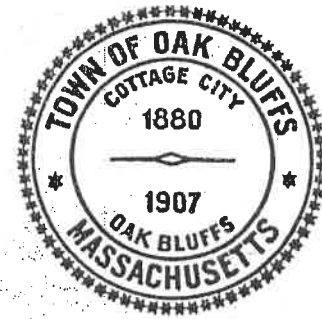


Town of
OAK BLUFFS

BY-LAWS



TOWN OF OAK BLUFFS

Proposed Zoning By-law

Section 1.

1—1 Purpose of Bylaw

The purpose of this bylaw is to promote the health, safety, welfare and convenience of the inhabitants by dividing the town into districts to regulate the use of buildings and premises with a view to encouraging the most appropriate use of land in the town.

1—2. Any lawful building or use of a building or premises or part thereof existing at the time this bylaw is adopted may be continued although such building or use does not conform to the regulations of the district in which it is located, provided such use has not been abandoned for a period of one year.

Section 2.

ESTABLISHMENTS OF DISTRICTS

2—1 Classes of Districts

The town of Oak Bluffs is hereby divided into three classes of districts:

Single residence districts

General residence districts

Business districts:

Said districts are defined and bounded on zoning map which, with its notations, is hereby made a part of this bylaw.

Section 3.

SINGLE RESIDENCE DISTRICTS

3—1 Requirements

In single residence districts, no building or structure shall be constructed or altered, and no building, structure or premises shall be used for any purpose except:

(a) One-family detached house.

(b) Farm, including the sale of natural products raised on the premises.

(c) Municipal use except schools.

(d) Private clubs, except those whose chief activity is a service customarily carried on as a business.

(e) Any of the following uses, if authorized by the Board of Appeals:

(1) Religious, educational and public utility buildings.

(2) Boat yards and boat services.

(3) Conversion of a one-family house existing at the time this by-law is adopted to accommodate two or more families.

(4) Hotels.

(5) Temporary structures and uses for development work and similar purposes.

3—2 Accessory Uses

Accessory use on the same lot with and customarily incidental to any of the listed permitted uses and not detrimental to a residential neighborhood may be permitted. This shall include any of the customary home occupations: Dressmaking, millinery, or the work of any member of a recognized lawful profession, conducted by resident occupants only. A builder, carpenter, mason, painter, plumber, tinsmith, upholsterer, or machinist who lives and maintains a home on the premises may use the premises or buildings thereon in connection with his trade on condition that no manufacturing or other business requiring substantially continuous employment be carried on therein.

3—3 Signs

In single residence districts, only the following types of signs may be erected or placed:

(a) Real estate sign advertising rental, lease or sale of the premises, and not exceeding three square feet in area.

(b) Sign or bulletin board incidental to permitted use, and not exceeding three square feet in area.

Section 4.

GENERAL RESIDENCE DISTRICTS

4—1 Requirements

In general residence districts, no building or structure shall be constructed or al-

tered, and no building, structure or premises shall be used for any purpose, except:

- (a) Any purpose authorized in single residence district.
- (b) Semi-detached or two-family dwellings.
- (c) Dwellings for three or more families. Section 5.

BUSINESS DISTRICTS

In business districts, no buildings or structure shall be constructed or altered and no building, structure or premises shall be used for any purpose except:

- (a) Any purpose authorized in single residence or general residence districts.
- (b) Retail stores or wholesale jobbers.
- (c) Restaurants and other places for serving food.
- (d) Theatres, halls, clubs, and other places of entertainment.
- (e) Public and semi-public buildings.
- (f) Gasoline and oil stations, garages for storage and repair stables.
- (g) Any additional use for which the Board of Appeals may grant permission in specific cases under Section 3.

Section 6.

NON-CONFORMING USES

6-1 Enlargement of Non-Conforming Buildings

No non-conforming use shall be changed, moved or extended and no non-conforming building or structure shall be structurally or substantially altered or enlarged or replaced by a new building unless, upon application to the Board of Appeals, it can be shown that, if not carried out, it would work a substantial hardship.

6-2 Limitation on Restoration

In the case that any non-conforming building is damaged by fire or other cause, restoration work must be undertaken within the year of the time damage is inflicted unless, upon application to the Board of Appeals, it can be shown that restoration

within the time limit is impossible, in which case extension of time may be granted. In the event that a non-conforming building is destroyed or damaged by fire or other cause, the same may be reconstructed or repaired on the same location for the same or less non-conforming use provided the new building may be equal in extent and character to the original structure.

