

## SECTION 3. DISTRICTS

### 3.1 Establishment.

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

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

### 3.2 Overlay Districts.

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

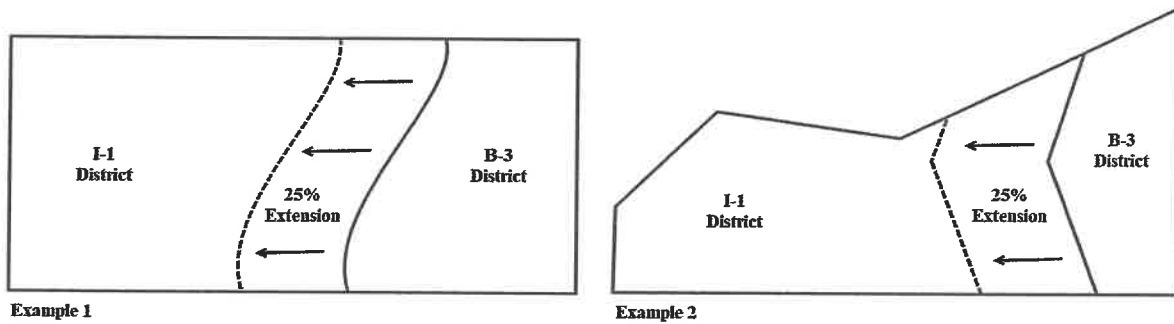
Mixed Use Overlay District (MUOD)  
Flood Plain and Floodway Districts (FP)  
Wetlands District (WD)  
Telecommunications District (TC-1)

### 3.3 Zoning Map.

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

### 3.4 Split Zoned Lots.

Where a district boundary line divides any lot, existing at the time the boundary line is adopted, between the Business 3 zoning district and the Industrial 1 zoning district, and the lot frontage is located in the Business 3 district, the Use and Dimensional regulations of the Business 3 district may be extended, to a new, uniform and equidistant district boundary line from the existing district boundary line into not more than 25% of the lot area situated in the Industrial 1 District. See illustrated examples 1 and 2.



Such special permit shall require mandatory findings by the Planning Board in accordance with Section 2.7 F of this By-law, with respect to the boundary extension proposed; the extension of the Business 3 Use and Dimensional regulations into the Industrial 1 district may be expanded to not more than 50% of the lot area of the Industrial 1 district subject to approval of a special permit by the Planning Board.

