

2. DEFINITIONS

FOOTPRINT: The total area of the largest floor of a building calculated using the outside perimeter of the surrounding exterior walls; plus the area of any attached deck or decks calculated using the outside perimeter of the deck, not including stairs or steps; plus the area of any part of the building not provided with surrounding walls calculated using the outside perimeter of the roof

3. ESTABLISHMENT OF DISTRICTS

3.1 Types of Districts

3.1.1 The Town of Egremont has the following districts:

3.1.1.1 The RURAL DISTRICT

3.1.1.2 The JUG END RESIDENTIAL DISTRICT

3.1.1.3 The VILLAGE DISTRICT

3.1.1.4 Overlay Districts

- a. The FLOOD PLAIN OVERLAY DISTRICT
- b. The WIRELESS TELECOMMUNICATIONS OVERLAY DISTRICT
- c. The ADULT ENTERTAINMENT OVERLAY DISTRICT

3.2 Location of Districts

3.2.1 Rural District

Includes the entire town except for the Jug End Residential District and the Village Districts as hereinafter defined.

3.2.2 Jug End Residential District

Includes the land shown on Plate 7A of the Board of Assessor's Property Valuation Maps of the Town of Egremont dated 1980-81 as parcel #0278 including one thousand (1000) acres more or less.

3.2.3 Village Districts

a. The South Egremont Village District shall be as shown on the map titled _____ and dated _____.

b. The North Egremont Village District shall be as shown on the map titled _____ and dated _____.

3.2.4 Flood Plain Overlay District

The Flood Plain District is herein established as an overlay district. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Egremont Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps, dated June 15, 1982, on file with the Town Clerk, Planning Board and Inspector of Buildings. These maps as well as the accompanying Egremont Flood Insurance Study are incorporated herein by reference.

3.2.5 Wireless Telecommunications Overlay

The locations and boundaries of the Wireless Telecommunications Overlay district (WTOD) are hereby established in Section 5.2.2.

3.2.6 Adult Entertainment Overlay District

The Adult Entertainment Overlay District (herein AEOD) is hereby established as an Overlay District including the entire Town of Egremont.

3.3 Lots Split by Zoning Districts: When a lot is situated in both Rural and Village Districts at the time such Village District is adopted, the uses and setbacks permitted in the Village District may be extended into the Rural District for a distance of up to fifty feet, by Special Permit from the Zoning Board of Appeals.

4. REGULATION OF DISTRICTS

4.1 Rural District & Village District

4.1.1 Use Regulations for the Rural District and the Village District

4.1.1.1 Applicability

Except as provided by law or in this Bylaw, no building or structure shall be erected, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized by special permit in accordance with the provisions of this Bylaw.

4.1.1.2 Table of Uses

Symbols

Y = Permitted By-Right

N= Not allowed

PB = Special Permit from Planning Board

SB = Special Permit from Board of Selectmen

ZBA = Special Permit from Zoning Board of Appeals

Type of Use	Zoning District	
	Rural	Village
A. RESIDENTIAL USES		
1. One (1) family dwelling.	Y	Y
2. Conversion of a one (1) family dwelling into a two (2) family dwelling.	Y	Y
3. Two (2) family dwelling.	Y	Y
4. Multi-family dwelling, subject to the special requirements specified in §4.1.2.3	PB	PB
B. EXEMPT USES		
1. Use of land and structures for agriculture, horticulture, viticulture or floriculture.	Y	Y
2. Religious or education use on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation.	Y	Y
3. Municipal or governmental use including parks, playgrounds or other recreational facilities owned or operated by a town agency.	Y	Y
C. COMMERCIAL USES		
1. Retail business or consumer service establishment located in a building with a footprint up to 4,000 square feet in the Village District and 8,000 square feet in the Rural District, subject to the requirements specified in §4.1.2.1.	PB	PB
2. Uses and structures for wireless telecommunications services in the WTOD in accordance with the provisions of Section 5.2 and 5.3 of this Bylaw.	PB	PB
3. Adult Entertainment Use in accordance with the provisions of Section 5.4 of this Bylaw.	PB	PB
4. Structures for providing wired or wireless internet service or other wired telecommunications services other than those provided for in §5.2 and 5.3 of this Bylaw as follows: <ul style="list-style-type: none"> a. Up to 180 square feet in floor area of an existing structure may be used to house this equipment. Any such structure shall be treated as an accessory building for purposes of Sections 4.1.2.1 and 4.1.2.2.a of this Bylaw provided that all other uses in the structure are accessory uses. b. Any new building to house such equipment shall have a footprint no greater than 180 square feet and be no more than 14 feet in height and shall be treated as an accessory building as in §4.1.1.2.c.4.a above. c. Poles supporting equipment for services under this section 4.1.1.2.c.4 may not also be used for services under Sections 5.2 and 5.3 unless approved under those sections. Poles shall be subject to side and rear setback requirements for accessory buildings. 	SB	SB

