



Zoning ByLaw

of the

Town of Eastham

Massachusetts

1958

ANNUAL TOWN MEETING FEBRUARY 18, 1952
VOTED: TO ADOPT THE FOLLOWING ZONING BY-LAW
YES 84 NO 68

DEFINITION: For the purposes of this By-Law certain words and phrases are defined as follows:

(a) A cottage is a unit containing more than 400 sq. ft. of floor area, exclusive of porches, designed for renting by the month or season. Such units must contain at least two bedrooms, a living room, kitchen, a bath or toilet room, or any reasonable similiar combination of rooms.

(b) A cabin is a unit containing not less than 150 sq. ft. of floor area, exclusive of porches, designed for renting by the day or week.

(c) Temporary signs. All signs such as "For Sale" "For Rent" and contractor's and builder's signs, used during the process of construction and remodeling, shall be classified as temporary signs.

SECTION I

The purpose of this By-Law is to promote the health, safety, and general welfare of the inhabitants of the Town of Eastham, by dividing the Town into districts with a view towards conserving the best qualities of the Town as they now exist

SECTION II

DISTRICTS: In accordance with Chapter 40, General Laws, Section 25-30B, and any amendments thereto: The Town of Eastham is hereby divided into four types of districts as follows:

- (a) Residential and Agricultural, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.
- (d) Permissive Use.

Said Districts are located as shown on the Eastham Zoning Map, dated February 14, 1952 and amended February 17, 1958, hereby made a part thereof, and a

copy of which is filed with the Town Clerk.

SECTION III

In District A, premises and (or) buildings may be used for the following purposes only:

1. One family dwellings, not to exceed two stories in height, adapted to human habitation. (This use does not include tents, trailers, quonset huts or portable buildings, except upon a temporary permit issued specifically therefor by the Board of Selectmen.)

2. Renting of Cottages.

3. Accessory buildings and shelters for the uses of the resident occupants of such dwellings for garaging their own motor vehicles, stock and equipment, and only so long as not injurious, noxious or offensive to the neighborhood.

4. Churches, schools, municipal buildings, and all properties, buildings and structures of the municipal state, and federal governments.

5. Private Clubs: except a club, the chief activity of which is a service customarily carried on as a business.

6. Municipal recreation use.

7. Customary home occupations such as: dress-making, letting of rooms, taking of boarders, hand laundries, or the practice of a lawful profession, all such undertakings to be conducted by a resident occupant.

8. Any incidental activity related to his trade conducted by a craftman or mechanic provided such activity does not involve substantially continuous operations or employment and is not injurious, noxious or offensive to the neighborhood.

9. Agricultural farming, gardening, nursery or greenhouse business and sale of produce or fish grown or processed by the resident occupants only and only so long as it is not injurious, noxious or offensive to

the neighborhood.

10. The display of not more than two signs on resident occupant's premises which shall pertain to the occupation of said occupant or to the use of such property as herein above authorized which shall have a total area of not more than 12 sq. ft.

(a) Temporary signs shall be permitted at the discretion of the owner and he may remove such signs at pleasure without notice.

11. Food and non-alcoholic beverages, refreshment booths or stores, if adjacent to any town landing, upon permit by the Board of Selectmen.

12. The keeping of livestock and poultry is restricted to non-commercial family use of the resident occupant only and only so long as it is not injurious, noxious or offensive to the neighborhood.

13. Funeral Homes.

14. Hospitals, Sanitariums and Rest Homes.

15. Boys' and Girls' Camps.

SECTION IV

In District B premises and (or) buildings may be used for the following purposes only:

1. Any use designated or authorized in and for District A.

2. General farming and poultry raising, with the exception of piggeries and the raising of mink and (or) fox, and only so long as it is not injurious, noxious or offensive to the neighborhood.

3. Laboratory for research on moles, fish, birds, and wild life, and other similar scientific research, and all necessary activities relating thereto, so long as not injurious, noxious or offensive to the neighborhood.

