TABLE OF CONTENTS

PROPOSED NEW ZONING BYLAW – DRAFT 3 – 06.09.10

1000 NORTH EASTHAM VILLAGE (NEV) ZONING DISTRICT BYLAW

Section 1010 - General Provisions and Description

1011 Intent and Purpose
1012 North Eastham Village Zoning District
1013 Development Characteristics of the NEV Subdistricts
1014 Relationship to Other Bylaws
1015 Applicability of this Section to Pre-existing Conditions

Section 1020 - Allowable Uses

1021 Table of Allowable Uses
1022 Ground Floor Limitations of Specific Uses (GFL)
1023 Permitted Accessory Uses
1024 Nonconforming Uses
1025 Definition of Uses
1026 Uses Not Provided For
1027 Special Permit Granting Authority and General Criteria

Section 1030 - Dimensional Standards

1031 Table of Site and Building Dimensional Standards
1032 Dimensional Terms and Definitions
1033 General Building Placement and Configuration
1034 Floor Area Ratio
1035 Applicability of Setbacks
1036 Building Height and Bulk
1037 Dimensional Relief from the SPGA

Section 1040 - Performance & Functional Standards for Uses Requiring Special Permits

1041 General Performance Standards
1042 General Performance Standards for Residential Uses
1043 Performance Standards for Non-Residential Uses

Section 1050 Off-Street Parking and Loading Standards

1051 Purpose and Intent
1052 General Parking and Circulation Objectives and Requirements
1053 Table of Required Parking Spaces
1054 Parking Reduction Methods
1055 Parking Placement and Access
1056 Parking Facility Design Standards
1057 Loading Areas

Section 1060 - Streetscape Design and Landscaping

1061 Intent
1062 Public Frontages
1063 Private Frontage Landscaping Requirements
1064 Parking Lot Landscaping
1065 Storage Areas
1066 Outdoor Uses

DRAFT

1067 Lighting Standards
1068 Utilities and Services
1069 Fences

Section 1070 - Signs

Section 1080 - Building and General Appearance Design Standards

1081 Intent
1082 Review Process
1083 Design Review Principles
1084 General Design Standards
1085 Private Frontage Overlaps Permitted

MAPS, TABLES, AND FIGURES

Map NEV-1 – North Eastham Village Zoning Subdistricts

Table NEV-1: Allowable Uses in the North Eastham Village Zoning Subdistricts
Table NEV-2: Site and Building Dimensional Standards in the NEV Zoning Subdistricts
Table NEV-3: Parking Standards

Figure NEV-1: Ground Floor Limitations of Specific Uses
Figure NEV-2: General Building Placement and Lot Layout Standards
Figure NEV-3: Public and Private Thoroughfares and Frontages
Figure NEV-4: Building Setbacks from Primary Streets
Figure NEV-5: Building Height and Stepback Requirements from Primary Streets
Figure NEV-6: Off-Street Parking Placement and Access
Figure NEV-7: Example of Private Frontage Overlap of Public Sidewalk

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PROPOSED NEW ZONING BYLAW – DRAFT 3 – 06.09.10

1000 NORTH EASTHAM VILLAGE (NEV) ZONING DISTRICT BYLAW

Section 1010 - General Provisions and Description.

1011 Intent and Purpose

The intent of the North Eastham Village District (NEV) is to create a mixed use zone that implements the *North Eastham Village Center Plan, 2007* and fulfills the goals, objectives and action strategies of the *Town of Eastham Local Comprehensive Plan 2005.* Further, the purpose of this district is as follows:

a) To facilitate a higher quality mix of commercial, civic, educational, recreational, and residential uses with a traditional Cape Cod village development pattern and building designs;

b) To create an environment that is comfortable and interesting to local residents and visitors as a place to live, work, play, and socialize;

c) To create a coordinated inter-modal transportation network (vehicular and non-vehicular) and open spaces that is connected to surrounding neighborhoods, employment centers and areas of activity;

d) To protect and expand opportunities for entrepreneurial and small locally owned commercial and light industrial businesses that primarily serve the surrounding neighborhoods and towns; and

e) Encourage flexibility and variety in future development while ensuring high quality materials and appearance of new buildings.

Commentary: *The Critical Planning Committee and Town envision the North Eastham Village District strengthening its role as a significant employment and civic center in Eastham. It should be commonly recognized as a vibrant destination for local residents and visitors alike. Enhancing this vitality requires strong residential neighborhoods in and around the village, new higher density mixed use development, and a pedestrian friendly and safe core. Other aspects of the bylaw strike a balance between the need to allow redevelopment and avoid unnecessary regulations. The goal is to protect and expand certain existing building and use characteristics of the Route 6 corridor, the industrial park and surrounding neighborhoods that the community has identified as important.*

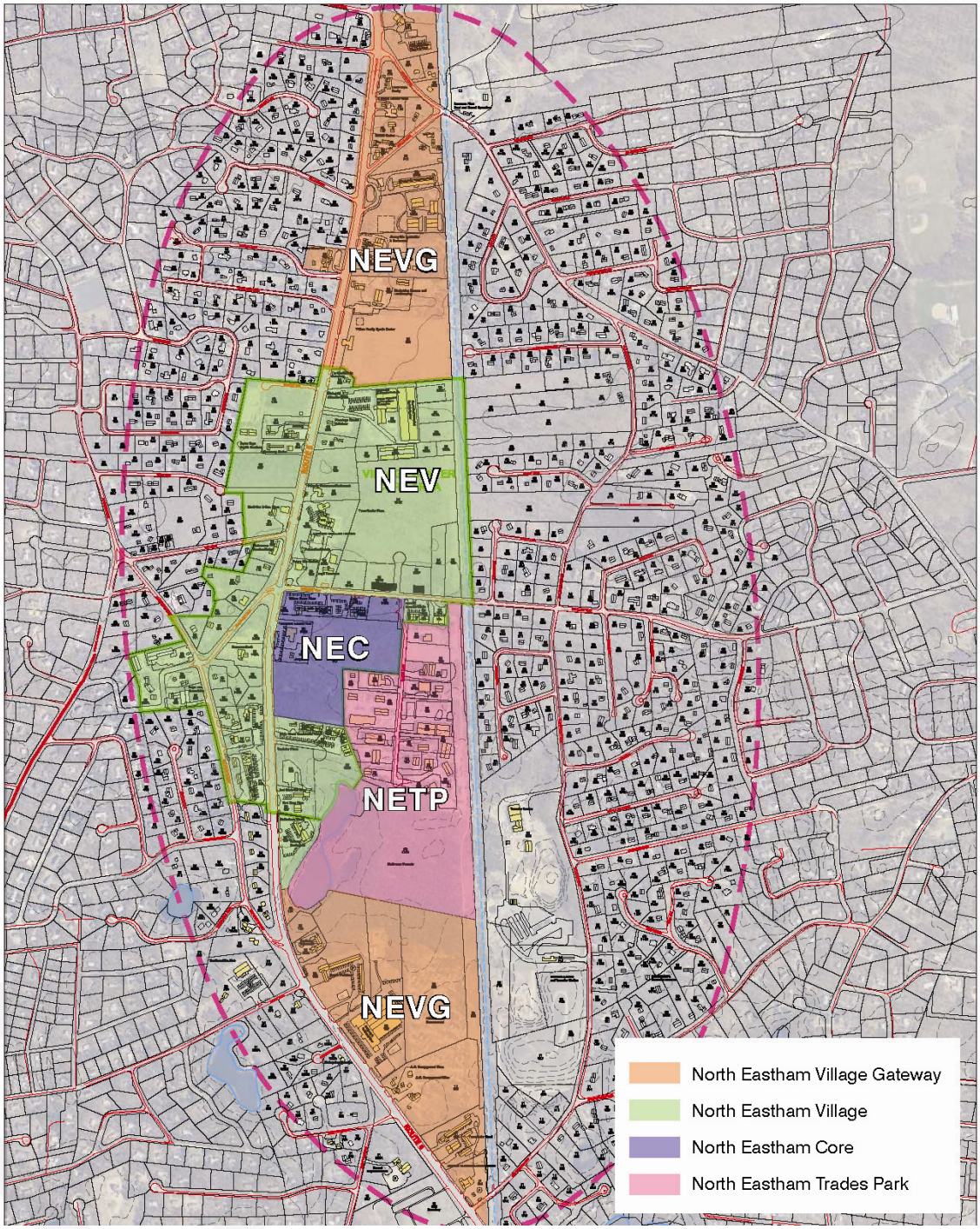
1012 North Eastham Village Zoning District

The North Eastham Village Zoning District contains four (4) subdistricts which are listed below. When this Bylaw refers to the North Eastham Village Zoning District it is referring to the NEV, NEC, NEVG, and NETP subdistricts (or transects) listed here and illustrated on Map NEV-1. The North Eastham Trades Park Subdistrict (NETP) is included in the North Eastham Village Zoning District but not regulated under this bylaw. For the purpose of regulation, the NETP District remains in the Industrial (C) zoning district.

North Eastham Village Zoning Subdistricts		
Subdistrict Full Name	**Short Name/Map Symbol**	**Previous Zoning District**
North Eastham Village	NEV	Portions of the Retail Sales/Services District (D)
North Eastham Village Core	NEC	Portions of the Retail Sales/Services District (D)
North Eastham Village Gateway	NEVG	Portions of the Retail Sales/Services District (D) along Route 6
North Eastham Trades Center	NETP	Portion of Industrial District (C)

Commentary: *For the purposes of this proposed bylaw, the North Eastham Village Zoning District will consist of the NEV, NEC, NEVG, and NETP Subdistricts and replace or supersede the current D and C zoning districts. More discussion with the CPC and Planning Board is needed to determine if the NEV should be an overlay district or a new zoning district.*

NEV Map 1 – North Eastham Village Zoning Subdistricts



1013 Development Characteristics of the NEV Subdistricts

a) NEV Subdistrict - The North Eastham Village (NEV) subdistrict is a traditional mixed-use area. Intended uses include commercial, civic, and moderate density residential. Residential dwellings are generally in the form of condominium or apartment units as part of multiple-use structures or attached single-family dwelling such as townhouses. Non-residential uses are varied and include retail stores, entertainment facilities, restaurants, offices and lodging uses as specified in Table NEV-1. Dimensional requirements are specified in Table NEV-2.

b) NEC Subdistrict - The North Eastham Village Core (NEC) subdistrict is a traditional mixed-use area. Intended uses include commercial, civic, and moderate density residential. Residential dwellings are generally in the form of condominium or apartment units as part of multiple-use structures or attached single-family dwellings such as townhouses. Non-residential uses are varied and include retail stores, entertainment facilities, restaurants, offices and lodging uses as specified in Table NEV-1. Ground floor commercial is mandatory on certain designated street frontages. Public open space is a significant element on the NEC. Dimensional requirements are specified in Table NEV-2.

c) NEVG Subdistrict – The North Eastham Village Gateway (NEVG) subdistrict includes those properties with frontages on the east side of Route 6 between Aspinet Road and Brittany Way to the north. To the south, the NEVC includes all properties on the east side of Route 6 between the Pond and NETP to the north, Old Orchard Road to the south, and the Cape Cod Bike Trail to the east. This subdistrict is identical to the North Eastham Village Center (NEVC) subdistrict above except that certain travel-related uses and different forms of residential uses are provided for in Table NEV-1.

d) NETP Subdistrict - The North Eastham Trades Park (NETP) subdistrict is identical to Industrial District (C) except that certain additional uses and performance standards are provided for in Table NEV-1 to enhance building and site design and expand opportunities for small business development and local entrepreneurs.

1014 Relationship to Other Bylaws

Due to the importance of the NEV District to the health and vitality of the community, this section of the Zoning Bylaws shall be used and interpreted primarily on its own. Certain other general sections of the Bylaw shall still apply to this District. However, where there are differences between this and other sections of the Bylaw, and where expressly identified or described herein, this section shall control.

