and does not cause a public nuisance (M.G.L., 310 CMR 16.05(4)(c) and M.G.L., Chapter 21H, Section 7(b).
16. The application of manure, fertilizers, and pesticides(see: current Massachusetts Pesticide Board Regulations 333 CMR 1.00).
17. Installation of wells, ponds, and other water resources for agricultural purposes such as irrigation, sanitation, and marketing preparation.
18. On-farm relocation of earth and the clearing of ground for farming operations, provided that the movement of soils that are rated as "prime" by the Natural Resources Conservation Service shall not adversely affect agriculture in the Commonwealth. Off-farm earth removal shall be conducted only by Special Permit from the Zoning Board of Appeals in accordance with Section 38 of the Zoning By-Laws.

The minimum area of agricultural use shall be that necessary for the agricultural product being produced. (See Board of Health Regulations as to lots of less than five acres.) Agricultural uses include as an accessory use those facilities for the sale of agricultural products, wine and dairy products, except that facilities for the sale of agricultural products shall be regulated in the following manner:

During the harvest season of the primary crop, at least 50% of the products offered for sale on agricultural land owned or leased by a particular person shall have been produced on land owned or leased by the same person. Non-agricultural products customarily offered for sale shall not exceed 30% of the value of agricultural products offered for sale from the premises.

Consistent with Massachusetts General Laws Chapter 111, Section 125A, the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.

#### 5.210 Stables

A building and its surrounding grounds where horses or draft animals are kept or brought in for training, boarding, breeding, hire, riding, sale, show, competition, or any other equine activity or discipline.

Consistent with Massachusetts General Laws Chapter 111, Section 125A, the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.

#### 5.211 Gardens

Land set aside for the growing of ornamental, vegetable, or fruiting plants or for horticultural beautification of the property. Buildings or structures to support this activity are considered accessory uses.

Consistent with Massachusetts General Laws Chapter 111, Section 125A, the odor from the normal maintenance of livestock or the spreading of manure upon agricultural and horticultural or farming lands, or noise from livestock or farm equipment used in normal, generally acceptable farming procedures or from plowing or cultivation operations upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance.

#### 5.212 Aquaculture Farming

Facilities related to the production of shellfish, fish, or plants. The primary production areas located on top of or in marine or fresh waters. Accessory land based support facilities such as docks, storage, and propagation buildings are allowed.

#### 5.213 Shellfishing

Areas for the support of resident shellfishing operations which includes boat and trap storage. Such areas shall be located on the same lot upon which the owner resides. Trap storage shall not cause a nuisance to abutting properties with respect to odor.

#### 5.214 Conservation Areas, Natural Recreation Areas

Land set aside for the permanent preservation and enjoyment of natural resources and including associated educational centers, restrooms, hiking or skiing trails, picnic areas, swimming areas, boat launching ramps and parking facilities.

#### 5.215 Municipal Uses

Any building, structure, facility, or use owned and operated by the Town of Dartmouth.

#### 5.216 Fire District Uses

Any building, structure, facility or use owned and operated by Fire District #1, #2, or #3 and with the expressed purpose to promote public safety.

5.217 Real Estate Signs

A single sign for the temporary (once property sold must be removed) advertisement of the sale of property upon which the sign is located. The overall dimensions of the sign shall not exceed 6 square feet and placed on the property being advertised. Permanent subdivision identification signs, the overall dimensions of which shall not exceed 6 square feet, are allowed on private property with no more than two single sided or one double sided sign at an intersection and meeting intersection sight triangle setback requirements. One temporary (once all lots sold, must be removed) subdivision advertisement sign not to exceed the overall dimension of 6 square feet is allowed at the entrance to a subdivision. The above signs shall not be illuminated either internally or directly.

5.218 Exempt Uses

Any uses exempted from zoning by Massachusetts General Laws, Chapter 40A, Section 3, except that the development standards of this Zoning Bylaw shall apply.

5.219 Accessory Uses

A structure or use that:

- A. Is clearly incidental to and customarily found in connection with a principal building or principal use;
- B. Is subordinate in area, extent or purpose to the principal building or principal use served;
- C. Contributes to the comfort, convenience, or necessity of occupants in the principal building or principal use served; and
- D. Is located on the same lot as the principal building or principal use served.

