Town of Reading
Massachusetts

Zoning Bylaw

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1.0 PURPOSE

1.1 The purposes of this Zoning Bylaw include, but are not limited to, the following:

a To promote the health, safety and general welfare of the inhabitants of the Town of Reading;
b To lessen congestion in the streets;
c To conserve health;
d To secure safety from fire, flood panic, congestion and other dangers;
e To provide adequate light and air;
f To prevent over-crowding of land;
g To avoid undue concentration of population;
h To encourage housing for persons of all income levels;
i To facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements;
j To conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment;
k 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
l To preserve natural conditions and historic sites and to enhance beauty and amenities.

2.0 DEFINITIONS

2.1 Words used in the present tense include the future; the singular number includes the plural and the plural the singular; the word “lot” includes the word “plot”.

2.2 The following terms in this Bylaw shall have meanings hereby assigned to them.

2.2.1 Accessory Use
The use of a building or premises for purposes customarily incidental to a permitted principal use.

2.2.1.1 Accessory Apartment
A self-contained housing unit consisting of one or more rooms with separate kitchen and bathroom facilities incorporated within an existing building that was originally designed as a one family dwelling.

2.2.1.2 Adult Uses
The uses defined in Section 4.3.4 of this Bylaw.

2.2.2 Apartment
A dwelling arranged, intended or designed to be occupied by more than two (2) families.

2.2.2.1 Aquifer
Geologic formation composed of rock, sand or gravel, from which significant quantities of potable water may be obtained from wells.

2.2.3 Automobile Graveyard
The storage of three (3) or more unregistered automobiles other than in connection with an automobile sales room or office.

2.2.4 Boarding House
Any building or portion thereof used for supplying shelter or food to a guest and containing more than three (3) sleeping rooms for commercial purposes; each sleeping room shall be intended for occupancy by not more than two (2) adults.

2.2.5 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.

2.2.5.1 Building Inspector
The Inspector of Buildings or Building Commissioner and local Inspectors appointed pursuant to Section 3 of Chapter 143 of the General Laws, or any enabling authority, including such as may be appointed in combination with other cities or towns.

2.2.5.2 Carriage House-Stable-Barn
A building that was constructed prior to 1910 for the stabling of horses and/or garaging of non-mechanized carriages or wagons.

2.2.6 Combined Service Use
A facility owned and operated by a non-profit organization which provides recreational, educational and social service but not including the sale of alcoholic beverages or operation of games of chance.

2.2.7 Communication Facility
A building whose principal use is to contain telephone, telegraphic or electronic exchanges for the purpose of connecting or networking communications systems, similar facilities and ancillary offices.

2.2.7.1 Commercial Communications Structure

A tower, antenna, dish or other free-standing structure as defined in the State Building Code, together with any related ancillary building, used for the transmission and/or reception of radio, television, telecommunications or other electronic communication signals for commercial purposes.

2.2.7.2 Computer Services
The development of computer and related components for purposes of software, hardware and electronic commercial businesses, with assembly and distribution restricted to support said development as an accessory use.

2.2.8 Consumer Service
A barber shop, beauty parlor, dry cleaning establishment where dry cleaning is done on the premises as a direct service, lunchroom, restaurant and photographer's shop or studio.

2.2.9 Dwelling
Any building or structure used in whole or in part for human habitation.

2.2.9.1 One Family Dwelling
A detached dwelling arranged, intended or designed to be occupied by a single family.

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

2.2.9.3 Dwelling Unit
A structure or a portion of a structure containing in a self-sufficient and exclusive manner facilities for sleeping, bathing and cooking, including one full kitchen and full bathroom facilities as defined by the Massachusetts State Building Code.

2.2.10 Earth Removal
The removal of sand, loam, sod or gravel unrelated to landscaping or authorized construction on the lot.

2.2.11 Family
One (1) or more persons living together in one (1) dwelling unit as a single housekeeping unit, but not including fraternities, sororities or other fraternal or communal living arrangements.

2.2.12 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 so as to include the full thickness thereof.

2.2.12.1 Floor Area Net
The actual occupied area of a building or buildings not including hallways, stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.

2.2.13 Lot Frontage
The continuous uninterrupted length of a lot boundary line along a street line having a depth into the lot of not less than twenty (20) feet, said depth measured at an angle to said street line of not less than 65 degrees, over and through which, actual legal and physical access to the potential building site by both pedestrian and vehicles shall be required. The existence of an access easement shall not satisfy the requirement for actual legal and physical access. The end of a street without a cul-de-sac shall not be considered frontage.

2.2.14 Grade Established
The elevation of the street grade as established or approved by the Town.

2.2.15 Grade Natural

The elevation of the undisturbed natural surface of the ground adjoining a building.

2.2.15.1 Groundwater
All water found beneath the ground surface. The slowly moving sub- surface water present in aquifers and recharge areas.

