

## SECTION 3. DISTRICTS

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### 3.1 Establishment.

For this Bylaw, the Town is divided into the following districts.

Residential	Residential 1 Low Density Residential 2 Moderate Density Residential 3 Multi-Family	(R-1) (R-2) (R-3)
Business and Commercial	Business 1 Neighborhood Business 2 Office/Professional <b>Business 3 General shopping</b> Business 4 Adult zone	(B-1) (B-2) (B-3) (B-4)
Industrial	Industrial 1 Light	(I-1)

### 3.2 Overlay Districts.

A. Overlay districts shall be superimposed on other districts established by this Bylaw. Any land in an overlay district shall also be subject to and benefit from the development and use regulations for the applicable underlying district(s) and shall, in addition, conform to the additional regulations of the one or more overlay districts in which the land lies. In the event of any conflict between the regulations of two or more overlay districts that apply to the same lot of land, or in the event of conflict between an underlying district(s) and an overlay district affecting it, the most restrictive regulations shall apply. The following overlay districts are hereby established:

**Mixed Use Overlay District (MUOD)**  
Flood Plain and Floodway Districts (FP)  
Wetlands District (WD)  
Telecommunications District (TC-1)

### 3.3 Zoning Map.

1. The boundaries of each district are established, defined, and bounded as shown on the map accompanying this Bylaw and on file with the Clerk of the Town of Tyngsborough.
2. The Telecommunications District shall be prohibited in all districts except as defined as follows: Assessors' Map 4, lots 1, 2, 3, and 4; Map 12, lots 27 and 32; Map 13, lots 19 and 21; Map 21, lot 5; and Map 22, lots 20-1 and 27.

## SECTION 4. USE REGULATIONS

### 4.1 Application.

No land shall be used, and no structure shall be erected or used, except as in conformity with the Table of Uses, including the notes to the Table, or as otherwise provided in this Section 4, or as exempt from zoning under G.L. c. 40A, §3, or approved by variance from the Zoning Board of Appeals, as provided in G.L. c. 40A, § 10, and Section 2.5 of this Bylaw. Any building or use of premises not explicitly permitted is prohibited.

### 4.2 Interpretation of the Table of Uses.

If an activity might be classified under more than one principal use, the more specific definition shall determine whether the use is permitted. If the activity might be classified under equally specific definitions, it shall not be permitted unless both uses are permitted in the district.

### 4.3 Table Of Uses

#### CODES:

**P** = A Permitted Use

**O** = A Prohibited Use

**PB** = Special Permit-Planning Board

**SB** = Special Permit – Board of Selectmen

**SPR** = Site Plan Review by Planning Board Pursuant to section 2.8

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
<b>General Uses</b>								
Agricultural	P	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P	P
Earth Removal	O	O	O	O	O	O	O	<b>SB</b>
Recreation	P	P	P	P	P	P	P	P
<b>Residential Uses</b>								
Single-family dwelling	P	P	P <sup>5</sup>	O	O	O	O	O
Two-family dwelling	O	O	P <sup>5</sup>	O	O	O	O	O
Multi-family dwelling <sup>1</sup>	O	O	<b>PB</b>	O	O	O	O	O
Temporary Independent Living Quarters <sup>6</sup>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>	<b>PB</b>

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Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
<b>Governmental, Institutional and Public Service Uses</b>								
Municipal	P	P	P	P	P	P	P	P
Educational <sup>10</sup>	P	P	P	P	P	P	P	O
Religious	P	P	P	P	P	P	P	P
Nursing Home	O	O	PB	P	P	P	O	O
Assisted Living	O	O	O	O	O	PB	O	O
Independent Living	O	O	O	O	O	O	O	O
Continuing Care Campus	O	O	O	O	O	PB	O	O
Public or Private Utility Facilities	SB	SB	SB	SB	SB	SB	SB	P
Hospitals	O	O	O	SB	SB	SB	SB	O
Correctional Facilities	O	O	O	O	O	O	O	SB
Cemeteries	P	P	P	O	O	O	O	P
Post Office	O	O	O	P	P	P	P	P
<b>Business Uses<sup>2</sup></b>								
Retail Store Less Than 5,000 G.S.F.	O	O	PB	P	P	P	P	SPR
Retail Store More Than 5,000 G.S.F.	O	O	O	O	O	P	P	PB
Professional Offices Less Than 15,000 G.S.F.	O	O	PB	PB	PB	P	P	O
Professional Offices More Than 15,000 G.S.F.	O	O	O	O	O	SPR	SPR	SPR
Financial Service	O	O	O	PB	PB	P	P	O
Restaurant	O	O	PB	SPR	SPR	P	P	SPR
Restaurant – Fast Food	O	O	O	O	O	SPR	SPR	SPR
Craft Brewery	O	O	O	O	SB	P	P	P
Craft Brewery & Taproom	O	O	O	O	SB	SB	SB	SB
Craft Distillery	O	O	O	O	SB	P	P	P
Hotel, Inn or Motel	O	O	PB	O	O	P	P	PB
Combined Business and Dwelling	O	O	PB	PB	P	O	O	O
Lodge or Club	O	SB	SB	O	P	P	P	P
Funeral Home	O	O	SB	O	P	P	P	O
Veterinary Care	O	O	O	PB	P	P	P	SPR
Commercial Kennel	O	O	O	O	O	SB	SB	SB
Personal Services	O	O	O	PB	PB	P	P	PB
General Services	O	O	O	PB	PB	P	P	PB

