

	2. two per lot (each separate structure)	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
	3. three per lot	NO	PB ²⁰ <u>NO</u>	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO
A1b	Two Family Dwelling							
	1. one per lot	PB ²⁰ <u>NO</u>	PB ⁽²⁰⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	PB ⁽²¹⁾	NO	NO
	2. two per lot (each separate structure)	NO	NO	PB	PB	PB	NO	NO
	3. three per lot	NO	NO	PB	PB	PB	NO	NO
	4. four or more per lot	NO	NO	PB	PB	PB	NO	NO

2450 Permitted Accessory Uses

G. Residential		Res1	Res2	Res3 ResB	TCC	GC	S	M
G17	Accessory Dwelling Unit (4)	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	BA <u>YES</u> ²⁰	<u>NO</u>	<u>NO</u>

And Delete Footnote 4 in its entirety..

~~4Subject to the requirements of Article 4 Section 4800 of these By-Laws.~~

And Amend Footnote 20 as follows:

Footnote 20: ~~By Special Permit from the Planning Board, e~~One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot; in Res2 Zoning District for a total of three dwelling units per lot; and in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot. only if the~~All~~ accessory dwelling units shall meet the following criteria ~~are met~~: the accessory dwelling unit is deed restricted for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

And Delete Footnote 21 in its entirety...

~~Footnote 21: By Special Permit from the Planning Board, one~~ accessory dwelling unit may be allowed in the ~~Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the number allowed under this Bylaw, for a total of no more than three dwelling units per lot, and only if the following criteria are met: the accessory dwelling unit is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2472 Parking Requirements as follows:

2472 All Districts The following minimums must be complied with in all districts:

USE	NUMBER OF SPACES
Residential	1 space/dwelling unit (studio or 1 bedroom); 1.5 spaces /dwelling unit (2 bedrooms or more) (applies to new units, existing development is grandfathered. Required spaces shall be rounded up to the nearest whole number.) <u>Accessory Dwelling Units are exempt.</u>

And Delete Section 4800 Affordable Housing By-Law *in its entirety.*

And amend Article 1 Definitions as follows:

Accessory Dwelling Units A dwelling unit, which is subordinate in use and area to that of the principal structure and is located on the same lot therewith ~~and subject to the requirements of Article 4 Section 4800 of these By-laws.~~

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

This bylaw amendment is intended to streamline the Accessory Dwelling Unit regulations in an effort to make them more attractive to property owners and encourage the development of additional year round rental units. It removes all inconsistencies between the recent bylaw changes and the old Affordable Housing Accessory Unit Bylaw that included annual income restrictions and reporting. It removes the Special Permit requirement and allows them by-right in most zones. It also exempts the additional parking requirement for adding an accessory dwelling unit. It still requires a deed restriction for year round rental.

Article 32. Zoning Bylaw Amendment: Growth Management. *(Deletions shown in strike-through and new text shown as underlined)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management, Section 6600 Growth Limit Goal Allocations as follows:

3. Growth Management Review. Annually, by January ~~15~~ 31st, the Town Manager, in consultation with the DPW Director, Water Superintendent, Permit Coordinator, Planning Board, Board of Health, Water & Sewer Board, and Provincetown Community Housing Council (PCHC) shall evaluate the effects of growth on our resources over the past year, including but not limited to potable water supply, solid waste disposal, wastewater disposal, and the inventory of affordable housing and a review of the demand for Category 4a and issue an Annual Growth Management Report to the Board of Selectmen on those impacts and their recommendations therefor. The Board of

Selectmen shall hold a Public Hearing on the Report within 30 days, and make a determination as to the amount of the Growth Limitation Goal Allocations, not to exceed the assigned allocations in Section 6600 for the upcoming year.

This bylaw simply adjusts the date of the annual report to allow staff more time to collect data and prepare the report after the year's end.

Article 33. Zoning Bylaw Amendment: Overlay Districts Harborfront. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2312 Applicability as follows:

2312 Applicability The following requirements apply to the "Harborfront Area", defined as all that area which is either more than 195 feet seaward (i.e., southward) from the northern edge of the traveled ways of Commercial Street in the ~~Class GC TCC,~~ Town Center Commercial zone or seaward of mean high water, or both.

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

This bylaw simply corrects an incorrect zone reference with the existing bylaw.