5.220 Wireless Communications Sites

The following wireless communications sites are allowed by right:

- A. Towers under one hundred feet (100') in height erected for the exclusive use of a federally licensed amateur radio operator, provided that commercial/non-accessory uses on such towers may be allowed by Special Permit in accordance with the Zoning Bylaw.
- B. The placement of transmitting or receiving equipment totally within the interior of existing structures so that such equipment is not visible from the outside of the structure.
- C. Any equipment, including towers, in existence as of April 3, 1997 can be altered, maintained or replaced by right so long as such alteration, maintenance or replacement does not represent an increase or intensification of the use or height of such equipment. This provision does not allow new commercial or non-accessory uses to be added to existing equipment or towers, except as otherwise provided by Special Permit.

In all cases, the applicant shall certify to the Building Commissioner, through the appropriate engineer certified in Massachusetts, that the equipment or tower proposed conforms to all local, State, and Federal laws and regulations prior to construction or installation.

5.221 Other Uses

Unless expressly listed above, allowed by Special Permit or exempt under M.G.L. are hereby prohibited.

### 5.300 SPECIAL PERMIT USES

The following uses are allowed in General Residence Districts only by Special Permit granted by the identified Special Permit Board in accordance with the procedures of M.G.L., Chapter 40A:

#### 5.301 Renting of Rooms in a Non-Owner Occupied Dwelling

A family which does not consist of the owner of the residence may rent to a maximum of two additional persons only with a Special Permit granted by the Board of Appeals. The Special Permit will only be granted if the following conditions are met:

- A. The owner of the property agrees to the rental arrangement.
- B. The owner of the property and resident family agree to correct any problems arising from the room rental and are readily accessible to the Town and neighbors to discuss problems.
- C. The rental does not impair the normal peace and quiet of the neighborhood.
- D. The Board of Appeals may impose conditions and requirements it deems necessary to protect the residential character of the neighborhood and ensure the proposed use can be accommodated without nuisance.
- E. Once a Special Permit has been granted by the Board of Appeals, the Board of Appeals can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, and if conditions of the Special Permit have not been adhered to or the rental contributes to a nuisance in the neighborhood.

#### 5.302 Accessory Buildings or Structures with Kitchen or Bathroom Facilities

Accessory buildings or structures within which a kitchen, wet bar, bathroom, or any plumbing is installed; such as, but not limited to, cabanas, garages, or studios. Such an accessory use is allowed by Special Permit granted by the Board of Appeals if the following requirements are met:

- A. The Board of Appeals determines that the accessory building or structure will not be used as an additional residential unit on the property. The Board of Appeals shall determine through a review of submitted building plans that the nature of the proposed plumbing, wiring or other utilities is not proposed in such a manner so that the accessory building or structure could be used or converted into an additional residential unit.
- B. If a Special Permit is granted there can be an inspection once a year (after notice to the owner) to determine that the accessory building or structure has not been converted into an additional residential unit. Conversion will result in the revocation of the Special Permit after a public hearing in accordance with M.G.L., Chapter 40A.

#### 5.303 Lodging Houses (Bed & Breakfast)

Allowed by Special Permit from the Planning Board:

A lodging house is a dwelling where a resident owner rents to three or more persons by providing nightly accommodations and meals for lodgers. A resident owner is defined as the person or entity that owns title to the deed and occupies the premises.

The purpose of lodging houses is to promote tourism in Dartmouth by providing lodging in areas of Town that are close to recreational or cultural resources such as beaches, the harbor, biking and walking areas, farm country, historic villages and museums. Such lodging is to be provided in a manner that lodgers will be accommodated in a household or family type setting and enjoy a more intimate relationship with the community. Lodging will not be provided on a permanent basis but is meant to accommodate vacationers or people who are new to the community and need short term (3 months maximum within any 12 month period) lodging.

A Special Permit for a lodging house will only be granted if the following issues are met:

- A. The lodging house shall have the appearance of a single-family home.
- B. Adequate off-street parking shall be provided to accommodate lodgers. Every attempt shall be made to screen off-street parking from the street and abutters with emphasis on vegetational screening.
- C. The Board of Health confirms that the lodging house can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- D. The property owner must occupy the single-family residence and manage the lodging house.
- E. The proposed use shall not create a nuisance to the neighborhood.
- F. There shall be no exterior advertising regarding the lodging house exhibited on the premises except for one wooden identification sign not to exceed two square feet on each of two sides. Each side of the sign can be used for identification.
- G. The short term lodging time limit can be extended by the Planning Board if deemed appropriate.
- H. Additional conditions to protect the character of the neighborhood may be imposed as a part of the Special Permit.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

#### 5.304 Assisted Elderly Housing

A residential facility occupied primarily by persons 55 years of age and older including their spouses or surviving spouses, and including rooms occupied by resident staff personnel.

