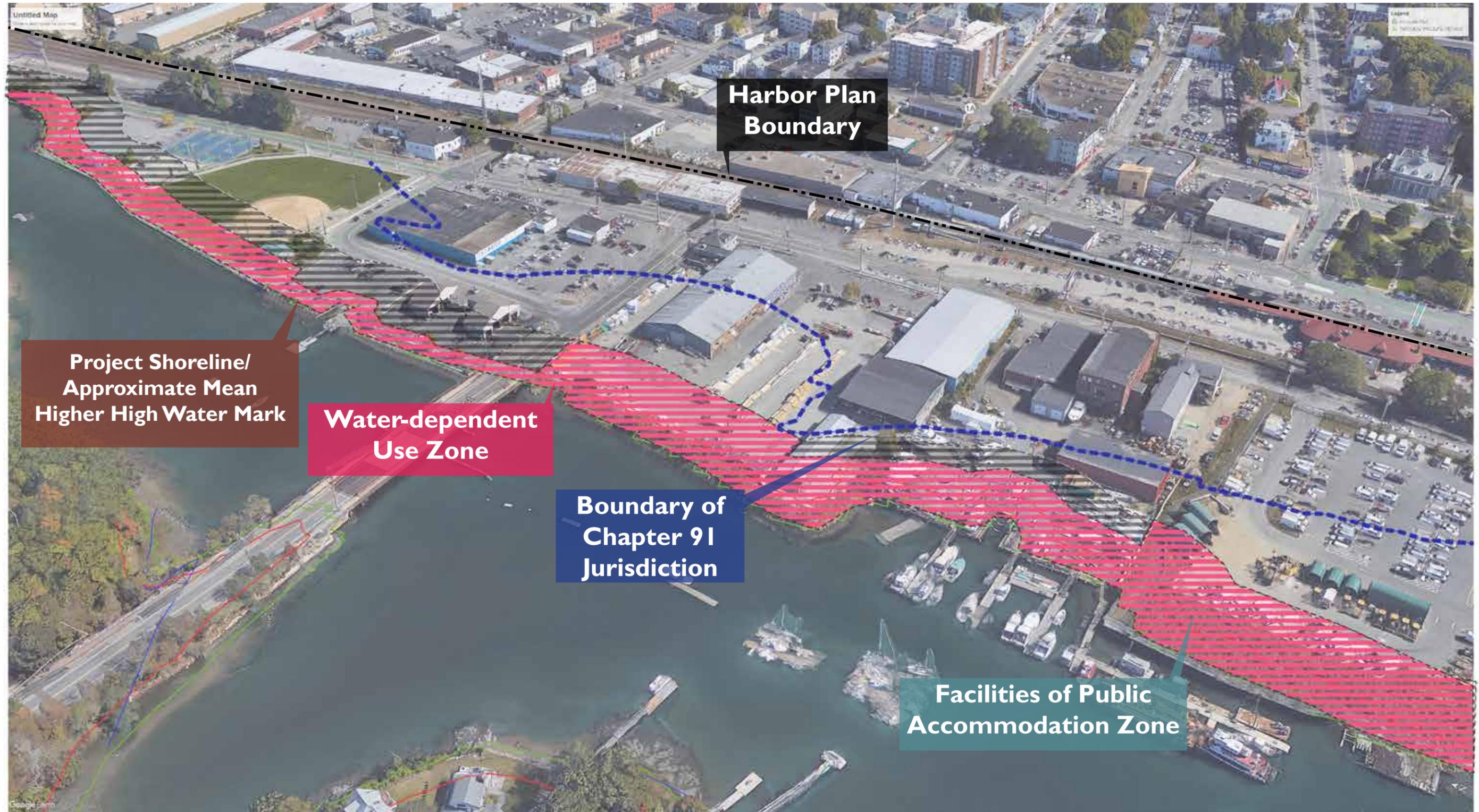