Article 34. Zoning Bylaw Amendment: Building Scale (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2640, Building Scale as follows:

Section 2640 Building Scale

- A. Applicability. This Section is applicable to all new buildings and all additions in all zoning districts in Provincetown. This Section does not apply to:
1. remodeling where the total volume of the building is to be reduced;
 2. ~~This section does not apply to~~ structures destroyed by fire or other similar casualty which may be rebuilt so long as the scale, volume and capacity is not increased and so long as it conforms to all other provisions of these By-laws including Growth Management, Height and Roof Pitch Regulations or where the proposed addition to an existing structure is less than three hundred twenty-four (324) cubic feet of space; or structures existing prior to April 1, 2018, which are located in the FEMA established A and V zones that are required to raise their buildings above base flood elevation so long as the envelope of the building is not also being increased;
 3. for structures in the FEMA established A and V zones that are required to be raised above base flood elevation where there will be an increase in footprint or volume, then only the portion of the building below base flood elevation will be exempted from the scale calculation;

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

This bylaw seeks to exempt properties from scale calculations that are required to raise their buildings due to FEMA flood regulations or to exempt just that portion below the based flood elevation if the proposal includes other additions or increases to the bulk and mass of the existing structure.

Article 35. Zoning Bylaw Amendment: Commercial Accommodations.

(Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions:

Commercial Accommodations shall mean boarding, lodging, tourist homes, dormitory, motel, hotel or inn.

~~**Boarding, Lodging or Tourist Home** A dwelling with a resident manager on the premises or associated with the business when the business occupies more than one parcel, plus accommodations, with or without meals, renting more than three but fewer than twenty separate guest units.¹~~

Tourist House, Guest House or Bed and Breakfast means a building housing a dwelling unit with a resident manager on the premises or associated with the business when the business occupies more than one parcel, in which overnight rooming accommodations are provided or offered for transient guests for a fee.

~~**Hotel, Motel, Dormitory Housing** shall mean a building or group of buildings providing sleeping accommodations (but not individual cooking facilities) for persons lodged with or without meals on a transient basis for compensation, but not meeting the definition of "Boarding, Lodging or Tourist Home or Inn." Dormitory housing may be on a seasonal or year round basis, but must be for more than a month, and may be related to employment, educational or cultural purposes.~~

Boarding, Lodging or Rooming House means a dwelling or part thereof, in which rental living quarters are provided with or without meals by the owner occupant. The term shall not include "tourist homes" or "bed and breakfast" which provides transient accommodations for a fee.

Dormitory or Employee Housing means a building used as living quarters for a group of unrelated individuals with common kitchen and living facilities on a seasonal or year-round basis, but must be for more than one month, and may be related to employment, educational or cultural purposes.

~~**Inn** shall mean a building or group of buildings with a minimum of twenty (20) separate guest units all situated upon one parcel of land and providing food and sleeping accommodations (but not individual cooking facilities) for persons lodged on a transient basis for compensation and offering as well off-street parking for the convenience of guests as specified elsewhere in these By-Laws.~~

Hotel, Motel and Inn means a building or group of buildings providing transient lodging for a fee, and may include food, retail and other ancillary services.

And further

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

A.	Residential	Res1	Res 2	Res3 ResB	TCC	GC	S	M
A3	Boarding, lodging or Rooming House; Tourist House, Dormitory or Employee Housing	NO <u>BA</u>	YES	YES	YES	YES	NO	NO
<u>A7</u>	<u>Tourist House, Guest house or Bed and Breakfast</u>	<u>NO</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>YES</u>	<u>NO</u>	<u>NO</u>

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B3	Hotel, motel or inn ²	BA	BA	YES ³	YES ²	YES ²	NO	NO

And further to delete footnote 2 and 3:

- ~~2. Except "NO" if serving alcoholic beverages and containing fewer than twenty guest units.~~
- 2. Food service, retail and other ancillary services commonly associated with a hotel, motel or inn use may be permitting by BA within an establishment.
- ~~3. Except "BA" if serving alcoholic beverages and containing fewer than twenty guest units.~~

This bylaw is intended to support the commercial accommodation industry and encourage the viability of our existing hotels which are vital to our tourism industry and provide critical room tax revenue for the town. The bylaw clarifies the definitions of the various types of transient and non-transient accommodations and removes inconsistencies with state regulations by relying on the State Licensing and Health Regulations for their distinction. The bylaw clarifies the definition of dormitory housing and sets the density level to encourage the creation of this critical housing type that could help address the employee housing needs of the community. It also recognizes the ancillary uses that many larger hotels have with food service and retail services and removes the non-conformity that they have in our existing bylaw.

Article 36. Zoning Bylaw Amendment: Marijuana Establishments (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

Marijuana Establishment -Retailer means an entity licensed to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers. Shall include those institutions authorized to dispense medical marijuana.