## SECTION 4. USE REGULATIONS

### 4.1 Application.

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

### 4.2 Interpretation of the Table of Uses.

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

### 4.3 Table Of Uses

**CODES:**

**P** = A Permitted Use

**O** = A Prohibited Use

**PB** = Special Permit-Planning Board

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

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

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

Town of Tyngsborough Zoning Bylaw  
May 2023

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

Town of Tyngsborough Zoning Bylaw  
May 2023

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Studio	O	O	O	PB	P	P	P	P
Building Trade Shop	O	O	O	O	SPR	SPR	P	P
Lounge or Pub	O	O	O	O	SB	SB	SB	O
Commercial Recreation	O	O	O	O	O	SPR	SPR	SPR
Commercial and Trade School	O	O	O	O	SPR	SPR	P	P
Amusement Facility Indoor	O	O	O	O	SB	SB	SB	O
Amusement Facility Outdoor	O	O	O	O	O	SB	SB	SB
Motor Vehicle Service Station	O	O	O	SPR	SPR	SPR	SPR	SPR
Car Wash	O	O	O	O	O	SPR	SPR	SPR
Motor Vehicle Repair or Body Shop	O	O	O	O	O	SPR	SPR	SPR
Light Vehicle Sales	O	O	O	O	O	PB	PB	O
Vehicle Equipment Sales	O	O	O	O	O	PB	PB	O
Parking Facility	O	O	O	O	SPR	SPR	SPR	SPR
Commercial Breeding Facility	O	O	O	O	O	O	O	SB
Commercial Broadcast Facility (Excluding Studio)	O	O	O	O	SB	SB	SB	SB
Airport – Fixed Wing Aircraft	O	O	O	O	O	O	O	PB
Heliport	O	O	O	O	O	PB	PB	PB
Rifle Range (Outdoor)	O	O	O	O	O	O	O	PB
Zoo	O	O	O	O	O	SB	SB	SB
Boarding Houses	O	O	PB	O	O	O	O	O
Daycare Facility	P	P	P	P	P	P	P	P
Marina	PB	PB	PB	PB	PB	PB	PB	PB
Self-Service Gas Station	O	O	O	PB	PB	PB	PB	PB
<b>Industrial Uses<sup>3</sup></b>								
Warehouse	O	O	O	O	O	O	PB	PB
Mini-Warehouse	O	O	O	O	O	O	PB	PB
Construction Yard	O	O	O	O	O	O	PB	PB
Lumber Yard	O	O	O	O	O	PB	PB	PB
Heating Fuel Sales and Service	O	O	O	O	O	PB	PB	PB
Heavy Manufacturing	O	O	O	O	O	O	O	PB
Heavy Vehicle Sales	O	O	O	O	O	O	PB	PB
Heavy Vehicle Repair	O	O	O	O	O	O	PB	PB
Light Manufacturing	O	O	O	O	O	O	PB	P
Industrial Office/R&D	O	O	O	O	O	O	PB	P

Town of Tyngsborough Zoning Bylaw  
May 2023

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
Waste Treatment	O	O	O	O	O	O	O	O
Waste Recovery	O	O	O	O	O	O	O	SB
Waste Transfer Facility	O	O	O	O	O	O	O	O
Public Transit Vehicle Parking	O	O	O	O	O	O	O	P
<b>Other Uses</b>								
Storage	O	O	O	O	O	O	O	O
Truck Terminal	O	O	O	O	O	O	O	O
Slaughterhouse & Similar Processing	O	O	O	O	O	O	O	O
Solid Waste Disposal	O	O	O	O	O	O	O	O
Massage Parlors	O	O	O	O	O	O	O	O
Biological Research	O	O	O	O	O	O	O	SB
Adult Entertainment	O	O	O	O	O	O	SB	O
Fairs, Carnivals, Etc. <sup>4</sup>	O	O	O	O	SB	SB	SB	SB
Telecommunication Towers <sup>7</sup>	O	O	O	O	O	O	O	O
Outdoor Sales of Holiday Trees, Etc. <sup>8</sup>	O	O	O	SB	SB	SB	SB	SB
Farmer's Markets, Farm Stands, Etc. <sup>9</sup>	O	O	O	SB	SB	SB	SB	SB
<b>Solar Energy Systems</b>								
<b>Ground-mounted Solar Energy Systems</b>								
large-scale	SPR	SPR	SPR	PB	PB	PB	PB	P
medium-scale	SPR	SPR	SPR	P	P	P	P	P
small-scale	SPR	SPR	SPR	P	P	P	P	P
<b>Accessory Uses</b>								
<b>Ground-mounted Solar Energy Systems</b>								
large-scale	SPR	SPR	SPR	PB	PB	PB	PB	P
medium-scale	SPR	SPR	SPR	P	P	P	P	P
small-scale	P	P	P	P	P	P	P	P
<b>Roof-mounted Solar Energy Systems</b>								
large-scale	P	P	P	P	P	P	P	P
medium-scale	P	P	P	P	P	P	P	P
small-scale	P	P	P	P	P	P	P	P