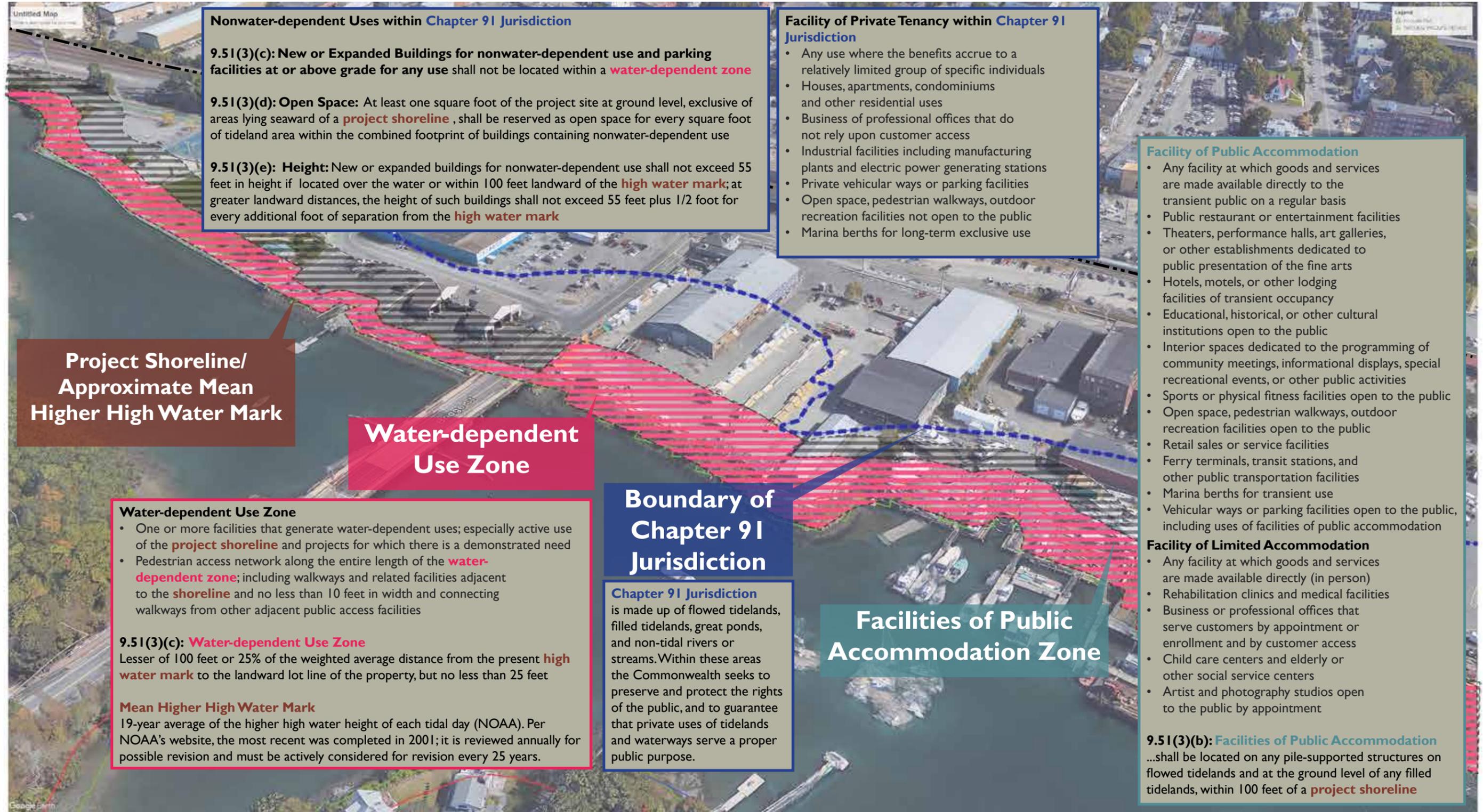


