



Article 1. Technical Updates to Zoning Bylaw – Chapter 164

Walkthrough of Proposed Changes

Objectives

- Clarity and ease of use
- Reduce redundancy
- Ensure consistency (internal and external)
- No policy or regulatory changes

Future Phases:

- To address issues with application, administration, and enforcement identified during initial review process

Technical Edits

- Renumbered sections and updated references
- Consistent numbering - A. (1) [a] [1]
- Updated terms (Board of Selectmen to Select Board; Building Inspector to Building Commissioner; Zoning Board to Zoning Board of Appeals, etc.)
- Reformatted tables
- Consistent use of numerals (numbers written as numbers)
- Itemized sections with multiple provisions
- Abbreviations spelled out (ex. s.f. or sq.ft > square feet)

Current Organization

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Article 2. Establishment of Districts

Article 3. Use Regulations

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General Reorganization

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Definitions

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Article 11. Administration and Enforcement

Article 1. General Provisions.

EXISTING	PROPOSED
§ 164-1. Authority	§ 164-1. Authority
§ 164-2. Purpose	§ 164-2. Purpose
§ 164-3. Applicability	§ 164-3(A-B). Applicability
§ 164-3.C. Nonconforming Structures & Uses	
§ 164-3.D. Isolated Lots in Subdivisions	
§ 164-4. Definitions	

§ 164-1. Authority

EXISTING – This Zoning Bylaw is adopted in accordance with the provision of Chapter 40A of the General Laws.

PROPOSED – This Bylaw is enacted under the authority of Article 89 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts and in accordance with MGL c. 40A, as amended.

- **§164-1. Authority**
Updated per legal review
- **§164-3.C Nonconforming Structures & Uses**
Moved to Article 6
- **§164-3.D Isolated Lots and Subdivisions**
Moved to Article 6
- **§164-4. Definitions**
Moved to Article 2

Article 2. Definitions.

- Definitions found throughout the zoning bylaw are consolidated into one new article
- Revised definition of LOT and OPEN SPACE RESIDENTIAL DEVELOPMENT to match MGL c.40A
- New definitions for AFFORDABLE HOUSING UNIT and QUALIFIED AFFORDABLE HOUSING UNIT TENANT OR PURCHASER (definitions consistent with current text of bylaw)
- New definition for Lot Coverage (no definition currently)
- Regulations in definition of Window Sign moved to new §164-9.8

Article 2. Definitions.

LOT — An area ~~or parcel~~ of land ~~in undivided ownership~~ with definite boundaries that is, used or available for use as the site of ~~one (1) or more a~~ building or buildings.

LOT COVERAGE — The buildable upland portion of a lot which is covered by buildings, structures, or impervious surfaces including driveways, walkways, patios, decks, swimming pools, and other paved or non-porous surfaces.

AFFORDABLE HOUSING UNIT — A dwelling unit reserved in perpetuity for rental or ownership by a qualified affordable housing unit purchaser or tenant as defined herein and priced to conform with the standards of the Executive Office of Housing and Livable Communities (EOHLC) Local Initiative Program Guidelines, in order that such affordable units shall be included in the EOHLC Subsidized Housing Inventory.

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT — An individual or household with total annual income that does not exceed 80% percent of the area median income for the Town of Orleans, as determined annually by the United States Department of Housing and Urban Development.

OPEN SPACE RESIDENTIAL DEVELOPMENT

EXISTING — An option to conventional grid subdivisions allowing a development where single-family dwellings are built on lots with less than the ordinary area and frontage, and the remaining land is set aside for open space, according to the procedure and design standards described in § 164-40.1 of this bylaw.

PROPOSED — A residential development in which the buildings and accessory uses are clustered together into 1 or more groups separated from adjacent property and other groups within the development by intervening open land. An open space residential development shall be permitted only on a plot of land of such minimum size as specified in §164.40.1 which is divided into building lots with dimensional control, density and use restrictions for such building lots varying from those otherwise permitted by this bylaw and open land. The open land may be situated to promote and protect maximum solar access within the development and shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadway.

