

DRAFT AMENDMENTS REGARDING MBTA COMMUNITIES COMPLIANCE

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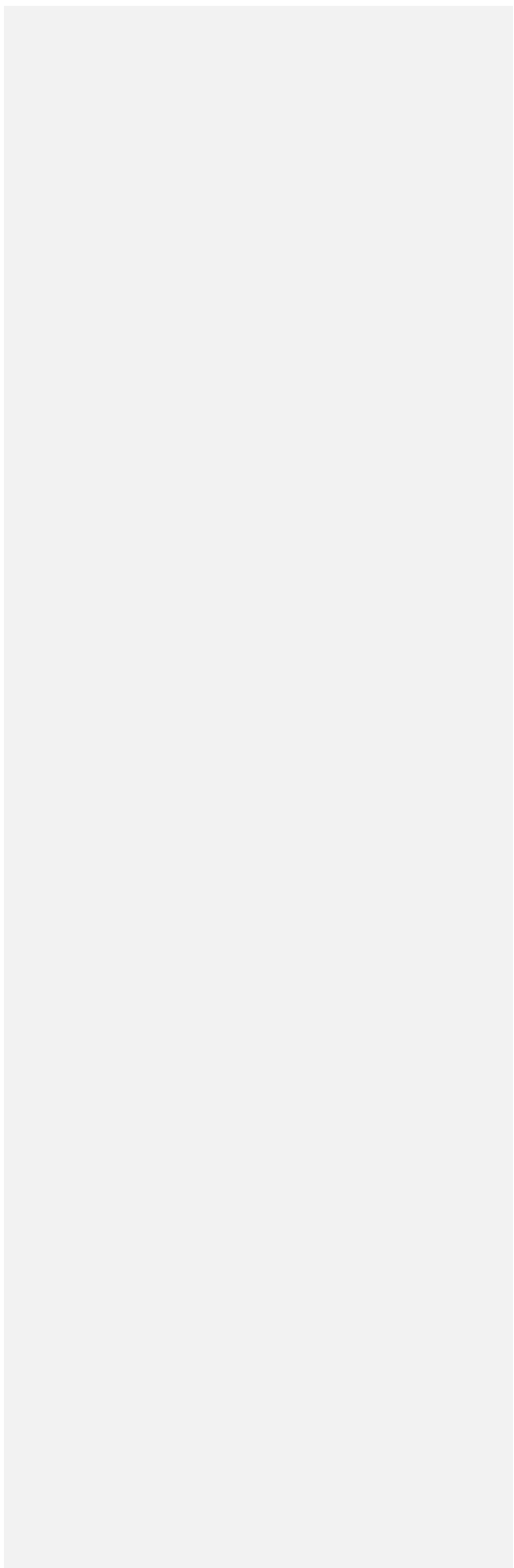
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1.0 PURPOSE

This Bylaw has been adopted to govern uses of land; the size, height, bulk, location and use of structures, buildings and signs; and for all of the other purposes set forth in, but not limited by, Section 2A of Chapter 808 of the Acts of 1975:

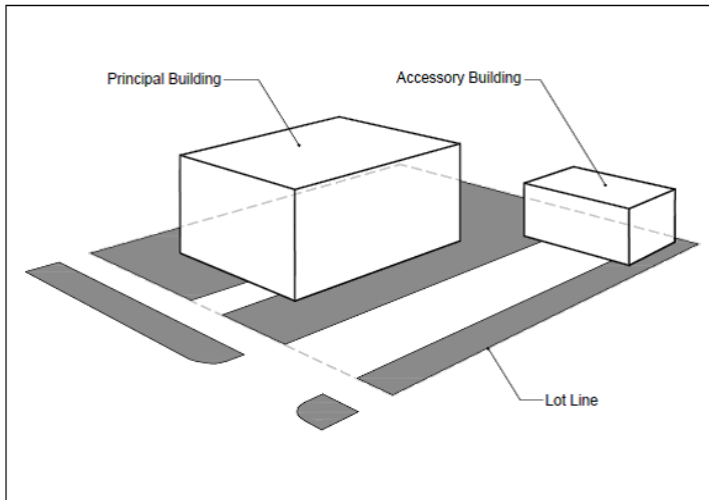
- To promote the health, safety and general welfare of the inhabitants of the Town of Reading;
- To lessen congestion in the streets;
- To conserve health;
- To secure safety from fire, flood panic, congestion and other dangers;
- To provide adequate light and air;
- To prevent over-crowding of land;
- To avoid undue concentration of population;
- To encourage housing for persons of all income levels;
- To facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
- To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
- To encourage the most appropriate use of land throughout the Town of Reading, including consideration of the recommendations of comprehensive plans adopted by Town Meeting; and
- To preserve natural conditions and historic sites and to enhance beauty and amenities.

2.0 DEFINITIONS

As used in the Zoning Bylaw, the following terms shall have the following meanings, except where the context clearly indicates otherwise or a term is specially defined for the purposes of a single Section or group of Sections:

Accessory Apartment: A self-contained dwelling unit that is clearly subordinate to a primary dwelling unit on the same lot. An accessory apartment may be all or part of an accessory building or incorporated within a building that was originally used as a single family dwelling.

Accessory Building: A building that is customarily incidental and subordinate to, and located on the same lot as, a lawful principal building or principal use.

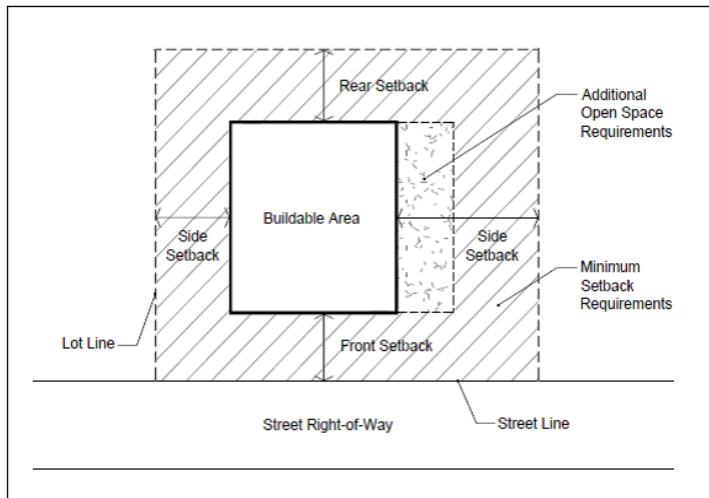


Alteration: Any construction, reconstruction or other similar action that results in a change in the structural parts, height, number of stories, exits, size, use, or location of a building or other structure.

Buffer: A landscaped or natural area intended to separate one land use or lot visually from another.

Building: A structure enclosed within exterior walls, whether portable or fixed, having a roof or other coverings for the shelter of persons, animals or property.

Buildable Area: The area of a lot available for development in conformance with the minimum yard and open space requirements of the Zoning Bylaw.



Courtyard Development: [A series of detached principal structures configured around a shared outdoor space that is enclosed on two or more sides by said principal structures and where Dwelling Units are provided access to and from the Courtyard.](#)

Dwelling Unit: A structure or portion of a structure containing, in a self-contained and exclusive manner, facilities for sleeping, bathing and cooking, including one full kitchen and full bathroom facilities.

Dwelling Unit, Affordable: [Dwelling Units that are subject to a use restriction, as defined in Mass General Laws Chapter 184 Section 31, recorded in its chain of title, limiting the sale price, rent or limiting occupancy to an individual or household of a specified income, or both; and that are eligible to be counted toward the Town of Reading's total of "subsidized units" in the Massachusetts General Laws, Chapter 40B, Subsidized Housing Inventory, as the same may be revised from time to time.](#)

Dwelling, Multi Family: A building or portion thereof containing three (3) or more ~~d~~ Dwelling Units.

Dwelling, Multi Family, Age-Restricted: A building or portion thereof containing three (3) or more dwelling units constructed expressly for use and residence, in accordance with section 4(6) of Chapter 151B of the Massachusetts General Laws, by persons who have achieved a minimum age of fifty five (55) years.

Dwelling, Single Family: A detached dwelling unit arranged, intended or designed to be occupied by only one family.

Dwelling, Two Family: A detached dwelling arranged, intended or designed to be occupied by two (2) families.

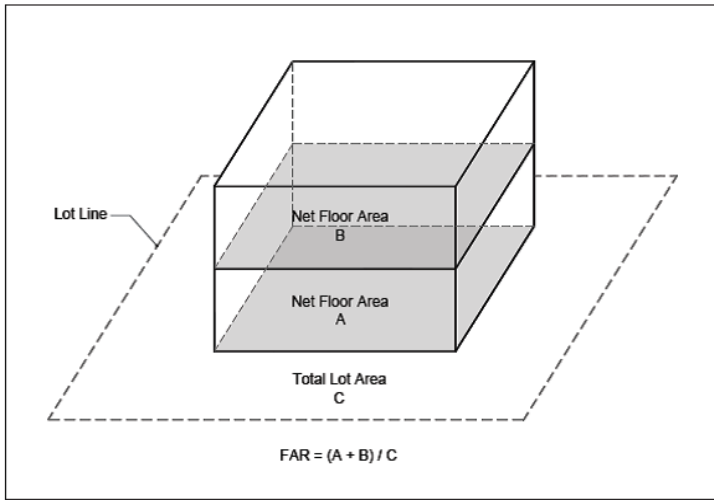
Facade: The face of a building as seen from a public way or other public space, typically the principal or front elevation of a building.

Family: One or more persons living together in one dwelling unit as a single housekeeping unit; provided, however, that a group of more than four individuals who are not related by blood, marriage, or legal adoption shall not be deemed to constitute a family.

Floor Area, Gross: The sum of the areas on the several floors of a building or buildings measured from the outside surfaces of the exterior walls at each level intended for occupancy or storage.

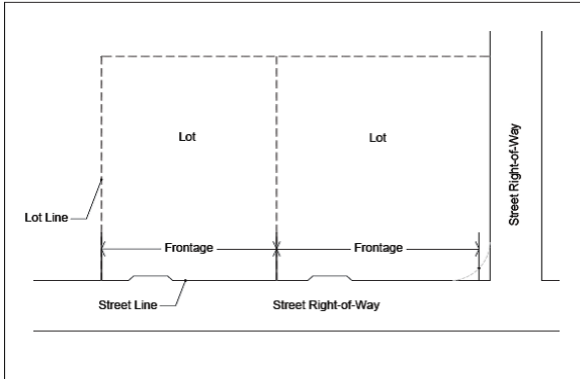
Floor Area, Net: The sum of the actual occupied areas on the several floors of a building or buildings, not including common hallways, common stairs, mechanical spaces and other non-habitable spaces, and not including the thickness of exterior or interior walls.

Floor Area Ratio: The ratio of the sum of the [net-Gross Floor Area](#) of all buildings on a lot to the total area of the lot.

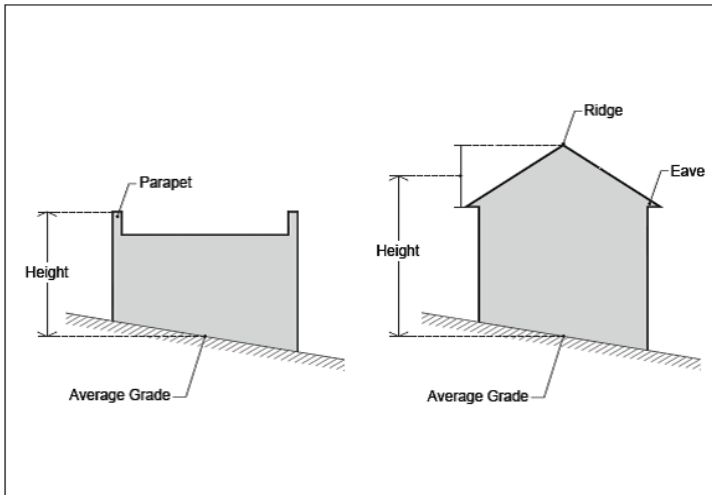


Footprint: The land area occupied by a building or structure at the surface of the ground.

Frontage: The continuous portion of the line separating a lot from a public way or way shown on a plan approved in accordance with the subdivision control law, to which the owner of the lot has a legal right of access. The measurement of lot frontage shall not include jogs in street width, back-up strips or other irregularities in street line. In the case of a corner lot, the measurement of lot frontage may, at the owner's option, extend to the midpoint of the curve connecting street lines, instead of to their intersection.



Height: The vertical distance from the average grade around the perimeter of a building to the top of a flat roof, including any parapet, or to a point halfway between the bottom of an eave and the top of a ridge of a sloped roof.

