

# Zoning Bylaw Amendment Proposals

Worthington Planning Board

Annual Town Meeting

May 4, 2024

# The two proposed amendments

1. Update section 4.4(A) (Uses authorized on Special Permit) to consolidate several recreational uses under a single Outdoor Recreation use, and add a definition of Outdoor Recreation.
2. Addition of section 4.3(C) (Uses ~~permitted~~<sup>allowed</sup> in all districts) allowing temporary events falling outside of typical uses for a property to be governed by a Temporary Event Permit issued by the Selectboard.

Zoning Bylaw changes require a **two-thirds vote of town meeting**

# Zoning Summary

Worthington is zoned Residential / Agricultural

All “typical and customary” uses are allowed, for example:

- You can build a (single family) house or garage on your land
- You can have birthday parties and yard sales, weddings and funerals
- You can make hay or plant crops, and build agricultural structures

Our Zoning Bylaw is meant to address other uses

- Restaurants, “light industrial”, large scale raising of pigs, cell towers, ...
- Public Safety and Infrastructure, neighbors’ quality of life
- Require a Special Permit, issued (mostly) by the Zoning Board of Appeals

Meant to balance the rights of the owner, the neighbors, and the town

The first proposed amendment

# Outdoor Recreation

Update section 4.4(A) (Uses authorized on Special Permit) to consolidate several recreational uses under a single Outdoor Recreation use, and add a definition of Outdoor Recreation.

# Special Permits

## Section 2.5

- “Permanent” – valid until the land is no longer used in that way
- Uses not listed are not allowed
  - Uses allowed “by right” – sections 4.3 and 4.5
  - Uses allowed “under Special Permit” – section 4.4
- Issued by the Zoning Board of Appeals (ZBA) or the Planning Board
  - It depends on the use, but most are issued by the ZBA
- Requires a Public Hearing
  - Gather input from abutters, residents and town departments
  - Consider noise, traffic, lighting, parking, odors, public safety, the character of the neighborhood
- Stays with the property
  - a new owner can continue the use, as long as the use is continuous

# Outdoor Recreation – The first proposed amendment

## **Current uses in Section 4.4(A) “Uses which are authorized after issuance of a Special Permit by the Zoning Board of Appeals”**

1. Garage
2. Filling Station
3. Inn
4. Motel
5. Store
- 6. Ski Tow**
7. Light Industry
8. Small Business
9. Saw Mill
10. Large scale raising of poultry, pigs, hogs, fur-bearing or other farm animals.
11. Conversion of a one-family dwelling existing at the time this By-Law was originally adopted into a two-family dwelling.
12. Restaurant
13. Boarding House
14. Manufactured Housing
- 15. Riding Stable**
16. Private Club
- 17. Recreational Camps**
18. Seasonal Dwellings
- 19. Camping Areas**
20. Seasonal Food Trucks and Trailers operating at a fixed location for more than 5 days

# Outdoor Recreation – The first proposed amendment

## **Proposed uses in Section 4.4(A) “Uses which are authorized after issuance of a Special Permit by the Zoning Board of Appeals”**

1. Garage
2. Filling Station
3. Inn
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9. Large scale raising of poultry, pigs, hogs, fur-bearing or other farm animals.
10. Conversion of a one-family dwelling existing at the time this By-Law was originally adopted into a two-family dwelling.
11. Restaurant
12. Boarding House
13. Manufactured Housing
14. Private Club
15. Seasonal Dwellings
16. Seasonal Food Trucks and Trailers operating at a fixed location for more than 5 days
- 17. Outdoor Recreation**

# Outdoor Recreation – The proposed definition

Outdoor Recreation: Land used primarily for recreational activity, particularly oriented to and utilizing the outdoor character of an area including, but not limited to golf, tennis, swimming, skiing, snowmobiling, sporting club, campgrounds, livery or riding stable.



# Outdoor Recreation – The proposed definition

Outdoor Recreation: Land used primarily for recreational activity, particularly oriented to and utilizing the outdoor character of an area including, but not limited to golf, tennis, swimming, skiing, snowmobiling, sporting club, campgrounds, livery or riding stable.

You **don't** need a Special Permit for your home kitchen.

You **do** need a Special Permit to open a restaurant.

You **don't** need a Special Permit to ski in your yard.

You **would** need a Special Permit to open a Nordic ski center.

You could not apply for a Special Permit for a Nordic ski center today

The second proposed amendment

# Temporary Events

Addition of section 4.3(C) (Uses permitted in all districts) allowing temporary events falling outside of typical uses for a property to be governed by a Temporary Event Permit issued by the Selectboard.

# Entertainment Licensing

MGL c.140 s.181

Massachusetts General Law Chapter 140, Section 181:

“The ... selectmen may ... grant and set the fee for ... a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description, ...”

- “Temporary” – typically valid for a year, with an option to renew
- Bound by Zoning
  - a permit cannot be issued for a use that is not permitted, either “by right” or via an existing Special Permit for that use on that property

## Temporary Events – The second proposed amendment

### **Insert (C) into Section 4.3 “Uses permitted in all districts”:**

- C. Temporary Events: Use of property for events such as fairs, entertainment, outdoor recreational events or carnivals which are not usual and customary under the primary use of the property shall require an Event Permit from the Selectboard. Such events shall be limited to a maximum of eight (8) days in a calendar year, and the total number of such events shall be limited to a maximum of three (3). The Selectboard may elect to reduce the number of days or number of events.

## Temporary Events – The second proposed amendment

### **Insert (C) into Section 4.3 “Uses permitted in all districts”:**

- C. Temporary Events: Use of property for events such as [fairs, entertainment, outdoor recreational events or carnivals](#) which are not usual and customary under the primary use of the property shall require an Event Permit from the Selectboard. Such events shall be limited to a maximum of eight (8) days in a calendar year, and the total number of such events shall be limited to a maximum of three (3). The Selectboard may elect to reduce the number of days or number of events.

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## Examples of **usual and customary uses** for residential property:

weddings, funeral ceremonies, private yard sales, bake sales, fundraising car washes, gatherings and celebrations of family and friends, birthday celebrations and holiday parties

**These would not require a Temporary Event Permit**



# Temporary Events – The second proposed amendment

## Insert (C) into Section 4.3 “Uses permitted in all districts”:

- C. Temporary Events: Use of property for **events such as fairs, entertainment, outdoor recreational events or carnivals** which are not usual and customary under the primary use of the property shall require an Event Permit from the Selectboard. Such events shall be limited to a maximum of eight (8) days in a calendar year, and the total number of such events shall be limited to a maximum of three (3). The Selectboard may elect to reduce the number of days or number of events.

## Examples of **uses not usual and customary** for residential property

Theatrical festival, concert, motocross race, chess tournament, Scottish Festival, road race, ...

**These may require a Temporary Event Permit**

# Event Permit Application Recommendations

- Applicants should address potential concerns
  - Traffic, parking, public safety, noise, lighting, bathroom facilities, environmental impacts, and insurance, at a minimum
- Allow abutters to express their concerns
  - Notification could range from mailed notifications of Public Meetings to full Public Hearings with notices published in the newspaper
- Allow input from town departments such as Fire, Public Safety, Board of Health and the Conservation Commission
- A clear process for approval, denial, appeal and enforcement
- The Event Permit should include size tiers with differing levels of requirements
  - A 50 person event will have different parking, public safety and board of health concerns than a 500 person event.