1015 Applicability of this Section to Pre-existing Conditions

a) Building Expansion/Repair on Non-Conforming Lot - The expansion, repair, alteration or replacement of any legally conforming building or structure in existence as of (Date of Adoption) which is proposed to be expanded shall not require a variance or special permit solely on the basis that the lot is rendered dimensionally non-conforming by the minimum or maximum lot area, lot frontage and/or setback requirements established in this bylaw.

b) Building Expansion/Repair Exceeding Lot Coverage - The expansion, repair, alteration or replacement of any legally conforming building or structure in existence as of (Date of Adoption) proposed to be expanded in a manner that increases lot coverage in excess of the maximum lot coverage provisions established in Table NEV-2 shall require a special permit.

c) Transitional Exemptions - This bylaw shall not apply to any development application that has received site plan approval or a special permit prior to (Date of Adoption) provided that said site plan approval and/or special permit has been exercised within one year.

d) Site Plan Review - All development within the North Eastham Village (NEV) District shall be subject to the provisions of Section 1030, Site Plan Review, and to the Building and General Appearance Design Guidelines in Section 1070 below. Development applicants should refer to Table NEV-1 below for individual use performance standards to be used as additional site plan review standards.

Commentary: *Compliance is intended to occur, over time, as redevelopment and new development occur. The regulations are intended for new development, expansion of existing buildings, and exterior renovation and remodeling. Existing structures and uses are allowed to continue and normal repair and maintenance is encouraged. Section 1015 also recognizes that some sites may be difficult to develop in compliance with these regulations and provides for adjustments to these regulations.*

Section 1020 - Allowable Uses

1021 Table of Allowable Uses

The Table of Allowable Uses (Table NEV-1) establishes the uses that are permitted by right (P), by special permit (SP), or not permitted (N) in the North Eastham Village District (NEV). For all uses allowed by special permit in the NEV District, the Planning Board shall be the Special Permit Granting Authority (SPGA).

TABLE NEV-1: ALLOWABLE USES IN THE NORTH EASTHAM VILLAGE ZONING SUBDISTRICTS - DRAFT 4 - 06.10.10

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
RESIDENTIAL USES						
Accessory Apartment Unit	An accessory apartment unit mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single-family dwelling, but functions as a separate unit. An accessory apartment shall have not more than one bedroom. It shall be contained within an existing single-family dwelling, or if added to the exterior of a single-family dwelling, shall be designed to maintain the appearance of a single-family dwelling with a separate entrance located on the side or rear of the building.	P	P	P	P	See Section ( ); Accessory Dwelling Units are exempt from dimensional requirements in Table ( )
Artist's Loft or Live/Work Unit	A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing.	P	P (GFL)	P	N	The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property. Artist's Loft or Live/Work Unit may be used in combination with an Art Gallery (See definition and functional standards below)
Single-Family and Duplex	As defined in Section III of the Zoning Bylaw	N	N	N	N	Not Applicable
Townhouse (attached single family dwelling)	A type of single dwelling unit which is not above or below another dwelling unit and whose side walls are separated from other dwelling units by a fire wall or walls. Each unit in the row may be owned by a separate owner.	P	N	P	N	Allowed by SP if fronting on a Primary Street and if ground floor is not in commercial use* If abutting a Residential District, shall fall within one of the following areas: I) within 200 feet of Primary Streets, 2) within 200 feet of business, commercial, and civic uses, or 3) abutting an area already developed for multifamily use. Buildings shall be setback 0 to 15 feet from the frontage line. Buildings at street intersections shall be set back at least 6 feet but not more than 15 feet from the frontage line and side street lines. Setback requirements shall apply to the enclosed portion of the buildings only. The area between the building setback (including decks and unenclosed structures) and the street line shall be landscaped. Only one direct vehicular access from the street on which the development in fronting will be allowed to service all dwelling units; garage and carport entrances should be located behind the primary buildings but in no case shall be closer to the street property line than any portion of the front façade of the primary building. All driveways serving the townhouses shall be privately owned and maintained. Each townhouse or rowhouse project shall consist of buildings of connected units. There shall be at least three (3), and no more than nine (9), connected units in each building.

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
						Each townhouse lot shall include a private yard meeting the minimum district requirements for open space. A wall or solid fence, not less than five (5) feet in height, is required on side zoning lot lines where a private yard adjoins such zoning lot lines.
						Changes in plane and height, and the inclusion of elements such as balconies, porches, arcades, dormers, and cross gables shall be integrated into the design to enhance aesthetic qualities. Variations in wall and rooflines shall be used to reduce the massing of buildings. Roof features shall be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods.
Multi-Family/Retirement Housing Complex	A facility for long-term residency exclusively by persons 60 years of age or older, which provides independent living and/or assisted living arrangements, and which may include common dining and social and recreational features, and special safety and convenience features designed for the needs of the elderly. The facility may also include the provision of services such as meal services, transportation, housekeeping, personal care, or health care. Such a facility shall not be construed to mean a nursing home, group home, or residential treatment center.	P	P (GFL)	P	N	The facility may also include the provision of services such as meal services, transportation, housekeeping, personal care, or health care. Such a facility shall not be construed to mean a nursing home, group home, or residential treatment center.
						The minimum lot area shall be 12,000 s.f or 1,000 s.f multiplied by the number of sleeping rooms, whichever is greater.
						Either 20% or 25% of the total number of units proposed shall be available as affordable housing units (20% if the units are available to households earning 50% of the area median income (AMI) or 25% if the units are available to households earning 80% of the AMI).
						A Retirement Housing lot shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial, and civic uses; areas already developed for multifamily use.
Multi-Family/Apartment and Condominium Building	As defined in Section III of the Zoning Bylaw except that condominium and apartment buildings contain at least 4 attached dwelling units.	P	SP (GFL)	SP	N	Not permitted on Primary Streets.
						A perimeter green space of not less than ten (10) feet in width shall be provided, such space to be planted and maintained as green area and to be broken only by a driveway and/or entry walk.
						The site or lot upon which one or more apartment or condominium buildings are proposed shall be located: I) within 200 feet of Primary Streets, 2) within 200 feet of business, commercial, and civic uses, or 3) abutting an area already developed for multifamily use.
						Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no fewer than three (3) nor more than ten (10) dwelling units.
						Either 20% or 25% of the total number of units proposed shall be available as affordable housing units (20% if the units are available to households earning 50% of the area median income (AMI) or 25% if the units are available to households earning 80% of the AMI).
						Landscaped or Natural Open Space areas shall include a) those portions of the lot devoted to plantings, including lawns and grass areas b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.
						No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms).

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
Multi-Family/Workforce Housing Complex	Residential dwelling units, offered for sale or rent, affordable to families earning between 81% and 120% of the area median income, as defined by the U.S. Department of Housing and Urban Development, and provided within a multi-family structure. Such residential dwelling units shall remain affordable in perpetuity and shall provide a deed restriction, regulatory agreement and monitoring agreement and similar documentation as may be required by and approved by the Board of Selectmen.	P	SP (GFL)	P	N	Same functional standards and special permit criteria as Apartment and Condominium Building except that 100% of units will meet affordability requirements under Section ( ) and that dwelling units must be owner occupied or leased to income eligible individuals or families for no less than a continuous 12 month period.
Mixed Use Building	A building containing dwelling units in combination with stores or other permitted business or commercial uses as principal permitted uses on a single lot.	P	P (GFL)	P	N	New construction must include at least 33% residential uses of total square footage and a minimum of two (2)-story building. Either 20% or 25% of the total number of units proposed shall be available as affordable housing units (20% if the units are available to households earning 50% of the area median income (AMI) or 25% if the units are available to households earning 80% of the AMI). Dwelling units must be owner occupied or leased to income eligible individuals or families for no less than a continuous 12 month period. There shall be no dwelling units or portions thereof other than entries thereto as required, on the first floor. No more than ten percent (10%) of the gross floor area on the first floor shall be associated with or incidental to, whether for storage or other purposes, the residential uses on upper floors.
LODGING						
General Lodging or Boarding Use Functional Standards:						
The number of bedrooms available on each lot for lodging is limited by the required parking spaces for each guest room in Section 2850.						
The SPGA may allow a restaurant as a second principal use, along with lodging related consumer services as accessory uses, under a Special Permit for an inn.						
There shall be no individual cooking facilities. Meals may be provided to lodgers/boarders/roomers, but not to members of the general public not lodged at the establishment unless granted a Special Permit as stated above.						
Hotel (greater than 12 rooms)	As defined in Section III except for the number of units specified	N	N	SP	N	Minimum lot size of 1,500 square feet per unit. The SPGA may allow a restaurant as a second Principal use, along with hotel/motel-related retail and consumer services as accessory uses, under a Special Permit for a hotel.
Inn (up to 12 rooms)	As defined in Section III except for the number of units specified	SP	SP	SP	N	The owner or manager of the Inn shall reside on the premises.
Bed & Breakfast (up to 5 rooms)	As defined in Section III except for the number of units specified	SP	SP	SP	N	The Bed and Breakfast shall not use more than 2/3 of the gross habitable floor area of the primary building. The owner or manager of the lodging or boarding house shall reside on the premises.
OFFICE USES						
Office Building	A building devoted to the administration of a business or commercial enterprise which involves clerical, accounting and other administrative procedures but which excludes the receipt, processing and sale of merchandise; or a building or part thereof devoted to the professional office of a physician, lawyer, engineer, architect, real estate or insurance agent, or business activities of licensed professionals.	P	P (GFL)	P	SP	Subject to Ground Floor Limitations under Section 1022 in NEC District

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
Veterinary Clinic/Animal Hospital and Kennel	See definition for Animal Hospital under Section III	P	N	SP	P	Animal hospitals shall not be located closer than one hundred (100) feet to any residential property, restaurant or hotel. All animals must be housed overnight in completely enclosed buildings. The SPGA may stipulate that appropriate sound mitigation devices be installed and that fences, walls, and/or vegetation be installed to screen the site where animals will be maintained out of doors.
Professional Office	The office of a member of a recognized profession maintained for the conduct of that profession. A profession is defined as an occupation requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field, any occupation requiring licensing by the state and maintenance of professional standards applicable to the field. This category includes medical and dental offices and clinics, lawyers, financial services and real estate agents.	P	P (GFL)	P	N	Subject to Ground Floor Limitations under Section 1022 in NEC District
INSTITUTIONAL AND PUBLIC USES						
Child Care Facility	An establishment licensed by the Commonwealth of Massachusetts for the purpose of operating either 1) a day care center, which provides daily care for children under the age of seven (7) years, or sixteen (16) years if such children have special needs; or 2) a school age child care program, which provides supervised group care for children enrolled in kindergarten or older children who are not more than fourteen (14) years of age, or sixteen (16) years of age if such children have special needs.	P	P	P	N	Subject to Site Plan Review as permitted under M.G.L. Chapter 40.A, Section 9.
Educational Institution - General	Use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions of bodies politic or by a recognized religious sect or denomination, or by a nonprofit educational entity which may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.	SP	SP	SP	N	Not Applicable
Place of Worship	Use of land, buildings and structures for public worship carried on by a recognized religious sect or denomination which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to furthering the beliefs of such sect or denomination.	SP	SP	SP	SP	Not Applicable
Library	Charitable or nonprofit facility for the collection and distribution of books and related educational materials.	P	P	P	N	Not Applicable
Public Recreational Use	A park, playground or other open space or recreation facility intended for active and passive recreational uses by the public.	P	P	P	N	Not Applicable
Cemetery	Property used for interring the dead.	N	N	N	N	Not Applicable
Fraternal or Social Organization, Lodge or Club	A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.	SP	N	P	N	Operated for members or employees only, where the chief activity is one not customarily conducted as a gainful business.