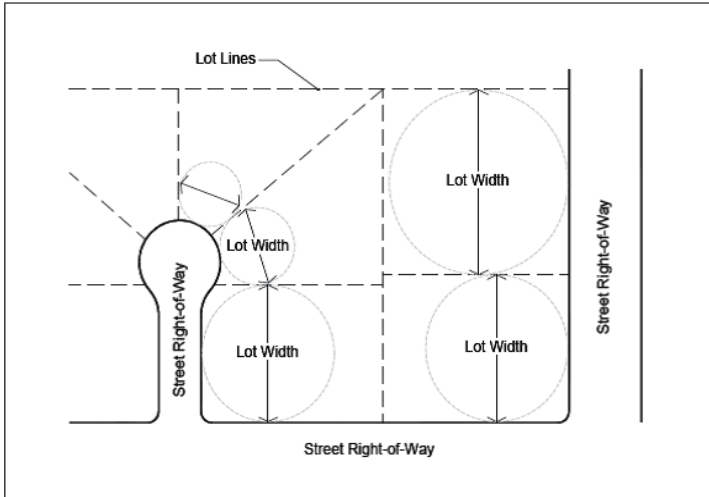


Landscaped Area: An area set aside from structures and parking that is developed with lawns, trees, shrubs, vines, hedges, bedding plants, rock or other natural features, and may include paving materials, walls, fences, street furniture or other decorative features.

Lot: A single tract of land that is either shown on the most recent applicable plan of record or otherwise evidenced to be held in identical ownership throughout by a deed conveyance to the owner thereof.

Lot Coverage: The portion of a lot, expressed as a percent of the total lot area, that is covered by principal and accessory buildings and structures.

Lot Width: The width of a lot measured as the diameter of a circle that fits entirely within the lot and is tangent to the front lot line.



Nonconforming Building or Structure: A building or structure that does not conform to the currently applicable use regulations or to one (1) or more currently applicable dimensional regulations contained in the Zoning Bylaw.

Nonconforming Lot: A lot that does not conform to one or more currently applicable dimensional regulations contained in the Zoning Bylaw.

Nonconforming Use: A use that does not conform to the currently applicable use regulations contained in the Zoning Bylaw.

Open Space: Public or privately owned land areas unobstructed to the sky that are not occupied by buildings, structures, parking areas, streets, or alleys. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities.

Residential Use: Any use of a building or part of a building for dwelling units, together with parking that is accessory to the dwelling units.

Senior Independent Living Facility: A facility that provides dwelling units for residents over the age of fifty-five (55), in single or multiple buildings or in separate townhouses or cottages, and may include common areas for the use of residents.

Setback: The actual distance of a structure from a property line or other specified reference point, line or area.

Shared Parking Facilities: Parking facilities intended to serve more than a single user.

Special Home Occupation: A business use conducted within a dwelling unit, or within an accessory structure on a residential property, that is accessory to the primary residential

use; provided, however, that not more than one non-resident of the dwelling unit or residential property, exclusive of residents of the dwelling unit or residential property, is employed on the premises.

Special Permit: A permit issued in accordance with the provisions of Section 9 of Chapter 40A of the Massachusetts General Laws.

Special Permit Granting Authority (SPGA): The Board or Commission designated as having authority to issue a particular Special Permit.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between the floor and the ceiling above the floor of such story.

Structure: Any combination of parts or materials assembled and joined or mixed together in some definite manner or pattern at a certain location for any purpose or use, whether or not affixed to the land. Structures include swimming pools, tennis courts, sports courts and courts for athletic and recreational activity and the equipment and paraphernalia associated with any such court, but shall not include fences, garden walls and paved areas used solely for vehicular or pedestrian access.

Townhouse: A dwelling unit that is arranged, intended or designed to be occupied by a single family and that is attached to one or more other dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance.

Use, Accessory: A use that is customarily incidental and subordinate to, and located on the same lot as, a lawful principal use and that does not alter the character of the principal use.

Use, Principal: An activity or purpose to which a lot or structure is, or is proposed to be, principally intended.

Variance: Relief, issued in accordance with the provisions of Section 10 of Chapter 40A of the Massachusetts General Laws, from the literal enforcement of the provisions of the Zoning Bylaw.

Watershed: A land area, also known as a drainage area, that collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

Wetlands Resource Area: A bank, freshwater wetland, marsh, meadow, bog, swamp, creek, river, stream, pond, lake, land under a water body, land within one hundred (100) feet of any of the foregoing wetlands resource areas; land subject to flooding or riverfront area, as defined in the regulations adopted pursuant to Section 40 of Chapter 131 of the Massachusetts General Laws or pursuant to Section 7.1 of the Reading General Bylaw.

Yard, Front: The area extending away from the lot line on which a lot has frontage and across the full width of the lot.

Yard, Rear: The area extending away from the rear line of a lot and across the full width of the lot.

Yard, Required: The minimum applicable front, rear or side yard as specified in Sections 6.2.3, 6.3 and 6.4 of the Zoning Bylaw that is required to be unoccupied by structures above grade except for specified uses or structures.

Yard, Side: The area extending away from any side line of a lot between the lot line on which the lot has frontage and the rear line of the lot.

3.0 ESTABLISHMENT OF DISTRICTS

3.1 Districts

The Town is hereby divided into the following zoning districts as shown on the Reading Zoning Map:

Type	Full Name	Short Name
Residence	Single Family 15 District	S-15
Residence	Single Family 20 District	S-20
Residence	Single Family 40 District	S-40
Residence	Apartment 40 Mixed Residential District	A-40 MR-01
Residence	Apartment 80 District	A-80
Business	Business A District	Bus A
Business	Business B District	Bus B
Business	Business C District	Bus C
Industrial	Industrial	Ind
Overlay	Flood Plain District	F
Overlay	Municipal Building Reuse District	MR
Overlay	National Flood Insurance Flood Management District	NF
Overlay	Aquifer Protection District	AQ
Overlay	Planned Unit Development	PUD
Overlay	Planned Residential Development	PRD
Overlay	Gateway Smart Growth District	GSGD
Overlay	Downtown Smart Growth District	DSGD

3.2 Zoning Map

Districts are shown, defined and bounded on a map, dated ~~April 8, 2013~~ **New Map Date** and entitled "Reading Zoning Map," as amended, consisting of an index map and 61 detailed maps, prepared, signed and approved by the Community Planning and Development Commission (CPDC), which constitutes a part of the Zoning Bylaw.

Appended to the Reading Zoning Map and incorporated therein are:

- The "Flood Insurance Rate Map, Massachusetts Middlesex County, Massachusetts" consisting of 7 panels, dated June 4, 2010, which are appended to the Reading Zoning Map as Exhibit 1; and
- The map entitled "Figure 2 Town of Reading, Massachusetts Zone II and Zone III Areas" prepared by Weston & Sampson Engineers, Inc. resulting from a study for the Town of Reading entitled "100 Acre Wellfield Zone II Study" dated July 1996, which shows certain aquifer protection areas consisting of aquifers or recharge areas which is appended to the Reading Zoning Map as Exhibit 2.

The Reading Zoning Map shall be kept on file and current by the Town Engineer, who shall supply copies to the Town Clerk, the Town Planner, the Building Inspector, the Board of Appeals and the CPDC.

3.3 Boundaries of Districts

Boundaries of zoning districts shall be interpreted as follows:

- 3.3.1** Any boundary indicated on the Reading Zoning Map as being within a street or railroad right of way shall be interpreted to be along the center line of such street or right of way.

- 3.3.2** Any boundary indicated on the Reading Zoning Map as being approximately parallel to a street or railroad right of way, with a single dimension noted, shall be interpreted to be parallel to, and located the noted distance from, the center line of such street or right of way.
- 3.3.3** Any boundary indicated on the Reading Zoning Map as being approximately parallel to the bank of a river, stream, lake, pond or other surface water body or watercourse, together with a single noted dimension, shall be interpreted to be parallel to, and located the noted distance from:
- The elevation, at the bank of a lake, pond or similar surface water body, where vegetation changes from predominately terrestrial to aquatic; or
 - The elevation, along the bank of a river, stream or similar watercourse, where the annual high water has left a definite mark in the channel.
- 3.3.4** Any boundary indicated on the Reading Zoning Map together with two or more dimensions shall be interpreted to be located so as to be consistent with such dimensions.
- 3.3.5** Any boundary indicated on the Reading Zoning Map as approximately following property lines in existence at the time of the establishment of such boundary shall be interpreted to be along such property lines.
- 3.3.6** Any boundary of an Overlay District that is indicated on the Reading Zoning Map as a contour shall be interpreted to be along the noted contour, based on mean sea level lines.
- 3.3.7** Any boundary of an Overlay District that is indicated on the Reading Zoning Map as terminating at the end of drainage structures or other features, or extensions thereof, shall be interpreted to terminate at such location.
- 3.3.8** All other boundaries shall be as indicated on the Reading Zoning Map.

3.4 Lots in Two Districts

- 3.4.1** Where a district boundary line divides any lot existing at the time of the line's adoption, any provision of the Zoning Bylaw applicable to a district in which the lot has frontage on a street may be extended so as to be applicable to the portion of the lot that is not more than thirty (30) feet from the district boundary line; provided, however, that this provision shall not apply ~~to any lot used for multi-family housing or~~ to the Aquifer Protection Overlay District boundary lines established by Section 10.3 of the Zoning Bylaw.

Commented [AM1]: We are proposing to remove this clause because the new MR-01 Zone is nearly our lone viable Multi-family District and we should treat Multi-family equally as other uses.

BUS-A Split Zoned lots with minimum lot size needs are either already MF Housing, built out, or the existing regulations make MF Housing impractical at the scale.

4.0 ADMINISTRATION

Section 4.0 sets forth the duties and responsibilities for the Building Inspector, the Community Planning and Development Commission, the Zoning Board of Appeals, and other officials with respect to the administration of the Zoning Bylaw

4.1 Permits

4.1.1 The Building Inspector shall require of every applicant for a license or permit for any construction, alteration or use of any building, structure or premises, for which a permit or license is by law required, such written information, plans, specifications and other data deemed necessary for the full and accurate exposition of the proposed construction, alteration or use. Such material, so required, shall be kept on file in the records of the Building Inspector.

4.1.1.1 Whenever an application is made for a building permit to authorize construction on premises that the Building Inspector believes may be within an Overlay District boundary, the Building Inspector shall require the applicant to provide, as part of such application, a plan, certified by a registered land surveyor, of the lot on which such building is intended to be built showing the exact location of the district boundary; provided, however, that such a plan shall not be required where a building permit is applied for solely for interior work.

4.1.2 No building that has been erected, materially altered or relocated shall be occupied or used without an occupancy permit issued by the Building Inspector; and no such building permit shall be issued until the building and its use and accessory uses comply in all respects with the Zoning Bylaw.

4.1.3 The Building Inspector shall not grant a building permit for the construction or alteration of any structure that would violate any provision of the Zoning Bylaw.

4.2 Enforcement

4.2.1 The Building Inspector or his/her designee is hereby authorized as the officer responsible for the enforcement of the Zoning Bylaw.

4.2.2 Whoever violates any provision of the Zoning Bylaw shall be subject to a fine not exceeding three hundred (\$300.00) dollars for each offense. Each day that such a violation continues shall constitute a separate offense. Upon any well-founded information that the Zoning Bylaw is being violated, or upon his own initiative, the Building Inspector shall take immediate steps to enforce the Zoning Bylaw, which may include filing a civil complaint for injunctive relief, an application for noncriminal disposition in accordance with the provisions of Section 1.8 of the General Bylaws and Section 21D of Chapter 40 of the Massachusetts General Laws, or by any other manner authorized by law. The provisions of Section 4.2 shall apply to both the record owner and any lessee of the real property upon which a violation of the Zoning Bylaw occurs regardless of who caused or committed such violation.

4.2.3 If the Building Inspector is requested in writing to enforce the provisions of the Zoning Bylaw against any person allegedly in violation of the Zoning Bylaw and the Building Inspector declines so to act, s/he shall notify the party requesting such enforcement of his/her action or refusal to act, and the reasons therefore, in writing, within fourteen (14) days of receipt of such request.

4.3 Community Planning and Development Commission

4.3.1 Powers

The Community Planning and Development Commission (CPDC) shall act on all matters within its jurisdiction under the Zoning Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws. It shall have the power:

- 4.3.1.1** To hear and decide applications for Special Permits in accordance with Section 9 of Chapter 40A of the Massachusetts General Laws and Section 4.3 of the Zoning Bylaw.
- 4.3.1.2** To conduct Site Plan Reviews in accordance with Section 4.6 of the Zoning Bylaw.
- 4.3.1.3** To propose, review, hold hearings and make recommendations on text or map changes to the Zoning Bylaw in accordance with Section 5 of Chapter 40A of the Massachusetts General Laws.
- 4.3.1.4** To review and act on preliminary and definitive subdivision plans in accordance with Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws.
- 4.3.1.5** To review applications for endorsement of plans as "Approval Not Required" in accordance with Section 81P of Chapter 41 of the Massachusetts General Laws.
- 4.3.1.6** To prepare a comprehensive/master plan in accordance with Section 81D of Chapter 41 of the Massachusetts General Laws.

