**Halifax Zoning By-law**

**Draft #1**

**July 7, 2021**

**SECTION 1.0 PURPOSE AND AUTHORITY**

**1.1 PURPOSE.** These regulations are enacted to promote the general welfare of the Town, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.

**~~§ 167-1. Purpose.~~**

~~The purpose of this Zoning Chapter is to promote the health, safety, convenience, morals and welfare of the inhabitants of Halifax, to lessen the danger from fire and congestion, to encourage the most appropriate use of the land and to improve the town under the provisions of MGL c. 40A, §§ 1 through 22. For this purpose, the use, construction, repair, alteration, height, area, location of buildings and structures and use of premises in the Town of Halifax are regulated as hereinafter provided. The procedures for seeking the building, use and occupancy permits required under this chapter are set forth in §§ 167-19 and 167-20.~~

**1.2 AUTHORITY.** This Zoning By-Law (“this By-Law”) is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1.3 SCOPE.** For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

**1.4 APPLICABILITY**. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

**~~§ 167-2. Basic requirements.~~**

~~All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved or use of premises in the Town of Halifax shall be in conformity with the provisions of this chapter. Any building, structure or land may not be used for any purpose or in any manner other than is permitted within the district in which such building, structure or land is located. Any use not specifically enumerated in a district herein shall be deemed prohibited. In accordance with MGL c. 40A and notwithstanding any provisions to the contrary, this chapter shall not prohibit or limit the use of land for any church or other religious purpose, for any educational purpose which is religious, sectarian, denominational or public, for any municipal purpose or for any agricultural purpose beyond the degree of regulation allowed under said chapter.~~

**1.5 AMENDMENTS.** This Bylaw may be amended from time to time in accordance with the provisions of MGL c. 40A**, §** 5.

~~§ 167-22. Reconsideration of proposed changes.~~

~~No proposed change in this chapter which has been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within two (2) years after the date of such unfavorable action, unless adoption of the proposed change is recommended in the final report of the Planning Board. No appeal or petition for a variance under § 167-21A(3) and no application for a special permit under § 167-21A(2) which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.~~

**1.6 SEVERABILITY.** The invalidity of any section of provision of this Bylaw shall not invalidate any other section or provision thereof.

**~~WHEN EFFECTIVE.~~** ~~The effective date of this Bylaw or any amendment thereto shall be the date upon which the chapter comes in full force or effect, in accordance with the provisions of MGL c. 40A, § 32. All other existing zoning bylaws shall be repealed upon the effective date of this chapter.~~