Town of Tyngsborough Zoning Bylaw  
May 2023

Principal Uses	Residential Districts			Business Districts				Industrial Districts
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	I-1
<b>FOOTNOTES:</b>								
1 See Section 9.4 Special Permits – Multi-family Development								
2 See Section 8.1 Special Permits – Major Business Development (for uses exceeding 5,000 G.S.F.)								
3 See Section 8.2 Special Permits – Major Industrial Uses (for uses exceeding 15,000 G.S.F.)								
4 See Section 8.4 Special Permits – Fairs Carnivals and Other Similar Events								
5 Single-Family Homes in the R-3 District shall require 44,000 square feet of area and 200 feet frontage, and duplexes in the R-3 District shall require 88,000 square feet of area and 400 feet frontage.								
6 See Section 9.3 Special Permits - Temporary Independent Living Quarters								
7 See Section 10.4 Special Permits – Telecommunication Towers								
8 See Section 8.3 Special Permits – Outdoor Sale of Holiday Trees, Wreaths, or Similar Products								
9 See Section 8.3 Special Permits – Farmer’s markets, Farm Stands, etc.								
10 See Section 10 - Education								

#### 4.4 Accessory Uses

Accessory Use Regulations. Accessory uses shall be permitted in all districts on the same lot with the principal use subject to this Section 4.4.

**A. Accessory Uses Permitted in the Residential Districts and Dwellings in the Non-residential Districts**

1. Private garage or carport for not more than four motor vehicles, solar system, greenhouse, tool shed or barn, swimming pool or tennis court provided that the recreational facilities are used only by the residents and their guests.
2. A home occupation, other than retail sales, conducted entirely within the dwelling unit or an accessory building by a resident and employing no persons other than the residents, may be allowed by Special Permit by the Select Board provided that the Board finds that the use meets the requirements of Section 2.7(F), Mandatory Findings by a Special Permit Granting Authority.
3. Utility/Storage sheds shall be an accessory use to all single- and two-family dwellings when the structure is 120 square feet or less (approximately 10 ft x 12 ft). Such structures shall require a setback of 30 feet from front lot line and not less than five feet from side and rear lot lines. Utility/storage sheds larger than 120 square feet shall comply with the setback requirements of Section 5.5. Utility and storage sheds shall be used only to store household and garden equipment customarily used for dwellings.
4. Above-ground swimming pools shall be an accessory use to all single- and two-family dwellings and require a setback of 30 feet from front lot line and not less than 10 feet

*Sheds*

Town of Tyngsborough Zoning Bylaw  
May 2023

from side and rear lot lines. In-ground pools shall continue to adhere to the dimensional requirements of Section 5.

5. Roof-mounted solar energy systems are permitted as an accessory use by right in all districts. Small-scale ground-mounted solar energy systems are permitted as an accessory use by right in all districts. Medium-scale ground-mounted systems are permitted as an accessory use in the Business 2, 3, 4, and Industrial districts, but require site plan review in residential and Business 1 districts. A large-scale ground-mounted system proposed as an accessory use will be treated as if it were a principal use.

B. Accessory Uses Permitted in the Business Districts

1. The rental of automobiles, light trucks or trailers, and similar light motor vehicles provided that the rental is secondary to the operation of one motor vehicle service station permitted under Section 4.3.

C. Accessory Uses Permitted in the Light Industrial District

1. Uses necessary in connection with scientific research or scientific development or related production may be authorized by special permit from the Planning Board.

D. Accessory Uses Permitted in any Zoning District

1. Wind machines designed to serve a principal use on a lot may be authorized by special permit from the Planning Board provided the Planning Board finds that the wind machine is set back from all lot lines at least the distance equal to the height of the tower from its base on the ground to the highest extension of any part of the wind machine. The Planning Board may allow the wind machine to exceed the maximum height limitations established by this Bylaw provided that the setback requirement stated above is met.
2. A mobile home may be placed on the site of a residence rendered uninhabitable by accident, provided it is used for a period not to exceed 12 months as the primary residence of the owners of the residence which has been rendered uninhabitable.
3. Farm products grown on the premises may be sold on the premises.
4. Where not otherwise permitted, a greenhouse may be authorized by special permit from the Planning Board where the principal use of the property is agriculture.