4.3.2 Associate Member

The CPDC may have one (1) Associate Member appointed by the Board of Selectmen for a two (2) year term. Except as otherwise provided by law, if any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate, the chair of the CPDC may designate an Associate Member to deliberate and vote on any matter before the CPDC. An Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.

4.4 Special Permit Granting Authority

4.4.1 The Special Permit Granting Authority (SPGA) shall issue special permits in accordance with the procedure and provisions of Section 9 of Chapter 40A of the Massachusetts General Laws.

4.4.2 Unless otherwise specified in the Zoning Bylaw, the SPGA is the Community Planning and Development Commission (CPDC).

4.4.3 Any Special Permit shall lapse within two (2) years from the issuance thereof, if a substantial use thereof has not sooner commenced except for good cause.

4.4.4 In issuing Special Permits, the SPGA shall act in accordance with the provisions of Sections 11 and 16 of Chapter 40A of the Massachusetts General Laws, and shall consider the effects of the proposed use upon the neighborhood in particular and the Town at large in general.

4.4.5 The SPGA may grant a Special Permit if it finds that:

- 4.4.5.1** The proposed use will be suitably located in the neighborhood in which it is proposed and in relation to the entire Town.
- 4.4.5.2** The proposed use will be compatible with existing uses and other uses permitted by right in the same district.

- 4.4.5.3** The proposed use will not constitute a nuisance due to air and water pollution, flood, noise, dust, vibration, lights, or visually offensive structures and accessories.
- 4.4.5.4** The proposed use will not be a substantial inconvenience or hazard to abutters, vehicles, or pedestrians.
- 4.4.5.5** Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
- 4.4.5.6** Adjoining premises will be reasonably protected against any possible detrimental or offensive uses on the site, including unsightly or obnoxious appearance.
- 4.4.5.7** The proposed use will be in conformance with the sign regulations of Section 8 of the Zoning Bylaw.
- 4.4.5.8** The proposed use will provide convenient and safe vehicular and pedestrian movement within the site in relation to adjacent streets, property or improvements.
- 4.4.5.9** Adequate space will be provided for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the proposed use.
- 4.4.5.10** Adequate methods of disposal and storage will be provided for sewage, refuse and other wastes resulting from the proposed uses, and adequate methods of drainage will be provided for surface water.
- 4.4.5.11** The proposed uses will ensure protection from flood hazards, considering such factors as elevation of buildings, drainage, adequacy of sewage disposal, erosion and sedimentation control, equipment location, refuse disposal, storage of buoyant materials, extent of paving, effect of fill, roadways, or other encroachments on flood runoff and flow.
- 4.4.5.12** The proposed use will ensure protection of water quality in both public and private supplies.
- 4.4.6** A Special Permit shall be issued only following a public hearing, which shall be held within sixty-five (65) days after the filing of an application therefor with the SPGA.
- 4.4.7** The SPGA may adopt and, from time to time, amend rules relative to the issuance of Special Permits, and shall file a copy of said rules in the Office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of required plans and specifications, as well as the procedure for application submittal and Special Permit approval.
- 4.4.8** The SPGA shall take final action on a Special Permit application within ninety (90) days following the close of the public hearing thereon. Failure by the SPGA to take final action on a Special Permit application within said ninety (90) days shall be deemed to be a grant of the Special Permit.
- 4.4.9** Special Permits shall require a vote of at least four (4) members of the SPGA.

4.5 Zoning Board of Appeals

4.5.1 Powers

The Zoning Board of Appeals shall act on all matters within its jurisdiction under the Zoning Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws. It shall have the power:

- 4.5.1.1** To hear and decide appeals taken, in accordance with Section 8 of Chapter 40A of the Massachusetts General Laws, by any person aggrieved by an order or decision of the Building Inspector or by an inability to obtain a permit or an enforcement action from the Building Inspector
- 4.5.1.2** To hear and decide petitions for variances, including for use, in accordance with Section 10 of Chapter 40A of the Massachusetts General Laws.
- 4.5.1.3** To hear and decide applications for Special Permits for those uses for which approval of the Zoning Board of Appeals is required in accordance with the provisions of Section 5.2.1.
- 4.5.1.4** To hear and decide applications for extension or alteration, of nonconforming uses in accordance with Section 7.0 of the Zoning Bylaw.

4.5.2 Variances

- 4.5.2.1** No variance shall be issued pursuant to Section 4.5.1.2, unless the Zoning Board of Appeals finds that:
 - a** There are unique circumstances relating to the soil conditions, shape or topography that specifically affect the land or structure in question, but do not generally affect the Zoning District in which the land or structure is located;
 - b** Literal enforcement of the Zoning Bylaw would involve substantial financial or other hardship to the petitioner;
 - c** Desirable relief may be granted without nullifying or substantially derogating from the intent and purpose of the Zoning Bylaw, as set forth in Section 1.0; and
 - d** Desirable relief may be granted without substantial detriment to the public good.
- 4.5.2.2** In issuing a variance, the Zoning Board of Appeals may impose conditions, safeguards, and limitations of time and use; provided, however, that such conditions cannot require continued ownership of the land or structure to which the variance pertains.
- 4.5.2.3** If the rights authorized by a variance are not exercised within one (1) year of the date of its issuance, they shall lapse and may be reestablished only after a new application and hearing.

4.5.3 Associate Member

The Zoning Board of Appeals shall have two (2) Associate Members appointed by the Board of Selectmen for three (3) year terms. If any regular member is absent from a meeting, disqualified from acting, or otherwise unable to deliberate on a particular matter that comes before the Zoning Board of Appeals, the chair of the Zoning Board of Appeals may designate one or more Associate Members to deliberate and vote on any matter before the Zoning Board of Appeals. If more than one Associate Member is available to fill a temporary vacancy, the chair shall designate the Associate Member having the greatest tenure on the Zoning Board of Appeals; provided, however, that any Associate Member so designated shall be entitled to continue to participate in the matter as necessary and to remain qualified to vote thereon.

4.6 Site Plan Review

4.6.1 Purpose and Authority

4.6.1.1 Site Plan Review is a means of protecting the public interest through evaluating impacts of new development and redevelopment of land and structures within the Town of Reading. Site plan review is designed to manage aesthetics, minimize the potential for conflicts among uses and limit the impacts, through imposition of reasonable conditions, of uses that are otherwise permitted in the applicable district.

The CPDC administers the Site Plan Review process for the following purposes:

- a** To protect and promote the health, safety, convenience, and general welfare of the inhabitants of the Town of Reading, and to ensure the integrity of its neighborhoods;
- b** To oversee acceptable site planning practices and to promote desirable architectural design within the Town of Reading;
- c** To address development issues comprehensively while ensuring a streamlined and efficient development review process;
- d** To provide for appropriate mitigation measures as a result of increased impacts to municipal services and infrastructure;
- e** To ensure consistency in the application of development standards and guidelines, and;
- f** To ensure proper monitoring and enforcement of Reading zoning and development regulations.

4.6.1.2 Guidelines, Regulations and Standards

- a** The CPDC may adopt reasonable Guidelines, Regulations and Standards governing procedures to be used for the administration of Site Plan Review.
- b** The proposed Guidelines, Regulations and Standards shall be submitted to all CPDC members at least 48 hours prior to any vote on their adoption, provided, however, that the CPDC may make such amendments to the proposed Guidelines or Regulations as it deems appropriate at said meeting.
- c** Upon adoption of any Guidelines, Regulations and Standards by the CPDC, a copy thereof shall be filed with the Town Clerk.

4.6.2 Applicability

4.6.2.1 Properties containing or proposing single-family or two-family dwellings as a principal use are exempt from Site Plan Review. Routine maintenance, and in-kind replacement of lighting, mechanical systems and landscape features are exempt from Site Plan Review.

4.6.2.2 Except as otherwise specified in Section 4.6.2.1, Site Plan Review is required if the proposed construction, Change of use, or site alteration involves any of the following:

- a** An increase in gross floor area of 500 square feet or more, via the creation of new floor area, that results in the requirement for or addition of 2 or more parking spaces (regardless of parking-related exemptions or waivers); or
- b** A Change of Use within a structure containing an existing public, institutional or commercial use; an existing multi-family dwelling; or a structure containing more than one use; to a use permitted by Special Permit from the CPDC.

Nothing in this section shall be construed to limit the requirements of Site Plan Review set forth in other provisions of the Zoning Bylaw.

4.6.2.3 Except as otherwise specified in Section 4.6.2.1 or Section 4.6.2.2, Minor Site Plan Review is required if the proposed construction, Change of Use, modification to use, or site alteration involves any of the following:

- a An increase in gross floor area of 500 square feet or more either by the creation of new floor area or by the expansion of an existing use into adjacent space within an existing structure;
- b The addition of 2 or more parking spaces, a change to the layout or location of 2 or more parking spaces, an increase in pavement of more than 300 square feet, or the alteration of any driveway. Changes that exclusively address minor pre-existing site safety or circulation issues may qualify for Administrative Approval under regulations issued pursuant to Section 4.6.3.1;
- c A Change of Use within a structure containing an existing public, institutional or commercial use; an existing multi-family dwelling; or a structure containing more than one use, to a use permitted by-right;
- d Exterior alteration of 500 square feet or more of horizontal or vertical area that is limited to doors, paint, awnings, railings, step replacement, handicapped ramps or building code compliance measures, for a site within the Business B Zoning District;
- e Redevelopment or alteration of a site, or the interior of a building, in such a manner that the proposed site or building function is anticipated to generate unreasonable visual or auditory impacts to abutters;
- f An existing site that becomes a nuisance to public health, safety or welfare (i.e. due to routine traffic spillover, excessive noise, site illumination beyond the hours of operation, etc.) as evidenced by substantiated complaints to the Police Department and/or Public Services Office; or
- g Outdoor Commerce, Dining, Programming, or Storage.

4.6.2.4 Coordination with Special Permit

- a Where proposed construction or site alterations require both site plan review and one or more Special Permits, the CPDC shall be the SPGA.
- b Where both a Special Permit and Site Plan Review are required, the applicant shall seek both forms of relief simultaneously, and the CPDC shall generally conduct its review of both applications contemporaneously.

Commented [AM2]: To note: if a non-conforming structure proposed to extend the non-conformity, either in length or in height, a Special Permit process would be required just as it is today. We are not proposing to change this requirement.

4.6.3 Minor Site Plan Review

- 4.6.3.1 The CPDC, through regulation, may authorize the Community Development Director to grant Administrative Approval for a Minor Site Plan Review, with or without conditions, if the proposed construction, expansion, alteration or Change of Use is not anticipated to result in any adverse impact on surrounding areas.

4.6.3.2 Minor Site Plan Review Procedures

The Applicant shall submit to the CPDC through the Community Development Director, one electronic copy and two (2) printed sets of documents including the following:

- 1 A Complete application, including authorization from the property owner;
- 2 A written narrative explaining the proposed changes;
- 3 Photographs of the existing site or area to be altered; and
- 4 A rendering, site plan, plot plan or sketch.

For Minor Site Plan Review by the CPDC, the Applicant shall also submit one (1) set of postage stamped addressed envelopes in order for the Community Development Director to mail notification of the Minor Site Plan Review to abutters. For applications under Outdoor Commerce, Dining, Programming, or Storage, notification will also be provided to businesses and tenants located on the site and within a 300' radius of the site, at a minimum. Notification provided shall be at least seven days before any decisions of approval are made by the Community Development Director or the CPDC.

The Minor Site Plan Review shall not be considered complete, and a building permit shall not be issued, until a written approval is issued by the CPDC.

Minor Modifications to an approved Minor Site Plan Review shall be subject to the provisions of Section 4.6.9.2.

4.6.3.3 Waiver of Parking, Loading and Related Design Requirements

Upon the Applicant's request and submission of supporting documentation, the Community Planning and Development Commission may waive or reduce the requirements of Section 9.1 upon a finding that there will be no adverse impact on surrounding areas.

