

Connery Associates

September 19, 2005

Memorandum

To: Chatham Planning Board

Fr: John Connery

Re: Zoning Review: A Guide to Sections I and II and Table of Contents

As we commence the review of the draft bylaw submitted on August 30th we are suggesting a guideline format that can be used by the Planning Board and members of the public to more easily understand the proposed amendments. If the draft bylaw were simply an edit we could use strikethrough and other editing indicators. However, the proposed draft is not only comprised of edits, deletions and additions but a complete reformat. We actually tried the traditional method but it quickly became an impenetrable morass studded with redundant sections.

What is suggested below can be prepared for each Section and used as a general guide by the subcommittee and Planning Board. Specifically we will prepare a memo that does the following:

- States the objective of the section, the purpose of the section, and why it is located where it is in the draft.
- For each subsection indicate what remained the same, what was deleted and why, what changed and by what means did it change i.e., an entirely new section was added, or amending the language for simple clarity purposes or for amending intent.

The reviewers will obviously need to have a copy of the existing bylaw but in most instances only for verification purposes. The information below applies the proposed guide to the Table of Contents and Sections I and II.

Table of Contents

Overview. A traditional guide to the text that follows. Please note the items listed may or may not change based on Planning Board actions.

The Table of Contents provides the best overview of the reformat.

- Section I. General Provisions: Unites all general provisions pertaining to purpose and applicability in one section including a reference to the zoning map.
- Section II. Basic Requirements: Locates in one section all regulatory conditions and procedures that affect the entire community not only a specific zoning district.
- Section III. Use Regulations: The location of all use district regulations. The section is subdivided by zoning district, and the listing of uses permitted follows the same format for all districts. Please note the existing Section VII (Special Regulations) has been folded into this section, thus all regulations for as of right, special permit, or accessory are now in one place.
- Section IV. Dimensional and Density Regulations: The location of all dimensional criteria for all districts.
- Section V. Overlay Districts: The location of the Town's three overlay districts. Note: Flexible Overlay not included since it has been recommended for deletion.
- Section VI. Development Regulations: The location in one section of all regulations concerning the development/construction of the permitted uses, i.e. land clearing (new additions), site plan review (parked version), parking and loading (new additions), common driveways (new) and signs which represents the existing sign controls shifted from the general bylaw to the zoning bylaws.
- Section VII. Administration: The location of all administrative review such as building permits, special permit procedures, and board of appeals.
- Section VIII. Definitions: All definitions of applicable terms and uses.

Section I. General Provisions.

An explanation of the general authority, purpose and applicability of local zoning and placed at the front of the document. In general terms it sets the general rules.

- **A. Authority.** Amended by removing current language referring to non zoning sections of MGL. i.e. references to Chapters 40B and 41.
- **B. Purpose and Intent.** Reformatted existing into a paragraph format and added language referencing the comprehensive plan.
- **C. Applicability.** Used existing language but deleted current references to Board of Appeal procedures; said items now contained in Section VII, a unified section dealing with development regulations.
- **D. Zoning Districts.** A list of zoning districts as currently proposed for discussion. We simply moved the list of districts to the front of the bylaw. Please note the list of districts included all proposed districts, to date.
- **E. Zoning Map.** New addition - we added said sub section to Section I in order to address a deficiency in the current bylaw. Employed additional language to allow the Town to make other explanatory or detailed graphics a part of the zoning map as the town may so choose to do from time to time.

Section II. Basic Requirements For All Districts

A Section that addresses zoning regulations that apply to the town in general regardless of zoning district. Traditionally placed at the front of a zoning bylaw.

- **A. Use Regulations; General.** This is a new section, but a common element in most community zoning bylaws. It simply states the controlling authority of the bylaw, clarifies what is prohibited generally and what is prohibited from a public safety perspective.
- **B. Exempt Uses.** This is a new section but not a new regulation. The section simply cites Chapter 40A, Section 3 MGL which now applies to Chatham. The addition of this section merely makes it more apparent to the reader.
- **C. Municipal Uses.** A new section, it indicates that in order to locate a municipal use a two thirds vote of Town Meeting is required.
- **D. Non-conforming Uses, Structures and Lots.** This section is the “parked” version of the non-conforming regulations discussed by the Planning Board. It replaces the current Section V. It also removes the 10,000 sq. ft. lot/sewer exemption currently a part of the zoning bylaw. In effect it applies the non-

conforming regulations to all properties. The major change to current regulation is contained in D6 which, in certain circumstances, requires a variance to be sought if an existing non-conformity is expanded.

- **E. Accessory Uses.** This subsection brings into one section all the accessory use requirements.

Subsection 1. New text that states the two basic requirements for all accessory uses.

Subsection 2a. This subsection is comprised of current language found in various parts of the current bylaw. Specifically it lists all the accessory uses permitted as accessory to residential without special criteria, in other words accessory use permitted as of right.

Subsection 2a2. This subsection lists accessory uses that have specific criteria. The section combines various items now found in different sections and adds items such as agricultural and family day care home. It is important to note that the criteria for uses such as a guest house and/or home occupation are listed in Section 3.

The subsection continues by listing those accessory uses that require a special permit i.e. affordable accessory apartments. This is a current requirement.

Item E3 repeats the format for accessory commercial uses. It is important to note that Subsection E brings all accessory uses into one section. However, since accessory uses are “uses” when special use criteria is required it is found in Section III, the section regulating use by district. For example, Section III O details the special regulations for residential accessory use. While Section II lists the accessory uses, Section III goes in to detail. As noted section III O regulates guest houses (new regulations), home occupations (clarification of existing regulations), antique shop (current regulations) and fishing use now termed accessory maritime use.

The above discussion of Section III is presented at this time only because Section II makes reference to it. A full discussion of all items in Section III is warranted in coming weeks.

F. Lots in Two Towns. This is a current requirement, but moved to the Basic Requirement section since it applies equally in all parts of town and for all districts.