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
Transformer Station or Other Energy Facility or Use.	Structures used by utilities in the generation, distribution or collection of their products, including but not limited to electrical generating and transforming substations; satellite dish or antenna receivers and senders; water pumping facilities; gas tanks; and similar mechanisms. Poles, cables, pipes, mains and exchange boxes occupying no more than fifteen (15) square feet are not included. See also Service Facility.	SP	SP	SP	P	Excluding any office, storage, or repair use unless otherwise allowed.
Government Administration Use or Building	Including such uses as police, fire, rescue, post office and other general government administrative offices	P	P	P	N	Only office and emergency services allowed; no outdoor storage or repair facilities
Convention or Conference Center	A facility which provides meeting halls for conferences, seminars, training and other similar functions for large numbers of people. A conference center shall be considered to be an accessory use to a hotel.	SP	SP	SP	N	Convention or Conference Centers may be used in combination with Hotels (See below)
Art Gallery	A public or private facility which is operated as a repository or a collection of works of individual art pieces not mass produced consisting of one or more of the following: paintings, drawings, etchings or sculptures; may include the sale of related objects and services.	P	P	P	N	Not Applicable
Museum	A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events.	P	P	P	N	Not Applicable
Performing Arts Facility	A dedicated space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations such as plays, dance, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries.	P	P	P	N	Not Applicable
RETAIL BUSINESS AND CONSUMER SERVICE USES						
Retail Establishments						
Retail Store - up to 5,000 gross s.f.	A business or activity having as its primary function the sale of merchandise or wares to the end consumer (for example, grocery stores, hardware stores, apparel stores, bookstores); or establishments engaged in the rental of goods at retail, or in providing a service(s) to individuals and households (for example, travel agents or real estate sales offices). This category excludes: animal sales or service; bulk retail sales or rental of building and garden materials or equipment (for example, lumber, electrical and heating fixtures, plant nurseries); and motor vehicle retail or wholesale sales and related equipment sales, leasing, rental, or repair.	P	P	P	SP	In the NEV District General Retail Stores shall exclude bulk retail sales, garden materials or equipment (for example, lumber, electrical and heating fixtures, plant nurseries); and motor vehicle retail or wholesale sales and related equipment sales, leasing, rental, or repair; In the NETP retail uses shall be associated with and accessory to a primary non-retail use on site.
Retail Store - 5,000 to 15,000 gross s.f.	Same as above	P	SP	SP	N	Same as above
Convenience Store	A small-scale retail establishment that primarily sells food, beverages, newspapers and magazines in a limited supply to customers. Convenience stores are characterized by high individual use, small number of items purchased and very short shopping time per customer. Examples: 7-Eleven, Cumberland Farms.	P	SP	SP	N	May be used in combination with Gas Station (See below) Illumination of the store shall be limited to hours of operation, except for purposes of security. For the sale of prepared and packaged food or beverage. Display & sales to be primarily conducted within the building.

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
Personal Care Services						
Personal services establishments	An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber shop, beauty shop, tailor, or other similar services, but shall not include a dry cleaner or laundromat where clothing is laundered on-site.	P	P	P	N	Not Applicable
Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry.	A business premises equipped with dry-cleaning facilities and/or individual clothes washing machines for the use of public customers.	P	SP	SP	N	Laundry and dry-cleaning shop where laundry is cleaned and processed off-site and not within the NEVC zoning district are permitted (P) by right in the NEVC District.
Food Services						
Restaurant or Similar Eating Place.	An establishment where food and drink are prepared, served and consumed primarily within the principal building or at outside seating on a deck or patio. Food may be prepared for consumption off the premises provided such take-out service is accessory to the restaurant use. This definition, with its provision for accessory take-out service, shall not be construed to allow any Restaurant, Drive In or Restaurant, Fast Food as defined in Section III.	P	P	P	N	For serving food or beverage to persons inside the building or on authorized outdoor terraces; No Fast Food, drive through facilities or services are permitted in the NEV District. ADD STANDARDS FOR SIZE (50-100 SEATS); OUTDOOR DINING
Restaurant, Drive-Through.	An establishment whose primary business is serving food to the public for consumption on or off the premises, and which provides all or part of these services by means of a drive-through window. A drive-through window is defined as an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.	N	N	N	N	Not Applicable
Restaurant, Formula-Based	A restaurant that is operated by, or under contract with, an entity or establishment which standardizes any of the following: selection of products or services, product names and prices, salaries, appearance (layout, décor, logo, color scheme, etc.), menus, uniforms, trademark, servicemark, or other standardized features that cause it to be substantially identical to three or more other establishments (regardless of ownership or location). The owner, manager, or operator of the establishment does not have the authority to make changes in one or more of the above areas.	N	N	N	N	Not Applicable
General Food Service Store	Grocery, bakery, deli, butcher shop, fish market, caterer or similar establishment for the production and sale of food and beverage.	P	P	P	N	Display & sales to be primarily conducted within the building. CROSS REF WITH CONV. STORE
Refreshment Stand	A place for the serving of food or beverages to persons outside the building.	SP	SP	SP	N	No Drive-through facilities or services are permitted in the NEV District; ADD SIZE STDS
Consumer Services						
Indoor Entertainment	Movie theater, bowling alley, dance hall, arcade or other indoor commercial amusement or assembly use.	SP	SP	SP	N	Permitted only if determined to be compatible with the intent of said district and the uses allowable therein.
Funeral Establishments	A building used for preparation of the deceased for burial, for display of the deceased and for ceremonies connected therewith before burial or cremation.	SP	N	SP	N	A parking plan shall be submitted to the SPGA prior to approval.
General Repair Services	Repair and servicing of appliances, bicycles, computers, electronic equipment, tools and other small machinery common to homes and businesses, not to include any appliances, tools or small machinery that are powered by hydrocarbon fuel.	P	SP	P	P	All work and storage to be conducted within a building.

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
Financial and Real Estate Services	Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.	P	P	P	N	Drive-Thru ATMs are not permitted in the NEVC District
Back Office Business or Professional Support Services	Business offices not providing services to the public in person on the premises. Includes all types of offices, other than professional offices as defined elsewhere in this ordinance, which are defined as a room, or group of rooms used for conducting the affairs of a businesses, service industry, or government entity.	P	N	P	N	Shall not be located on the ground floor of buildings fronting on Primary Streets. Shall be allowed only as a second principal use, where the first principal use is a frontage lot on Primary Streets. Where located in an existing dwelling, the residential character of the structure and site shall be maintained; and employs no more than 5 persons who work on-site.
Business Support Service	Establishments engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine or computer repair shops, convenience printing and copying establishments, or hotel equipment and supply firms.	P	N	P	SP	All work and storage to be conducted within a building.
Clinic, Dental or Medical	A building or portion of a building in which the primary use is the provision of health care services to patients or clients. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures or similar dental appliances. This definition excludes in-patient or overnight care, animal hospitals, veterinarians, or other similar services.	P	SP	P	N	The sale of merchandise is allowed only as an accessory use.
Arts & Crafts Shop	Shop of a potter, ceramist, sculptor, silversmith, jeweler, lapidary, weaver, clockmaker, musical instrument maker, wood carver, graphic artist, leather worker (not including tanning or processing), candle maker, or similar craftsperson.	P	P	P	P	All work and storage to be conducted within a building.
Adult Uses	As defined in Section III	N	N	N	SP	See Section V of Bylaw
INDUSTRIAL TRADES AND RESEARCH USES						
Trade School	Commercially operated school of construction, beauty, art, culture, business, music or similar educational purposes.	SP	N	SP	SP	Not Applicable
Trade Services	Shop of a auto mechanic, printer, blacksmith, builder, carpenter, caterer, electrician, lawnmower mechanic, mason, painter, plumber, roofer or other member of a recognized trade.	P	SP	P	P	All trade shop operations shall undertake all reasonable measures to prevent noise, vibration, dust, fumes or odors from creating a disturbance or nuisance beyond the limits of the establishment. No operations shall be allowed which are hazardous by reason of potential fire, explosion, radiation, or similar hazard.
Light Industry	Fabrication, assembly, processing, finishing work or packaging in such a manner that noise, dust, odor, vibration, or similar objectionable features are confined to the premises and are in no way objectionable to abutting property.	N	N	SP	P	The operation will not require unenclosed structures or outside storage. It will usually be housed in existing structures. It will emit no air or noise pollution. It will generally have no more than eight (8) total deliveries or shipments per day. It will be limited to no more than twenty-five (25) persons on the largest work shift.
Research and Development Facility	A business that engages in research, development and testing of innovative ideas and technology. Examples include research and development of computer software, information systems,	N	N	SP	P	The SPGA may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section ( ).

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
	communication systems, transportation, multi-media and video technology. Development and construction of prototypes may be associated with this use.					All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be hazardous by reasons of potential fire, explosion, or radiation. No research or testing to be conducted outdoors unless a Special Permit is granted for this purpose.
Publishing and Printing Establishment	Publishing, data processing, light manufacturing, light assembly including computer hardware and software, and scientific products with associated offices and distribution facilities. The publishing and printing of information as a retail service use.	SP	N	SP	P	It shall not include the bulk publishing or printing of paper documents on-site, but may include the sale of ancillary goods typically used in the publishing and printing of information. In the NEV District, the SPGA may grant a Special Permit for a use under this section, provided that they proposed use consists only of office or similar uses and meets the provisions of Sections 2800. All outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors, that are a nuisance beyond the lot line, and further, no operations shall be hazardous by reason of potential fire, explosion or radiation.
MOTOR VEHICLE RELATED USES						
Automotive Salvage Yard	A facility for the dismantling, storage and sale of parts for automobiles and light trucks.	N	N	N	SP	
Auto Service Station and Repair Service	A retail establishment engaged in the sale of automotive fuel, motor oil, and/or services, which provide for the routine maintenance of automobiles. Such services may include washing, polishing, greasing, emissions testing, tire repair, wheel alignment, brake repair, muffler replacement, engine tune-up, flushing of radiators, servicing of air conditioners, and other activities of minor repair and servicing.	P	N	SP	SP	Shall only allowed on properties with frontage on Belmont Circle or on Main Street within 500 feet of Belmont Circle. Shall be limited to minor repairs, unless conducted within the building. In the NEV where permitted, automobile service stations, with or without repair garages, shall comply with the following: Lot size shall be at least ten (10,000) square feet. Pumps, lubricating and other outdoor service devices shall be located at least thirty- (30) feet from the front, side and rear lot lines. All stored fuel and oil, including underground tanks, shall meet State fire codes. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building. A canopy must be attractively designed with low impact, traditional designs, All portions of canopies shall be located at least twenty (20) feet from the front, side and rear lot lines and all canopy lighting shall be recessed to reduce glare.
Auto Service Station and Convenience Store	A facility associated with the sale prepackaged food items and other retail goods, primarily for self-service by the consumer which also offers the retail sale of gasoline from pumps.	SP	N	SP	SP	Subject to the same functional use requirements as Convenience Store above Subject to the Same functional use requirements as Automobile Gasoline and Repair Station
Motor Vehicle Sales	The use of any building, land area or other premises for the display and sale of new or used automobiles, trucks, vans, trailers, farm machinery or recreational vehicles, and including any warranty repair work and other repair service conducted as an accessory use.	N	N	N	SP	Not Applicable
Boat Sales and Service	Buildings and structures used for the sale, rental, storage and/or repair of boats	N	N	N	SP	Shall not be permitted on frontage lots on Route 6 between (streets).
Motor Vehicle Parts Store	Sale of auto parts, excluding installation and repair services.	P	N	SP	P	Shall not be permitted on frontage lots on Route 6 between (streets).