4.6.3.4 Criteria for Approval – Outdoor Commerce, Dining, Programming, or Storage

When reviewing an application for Outdoor Commerce, Dining, Programming, or Storage, the CPDC will consider and may impose limitations and/or conditions related to the following criteria:

- a** Duration of Use- hours of operation, seasonality, and recurrence of the use;
- b** Site Circulation & Access- adequacy of pedestrian, vehicular, and emergency access to and movement through the site;
- c** Parking- availability of and impact to parking;
- d** Intensification of Use – whether the proposal will expand or intensify the principal use;
- e** Structures & Furnishings- dimensions, methods for securing/storing, and specifications for all proposed structures and furnishings to be used;
- f** Materials & Products- materials and products displayed or stored shall be for sale on-site, and not for distribution, and shall not generate dust, noise or other objectionable effects, or create a hazard to the community on account of fire, explosion or any other cause;
- g** Lighting, Heating & Sound- details regarding any proposed outdoor lighting, heating, or sound-generating devices, as well as specifications regarding any utility extensions for such;
- h** Setbacks- proximity of structures and activities to property lines;
- i** Visual Impact- measures to address the effect of the use (such as plantings, fencing, sculptures, trellises, artwork, etc.) on neighbors;
- j** Signage-justification for any desired temporary signage;
- k** Competing Uses & Neighborhood Coordination- consideration for how the area is used throughout the day, and at night, and accommodations for the needs of neighboring uses.

Compliance with Decision of Approval

Should an applicant fail to comply with the limitations or conditions contained in a minor site plan decision of approval issued for Outdoor Commerce, Dining, Programming, or Storage, in addition to any and all other methods of zoning enforcement available to the Town, the applicant may be required to propose solutions to staff and may be required to return to the CPDC to amend the decision of approval. Ongoing failure to comply with conditions contained in a decision of approval issued hereunder shall result in rescission of the decision of approval.

4.6.4 Site Plan Review

4.6.4.1 Procedures

- a** An Applicant shall submit to the CPDC through the Community Development Director, for review and decision in accordance with the provisions of Section 4.6, the following:

- Five (5) full size (24x36) copies of the site plan & architectural drawings;
 - Six (6) half size (11x17) copies of the site plan & architectural drawings;
 - Ten (10) copies of the application, narrative & supporting materials;
 - Four (4) drainage reports; and
 - One (1) electronic version of everything submitted.
- b** The contents of the application shall be as specified in the CPDC Site Plan Review Guidelines, Regulations and Standards. The CPDC may, at its discretion, waive the requirement to submit any required materials that it determines are not needed.
- c** Within ten (10) business days of submitting an application for a Site Plan Review, the Community Development Director shall notify the Applicant of any issues related to the completeness of the application. If all required materials have been submitted, the application shall be date stamped by the Community Development Director. If all required materials have not been submitted, the Applicant shall be issued a written notice identifying which specific items are outstanding. No hearing date shall be scheduled until the Community Development Director deems the application to be complete.
- d** Within five (5) days of the date stamp, the Community Development Director shall transmit one (1) copy of the application and plan to the Building Inspector, Director of Public Works, Fire Chief, Police Chief, and any other Town official whose review is requested. Such officials may, at their discretion, investigate the application and report their recommendations in writing to the CPDC.
- e** The CPDC shall schedule a public hearing for all Site Plan Review applications to be held within forty-five (45) days of the date stamp. This public hearing shall be advertised in the local newspaper once in each of two successive weeks prior to the meeting and a notice shall be sent to property owners within 300 feet of the subject property. Within forty-five (45) days of conclusion of the public hearing, the CPDC shall, approve, approve with conditions, or deny the Site Plan Review application and file a written decision with the Town Clerk.
- f** The Applicant may request, and the CPDC may grant, an extension of the time limits set forth herein.
- g** The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a building permit except for those conditions that, by their terms, are intended to be satisfied during construction or later. The building permit application shall be accompanied by one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector, of the plan that received Site Plan Approval, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that such plan is consistent in all respects with the plan approved by the CPDC, and that all required conditions of Site Plan Approval have been satisfied.
- h** The Applicant shall satisfy or comply with all of the conditions of a Site Plan Approval prior to the issuance of a final certificate of occupancy unless otherwise specifically stated in the Site Plan Approval.

4.6.5 Review Criteria

All construction and site alterations subject to Site Plan Review shall be designed, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the proposed construction and/or alteration, so as to:

- a** Minimize the volume of cut and fill, the number of removed trees six inch (6") caliper or larger, the length of removed stone walls, the area of wetland vegetation

displaced, the extent of stormwater flow increase from the site, the amount of soil erosion, and the threat of air and water pollution;

- b** Maximize pedestrian, bicycle and vehicular access and safety, both on the site and entering and exiting the site;
- c** Minimize obstruction of scenic views from publicly accessible locations;
- d** Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or from residential properties;
- e** Minimize glare from headlights and light pollution emitted from on-site lighting fixtures;
- f** Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- g** Ensure compliance with applicable regulations governing on-site waste-water disposal systems;
- h** Minimize contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- i** Provide appropriate landscaping and other site amenities so as to enhance the visual character of the property;
- j** Minimize environmental and other impacts to adjacent properties through appropriate restrictions of hours of operation, deliveries, noise, rubbish removal and storage, or by other appropriate means.
- k** Provide adequate access to each structure for fire, public safety and emergency service equipment;
- l** Provide adequate utilities and water and sewer service;
- m** Provide stormwater drainage and roadway and driveway layouts consistent with the functional requirements of the Town of Reading's Subdivision Rules and Regulations, any applicable federal, state and local regulations, and the standards of the Department of Public Works;
- n** Minimize impacts to abutting residential development; and
- o** Otherwise demonstrate compliance with the Zoning Bylaw.

The CPDC shall apply the criteria set forth in Section 4.6.5.1 to determine whether an application for Site Plan Review should be approved, approved with conditions or denied.

4.6.6 Lapse

A Site Plan Approval shall lapse two (2) years after the date of its issuance if construction pursuant thereto has not begun; provided however, that the CPDC may grant an extension of the two (2) year period, for a maximum of one (1) year, upon a finding of good cause, including the need to obtain other local, state, and federal permits duly applied for, at the written request of the applicant, if submitted to the CPDC at least thirty (30) days prior to the expiration of the two (2) year period.

4.6.7 Approval, Conditions, & Continuation of Site Plan Review

The CPDC shall file a written decision with the Town Clerk stating that the application is approved as submitted, approved with conditions, or denied in accordance with Section 4.6.4.1 e. The CPDC may impose conditions on any Site Plan Approval that it deems necessary or desirable.

4.6.8 Advertising, Consultant Fees and Reports

In addition to any application or advertisement fees required by the CPDC's Guidelines, Regulations and Standards, the CPDC is authorized, at any point during the hearing or deliberations prior to a final decision, to require an Applicant to pay a consultant fee

upon a finding that additional information, available only through an expert consultant, is necessary prior to making a decision.

Any Applicant aggrieved by the CPDC's selection of an outside consultant may appeal such selection to the Board of Selectmen; provided, however, that the grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess either an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

Any unused portion of the consultant fee shall be returned to the applicant unless the CPDC decides at a public meeting that additional services will be required.

The CPDC may, at its own discretion, waive any application or filing fee or consultant fee if the application is submitted by a government agency, including the Town and all its departments.

4.6.9 Modifications to Approved Site Plan

A meeting with the Community Development Director prior to filing a modification request is recommended.

4.6.9.1 Major Modification

If, at any time before or during development, it becomes necessary or desirable for an Applicant to make modifications to a Site Plan, the Applicant shall appear at a regular meeting of the CPDC and submit, if required by the CPDC, plans showing the modification. Modification requests shall be processed in accordance with the rules governing Site Plan Review unless, upon review and determination by the Community Development Director, the proposed changes qualify as a Minor Modification pursuant to Section 4.6.9.2.

The following changes shall be deemed to qualify as a Major Modification:

- a** Any relocation or shifting of structures or parking areas;
- b** Any increase in the gross floor area of structures or any changes to the building envelope;
- c** Any change that requires additional water or sewer usage or the relocation of water and sewer utilities;
- d** Any increase in impervious areas, either by changes to structures or paved parking areas;
- e** Substantial changes to the approved architectural drawings, including changes in building materials and color.

4.6.9.2 Minor Modification

At the discretion of the Community Development Director, Minor Modifications may require that the Applicant appear at a regular meeting of the CPDC, or may be granted through an Administrative Approval.

A proposed change may qualify for Administrative Approval as a Minor Modification if it would not substantially alter the concept of the approved Plan in terms of the qualities of the specific location, the proposed land use, the design of building form and approved building details and materials, site grading or egress points, and minor changes in site layout, topography, architectural plans, landscaping plan, traffic circulation, parking, lighting plan, signage or open space.

4.6.9.3 Site Plan Modification

Upon approval of a Site Plan Modification, the Applicant shall submit one (1) paper copy and one (1) electronic copy, in a format acceptable to the Building Inspector,

of the modified plan, as well as a letter issued by a registered professional engineer, registered architect or registered landscape architect certifying, under pains and penalties of perjury, that the modified plan is consistent in all aspects with the approved modification and that all conditions of approval have been satisfied.

4.6.10 Appeal

Any person aggrieved by a decision of the CPDC pursuant to Section 4.6 may appeal such decision to the Zoning Board of Appeals within twenty (20) days of the date filed with the Town Clerk.

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5.0 USE REGULATIONS

No building, structure or land may be used, arranged or designed for any purpose unless it conforms with the use regulations of the Zoning Bylaw.

5.1 Application of Use Regulations

5.1.1 Any building constructed or formerly used for public or municipal purposes and owned or controlled by the Town of Reading, the land upon which such building is located and all adjacent land owned by the Town shall be exempt from the provisions of the Zoning Bylaw.

5.2 General Requirements

5.2.1 Use regulations for all uses shall be as specified in Section 5.3.1, the "Table of Uses for Business and Industrial Districts," and Section 5.3.2, the "Table of Uses for Residence Districts." In these tables, "Yes" denotes a use permitted by right in a particular district; the letters "SPA" denote a use permitted in a particular district only by Special Permit from the Zoning Board of Appeals; the letters "SPS" denote a use permitted in a particular district only by Special Permit from the Board of Selectmen; the letters "SPP" denote a use permitted in a particular district only by Special Permit from the Community Planning and Development Commission (CPDC); the letters "MSPR" denote a use permitted in a particular district only by Minor Site Plan Review from the CPDC, unless approved as part of a full Site Plan Review application; "No" denotes a use prohibited in a particular district.

5.2.2 In any district, no principal or accessory use that is offensive because of obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or that is hazardous to the community on account of fire, explosion or any other cause shall be permitted.

5.2.3 In the Business C District, no building shall be erected, altered or used and no land shall be used for any purpose unless all dust, flames, odor, smoke or vapors are effectively confined to the premises and noise, vibration or flashing related to the business activity is not perceptible without instruments beyond the bounds of the lot on which it is located.

5.2.4 Any lot or structure within a Business or Industrial District may contain multiple principal and accessory uses insofar as each use is permitted either by-right or by special permit in that district. If one of the uses is a Residential Use, then the Mixed-Use Regulations shall apply.

5.3 Table of Uses

5.3.2 Table of Uses for Residence Districts

PRINCIPAL USES	RES S-15 S-20 S-40	RES A- 40MR- 01	RES A-80	PRD-G PRD-M	PUD-R
Residential Uses					
Single Family Dwelling	Yes	Yes	No	SPP	SPP
Two Family Dwelling	No ¹	Yes	No	SPP	SPP
Multi-family Dwelling	No	Yes	Yes	SPP	SPP
Age Restricted Multi-family Dwelling	No	SPP	SPP	SPP	SPP
Boarding House	No	Yes	No	No	No

Commented [AM3]: The only change here is for retitle, the uses desired are already allowed. See Section 6 for controls.

PRINCIPAL USES	RES S-15 S-20 S-40	RES A- 40MR- 01	RES A-80	PRD-G PRD-M	PUD-R
Public and Institutional Uses					
Child Care Facility	Yes	Yes	Yes	Yes	Yes
Religious or Educational Use Eligible for the Protection of Massachusetts General Laws Chapter 40A Section 3	Yes	Yes	Yes	Yes	Yes
Other Religious or Educational Use	SPP	No	No	SPP	No
Medical Facility	No	SPP	No	No	No
Nursing Home	SPP	SPP	No	No	SPP
Assisted Living Facility or Senior Independent Living Facility	SPP	SPP	No	SPP	SPP
Non-Profit Philanthropic Institution or Cultural Facility	SPP	SPP	SPP	No	SPP
Civic or Private Club	SPA	SPA	SPA	No	No
Community Center	No	SPP	SPP	SPP	SPP
Other Uses					
Public Utilities	Yes	Yes	Yes	Yes	Yes
Agriculture Use Eligible for the Protection of Massachusetts General Laws Chapter 40A Section 3	Yes	Yes	Yes	Yes	Yes
Other Agriculture Use	SPP	SPP	SPP	SPP	SPP
Structures Accessory to Agriculture Use Eligible for the Protection of Massachusetts General Laws Chapter 40A Section 3	Yes	Yes	Yes	Yes	Yes
Personal Wireless Service Facility (PWSF)	SPP	SPP	SPP	SPP	SPP

Commented [AM3]: The only change here is for retitle, the uses desired are already allowed. See Section 6 for controls.

