



Subsequent Town Meeting Zoning Bylaw Amendment Article 6

November 8, 2021



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Community Planning & Development Commission

Article 6

Zoning Bylaw Amendment

Section 4.6

Site Plan Review



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Why is this amendment needed?

- Current triggers do not capture certain projects that should be reviewed;
- To ensure CPDC has the appropriate level of review for projects that propose changes to uses, sites, structures, parking and/or circulation.

What this amendment does:

- Reworks and refines the triggers for Site Plan Review and Minor Site Plan Review
- Allows CPDC to review more projects without being overburdensome on applicants and businesses
- Resolves a conflict with the term 'Change of Use'



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Change of Use – Conflict Explained:

Defined in ZBL Section 2 as follows:

*“Any change in a principal or accessory use that results in its **reclassification to a different line** on either of the Table of Uses set forth in Sections 5.3.1 or 5.3.2”*

Currently, in Site Plan Section 4.6.2.2b:

*“A change of use **(from one use category to another)**...”*

→ The highlighted sections are at odds. Use categories are broad; some projects that should be reviewed aren't.



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What is Site Plan Review?

- Process in local zoning that gives CPDC jurisdiction over major changes to private property in Town (not single or two-family homes);
- Purpose: oversee site planning, evaluate impacts, minimize conflicts;
- Applicants provide detailed engineered plans, documentation & fee;
- Includes legal ad, notification to abutters and a public hearing process.

What is Minor Site Plan Review?

- Simpler process enabling CPDC review of minor changes;
- Applicants provide documentation specific to change, no fee;
- CPDC can authorize Administrative Approval by staff;
- Typically* includes courtesy notice to abutters;
*full notice provided for Outdoor Commerce, Dining, Programming or Storage applications



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Changes to Site Plan Review Triggers:

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:

New Floor Area
AND Parking

OR

Change of Use

- 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~~ (from one use category to another) within **a structure containing an existing public, institutional or commercial use; an existing multi-family dwelling structure; or a structure containing more than one use; to a use permitted by Special Permit from the CPDC.**
- ~~c 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.~~

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



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Changes to Minor Site Plan Review Triggers:

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:

New Floor Area
OR Expansion

OR

Change to Parking
or Pavement

OR

Change of Use

- 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**;*

→ MSPR trigger **b** is SPR deleted trigger **c** with an added exclusion.



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Triggers **d**, **e**, **f**, and **g** are existing and will be re-lettered:

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.

→ No changes to these triggers.



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Procedural Clarification:

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, ~~provided~~ **if** the proposed construction, expansion, ~~or~~ alteration **or Change of Use** is not anticipated to result in any adverse impact on surrounding areas.



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CPDC Report to Town Meeting:

Public Hearing:

CPDC held a public hearing on this amendment on July 12, 2021 and it was continued to August 16, 2021.

Vote:

On September 13, 2021, CPDC voted 5-0-0 to recommend Article 6 to Town Meeting.