LAND USE CLASSIFICATION	DEFINITION	NEV PERMITTED BY:				FUNCTIONAL STANDARDS AND SPECIAL PERMIT CRITERIA
		NEV	NEC	NEVG	NETP	
						Shall include inside sales only.
Transportation Terminal	Yard or structure for the storage and/or servicing of two (2) or more commercial vehicles and the storage of materials in transit.	N	N	N	SP	See Section ( )
Packaging and Delivery Services	The packaging and delivery of parcels as a retail service use. It shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.	SP	N	SP	P	Shall not be permitted on frontage lots on Main Street It shall not include the bulk storage of parcels on-site but may include the sale of ancillary goods typically used in the packaging and shipping of parcels.
Automated Banking Facility (ATM)	An automated device, which is operated by the customer that performs banking or financial transactions.	SP	SP	SP	SP	Drive-Thu ATMs are not permitted in the NEC District; Walk-up ATM machines are permitted in all NEVC Districts by special permit
Drive-through window	As defined in Section III of the Zoning Bylaw	N	N	SP	N	This use is prohibited in the NEV and NEC Districts, with the exception that banks allowed as a primary use may seek a special permit to construct and operate a drive-through window.
EXTENSIVE USES						
Farmstand or Farmers Market	Open market, salesroom or farm stand for the sale of nursery, garden or other agriculture produce (including articles of home manufacture from such produce).	P	P	P	P	During June, July, August and September, at least 25% of the products sold shall be produced by the tenants on which the facility is located or made from products so produced.
Private Recreational Use	Playground and tennis, fishing, boating, skating, swimming, fitness clubs and similar facility for organized athletic activities	SP	N	SP	N	Any structure shall be solely accessory to the operation of the outdoor recreation activities. Miniature golf and video arcades shall be permitted by Special Permit under Section 2827.
Auction Gallery	The exhibition sale by auction such as so-called "tag sales" and "flea markets".	SP	N	SP	N	Not Applicable
Commercial Greenhouse	Commercial greenhouse, salesroom, or stand for the sale of nursery, garden or farm products.	SP	N	SP	P	Not Applicable

** Primary Streets include Route 6, Brackett Road, and new public roadways in the NEC Subdistrict*

GFL = Ground Floor Limitations in accordance with Section 1022

SP = Special Permit

N = Not Allowed

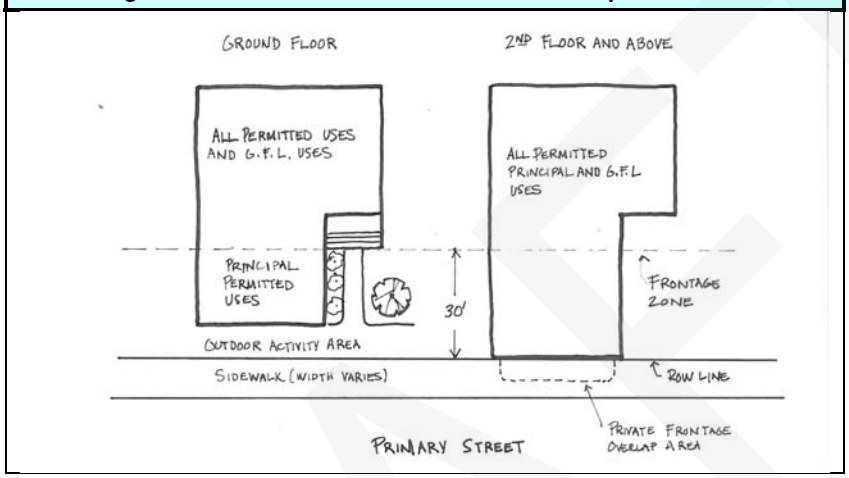
P = Permitted

Commentary: *It is very important to the long-term viability of the North Eastham Village District that a broad and flexible mix of uses is allowed in a traditional village development pattern. A combination of uses including retail, food and entertainment, professional services, residential, recreational, cultural, educational, and governmental must be permitted if NEV is to be "a place of necessity" for residents, a destination for visitors and an attractive opportunity for prospective investors. In a survey of over 20 towns in New England each permitted (in most cases encouraged) residential and office uses in their village centers and downtowns. Well placed professional offices and residential uses (optimally on upper floors and side streets) fill vacant/underutilized spaces, create investment, provide built in security, and reduce traffic (you can live, work, shop and eat all within walking distance). Only truly incompatible uses should be separated in a village center district. Much of the potential for incompatible uses can be addressed through performance standards and vertical separation, which would apply additional requirements to ensure that conflicts between certain uses don't occur. The proposed mix of uses allows for a broad range of uses and performance standards where certain uses could create conflicts under certain conditions.*

1022 Ground Floor Limitations of Specific Uses (GFL)

For lots and uses in the NEC Subdistrict with frontage on and orientation toward Primary Streets (see Section X) and denoted by a (GFL) on Table NEV-1 are allowed above the ground floor only, with the exception that uses denoted by a (GFL) may occur on the first floor in the rear portion of such a building only when, at a minimum, the first thirty (30) feet of ground floor building space fronting on a Primary Street is occupied by a permitted principal ground floor use as illustrated in Figure NEV-1 below. In this case, a Primary Street entrance to the use or uses at the rear of the building is allowed. The Planning Board may grant an exception to this requirement under the Special Permit procedures and criteria in Section 1027.

Figure NEV-1: Ground Floor Limitations of Specific Uses



Commentary: *The purpose of this requirement is to maintain the commercial character and opportunity along the Primary Street corridors whereas residential buildings tend to break up the critical mass necessary to keep the interest of pedestrians and other potential customers. A Commercial Frontage Map illustrating this concept should be developed based on the conceptual master plan for NEVC .*

1023 Permitted Accessory Uses

a) Entertainment and/or dancing, as an accessory use to a full service food establishment, subject to the following:
   1) Food is served to customers at tables by waitpersons.
   2) Bar seats do not exceed 20% of total restaurant seats.
   3) Any dance floor area shall not exceed 500 sq. ft., or 10% of the floor area of the restaurant, whichever is less.

b) Automated banking facilities (ATM) in compliance with the requirements of Table NEV-1 and Section 1027.

c) Outdoor Seating and Dining Area – Insert Requirements

1024 Nonconforming Uses

The change of an existing nonconforming use to another nonconforming use is prohibited in the North Eastham Village Zoning Subdistricts.

1025 Definition of Uses

The definition and interpretation of uses applicable to the North Eastham Village (NEV) Zoning Subdistricts are contained in Table NEV-1. Other definitions contained in Section III of the Eastham Zoning Bylaws shall also apply to this section, provided that, in the event of a conflict the definitions in Table NEV-1 shall apply.

1026 Uses Not Provided For

Provision is made for unanticipated future uses. In order for a use to obtain a permit under this provision, it shall meet the following standards and criteria:

a) The use must not be specified as permitted by right or by special permit in any district.

b) The Planning Board shall submit written findings as to whether:

   i. The use is of the same character as those permitted (including special permit uses) within the subdistrict. This excludes any use existing illegally or as a non-conforming use. The Planning Board shall include a listing of all uses within five hundred (500) feet of the proposed use site, as well as description of similar and dissimilar characteristics that include intensity of lot usage, hours, noise level, amount of traffic, number of employees, size of structure and other distinguishing factors.

   ii. The use shall not be detrimental to the other uses within the subdistrict or to the adjoining land uses. In making a decision under this criterion, the Planning Board shall consider whether the proposed use would attract similar ones and, if so, whether this would be detrimental to the planned development of the area as set forth under the subdistrict and Local Comprehensive Plan.

c) In making its findings, the Planning Board shall state the permitted use most similar to the proposed use. The proposed use shall then meet all standards in this Bylaw for the similar permitted use, including site plan review, parking and landscaping.

d) Upon positive findings under Section 1026 b) above, the proposed use shall be brought before the Zoning Board of Appeals for a special permit.

1027 Special Permit Granting Authority and General Criteria

Within the North Eastham Village Zoning Sudistricts, the Planning Board shall be the Special Permit Granting Authority (SPGA) except that the Zoning Board of Appeals will be the SPGA under Section 1026. The Planning Board shall follow the Functional Standards and Special Permit Criteria in Table NEV-1 when acting on a special permit application. In addition to the criteria set forth in Table NEV-1, the Planning Board shall find that the issuance of the special permit is consistent with the majority of the following criteria:

a) The development provides for or supports mixed use development where appropriate;
b) The development maintains or improves pedestrian access, streetscape and open spaces;
c) The development provides new local business development opportunities;
d) The development eliminates or minimizes curbcuts and driveways on Primary Streets;
e) The development provides for shared access and parking;
f) The development provides housing where appropriate and provides an appropriate mix of affordability levels and life cycle opportunities; and/or
g) The development is generally consistent with the ***North Eastham Village Design Guidelines***.

Section 1030 - Dimensional Standards

1031 Table of Site and Building Dimensional Standards

Table NEV-2 establishes the lot, bulk, height, and setback ranges and requirements for the North Eastham Village Zoning Subdistricts.

Commentary: *The scale and layout of North Eastham Village should be distinct from all other districts in Town, and future construction should ensure that traditional development patterns are carried out. A large percentage of existing buildings and lots in the NEV are not consistent with the recommended dimensional and density standards and current requirements in the C and D districts serve as an impediment to constructing new buildings that would be in keeping with the desired character of North Eastham Village. The proposed Dimensional Standards above are consistent with the desired development patterns in illustrated on the North Eastham Village Center Concept Master Plan.*

TABLE NEV-2: SITE AND BUILDING DIMENSIONAL STANDARDS IN THE NEV ZONING SUBDISTRICTS - DRAFT 3 - 06.01.10								
TRANSECTS	NEC		NEV		NEVG		NETP	
STANDARD	BY RIGHT	SP (1)	BY RIGHT	SP (1)	BY RIGHT	SP (1)	BY RIGHT	SP (1)
BASE RESIDENTIAL DENSITY (All development shall meet water and wastewater requirements under Title 5 of the State Sanitary Code)								
Residential Units	Based on FAR requirement below an in Section 1034	Based on FAR requirement below an in Section 1034	4 units / acre gross	8 units / acre gross	8 units / acre gross	12 units / acre gross	Not applicable	Not applicable
BUILDING HEIGHT								
Principal Building (2)	Maximum – 2 1/2 stories or 28 feet.	Maximum – 3 stories and 38 feet subject to criteria in Section 1027 and 1038	Maximum – 2 1/2 stories and 28 feet.	Maximum – 3 stories and 38 feet subject to criteria in Section 1027 and 1038	Maximum – 2 1/2 stories and 28 feet.	Maximum – 3 stories and 38 feet subject to criteria in Section 1027 and 1038	Maximum – 2 1/2 stories and 28 feet.	Maximum – 3 stories and 38 feet subject to criteria in Section 1027 and 1038
	Minimum - 2 stories or 24 feet.	Minimum - 1 story with 15 feet height required for front façade under criteria in Section 1027 and 1038	Minimum - 2 stories and 24 feet.	Minimum - 1 story with 15 feet height required for front façade under criteria in Section 1027 and 1038	Not applicable	Not applicable	Not applicable	Not applicable
Accessory Building/Outbuilding	2 stories or 22 feet	Not applicable	2 stories or 22 feet	Not applicable	2 stories or 22 feet	Not applicable	2 stories or 22 feet	Not applicable
LOT OCCUPATION (All development shall meet water and wastewater requirements under Title 5 of the State Sanitary Code)								
Lot Area	Not applicable	Not applicable	40,000 S.F.	20,000 S.F.	40,000 S.F.	20,000 S.F.	40,000 S.F.	20,000 S.F.
Lot Frontage (3)	Minimum – 40 feet	Minimum - 25 feet	Minimum – 40 feet	Not applicable	Minimum – 40 feet	Not applicable	Minimum – 40 feet	Not applicable
	Maximum – 75 feet	Maximum – 150 feet	Maximum – 150 feet	Maximum – 200 feet	Maximum – 200 feet	Maximum – 250 feet	Maximum – 150 feet	Maximum – 250 feet
Lot Coverage	Not applicable	Not applicable	80% maximum	Not applicable	80% maximum	Not applicable	80% maximum	Not applicable
Floor Area Ratio (FAR) (4)	1:1 (Building S.F/Lot S.F.)	1.5:1 (Building S.F/Lot S.F.)	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable
BUILDING SETBACK (from r-o-w)								
Primary Building/Front (5)	Minimum - 0 feet	Not applicable	Minimum - 50 feet	Not applicable	Minimum - 75 feet	Not applicable	Minimum - 50 feet	Not applicable
	Maximum – 20 feet subject to criteria under Section 1035	Maximum 50 feet subject to criteria under Section 1035	Maximum – 100 feet subject to criteria under Section 1035	Maximum 150 feet subject to criteria under Section 1035	Not applicable	Not applicable	Not applicable	Not applicable
Primary Building/Side	Minimum - 0 feet.	Not applicable	Minimum - 10 feet.	Not applicable	Minimum - 20 feet.	Not applicable	Minimum - 20 feet.	Not applicable
	Maximum – 50 feet	Minimum – 5 feet	Maximum – 75 feet	Minimum – 5 feet	Not applicable	Not applicable	Not applicable	Not applicable
Primary Building/Rear	10 feet	Not applicable	10 feet	Not applicable	10 feet	Not applicable	20 feet	Not applicable
Outbuilding/Front	30 feet	Minimum - 0 feet	60 feet	Not applicable	75 feet	Not applicable	50 feet	Not applicable
Outbuilding/Side and Rear	5 feet	Not applicable	5 feet	Not applicable	10 feet	Not applicable	20 feet	Not applicable

(1) Special Permits are issued by the Planning Board

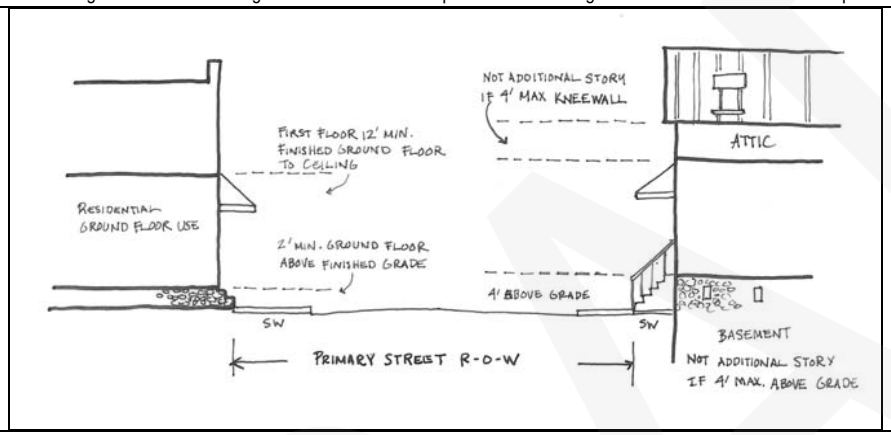
(2) Building Height Special Requirements

⟶ On Primary Streets, buildings that have residential uses on the ground floor and facing the primary street shall raise the first finished floor at least 2 feet above the sidewalk grade for a minimum depth of 30 feet. (see Figure NEV-( ))

⟶ On Primary Streets, ground floor stories at the sidewalk level shall be no less than 12 feet in height from the finished floor to finished ceiling.

