

## PRINCIPAL USES

### SECTION 4. CLASSIFICATION OF PRINCIPAL USES

#### 4.1 Extensive Uses

4.1.1 *Forestry* - Cultivating and harvesting of forest products.

4.1.2 *Agriculture, horticulture, floriculture and viticulture* - Cultivating and harvesting of crops and market gardens, including the storage of farm equipment; and, if upon more than five (5) acres, the raising of cattle, horses, sheep, swine, goats and poultry, and facilities for the sale of produce, wine and dairy products grown in the Town of, or towns contiguous to, Concord.

4.1.3 *Greenhouse* - Commercial greenhouse, salesroom, or stand for the sale of nursery, garden or farm products.

4.1.4 *Earth removal* - See subsection 7.5.

4.1.5 *Conservation use* - Wildlife management, boating, fishing and hunting.

4.1.6 *Private recreation* - Country club, riding academy, playground and tennis, fishing, boating, skating, swimming, fitness clubs and similar facility for organized athletic activities.

#### 4.2 Residential Uses

4.2.1 *Single-family dwelling*: No more than one dwelling unit shall be located upon a lot except as provided in subsections 4.2.2, 4.2.3, and 4.2.4.

4.2.2 *Two-family or additional dwelling unit*:

4.2.2.1 The Board may grant a special permit for the alteration and use of a building existing at the time its lot is placed in a single residence district for not more than two (2) families, provided the volume of any additions shall not exceed in all one-fifth of the volume of the existing building.

4.2.2.2 For the purpose of providing small additional dwelling units to rent without adding to the number of buildings in the Town or substantially altering the appearance of the Town and for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, the Board may grant a special permit for one additional dwelling unit in a single-family dwelling for which a final certificate of occupancy was issued at least two years prior to an application for said permit, or if no such certificate was issued, which was legally occupied prior to such date, provide that:

(a) The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet;

## CONCORD ZONING

- (b) The dwelling unit shall be located within the single-family dwelling as it existed two years prior to the date of application for the special permit;
- (c) The dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than one-third of the gross floor area (as of two years prior to the date of application for the special permit) of the single-family dwelling exclusive of any garage, shed or similar structure of accessory use attached to the single-family dwelling;
- (d) The dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;
- (e) No more than one such dwelling unit shall exist within the single-family dwelling;
- (f) No more than minimum exterior alterations shall be made to the single-family dwelling;
- (g) Either the dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;
- (h) Floor plans of the dwelling unit and the single-family dwelling, with a site plan showing the location of the single-family dwelling on the lot, have been filed with the Building Inspector prior to or at the time of application to the Board;
- (i) Application for a building permit or certificate of occupancy shall be made to the Building Inspector and no use or occupancy shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;
- (j) A site plan, at a measurable scale, shall be submitted with the application to the Board showing the location and arrangement of parking spaces on the property;
- (k) Parking for the dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;
- (l) Confirmation that the property is served by Town sewer or, alternatively, confirmation that the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit.
- (m) Additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties;
- (n) The special permit expires upon the sale or transfer of the equity interest in the property to another owner. A new owner may seek a special permit from the Board, and the Board may grant a special permit, for continued use of the dwelling unit provided that the property is in compliance with all other provisions of the Zoning Bylaw.

4.2.3 *Combined business/residence:* A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

## PRINCIPAL USES

4.2.3.2 At least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet;

4.2.3.4 In a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board find that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

4.2.4 *Combined industrial/business/residence:* A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and business uses are conducted provided that:

4.2.4.1 Each such unit and retail store is structurally part of the industrial/business building, having common walls, foundation, roof and floor;

4.2.4.2 At least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.4.3 Significant open space available principally for use by the residents shall be provided on the lot (apart from any paved area), such open space to be at least twenty-five (25%) of the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet.

4.2.4.4 In a combined industrial/business/residence building, one or more retail store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area of the building.

4.2.4.5 In a combined industrial/business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined industrial/business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

4.2.5 *Residential compound:* A limited subdivision of land for single-family dwellings in accordance with the provisions of Section 8.

## CONCORD ZONING

4.2.6 *Residential cluster development:* Single-family dwelling in accordance with the provisions of Section 9.

4.2.7 *Planned residential development:* Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

4.2.8 *Boarding house:* A single-family detached dwelling in which permanent lodging is provided for consideration to more than three (3) persons unrelated to the owner or proprietor. The term "boarding house" shall include dormitories.

4.2.9 *Hotel and motel:* An establishment providing four (4) or more rooms for transient lodging accommodations, provided that the lot shall contain open space equal to twice the gross floor area of the hotel or motel in addition to any area required for parking or vehicular access.

