

ARTICLE IV

DIMENSIONAL AND DENSITY REGULATIONS

4.01 Applicability of Dimensional and Density Regulations.

The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum number of stories, maximum building area, and minimum open space shall be specified in this section and set forth in the Table of Dimensional and Density Regulations and subject to the further provisions of this By-Law.

(Art. 46, 5/9/78; Art. 23, 5/5/81)

4.02 Table of Dimensional and Density Regulations.

See table at the end of this Article IV plus attached notes, which is declared to be a part of this By-Law.

4.03 Reduction of Lot Areas.

The lot yard areas, or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this By-Law, nor may these areas include any part of a lot across which easements have been granted except those for the maintenance utilities and drainage systems, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this By-Law, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

(Art. 46, 5/9/78; Art. 23, 5/5/81)

4.04 Deleted by vote at the May 5, 1981 Town Meeting.

4.05 Buffer Strips.

In all cases where a lot with a nonresidential use, except agriculture, horticulture, floriculture, noncommercial forestry or home farm products stand, is adjacent to (including across a public way) a lot with a residential use or an unused lot in a residential district, a buffer strip shall be required on the lot with the nonresidential use at the time of occupancy of such lot along each lot line abutting such residential lot. Such buffer strips shall conform to the following standards:

- A. The buffer strip shall be fifty (50) feet wide.
- B. The buffer strip shall contain a screen of evergreens no less than six (6) feet in height and ten (10) feet in width, or it shall contain a dense man-made screen, or a combination of the above two (2) screens.
- C. Where man-made screens are erected, these shall be designed to present an attractive facade which shall reflect the general architectural style of the premises.
- D. Whichever screen is proposed, it shall be so located on the buffer strip and be of such dimensions as to effectively protect surrounding premises from exterior lights, noise, vehicular traffic, scattered refuse, dust, and smoke.

The fifty (50) foot requirement of Section 4.05A may be reduced to ten (10) feet with the approval of the Permit Granting Authority.

Access across buffer strips shall be subject to review and approval of the Permit Granting Authority.
(Art. 46, 5/9/78; Art. 23, 5/5/81)

4.06 Accessory Buildings.

In any District, a detached accessory building shall conform to the following provisions:

Business District Highway (B-H)
Business District Highway North (B-H-N)
Business District Village (B-V)
Business Park District (B-P)
Central Residential District (C-R)
Inner Residential and Agricultural District (I-R-A)
Outlying Residential and Agricultural District (O-R-A)

It shall not occupy more than ten (10) percent for O-R-A, I-R-A, and residential uses in the B-P District and twenty (20) percent for C-R District of the required rear yard; it shall not be located within the required front area; it shall not be less than ten (10) feet from any other lot line; it shall not exceed twenty (20) feet in height. An accessory building attached to the principal shall be considered as an integral part thereof and shall be subject to front, side and rear yard requirements applicable to the principal building. Accessory buildings in the Business Districts may be located on the lot so as not to violate the minimum open space requirements set forth in the Table of Dimensional and Density Regulations. An accessory in-ground swimming pool in any district shall be enclosed by an impassable four (4) foot high fence with a self-latching gate or an equivalent enclosure or means of protection from access to the pool. No permanent swimming pool shall be located within any required front yard nor within ten (10) feet from any side or rear lot line. (Art. 45, 5/9/78; Art. 23, 5/5/81; Art. 39, 5/6/2008)

4.07 Other General Dimensional and Density Provisions.

In addition to the regulations in Section 4.01 through 4.06, the following regulations shall apply:

- A. Existing residential uses in the Business District shall be subject to the dimensional and density regulations of the nearest residential district as determined by the Inspector of Buildings.
- B. Except for planned development, community facilities, and public utilities, and developments in the Business Park District, Business District Highway, and Business District Highway North only one principal structure shall be permitted on a lot unless a special permit is granted by the Permit Granting Authority.
- C. A corner lot shall have minimum street yards with depths which shall be the same as required front yard depths for the adjoining lots.
- D. At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the district in which each street frontage is located.
- E. Projections into required yards or other required open spaces are permitted subject to the following:
 1. Balcony or bay windows, limited in total length to one-half the length of the building - not more than two (2) feet.
 2. Open terrace or steps or stoop, under four (4) feet in height - up to one-half the required yard setback.