⟶ Basements that emerge less than 4 feet from finished grade or attics not exceeding 4 feet at the knee wall shall not constitute an additional story.

⟶ A single tower on a building defined as a habitable portion of a building above the roof level with a foot print less than 240 square feet, shall not be subject to height limits.



(3) Existing lots in the NEC Subdistrict with primary frontage on Route 6 or Brackett Road may have frontage widths up to 150 feet by right.

(4) See Section 1034 for Floor Area Ratio (FAR) definition and additional standards

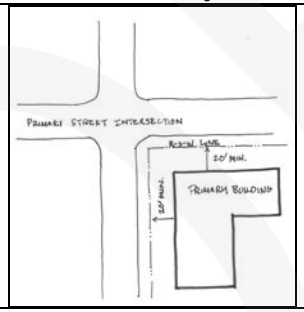
(5) Front Setback Exceptions

⟶ On Secondary Streets, buildings are exempt from the maximum setback limitations. The maximum front yard setback only applies to portions of a building meeting the minimum façade requirement under Section ( ).

⟶ On Primary Street intersections, the maximum setback from intersection corners shall be 20 feet from the lot corner to the building façade that faces the lot corner.

⟶ All structures fronting on Route 6 shall be set back at least 40 feet from the right of way line.

⟶ All structures fronting on Brackett Road shall be set back at least 20 feet from the right of way line.



1032 Dimensional Terms and Definitions

a) Building Height - Building height is defined in Section III of the Zoning Bylaw. The height standards in Table NEV-2 and in Section ( ) are intended to control the overall size and scale of new buildings in North Eastham Village (NEV) Zoning Subdistricts.

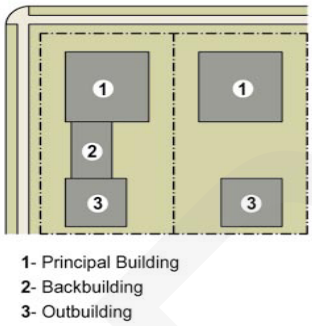
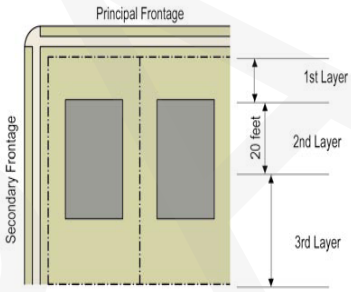
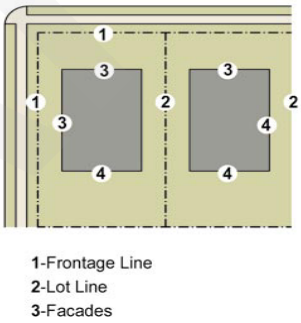
b) Building Coverage - The purpose of the building coverage standards is to promote development patterns consistent with the desired character of NEV Zoning Subdistricts. The maximum building coverage allowed is stated in Table NEV-2.

c) Building Story - The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

d) Building Setbacks - The purpose of the required building setbacks is to promote streetscapes that are consistent with the desired character of the NEV Subdistricts. The required minimum and maximum building setbacks are stated in Table NEV-2. Allowable encroachments and uses into required setbacks and recesses are identified in Section 1070.

e) Building Placement - This dimension approximates the location of primary buildings, outbuildings, and accessory uses relative to the boundaries of each individual lot. Figure NEV-2 illustrates building disposition and is used as a standard for appropriate building types in the North Eastham Village (NEV) Zoning Subdistricts.

Figure NEV-2: General Building Placement and Lot Layout Standards

Building Placement	Lot Layers	Frontage & Lot Lines
		

Illustrations based on the SmartCode created by Duany Plater Zybeck & Company

f) Density Calculation, Residential - In calculating the number of residential units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation for any development.

g) Density Equivalent, Nonresidential - For purposes of density calculations, each one thousand five hundred (1,500) square feet of nonresidential gross floor area not contained within a dwelling unit or within hallways, stairwells and elevator shafts serving said dwelling units shall be counted as one dwelling unit.

h) Driveway/Curb Cut - Any access point onto a roadway. This may include, but is not limited to, an entrance to a parcel, or an intersection with another roadway.

i) Driveway Interconnection - A private driveway connection between two lots that does not require traveling on the public roadway system.

j) Floor Area, Gross - Defined in Section III of the Eastham Zoning Bylaws.

k) Floor Area, Habitable - Defined in Section III of the Eastham Zoning Bylaws.

l) Floor Area Ratio - Floor Area Ratio (FAR) is defined in Section III of the Eastham Zoning Bylaws. The purpose of the Floor Area Ratio (FAR) standard is to regulate the amount of use (the intensity) allowed on a lot. FAR provides a means to match the potential amount of uses with the desired

character of the NEV Zoning Subdistricts. FAR also works with height, setback, and building coverage standards to control the overall bulk of development. The floor area ratios are stated in Table NEV-2. These FARs apply to all non-residential development.

m) Grade Plane - A reference plane representing the natural, undisturbed ground level adjoining the proposed building at all exterior walls. Where the ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six (6) feet from the building, or between the building and the lot line, whichever point is closer.

n) Ground Floor - The floor located at the street level, closest to the naturally occurring grade.

o) Highest Roof Plane - The roof plane having the highest ridge and having highest average height (exclusive of cupolas and parapets) or a flat roof that is higher than any pitched roof.

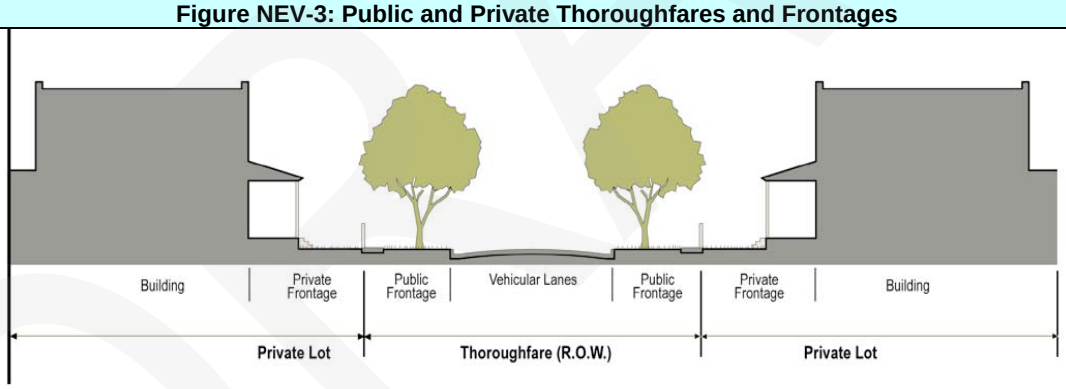
p) Lot Coverage, Maximum - A measure of the portion of a site that is impervious (i.e. does not absorb water) including but not limited to all areas covered by buildings, structures, parked surfaces and structures, driveways, roads, sidewalks and any area of concrete asphalt, except as otherwise defined herein. The remaining area of a site shall be maintained as natural vegetation or landscaped area.

q) Open Space - Defined in Section III. The intended types of public and private open space are diagrammed in the ***North Eastham Village Design Guidelines***. Specific open space designs should be prepared in accordance the site plan review process in Section ( ) and in accordance with Section ( ) of these bylaws.

r) Private Frontage - The area between the building and the lot lines. Specifying private frontage is important as it determines the manner in which the building facade is presented to the pedestrian. (See Figure NEV-3).

s) Public Frontage - The area between the private lot line and the edge of the vehicular lanes. (See Figure NEV-3). It usually includes walkways, planters and lighting (i.e. such as the public sidewalk).

Figure NEV-3: Public and Private Thoroughfares and Frontages



Based on the SmartCode created by Duany Plater Zybeck & Company

t) Street Line - The edge of the layout of a public or private street right-of-way.

u) Through Lots - A through lot shall be defined as a lot with a lot line of at least ten (10) feet on a Primary Street that also abuts on another public street or way (the "alternative street or way"), but shall not include a corner lot.

1033 General Building Placement and Configuration

General building disposition and configuration requirements are as follows:

a) One principal building at the frontage line, and one accessory building to the rear of it, may be built on each lot as shown in Figure NEV-2 above.
b) Buildings shall be placed in relation to the boundaries of their lots according to Table NEV-2 and Figure NEV-2.
c) Lot coverage shall not exceed that shown in Table NEV-2.

d) Facades shall be built parallel to the principal frontage line or parallel to the tangent of a curved principal frontage line. (See Figure NEV-2).

e) Setbacks for principal and accessory buildings shall be as required in Table NEV-2.

f) Rear setbacks for outbuildings shall be measured from the property line. If a rear alley or lane is present, the rear setback may be 20 feet to accommodate outside storage of vehicles.

g) Buildings shall have their principal pedestrian entrances on a frontage line. (See Figure NEV-2)

1034 Floor Area Ratio

Where a floor area ratio (FAR) is specified, the maximum allowable floor area ratio may be substituted for the maximum allowable residential or nonresidential density. The maximum allowable density for any residential or mixed use development containing residential units within the NEV Zoning District shall be as specified in Section 1031.

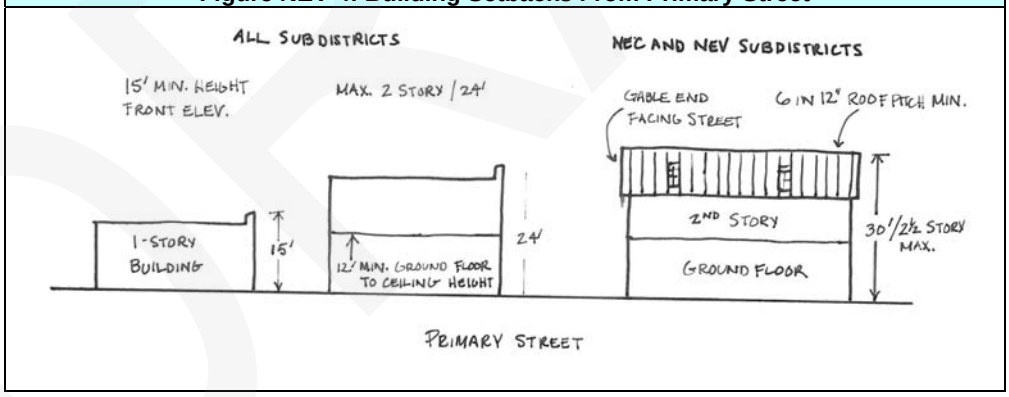
***Commentary**: The Floor Area Ratio (FAR) requirements in the NEC Subdistrict are proposed at 1.0 (Floor Area) to 1 (Lot Area). This encourages mixed residential/commercial uses and allows the construction of new buildings at the bulk and density consistent with a traditional village center. Under the proposed regulations, the Planning Board has the option to increase the FAR to a maximum of 1.5 to 1. FAR increases should be allowed when the Planning Board finds that this modification will improve the design, context and use of the building, and when sufficient arrangements have been made for traffic and parking.*

1035 Applicability of Setbacks

a) Building Setbacks From Primary Streets - The minimum building setback from a Primary Street right-of-way line are defined in Table NEV-2. The purpose of these requirements is for the building to visually reinforce the facade line of the fronting streets (See Figure NEV-4).

b) Allowable Uses of Setback Area - The use of setbacks for front and side yards as prescribed in Table NEV-2 will only be permitted when the area is used for pedestrian access, outdoor accessory uses, or to facilitate access to rear of the lot for parking and loading. No parking is allowed in the front setback. Site plans shall be provided demonstrating that the setback area accomplishes these objectives and creates an inviting environment for pedestrians (i.e. concrete/brick pavers, designated dining or retail areas, street trees and furniture, decorative lighting consistent with equipment used by the Town). Where rear yard setbacks are required, site plans will demonstrate that appropriate screening is provided (i.e. trees, shrubbery and fencing as needed).