ACCESSORY USES	RES S-15 S-20 S-40	RES MR- 01A-40	RES A-80	PRD-G PRD-M	PUD-R
Agriculture Use Eligible for the Protection of Massachusetts General Laws Chapter 40A Section 3	Yes	Yes	Yes	Yes	Yes
Other Agriculture Use	SPP	SPP	SPP	SPP	SPP
Structures Accessory to Permitted Agriculture Use	Yes	Yes	Yes	Yes	Yes
Roadside Stand	Yes	Yes	Yes	Yes	Yes
Marijuana Establishment	No	No	No	No	No
Attached Accessory Apartment Contained Within an Existing Single family Dwelling – no addition to gross floor area	Yes	Yes	No	No	No
Preservation of a Carriage House, Stable, or Barn for Use as a Detached Accessory Apartment	SPA	SPA Yes	SPA	No	No

ACCESSORY USES	RES S-15 S-20 S-40	RES MR- O1A-40	RES A-80	PRD-G PRD-M	PUD-R
Detached Accessory Apartment (not in an existing Carriage House, Stable or Barn) Associated with New Construction of a Single Family Dwelling	SPA	SPAYes	No	No	No
Attached Accessory Apartment Contained Within New Construction of or Addition to a Single Family Dwelling	SPA	SPAYes	No	No	No
Home Occupation	Yes	Yes	Yes	Yes	Yes
Special Home Occupation	SPP	SPP	SPP	SPP	SPP
Bed and Breakfast	SPP	SPP	SPP	SPP	SPP
Family Child Care Home ²	Yes	Yes	Yes	Yes	Yes
Service Facility or Accessory Building Providing Enclosed Storage	Yes	Yes	Yes	Yes	Yes
Storage of commercial building materials, equipment, or vehicles over 10,000 pounds ³	No	No	No	No	No
Storage of commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 10,000 pounds	No	No	No	No	No
Accessory Convenience Store	No	No	No	No	SPP
Commercial Automotive Repair or Service Station	No	No	No	No	No
Accessory Retail Services or Retail Store	No	No	No	No	SPP
Animal Kennel	No	No	No	No	No
Outdoor Commerce, Dining, Programming, or Storage ⁴	MSPR	MSPR	MSPR	No	No

Notes:

¹ In a Residence District, a single-family dwelling existing prior to April 1942, which at that time had at least eight (8) finished and habitable principal rooms, upon receipt of a Special Permit from the Zoning Board of Appeals, may be converted into a two-family dwelling, provided that the conversion does not increase the gross floor area of the structure by the lesser of 1000 square feet or one-third of the gross floor area of the dwelling existing on the date of application for conversion or on January 1, 2020, whichever is earlier, and that the external appearance as a single-family dwelling is retained. However, if no increase in gross floor area is proposed to the existing single-family structure as part of conversion, then the Special Permit shall not be required.

After a structure is converted to a two-family under this Footnote, no future additions to the structure will be allowed. At such time that the original April 1942 single-family dwelling is voluntarily demolished, rights to a two-family under this Footnote – whether granted by-right or by Special Permit – shall be discontinued.

² The total number of children under age sixteen (16) in a family child care home shall not exceed ten (10), including participating children living in the residence.

³ Except by a contractor performing construction work on the premises.

⁴ Applicable to legally existing businesses in residence districts, where the principal use of the site is commercial. Not applicable to Home Occupation or Special Home Occupation uses in any district.

5.4 Accessory Uses

Subject to all limitations and in accordance with all conditions set forth in the Zoning Bylaw, accessory uses, buildings and structures shall be permitted on the same lot as the principal use, building or structure to which they are accessory, provided that they do not alter the character of such principal use, building or structure.

- 5.4.1** In any district, no accessory use that alters the character of the premises on which it is located shall be permitted.
- 5.4.2** In any district, an accessory use shall be located on the same lot as the principal use.
- 5.4.3** A garage for more than three (3) motor vehicles shall not be deemed to be accessory to a residential use.
- 5.4.4** A resident of a dwelling shall be permitted by right to rent rooms in the dwelling, or to furnish room and board in the dwelling, to up to three (3) persons who are not merely casual or transient customers.
- 5.4.5** In any ~~Single-FamilyResidence~~ District, outdoor storage of a seasonal stock of firewood, occupying not more than two hundred fifty (250) square feet, shall be permitted by right; provided, however, that no such stock shall exceed four (4) feet in height within five (5) feet of a lot line.
- 5.4.6** **Except as otherwise provided in the Zoning Bylaw:**
 - a** Any use permitted by right as a principal use in a district shall also be permitted by right as an accessory use.
 - b** Any use authorized as a principal use in a district by Special Permit may also be authorized as an accessory use by Special Permit.
 - c** Any use prohibited as a principal use in a district shall also be prohibited as an accessory use.
 - d** Accessory uses shall be permitted only in accordance with lawful principal uses in existence.
 - e** In all instances where Site Plan Review is required for a principal use, the addition of any accessory use, shall also require Site Plan Review if such addition exceeds the jurisdictional thresholds set forth in Section 4.6 of the Zoning Bylaw.

5.7 Inclusionary Zoning

5.7.1 Purpose

This Inclusionary Zoning Bylaw has been adopted for the following purposes:

To increase the supply of housing in the Town of Reading that is permanently available to, and affordable by, low- and moderate-income households and to encourage a greater diversity of housing accommodations to meet the needs of families.

To maintain a satisfactory proportion of the Town's housing stock as Affordable Units.

To achieve the goals set in the Town's long-term visioning plans, including but not limited to, the Housing Production Plan and Master Plan.

5.7.2 Administration and Standards

5.7.2.1 Administration

When Inclusionary Zoning requirements apply the Applicant shall submit to the Approving Authority a use restriction or regulatory agreement for the designated Affordable Dwelling Units. That agreement shall establish an affordability restriction for the maximum period allowed by law. The use restriction or regulatory agreement shall include a right of first refusal for the Town of Reading upon the transfer of such restricted units.

As required the Applicant shall also submit a site approval letter from either the subsidizing agency or other agency authorized by the Executive Office of Housing and Livable Communities (EOHLC) under Housing Appeals Committee Regulations.

The following requirement shall be a condition of developments which require Affordable Dwelling Units in order to prevent a disproportionate number of non-affordable dwelling units being occupied prior to the completion and occupancy of the Affordable Dwelling Units.

- a. No market rate units exceeding 25% of the total units shall be occupied unless 25% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- b. No market rate units exceeding 50% of the total units shall be occupied unless 50% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- c. No market rate units exceeding 75% of the total units shall be occupied unless 75% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- d. No market rate units exceeding 95% of the total market rate units shall be occupied unless 100% of the affordable dwelling units have been completed and occupancy permits issued therefor.

Both the Zoning Enforcement Officer and the Community Development Director shall be responsible for the administering and enforcing the requirements of this section.

5.7.2.2 Standards

Affordable Dwelling Units shall be dispersed and integrated equitably throughout the development and shall be compatible in design, construction, and quality of exterior and interior materials with Market Rate Units. Affordable Dwelling Units shall be dispersed proportionately among unit sizes and bedroom counts; and shall be located

such that the Affordable Dwelling Units have equal access to shared amenities and equal avoidance of any potential nuisances within the development.

5.7.3 District Requirements and Applicability

5.7.3.1 Mixed Residential Zoning District

Affordable Units shall be provided required in projects located in the Mixed Residential Zone, as follows:

- Ten percent (10%) of all Dwelling Units constructed in a project of 10 or more units shall be Affordable Dwelling Units, whether rental or ownership units. This shall apply to any new construction and to projects involving the substantial rehabilitation, expansion, reconstruction or conversion of existing structures that increases number of residential units to 10 or more units. No project may be divided or phased to avoid this requirement.
- Any required Affordable Units shall be made affordable to households earning at or below 80% of the Area Median Income, as determined annually by the United States Department of Housing and Urban Development (HUD).
- Where the computation of required number of Affordable Dwelling Units results in a fractional number, such shall always be rounded down to the closest integer.

Proposed developments may of any unit size may provide additional Affordable Units, or deeper and more broader Affordable Units, at the following rates, in exchange for additional flexibility in dimensional controls as prescribed below:

- Projects that provide at least ~~15~~20% of all Dwelling Units constructed in a project as Affordable Units available to households earning at or below 80% of the Area Median Income will be allowed up to a maximum of 40% Lot Coverage.
- Projects that provide at least ~~15~~0% of all Dwelling Units constructed in a project as Affordable Units available to households earning at or below 50% of the Area Median Income will be allowed up to a maximum of 40% Lot Coverage.

Commented [AM4]: This will allow us to start adding other Zones as further subsections as we revisit them and any standards they may wish to implement for IZ. I have left out the Mixed-Use in BUS-A because that is a Special Permit Use and falls to its own section criteria, whereas this will look to be applied holistically to any zone and by-right residential uses associated within them.

Commented [AM5]: Based on the State Law we cant say that .5+ rounds up because it can then require over 10% inclusionary. For example 16 total units would = 1.6 units, rounding up to 2 affordable units. That is a 12.5% requirement in essence and the State won't accept such without a detailed analysis to prove it is economically feasible.

Commented [AM6]: For the above reason we would like to consider incentives that may promote additional affordable units in a project. Is such desirable by the CPDC and Public at large? What would the incentives be? Would we prefer slightly increased building area (by lot coverage allowances) or slightly increased density (say allowing up to 25dual on a lot). We'd like to gauge the interest in this because we agree that the idea of our concept is to not derogate too far from existing forms or density.

6.0 INTENSITY REGULATIONS

No use shall be established, nor building or structure erected in any district unless it conforms to the dimensional regulations of the Zoning Bylaw, or has been granted the relief allowable by law. No existing lot, building or structure shall be made non-conforming or become more non-conforming with the dimensional regulations of the Zoning Bylaw unless granted the relief allowable by law.

6.1 General Requirements

6.1.1 Dimensional Requirements

Dimensional requirements for all uses and buildings shall be as set forth in Section 6.3, the "Table of Dimensional Controls." The letters "NA" in this table denote that specific dimensional controls are not applicable to a particular use. Additional requirements shall be as set forth in Sections 6.2 and 6.3.

6.2 Supplementary Requirements

All buildings, structures and uses shall be subject to the following additional requirements:

6.2.1 Lot Shape

6.2.1.1 Minimum Lot Width Specified

Any newly created lot in a Residential District for which a minimum lot width is specified shall satisfy the following requirements:

- a Each lot shall have, in addition to the required frontage, the required minimum lot width at all points between the required frontage and the nearest point on the front wall of any dwelling on such lot; and
- b The angles formed by the intersection of the side lot lines and the right-of-way providing the minimum frontage shall not be less than 45 degrees, unless said frontage is on a cul-de-sac bulb.

6.2.1.2 Minimum Lot Width Not Specified

Any newly created lot in any Zoning District for which a minimum lot width is not specified shall satisfy the following requirement:

- a The angles formed by the intersection of the side lot lines and the right-of-way providing the minimum frontage shall not be less than 45 degrees, unless said frontage is on a cul-de-sac bulb.

6.2.2 Yards

- 6.2.2.1 In Residence Districts, yard requirements shall not apply to projecting eaves, cornices, chimneys, steps, bow or bay windows, windowsills and belt courses that do not increase the gross floor area of the building.

6.2.3 Height

- 6.2.3.1 In the Industrial District, a hotel or motel may have a maximum height of eighty-four (84) feet if the following conditions are satisfied:

- a No hotel or motel building may cast an unacceptable shadow as determined by the CPDC based on stamped and sealed shadow studies submitted by the Applicant, on any building or lot containing a dwelling unit in existence at the time of the building permit application;
- b Along a major street, the hotel or motel building shall be set back a minimum of fifty (50) feet and a landscaped or naturally vegetated buffer at least twenty (20) feet wide shall be provided along the major street, except where there are curb cuts.

6.2.4 Gross Floor Area

- 6.2.4.1 In ~~Apartment 40 and~~ Business A Districts, the gross floor area of a Multi-Family Dwelling, that is not part of a Mixed-Use project, shall not exceed forty percent (40%) of the lot area.