Article 3. Establishment of Districts

EXISTING	PROPOSED
§ 164-5. Districts enumerated § 164-6. Location of districts; Zoning Map § 164-7. Boundaries of districts § 164-8. Lots in two districts § 164-9. Lots located partly in another municipality	§ 164-5. Districts enumerated § 164-6. Location of districts; Zoning Map § 164-7. Boundaries of districts § 164-8. Lots in two districts § 164-9. Lots located partly in another municipality § R Residence § RB Rural Business § MB Marine Business § LB Marine Business § GB Marine Business § VC Village Center § 164-22(I). Yard Requirements in the VC § I Industrial § 164-14. Seashore Conservancy District Overlay Districts § 164-15. Conservancy Districts § 164-17. Groundwater Protection Districts § 164-18. Shoreline District § 164-19. Floodplain District § 164-19.2. Residential Affordable Housing District

- Added new sections for the base zoning districts (R, RB, MB, LB, GB, VC, I) and moved all other district regulations into this Article

Provisions added from:

- §164-21 A. Schedule of Lot, Yard & Bulk Requirements
- §164-22 I. Yard Requirements in the VC District
- §164-34 D. Parking - Business & Industrial Districts

Article 3.

Article 3. Establishment of Districts

§ 164-5. Districts enumerated

§ 164-6. Location of districts; Zoning Map

- Moved (B) Overlay Districts into District Regulations

Zoning District Boundaries

§ 164-7. Boundaries of districts

§ 164-8. Lots in two districts

§ 164-9. Lots located partly in another municipality

Base Districts

§ Residence District

§ Rural Business District

§ Marine Business District

§ Limited Business District

§ General Business District

§ Industrial District

§ 164-14. Seashore Conservancy District

Overlay Districts

§ 164-15. Conservancy District

§ 164-17. Groundwater Protection Districts

* This section was amended to establish 3 Groundwater Protection Districts, not 4. Corrections were made throughout to provisions that were not fully updated.

§ 164-18. Shoreline District

§ 164-19. Floodplain District

§ 164-19.2. Residential Affordable Housing District

Article 4. Use Regulations.

EXISTING	PROPOSED
§ 164-10. General requirements; uses enumerated	§ 164-10. General requirements; uses enumerated
§ 164-11. Prohibited uses	§ 164-13. Schedule of Use Regulation (table in code, not as appendix)
§ 164-11.C. Adult Uses	§ 164-11. Prohibited uses (expanded)
§ 164-11.E. Drive-Throughs	§ 164-12. Exceptions
§ 164-12. Exceptions	§ 164-40.2. Educational, Municipal and Religious Uses
§ 164-13. Schedule of Use Regulation	
§ 164-14. Seashore Conservancy District	
§ 164-15. Conservancy Districts	
§ 164-16. Accessory scientific uses	
§ 164-17. Groundwater Protection Districts	
§ 164-18. Shoreline District	
§ 164-19. Floodplain District	
§ 164-19.1. Village Center District VC	
§ 164-19.2. Residential Affordable Housing District	

- The Use Table is moved from an appendix into this Article
- Prohibited Uses
 - Expanded (A) and (B) – now (A) through (D)
 - **§164-11 (E) Drive-in, Drive-throughs moved to Article 7 (§164-7.5)**
- Consolidated all provisions addressing exempt uses
- Moved Overlay Districts (164-14-19.2) into Article 3

Article 5. Area Regulations.

EXISTING	PROPOSED
164-20. General requirements § 164-21. Schedule of Lot, Yard and Bulk Requirements § 164-22. Modifications § 164-22(A) Nonconforming Lots § 164-22(A)(5). Panhandle Lot § 164-22(I). Yard Requirements in the VC § 164-23. Minimum lot size conditions	§ 164-20. General requirements § 164-21. Schedule of Lot, Yard and Bulk Requirements § 164-22(B-H). Modifications § 164-22(A)(5). Panhandle Lots § 164-23. Minimum lot size conditions

- Summary of Lot, Yard, and Bulk Requirements table updated
 - Added provisions from Parking Regulations §164-34(C) 3 – 4 into table
 - Footnotes incorporated into table or into District Standards
 - Omitted CD and SC District – all standards in text

