

# DRAFT

## Article ## Zoning

~~Strikethrough~~ = Language to be deleted

Underline = Language to be inserted

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION 4.4 NON CONFORMING USES** as follows:

It shall be the responsibility of the applicant for any Special Permit to demonstrate, to the satisfaction of the Special Permit Granting Authority, that criteria including, but not limited to, the following are met:

1. Adequacy of the site, in terms of size, for the proposed structure or use;
2. Suitability of the site for the proposed structure or use with regard to the purpose and intent of the zoning district;
3. Adequacy of traffic flow management within the site as well as in relation to adjoining streets and properties so as to minimize unsafe and harmful impacts;
  - The proposed project shall provide adequate site lines for vehicles entering and exiting the property.
  - Whenever feasible, the proposed project shall provide adequate space to allow vehicles, including emergency vehicles, to turn around on the property.
4. Compatibility of the proposed structure or use with surrounding land uses so as to minimize harmful impact or conflict with existing desirable neighborhood character, including views, vistas and other aesthetic values;
  - **Prevailing Character:** Examples of distinguishing architectural features, height, scale, massing, setbacks and average site coverage based on best available information within the neighborhood shall be considered in context with the proposed development as elements of the prevailing character of the neighborhood. Distinguishing architectural features and examples of historic or aesthetic significance on a building shall be preserved and maintained or replaced with similar elements where feasible and where desirable.
  - **Height and Scale:** The proposed project shall be compatible with other structures on the lot and in the neighborhood and shall maintain balanced proportions in relation to building scale, height, width, roof shape and roof pitch.
  - **Massing:** The proposed project shall maintain balanced proportions in relation to the lot area and other structures in the neighborhood.
  - **Setbacks:** Where feasible and/or permitted, the proposed project shall be sited on the lot to maintain and/or enhance or if applicable, create a street front appropriate to the prevailing character of the neighborhood.
  - **Building Materials:** The exterior siding, roof, windows, doors, and trim shall be compatible with desirable and traditional materials used in the community. The use of innovative building materials shall not be discouraged or prohibited provided they are compatible with the prevailing character of the neighborhood.

5. Adequacy of the method of sewage disposal, source of potable water and site drainage;
6. Protection and maintenance of groundwater quality and recharge volume and the water quality of coastal and fresh surface water bodies;
7. Adequacy of provision of utilities and other necessary or desirable public services;
8. Adequacy of control of artificial light, noise, litter, odor or other sources of nuisance or inconvenience to adjoining properties, public ways and the neighborhood;
9. Protection from degradation and alteration of the natural environment, including, but not limited to, slopes and other topographical features, vegetation, wetlands, and wildlife habitat.

or take any action relative thereto.

By Eastham Planning Board

**Summary:**

*The bylaw amendments are intended to improve the site plan and special permit review process by providing specific language to the review criteria to help clarify the expectations of regulatory review and reduce the subjectivity of the current criteria and provide consistency between the regulatory review process of Planning Board and Zoning Board of Appeals*

**BOARD OF SELECTMEN RECOMMENDATION:**

**FINANCE COMMITTEE RECOMMENDATION:**

**PLANNING BOARD RECOMENDATION:**

*(2/3 vote required)*