3. Steps or stoop over four (4) feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features - not more than two (2) feet.

F. The provisions of this By-Law governing the height of buildings shall not apply to chimneys, elevator bulkheads, skylights, ventilators, cooling towers, electronic equipment, elevator shafts, and other necessary appurtenances sally carried above roofs, nor to domes, towers, stacks or spires, if not used for human occupancy and which occupy not more than twenty (20) percent of the ground floor area of the building, nor to ornamental towers, observation towers, radio broadcasting towers, towers or structures supporting wind energy conversion systems, television and radio antennas, and other like structures, which do not occupy more than twenty (20) percent of the lot area; or buildings of private schools not conducted for profit that are primarily used for school purposes, provided, however, that the height of all structures exempted by this paragraph shall not be more than four (4) times the distance between the nearest lot line and the point directly below the specific structure and further provided the excepted appurtenances are not located within the flight paths of an airport as defined by Federal Aviation Agency regulations.

G. Where the existing development along a street amounts to more than fifty (50) percent of the street frontage, and where said development has an average setback less than required by this By-Law, then any vacant lot setback may be reduced to said average of the existing development.

H. The lot width between the street line and the rear building line shall not be less than eighty (80) percent of the minimum lot frontage required for such lot under the Table 7 Dimensional and Density Regulations of this By-Law. (Art. 42, 5/7/97)

I. No lot shall be laid out which is irregular in shape. A lot is substantially irregular in shape if the area of the lot is less than thirty five (35) percent of the area of a square lot of the same perimeter. The aforementioned percentage standards may be applied to the entire lot, or at the discretion of the Planning Board to the minimum lot area which conforms to all other requirements.
(Art. 43, 5/7/97)

J. Every land use for which a building permit or other permit is required shall be on a lot having the required frontage and vehicular access over the required frontage to a portion of the said lot to within fifty feet of the structure for which the permit is required. (Art. 36. 5/4/99) No private street or driveway to residential dwellings or to commercial or industrial districts shall be permitted through residentially zoned or developed property, provided however that the Planning Board, acting as Special Permit Granting Authority, may grant a Special Permit to allow for a common drive or access upon satisfaction of the following conditions:

1. No more than three (3) lots shall share a common driveway.
2. Each lot must meet all dimensional requirements for a lot in the district in which the land is located.
3. The applicant shall, on a separate topographic site plan, demonstrate that each individual lot to be served by the common driveway meets all of the legal requirements for access without the use of a common driveway or access.
4. The Special Permit Granting Authority shall make a finding that the topography, sight lines along the street on which the lots are located or the location of access to the lot(s) or a combination of such factors dictate the public safety, preservation of open space, preservation of wetlands or the public good will be better served by a deviation from the public policy against common driveways.

5. The applicant must demonstrate that public utilities such as water, electricity, telephone, cable television and gas are adequately provided for each lot either by direct access to the lot from the street or through a recorded set of easements.

6. Provision must be made to insure that the common drive or way will be adequate for the number of dwellings or lots to be served in terms of width, construction and provision for police and fire protection. All such common drives or ways shall conform with the specific requirements for: (1) maximum grade at an intersection with a public way, (2) minimum angle of intersection with a public way, and (3) maximum length at a dead-end street as listed in Table 1 entitled Geometric Design Standards of Article 5 of the Rules and Regulations Governing the Subdivision of Land in the Town of Topsfield, as most recently amended.

7. The applicant must demonstrate that construction of a common drive or access will not adversely affect abutting off-site property, roadways or wetlands with regard to water runoff and drainage. This shall be accomplished with a topographic site plan, submitted with the application and prepared by a registered professional engineer, showing existing and proposed grading and storm water control. Where such conditions indicate the potential for flooding, as defined above, the applicant shall also submit with the application, and engineered calculations deemed necessary by the Planning Board or the Town Engineer.