**Minimum Yard Dimensions
(feet)**

District	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Yard Dimensions (feet)			Maximum Building Height ^{8,10} (feet)	Maximum Lot Shape Number
			Front	Side	Rear		
R	40,000 ⁵	150 ^{1,2}	25	25	25	30	22
RB	— ³	100 ¹	25	25	25	30	N/A
LB ¹¹	—	—	25	10	10	30	N/A
GB ¹¹	—	—	25	10	10	30	N/A
VC ¹¹	—	—	See § 164-22, Subsection 1		30	30 ¹²	N/A
I ¹¹	30,000	100	25	10 ⁷	10 ⁷	30	N/A
CD	—	—	See § 164-15B(7)			—	—
SC	—	—	See § 164-14			—	—
MB ¹¹	— ³	100 ⁴	25	25	25	30	N/A

NOTES:

¹ Refer to § 164-22H.

² Unless granted a Special Permit by the Board of Appeals for buildings in existence at the time of the passage of this amendment, i.e., March 1973.

³ The building coverage may not exceed fifteen percent (15%) of the lot.

⁴ Minimum frontage requirements shall not apply to lots with less than one hundred (100) feet and more than fifty (50) feet of frontage which existed prior to the creation of the RB and MB Districts and which are not in common ownership with any abutting lot.

⁵ The building coverage in a Residential District shall not exceed fifteen percent (15%) of the buildable upland. However, building coverage in a Residential District shall not exceed four thousand (4,000) square feet without the issuance of a Special Permit under the provisions of § 164-44. In no event shall the Board of Appeals be authorized to grant a Special Permit which would result in building coverage which exceeds fifteen percent (15%) of the buildable upland.

⁷ Except 50' set back from any wetland as defined in the Massachusetts Wetlands Protection Act, MGL C. 131 Sec. 40 and the Regulations issued thereunder, 310 CMR 10.04 as of April 1, 1983, or land shown on Assessor's Maps 8, 9, 10, and 11 as Town of Orleans Watershed.

⁸ See § 164-40.2 for the dimensional requirements for educational, municipal and religious uses.

¹⁰ Refer to § 164-39C(9) Height for communication structure height limitations.

¹¹ See also paragraph D, subparagraphs (3) and (4) in Section 164-34 for gross floor area ratio and impervious surface coverage.

¹² See Section 164-19.1 E for alternative building height in the Village Center.

District	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Yard Dimensions (feet)			Maximum Building Height (feet)	Maximum Building Coverage	Maximum Lot Coverage	Maximum Floor Area Ratio	Maximum Lot Shape Number
			Front	Side	Rear					
R	40,000	150 ^{1,2}	25	25	25	30	15% ⁴	-	-	22
RB	-	100 ^{1,3}	25	25	25	30	15%	75%	-	-
MB	-	100 ³	25	25	25	30	15%	75%	40%	-
LB	-	-	25	10	10	30	-	75%	40%	-
GB	-	-	25	10	10	30	-	75%	40%	-
VC	-	-	see 164-3.11.A		10	30 ⁶	-	-	100%	-
I	30,000	100	25	10 ⁵	10 ⁵	30	-	75%	-	-

NOTES:

¹ See also § 164-5.3.G.

² Unless granted a Special Permit by the Zoning Board of Appeals for buildings in existence at the time of the passage of this amendment, i.e., March 1973.

³ See also § 164-3.7.A(1) and § 164-3.8.A(1).

⁴ The building coverage in a Residential District shall not exceed 15% of the buildable upland. However, building coverage in a Residential District shall not exceed 4,000 square feet without the issuance of a Special Permit under the provisions of § 164-11.4. In no event shall the Zoning Board of Appeals be authorized to grant a Special Permit which would result in building coverage which exceeds 15% of the buildable upland.

⁵ See § 164-3.12.A(1) for additional setback requirements.

⁶ See § 164-3.11.C(3) for alternative building height provisions.

Article 6. Nonconforming Structures, Uses, and Lots.