Assisted elderly housing as defined in this bylaw, can include the full range of nursing care from total to only partial assistance. Such assisted elderly housing facility providing shared food preparation services but also allowing limited residential unit food preparation areas and providing common recreational, laundry, social, medical and service facilities for the exclusive use of residents of the assisted elderly housing.

Assisted elderly housing will be allowed by Special Permit from the Planning Board if the following conditions are met:

- A. The scale of the proposal does not detract from the residential character of the neighborhood.

- B. The architecture of buildings is residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied facade. Alternate architectural styles or materials can be considered if appropriate to the site and not out of character with the neighborhood.
- C. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- D. Proposed traffic will not severely change the residential character of the neighborhood.
- E. The Board of Health confirms that the assisted elderly housing can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- F. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.
- G. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- H. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- I. The maximum number of residential units or beds allowed on a site shall be determined by the Planning Board based on such factors as but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provision for adequate open space, recreational facilities, parking, landscaping, and buffers. No private unit shall be larger than 800 square feet.
- J. Section 16 off-street parking requirements apply except that if the site plan submitted to the Planning Board meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved off-street parking plan. Parking spaces shall be provided at the rate of .3 per unit and one for each employee on the largest shift.
- K. The Planning Board may impose additional restrictions or conditions to maintain the residential character of the neighborhood.
- L. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

5.305 General Educational Uses (For Profit)

General Educational Uses (for profit) are uses which provide a curriculum of academic instruction and include full-time teaching staff in facilities such as, but not limited to preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, colleges and universities or museums and libraries. General Education Uses are offered for-profit only by Special Permit issued by the Planning Board. The Planning Board shall not issue a Special Permit unless at least the following conditions are met:

- A. The scale of the proposal does not detract from the residential character of the neighborhood.
- B. The architecture of the building is residential in character, particularly providing gabled roofs, wood siding, an articulated footprint and varied facade.
- C. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- D. Proposed traffic will not severely change the residential character of the neighborhood.
- E. The Board of Health confirms that the general educational use can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- F. Adequate vegetative or earthen buffering exists or is provided on a plan of development to screen parking and large, non-residentially scaled buildings from adjacent streets and properties.
- G. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- H. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- I. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

In addition to the above minimum standards, the Planning Board may impose conditions to protect the residential character of the neighborhood.

5.306 Yacht & Beach Clubs

Land and support facilities set aside for the enjoyment of water based recreation and operated either for profit or non-profit. Clubhouses, swimming pools, tennis courts, parking facilities, a restaurant and conference/function rooms are allowed when operated as secondary services. A yacht or beach club is allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The architecture of all buildings is residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied facade face. Alternate architectural styles or materials can be considered if appropriate to the site and not out of character with the neighborhood.
- B. The location of buildings or structures placed on the lot will not adversely affect adjacent homes or uses.

- C. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- D. Proposed traffic will not severely change the residential character of the neighborhood.
- E. The Board of Health confirms that the yacht or beach club can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- F. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.
- G. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- H. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- I. Section 16 off-street parking requirements apply except that if the site plan submitted to the Planning Board meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved off-street parking plan.
- J. The Planning Board may impose additional restrictions or conditions to maintain the residential character of the neighborhood.
- K. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

#### 5.307 Golf Courses

Land and support facilities set aside for the game of golf and operated either for profit or non-profit. The golf course must consist of at least a nine hole regulation course and can include clubhouses, swimming pools, tennis courts, parking facilities, a restaurant and conference/ function rooms when operated as secondary services of the golf course. A golf course does not include facilities which offer primarily miniature golf, driving ranges, par 3 courses, or pitch and putts. A golf course is allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The architecture of all buildings is residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied facade. Alternate architectural styles or materials can be considered if appropriate to the site and not out of character with the neighborhood.
- B. The location of buildings or structures placed on the lot will not adversely affect adjacent homes or uses.
- C. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- D. The Board of Health confirms that the golf course can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.