### 4.3 Institutional Uses

4.3.1 *Educational:* 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.

4.3.2 *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, provided that:

4.3.2.1 In the residential districts, such activities shall be permitted only on (a) a lot which, with all its structures, conforms to the requirements of the Bylaw, or (b) a lawfully nonconforming lot or structure as to which the area of the lot is not less than ten thousand (10,000) square feet;

4.3.2.2 In the residential districts or on lots which are not in a residential district but are adjacent to a residential district, no outdoor play area (an area designed or set aside for children in a child care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for a principal use in the district in which it is located;

4.3.2.3 In all districts, the open space between the defined outdoor play area or structure and the property line(s) adjacent to residential districts or residential uses shall be screened

## PRINCIPAL USES

with such fence, wall, hedge, or landscaping to provide a dense year-round screen as the Planning Board shall designate.

4.3.3 *Religious:* 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.

4.3.4 *Philanthropic:* Charitable or nonprofit library, museum, art gallery or other similar use.

4.3.5 *Hospital and nursing home:* Hospital and nursing home, provided that in Limited Business Distr. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.

4.3.6 *Assisted living residence:* A structure, or structures, used to provide assistance with the activities of daily living in a residential setting for people who require such services. Assistance with activities of daily living means the provision of physical support, aid or assistance with bathing, dressing/grooming, ambulating, eating, or other similar tasks. An assisted living residence may have central dining facilities, lounges, meeting rooms, laundry rooms, greenhouses, exercise rooms and recreational areas, libraries, offices, medical facilities for diagnosis and out-patient services for residents only and such other common areas or facilities or accessory uses for the residents may be desired. An assisted living residence is a facility that is eligible for certification as an assisted living residence by the Executive Office of Elder Affairs pursuant to M.G.L. Chapter 19D and shall conform with the following:

4.3.6.1 A unit as defined by M.G.L. Chapter 19D shall be a "dwelling unit" as defined by this Bylaw.

4.3.6.2 There shall be retained in perpetuity for conservation or passive recreation use an area of common open space equal to at least thirty percent (30%) of the lot area.

4.3.6.3 A minimum of twenty percent (20%) of the total number of assisted living units shall be a mix of affordable units for persons who qualify as low, moderate or upper-moderate income and assets. In determining the number of affordable units required, a fractional unit of 0.5 or more shall be considered a whole unit. The minimum percentage of affordable assisted living units shall be maintained as affordable units for the duration of the use of the property under this Section 4.3.6.

4.3.6.4 To the extent determined to be feasible by the Board (taking into consideration legal and economic constraints, including limitations imposed by financing sources) said affordable assisted living units required in subsection 4.3.6.3 shall be made available to eligible Concord residents, and persons related to such residents by consanguinity or affinity, prior to offering such units to other eligible persons

4.3.7 *Cemetery*

## CONCORD ZONING

4.3.8 *Lodge and club:* Private lodge or club operated for members or employees.

### 4.4 Governmental and Utility Uses

4.4.1 *Municipal use:* Town of Concord facility.

4.4.2 *Underground utility:* Underground facilities for communications or other utility uses.

4.4.3 *Above ground utility:* Above ground structures for communications or other utility uses.

### 4.5 Business Uses

4.5.1 *Retail store:* Sale and display of merchandise within a building. Sale of ready-to-consume foods and beverages in disposable containers for consumption outside the building will be permitted only as an accessory use to the principal retail operation.

4.5.2 *Personal service shop:* Barber or beauty shop, laundry or dry-cleaning shop, shoe repair shop or self-service dry cleaning or laundry shop or similar service shop.

4.5.3 *Craft shop:* Shop or studio of an artist, potter, sculptor, silversmith, wood carver or similar craftsman, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.4 *Restaurant:* Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building.

4.5.5 *Indoor amusement:* Theater, motion picture house, bowling alley, dance hall or other indoor amusement or assembly hall operated for profit.

4.5.6 *Outdoor amusement:* Golf driving range, miniature golf course or similar outdoor amusement operated for profit but not including motor-driven amusements.

4.5.7 *Funeral home:* Undertaking or funeral establishment.

4.5.8 *Repair shop and building trade:* Repair shop for household appliances, radio and television sets, office equipment, bicycles, lawn mowers and similar equipment, caterer and shop of a builder, carpenter, electrician, mason, painter, plumber or roofer or similar

## PRINCIPAL USES

occupation associated with the building trades, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.9 *Veterinary and kennel:* Veterinary, kennel and place for boarding and caring for animals.

4.5.10 *Financial and business office:* Bank, loan agency or business office.

