



# TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492  
Telephone (508) 398-2231, Ext. 1276, Fax (508) 398-2365

Planning  
Division

## Summary of Zoning Amendments for 2019 Annual Town Meeting

(updated March 8, 2019)

The following is a brief summary of the proposed zoning amendments for the 2019 Annual Town Meeting. This Summary has been amended to include revisions made after the Public Hearing on February 20<sup>th</sup> and the meeting with the Board of Selectmen on March 5, 2019. Hard copies of the full text are available at the Planning Department at Town Hall during normal business hours, or can be viewed online at the Town website.

1. **Article 39 – Accessory Dwelling Units:** The Planning Board has been looking at ways to amend the existing Accessory Apartment Bylaw to create more housing opportunities while taking into consideration other factors such as our current high levels of residential density on small lots, potential impacts to single family neighborhoods, ensuring affordable housing stays affordable and is used year round, and concerns about impacts from increased wastewater loading on our water quality.

Although the proposed amendments to the bylaw remains restricted to one family related or affordable units through a Special Permit, the Board has loosened some restrictions to promote the creation of accessory units by:

- Eliminating the affordable housing deed restriction and fair marketing requirements (lottery or ready renter list). This will decrease costs and allow a homeowner flexibility to rent to someone they know who is income eligible.
- Ensuring affordability by matching maximum rents to the Federal Fair Market Rental rates which include utility costs.
- Increasing the income eligibility for an affordable unit from 80% of the local Area Median Income to 100% to expand housing opportunities for our workforce.
- Offering flexibility for waivers to the accessory unit requirements through the Special Permit process rather than a Variance.
- Making it easier to create a family related apartment by expanding the definition of family-related to include other long-term family-like relationships that are care giving or parental in nature. Easing the requirements on the affordable units may also promote the conversion of a family related apartment to an affordable unit as life circumstances change over time.

The Planning Board has balanced these changes with an increase in the minimum lot size from 10,000 square feet (sf) to 15,000 sf, setting a minimum unit size of 400 sf, and a maximum size of 800 sf or 50% percent of the habitable floor area of the single family home, whichever is less, to keep the accessory unit proportional to the existing building and lot. After discussion on input from the Public Hearing, the Planning Board also included a sunset clause of five years on the Affordable Accessory Dwelling Units.

2. **Article 40 – Signage:** This Article allows for the use of automated electronic messages (LED lights) for portions of signs that include information that changes on a regular basis, specifically gas prices (on free-standing signs and gas pump toppers), Community Information Boards, and time, date and temperature signs. This Article also outlines dimensional and location requirements for drive-through menu boards for food service businesses, setting a maximum size of 66 square feet directed towards drive-through traffic and screened from view from the street.
3. **Article 41 – Entertainment:** The amendment eliminates the need for a Special Permit for outdoor entertainment such as concerts, dancing, exhibitions, cabaret or public shows, if located in the B1 or B2 business districts, if the entertainment is accessory to an allowed or permitted use, and if an Entertainment License is obtained from the Board of Selectmen. As these accessory uses already go through a Public Hearing process for an Entertainment License with the Board of Selectmen, this zoning amendment would eliminate the time and expense associated with a second Public Hearing on the same request.
4. **Article 42 – Boat Storage - WITHDRAWN:** After receiving input from the Public Hearing and from the Board of Selectmen, the Planning Board voted to WITHDRAW this Article. This amendment had been considered to offer some flexibility in where boats could be stored on residential properties.
5. **Article 43 – Miscellaneous Amendments:** This Article includes miscellaneous and minor amendments to a variety of bylaw sections as outlined below:
  - a. Adds a new Section 304 – Stormwater Management, which references the need to adhere to the existing Yarmouth Stormwater Management Regulations.
  - b. Amends Section 414.6.1.1 – Table of Maximum Building Height within the VCOD, by excluding ancillary features, such as chimneys, spires, cupolas, pediments, cornices, mechanical equipment, railings, antennas or other similar structures not intended for human occupation, from the height limitations in all four Villages in the Village Centers Overlay District (VCOD), and adds an 8’ maximum height for such features.
  - c. Deletes Section 417 – Temporary Moratorium on Marijuana Establishments. Recreational Marijuana Establishments were banned at the 2018 Annual Town Meeting and the moratorium is no longer applicable or valid.
  - d. Amend Section 500 – Definition for Temporary Outdoor Recreation, by eliminating the maximum duration of 9 days, and clarifying the type of uses that would qualify as temporary outdoor recreation.