D. ACCESSORY USES		
<p>1. Accessory uses and structures customarily incidental to a principal permitted use on the same premises, including but not limited to the following:</p> <ul style="list-style-type: none"> a. The use of a room or rooms in a dwelling or an existing accessory building by a resident occupant for practice of his or her occupation or craft, provided that any external evidence of any business is not detrimental to the rural type environment of the area. b. Rental of not more than four (4) rooms for residential purposes in a dwelling by a resident family provided no separate kitchen facilities are maintained. c. The display and sale by a resident of the premises at a roadside stand or otherwise, or natural products the major portion of which are produced on the premises. d. Display of sign or signs as regulated in Section 4.3.2 of this Bylaw. e. Mobile home or travel trailer, as regulated in Section 4.3.4 of this Bylaw. f. The removal of earth materials, including stripping of topsoil when incidental to or required in connection with any of the following operations: <ul style="list-style-type: none"> i. The erection of a building or structure on the lot for which a building permit has properly been issued and the construction of a private drive. ii. Any accessory use incidental to a permitted use, including cultivation, planting, drainage of land, or landscaping. iii. The construction of a private street in a subdivision approved under the Subdivision Control Law. iv. Municipal or governmental construction or operation. 	Y	Y
2. Accessory buildings exceeding the maximums set for height in Section 4.1.2.1 of this Bylaw	PB	PB

4.1.2 Intensity Regulations for the Rural District and Village Districts

4.1.2.1. Table of Intensity Regulations for the Rural District and Village Districts

a. General

Any building or structure used for dwelling purposes or housing a principal permitted use and any accessory building shall be so located on a lot as to meet the requirements of this Section except as specifically otherwise provided in this Bylaw.

Table of Intensity Regulations for the Rural District

Intensity Table - Rural District						
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear	
One Family	1 acre	150	40	25	25	35
Existing One Family Converted to Two Family	1 acre	150	40	25	25	35
Two Family	2 acres	150	40	25	25	35
Multi-Family ³	2.5 acres ⁴	150	75	50	50	35
All Other Principal Uses ⁵	1 acre	150	40	25	25	35
Private Garages, Sheds and Such Other Accessory Building	~	~	40	25	25	35
Driveway or common driveway providing access to 3-5 residential units, whether in one or more buildings				25 ⁶	25 ⁶	
Driveway or common driveway providing access to 6 or more residential units, whether in one or more buildings				50 ⁶	50 ⁶	

1) Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of sixty-five (65) feet from the center line of the travel way,

2) The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

3) As provided by §4.1.2.3.a.

4) For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.

5) Except as provided in §4.1.2.3.b.ii.

6) Setback to be measured from all lot lines of lots not served by the common driveway.

b. Table of Intensity Regulations for the North Village District

Intensity Table – North Village District						
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear	
One Family	<i>3/4 acre</i>	<i>100</i>	<i>25</i>	<i>15</i>	<i>25</i>	<i>35</i>
Existing One Family Converted to Two Family	<i>3/4 acre</i>	<i>100</i>	<i>25</i>	<i>15</i>	<i>25</i>	<i>35</i>
Two Family	<i>1 acre</i>	<i>100</i>	<i>25</i>	<i>15</i>	<i>25</i>	<i>35</i>
Multi-Family ³	<i>1.5 acres⁴</i>	<i>150</i>	<i>25</i>	<i>25</i>	<i>25</i>	<i>35</i>
All Other Principal Uses ⁵	<i>1 acre</i>	<i>150</i>	<i>25</i>	<i>25</i>	<i>25</i>	<i>35</i>
Private Garages, Sheds and Such Other Accessory Building	~	~	<i>40</i>	<i>15</i>	<i>25</i>	<i>35</i>
Driveway or common driveway providing access to more than 2 residential units, whether in one or more buildings				<i>10⁶</i>	<i>10⁶</i>	

1) Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of fifty (50) feet from the center line of the travel way.