# Chapter 91 Zones: Existing Conditions

City of Beverly Harbor Plan



# Chapter 91 Zones: Definitions and Standards



**Nonwater-dependent Uses within Chapter 91 Jurisdiction**

**9.51(3)(c): New or Expanded Buildings for nonwater-dependent use and parking facilities at or above grade for any use shall not be located within a water-dependent zone**

**9.51(3)(d): Open Space:** At least one square foot of the project site at ground level, exclusive of areas lying seaward of a **project shoreline**, shall be reserved as open space for every square foot of tideland area within the combined footprint of buildings containing nonwater-dependent use

**9.51(3)(e): Height:** New or expanded buildings for nonwater-dependent use shall not exceed 55 feet in height if located over the water or within 100 feet landward of the **high water mark**; at greater landward distances, the height of such buildings shall not exceed 55 feet plus 1/2 foot for every additional foot of separation from the **high water mark**

**Facility of Private Tenancy within Chapter 91 Jurisdiction**

- Any use where the benefits accrue to a relatively limited group of specific individuals
- Houses, apartments, condominiums and other residential uses
- Business of professional offices that do not rely upon customer access
- Industrial facilities including manufacturing plants and electric power generating stations
- Private vehicular ways or parking facilities
- Open space, pedestrian walkways, outdoor recreation facilities not open to the public
- Marina berths for long-term exclusive use

**Facility of Public Accommodation**

- Any facility at which goods and services are made available directly to the transient public on a regular basis
- Public restaurant or entertainment facilities
- Theaters, performance halls, art galleries, or other establishments dedicated to public presentation of the fine arts
- Hotels, motels, or other lodging facilities of transient occupancy
- Educational, historical, or other cultural institutions open to the public
- Interior spaces dedicated to the programming of community meetings, informational displays, special recreational events, or other public activities
- Sports or physical fitness facilities open to the public
- Open space, pedestrian walkways, outdoor recreation facilities open to the public
- Retail sales or service facilities
- Ferry terminals, transit stations, and other public transportation facilities
- Marina berths for transient use
- Vehicular ways or parking facilities open to the public, including uses of facilities of public accommodation

**Facility of Limited Accommodation**

- Any facility at which goods and services are made available directly (in person)
- Rehabilitation clinics and medical facilities
- Business or professional offices that serve customers by appointment or enrollment and by customer access
- Child care centers and elderly or other social service centers
- Artist and photography studios open to the public by appointment

**9.51(3)(b): Facilities of Public Accommodation**  
...shall be located on any pile-supported structures on flowed tidelands and at the ground level of any filled tidelands, within 100 feet of a **project shoreline**

**Project Shoreline/  
Approximate Mean  
Higher High Water Mark**

**Water-dependent  
Use Zone**

**Water-dependent Use Zone**

- One or more facilities that generate water-dependent uses; especially active use of the **project shoreline** and projects for which there is a demonstrated need
- Pedestrian access network along the entire length of the **water-dependent zone**; including walkways and related facilities adjacent to the **shoreline** and no less than 10 feet in width and connecting walkways from other adjacent public access facilities

**9.51(3)(c): Water-dependent Use Zone**  
Lesser of 100 feet or 25% of the weighted average distance from the present **high water mark** to the landward lot line of the property, but no less than 25 feet

**Mean Higher High Water Mark**  
19-year average of the higher high water height of each tidal day (NOAA). Per NOAA's website, the most recent was completed in 2001; it is reviewed annually for possible revision and must be actively considered for revision every 25 years.

**Boundary of  
Chapter 91  
Jurisdiction**

**Chapter 91 Jurisdiction**  
is made up of flowed tidelands, filled tidelands, great ponds, and non-tidal rivers or streams. Within these areas the Commonwealth seeks to preserve and protect the rights of the public, and to guarantee that private uses of tidelands and waterways serve a proper public purpose.

**Facilities of Public  
Accommodation Zone**

# Chapter 91 Zones: Existing Conditions

City of Beverly Harbor Plan