- E. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.
- F. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- G. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- H. Section 16 off-street parking requirements apply except that if the site plan submitted to the Planning Board meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved off-street parking plan.
- I. The Planning Board may impose additional restrictions or conditions to maintain the residential character of the neighborhood.
- J. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

#### 5.308 Cemeteries

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. Including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of a cemetery of at least 10 acres in area. A cemetery is allowed by Special Permit granted by the Planning Board if the following requirements are met:

- A. The cemetery is designed in a naturalistic manner creating a park-like setting, preserving natural contours and landscape features. Perimeter buffers of trees, as well as, providing internal tree plantings is required.
- B. The architecture of all administrative, maintenance, or support buildings are residential in character, particularly providing gabled roofs, predominately wood siding, an articulated footprint and varied facade. Alternate architectural styles or materials can be considered if appropriate to the site and not out of character with the neighborhood.
- C. The location of buildings or structures placed on the lot will not adversely affect adjacent homes or uses.
- D. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- E. Proposed traffic will not severely change the residential character of the neighborhood.
- F. The Board of Health confirms that the administrative, maintenance, or support buildings of the cemetery can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- G. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.

- H. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/parking/ pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- I. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.
- J. Section 16 off-street parking requirements apply except that if the site plan submitted to the Planning Board meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved off-street parking plan.
- K. The Planning Board may impose additional restrictions or conditions to maintain the residential character of the neighborhood.
- L. Once a Special Permit has been granted by the Planning Board, the Planning Board can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

#### 5.309 Municipal Contract Uses

Uses operated by private parties which have a contract with the Town of Dartmouth to provide a service which benefits the public are allowed by Special Permit granted by the Board of Appeals if the following conditions are met:

- A. A valid contract exists between the Town of Dartmouth and the private party.
- B. A public benefit or service is provided which can more effectively be handled by a private party. In addition, the private party uses the site primarily to serve the Town of Dartmouth.
- C. A condition of the Special Permit will be the requirement that if the contract with the Town of Dartmouth is terminated, so is the Special Permit.
- D. The location of buildings or structures placed on the lot will not adversely affect adjacent homes or uses.
- E. Public or private roads which lead to the property are of adequate design, width, and condition to handle proposed traffic.
- F. Proposed traffic will not severely change the residential character of the neighborhood.
- G. Parking areas are screened from adjacent streets and properties, and have additional landscaped areas (beyond Section 16 requirements) within the parking area to reduce the impact of large paved areas.
- H. Signs shall be limited to one wooden identification sign no more than 6 square feet in area except for traffic/ parking/pedestrian regulation signs as required by the Planning Board. A second wooden identification sign may be allowed if the Planning Board determines it is needed.
- I. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.

- J. The Board of Health confirms that the municipal contract use can be accommodated with respect to onsite water, onsite septic disposal and any other standards of the Board of Health.
- K. The Board of Appeals may impose additional restrictions or conditions to maintain the residential character of the neighborhood.
- L. Section 16 off-street parking requirements apply except that if the site plan submitted to the Board of Appeals meets off-street parking plan submittal requirements, the site plan approved in the Special Permit process shall be the approved off-street parking plan.
- M. Once a Special Permit has been granted by the Board of Appeals, the Board of Appeals can revoke the Special Permit after holding a public hearing in accordance with M.G.L., Chapter 40A, if conditions of the Special Permit have not been adhered to.

#### 5.310 Telecommunications Facilities

A telecommunications facility includes but shall not be limited to, a free standing structure taller than fifty feet (50')(hereinafter referred to as a "Tower"), related equipment, and any building or other structure upon which such equipment is to be located, the purpose of which is to transmit or receive communications at a distance. Towers for commercial radio or television broadcasting are not included in this definition and are not permitted in this district. This regulation is created in order to promote safety and minimize the visual impact of the telecommunications facility, mitigate negative impacts to the district and encourage multiple uses on one structure.

The placement of transmitting or receiving equipment on the exterior of existing structures above fifty feet (50') shall require a Special Permit from the Board of Appeals except as may be otherwise provided in these By-laws and needs to meet the applicable requirements for telecommunications facilities.

A telecommunications facility is allowed by Special Permit granted by the Board of Appeals if the following requirements are met:

- A. An applicant for a telecommunications facility shall submit to the Board of Appeals satisfactory evidence that an existing structure is not currently available or already proposed in the service area in order to build a new telecommunications facility.
- B. The Board of Appeals may allow a telecommunications facility to the height necessary to accommodate the transmitter/ receiver for the proposed service and to encourage co-location. The Board of Appeals may limit the telecommunications facility design to one which has the least visual impact to the neighborhood.
- C. All towers shall be set back from residential structures and schools, except those located on the parcel where the tower is to be located, a distance at least equal to the height of the tower. The Board of Appeals, as part of the Special Permit process, may impose more restrictive setbacks.
- D. Telecommunications facilities or transmitters/receivers shall be located on sites which minimize the visual impact to the district. The applicant shall show to the Board of Appeals how this will be accomplished. Preference shall be given to sites in existing woodlands which will help screen the base of any proposed tower. Where adequate existing woodlands are not available, a planting plan shall be provided which shows any plantings to screen the telecommunications facility. All vegetation whether existing or proposed within or appurtenant to the site shall be maintained and protected by the owner of the telecommunications facility from cutting which will impair the screening ability of the vegetation.