4.5.11 *Professional office:* Office of a doctor, lawyer, accountant, architect, engineer, or similar professionals.

4.5.12 *Medical center and laboratory:* Center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.

4.5.13 *Auto service station:* Sale of motor vehicle fuel and related products and services, including a car wash.

4.5.14 *Auto repair shop:* Establishment for the repair, maintenance, and painting of automobiles or similar light motor vehicles (maximum ten thousand (10,000) pounds gross vehicle weight and 135-inch wheel base), provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated to confine disturbing noise to the premises.

4.5.15 *Vehicular dealerships:* Salesroom and related dealership facilities for automobiles, boats, motorcycles, trucks, off-road vehicles or farm implements.

4.5.16 *Boat sales and rental:* Rental, sale, storage, maintenance and repair of small boats, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers.

4.5.17 *Parking facility:* Commercial parking lot or parking garage.

4.5.18 *Transportation services:* The parking or storage of ground transportation vehicles, including but not limited to buses, ambulances, limousines, taxis, liveries, wagons, carriages, or other ground transportation vehicles. The primary purpose of the business must be to provide transportation services to passengers, whether the vehicle be motorized or animal drawn. All vehicles stored or parked upon the premises must be registered or licensed.

## 4.6 Industrial Uses

4.6.1 *Warehouse:* Warehouse or other building for the storage or wholesale marketing of materials, merchandise, products, or equipment. In the Limited Industrial Park District, warehouse shall be permitted (1) in buildings for which a building permit was issued prior to February 14, 1980, or (2) in office, R&D or light manufacturing buildings provided the gross

## CONCORD ZONING

floor area of the warehouse shall not exceed forty (40) percent of the gross floor area of the entire building.

4.6.2 *Storage yard, open-air sales:* Lumber yard, fuel storage plant, contractor's yard, used car lot or other open-air establishment for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment.

4.6.3 *R&D and Light Manufacturing:* Research and Development (R&D) or light manufacturing including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses. In all cases, light manufacturing shall be (1) limited to fabrication, assembly, processing and packaging employing only electric or other substantially noiseless and inoffensive power, and (2) free from neighborhood disturbing agents including dust, fumes, odors, emissions, smoke, vapor, light, vibration and noise. In the Business District no more than five (5) full-time workers or their equivalent shall be employed in light manufacturing on the premises.

4.6.4 *Manufacturing, packaging, processing and testing:* Printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use.

In the Business District, only manufacturing of products primarily for sale at retail on the premises shall be conducted, and no more than five (5) full-time workers or their equivalent shall be employed on the premises.

In the Limited Industrial Park District, manufacturing, packaging, processing and testing uses shall be permitted only within the confines of a building for which a building permit was issued prior to February 14, 1980.

### 4.7 Restricted and Prohibited Uses

4.7.1 *Prohibited uses:* Salvage yard, junk yard, and all open-air storage of junk, waste products and salvage materials (including non-operable automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

Drive-in or fast food restaurants are expressly prohibited. A drive-in or fast-food restaurant is defined as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or

## PRINCIPAL USES

other disposable containers; or (2) service of food and beverages directly to a customer in a motor vehicle.

4.7.2 *Restrictions:* Without limiting the generality of subsection 4.7.1 or any other section of this Bylaw or of any other Town Bylaw, all manufacturing, packaging, processing, testing, business and commercial activity shall be conducted such as to confine disturbing sounds, fumes, dust, odors and noise to the premises, and no such activity shall be conducted so as to constitute a hazard by reason of the potential for fire, explosion, radiation release or by any bacterial, or viral agent.

