

ZONING BYLAW UPDATES

Town Meeting | May 2021

ARTICLE 16 - DISTANCE BETWEEN MULTI-FAMILY BUILDINGS

SECTION 2.3.8.0.

- Purpose: clarify intent and correct omission
 - amend this section of the Zoning by-law to be in line with Sections 2.3.8.4, 2.3.8.6. and 2.3.8.7. which address large multi-family developments on one lot.

Section 2.3.8.0 *Additional Regulations*

2.3.8.5 The minimum distance between multi-family buildings on one lot shall be forty (40) feet.

ARTICLE 17 - ADMINISTRATION & PROCEDURES

SECTION 5.1.0.0.

- Purpose:
 - Define specific duties and authority of the Building Commissioner
 - Require submission of an “as built” certified plot plan
 - Certification for construction outside the existing footprint
 - Reinforces penalties for violations
- EDIT TO WARRANT TEXT:
 - Plot plan revised to “site plan” in 5.1.1.1
 - “Instrument” added to describe survey



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bylaw amendment

ARTICLE XXXXX - Zoning By-Law Amendment – Administration and Procedures

To see if the Town will vote to amend the Zoning By-Law by making changes to Article V Administration and Procedures, Section 5.1.0.0 as provided below with deletions in strikethrough and additions underlined, or take any action relative thereto.

5.1.0.0. General.

5.1.1.0. This By-Law shall be administered by the Building Commissioner, also known as the Inspector of Buildings. Pursuant to the State Building Code, the Inspector of Buildings may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use without written certification by the ~~Inspector of Buildings~~ Building Commissioner that such action is in compliance with then applicable zoning, and that all necessary permits have been received under federal, state, or local law. No excavation for a building foundation nor work on a building foundation shall commence, until the Building Commissioner issues a building permit. Issuance of a Building Permit or Certificate of Use and Occupancy, where required ~~under the Commonwealth's State Building Code~~, may serve as such certification.

5.1.1.1 In order to aid the Building Commissioner in determining compliance with applicable zoning and approvals and relief granted under this By-law, if any, an applicant for a building permit shall file with the Building Commissioner, a ~~siteplot~~ plan based upon an actual current ~~instrument~~ survey, showing the location of any proposed changes to the existing footprint of a structure, including additions, decks, staircases, landings, porch roofs, accessory structures, and any alteration. Each applicant shall also file an “as built” certified ~~plot-site~~ plan, within 30 days after the completion of the work-. Both site plans shall be prepared by a registered land surveyor who shall certify on the plan that the location of the foundation complies with this Bylaw and any relief granted hereunder.

5.1.2.0. *Enforcement.* The ~~Inspector of Building~~ Building Commissioner shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.

5.1.3.0. *Penalties.* The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals, any special permit granting authority, or the site plan approval board shall be three hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense. The provisions of this By-Law may be enforced by

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non-criminal disposition in accordance with the provisions of Massachusetts General Laws Chapter 40, Section 21D.

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ARTICLE 18 - BUILDING COVERAGE

DEFINITIONS

- Purpose: to amend an incorrect definition
 - Current definition refers to gross floor area instead of footprint

ARTICLE VI. DEFINITIONS.

Building coverage: That percentage of the lot or plot area covered by the total footprint ~~gross floor area~~ of a building or buildings. The total footprint is defined as the total area of ground covered by all structures on a lot, including roofed structures and covered porches.

ARTICLE 19 - NON-CONFORMING STRUCTURES

SECTIONS 2.2.7.2. AND 2.2.7.3.

RECOMMEND TO POSTPONE

- Purpose:
 - Revises language to provide clarity on section
 - Removes language regarding cost of construction
 - This is not an accurate determination of the scale of the project due to rising construction costs
 - Removes provision for height increase
 - Applicants who wish to exceed the bylaw requirements can request height increase through dimensional special permit (DSP)
 - Removes provision for open space decrease
 - Applicants who need relief from the bylaw requirements can request an open space decrease through dimensional special permit (DSP)
 - EDIT TO WARRANT TEXT:
 - 2.2.7.2.b. revised to keep the phrase “increase an existing nonconformity”
 - 2.2.7.3. (1)(ii) 25% revised back to 15% for allowable conforming increase



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ARTICLE 20 - OPEN SPACE

DEFINITIONS

- Purpose: to remove an incorrect calculation

Open Space: The area of a lot expressed as a percentage of lot not occupied by the footprint of buildings, structures, and/or material that is not pervious. No vehicles may be parked within the minimum required Open Space.

~~Lot Area = X~~

~~Square Footage of all buildings, structures, and material that is not pervious = Y~~

~~Open Space = Y / X~~

ARTICLE 21 – POOLS

SECTION 2.3.3.0.

- Purpose: to provide regulations for setbacks for pools and spas based on consistent practice from Building Dept.

2.3.0.0. Dimensional Regulations.

2.3.3.0. *Accessory Buildings and Structures.*

2.3.3.5. All pools or self-contained spas shall be subject to the setback limitations of an accessory structure, with the exception of the required distance to the principal building.

ARTICLE 22 – SIGNS

SECTION 3.2.0.0.

- Purpose:
 - Removes certain language pertaining to contractor signs
 - Allows temporary contractor signs but removes requirements for placement on a fence or building
 - In practice, these signs are temporarily placed on the front lawn and removed at completion of project.
 - Only 1 sign is allowed.
- **EDIT TO WARRANT TEXT:**
 - Word “square” added to read “6 square feet” for maximum sign area



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ARTICLE XXXXX - Zoning By-Law Amendment – Signs

To see if the Town will vote to amend the Town of Swampscott Zoning By-Law by amending portions of Section 3.2.0.0 related to contractor signs with deletions in strikethrough and additions underlined, or take any action relative thereto.

3.2.0.0. Signs

3.2.3.0. *Permitted Signs*

- 3.2.3.3.** In all districts, one (1) contractor’s sign, not exceeding six (6) feet square in area, and not exceeding six (6) feet above grade as measured to the topmost portion of the sign, may be displayed in connection with the ongoing renovation or construction of a building. The sign shall be removed within the earlier to occur of (a) ninety (90) days following the issuance of the building permit permitting such work or project; or (b) ten (10) days following the completion of the work or project. ~~Such sign shall be attached to the building, provided that:~~
- ~~a. such sign may be placed on a fence in front of the construction project solely in the event that the frame of such building is not yet constructed; or~~
 - ~~b. such sign may be placed within ten (10) feet of the construction project, on the site of the land containing the construction project, solely in the event that:~~
 - ~~a. the frame of such building is not yet constructed; and~~
 - ~~b. a fence in front of the construction project is not yet constructed.~~