

Article \_\_\_. Amended Definitions and Accessory Structures

1. The definitions of “Affordable Households”, “Affordable Housing.”, “Total Gross Floor Area for the Residential District” shall be deleted from the Zoning Bylaw
2. The following definitions shall be added to the Zoning Bylaw in alphabetical order:

Affordable Dwelling Unit. A dwelling unit reserved in perpetuity for a household earning no more than 80% of area median family income (AMI) for Barnstable County, as adjusted by size of household, and otherwise meeting the standards of the Department of Housing and Livable Communities or its successor (HLC) for inclusion in the HLC Subsidized Housing Inventory.

Attainable Dwelling Unit. A dwelling unit reserved in perpetuity for a household earning up to 200% of area median family income (AMI) for Barnstable County, as adjusted by size of household, and otherwise meeting the standards of the Department of Housing and Livable Communities or its successor (HLC) for attainable housing.

Bungalow Court. A group of three or more detached dwelling units in condominium or similar form of ownership located on a single lot. No dwelling unit in a Bungalow Court may be rented on a short term basis.

Farmstand. A table, cart, or enclosure that is not habitable of not more than three sides, used to sell produce, cut flowers, and other agricultural items grown on the property. A farmstand shall not exceed 10 feet by 8 feet and 10 feet in height

Large Scale Landscaping. A landscape business that where there are one or more piles of landscape materials on site, multiple large vehicles and/or pieces of heavy equipment or that cannot operate out of a garage or shed.

Large Scale Manufacturing. A manufacturing business that is not a Small Scale Manufacturing business.

Large Vehicle. A vehicle with a gross vehicle weight rating (GVWR) heavier than 20,000 pounds or a Federal Highway Administration vehicle category classification of Class 5 or higher.

Mixed Use. A building that includes a commercial use or uses on the ground floor and one or more dwelling units on the upper floor(s).

Multi-Family Housing. A building that includes three or more dwelling units.

Shed. An accessory structure that is not habitable and is no larger than 200 square, with a height no greater than 12 feet to the gable or 10 feet to a flat roof.

Small Scale Landscaping. A landscape business where the majority of tools and supplies can be stored in a garage or shed on site, no large vehicles are parked outside of a garage, and there is no storage of mulch, sand, loam, rock or other landscape material on site.

Small Scale Manufacturing. A manufacturing business that is undertaken entirely from within a residential dwelling unit and employs no more than four persons and which does not change the residential character of the neighborhood.

3. The following definitions shall be amended as follows:

Building. The word building shall be any three-dimensional enclosure, portable or fixed, temporary or permanent, which is composed of building materials and which encloses any space for use or occupancy; building shall include “structure” unless the context unequivocally indicates otherwise; and with the exception of fences, field or garden walls, cold frames, farmstands, stairways for beach access, and embankment retaining walls, building shall include foundations in the ground and any part of any kind of structure above ground.

Dwelling Unit, Accessory. A dwelling unit either detached from or located within or attached to a principal single family dwelling, or an accessory structure to the principal single family dwelling on the same lot, such as a garage. The Accessory Dwelling Unit (ADU) shall consist of at least 400 square feet but not more than the greater of 900 square feet or half the Gross Floor Area of the principal dwelling on the lot, whichever is smaller, of Gross Floor Area. An Accessory Dwelling Unit shall be a complete, separate housekeeping unit containing both kitchen and sanitary facilities in conformance with §40.2 of this bylaw.

Floor Area, Gross. The aggregate gross floor area of the dwelling and accessory structures on a lot shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the interior exterior face faces of the exterior wall of a-the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding unfinished cellar and basement floor area, garage, porches, decks, and attics, barns, sheds, greenhouses and agricultural buildings. For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

Home Occupation. Subject to Section 30.3 of this bylaw, Any business which has been by custom or is carried on by a resident of a dwelling unit with a limited number of no more than four nonresident employees, and which does not change the residential character of the building neighborhood. Home occupations shall include, but shall not be limited to, carpenters, plumbers, electricians, and similar tradesmen; small scale landscaping home and yard maintenance providers; small scale manufacturing; sale of art produced on premises; the sale of fish or shellfish; the sale of produce, flowers, or plants grown on site; electronic repairs and services, telecommuting, and internet-based services; nursery school or child care; furniture repair, refinishing, and upholstering; dressmaking; home hand crafts; home cooking; bicycle repairs; real estate; insurance; office; or the practice of any recognized profession as defined in “Professional Offices”. Any other activity of a similar nature may be allowed on application for a Special Permit from the Zoning Board of Appeals in accordance with Section 30.2 of this Bylaw so long as the Board of Appeals finds that a proposed use meets the conditions set forth in Section 30.8 of this bylaw, is not unsafe, injurious or offensive or tends to reduce

**values in the same district by reason of dirt, odor, fumes, gas, sewage, noise, or danger from explosion or fire.** Home occupation shall not include the operation of a store or food service serving the passing public, or the display or sale to the passing public of goods not grown or manufactured on the premises, or in the case of fish or shellfish, not caught by the resident

**Mean Ground Level.** Where the finished ground level varies in elevation on different sides of a building, the average of the various elevations at **each exterior corner of the building** ~~the centers of the four main sides, or the average of the four elevations as measured at the centers of the building sides as viewed or projected onto four orthogonal vertical planes (e.g., N, S, E and W building elevations).~~ In the case where fill has been used to raise the finished ground level on a side(s) of the building to an elevation higher than the preconstruction ground level, on those sides the measurement shall be taken as the preconstruction ground level elevation **as shown on a drawing stamped by a professional engineer as submitted to the Building Commissioner** ~~measured at a point offset from the center of that side ten (10) feet out from the side of the building.~~ **Prior to adding fill, it is the responsibility of the property owner to determine the elevation of the ground prior to addition of fill in a manner satisfactory to the Building Commissioner.** Further, the finished grade of the fill, within one hundred (100) feet of the building shall not have a grade steeper than ten per cent (10%) (one foot of drop for every ten foot run).

**Seashore District Total Gross Floor Area.** The aggregate gross floor area of the dwelling and accessory structures on a lot within the Seashore District shall consist of the sum of the horizontal areas of the floor(s) of a building measured from the exterior faces of the exterior of the building, without deduction for hallways, stairs, closets, and thickness of walls, columns or other features used or intended to be used for living, sleeping, sanitation, cooking or eating purposes, excluding **unfinished** cellar and basement floor area, garage, porches, decks, attics, barns, sheds, greenhouses, and agricultural buildings. For the purposes of computing floor area, any portion of the floor area measuring less than five feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.

4. The following new section shall be added to the Zoning Bylaw:

40. Accessory Structures.

- A. Sheds. A shed shall be allowed as of right on a lot where the shed is no less than five feet from the rear lot line, five feet from the side lot line and 25 feet from the front lot line and where the door faces away from the side and rear lot lines. A building permit shall be required to be obtained prior to construction or reconstruction of a shed. Any accessory structure to be located on a lot that is larger than the definition of a shed shall require issuance of a special permit by the Board of Appeals.
- B. Farmstand. A farmstand shall be allowed as of right on a lot where the farmstand is no less than five feet from the rear, side and front lot lines and is subject to approval by the Town Police Chief and Building Commissioner. A building permit shall be required to be obtained prior to construction or reconstruction of a farmstand. Any accessory structure to

be located on a lot that is larger than the definition of a farmstand shall require issuance of a special permit by the Board of Appeals.