8. The applicant shall provide a topographic site plan, submitted with the application showing: (1) the parcels of land to be served by the common drive or access, (2) the extent of the common drive or access, (3) public ways, on to which the common drive or access is to intersect, shown with elevations in sufficient length so as to demonstrate proposed lines of site, (4) other public way intersections within two hundred (200) feet each way of the proposed intersection, (5) wetland boundaries within proposed lots.

9. The special permit shall require and the applicant shall record simultaneously with the permit a declaration of covenants and easements which provides for a method of maintenance of the drive, and which shall provide that the Town may enforce the obligations of the parties in the event of failure of the parties to adequately maintain the drive. (Art. 25, 5/4/94)

K. No required yard abutting a public street shall be used for a period in excess of six (6) consecutive days for the storage or display or abandonment of merchandise, lumber, building material equipment or salvageable secondhand items or any type of junk scrap, trash, rubble or discarded or abandoned equipment. Material for use in construction activity currently occurring on the same lot is exempt from this paragraph. (Art. 45, 5/9/78; Art. 23, 5/5/81; Art. 25, 5/4/82; Art. 43, 5/7/96)

4.08 Minimum Buildable Area.

A. Each lot in the Outlying Residential and Agricultural and the Inner Residential and Agricultural Districts shall have a minimum of thirty thousand (30,000) contiguous square feet of buildable area, and each lot in the Central Residential District shall have a buildable minimum of twenty thousand (20,000) contiguous square feet of buildable area. (Art. 18, 5/5/1981)

B. Buildable area shall be comprised of acreage not including any part of a street or any part of any watercourse, water body, vernal pool, bank, and bordering or isolated vegetated wetland as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, et. Seq., or the Topsfield Wetlands General Bylaw. (Art. 39, 4.08 – B. 5/3/2005)

C. For lots created after May 6, 2014, in the Outlying Residential and Agricultural District and in the Inner Residential and Agricultural District, each lot's buildable area shall be capable of

containing a 100 foot diameter circle within which there is not more than 5% of buffer zone as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00 et. seq. or the Topsfield Wetlands General Bylaw.

D. On subdivision plans or on plot plans the Planning Board may require those plans to show buildable areas as required in Section 4.08 A. and C., and the proposed locations of buildings. (Art. 23, 5/5/81; Art. 23, 5/4/82; Art. 40, 5/4/2005; Art. 43, 5/6/2014)

4.09 Open Space Development Plan.

A. Purpose and Intent. The purposes of this Open Space Development Plan By-law are the following:

1. To allow for greater flexibility in the design of residential developments in the Inner Residential and Agricultural District and Outlying Residential and Agricultural District;
2. To encourage, for conservation and recreation purposes, the permanent preservation of open space, agricultural land, woodland, wildlife habitat, other natural resources including aquifers, water bodies and wetlands, recreational, historical and archeological resources;
3. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features, than a conventional or grid subdivision;
4. To minimize the total amount of disturbance on the site of residential developments;
5. To further the goals and policies of the Topsfield Open Space Plan; and
6. To facilitate the construction and maintenance of housing, streets, utilities, and public services in a more economic and efficient manner while protecting open space.

B. All Applicants submitting a conventional Preliminary Plan or a conventional Definitive Plan for which no Preliminary Plan has been submitted to the Planning Board for a tract of land of at least ten (10) acres in the Inner Residential and Agricultural District or Outlying Residential and Agricultural District shall simultaneously therewith submit a Preliminary or Definitive Open Space Development Plan. Said Open Space Development Plan shall be complete, and prepared by the Applicant in good faith with no less degree of professionalism than was utilized in the preparation of the conventional Plan. The Planning Board shall review the conventional Plan and the Open Space Development Plan-in the best interest of the Town of Topsfield, having reasonably considered such factors as safety, convenience of the roadways, conservation of natural resources, preservation of natural features, the character and peculiar uses of the District and the purpose and intent of the Open Space Development By-law.