Figure NEV-4: Building Setbacks From Primary Street



c) Existing Building Front Setback Performance Standards - Existing buildings within the NEV Zoning Subdistricts not currently located at the maximum building setback may be altered, expanded, replaced or redeveloped so long as the maximum building setback is equal to the setback of the building(s) in existence upon the adoption of this ordinance or fifty (50) feet, whichever is less, and provided that one or more of the SPGA criteria in Section 1038 below is accomplished.

***Commentary:** This regulation proposes minimum and maximum setbacks in the NEV Subdistricts to encourage new construction that is consistent with the desired village character and pedestrian scale. Average setback should be about ten (10) feet and minimum heights about 15 feet. This ensures that new development is built with pedestrians in mind (close or up to the sidewalk and adjacent buildings). No parking is allowed within the front-yard setback but is allowed on the side and to the rear of buildings, and landscaping and streetscape amenities are provided (benches, hard surfaces, street tress, etc).*

The Planning Board could waive these requirements if the proposed dimensions are at least that of the average of surrounding buildings and to allow for pedestrian improvements. The proposed regulations require appropriate landscaping or pedestrian areas in the setback between any new building and the street line (no parking allowed) in the NEV Subdistricts. The regulations also encourage fuller use of the rear of the area of buildings sites by allowing 5 to 10 foot rear-yard setback requirement in NEC Subdistrict when the rear yard abuts up to a street or alley with safe public access.

1036 Building Height and Bulk

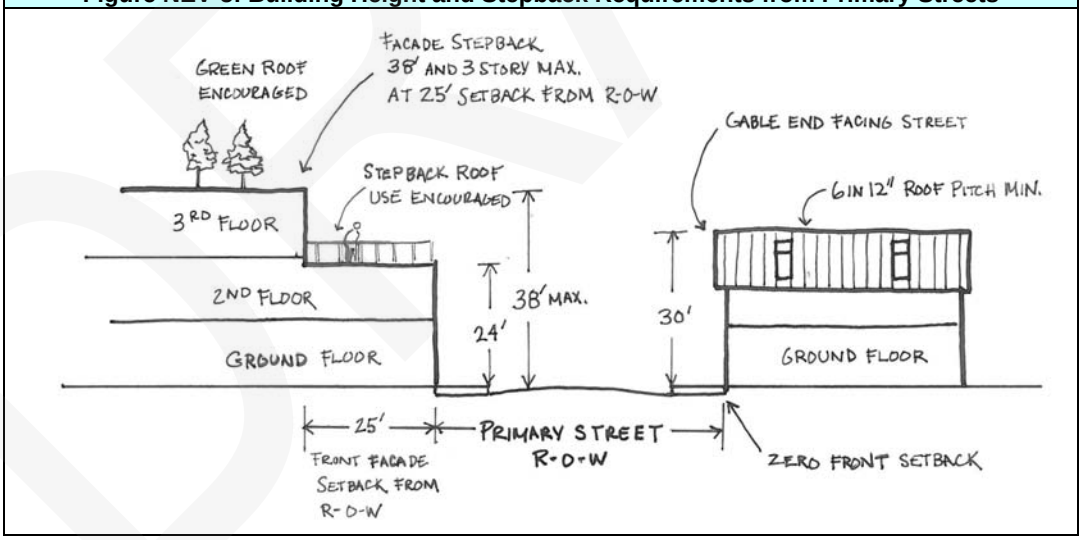
a) Minimum Building Height - New buildings may be constructed to a height of two (2) stories and 24 feet by right. New single story building and alteration of existing single story buildings (excluding change of use) on Primary Streets in the NEC Subdistrict shall only permitted by Special Permit. Where permitted, new and altered single story buildings shall provide façade improvements and front elevations that are at least fifteen (15) feet in height above street elevation and constructed in materials and style consistent with applicable NEV Design Standards in Section 1070.

Commentary: *Sufficient height must be allowed by right (and encouraged) to draw new investment and the necessary mix of uses (particularly professional and residential) to fulfill the village's potential. The zoning should encourage existing one story buildings in the NEV District to add a second floor and/or third floor where feasible.*

b) Maximum Building Height - The maximum height by right of buildings in the NEC and NEV Subdistricts is 2 ½ stories and 30 feet. By Special Permit, the Planning Board may approve taller buildings to a maximum of 3 stories and 38 feet as prescribed in the Table NEV-2 above if such additional height is consistent with the goals for the NEV District, provides economic and civic benefits to the Town and surrounding neighborhoods, and is consistent with the applicable building stepback requirements in Section 1036 c). below and the Design Standards in Section 1070.

c) Building Height Stepback on Primary Streets - The maximum building height within 25 feet of the r-o-w line of Primary Streets shall not exceed 2 ½ stories and 24 feet. The maximum height at the r-o-w line of the Primary Street may be increased by right to 30 feet when the roof pitch is 6 in 12 and the gable end of the building is facing the street. (See Figure NEV-5 below). Accessory uses contained in front of the building at ground level are encouraged on the rooftop area of the stepback portion of the building (i.e. rooftop gardens, dining areas, terraces, or similar uses.

Figure NEV-5: Building Height and Stepback Requirements from Primary Streets



Commentary: *The purpose of requiring a stepback for taller buildings to reduce shadowing on public streets and prevent a canyon effect when taller buildings are located directly across the street from one another. At the same time, street enclosure (or the "Street Wall") is essential to establishing a village center.*

d) Height of Rooftop Equipment - Accessory rooftop equipment may extend four (4) feet above the allowed building height provided that they are set back from the exterior wall(s) by at least 10 feet, and are enclosed or screened by a parapet, or with materials compatible with the building so as not to be visible from the ground. Accessory equipment shall not exceed 20% of the roof area. Where

head house structures are necessary, they shall not exceed eight (8) feet in height, be setback from the exterior wall(s) by at least 10 feet, and shall not exceed 20% of the roof area.

e) Façade Length and Articulation - Buildings or portions of a building with elevations of over 50 feet in width shall be divided into smaller parts through pronounced variation in wall plane articulation and materials and variations in the cornice/roofline to accomplish the desired divisions of elevations into smaller parts.

f) Roof Pitch - Flat roofs shall not be permitted for one story buildings unless the front elevation is at least 15 feet in height. Flat roofs combined with roof top amenities (green roofs and gardens, stormwater capture systems, outdoor accessory uses, etc.) are encouraged for buildings greater than two stories. Where pitched roofs are used, a 6 in 12 inch pitch or greater is encouraged.

g) Building Separation - Limited separation between adjoining buildings should be designed to allow for limited vehicle and pedestrian access to the rear. (See Figure NEV-2).

1037 Dimensional Relief from the SPGA

Within the North Eastham Village (NEV) Zoning Subdistricts, the Planning Board acting as the SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, floor area ratio limits, façade length requirements, ground floor window requirements, and through dimensional requirements, when such relief is necessary to ensure that a proposed development is consistent with the general special permit criteria set forth in Section 1027 above. The SPGA may vary the maximum building setback for the building façade, or any portion thereof, and may allow buildings to be set back from the front and/or street side property line where it would result in meeting the following criteria:

a) General Design Objectives - Better alignment of buildings, improved design of the building facade, or where necessary to accommodate store entrances, sidewalk cafes, and public spaces required pursuant to the provisions of this section or as allowed by permit, and so long as such increase in building setback will not create significant interruption of the alignment of any sidewalk constructed on public or private property or will not otherwise interfere with pedestrian access.

b) Outdoor Activity Zones - The area between the building setback and the street line shall provide permanent public open space, sidewalk cafes, or amenities that are attractive and inviting for pedestrians.

c) ADA Compliance - Increased front setback is necessary to meet the Americans With Disability Act (ADA) requirements. Where possible, required ramping should be located primarily on the side of the building as opposed to directly in front of the building. Where ramping is required in front of the building, it should be designed to also provide an attractive and inviting space to pedestrians such as outdoor dining and sitting areas.

Section 1040 - Performance & Functional Standards for Uses Requiring Special Permits

1041 General Performance Standards

a) Local Comprehensive Plan - In any permit proceeding (Site Plan Review, Subdivision Review, Special Permit), it must be demonstrated that relevant goals in the Eastham Local Comprehensive Plan are satisfied.

b) Access and Circulation - In any permit proceeding (Site Plan Review, Subdivision Review, and Building Permits), consideration shall be given to possibilities for improvements to pedestrian and vehicular circulation. At a minimum, the applicant/landowner shall propose alternatives for closing, sharing, or consolidating curb cuts, creating easements and links with adjoining uses or properties, moving parking areas to rear yards, merging parking areas to more effectively and efficiently use land, and upgrading sidewalks, paths, and crosswalks.

c) Use of Existing Buildings **-** Full use of buildings existing on the date of adoption of this section is permitted. Full use of first floors may be permitted on an unrestricted basis for all uses permitted in the district. Full use of upper floors may be permitted on an unrestricted basis for all permitted uses only if all bylaw requirements are fully satisfied on the ground floor.

d) Non-Complying Sites and Structures **-** Consistent with this section of the Zoning Bylaws, the Planning Board may consider permitting the substantial alteration to, or demolition and reconstruction of, non-complying sites and structures. This may be accomplished through a 'grandfathering' of building footprint or floor area, or other appropriate means.

1042 General Performance Standards for Residential Uses

a) Residential developments containing 10 or more units shall secure a minimum of 30% of the total number of units for low and moderate income residents in accordance with the Commonwealth of Massachusetts standards for affordable housing.

b) The number of dwellings on each lot is limited by the required number of parking spaces for each dwelling under Section 1050 and the base density in Table NEV-2.

c) New residential uses are allowed by right above the ground floor in existing or new buildings with frontage and orientation on Primary Streets. All other allowable residential uses require a special permit from the Planning Board if dwelling units are located at ground level and fronting on Primary Streets.

1043 Performance Standards for Non-Residential Uses

See Table NEV-1

Section 1050 Off-Street Parking and Loading Standards

1051 Purpose and Intent

The purpose of these regulations is to provide accessible, attractive, and secure off-street parking facilities in the NEV Zoning District. These regulations are also intended to reduce traffic congestion and hazards and to assure the maneuverability of emergency vehicles by requiring appropriately designed off-street parking and loading areas in proportion to the needs generated by varying types of land use. The parking and loading requirements are also intended to protect neighborhoods from the effects of vehicular noise and traffic generated by adjacent nonresidential uses. These regulations shall supersede the requirements under Section ( ) of the Eastham Zoning Bylaws unless otherwise indicated below.