**CONCORD ZONING – TABLE I – PRINCIPAL USE REGULATIONS**

Principal Uses	Residential District			Commercial Districts			Industrial Districts			Site Plan Approval	
	AA	A	B	C	B	LB	MP	I	IP		LIP
<b>4.1 Extensive Uses</b>											
4.1.1 Forestry	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.2 Agriculture, horticulture, floriculture and viticulture	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.3 Greenhouse	SP	SP	SP	SP	yes	no	no	yes	yes	yes	NR
4.1.4 Earth removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.1.5 Conservation use	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.6 Private recreation	SP	SP	SP	SP	yes	yes	no	yes	yes	yes	R
<b>4.2 Residential Uses</b>											
4.2.1 Single-family dwelling	yes	yes	yes	yes	yes	no	yes	no	no	no	NR
4.2.2 Two-family or additional dwelling unit	SP	SP	SP	SP	SP	no	SP	no	no	no	NR
4.2.3 Combined business/residence	no	no	no	no	yes	yes	SP	no	no	no	R
4.2.4 Combined industrial/business/residence	no	no	no	no	no	no	no	SP	no	no[SP♦♦]	R
4.2.5 Residential Compound	SP	SP	SP	SP	SP	no	no	no	no	no	NR
4.2.6 Residential Cluster Development	SP	SP	SP	SP	SP	no	no	no	no	no	NR
4.2.7 Planned Residential Development	SP	SP	SP	SP	SP	no	no	no	no	no[SP♦♦]	NR
4.2.8 Boarding house	SP	SP	SP	SP	yes	no	no	no	no	no	NR
4.2.9 Hotel and motel	no	no	no	no	yes	yes	no	no	no	no	R
<b>4.3 Institutional Uses</b>											
4.3.1 Educational	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.2 Child care facility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.3 Religious	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.4 Philanthropic	SP	SP	SP	SP	yes	SP <sup>8</sup>	yes	yes	yes	yes	R
4.3.5 Hospital and nursing home, provided that in Limited Business Dist. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.	no	no	no	no	yes	SP <sup>6</sup>	yes	no	no	no	R
4.3.6 Assisted living residence	no	no	no	no	no	SP <sup>8</sup>	no	no	no	no	R
4.3.7 Cemetery	yes	yes	yes	yes	yes	no	no	no	no	no	NR
4.3.8 Lodge and club	SP	SP	SP	SP	yes	no	no	yes	yes	yes	R
<b>4.4 Governmental and Utility Uses</b>											
4.4.1 Municipal use	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.4.2 Underground utility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.4.3 Above ground utility	SP	SP	SP	SP	yes	SP	SP	yes	yes	yes	NR

**CONCORD ZONING – TABLE I - PRINCIPAL USE REGULATIONS**

Principal Uses	Residential District			Commercial Districts			Industrial Districts			Site Plan Approval	
	AA	A	B	C	B	LB	MP	I	IP		LIP
<b>4.5 Business Uses</b>											
4.5.1 Retail store	no	no	no	no	yes	no	no	no**	no	no	R
4.5.2 Personal service shop	no	no	no	no	yes	no	no	no	no	no	R
4.5.3 Craft shop	no	no	no	no	yes	no	no	yes	yes	no	R
4.5.4 Restaurant	no	no	no	no	yes	yes <sup>1</sup>	no	yes	yes	no	R
4.5.5 Indoor amusement	no	no	no	no	yes	no	no	yes	yes	yes	R
4.5.6 Outdoor amusement	no	no	no	no	yes	yes <sup>1</sup>	no	yes	no	no	R
4.5.7 Funeral home	no	no	no	no	yes	yes <sup>1</sup>	no	yes	yes	no	R
4.5.8 Repair shop and building trade	no	no	no	no	yes	no	no	yes	yes	no	R
4.5.9 Veterinary and kennel	no	no	no	no	no	no	no	yes	yes	no	R
4.5.10 Financial and business office	no	no	no	no	yes	yes**	no	yes	yes	yes	R
4.5.11 Professional office	no	no	no	no	yes	yes <sup>1</sup>	yes	yes	yes	yes	R
4.5.12 Medical center and laboratory	no	no	no	no	yes	SP <sup>6</sup>	yes	yes	yes	SP	R
4.5.13 Auto service station	no	no	no	no	yes	yes <sup>1</sup>	no	yes	yes	no	R
4.5.14 Auto repair shop	no	no	no	no	yes	no	no	yes	yes	no	R
4.5.15 Vehicular dealerships	no	no	no	no	yes	no	no	yes	yes	no	R
4.5.16 Boat sales and rental	no	no	no	no	yes	yes <sup>5</sup>	no	yes	yes	no	R
4.5.17 Parking facility	no	no	no	no	yes	no	no	yes	yes	yes	R
4.5.18 Transportation services	no	no	no	no	SP	no	no	SP	SP	SP	R
<b>4.6 Industrial Uses</b>											
4.6.1 Warehouse	no	no	no	no	yes	no	no	yes	yes	yes	R
4.6.2 Storage yard, open-air sales	no	no	no	no	yes	no	no	SP	no	no	R
4.6.3 R&D and Light manufacturing	no	no	no	no	yes	no	no	yes	yes	SP	R
4.6.4 Manufacturing, packaging, processing and testing	no	no	no	no	yes	no	no	yes	yes	SP	R
<b>4.7 Restricted and Prohibited Uses</b>											
4.7.1 Prohibited uses	no	no	no	no	no	no	no	no	no	no	NR

\* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

\*\* Except as provided by Special Permit in a Combined industrial/business/residence building.

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2 District.

## CONCORD ZONING

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