C. The Planning Board may approve according to the Subdivision Control Procedures authorized in Section 81L of Chapter 41 of the General Laws a Preliminary or Definitive Plan of a tract of land meeting the applicability requirements set forth in Subsection B., above in which some or all of the individual lots do not conform to the lot area or frontage requirement of Sections 4.01 and 4.02 of this by-law provided that the Planning Board finds that the proposed plan is in harmony with the purpose and intent of this Open Space Development By-law, provides for the public interest, will provide permanent open space, will lead to efficient land use and to economy in the provision of town and public utility services, and will increase the amenities, attractiveness and recreation potential of the neighborhood and provided further that the following requirements are satisfied:

1. The total area, excluding roadways, in such proposed subdivision is not less than the product of the total number of lots times the minimum lot size for the zoning district in which the subdivision is located, and in no case shall an individual lot have less than one-half (1/2) of the required lot size for the zoning district in which the subdivision is located.

2. Each lot shall have a minimum street frontage of eighty (80) feet except that a lot on the turning circle of a dead end may have a frontage of not less than fifty (50) feet, provided that in all lots the distance between side lot lines shall be at least one hundred (100) feet at the front most point of the dwelling in Inner Residential and Agricultural District and one hundred and thirty (130) feet at the front most point of the dwelling in the Outlying Residential and Agricultural District. Each lot shall have a minimum buildable area of 15,000 sq. ft. in the Inner Residential and Agricultural District and 20,000sq. ft. in the Outlying Residential and Agricultural District. Each lot shall also meet all other dimensional requirements set forth in this Article IV.

3. The number of lots on the plan does not exceed the number of lots upon which dwellings could have been constructed on the total land area of the tract without this—open— space development provision, determined based on the conventional Preliminary Plan or Definitive Plan. For the determination of the number of lots, the conventional plan shall show the maximum number of lots that could be placed upon the site under a conventional subdivision process according to the Town's Subdivision Control Rules and Regulations and all other applicable By-laws, rules and regulations of the Town of Topsfield, including without limitation the applicability of the Topsfield Wetlands By-law. The Applicant shall have the burden of proof with regard to the maximum number of lots. The Planning Board may request further information related to the proposed number of lots, including but not limited to an approved wetland and resource delineation. In determining the number of lots which could have been constructed from a conventional plan, the Planning Board may consider economic and practical factors in addition to technical compliance, including but not limited to the regularity of lot shapes.

4. Provisions shall be made so that at least fifty (50) percent of the land area of the tract, exclusive of land set aside for roadways shall be—open, or undeveloped—land and shall conform to the following:

a. No more than fifty (50) percent of the designated open space may be comprised of wetlands or Riverfront Area as defined by the Massachusetts Wetlands Protection Act, M.G.L. c. 131, s. 40, and regulations adopted thereunder, as amended. The Planning Board may allow a reduction of this ratio if it furthers the purposes and intent of this Open Space Development Plan By-law.

b. The open space shall be suitable for and protected and maintained for wildlife habitat, conservation, historic preservation (landscapes and/or structures), outdoor education, passive or active recreation, park purposes, agriculture, horticulture, forestry, or any combination of these uses. In its discretion the Planning Board may permit up to five (5) percent of the open space that is not subject to the Topsfield Wetlands By-law to be impervious surface.

5. Provisions shall be made so that the open space shall be owned in one of the following ways, as determined by the Planning Board:

a. In common by owners of the lots in the tract.

b. By a—corporation, trust or association or similar corporate body whose shareholders or members shall include all owners of the lots in the tract.

c. By the Town of Topsfield.

d. By an independent conservation entity approved by the Planning Board for open space land ownership. If ownership is to be by either a. or b. above, the developer shall include in the deed to such owner or owners beneficial rights in the open space and shall grant a perpetual open space restriction to the Town of Topsfield to insure that it will remain in an open state and not, for example, be used for residential purposes or accessory uses. Such restriction shall be in the form and substance prescribed by the Planning Board, and may contain such additional restrictions on the use of the open space as the Planning Board deems appropriate. If owned by the Town of Topsfield or an independent conservation entity, the open space shall be available for use by the general public, unless the Applicant can provide compelling evidence to the Planning Board

demonstrating to the Planning Board's satisfaction that such access is not feasible in whole or in part.

6. A restriction shall be filed in the Registry of Deeds restriction index, committing the open space to the uses determined in accordance with Subsection C.4.b. above and permitting erection of no structures except small structures, platforms, bridges and pathways incidental to such uses.