Marijuana Establishment -Industrial means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or any other type of licensed marijuana-related business.

~~Medical Marijuana Treatment Center (MMTC) means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMTC refers to the site(s) of dispensing, cultivation, and preparation of marijuana.~~

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

B. Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B14 <u>Marijuana Establishments, Retail</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>
B15 <u>Marijuana Establishments, Industrial</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

D. Institutional	Res1	Res2	Res3 ResB	TCC	GC	S	M
D7 <u>Medical Marijuana Treatment Center</u> ¹⁹	<u>NO</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>PB</u>	<u>NO</u>	<u>NO</u>

And further to amend footnote 19 as follows:

19. The Planning Board shall be the Special Permit Granting Authority for ~~Medical Marijuana Treatment Centers~~ Marijuana Establishments. Except no ~~MMTC facility or business~~ shall be permitted with a radius of 100 feet of a school or daycare center. The 100 foot distance is measured in a straight line from the nearest point of the ~~facility in question~~ parcel of the school or daycare center to the nearest point of the proposed ~~MMTC parcel of the facility or business.~~

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

Based on input received at the February Town Forum and the Planning Board, this bylaw provides the necessary zoning regulations to accommodate adult use of marijuana as supported by 71% of Provincetown voters in the November 2016 election. It is a response to the Massachusetts's Cannabis Control Commission's DRAFT regulations that were published in December 2017. It seeks to define marijuana establishments in two categories retail and industrial (cultivation, manufacturing and

production). It combines medical and retail marijuana establishments as the State will also be combining the licensing and regulations of the two types in their regulations by the end of the year. It removes retail marijuana from residential zones and requires that they locate in existing commercial zones along Commercial Street and Shank Painter Rd so as to avoid the intrusion of marijuana establishments into the residential neighborhoods. It requires that all marijuana establishments continue to require a Special Permit from the Planning Board prior to receiving approvals. It maintains the current 100 foot buffer from schools and daycare centers.

Article 37. Zoning Bylaw Amendment: Inclusionary Bylaw. (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations, Section 4180 Inclusionary and Incentive Zoning Bylaw as follows:

Section 4. (a) (2) The Payment in Lieu shall be made at and upon the sale or certificate of occupancy of ~~the final~~ each unit, whichever occurs sooner.

Or to take any other action relative thereto.

Two-Thirds Vote; Planning Board public hearing and report under G.L. c.40A, §5.

[Requested by the Planning Board]

This bylaw seeks to amend when a developer is required to pay the Inclusionary In-Lieu fee. The current bylaw does not require the developer to pay anything until the last unit within a development is completed or sold. Under current growth management requirements, it could take projects years to be completed, and if the last unit is not developed then we would not receive any payment. We are simply asking that the fee be paid incrementally throughout the development as each unit is completed or sold so as to spread out the burden yet allow timely payment to the Housing Trust so those funds can be invested to meet the community's housing needs.

Article 38. Zoning Bylaw Amendment: Dimensional Schedule. (Deletions shown in strike-through and new text shown as underlined) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2560 Dimensional Schedule as follows:

2560 Dimensional Schedule (See Section 4100 for additional multi-family and commercial accommodation requirements)

Requirements	Residential			Commercial		Seashore	Public Use
	Res1	Res2	Res3 ResB	TCC	GC ³	S	M
Min. Lot Area (square feet)	8,000 <u>16,000</u>	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	50 <u>100</u>	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10 ¹	30 <u>10</u>	50	--
Min. Side Yard (feet)	15	6	6	5 ²	15 <u>10</u>	25	--

Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--
Max. Number of Stories ⁴ (Refer to Story in Definitions)	2 ½	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Building Heights ⁵							
Hip, gable and Shed roofs (feet) (6)	33	33	33	33	33	33	33
Mansard, gambrel, arch, or dome roofs (feet)	28	28	28	28	28	28	28
Flat roof defined as less than 3/12 pitch (feet)	23	23	23	23	23	23	23
Harborfront setback (see above)							

1. Or, if smaller, the average of the setbacks of the buildings on the lots thereto on either side, a vacant lot being counted as though occupied by a building set back the minimum required distance.
2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.
3. Residential uses shall comply with requirements of the Res3 District.

