

Zoning Study Committee

The Zoning Study Committee was created by vote of Fall Town Meeting, 2016 under Article 25. The Zoning Study Committee [ZSC] was appointed by the Town Moderator and consists of one Planning Board member, one Zoning Board of Appeals member, one Conservation Commission member, one Finance Committee member, and three citizens at large. Ex officio, non-voting members are the Town Planner and one member of the Board of Selectmen.

Mission:

To study the current Zoning By-Law and consider future needs, to make recommendations to Town Meeting for updating the Zoning By-law, and to prepare proposed changes to the Wareham Zoning By-Law, if any. Recommendations are proposed Zoning By-Law amendments, and scopes of work for more substantial or specific changes.

Process:

The ZSC met twice a month, invited in guests to discuss zoning bylaw issues, and decided on an approach to improving the Zoning By-Law.

Following is a summary of the plan by the Zoning Study Committee.

1. Goals for Zoning By-Laws:

- Familiarize the town on the Wareham Zoning By-Laws and the State Zoning Enabling Act
- Create a more streamlined and readable, yet complete, document
- Reformat as a user-friendly, technologically-advanced, clear, concise, and illustrative document
- Remove unnecessary and contradictory standards
- Add new smart growth and creative development standards
- Recommend performance standards and design guidelines in character with the town
- Ensure consistency with redevelopment and master plans
- Propose legally defensible changes

2. The Problems:

- a. It has been about ten years since the last comprehensive update – changes in the State law and court cases have created new requirements
- b. Amendments have not been consistent in format and have not cross referenced other sections consistently
- c. Formatting, spelling, and word choice errors are found in the By-Laws
- d. There is confusion from multiple sections with overlapping content
- e. There are difficulties caused by multiple interpretations
- f. There are existing neighborhoods that do not match any district
- g. There are inconsistencies between the By-laws and the Zoning District Map which is not listed as the Official Zoning Map

3. Recommendations:

- a. Structure: The Zoning By-Laws have been modified over time. Some amendments have been helpful additions, others have introduced complexity. Improve the document by completing the following:
 1. Reorganize sections
 2. Rewrite, add, combine, and eliminate sections and districts
 3. Create a new format
 4. Cross-reference sections [hyperlink for online version]
 5. Cross-reference other bylaws and codes
- b. Procedures should be straightforward and logical in order to streamline the permitting process. The procedures should avoid creating barriers which could result in confusion, exclusion or inequities, so people may understand what is required when proposing projects. This should include:
 1. Create a one-stop permit process
 2. Provide a permitting guide in Article 14: Administration
- c. Sections of the Zoning By-Laws should be modified, reduced or expanded for clarity. This includes:
 1. Improve readability by using simpler language
 2. Add graphics
 3. Redraft Article 13: Zoning Protection for pre-existing, non-conforming
 4. Revise Article 11: Signs
 5. Revise Article 7: Design review criteria
 6. Modify Article 15: Site Plan Review
- d. Add and redraft existing sections to include new zoning. This includes:
 1. Add a Commercial Solar Farm bylaw to provide local standards
 2. Add land banking to Transfer of Development Rights to encourage its use
 3. Add an Accessory Unit bylaw
 4. Expansion of Industrial and/or BDOD zoning for jobs and tax base

4. Process:

The Planning Board is responsible by State law for holding hearings and reporting to Town Meeting on zoning articles. A Town Meeting vote [2/3 vote] is necessary to approve a zoning bylaw. State Attorney General must then review and approve the bylaw.

5. Preparation:

The ZSC will seek assistance in redrafting and recodification of the Zoning By-Law using available staff and funds.

6. Schedule:

Zoning articles will be prepared in time for Fall Town Meeting, 2017. The ZSC will assume an advisory role in review of the proposals.