- 6.2.4.2 In the Apartment 80 Districts, the gross floor area of a Multi-Family Dwelling shall not exceed the lot area.

- 6.2.4.3 The gross floor area dedicated to commercial space within a Mixed-Use project shall be not less than 25% of the gross floor area of the structure or structures comprising the project, after spaces for access, circulation, egress, mechanicals, and utilities are netted out.

6.2.5 Landscaped Area

- 6.2.5.1 In ~~Apartment 40~~Multi-family Mixed Residential and Business A Districts, not less than twenty-five percent (25%) of the area of a lot containing a ~~Multi-~~

Commented [AM7]: Review this further.... Is it limiting or appropriate? We are controlling through Lot Coverage, Setbacks and Height. I think this would be limiting to livable area for multiple structures (i.e. courtyards, ADU, etc.)

Family residential Dwelling use, that is not part of a Mixed-Use project, shall be a landscaped Area.

6.2.5.2 Landscaped Area requirements shall consist of native plant and shading species.

6.2.5.2 In Apartment 80 Districts, not less than thirty-five percent (35%) of the area of a lot containing a Multi-Family Dwelling shall be a landscaped area.

6.2.6 Buildings Per Lot

6.2.6.1 In the Apartment 80, Business A, Business C, Industrial and PUD-I Districts, a lot may have more than one principal building.

6.2.6.2 In the Mixed Residential District a lot may have more than one principal building only when the development meets the definition of a Courtyard Development.

6.2.6.3 Where two or more principal buildings are permitted on the same lot:

- a The minimum distance between the buildings shall be determined, at the discretion of the Building Inspector, as follows:
 - 1 The total distance between the proposed building(s) and any proposed or existing building(s) on the lot is adequate to meet Building Code and Fire Code requirements, accounting for fire-rating and other fire prevention/suppression features; and
 - 2 The Fire Department has sufficient access to each building and between the buildings.
- b The area between the buildings shall be maintained and kept clear by the property owner.
- c A shared use agreement or easement between the structures that clearly defines the use, maintenance and rights of shared spaces shall be provided to any Approving Authority.

6.2.7 Upland Requirement

Any portion of a lot lying within a delineated wetlands resource area, as determined by the Reading Conservation Commission, may be credited to the minimum lot area requirements set forth in Section 6.3 only if the portion outside such wetlands resource area is of at least the following size:

Zoning District	Minimum Area Outside of Wetlands Resource Area
Single Family 15	12,000 square feet
Single Family 20	12,000 square feet
Single Family 40	20,000 square feet

6.3 Table of Dimensional Controls

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Required Front Yard ¹ (Feet)	Required Side Yard (Feet)	Required Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height ² (Feet)
One or Two Family Dwelling								
In S-15 District	60	15,000	100	20	15	20	25	35
In S-20 Districts	80	20,000	120 ³	20	15	20	25	35

Commented [AM8]: Effectively is a 25% lot landscape requirement. Want this to apply to single and two families in the zone as well thus the change to residential use in general.

Commented [AM9R8]: Landscaped Area: An area set aside from structures and parking that is developed with lawns, trees, shrubs, vines, hedges, bedding plants, rock or other natural features, and may include paving materials, walls, fences, street furniture or other decorative features.

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Required Front Yard ¹ (Feet)	Required Side Yard (Feet)	Required Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height ² (Feet)
In S-40 Districts	80	40,000	200	20	15	20	25	35
In MR-01A-40 Districts	60	40,000 ,000	80	20	10	15	30	35
In Bus-A Districts		NA	NA	15 ⁴	10 ⁴	20 ⁴	25	45
Multi-Family Dwelling								
In A-40MR-01⁹ Districts	60	40,000 ,000	80	10	30	30	25	35
In A-80 Districts		80,000	NA	60	60	60	12.5	60
In Bus-A Districts		40,000	NA	15	30	30	25	40
In S-15 Districts		100,000 +	100	20	15	20	25	35
In S-20 Districts		100,000 +	120	20	15	20	25	35
In S-40 Districts		100,000 +	200	20	15	20	25	35
In A-40 Districts		100,000 +	80	20	15	20	25	40
In A-80 Districts		100,000 +	NA	20	NA	NA	NA	60
Mixed-Use								
In Bus-A Districts		NA	NA	5	10 ⁴	20 ⁴	60	45
In Bus-C Districts		NA	NA	10 ⁴	10 ⁴	10 ⁴	60	55 ⁵
Hotel or Motel								
In Bus-A Districts		NA	NA	50 ⁴	10 ⁴	20 ⁴	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10 ⁴	10 ⁴	10 ⁴	60	55 ⁵
In Ind Districts		NA	NA	50 ^{6 & 8}	20 ⁶	20 ⁶	60	60 ⁷
Other Permitted Principal Use								
In S-15 Districts		15,000	100	20	15	20	25	35
In S-20 Districts		20,000	120	20	15	20	25	35

Commented [AM10]: We haven't really discussed this as of yet. This is typically the same as frontage requirement and there is protection in 6.2.1.1 above. If a number is desired than 60 should be it to match S-15 and frontage proposed (and would apply to MF Dwellings below as well).

Commented [AM11]: Determined based off of feedback from workshops and testing for compliance.

Commented [AM12R11]: It seems like we have to footnote for the Maximum unit or density allowed in the zone...

Commented [AM13]: Why are these here twice? We can delete these rows.

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Required Front Yard ¹ (Feet)	Required Side Yard (Feet)	Required Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height ² (Feet)
In S-40 Districts		40,000	200	20	15	20	25	35
In A-40 MR-01 Districts		10,000	80	20	NA	NA	NA	40
In A-80 Districts		80,000	NA	20	NA	NA	NA	60
In Bus-A Districts		NA	NA	15 ⁴	10 ⁴	20 ⁴	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10 ⁴	10 ⁴	10 ⁴	60	55 ⁵
In Ind Districts		NA	NA	20 ^{6 & 8}	20 ⁶	20 ⁶	60	60
Exempt Uses – School and Church								
In S-15 Districts		15,000	100	15	30	30	25	35
In S-20 Districts		20,000	120	15	30	30	25	35
In S-40 Districts		40,000	200	15	30	30	25	35
In A-40 MR-01 Districts		10,000	80	NA	30	30	NA	40
In A-80 Districts		80,000	NA	NA	30	30	NA	60
In BUS-A Districts		NA	NA	10 ⁴	30 ⁴	30 ⁴	60	45
In BUS- B Districts		NA	NA	NA	30	30	85	45
In BUS-C Districts		NA	NA	10 ⁴	30 ⁴	30 ⁴	60	55
In Ind Districts		NA	NA	20 ^{6 & 8}	20 ⁶	20 ⁶	60	60

Commented [AM14]: Only Exempt Uses listed as by-right in the zone (and further regulated below). I don't think we should change these in this review (here or below).

Use	Minimum Lot Width (Feet)	Minimum Area (Square Feet)	Minimum Frontage (Feet)	Required Front Yard ¹ (Feet)	Required Side Yard (Feet)	Required Rear Yard (Feet)	Maximum Coverage % of Lot	Maximum Building Height ² (Feet)
1	In Residence Districts, irrespective of the requirements set forth in this Table, the required front yard for any building other than a Multi-Family Dwelling shall may be ten (10) feet or the average of the actual front setbacks of the buildings on the adjacent lots on either side, whichever is greater. For the purposes of this requirement, if an adjacent lot is vacant, it shall be deemed to be occupied by a building with a required front yard as specified in this Table.							
2	Maximum height limits shall not apply to appurtenances such as: chimneys, elevators, poles, spires, tanks, towers or similar structures not intended to be used for human occupancy.							
3	In Single Family 20 Districts, the required frontage shall be reduced to not less than eighty (80) feet if the street line is a curve having a radius of not more than two hundred (200) feet, and the lot has a width of not less than one hundred twenty (120) feet, measured along the rear of the required front yard.							
4	In Business A and C Districts, the required yard measured from a street which is not designated as the front lot line shall be twenty (20) feet for any building other than a Multi-Family Dwelling, which shall be 30 feet. A Mixed-Use project proposed on a corner lot may have a five (5) feet setback from both streets. A Mixed-Use project with a permanent shared parking arrangement with any non-residentially zoned abutting property may have a 0' setback from said abutting property.							
5	Fifty-five (55) feet, except ninety-five (95) feet if the structure is located within four hundred (400) feet of the property line adjacent to Route 128, as the property line exists on May 1, 2000, including ramps, and south of Jacob Way and excluding areas within two hundred (200) feet of the residential zoning district to the west, all as more specifically shown on a plan entitled: "Plan Showing Height Limitation and Setback Areas, Business C District in Reading, Mass.," dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk.							
6	Where an Industrial District lot directly adjoins another Industrial District lot, the applicable Required Side Yard or Required Rear Yard where the adjacency occurs can be reduced or eliminated, at the discretion of the Building Inspector, if the following conditions are met: <ul style="list-style-type: none"> a The total distance between the proposed building(s) and existing building(s) on adjacent lots is adequate to meet Building Code and Fire Code requirements, accounting for fire-rating and other fire prevention/suppression features; and b The Fire Department has sufficient access between the proposed building(s) and existing building(s) on adjacent lots. The area(s) between any proposed building(s) and the lot line(s) shall be maintained and kept clear by the property owner. 							
7	Except as provided in Section 6.2.3.1							
8	In an Industrial District, the Required Front Yard shall be five (5) feet for canopies over any drive-through facility.							
9	In Mixed Residential Zone 01, Multi-family uses shall be restricted to a maximum of 22 units per acre on a lot. Where the computation of maximum units results in a fractional number, a fraction of one-half or more shall be rounded up to the next whole number and a fraction of below one-half shall be rounded down to the whole number.							

Commented [AM15]: As it exists today this footnote effectively makes any front setback requirement above irrelevant and down to 10-ft. Can we totally lose the 10-ft language or is this a separate future discussion?

Commented [AM16]: We can move this up to Section 6.2.3 if all agree so we don't start having too many footnotes.

Commented [AM17]: We need this in order to specify that a 5,000sf lot (0.115 acres), which totals 2.53 units, may round up to the Multi-family minimum of 3 units.

6.4 Special Cases

6.4.1 Transitional Areas

The following additional requirements shall apply to buildings in Business A or Business B Districts located within one hundred fifty (150) feet of a Residence District; to

buildings in a Business C District located within one hundred (100) feet of a Residence District; and to buildings in Industrial Districts whose lots share a lot line with a Residence District:

6.4.1.1 Table of Additional Dimensional Controls for Transitional Areas

District	Distance From Residence District	Required Yards		
		Front Feet	Side Feet	Rear Feet
Business A and B	Sharing a lot line with	5	10	NA
	Within 150 feet	5	NA	NA
Business C	Within 100 feet	5	NA	NA
Industrial	Sharing a lot line with	NA	50	50

6.4.1.2 In an Industrial District, as part of all new construction of any building, parking lot, structure, or any extension or addition to a preexisting building, parking lot or structure on a lot that shares a lot line with or is across a street from a Residence District, a buffer strip with a minimum depth and visual screen is required and may include any combination of the following at the discretion of the CPDC: landscaping, fencing, or other structures.

6.4.1.3 In an Industrial District, as part of all new construction of any building or any extension or addition to a preexisting building, on a lot that shares a lot line with a Residence District, any building wall facing a Residence District shall be stepped back such that the maximum building envelope is bounded by a line projected from the property line at a 3 to 5 ratio.

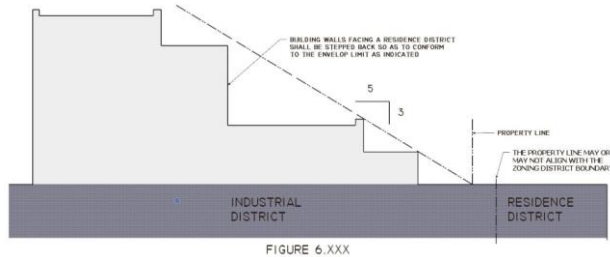


FIGURE 6.XXX

6.4.1.4 In the Business C District, all new construction of any building, parking lot, structure, or any extension or addition to a preexisting building, parking lot or structure shall be subject to the following requirements:

- a** No building shall be located within one hundred (100) feet of a Residence District.
- b** There shall be a landscaped buffer strip of a minimum width of twenty-five (25) along the full abutting length of a Residence District. Said buffer shall be a densely planted staggered double row of a seventy/thirty (70/30) mixture of evergreen/deciduous trees. Plant material shall be such that a minimum of seven (7) feet in height is reached within the first five (5) years of planting. Plant material shall be maintained in a healthy condition or replaced to attain previously noted height. Buffer edge shall be planted a minimum of two (2) feet off of the property line abutting residential property.
- c** No parking area shall be located within twenty-five (25) feet of the Residence District, and no parking area or building shall be allowed in Restricted Area "A" as shown on the plan entitled: "Plan Showing Height Limitation and Setback

Areas, Business C District in Reading, Mass.", dated March 27, 2000, Scale 1" = 60', by Hayes Engineering, Inc., on file with the Reading Town Clerk."