This bylaw seeks to do two things, it encourages dense development in our commercial district and seeks to prevent further subdivision and development in our less dense and environmental sensitive outer edges of town. It first aims to reduce the front yard and side yard setbacks in the GC zone to encourage redevelopment to move closer to the street and discourage parking in front of the building to encourage a more attractive and pedestrian friendly commercial corridor. Secondly, it seeks to enlarge the minimum lot size and minimum lot frontage requirement for the Res 1 zone to discourage the subdivision and further development in our single family zone. This would also help to prevent market pressures from turning our larger hotel and campground properties into residential subdivisions and reduce further development into woods and dunes of our outer neighborhoods.

Article 39. Zoning By-law Amendment: Section 2360 Formula Business Regulated District. (*Deletions shown in strike-through and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning By-laws by amending §2360 to read as follows:

2360 Formula Business Regulated District.

2361 Definition:

"Formula Business" means a type of retail sales establishment, restaurant, tavern, bar, or take-out food establishment, which is under common control or is a franchise, and is one of ten or more businesses or establishments worldwide maintaining ~~three~~ two or more of the following features:

(a) Standardized menu or standardized array of merchandise with 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(b) Trademark or service mark, defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others, on products or as part of the store design, such as cups, napkins, bags, boxes, wrappers, straws, store signs or advertising devices.

(c) Standardized signage and color scheme used throughout the interior ~~or exterior~~ of the establishment.

(d) Standardized uniform, including but not limited to, aprons, pants, shirts, smocks or dresses, hat and pins (other than name tags).

(e) Standardized façade, ~~and~~ signage or color scheme used on the exterior of the establishment.

2362 Purpose:

The purpose and intent of the Formula Business Regulated District (FBRD) is to address the adverse social and economic impact of standardized businesses on Provincetown's community character. Formula Business uses are regulated in the FBRD in order to maintain a unique retail and dining experience. Formula Businesses frustrate this goal by detracting from Provincetown's overall historic experience and threatening its tourist economy. The proliferation of Formula Businesses will have a negative impact on the Town's economy, historical relevance, unique character and economic vitality.

(1) Location

The location of the Formula Business Regulated District (FBRD) shall encompass ~~the Town of Provincetown~~ General Commercial (GC) and Town Commercial Center (TCC) zoning districts. Formula businesses are prohibited in all other districts.

(2) Permitted Uses

Any use permitted in the underlying zoning district shall be permitted, except for those specifically prohibited below in Section 3. Drive-through facilities are not allowed.

(3) Regulated Uses

The proposed use of any building or structure for a Formula Business establishment shall require both a Special Permit from the Zoning Board of Appeals and a site plan approval of the Planning Board as well as the business license. ~~The impact on the neighborhood and Town visual character of any Formula Business establishment shall be criteria for approval.~~

Criteria for establishment, expansion, or relocation of a Formula Business:

(a) The Formula Business is designed and operated in a manner that preserves the community's distinctive small-town character;

(b) The Formula Business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;

(c) The Formula Business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the town; and

(d) The Formula Business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area; pedestrian, bicycle, or motor vehicle traffic; or the public welfare.

(4) Determination

A business which meets the initial consideration but does not meet a minimum of 2 of the 5 required features will need to demonstrate that in writing to the Building Commissioner prior to applying for business license. A Formula Business may adapt its business activities in consultation with the Building Commissioner so that the proposed establishment no longer qualifies as a Formula Business.

(5) Scope and Validity of the Bylaw. The invalidity of any section or provision of this By-law shall not invalidate any other section or provision hereof, nor shall it invalidate any building permit, occupancy permit or special permit issued in reliance on said section or provision prior the determination of its invalidity.

And

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440 Table of Permitted Uses as follows:

B.	Business	Res1	Res2	Res3 ResB	TCC	GC	S	M
B11	Formula Businesses	NO	NO	BA NO	BA	BA	NO	NO

And,

To see if the Town will vote to amend the Provincetown Zoning Bylaw, Article 1, Definitions, by adding the following:

Facade: The face of a building as seen from a public way or other public space, typically the principal or front elevation of a building.

This bylaw amendment seeks to strengthen our Formula Business regulations by reducing the number of threshold criteria for what defines a formula business from 3 of 5 to 2 of 5. It further seeks to prohibit formula businesses in the Res 3/Res B zone in order to mitigate the impact formula businesses have on the character of our residential neighborhoods. It further seeks to establish the criteria in which the Zoning Board would evaluate each request in making their findings for the Special Permit before any formula business could be permitted in town.

The public is encouraged to submit any written comments by Monday, March 19, 2018, to the Planning Board/Office of the Town Clerk, Town Hall, 260 Commercial Street, Provincetown, MA 02657, email to dgardner@provincetown-ma.gov or in person at the hearing.

*David Abramson,
Chairman, Planning Board*

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