



TOWN OF YARMOUTH

1146 ROUTE 28, SOUTH YARMOUTH, MASSACHUSETTS 02664-4492
Telephone (508) 398-2231, Ext. 1277, Fax (508) 398-2365

Department of
Community
Development

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Yarmouth Business Re-Opening Guidance – Zoning Opportunities

Governor Baker's four-phase plan to Reopen Massachusetts offers hope to our businesses just in time for our summer season. Many business owners are actively developing modified business models to accommodate new guidelines and social distancing requirements. Some of these ideas, such as expanding outdoor seating and alcohol service at restaurants, providing outdoor entertainment, or additional signage, can run afoul of liquor and entertainment licenses or zoning. It is often a lengthy process to get regulatory relief, even temporarily, under our existing regulatory structure.

To help streamline these processes, the Yarmouth Board of Selectmen have [sent a letter to our legislators requesting legislative relief](#) to temporarily delegate authority to local governing bodies to change regulations using an administrative review process. We hope that the legislators move to simplify the regulatory process to offer our businesses the agility they need to adapt during this crisis.

In the meantime, Staff has reviewed the Zoning Bylaw to identify areas where the bylaw may be flexible in accommodating temporary business models. Although the timeframes are shorter than most businesses would need, they offer some immediate opportunities. Specific details are included in the attached excerpts from the [Zoning Bylaw](#).

1. **401.4 – Temporary Commercial Outdoor Display**, provides a mechanism for establishments in our commercial districts to display retail goods outside for up to 17 days through application and permit to the Building Commissioner. This section outlines standards to ensure adequate parking, and safe pedestrian and emergency vehicle access on the site. Temporary commercial signs of up to 18 square feet are also allowed with a permit.
2. **303.4.1.3 - Temporary Commercial Signs**, allows for one additional temporary sign of up to 18 square feet to advertise a grand opening or other special commercial event. The signs require a permit and can be displayed for up to 14 days with one renewal.
3. **301.5 - Parking Demand**. As most parking for businesses is related to occupancy, there is flexibility in this bylaw section to reduce parking requirements if there is a reduction in allowable occupancy within a building. This could allow for a balance between additional outdoor seating or retail sales in parking areas, while still maintaining adequate parking for your use. Coordination with the Building Commissioner is needed.

We ask that business owners try to plan ahead as much as possible and to seek guidance from Town Staff as needed. Be sure to consider such issues as adequate parking, handicap accessibility, safety and existing septic capacity during your planning process. The Building and Health Department staff are extremely busy at this time and allowing time for reviews and inspections is very important.

Additional information and contact information for key staff can be found on the Town Website under each Department, and in the online Business Permitting Guide at:

<http://www.yarmouth.ma.us/DocumentCenter/View/12177/Business-and-Permitting-Guide>

YARMOUTH ZONING BYLAW EXCERPTS: The following are excerpts from the Zoning Bylaw that businesses can take advantage of to maximize their reopening.

401.4 Temporary Commercial Outdoor Display. The Building Commissioner may approve, through application and permit, Temporary Commercial Outdoor Displays to take place at commercial establishments in the B1 and B2 Zoning Districts, or for properties which have developed under the Village Centers Overlay District (VCOD), with the following provisions:

1. A maximum of three events with a total maximum duration of 17 days per calendar year per parcel.
2. Retail goods shall be for sale only and shall not occur outside of normal business hours.
3. No temporary display, parking, or structures shall be located within required buffer areas and/or yard setbacks.
4. Temporary commercial signs for temporary commercial outdoor display shall not exceed 18 square feet and shall be permitted for the duration of the outdoor display event. The location must be approved by the Building Commissioner. A permit from the Building Commissioner is required and a fee will be charged.
5. Safe pedestrian circulation shall be provided between the temporary display area, main building(s) and parking.
6. If located within a parking area, the remaining parking shall be sufficient to meet the minimum parking requirements of Section 301.5 for the commercial use(s).
7. Location of temporary display shall not impede fire and public safety access or circulation.
8. No cooking, display, or sale of food shall be allowed outdoors, except in accordance with Board of Health Regulations.
9. Applicant shall provide a Sketch plan to include, but not limited to, dimensions and location of the temporary display area, building(s), parking spaces, pedestrian circulation, lot lines, buffer areas and yard setbacks.

The Building Commissioner may require an applicant to go through the Informal Site Plan Review process, at his/her discretion, if deemed necessary to obtain input from other Town Departments.

303.4.1.3 Temporary Commercial Sign. A business will be allowed not more than one additional temporary sign annually for the purpose of advertising a grand opening, anniversary sale, or other special commercial event. Signs which exceed eighteen (18) square feet in area will not be allowed. Temporary signs may be displayed for up to fourteen (14) consecutive days and may apply for one renewal. The location of temporary signs must be approved by the Building Commissioner. A permit from the Building Commissioner is required and a fee will be charged.