2) The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

3) As provided in §4.1.2.3.a.

4) For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.

5) Except as provided in §4.1.2.3.b.iii.

6) Setback to be measured from all lot lines of lots not served by the common driveway.

c. Table of Intensity Regulations for the South Village District

Intensity Table – South Village District						
Use	Minimum Lot Area	Minimum Frontage in Feet	Minimum Yard in Feet			Maximum Height in Feet ²
			Front ¹	Side	Rear	
One Family	3/4 acre	75	25	15	25	35
Existing One Family Converted to Two Family	3/4 acre	75	25	15	25	35
Two Family	1 acre	100	25	15	25	35
Multi-Family ³	1.5 acres ⁴	150	25	25	25	35
All Other Principal Uses ⁵	1 acre	150	25	25	25	35
Private Garages, Sheds and Such Other Accessory Building	~	~	40	15	25	35
Driveway or common driveway providing access to more than 2 residential units, whether in one or more buildings				10 ⁶	10 ⁶	

1) Measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan, the front set-back shall be a minimum of fifty (50) feet from the center line of the travel way,

2) The height restrictions do not apply to agricultural buildings or structures, spires, chimneys, antennae or other appurtenances usually placed above roof level and not intended for human occupancy.

3) As provided in §4.1.2.3.a.

4) For the first three (3) dwelling units plus one half (1/2) acre of usable land for each additional dwelling unit.

5) Except as provided in §4.1.2.3.b. iii.

6) Setback to be measured from all lot lines of lots not served by the common driveway.

4.1.2.2. General Intensity Regulations for the Rural District and Village Districts

- a. No more than one (1) dwelling or principal building shall be located on a lot.
- b. No lot, or any building or structure thereon, shall be changed in size so as to violate area, frontage, setback, yard or any other requirements of this Bylaw.
- c. A private street approved by the Planning Board under the Subdivision Control Law may provide frontage only for the lots which are contained within the approved subdivision.
- d. Land which in its entirety is more than two hundred and fifty (250) feet from any approved street and which consists of one acre or more may be reached by a corridor or right-of-way of not less than fifty (50) feet wide, restricted to one (1) single family dwelling. Nothing herein to change the requirements otherwise contained in this Bylaw relative to construction on such land, except that the 150 foot frontage requirement of §4.1.2.1 shall not apply and

the front setback of §4.1.2.1 shall be measured from the lot line closest to the street.

- i. No corridor or right of way referred to in §4.1.2.2.d hereof shall be linked at any point with any other corridor or right of way leading to a different parcel or otherwise so used as to circumvent the purposes of the Subdivision Control Laws of the state.
- ii. This §4.1.2.2.d shall apply only to a parcel of land which existed as of the adoption of the first zoning bylaw in Egremont.

4.1.2.3 Special Intensity Regulations for the Rural District and Village Districts

- a. Multi-family dwelling special requirements
 - i. The lot shall be sufficient in size so as to provide suitable off-street parking with adequate disposal of storm water, able in the judgment of the Planning Board to accommodate parked vehicles for maximum use of the proposed facilities.
 - ii. No multi-family dwelling shall contain more than six (6) dwelling units or exceed two and one half (2 1/2) stories in height.
 - iii. Only one (1) multi-family dwelling shall be placed on the lot.
- b. Retail business and consumer service establishment special requirements
 - i. The lot shall be sufficient in size, in the judgment of the Planning Board, so as to provide suitable off-street parking area with adequate disposal of storm water, and to accommodate parked vehicles for maximum use of the proposed facility.
 - ii. In the Rural District, no retail or consumer services building, structure, parking areas or driveway providing access to or from a public way for such use shall be located within fifty (50) feet of any side or rear property line of any other lot.
 - iii. In the Village Districts, no retail or consumer services building, structure, parking areas or driveway providing access to or from a public way for such use shall be located within ten (10) feet of any side or rear property line of any other lot.

4.3.6.2 c. (common driveways section)

Design requirements for common driveways shall in the opinion of the Planning Board assure adequate safety and access for emergency vehicles. Common driveways shall be constructed to have proper drainage to minimize erosion and comply with applicable state erosion control requirements and guidelines for best management practices. All common driveways shall have a minimum traveled width of fourteen feet, a maximum grade of 10 percent, and shall meet the setback requirements of Section 4.1.2.1 of this Bylaw.