- E. Telecommunications facilities, if painted, shall be painted to minimize visual impact, except where colors specified by the Federal Aviation Administration for aircraft visibility are required.
- F. Adequate fencing and other means shall be provided to control access to the base of any proposed tower, equipment or guy wires. Fences for the purpose of this section shall be no lower than six feet (6') and no higher than ten feet (10') without the permission of the Board of Appeals. If metal fencing is used it shall be screened except for access gates unless such requirement is waived by the Board of Appeals.
- G. Compliance with Section 16 or off-street parking requirements of the Zoning Bylaw is not required, except that the Board of Appeals shall review the site plan for access by service vehicles in a manner which minimizes negative impact to the neighborhood.
- H. All signs and general lighting shall be subject to the standards of the zoning district in which such telecommunications facility is located unless otherwise allowed by the Board of Appeals, except where signs and lighting are required by the FAA for aircraft visibility.
- I. Subject to the granting of a Special Permit for a tower by the Board of Appeals, a condition of the Special Permit shall require the applicant to allow co-location on the tower if structurally and technically feasible. Such requirements shall not be construed to limit the applicant's right to charge rent at fair market rates. The applicant shall indicate if additional co-location is feasible on the tower. If additional co-location is possible and approved under the Special Permit, the additional capacity can be added without an amendment to the Special Permit. A conceptual rendering of how the tower could look shall be provided. The applicant shall not be required to adhere to the contents of said conceptual rendering.
- J. The Board of Appeals may impose reasonable additional restrictions or conditions to protect the district from hazards and promote the purposes of these regulations and the Zoning Bylaw.
- K. Towers not in existence before April 3, 1997 shall be removed within three (3) months of cessation of use, or termination of the Special Permit. In addition, the Board of Appeals shall require the posting of a bond to cover the costs of removal of the tower. The three (3) month deadline may be extended by the Board of Appeals if the owner of the tower demonstrates that new users are actively being pursued to use the tower.
- L. The Board of Appeals may limit the Special Permit to a specific individual or corporation, except that such Special Permit may be transferred to similarly -FCC-licensed individuals or corporations without further permission of the Board of Appeals.
- M. The Board of Appeals may revoke the Special Permit if the telecommunications tower is found to be in non-compliance with the Special Permit conditions or this Zoning Bylaw in accordance with M.G.L., Chapter 40A, Section 9.

5.400 DEVELOPMENT STANDARDS

All uses in GENERAL RESIDENCE Districts including uses allowed by Special Permit or exempted by MGL, Chapter 40A, Section 3, shall meet the below development standards as applicable:

5.401 Lot Area

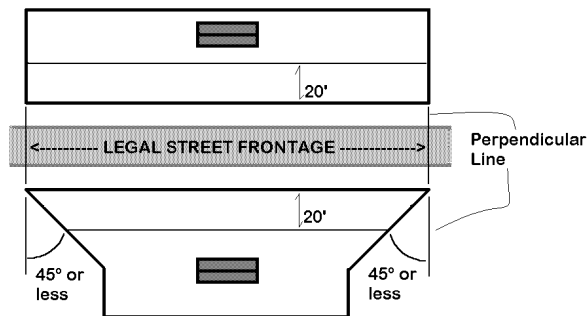
In GENERAL RESIDENCE Districts the minimum lot area for all uses shall be at least 15,000 square feet, except that the minimum area for a two-family residence shall be at least 20,000 square feet. A contiguous area of the lot, at least 15,000 square feet in area and for a two-family residence at least 20,000 square feet in area, shall not include freshwater or coastal swamps, bogs, marshes and wet meadows, land below mean high water on land subject to tidal action, land under any water body for more than five months of the year (all as classified under the Wetlands Protection Act, M.G.L., Chapter 131, Section 40), and drainage easements. The provisions of the last sentence shall apply only to lots created after May 25, 1999.

There shall be no more than one single family dwelling permitted per lot.