7. The open-space shall be in one contiguous parcel except where divided by streets and each lot shall have a boundary common with the Open Space or access by a right-of-way or easement. In the case of access by right-of-way or easement, the Planning Board shall determine whether said access is adequate and sufficient to meet the intent of this By-Law. Where practicable the open space should be used as a buffer from existing roads and between lots and be contiguous with existing open space in adjoining subdivisions.

8. In order to maintain and protect the open space, the Planning Board may request a reasonable endowment from the Applicant for the care and custody of the open space. The amount of the endowment shall be proportionate to the open space area and amount of public use, and shall be a one-time payment, the terms of which shall be conditioned in the conditions of approval of the subdivision.

9. All lots shall be suitable for building and should be found to take best advantage of natural terrain.

D. Further Changes. Said subdivision plan when approved and recorded shall be considered a supplementary part of the Zoning By-Law, and thereafter no land therein shall be sold and no lot line within such tract shall be changed in such a way as to increase the extent of nonconformity permitted by the general provisions of this Open Space Development Plan By-Law.

(Art. 43. 5/9/1978; Art. 33. 5/5/1981; Art. 40, 5/7/1998; Art.26, 5/1/2007)

4.10 Business Park District Conditions.

For the Business Park District the following conditions shall apply in addition to those shown in the Table of Dimensional and Density Regulations or required elsewhere in this By-Law:

A. The tract shall be in single or consolidated ownership at the time of application for special permit.

B. A site plan for the tract shall be submitted along with the application for special permit and shall be subject to the approval of the Permit Granting Authority (Art.32, 5/1/16).

C. Uses may be in one continuous building, or groupings of buildings. Different ownership may be allowed by the Permit Granting Authority where such groupings are consistent with the safety of the users and are consistent with the overall intent of this section (Art.32, 5/1/16).

D. The gross floor area of the building(s) shall not exceed twenty-five (25) percent of the total lot area. The gross floor area of the building(s) shall not exceed fifty (50) percent of the buildable area.

E. The tract or development shall be served by common parking areas and by common exit and entrance. The number of parking spaces provided shall be adequate and consistent with usage requirements.

F. In the Business Park District there shall be a buffer strip no less than one hundred (100) feet in width along each boundary which adjoins a residential property or abuts a residential district. The buffer strip shall be proportioned as follows:

1. The portion of the buffer strip within fifty (50) feet of the residential district or lot boundary shall conform to Section 4.05 hereof.

2. The remaining fifty (50) feet of space shall be open space containing no permanent structure, and such space may be used for off-street parking or other permitted open uses.

G. A common architectural theme shall be reflected in the building by means of building materials, architectural style and color coordination.

H. The designated leaching areas for on-lot septic systems shall meet the minimum requirement of the Board of Health of the Town of Topsfield and Title 5 of the State Environmental Code.

I. Ten (10) percent of the site shall be developed in the form of mall, court, or park either with walkways, shade trees and appropriate amenities for the users of the development.

J. The development shall be served by a public water system or private water system approved by the Permit Granting Authority and adequate in terms of fire protection and domestic use (Art.32, 5/1/16).

K. Uses contained within the development or contained within one building shall be compatible in terms of, among others, use and vehicular traffic.
(Art. 45, 5/9/78; Art. 18, 5/5/81)

4.11 Deleted by vote at the May 4, 2010 Town Meeting.

4.12 Parking

A. General Requirements. All off street parking areas and loading areas, other than those provided for dwellings, but including drives and other access ways, shall be treated with bituminous or other impervious surfacing material; and shall be provided where necessary with appropriate bumper and wheel guards. Illuminations shall be so arranged as to deflect light away from adjoining lots and abutting streets; and screening shall be provided where required by this By-Law.

B. Off Street Parking Areas. Off street parking spaces shall be i) located on the premises or ii) on a site within five hundred (500) feet of the premises which is accessible by foot from the premises and of which the user has a legal right to use for parking. Off street parking spaces should be provided in at least the ratio specified below in Section 4.12C. Off street parking must be provided to service the net increase in parking demand created by new construction, additions or change of use, provided nevertheless that the Permit Granting Authority may grant a special permit reducing the required number of spaces upon a finding that due to the nature of the proposed use, the number of spaces provided is adequate to service the use.