Section 7.

YARDS

7-1 Requirements

In residential districts, no building shall be placed or erected within twenty-five feet of the street line, providing that no building need be set back more than twenty-five per cent of the depth of the lot nor more than the average of the setbacks of the buildings on the lots next thereto on either side, a vacant lot or a lot occupied by a building set back more than twenty-five feet.

7-2 Side Yards

In residential districts, there shall be provided at each side of every dwelling a side yard of not less than ten feet in clear width from any portion of the side of a structure and the side lot line.

7-3 General and Exceptions

Projecting eaves and uncovered steps shall not be taken as coming within the meaning of this section. No lot on which is located any building used for residence purposes shall be changed or reduced in area or shape so it does not conform to the provisions of this bylaw. This does not apply in the case of a lot a portion of which is taken for public use.

7-4 Business Districts

In the business district on Circuit Avenue no building shall be placed or erected within five feet of the street line.

7-5 Corner Clearance

On a corner lot, no fence, wall, structure, planting or shrubbery or foliage more than 3½ feet in height above the plan of the established grade of the streets shall be

erected in any part of a yard herein established, that is included within the street lines at points which are twenty feet distant from their point of intersection measured along said street lines, which would materially obstruct the view of a driver of a vehicle approaching a street intersection.

Section 8.

PROCEDURE

8—1 By Board of Selectmen

The Board of Selectmen shall issue permits for the erection or alteration of any building or part thereof, or for the erection of any sign, providing descriptive plans are submitted on paper, and the intended use of which is in all respects in conformity with the provisions of this bylaw.

8—2 Administration

This bylaw shall be administered by the Board of Selectmen, in accordance with the provisions of Chapter 40 of the General Laws.

8—3 Board of Appeals

The Board of Selectmen shall appoint a board of three members which shall act on all matters within its jurisdiction under this bylaw in the manner prescribed in Chapter 40 of the General Laws and shall serve without remuneration. This Board of Appeals shall be appointed according to methods described in said chapter of the General Laws.

8—4 Non-Conforming Uses

PERMISSION OF THE BOARD OF APPEALS. Any person desiring to construct and use, or to alter, enlarge, reconstruct, and use any building or structure for any purpose for which the permission of the Board of Appeals is required, shall make application in writing therefor to said board which shall within a reasonable time hold a public hearing thereon, fourteen days' public notice of which shall be given at the expense of the applicant, together with such other notice to adjoining owners and others, as the said board shall order, or by regulation prescribed, including posting a copy of the notice in a conspicuous location

upon the property to which said application relates.

At said hearing, or as soon as may be thereafter, the Board of Appeals shall expressly find and determine:

(a) If permission is sought to use a building or structure for a use incidental to or usual in connection with a purpose permitted by any section of this bylaw, whether such use is in fact incidental to or usual in connection therewith.

(b) Whether the use of a building or structure for the purpose for which permission is sought would result in a use injurious to public health and safety or injurious to the health, safety or welfare of the district within which it would be located.

(c) Any other facts material to their decision.

As soon as may be after the hearing, the Board of Appeals shall adopt an order, notice of which shall be given to the petitioner and any persons who have appeared at the hearing, which shall embody their findings, and grant or refuse the permission applied for, in accordance with such findings.

Section 9.

VALIDITY

9—1

The invalidity of any section or provision shall not invalidate any other section or provision hereof.

9—2 Other Laws

Nothing herein contained shall be construed so as to repeal or nullify any existing bylaw or regulation of the Town but shall be in addition thereto. When the matter herein contained is elsewhere regulated the more stringent provision shall prevail.

Section 10.

PENALTY CLAUSE

10—1

Whoever violates any of the Provisions of these zoning bylaws, whereby any act or thing is enjoined or prohibited, shall,

unless other provision is expressly made, forfeit and pay a fine not exceeding twenty dollars, for each offense.

Section 11.

MANNER OF REPEAL OR AMENDMENT

11—1

Any or all of these zoning bylaws may be repealed or amended or other bylaws may be adopted at any town meeting, an article for that purpose having been inserted in the warrant for such meeting by the Board of Selectmen.

Adopted February 10, 1948, at annual town meeting.

A true copy, Attest:

ANNA L. OLIVER

TOWN CLERK (Signed)

Boston, Mass., Feb. 25, 1948.

The foregoing zoning bylaw is hereby approved except as indicated in section 6.

CLARENCE A. BARNES

ATTORNEY GENERAL (Signed)