4. Docks, wharves, fish and shellfish business, party-boat business, renting of row boats, motor boats, sail boats, and fishing gear, and sale of fish bait, also boat

storage, boat repairs, boat building, marine railway, and activities reasonably necessary and related thereto.

5. Cabin rentals.

6. Public amusement area upon permit by the Board of Appeals upon an appeal to such Board, but only so conducted and managed in a manner not injurious, noxious or offensive to the neighborhood.

7. Cottage rental units on a single parcel of land, provided that the land allocable to the first building, whether dwelling or rental, shall contain an area of not less than 20,000 sq. ft. The land allocable to subsequent rental units shall contain an area of not less than 10,000 sq. ft. per unit. Cottage rental units hereunder shall remain as a single unit and may be sold only as such.

SECTION V

Districts C and D: In Districts C and D premises and (or) buildings may be used for the following purposes only:

1. Any use designated or authorized in and for Districts A and B.

2. Stores, restaurants, filling stations, garages, repair shops, paint shops, antique businesses, furniture shops, manufacturing of house framing, cabinets, furniture, and like products.

3. Buildings, structures, and premises may be used for any of the above lawful businesses and services, except junkyards, and in addition, for public utilities and for any industry or manufacturing if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

SECTION V-A

1. The following uses are allowed in the "Permissive Use" area, provided said use or uses are not injurious,

noxious, or offensive to the neighborhood, and only if authorized by the Board of Appeals.

- (a) Hotels, Motels or Inns.
- (b) Gift or Craft Shops.
- (c) Bank and Professional Buildings.

2. A minimum 100-foot set-back from the sidelines of the street or highway in the "Permissive Use" area is required.

SECTION VI

1. Lot size: In Districts A and B no dwelling or business building shall be built on a lot with a frontage on an accepted way of less than 135 ft., nor with an area of less than 20,000 sq. ft.; or as specified in Section IV, Paragraph 7; except that these requirements shall not apply to individual parcels of land now in single ownership by deeds of records in Barnstable County Registry of Deeds which do not meet these requirements; however, buildings erected on such lots shall comply with the "Town Building Code By-Laws" accepted at the Annual Town Meeting Feb. 16, 1948 and Approved by the Attorney General April 30, 1948, or any amendment thereto. Districts C and D uses shall not be extended back from the nearest accepted town roadway boundary line more than 500 ft., except that on the Easterly side of Said Taking of District D shall extend to the Westerly sideline of the Old Colony Railroad land; except upon approval of the Board of Appeals upon an appeal thereto.

SECTION VII

Non-conforming uses: Any non-conforming building, structure or use, existing upon the effective date of this By-Law may be continued, rebuilt if damaged or destroyed, and upon appeal to the Board of Appeals may be enlarged or changed if no more objectionable to the neighborhood than the said existing use.

SECTION VIII

1. ADMINISTRATION:

(a) BOARD OF APPEALS. There shall be a Board of Appeals consisting of five members, and two associates, all to be appointed by the Board of Selectmen, with the powers as provided in General Laws, Chapter 40, Section 30, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in said Chapter of the General Laws.

(b) ENFORCEMENT. This By-Law shall be enforced by or under the direction of the Board of Selectmen, who may delegate ministerial duties hereunder. The Board of Selectmen may resort to Courts for injunctions or other appropriate remedies.

(c) PENALTIES. The penalty for violation of any provision hereof shall be a fine of not more than \$20 for each offense.

SECTION IX

1. VALIDITY: The invalidity of any sentence, provision, or section of this By-Law shall not be construed to invalidate any other part hereof.

2. AMENDMENT: This By-Law may be altered, repealed, or amended in accordance with the law.

Accepted at Annual Town Meeting Feb. 18, 1952.
Approved by Attorney General July 1, 1952.

Amendments approved by Attorney General Feb. 24, 1958.

Description of "Permissive Use" area: From the Orleans-Eastham town line to the Eastham-Wellfleet town line along Route #6, to a depth of 500 ft. on each side of the Highway taking, however, the area shall extend Easterly to the Westerly sideline of the Old Colony Railroad land North of the intersection of said Railroad and the Highway.