- New Article
- Sections from Article 1 and Article 5 are consolidated into one section that addresses non-conformities:
 - § 164-4. Nonconforming Structures & Uses
 - § 164-22(A) Nonconforming Lots
 - § 164-3.D. Isolated Lots in Subdivisions

EXISTING	PROPOSED
<p>§ 164-24. Soil removal and filling</p> <p>§ 164-25. Tidewater marshland areas</p> <p>§ 164-26. Motels</p> <p>§ 164-27. Tents, trailers and mobile camping units</p> <p>§ 164-28. Conversion of existing dwellings to multiple dwellings (superseded)</p> <p>§ 164-29. Cottage colonies</p> <p>§ 164-30. Time-sharing and interval ownership (arcane)</p> <p>§ 164-31. Apartment development</p> <p>§ 164-32. Dwellings in commercial structures or accessory to commercial uses</p> <p>§ 164-33. Site plan review</p> <p>§ 164-33.1. Architectural review</p> <p>§ 164-34. Off-street parking regulations</p> <p>§ 164-35. Signs</p> <p>§ 164-35.1. Commercial and Non-Commercial Wind Energy Facilities</p> <p>§ 164-36. Open-air art businesses</p> <p>§ 164-36.1. Mobile food establishments</p> <p>§ 164-37. Existing residential dwellings in General Business GB or Limited Business LB Districts (superseded)</p> <p>§ 164-38. (A-D) Special Permit Requirements for Commercial Uses</p> <p>§ 164-38. (E) Formula Based Restaurants</p> <p>§ 164-39. Communication Structures, Buildings and Appurtenances</p> <p>§ 164-39.1. Amateur Radio Towers</p> <p>§ 164-40. Accessory and Congregate Dwellings</p> <p>§ 164-40.1. Open Space Residential Development</p> <p>§ 164-40.2. Educational, Municipal and Religious Uses</p> <p>§ 164-40.3. Medical marijuana facilities</p> <p>§ 164-40.4. Marijuana Establishments</p>	<p>§ 164-24. Soil removal and filling</p> <p>§ 164-25. Tidewater marshland areas</p> <p>§ 164-27. Tents, trailers and mobile camping units</p> <p>§ 164-38. (A-D) Special Permit Requirements for Commercial Uses</p> <p>§ 164-11.E. Drive-Throughs</p> <p>§ 164-38(E). Formula Based Restaurants</p> <p>§ 164-16. Accessory scientific uses</p> <p>§ 164-29. Cottage colonies</p> <p>§ 164-31. Apartment development</p> <p>§ 164-32. Dwellings in commercial structures or accessory to commercial uses</p> <p>§ 164-40. Accessory Dwelling Units</p> <p>§ 164-40. Congregate Dwellings</p> <p>§ 164-40.1. Open Space Residential Development</p> <p>§ 164-35.1. Commercial and Non-Commercial Wind Energy Facilities</p> <p>§ 164-39. Communication Structures, Buildings and Appurtenances</p> <p>§ 164-39.1. Amateur Radio Towers</p> <p>§ 164-40.3. Medical Marijuana Facilities</p> <p>§ 164-40.4. Marijuana Establishments</p>

Article 7. Special Use Regulations.

- Sections are reordered
 - For example, all residential/housing provisions are together
- Added Accessory Scientific Uses and Filling Stations from elsewhere
- Decoupled:
 - Accessory Uses and Congregate Housing
 - Special Permit Requirements for Commercial Uses and Formula-Based Restaurants
- Struck three obsolete sections:
 - § 164-28. Conversion of existing dwellings to multiple dwellings
 - § 164-30. Time-sharing and interval ownership
 - § 164-37. Existing residential dwellings in General Business GB or Limited Business LB Districts

Article 8. Parking and Loading Regulations.

Article 9. Sign Regulations.

Article 10. Site Plan and Architectural Review.

- These sections are moved out of 'Special Use Regulations' and moved into their own Articles for easy identification
- Itemized and reordered

Article 8. Parking and Loading Regulations.

- Renumbered into sections
- 164-34 (D) moved into District Regulations and Dimensional Table

Article 9. Sign Regulations.

- Renumbered into sections
- (L) and (N) moved under the heading 'Banner Signs'
- Window Signs now contains provisions previously in the definition

Article 10. Site Plan & Architectural Review.

- Renumbered into sections
- Reviewed for clarity and consistency

Article 11. Administration and Enforcement.

- Reviewed for clarity and consistency