5.402 Lot Shape

Lots shall not have a constriction in the area connecting legal frontage to the building site less than fifty (50) feet wide except that estate lots shall have a constriction not less than thirty (30) feet.

Lots shall include all the area between the legally required frontage and a line twenty (20) feet perpendicular or radial to the legally required frontage. The above area can be decreased from the 20 foot depth if the area is within a line equal to or less than 45° from a line perpendicular to the street where the sideline intersects the street. These lot shape standards apply only to lots created after October 29, 1996 which are to be used as buildable lots.



5.403 Frontage

The minimum frontage for all uses in GENERAL RESIDENCE District shall be 100 feet except that two-family residences shall have a minimum frontage of at least 150 feet.

Such frontage shall be on a public way, a way the Town Clerk certifies is maintained and used as a public way, or on a private way that in the opinion of the Planning Board is of sufficient width, suitable grade, and adequate construction to provide access and municipal services to the lot in accordance with M.G.L., Chapter 41, Section 81L or shown on a way that is built (or surety posted to ensure construction) and shown on a plan approved and endorsed by the Planning Board.

Frontage for the purposes of the Zoning Bylaw, is defined as the continuous boundary between a lot and an abutting street, such boundary being located between lot lines or, in the case of a corner lot, between a lot line and the intersection of street lines extended.

In the case of a lot abutting on more than one street, such lot shall be required to have the applicable minimum frontage on only one such street. Frontage cannot be gained on that portion of a road which is a bridge or a causeway across water.

These frontage regulations are primarily for the purpose of minimizing congestion in streets by distributing access to lots over a minimum distance (frontage). Such distance appropriate to the general character and goals of the zoning district. In keeping with this purpose, access to a lot or building site does not need to originate from the street where legal frontage is provided, if said alternate access reduces the total number of access points (driveways) which would otherwise be located off streets or takes driveways off a busy street to a less busy street. These frontage regulations are also for the purpose of ensuring that the minimum legal frontage for a lot is located on a street which meets minimum street standards.

5.404 Setbacks

The purpose of lot setback requirements is to lessen congestion and overcrowding of lots to provide access within the lot for general circulation and maintenance of the buildings located thereon, to provide access in the case of fire, and to lessen congestion and promote safety in adjacent streets.

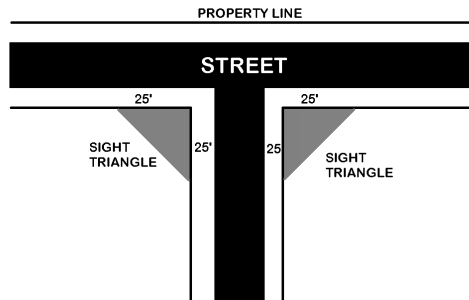
MINIMUM SETBACK DIMENSIONS

Any building or structure placed on a lot, whether temporary or permanent, shall meet the following minimum setback requirements:

- A. A twenty (20) foot minimum setback from street r-o-w lines or vehicular easement lines. (unless C applies)
- B. A twenty (20) foot minimum setback from all other perimeter property lines (unless C. applies).
- C. The setback from all other perimeter property lines or street lines if the entire building or structure is eight (8) feet or under in height (the average height of the roof, from the ground, can be 12 feet or under) and does not exceed 200 square feet in area is a minimum of five (5) feet from all other perimeter lot lines or 20 feet from a street line.

INTERSECTION SIGHT TRIANGLE SETBACK

At the intersection of streets, the corner lot shall not have any visual barrier placed in the triangle formed by a line connecting the two points 25 feet back from the intersection of the two street r-o-w lines and the lines of the r-o-w to the corner of the property. A visual barrier is an object or any group of objects which block the direct observation of approaching traffic between two (2) feet and eight (8) feet high. Fences of any type over 2 feet in height are prohibited.



EXEMPTIONS FROM SETBACK REQUIREMENTS

Buildings or structures which are legally in existence prior to October 26, 1993 shall be considered to be in compliance with Section 5.404 and are allowed to expand along the setback line or lines of the existing building/structure to a point which intersects another existing setback line of the same building/structure or to a point that intersects the setback line defined in Section 5.404. Expansions are prohibited into the intersection sight triangle setback or within five (5) feet of any perimeter property line. Exempt expansions shall not exceed the height of the part of the existing structure/building being expanded except where the expansion is outside the current setback and the height is otherwise allowed by zoning.

In addition, buildings or structures may be placed a minimum of 10 feet from all other perimeter lot lines or 30 feet from a street line if the lot upon which the building or structure is to be located was in existence prior to October 26, 1993. The benefit of this exemption is available to lots which already had buildings or structures located thereon prior to October 26, 1993.

