

§174-30 Distance between Accessory Structures:

If more than one (1) building (other than a one (1), two (2)- or three (3) car garage, a tool shed, a greenhouse or a cabana) may lawfully be placed on any lot in a single or common ownership, the distance between the nearest parts of such buildings shall be not less than twenty (20') feet.

§174-31 Land Space Requirements Table

History: Amended 5-8-1989, STM, Article 4, approved by Attorney General 8-10-1989.

History: Amended 10-7-1991 ATM, Articles 13 and 24, approved by Attorney General 2-3-1992.

History: Amended 10-17-2016 ATM, Article 21, approved by Attorney General 2-16-2017.

History: Amended 10-16-2017 ATM, Article 16, approved by Attorney General 2-21-2018.

History: Amended 10-16-2017 ATM, Article 18, approved by Attorney General 2-21-2018.

Town of Mashpee - Land Space Requirements Table ^{9,10}

Zoning District	Minimum Lot Size ¹² (square feet)	Minimum Lot Frontage ^{1,2,13} (feet)	Minimum Building Setback to Lot Lines ²²			Maximum Building Height ^{4,17,18,21}		
			Front ^{3,5,6,19,20} (feet)	Rear ^{3,5,19,23} (feet)	Side ^{3,5,19,23} (feet)	(Stories)	(feet)	Maximum of Lot Coverage ¹⁶ (percent)
Residence Districts								
R-3	40,000	150	40	15	15	2 1/2	35	20 ⁵
R-5	80,000	150	40	15	15	2 1/2	35	20 ⁵
Commercial Districts								
C-1	40,000	200	40 ¹⁴	40 ⁸	20 ⁸	2 ²⁴	35 ²⁴	25 ⁵
C-2	40,000	200	75 ¹⁴	20 ^{5,8}	20 ⁸	2	35	20 ⁵
C-3 ²⁰	40,000	200	75	20	20	2 1/2	35	20
Industrial Districts								
I-1	40,000	200	75 ^{11,15}	50	30 ⁸	2	35	25

Land Space Requirements Table Footnotes

¹ For lots where any part of the front lot line is on an arc of a curve with a radius of three hundred (300) feet or less, lot frontage may be measured along a straight line connecting the points of intersection of the side lot lines with the minimum building setback line applicable to the lot under this bylaw.

History: Amended 10-7-1996, ATM, Article 29, approved by Attorney General 12-9-1996.

² Not less than the frontage requirements shall be maintained throughout the front yard depth, except as provided for in Note 1 above.

³ On lots abutting streets or public ways on more than one (1) side, the front setback requirements shall apply to each of the abutting street and public ways. In the case of undefined ways, the measurements shall be taken from the center of the road and an additional twenty (20) feet shall be required.

History: Amended 10-2-2000 ATM, Article 33, approved by Attorney General 1-12-2001.

⁴ These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy nor to wireless or broadcasting towers and other like unenclosed structures, except that when any structure or portion of a structure is proposed to exceed forty (40) feet in height, construction shall require a Federal Aviation Administration (FAA) Determination of No Hazard or evidence of exemption for the determination process. Other than for those items excepted above, height shall be measured from the average original grade of the land adjacent to the foundation line of any proposed structure (prior to the clearance of the natural vegetation from said site) to any applicable point on a structure. Except for a traditional widow's walk of up to one hundred (100)

retention ponds or any other development involving clearance of natural vegetation be permitted within said area. Nothing herein is intended to prohibit appropriate tree surgery or similar maintenance of vegetation in this buffer area.

- ¹⁶ Any water or wetland, as defined under MGL C.131, §40, any existing or proposed street or any roadway, right-of-way or easement twenty (20) feet or more in width may not be counted toward lot size for the purpose of calculating maximum lot coverage. For lots in any cluster subdivision, maximum lot coverage shall be thirty (30) percent. For single-family residential lots not in a cluster subdivision, but having ten thousand (10,000') square feet or less of lot size, maximum lot coverage shall be twenty five (25%) percent.