1052 General Parking and Circulation Objectives and Requirements

In general, applicants and the Town should seek to preserve and expand the supply of public and private parking spaces. However, in certain cases it may be preferable to shift, consolidate or delete parking spaces to achieve other goals related to streetscape design, district vitality or public safety. Parking and circulation shall be designed to provide for the maximum pedestrian safety, ease in traffic flow, and access/egress on the property, while minimizing the need for impervious surfaces and maintaining the visual character of the property and adjacent areas. General parking and circulation criteria are as follows:

a) Parking shall be accessed by the side or an alley to the rear, when such are available.
b) Parking shall be located within the Second and Third Lot Layers as illustrated in Figure NEV-2.
c) Parking lots shall be masked from the frontage by buildings or appropriate landscaping as specified in Section 1060.
d) A minimum of one bicycle rack place shall be provided within the public or private frontage for every 20 vehicular parking spaces.
e) The vehicular entrance of a parking lot on a frontage shall be no wider than 24 feet.
f) Required off-street parking areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind, nor shall areas devoted to such activities count toward meeting off-street parking requirements.
g) Required off-street parking areas for five (5) or more automobiles shall have individual spaces that are designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street or sidewalk and so that any automobile may be parked and unparked without moving another automobile.
h) Except as provided in Section ( ), all off street parking areas shall be surfaced with asphalt, bituminous or concrete material or paving units, and maintained in a smooth, well-graded condition.

i) If artificially lighted, such lighting shall be so designed and arranged that light is directed away from any adjoining property used or zoned for residential purposes and so designed and arranged as to shield public roadways and all other adjacent properties from direct glare or hazardous interference of any kind.

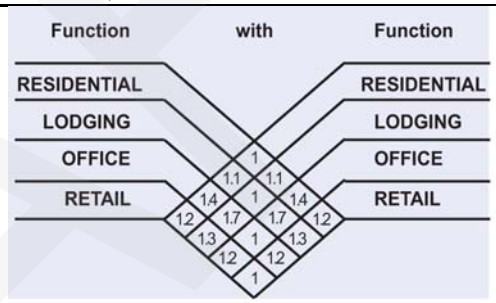
j) Have curbs, motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into public rights-of-way or adjacent property. Except, no such devices shall be required for off-street parking facilities if surfaced with grass or grass pavers.

Commentary: *The overall objective for parking is to provide adequate spaces but avoiding excessive parking lots that create dead, low-interest areas for pedestrians, and discourage people from walking to and within the village area. Parking in the proposed NEV District is prohibited between any new building and the street to preserve and improve the pedestrian environment.*

1053 Table of Required Parking Spaces

Where on-site or controlled parking is necessary and required, the applicant shall provide at a minimum the amount required in the table below. This reduced parking requirement compared to Section ( ) of the Zoning Bylaw recognizes the existing seasonal and desired mixed use characteristics of the NEV District.

TABLE NEV-3: PARKING STANDARDS

TYPE OF USE	REQUIRED PARKING FOR INDIVIDUAL USE	REQUIRED PARKING FOR COMBINED USE
RESIDENTIAL USES		
Accessory dwelling or Live/Work Unit	Minimum of 1 space per dwelling unit	
Multi-family dwelling (buildings with 3 or more dwellings)	1.5 spaces per dwelling unit plus 1 guest space for every 10 units	
Senior citizen apartment or condominium building	1 space per unit plus 1 guest space per every 10 units	
LODGING		
Inn (12 or less guest rooms)	1 space per guest room and 1 space for the operator	
Hotel	1 space per guest room or suite and 1 space per managers unit; Banquet and meeting rooms shall provide 6 spaces per 1,000 square feet of seating area; restaurants are figured separately.	
OFFICE		**SHARED PARKING REDUCTION FACTOR**
General offices	2 spaces per 1,000 square feet of net office space	The effective amount of parking needed for each site where shared parking is proposed is determined by dividing the sum of the two amounts in Table NEV-3 Required Parking by the Reduction Factor above.
Medical or dental offices	4 spaces per 1,000 square feet of net office space	
Service businesses (financial and personal)	3 spaces per 1,000 square feet of net office space	
RETAIL AND SERVICE		
Retail/commercial use	2.5 spaces per 1,000 square feet of gross floor area	
Restaurant, café, bar, and other eating and drinking establishments	10 spaces per 1,000 square feet of gross floor area	

Commentary: *The Town should determine realistic parking needs, potential demand for future facilities, and methods of working in partnership with private property owners to provide adequate parking facilities. Existing and future NEV residents, workers, students, visitors, and the surrounding neighborhoods should be should encouraged to walk or bike to help reduce the demand on parking.*

a) Non-Defined Parking – Where uses and parking requirements are not defined in Table NEV-3, the applicant shall provide an amount equal to fifty (75%) of the required spaces under Section ( ) of the Zoning Bylaw. No additional parking shall be required for change of uses or the addition of accessory uses within existing buildings or on site.

b) Fractional Spaces – When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one half (1/2) shall be disregarded and any fraction of one half (1/2) or greater shall be counted as one (1) required space.

c) Change of Use - A permitted use can be changed to another permitted use, and any permitted principal or accessory use can be intensified, without increasing the required off-street parking requirements of Table NEV-3, provided that as of (Date of Adoption), there is:

i. No increase in gross square footage of the building;
ii. No reduction in existing parking spaces required pursuant to Section 1053;
iii. There is no added outdoor use requiring the provision of parking according to Section ( ), except that no parking spaces shall be required for outdoor dining on both public and private property; and
iv. Parking space requirements for residential dwelling units shall be one parking space per bedroom for one and two bedroom units or a total of two parking spaces for units with three or more bedrooms.

d) New/Expanded Uses - Parking spaces shall be provided for new and/or expanded building area, and for new and/or expanded outdoor uses, as follows:

i. Seventy-five percent 75% of the spaces required under Section ( ) for all uses other than office uses and residential dwelling units.
ii. Parking space requirements for residential dwelling units shall be one parking space per bedroom for one and two bedroom units or a total of two parking spaces for units with three or more bedrooms.

e) Required Bicycle Facilities - One bicycle parking space shall be provided for every fifteen off-street vehicular parking spaces.

Commentary: *Parking requirements in the proposed NEV District should be the least restrictive in the Town. They are designed to encourage use of private and public parking lots by different users at different times during a day. Changes in use of exiting building space do not need to provide new parking regardless of whether they are changing to a more or less intensive use. Parking is required for new construction and expansions, except when a second floor is added to a one-story building (to encourage one-story buildings to build up.)*

1054 Parking Reduction Methods

a) Shared Parking Reduction Factor - Where possible, shared parking is strongly encouraged and the required number of spaces in Table NEV-3 may be reduced if mixed uses are compatible and can demonstrate that such a reduction would still provide adequate parking. The Planning Board may grant a special permit for the reduction in required spaces according to Table NEV-3 upon a reliable showing of lesser parking need for a particular mix of use.

b) Off-Site Parking Credit - Parking requirements may be reduced by up to fifty percent (50%) with a Special Permit by the Planning Board if an off-street public parking lot of 20 spaces or more exists within 300 feet of the principal land use, and the public parking lot has ample spaces available to serve the immediate area as determined by a survey of peak hour occupancy and usage. If this rule cannot be met, the applicant can secure private off-site parking within 500 feet of the site by ownership or lease with another landowner with the following conditions:

i. The off-site parking will be shared by more than one landowner; and
ii. The greater distance is justified because of pedestrian traffic patterns and the vitality of the area that would be part of the walk.

c) On-Street Parking Credit - All non-residential properties located adjacent to a public right-of-way where on-street parking is permitted may receive credit for one off-street parking stall for each 20 linear feet of abutting right-of-way for parallel parking. This provision shall be applied for on-street parking on the same side of the street as the proposed land use, or on the opposite side of the street if the property on that side of the street does not have the potential for future development. In considering credit for on street parking, all fractional spaces are rounded down.

Commentary: *While on and off-street public parking is not currently in place in the NEV District, this may be part of a civic project such as a public park, senior center, or new public streets in the future. If it is determined that these parking facilities have off-peak hours that could provide parking for other uses in the*

district, they should be used for that purpose to reduce the overall coverage of parking lots in the NEV District.

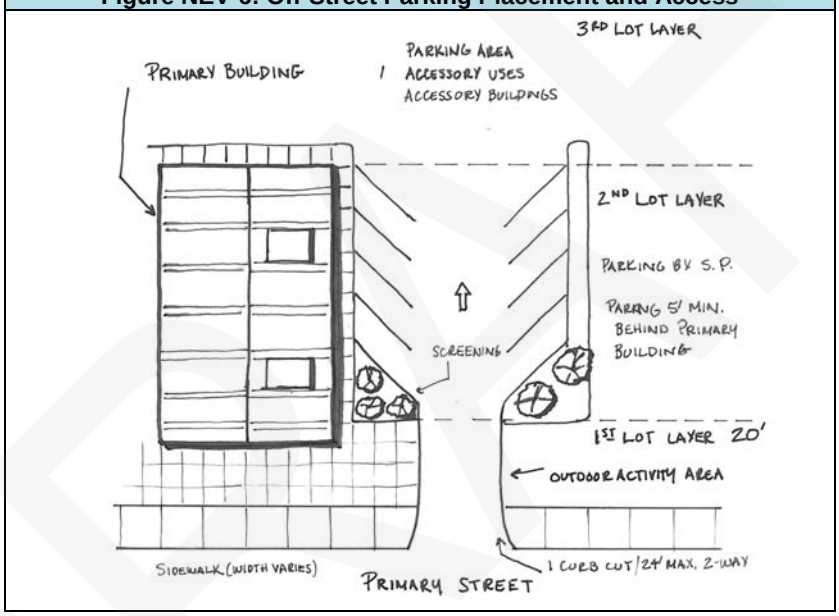
d) Traffic Circulation Improvement and Reduction Incentives - For redevelopment, the SPGA may provide relief from required parking where the applicant:

i. Permanently eliminates and/or significantly reduces the width of existing curbcuts in a manner that improves the through flow of traffic on a Primary Street; or
ii. Provides a perpetual agreement for one or more driveway consolidations or interconnections that will alleviate traffic on a Primary Street

1055 Parking Placement and Access

a) Off-Street Parking Location - Surface parking shall be located in the second or third lot layer behind the primary building. By special permit, surface parking may be allowed in the first lot layer if located a minimum of five (5) feet behind the front façade of the primary building and screened with sufficient landscaping. It shall be limited to a single double row of vehicles and associated turning space. Within the NEC Subdistrict, to the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.

Figure NEV-6: Off-Street Parking Placement and Access



b) Curbcuts and Driveways - New curb cuts on existing public ways in the NEV District shall be minimized. No more than one curb cut on Primary Streets shall be allowed for any lot. For traffic safety and to maintain traffic flow, no new driveways shall be permitted on Primary Streets within 100 feet of any intersecting public street.

i. New curbcuts shall be no wider than 16 feet for one-way traffic flow and 24 feet for two-way traffic flow.
ii. New curbcuts on Primary Streets should only be allowed where the curbcut leads to parking for at least twenty (20) vehicles.
iii. Driveways should not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide.
iv. Where the driveway crosses any pedestrian path, the intersection shall be clearly marked and lighted for the safety of the pedestrian.
v. To the extent feasible, access to business for purposes of delivery or parking shall be provided through one of the following methods:

- Through a common driveway serving adjacent lots or premises;
- Through existing side or rear streets and access points thus avoiding the Primary Streets; or
- Through designated public loading spaces on-street or in existing municipal lots;

1056 Parking Facility Design Standards

a) Parking Space and Lot Design Standards – The parking design standards described in Section ( ) of the Eastham Zoning Bylaw shall apply in the NEV District unless specifically addressed in this bylaw.

b) Pervious Parking Materials **–** Turf grid systems, pervious pavers, gravel and clamshell parking materials are allowed for supplemental parking areas where excess parking is necessary on a temporary basis in addition to required parking in the NEV District. Some specific applications may include places of worship, parks and recreation facilities, or public and private schools. Off-street parking facilities surfaced with previous materials may be allowed by special permit as an alternative to impervious materials on required parking areas under the following conditions:

i. Driveway aprons from a Primary Street shall be an acceptable impervious material for the first 20 feet;
ii. Be so maintained such that the pervious material does not constitute a nuisance by virtue of its appearance or condition and is graded in a level condition; and
iii. Comply with the drainage requirements for stormwater runoff set forth in Section ( ) of the Zoning Bylaws.