Swimming pools are allowed to be placed within 10 feet of a perimeter property line or 30 feet from a street line.

The setback of parking facilities is regulated by Section 5.407 and Section 16 of the Zoning Bylaw. Fences, stone walls, retaining walls and boundary delineation structures under six (6) feet in height are exempt from these setback requirements, but are subject to the intersection sight triangle setback.

5.405 Height

The maximum height of all buildings or freestanding structures shall be 35'. Non-habitable structures placed on top of buildings shall not exceed 50' in height. Height shall be measured from the average of the finished grade at the foundation around the building or structure, to the highest part of the building or structure or to the average level of the highest gable or slope of a hip roof. Where non-habitable structures exceed 35' in height, the non-habitable structure shall be setback from all property lines at least twice the height of the non-habitable structure.

5.406 Percentage of Lot Coverage

In GENERAL RESIDENCE Districts, all uses on a lot which include, but are not limited to: buildings, structures, driveways, parking areas, gravel areas, walks, patios, storage areas, impermeable surfaces, etc. shall not cover more than 50% of the lot. Natural areas such as landscaping, gardens, lawns, etc. are not regulated within the 50% requirement.

5.407 Parking and Driveways

The number of Off-Street Parking spaces shall be provided in accordance with the following table:

Use	# of Parking Spaces Required
Single Family Dwelling	2 per dwelling
Garages, Sheds, Storage Bldgs.	0
Renting of Rooms	1 per renter
Accessory Apartments	2 per accessory apt.
Home Occupation	1/200 s.f. plus 1 per emp.
Home Educational Uses	3/200 s.f. plus 1 per emp.
General Educational Uses (non profit)	1/400 s.f. of educational space
Place of Worship	1 per 4 occupants

Use	# of Parking Spaces Required
Agricultural Uses*	0
Stables*	0
Gardens	0
Aquaculture*	0
Shellfishing	0
Conservation Areas, Natural Recreation Areas	1 per 400 s.f. of bldg.
Municipal Uses	1 per max.# of empl. per shift
Fire District Uses	1 per max.# of empl. per shift
Real Estate Signs	0
Exempt Uses	# of spaces per uses above or Section 16 as applicable
Special Permit Uses	# of spaces as required by Special Permit

\*All parking for these uses shall be off-street, except that for special events on-street parking may be permitted by the Select Board.

In GENERAL RESIDENCE Districts, parking facilities which include parking spaces, access aisles, driveways or areas used for motor vehicle storage or movement shall be set back at least 5 feet from perimeter property lines except where common driveways must cross lot lines or where driveways connect to the street.

The parking lot surface for Agricultural businesses may be unpaved I.E., gravel, grass, crushed shells, mulch, etc.

Each parking space shall be at least 8 feet wide and 19 feet long and consist of an improved and graded surface, such as but not limited to, gravel, cobblestone, brick, asphalt, reprocessed asphalt or concrete. Parking facilities showing 10 or more spaces shall be regulated by the applicable standards and procedures of Section 16 in these zoning by-laws. Nine or less parking spaces are regulated by the standards set forth here in Section 5.

Driveways shall not be located closer than 55' to an intersection of streets. The 55' shall be measured from the closest part of the driveway to the intersection of the two roadways at the corner or from the tangent of the roadway corner radius. Driveways shall be limited to one curb cut for each 100 feet of frontage per lot.

Common driveways are allowed serving as access to two or more single-family houses or two or more residential units but no more than four single family houses or four residential units. Common driveways shall be at least 16' wide and be located in a driveway easement at least 20' wide.

The 16 foot wide common driveway shall be surfaced with a stable material; such as, but not limited to asphalt, reprocessed asphalt, concrete, brick, cobblestone, or compacted gravel at least 12" thick. All driveways shall not have a paved or improved surface wider than 20 feet within 20 feet of a street line. If a common driveway is used for access these standards shall apply, even if the lots served could gain access separately.

Common driveways cannot serve five or more single family houses or five residential units except where they are approved as part of the Special Permit for a cluster or PRD development. As part of the Special Permit for a cluster or PRD development, these common driveway standards can be modified as deemed appropriate by the Special Permit granting authority.

Access to the building site does not need to originate from the street where the legal lot frontage is provided. All driveways serve only as access to the building site and cannot be considered as streets for legal frontage as required under the Zoning Bylaw.