- d Maximum Allowable Development – Senior Housing and Townhouses. The plan entitled: "Business C Planning Subdistricts", dated October 2, 2007, on file with the Building Inspector and the Town Clerk, and incorporated herein by reference, establishes four (4) Planning Subdistricts within the Business C District. The boundaries of a Planning Subdistrict may be modified by the CPDC based upon Site Plan Review applications submitted by the landowner or its agents for proposed developments within the Business C District. Within such Planning Subdistricts, the following restrictions shall be applicable:
 - 1 Townhouses shall be permitted only within Planning Subdistrict A and shall be limited to no more than sixteen (16) dwelling units.
 - 2 Age-restricted dwellings, assisted living facilities and nursing homes shall be permitted only in Planning Subdistricts B and D; provided, however that (a) no more than one hundred sixty (160) units shall be permitted in any Planning Subdistrict, (b) no more than three hundred ten (310) units shall be permitted within the entire Business C District, and (c) no more than two (2) Planning Subdistricts may contain age-restricted dwellings, assisted living facilities or nursing home units.
 - 3 Within any Planning Subdistrict, an increase of one hundred sixty thousand (160,000) square feet in the total authorized gross floor area of all office or other allowed principal uses shall be permitted; provided, however, that the amount of such increase shall be reduced by one thousand (1000) square feet for each age-restricted dwelling, assisted living or nursing home unit constructed within the Planning Subdistrict.
- e For purposes of determining compliance with the foregoing requirements and the height limitations set forth in Table 6.3, all yards and buffer areas shall be measured from the boundary line between the Business C District and the adjoining S-20 District and the S-15 District.

6.5 Landscape Standards

6.5.1 Appropriate landscaping and design shall be incorporated into new ~~nonresidential development and redevelopment projects within nonresidential districts and into new multi-family dwelling projects.~~ nonresidential Landscape design plans shall be prepared by a registered landscape architect; provided, however, that the CPDC may accept a plan prepared by one other than a landscape architect if it believes the plan meets the landscaping standards of this Section and is in concert with the intent thereof. Wherever possible, naturally occurring vegetation shall be incorporated into the landscape plan, which shall show the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas, size and type of stock for shrubs and trees, and proposed erosion control measures.

6.5.2 Front yard setback area required by the Intensity Regulations set forth in Section 6.0 shall include landscaped areas that shall be planted with a combination of grass, shrubs of appropriate height, and shade trees to the maximum extent possible, for all redevelopment projects.

Side yard setback area required by the Intensity Regulations set forth in Section 6.0 of the Zoning Bylaw shall be include landscaped area. Such side yards that shall be planted with a combination of grass, shrubs of appropriate height and shade trees to the maximum extent possible. If there is not an adequate amount of side yard area to landscape, a fence may be allowed as an alternative; provided, however, that chain

Commented [AM18]: We should simply remove all reference to Nonresidential, Multi-family and have this apply to all redevelopment projects. This reads as specifically to projects requiring CPDC approval but that is not explicitly clear.

link fencing shall not be permitted. ~~No parking area or driveway shall be allowed within such side yard.~~

6.5.3 Exposed storage areas, machinery, garbage dumpsters, service areas, truck loading areas, utility buildings, and structures shall be screened from the view of abutting properties and streets using plantings, fences, and other appropriate methods.

6.5.4 A landscaping maintenance plan shall be prepared and submitted as part of the landscape design plan. All landscaped areas shall be properly maintained. Any tree or shrub that dies shall be replaced within one (1) growing season. Replacement trees or shrubs shall be of similar type and size to what was approved as part of the original approval.

6.5.5 Trees are to be planted where necessary, as determined by the CPDC. Trees shall be well-rooted nursery-grown stock, free of injury, harmful insects, and diseases. They shall be well-branched, and the branching structure shall be sound. Trees shall be planted only after April 15 and before September 30. The Tree Warden shall approve any planting outside of those dates.

6.5.6 No more than 50 percent (50%) of the trees, approved to be planted, shall be of any one species and no less than 25 percent (25%) of the total trees planted shall be of any one species. Trees shall be chosen from a list provided by the Tree Warden, unless an alternative is specifically approved by the CPDC.

6.5.7 ~~New development and Redevelopment fronting right of way sidewalk or tree-lawn shall install new street tree species, to be approved by the Tree Warden, at a rate of one tree per every 50 linear feet of frontage of the lot.~~ Trees along a public way shall be spaced at intervals of fifty (50) feet; provided, however, that ~~no trees shall to be planted within fifty (50) feet of an intersection or future intersection~~ require additional species and location approval consideration by the Tree Warden. Trees on one (1) side of a street may be set either opposite or diagonally to trees on the opposite side. Trees shall be planted two and a half (2½) feet behind the sidewalk or six (6) feet behind the gutter line and always within the right-of-way. The location of all the proposed trees must be reviewed by the Tree Warden on site and approved prior to installation.

~~New development and Redevelopment not fronting viable planting area within street tree planting area right of way sidewalk or tree lawn, as determined by the Tree Warden, shall be required to submit payment-in-lieu of any required tree to the Town's Shade Tree Fund at a rate of \$250 per required tree. An Applicant may request a finding of applicability from the Tree Warden to determine if plantings shall not be required for the development.~~

6.5.8 The minimum acceptable size of tree to be planted along a public way shall be three (3) inch trunk caliper at four (4) feet above the grade. At the time of delivery, the Tree Warden must approve the proposed trees. Evergreen trees shall be at least eight (8) feet tall at the time of planting.

6.5.9 Specifications for planting operations and for support stakes, guy wire and cable, ground anchors, hose, and strapping material shall be as specified in the American Standard Specifications for Nursery Stock published by the American Association of Nurserymen.

Commented [AM19]: Driveways are subject to engineering permit and local regulations around such. This is typically not applied today and should be removed.

Commented [AM20]: Finding ways to ensure the open space requirements or setbacks in general look to landscape to the max extent possible. Or is this going to result in undesirable space?

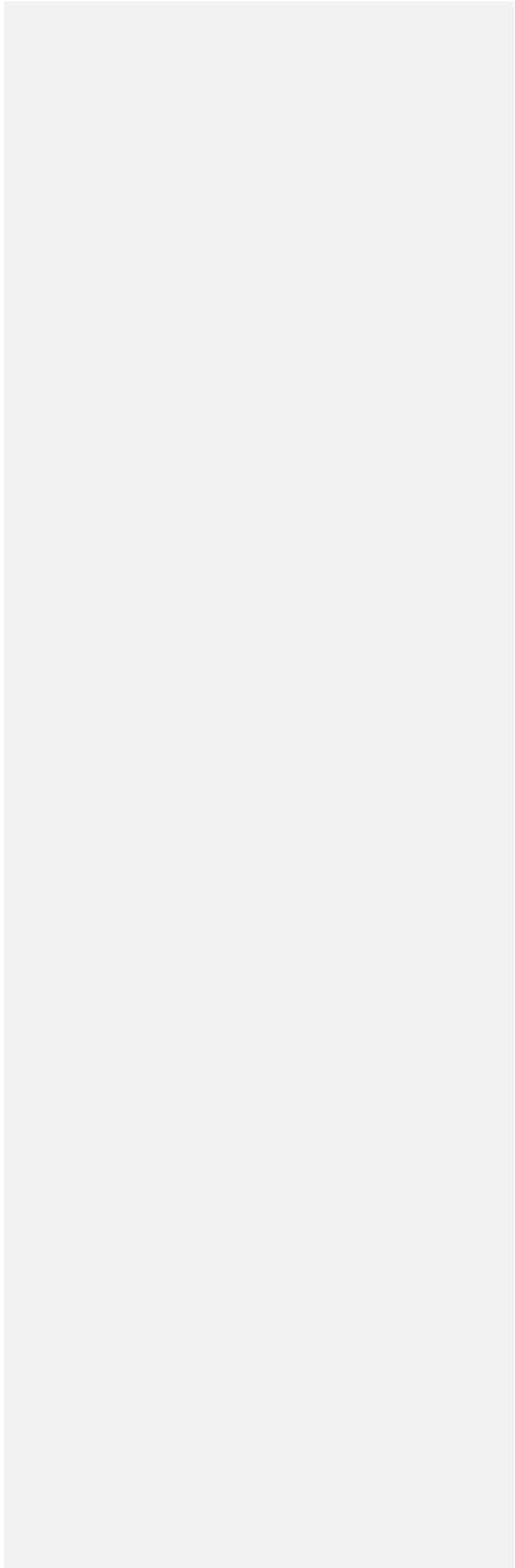
Commented [AM21R20]: It may be better to consider some requirement of total contiguous Landscaped Area? This could really be applied to rear yards (or front) for real usable area? Or can we leave it to a SPR process and review? Most residential developments are cognizant of usable area plus our required 25% of lot area.

Commented [AM22]: "Redevelopment" while fairly intuitive is used throughout the bylaw, and may benefit from some additional clarification. How much site or structure modification will trigger this obligation?

Commented [AM23]: I would like to consider some sort of street tree requirement for new redevelopments in the zone to promote healthy pedestrian environments. But what if an area has no sidewalk or has existing trees to be preserved?

This also seems specific to public ways where the Tree Warden has jurisdiction. Does it adequately capture Private Ways? This section applies to development in all zones, not just our proposed MR District.

Commented [AM24]: How do we define viable planting area or do we need to? This may be an appropriate place to allow an applicant to submit a request for a finding (maybe just administratively) that the location is not viable.



7.0 NONCONFORMING USES AND STRUCTURES

7.1 Overview

Nonconforming Lots, Uses, Buildings and Structures shall be regulated as provided in Section 6 of Chapter 40A of the Massachusetts General Laws and as provided in the Zoning Bylaw.

An "increase in the nonconforming nature of a building or structure" occurs when the change to the building or structure (1) extends the existing nonconformity or (2) creates a new nonconformity. An increase in the nonconforming nature of a building or structure will not result from replacement or repair, without undue delay, of a nonconforming portion thereof.

"Alteration" of a nonconforming building or structure refers to alterations that provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

7.2 Nonconforming Uses

Nonconforming Single or Two Family uses located in Business or Industrial Districts, can be reconstructed, altered, extended, or structurally changed so long as the Building Inspector makes a determination that the nonconforming nature of the use is not increased. Other nonconforming uses may be extended upon a determination from the Building Inspector that such extensions are not substantial.

Where the nonconforming nature of a Single or Two Family use is increased or where other nonconforming uses are changed or substantially extended, the use may be reconstructed, altered, extended, or structurally changed only if the Zoning Board of Appeals determines that such reconstruction, alteration, extension, or structural change shall not be substantially more detrimental than the existing nonconforming use to the neighborhood and, on this basis, grants a Special Permit.

Once a nonconforming use is changed to a conforming use it may not revert to a nonconforming use.

7.3 Nonconforming Structures

7.3.1 The Building Inspector may grant a building permit for repair or interior renovations of nonconforming structures that are conforming as to use. The Building Inspector may grant a building permit for the alteration of a Nonconforming Single or Two Family dwelling that:

- a** will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, regardless of whether the lot complies with the current area and/or frontage requirements,
- b** complies with all current yard, lot coverage and building height requirements and the lot complies with all requirements except for area; or
- c** complies with all current yard, lot coverage and building height requirements; and the lot complies with all requirements except for frontage.

7.3.2 For those alterations of a Single or Two Family dwelling not eligible for a building permit pursuant to Section 7.3, the Zoning Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or structurally change a nonconforming building or structure upon a finding that such reconstruction, extension, alteration or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming building or structure.

7.3.3 Nothing in the Zoning Bylaw shall prevent the strengthening or restoring to a safe condition of any nonconforming building or structure, or part thereof, declared unsafe by the Building Inspector.

7.4 Variance Required

Except as provided in Section 7.5 of the Zoning Bylaw, the reconstruction, alteration, extension or structural change of a nonconforming building or structure that results in a new nonconformity shall require a determination by the Zoning Board of Appeals as to whether it will grant a variance.

7.5 Single Lot Exemption for Single Family and Two Family Dwelling

Any increase in area, frontage, width, yard, or depth requirements of the Zoning Bylaw shall not apply to a previously undeveloped lot proposed to be used as the site of a Single or Two Family dwelling, that, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements at the time of such recording or endorsement, and had less than the increased requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage, whether or not such lot was zoned for residential or nonresidential use at the time of the increase.

