

## **Section 1 – Proposed**

**The Manchester Planning Board has been working for two years to improve the town's Zoning Bylaws to be clearer and remove redundant sections and update to best practices.**

**A public hearing is scheduled for May 17 at 6:30 via Zoom and will be continued if needed on May 18. Town meeting is scheduled for June 11.**

Section 1 proposes Minor changes – added scope, applicability and procedures for approval of amendments

## **Section 1**

**Prepared 4/28/22**

### **Motion:**

**To see if the Town will delete Sections 1, 2, 3 and 4 of the Zoning Bylaw and replace them with new Sections 1, 2, 3, and 4 as follows:**

### **SECTION 1.0 PURPOSE AND AUTHORITY**

**1.1 PURPOSE.** This Zoning By-law (“this Bylaw”) has been enacted to promote and protect the public health, safety, convenience, and general welfare of the inhabitants of the Town of Manchester-by-the-Sea and the public generally by:

- Encouraging the most appropriate use of land and water within the Town;
- Preventing overcrowding of land;
- Preventing undue concentration of population on the one hand, and preventing excessive scattering of population on the other;
- Encouraging various lot sizes and housing types for persons of various age and income levels;
- Minimizing traffic hazards and congestion;
- Providing for adequate light, air, and sanitation;
- Reducing hazards from fire, flood, panic, and other dangers;
- Assisting in the economical provision, utilization and expansion for all services provided to the public, including streets, drainage, water supply, sewage disposal, schools, parks and open spaces;
- Preventing blight and pollution of the environment;
- Maintaining and enhancing the natural and historical amenities of Manchester-by-the-Sea;
- Conserving the value of land and buildings;
- Promoting the development of a sustainable coastal community and encourage climate resiliency and adaptation and
- Implementing the recommendations of the Town’s Master Plan as adopted by the Planning Board.

**1.2 AUTHORITY.** This Bylaw is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1.3 SCOPE.** For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

**1.4 APPLICABILITY.** Except as set forth in Section 6.1 or as otherwise provided herein, all buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of this Bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. When the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

**1.5 AMENDMENTS.** This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

**1.5.1 Change of Zoning Boundary.** If geographic change of a zoning boundary description is proposed, words of boundary description change for insertion in the warrant shall be accompanied by a brief written statement of the nature, extent and location in the Town of the zoning map change proposed, together with three black-line prints of a diagram to scale showing the area to be changed, stating pertinent dimensions in feet.

**1.5.2 Costs.** The costs of publication and of mailing of notices of hearing and the costs of holding such zoning hearing and of making a public record of the proceedings at such hearing, if such a record be made, shall be paid by the Planning Board, but the Planning Board may determine whether a fee to cover such costs shall be required of the zoning amendment proponents.

**1.6 SEVERABILITY.** The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