#### 5.408 Signs

Any signs in GENERAL RESIDENCE Districts shall comply with the following design standards:

1. The maximum size of any sign shall be two square feet on each of two sides unless allowed to be larger elsewhere in these by-laws.
2. There shall be a maximum of one such sign for each property unless more are allowed elsewhere in these by-laws. Street number or name of occupant signs are allowed as needed. Only one political sign per candidate is allowed and must be located on private property.
3. Signs shall be located on the lot and setback at least 5 feet from any street line or property line.
4. Signs shall not have moving parts or flashing lights. Hanging signs are not considered moving parts. Signs shall not be of a type that confuse, distract, or call undue attention by the use of color, shape, light, or other features.
5. Signs shall not be internally or externally illuminated except if allowed by Special Permit.
6. Signs shall relate to a use or the occupants of the property upon which it is located except for political signs, or as allowed elsewhere in these by-laws.
7. Instructional/educational, directional and traffic signs are allowed as needed and not to exceed four square feet per sign. All such signs shall not exceed 50" in height.
8. Agricultural uses, stables, aquaculture, and gardens may use the following types of signs in all zoning districts:

##### Permanent signs

- a. Signs with a maximum area of 32 square feet.
- b. Each property may have a maximum of two signs.
- c. Signs are allowed to be illuminated provided there is no glare on abutting properties.

##### Seasonal signs and banners

- a. A maximum of two additional signs or banners for each property may be used when reasonably necessary to promote seasonal agriculture.
- b. The maximum size of each seasonal sign or banner shall be 8 square feet and both sides of the sign or banner are allowed to have a message.

#### 5.409 Lighting

All artificial lighting shall not contribute to light pollution or create a nuisance as a result of glare onto streets or abutting property. Lighting units shall not be located higher than fourteen feet. Illumination of parking areas shall have the light source shielded from above and the light source shall not be visible from streets or abutting properties.

5.410 Other Development Standards

- A. If ten (10) or more parking spaces are proposed, refer to Section 16 of the Zoning Bylaw for additional parking facility standards and procedures.
- B. If the land is located in one of these zoning overlay districts, additional development standards may be imposed:

Overlay District	Section of Zoning Bylaw
Inland Wetland & Watershed Protection District	17
Coastal Wetlands District	18
Flood Prone Land District	19
Aquifer Protection District	20

5.411 Estate Lots

The purpose of Estate Lot zoning is to encourage lots which significantly exceed the minimum lot area required by zoning as an alternative to creating minimum lot sizes under subdivision. This alternative is meant to preserve rural character by reducing density and congestion.

Estate lots are lots allowed to have a minimum of 50' of frontage rather than the minimum frontage specified for the GENERAL RESIDENCE District, if the following conditions are met:

- A. The total area of the lot for a single family dwelling is at least 45,000 square feet and for a two family dwelling at least 60,000 square feet.
- B. For a single family dwelling, a contiguous area of the lot, at least 30,000 square feet in area, shall be non-wetland. For a two family dwelling, a contiguous area of the lot, at least 40,000 square feet in area, shall be non-wetland. Wetlands shall be as defined by M.G.L., Chapter 131, Section 40, and the regulations promulgated incidental thereto as determined by the Conservation Commission.
- C. The lot shall not be further subdivided, and a deed restriction preventing further subdivision (enforceable by the Town of Dartmouth or any citizen of the Town) is recorded with the plan. The following notes shall also be placed on the plan: "Lots shown on this plan shall not be further subdivided" and "No building permit shall be issued for lots on this plan until a copy of the recorded deed restriction is delivered to the Building Commissioner of the Town of Dartmouth."
- D. When multiple estate lots are created from the same parcel of land, the estate lots shall be served by common driveways. The same parcel of land shall mean a lot in existence for at least 5 years.
- E. All buildings or structures on the estate lot are located at least 100' from any street and this restricted area is shown on the plan. All other setback requirements of the Zoning Bylaw apply.

5.500 DEFINITIONS

**FAMILY** - A family shall consist of one or more persons who live together and form a single housekeeping unit. Indications of a single housekeeping unit may consist of but not be limited to shared living spaces, cooking, sanitary facilities, use of utilities or table board. If more than one person, a family shall be limited to one of the groups listed below:

- A. A group of persons related by blood, adoption or marriage.
- B. If not related by blood, adoption or marriage, a group of persons not to exceed four.
- C. A group of handicapped or disabled persons as allowed in M.G.L., Chapter 40A, Section 3.