## **SECTION 5. DIMENSIONAL REQUIREMENTS**

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### **5.1 General Provisions.**

- A. No land shall be used, and no structure or building shall be used or construction begun except in accordance with this Section and the Table of Standard Dimensional Regulations unless otherwise specifically permitted in this Bylaw.
- B. For residential uses, no more than one building for dwelling purposes shall be located upon a lot except as provided elsewhere in this Bylaw.

### **5.2 Minimum Land Area.**

In any district, the following areas shall not be considered in computing the minimum lot size:

- A. Land classified as wetlands under G.L. c. 131, § 40 and land within a lot made non-contiguous by the wetlands.
- B. Land classified as floodway by the Federal Emergency Management Agency (FEMA) and depicted on the FEMA "Floodway Boundary Maps" prepared for the Town and dated September 2, 1982.

### **5.3 Lot Perimeter.**

Lots with a minimum lot area of 30,000 square feet or greater shall have no more than one foot of perimeter for every 40 square feet. Lots with a minimum lot area of less than 30,000 square feet shall have no more than one foot of perimeter for every 30 square feet of lot area. In no instance shall a lot have less than 50 feet in width in any location within the lot except in a portion of the lot where two lot lines meet at a point. Any lot created before adoption of this Bylaw and conforming to then applicable requirements shall be considered a conforming lot for purposes of this Bylaw

### **5.4 Methods for Calculating Dimensional Requirements.**

- A. Lot Area. Lot area shall be determined by calculating the area within a lot, excluding any area within the lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by the straight line and the lot lines shall not be considered in computing the minimum lot area unless the distance along the lot lines between the two points is less than 150 feet. (See Figure 1.)

## 5.5 Table of Standard Dimensional Requirements

Dimensions	Zoning District							
	R-1	R-2	<sup>1/</sup> R-3	B-1	B-2	<b>B-3</b>	B-4	I-1
Minimum Lot Area (Square feet) X 1000	65	20	20	20	20	80	80	80
Minimum Lot Frontage (Lin. Feet)	200	75	75	100	50	150	150	200
Minimum Lot Width (Lin. Feet)	50	50	50	50	50	50	50	100
Minimum Front Yard (Lin. Feet)	30	30	30	30	30	75	75	100
Minimum Side Yard <sup>2/</sup> (Lin Feet)	30	20	15	15	15	30	30	40
Minimum Rear Yard <sup>2/</sup> (Lin Feet)	30	20	15	15	15	40	40	40
Minimum Open Space (Percent of Total LotArea)	<sup>3</sup>	N/A	N/A	N/A	N/A	25	25	25
Maximum Building Height (Lin. Feet)	<sup>4</sup> /36	<sup>4</sup> /36	<sup>4</sup> /36	<sup>4</sup> /36	<sup>4</sup> /36	<sup>5</sup> /40	<sup>5</sup> /40	<sup>6</sup> /45

Codes:

1/ Multi-family development must comply with Section 9.4 of this Bylaw. Single-family homes in the R-3 district shall require 44,000 square feet of area and 200 feet of frontage, and duplexes in the R-3 district shall require 88,000 square feet of area and 400 feet of frontage.

2/ See Section 7.4 Buffering, Screening, and Grading.

3/ See Section 9.2 Open Space Residential Development

4/ Not to exceed 2 ½ stories

5/ Not to exceed 3 stories

6/ Not to exceed 3 ½ stories

## 5.6 Reduction of Dimensional Requirements for Certain Undersized Lots

The Planning Board may, in its discretion, and by issuance of a special permit, reduce any one or more of the dimensional requirements contained in the foregoing Table of Standard Dimensional Requirements, or elsewhere in this Bylaw, for any lot in the B-1, B-2, **B-3**, B-4, or I-1 districts that does not satisfy the minimum lot area requirement applicable thereto. Such special permit shall require mandatory findings by the Planning Board in accordance with Section 2.7 of this Bylaw, with respect to the dimensional variation(s) proposed; and, further, shall require consideration by the Planning Board of the character of the neighborhood, the general pattern of development in the neighborhood and district, and the dimensional standards previously and generally employed in the district. Any special permit issued hereunder may be conditioned by the Planning Board in accordance with Section 2.7 of this Bylaw.