C. Minimum Parking Requirements:

1. Dwelling unit (two or more bedrooms): 2 spaces

2. Dwelling unit (fewer than 2 bedrooms): 1 space

3. Retail sales and service: 1 space per 250 sq. ft. gross floor area exclusive of storage area but not fewer than 3 spaces per separate enterprise

4. Business or Professional Offices: 1 space per 300 sq. ft. gross floor area

5. Restaurants:
 - a. Restaurant, Full Service:
 - i. 1 space per 5 seats with a minimum of 12 spaces in the Business District Village
 - ii. 1 space per 3 seats with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District
 - b. Restaurant, Limited Service:
 - i. 1 space per 100 square feet of gross floor area with a minimum of 8 spaces in the Business District Village
 - ii. 1 space per 100 square feet of gross floor area with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District
 - c. Restaurant, Snack and Non-Alcoholic Beverage:
 - i. 1 space per 100 square feet of gross floor area with a minimum of 8 spaces in the Business District Village
 - ii. 1 space per 100 square feet of gross floor area with a minimum of 20 spaces in the Business District Highway, Business District Highway North and the Business Park District
 - d. Restaurant, Retail Specialty Foods
 - i. The minimum parking requirements applicable to the primary business to which such establishment is related
6. Church or similar place of assembly: 1 space per 3 persons of rated capacity.
7. Schools:
 - a. For children in pre-school through grade 8: 1 space per employee plus 1 space per classroom.
 - b. For students of High School age: 1 space per employee and 1 space per 3 students.
8. Schools for adults and Fitness and Recreational Facilities: 1.5 spaces per 100 sq. ft. but no less than 10 spaces.
9. All other uses including nonresidential uses accessory to a residential use: 1 space per 350 sq. ft.

D. Parking Setback. No parking shall be located in the required front yard (setback).

E. Backing Restrictions. Parking areas with five (5) or more spaces or reached from State-numbered highways shall be designed and located so that their use does not involve vehicles backing onto a public way.

F. Severability. All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void, or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw. (Art. 38, 5/2/90; Art. 34, 5/4/-2004; Art. 41, 5/05/2015)

TOWN OF TOPSFIELD
TABLE OF DIMENSIONAL AND DENSITY REGULATIONS

District	Use	Minimum lot area Sq. ft.	Minimum lot Frontage ft.	Minimum lot Depth ft.	Minimum yards			Maximum Height ft.	Maximum Stories No.	Maximum Building area %	Minimum Open Space ⁽¹⁾ %
					Front ft.	Side ft.	Rear ft.				
O-R-A	Any permitted use	87,120 ⁽⁵⁾	200 ⁽⁵⁾	200	20	20	40	35	2½	15	50
I-R-A	Any permitted use	87,120	200	150	20	15	40	35	2½	25	50
C-R	Any permitted use	20,000	100	120	20	10	30	35	2½	40	40
B-V	Any permitted use	20,000	100	100	40	30 ⁽²⁾	30 ⁽²⁾	35	2½	40	30
BHN	Any permitted use	20,000	100	100	40	30 ⁽²⁾	30 ⁽²⁾	35	2½	40	30
B-H	Any permitted use	40,000	200	175	75	40 ⁽³⁾	40 ⁽³⁾	35	2 ½	40	30
B-P	Any permitted use	87,500	350	250	75	50 ⁽⁴⁾	50 ⁽⁴⁾	45	3	25	25

- EHD See Standards Section 3.16 for Dimensional and Density Regulations.
1. See Section 1.52 for definition of Open Space
 2. Except where adjacent to residential use or district in which case the yard will increase to 50 feet.
 3. Except where adjacent to residential use or district in which case the yard will increase to 100 feet.
 4. Except for O-R-A uses permitted under Section 3.06.
 5. Unless as provided for in an Open Space Development Plan under Article 4.09.

(Art. 46, 5/9/78; Art. 23, 5/5/81; Art. 40, 5/4/2005; Art. 26, 5/1/2007; Art. 36, 5/6/2008, Art. 34, 5/2/2017)