History: Added 10-7-1991 ATM, Article 24, approved by Attorney General 2-3-1992.

History: Amended 10-7-1996, ATM Article 28, approved by Attorney General 12-9-1996.

History: Amended 10-16-2017 ATM, Article 28, approved by Attorney General 2-21-2018.

- ¹⁷ Except as otherwise allowed under §174-46, Open space incentive development.

History: Added 10-7-1991 ATM, Article 24, approved by Attorney General on 2-3-1992.

- ¹⁸ Maximum height within the Popponesset Overlay District shall be thirty (30) feet, subject to the provisions of Footnote 4 of this table. Minimum lot size shall be six thousand (6000') square feet, minimum frontage sixty (60') feet, minimum building setbacks 25 feet front, 15 feet rear and 15 feet side and maximum of lot coverage twenty five (25%) percent.

History: Added 5-3-1993 ATM, Article 12, approved by Attorney General 7-19-1993.

History: Amended 5-6-1997, ATM, Article 46, approved by Attorney General 9-25-1997.

History: Amended 10-16-2017 ATM, Article 18, approved by Attorney General on 2-21-2018.

- ¹⁹ These setback requirements shall not apply to the following building projections provided they do not exceed the sizes specified, as measured from the foundation line along a line perpendicular to the nearest property line: chimney projecting no more than three (3) feet, house overhang projecting no more than two (2) feet, roof overhang projecting no more than three and one-half (3 1/2) feet, and open decks or platforms used for egress projecting no more than four (4) feet. These setback requirements shall also not apply to stairs required as a means of egress, basement bulkhead of the hatch door type or handicapped access ramps on private property used solely for the purpose of facilitating ingress or egress of a physically handicapped person, as defined in MGL C. 22, §13A.

History: Added 10-4-1993 ATM, Article 26, approved by Attorney General 10-18-1993.

- ²⁰ Minimum front building setback within the Mashpee Overlay District shall be twenty (20) feet and maximum allowed building setback for the principal structure on a lot shall be forty (40) feet. Except as required by §174-25.1.

History: Added 10-4-1999 ATM, Article 29, approved by Attorney General 1-11-2000.

History: Amended 10-7-2002 ATM, Article 22, approved by Attorney General 11-27-2002.

- ²¹ Except that hotels and motels (and not other uses) approved by the Planning Board under the provisions of §174-45 may be increased to three (3) stories and forty five (45) feet, if approved by the Board, provided that there is adequate access for Fire Department vehicles and equipment and that all Fire Protection Construction Documents required by 780 CMR Subsection 903.1.1 of the Massachusetts State Building Code, have been submitted to the Planning Board and Fire Department as part of the Special Permit application and the Board is satisfied that the standards of said Subsection will be met.

History: Amended 10-18-2004 ATM, Article 40, approved by Attorney General 12-16-2004.

- ²² Minimum front building setback within the Mashpee Center Overlay District shall be twenty (20) feet and maximum allowed building setback for the principal structure on a lot shall be forty (40) feet.

History: Added 10-17-2005 ATM, Article 18, approved by Attorney General 3-7-2006.

- ²³ Minimum required setback from rear or side property lines shall be five (5) feet for sheds or similarly non-inhabitable structures not exceeding 120 square feet in floor area or twelve (12) feet in height.

History: Added 10-17-2005 ATM, Article 13, approved by Attorney General 3-7-2006.

- ²⁴ Except that hotels and motels may be four (4) stories and fifty (50') feet if approved by Planning Board as part of a Special Permit for a project and that said building shall be consistent with the Cape Cod Commission design guidelines entitled, "Contextual Design on Cape Cod" dated October 1, 2009.

History: Added 10-16-2017 ATM, Article 16, approved by Attorney General 2-21-2018.