1057 Loading Areas

a) Required Loading Spaces – The number of loading spaces shall be determined by the type and size of use as follows:

Residential	1 space per 20 – 99 units
	2 spaces per 100 or more units
Non-Residential	1 space per 10,000 – 50,000 sq. ft.
	2 spaces per 50,001 – 100,000 sq. ft.
	3 spaces per 100,001 – 150,000 sq. ft.
	4 spaces per 150,001 sq. ft. or more
Mixed Use	Per requirements above

b) Dimensions - The minimum dimensions of any required off-street loading space shall be a clear horizontal area of twelve (12) feet by thirty (30) feet, exclusive of platforms and piers, and a clear vertical space fourteen (14) feet high. For vehicle sales facilities, the loading space shall be large enough to accommodate at least one full size vehicle transport truck.

c) Accessibility - Each off-street loading space shall be directly accessible from a Primary Street or alley without crossing or entering any other required off-street loading space. Such loading space shall be accessible from the interior of the building it serves and shall be arranged for convenient and safe ingress and egress by motor truck or motor truck and trailer combinations, and so no truck or trailer shall be required to back from such facilities directly onto public streets. Loading docks shall not be visible from a Primary Street. Required off-street loading areas shall not be used for sales, dead storage, repair, dismantling or servicing of any type or kind.

d) Shared Loading Areas - Collective, joint or combined provisions for off-street loading facilities for two (2) or more buildings or uses may be made, upon the approval of the Planning Board, provided that such off-street loading facilities are sufficient in size and capacity to meet the combined requirements of the several buildings or uses and are designed, located and arranged to be usable thereby.

Section 1060 - Streetscape Design and Landscaping

1061 Intent

In any permit proceeding, consideration shall be given to possibilities for enhancement of and improvements to streetscape design and pedestrian amenities. At a minimum, the applicant shall propose a streetscape design that may include, but is not limited to: planting of street trees; terraces and landscaped areas; park benches, sidewalks or other pedestrian paths; doorways, porches, and entries that provide transition for and bridge the gap between public and private space; and oriental parking and building lighting that is appropriate in style and design to desired architecture character of the NEV District. Streetscape and landscaping treatments should be generally consistent with the ***North Eastham Village Design Guidelines***.

1062 Public Frontages

a) Street Trees - The Public Frontage shall include trees planted in a regular spacing pattern of varied species with shade canopies of a height that, at maturity, clears three stories, but remains predominantly clear of building frontages. The introduced landscape shall consist primarily of durable species tolerant of salt and soil compaction

b) Lighting - Within the public frontages, the spacing and illumination level may be adjusted by the Planning Board to accommodate specific site conditions, such as building entrances, parking areas, sidewalks and trails.

c) Street Furnishings – Reserved

1063 Private Frontage Landscaping Requirements

a) Existing significant trees and shrubs shall be maintained to the maximum extent possible.

b) No plantings shall obscure site entrance and exit drives and road intersections.

c) Non-Residential Lots - Front yard landscape is not required if front setback is zero. When the front setback is greater than zero, those portions of the front yard not occupied by pedestrian amenities and public spaces shall be landscaped. Street trees are required consistent with Section ( ) below if front setback is greater than ten (10) feet.

d) Residential Lots - Private Frontage landscaping shall be required for all residential properties for the first ten (10) feet. In addition to natural vegetation that is retained, Private Frontage on residential lots shall be landscaped with a combination of indigenous grasses, trees and shrubs commonly found in Southeast Massachusetts.

e) Street trees – One deciduous tree with 3" minimum caliper is required to be planted within front setback for every 30 feet of frontage of property if front setback is greater than 10 feet. Trees in paved areas shall have a minimum 25 square feet of permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth. All landscaped areas shall be continuously maintained, irrigated, and fertilized. Plant materials shall be organically maintained to maximum extent possible.

1064 Parking Lot Landscaping

a) Shade Trees - One 3" minimum caliper low water use, low maintenance canopy tree must be provided for every 10. Trees shall be maintained and irrigated as necessary and planted within at least 50 square feet of permeable area. Existing trees located in the interior of lots shall be credited towards this requirement.

b) Buffering - At least 10% of the interior parking lot must be landscaped. Planting along the perimeter shall not be considered as part of the 10%. Interior planting beds are ideally continuous to allow for maximum plant bed size and are constructed as rain gardens to control storm water. No landscaped island shall be less than 6 feet wide.

c) Landscaping of Pre-existing parking lots - Upon the expansion of an existing parking lot containing 20 or more parking spaces and/or an alteration of a structure, or a change or extension of a use which increases the parking requirements by 5 or more spaces according to the standards of Sections ( ), the entire existing parking lot shall be brought into compliance with this section.

d) Landscaping of the parking lot and other site features in second and third lot layers shall be compatible with the public frontages.

1065 Storage Areas

Exposed storage areas, machinery, garbage "dumpsters," service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets using plantings, fences and other methods. Where feasible, shared use and designated areas for garbage dumpsters are encouraged. Trash dumpsters shall be fully screened on 3 sides with solid walls a minimum of six feet high with a solid front gate, six feet high, which shall be kept closed. Trash compactors shall be enclosed to minimize noise.

1066 Outdoor Uses

Outdoor uses are encouraged where applicable as accessory uses to retail, restaurant and entertainment uses. Accessory and temporary outdoor retail, amusement and entertainment uses are permitted in accordance with Table NEV-1.

Commentary: *Expanded outdoor uses on private and public property are very important to attracting residents, expanding business, and creating vitality in the village. Additional requirements should be spelled out in a new Outdoor Dining Ordinance.*

1067 Lighting Standards

a) All developments shall use full cutoff light fixtures for exterior lighting in which no more than 2.5% of the total output is emitted at 90 degrees from the vertical pole or building wall on which it is mounted.
b) Flood, area and up-lighting are not permitted.
c) Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.

1068 Utilities and Services

a) Utilities - Wherever feasible, power lines shall be buried, or moved behind buildings.

b) Mechanical Utilities - Mechanical equipment, whether ground level or rooftop shall be screened from view of adjacent properties and public rights-or-way and designed to be an integral part of the building.

c) Stormwater Treatment – Bioswales, green roofs, rain gardens, stormwater planters, and other Low Impact Design and stormwater treatment techniques are encouraged.

1069 Fences

No fence shall exceed a height of 6 ½ feet (8 feet when abutting a non-residential district) from the grade plane unless a special permit is obtained from the SPGA.

Section 1070 - Signs

All development shall comply with the applicable signage requirements contained in Section XVIII of the Eastham Zoning Bylaws.

Section 1080 - Building and General Appearance Design Standards

1081 Intent

These standards are intended to facilitate high quality building design which:

a) Improves the aesthetic character of the New Eastham Village Zoning District;
b) Allows diversity of building design and architectural styles;
c) Avoids monotonous and bland buildings;
d) Minimizes conflicts between residential and commercial uses;
e) Enhances the social and economic viability of the NEV by preserving property values and promoting the attractiveness of the area as a place to live, visit and shop;
f) Prevents alterations that are incompatible with the existing environment or that are of inferior quality or appearance; and
g) Encourages flexibility and variety in future development.

1082 Review Process

The Planning Board shall be the designated the **Design Review Board** for the purposes of this section. The Planning Board shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the applicant concerning the conformance of the proposed action to the design review standards contained herein.

1083 Design Review Principles

The design review standards described in this section are intended to guide the applicant in the development of site and building design and the Planning Board in its review of proposed actions. These principles and standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The Planning Board is specifically precluded from mandating any official, aesthetic style for NEV District or for imposing the style of any particular historical period. The design review principles and standards shall apply to all actions reviewable under this section.

a) Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.

b) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

c) Stylistic features distinctive to the architecture of a specific building, structure or landscape, or examples of skilled craft which characterize a building, structure or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided whenever possible.

d) Contemporary design for new structures or sites, alterations or additions to existing properties shall not be discouraged when such new development, alterations or additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the design character of the surrounding environment.

e) The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance and usability of existing buildings, structure and sites.

Commentary: *This bylaw encourages all new and renovated buildings to be outstanding examples of architecture and planning. It does not dictate any architectural style or design. This section is intended to be predictable. It is also intended that it be flexible. The predictability and flexibility embodied in this section is intended to permit creativity and diversity in architectural design, because the construction, renovation and maintenance of outstanding buildings and public space continue to contribute to the health, welfare, character and history of the Town and its residents.*

1084 General Design Standards

a) Wall Expanses - Use facade divisions, such as building jogs, architectural detailing, and changes in surface materials, colors, textures and roof lines. Uninterrupted facades should not exceed 50% of the building wall, and in no case should exceed 100 feet in length. Ground floor facades that face public streets should have arcades, display windows, entry areas, awnings, or other features along no less the 60% of their length. All facades of a building which are visible from public streets should feature characteristics similar to the front facade.

a) Exterior architectural appearance - The architectural character and general composition of the exterior of a building, including but not limited to the kind, color and texture of building materials, including paint color, and the type, design and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures and all other appurtenant elements.

b) Appearance of a site - the character, layout and general composition of the site, including but not limited to the kind, color and texture of such materials as plantings, paving, benches, site lighting, free-standing signs, utility structures and all other appurtenant elements.

c) Building Entrances - Development and redevelopment shall include building facades that front on and have a principal pedestrian entrance on Primary Streets. The construction of any new buildings shall provide for the creation of pedestrian alleyways, where appropriate, in order to allow for passageways to parking at the rear of the lots and adjoining streets.

b) Incorporate Architectural Features - Use architectural features and details such as porches, awnings, columns, towers, turrets, skylights and arches, to create interesting buildings.

c) Roof Features - Avoid long unbroken expanses of roofs though use of dormers, skylights, chimneys and changes in ridge line.

d) Fenestration - Door and window openings shall be proportional to facade length and height. The building design should create a sense of entry into the site and into major businesses within the site through landscaping, facade treatment and signage.

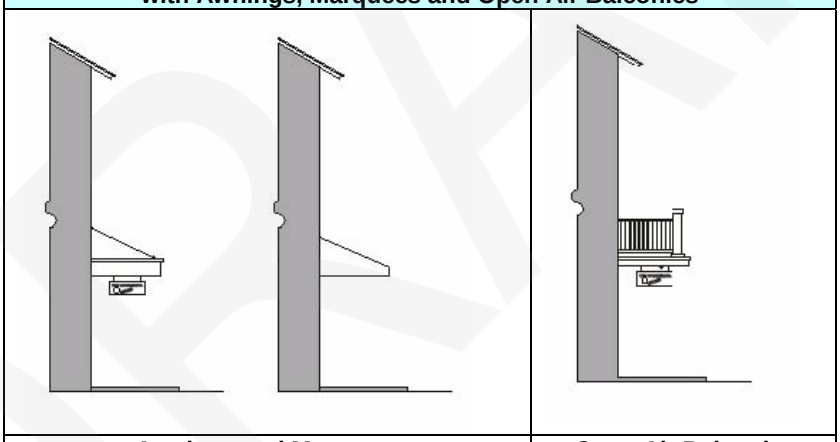
1) All new non-residential development shall provide ground floor windows along street facades, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. Required windows shall have a sill no more than four (4) feet above grade. Where interior floor levels prohibit such placement, the sill may be raised to no more than two (2) feet above the finished floor level, up to a maximum sill height of six (6) feet above grade.
2) Windows that block two way visibility, such as darkly tinted and mirrored windows, are prohibited as ground floor windows along street facades.
3) Any wall which is within 30 feet of the street shall contain at least 20% of the ground floor wall area facing the street in display areas, windows, or doorways.
4) Blank walls, including walls that do not include display areas, windows, architectural features, and/or doorways, are prohibited.

e) Harmonize Site Amenities – Development should harmonize the location, size, material and lighting of signs with the building design.

1085 Private Frontage Overlaps Permitted

The SPGA may provide relief from the zero front yard setback for Awnings, Marquees, Balconies, Galleries, Arcades and Projecting Signs as shown in Figure NEV-7 below. These building structures are allowed to protrude up to eight (8) past the property line into the public right of way provided that they are not in conflict with parking and travel lanes, and street trees and other furnishings. All awnings, marquees, open air balconies, and associated projecting signs shall be a minimum of eight (8) feet above the ground, and require a license from the Town Administrator consistent with Eastham General Bylaws.

Figure NEV-7: Example of Private Frontage Overlap of Public Sidewalk with Awnings, Marquees and Open Air Balconies



Awnings and Marquees	***Open Air Balconies***