7.6 Change, Extension, or Alteration of a Pre-Existing Nonconforming Lot

A nonconforming lot may be changed, extended or altered as a matter-of-right only if:

- a** Such change, extension, or alteration will bring the lot into total conformance with the Zoning Bylaw in effect at the time of said change, extension or alteration; or
- b** Such change, extension or alteration only enlarges the pre-existing nonconforming lot and does not reduce the area, frontage, width, or depth thereof; or
- c** Such change, extension, or alteration deducts land from the nonconforming lot but in a manner that does not reduce the lot's area, frontage, width, depth, building setbacks, percent of building coverage or percent of open space below what is required by the Zoning Bylaw.

7.7 Reconstruction After Catastrophe

A nonconforming Single or Two Family dwelling that has been destroyed or damaged by fire or other casualty may be re-established, restored or reconstructed within two (2) years of the occurrence of the damage or destruction if there is no extension of the nonconformity or no new nonconformity. Any proposed change of use is subject to the provisions of the Zoning Bylaw.

7.8 Voluntary Demolition and Reconstruction

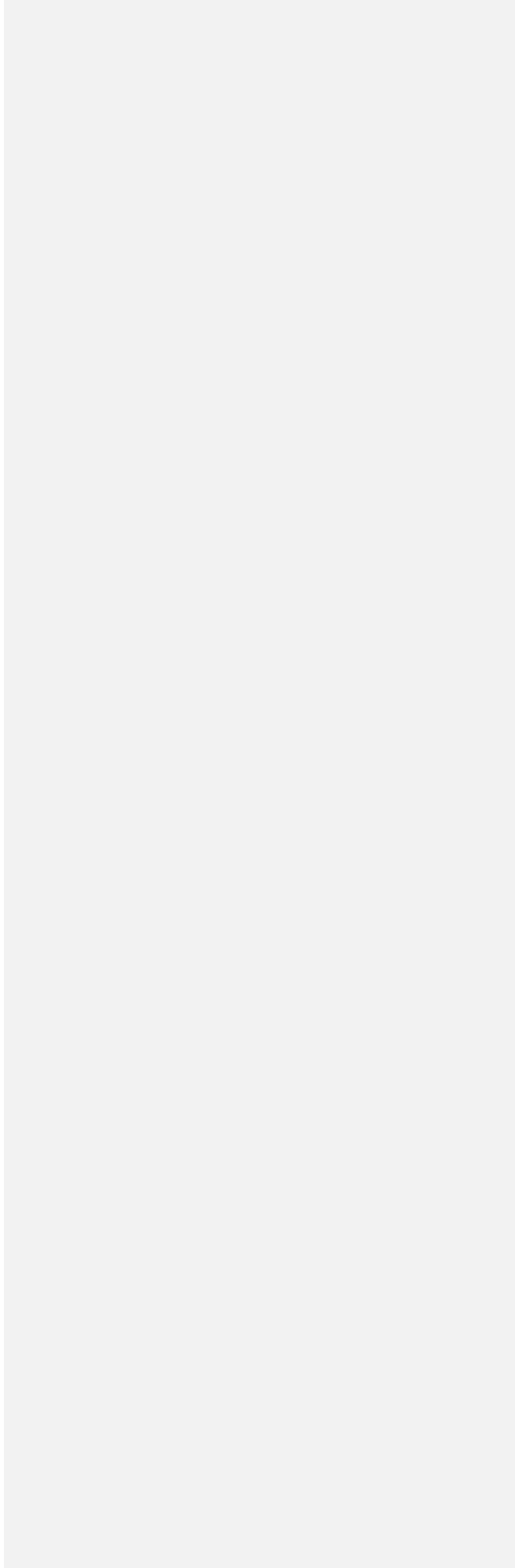
Any reconstruction, following voluntary demolition of a nonconforming structure, shall meet the following requirements:

- a** A Single or Two Family dwelling that is nonconforming only with respect to lot size and/or frontage may be voluntarily removed or demolished and replaced by a new Single or Two Family dwelling.
- b** In the event that the proposed reconstruction would (a) cause the structure to exceed the lot coverage of the original nonconforming building or structure or (b) cause the building or structure to be located on other than the original footprint, the Building Inspector may issue a Building Permit if the proposed reconstruction will not extend the nonconformity or create a new nonconformity.
- c** A nonconforming building or structure that is accessory to a Single or Two Family Dwelling may be demolished and a new accessory building or structure may be built in the same footprint if the new accessory structure does not exceed the height and size limitations for accessory structures in effect at the time that the structure is rebuilt.

7.9 Abandonment or Non-Use

A nonconforming use of a structure or land that has been abandoned or not used for a continuous period of two (2) years shall not be reestablished, and any subsequent use of the structure or land shall conform to the provisions of the Zoning Bylaw. For the purposes of Section 7.0, temporary use or occupancy for one or more periods of less than sixty (60) days shall not be deemed to have interrupted a continuous period of non-use.

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9.0 PARKING

9.1 Off-Street Parking and Loading Areas

9.1.1 Required Spaces

Off-street Parking and Loading Spaces are required to be provided in accordance with the following provisions:

9.1.1.1 No land shall be used and no building shall be erected, enlarged or used unless off-street parking areas, and off-street loading and unloading areas, conforming in amount and type to that described herein, are provided except that retail stores, offices and consumer service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempted from off-street parking requirements.

9.1.1.2 Off-street parking areas, or loading and unloading areas shall be provided on the same lot as the use they serve, except that the Board of Appeals may permit off-street parking areas to be provided on another lot, but in no event shall such areas be more than three hundred (300) feet distance from the use they serve; provided, however, that in a Business C District, off-street parking areas or loading and unloading areas may be provided on or off the same lot more than three hundred (300) feet distance from the use they serve without such permission from the Board of Appeals so long as they are located within the Business C District and provided such parking and loading rights are evidenced by legally sufficient instruments approved as to form by Town Counsel and filed with the Town Clerk." except the CPDC, by Special Permit, may allow remote parking lots or shared parking.

9.1.1.3 Special Permit Criteria:

The CPDC may grant a Special Permit for remote parking or shared parking based on the following criteria and other applicable provisions presented in this subsection:

- a** The capacity, location and current level of use of existing parking facilities, both public and private;
- b** The efficient and maximum use in terms of parking needs and services provided;
- c** The relief of traffic and parking congestion;
- d** The safety of pedestrians;
- e** The provision of reasonable access either by walking distance or shuttle vehicle arrangements;
- f** The maintenance of the character of the area.

9.1.1.4 Procedure:

Filing for a special permit shall follow all procedures required for Site Plan Review under 4.6 of this Bylaw.

9.1.1.5 Remote Parking:

The CPDC may grant a Special Permit for an alternative location for nonresidential parking subject to the following provisions:

- a** the property to be occupied as parking shall be in the same possession by deed, by easement or by written agreement (e.g. long-term lease) as the facility served. All written agreements shall be subject to CPDC approval as to form and length of time and a copy of the agreement shall be filed with and made part of the application for a building or occupancy permit.
- b** Except where valet parking or other transportation between sites is provided, the distance between the site of use and its parking area shall be recommended to be four hundred (400) feet with a maximum of six hundred (600) feet.

- c The remote parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic.
- d The remote parking area shall be located on property zoned for the same or other non-residential uses as the principal use being served by the parking.

9.1.1.6 Shared Parking Lots:

The CPDC may grant a Special Permit for shared parking facilities for nonresidential parking subject to the following provisions:

- a Up to fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility. The approval may be rescinded and additional parking may be required by the owners in the event that the CPDC, after notice and public hearing thereon, determines the joint use is resulting in a public nuisance or other adverse effects on public health and safety.
- b A written agreement acceptable to the CPDC defining the joint use of the common parking facility shall be executed by all parties concerned and approved by the Planning Board as part of the special permit process. Such agreement shall be recorded at the Middlesex Registry of Deeds.

9.1.1.7 Off-street parking areas, or loading and unloading areas shall be provided in the amounts set forth in the following table. Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one. In the event of a conflict of interpretation as to the category of the principal use, the Board of Appeals shall determine the proper interpretation.

Off-Street Parking and Loading and Unloading Requirements:

Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
One Family Detached	Two spaces plus one space for each room offered for rent or accessory apartment, and in the event that the said house is lawfully used for the business or profession of the occupant, one additional space for each two rooms used for said business or profession.	None
Two Family	One and one-half spaces for each dwelling unit plus one space for each room offered for rent and one space for each two rooms used for customary home occupation.	None
Apartment-Multi-family Dwelling	One and one-half spaces for each dwelling unit.	One space for each twenty (20) rental units.

Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
Lodging Houses, Hotels, Motels, Tourist Homes, and Senior Independent Living	Two spaces plus one space for each separate rental unit used for such purposes.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.
Nursing Home	One space for each three (3) licensed beds.	One space for each seventy (70) licensed beds.
Retail Stores, Offices and Consumer Service Establishments	One space for each three hundred (300) square feet of gross floor area or fraction thereof.	One space for each five thousand (5,000) square feet of gross floor space in excess of two thousand (2,000) square feet of gross floor area.
Restaurants	For restaurants with seating, one (1) space for every four (4) persons of the rated seating capacity of the facility, plus one (1) space for every employee on the largest shift. For restaurants with no seating, one (1) space for every seventy-five (75) square feet of net floor area or fraction thereof, but no less than ten (10) spaces shall be provided. In addition to the foregoing, restaurants with drive-thru windows shall provide both a pass-through lane and a drive-thru lane. The drive-thru lane shall have stacking capacity of at least one hundred ninety eight (198) feet in length of which at least ninety (90) feet of the stacking spaces are to be for ordering and the transaction of business. In addition to the foregoing, the drive-thru lane shall also have stacking capacity of fifty-four (54) feet exiting onto the road.	One space 0-2000 square feet of floor area; two spaces - 2001-4000 square feet of floor area; three spaces - over 4000 square feet of floor area. *No additional spaces shall be required for restaurants located in hotels where the gross floor area of the restaurant has been included in the gross floor area of the hotel.

Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
Industrial and Manufacturing Establishments	One space for each five hundred (500) square feet of gross floor area or fraction thereof.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.
Office and Professional Building	One space for each three hundred (300) square feet of gross floor area or fraction thereof.	One space if 0-100,000 square feet of gross floor area; two spaces if 100,001-150,000 square feet of gross floor area; three spaces if 150,001-300,000 square feet of gross floor area; four spaces if over 300,000 square feet of gross floor area, plus one space for each additional 150,000 square feet of gross floor area over 450,000 square feet of gross floor area.
Townhouse and Townhouse Development	Two spaces for each dwelling unit.	None
School	Nursery / Kindergarten / Elementary / Middle Schools: 1 space per each employee on the largest shift plus 1 space per 7 students High Schools: 1 space per each employee plus one space per 3 students.	None
Church	One space for each three hundred (300) square feet of gross floor area or fraction thereof.	None

Commented [BM25]: Delete Townhouse as a separate use requirement as it can be captured in single-, two- or multi-family requirements.

9.1.2 Design

9.1.2.1 Off-street parking and unloading areas shall be designed in accordance with the following Provisions

9.1.2.2 Each required off-street surface parking space shall be not less than nine (9) feet in width and eighteen (18) feet in length, exclusive of drives and maneuvering space. For off-street parking spaces in enclosed accessory structures, such spaces shall be not less than eight (8) feet, six (6) inches in width, seventeen (17) feet in length, with twenty-six (26) foot aisle widths. Each off-street loading and unloading space shall be not less than twelve (12) feet wide and thirty-five (35) feet long."

9.1.2.3 Each required off-street parking space or loading and unloading space, shall have access to a street via a drive.

9.1.2.4 Off-street parking areas, or loading and unloading areas, may be open or enclosed in a structure, provided that, if open, such areas shall be graded, drained and surfaced to the extent necessary to avoid nuisances.

9.1.2.5 In an Apartment 80 District, all parking for apartments shall be a minimum of thirty (30) feet from any street line, lot line, or zoning district line.

9.1.2.6 In ~~an the Apartment 40 and~~ Business A District, all parking for ~~apartments~~ ~~m~~Multi-family Dwelling shall be located to the rear of the front building line.

Commented [AM26]: This would eliminate driveway space that is common in most modest residential development. This should not apply to the new zone as a requirement and instead a discussion when Site Plan Review is triggered for projects.

Commented [AM27R26]: We should also consider removing this as why wouldn't we require the same for commercial or mixed-use in BUS-A? Why are we singling out multi-family?

APPENDIX C – Zoning Map

Commented [AM28]: Replace with future final map revision.