2.2.15.2 Hazardous and Toxic
Any solid or liquid substance or combination of substances, including any liquid petroleum products, that because of quantity, concentration or physical, chemical or infectious characteristic poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in this Town. Any substance deemed a "hazardous waste" in Massachusetts General Law, Chapter 21C, or deemed as toxic or hazardous substance in Massachusetts General Law, Chapter 94B, shall also be deemed a hazardous material for purposes of this Bylaw.

2.2.16 Height of a Building
The vertical distance measured at the center line of its principal front from the established grade or from the natural grade if higher than the established grade, or from the natural grade if no grade has been established to the level of the highest point of the roof beams in the case of flat roof or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. For buildings with more than one principal front, said vertical distance shall be measured from the average of the established grade or the natural grade, as applicable, measured at the centerline of each principal front.

2.2.17 Home Occupation
The use of room or rooms in a dwelling as an office, studio or working room by a person resident in the house where no goods are publicly displayed or offered for sale.

2.2.17.1 Impermeable Surface
Natural or manmade material on the ground that does not allow surface water to penetrate into the soil.

2.2.18 Kindergarten Private
A private school for children of pre-primary school age having an enrollment of three (3) or more children of different parentage.

2.2.19 Landscaped Area
Land area not covered by building, parking spaces and driveways.

2.2.19.1 Leachable Wastes
Waste materials, including solid waste and sludge, that are capable of releasing water-borne contaminants to penetrating water derived from rain or snowmelt.

2.2.20 Lot
A parcel of land occupied or designed to be occupied by principal and accessory buildings or uses, including such open spaces as are arranged and designed to be used in connection with such buildings.

2.2.21 Lot Coverage
That proportion expressed as a percent of the total lot area covered by principle buildings.

2.2.21.1 Lot Width
The width of a lot governed by the diameter of a circle, said circle fitting entirely within the lot and being tangent with the front lot line.

2.2.21.2 Mixed Use

The combining of retail/commercial and/or service uses with residential or office use in the same building or on the same site.

2.2.22 Nonconforming
A lawful pre-existing building, structure, vacant lot, or use of buildings or land that does not conform to the zoning regulations for the district in which it is located, but did conform at the time it was built or established.

2.2.23 Nursing Home
A convalescent or rest home, or an assisted living residence as defined in 651 CMR 12.02.

2.2.24 Open Storage
The storing of retail goods outside of a structure on a lot for the purpose of display and/or sales.

2.2.25 Overlay District
A district super-imposed on one (1) or more districts which may establish restrictions in addition to the regulations of the district or districts super- imposed.

2.2.26 Place of Assembly
A theater, cinema, bowling alley or other similar enclosed place.

2.2.26.1 Public Off-Street Parking Facility
Parking areas which are owned and maintained by the Town that are open to the general public for the use of public parking. This does not include parking facilities which are owned by the Town with the primary use of providing parking for municipal employees or customers doing business with the Town during normal hours of operation.

2.2.26.2 Remote Parking Facility
Parking areas which are not located on the same lot for the use the parking facility serves.

2.2.27 Roadside Stand
The sale of natural products raised on the premises and articles manufactured on the premises from such products.

2.2.28 School
The use for educational purposes of structures on land owned or leased by the Commonwealth, any of its agencies, subdivisions or bodies politic, a religious sect or denomination, a non-profit educational corporation or any other public or private school giving regular instruction at least five (5) days a week for eight (8) months or more each year; but not including a school giving special or limited instruction such as a business, trade, art, music, dancing or riding school.

2.2.28.1 Senior Independent Living
A facility that provides dwelling units for residents over the age of 55, with no permanent residents under the age of 18, in a single or multiple buildings or in separate townhouses or cottages, and may include common areas for the use of residents.

2.2.29 Sign
Any word or combination of number, emblem, picture, design, trademark or other device including the support structure of freestanding signs. Signage is the collection of signs. Signage does not include temporary holiday decorations, historical date markers or plaques, or artwork that contains no commercial messages.

2.2.29.1 Solid Wastes
Any discarded solid material, putrescible or nonputrescible, consisting of all combustible and noncombustible solid material including, but not limited to garbage and rubbish.

2.2.30 Structure

Materials assembled at a fixed location to give support or shelter, such as a building, framework, wall, tent, reviewing stand, platform or the like.

2.2.30.1 Townhouse
A dwelling unit arranged, intended or designed to be occupied by a single family which is attached to one or more other single family dwelling units by one or more common walls, with each dwelling unit having its own exterior entrance. Each dwelling unit may be owned by a separate owner.

2.2.30.2 Townhouse Development
A development of land with townhouses located in a Residence S-10 District and which is governed by the provisions of Paragraph 4.6. A townhouse development shall not be limited to one principal structure per lot. A swimming pool, club house, tennis courts and other usual single family accessory uses and facilities may be allowed as part of the Special Permit issued by the Board of Appeals in a townhouse development, subject to conditions imposed by the Board.

2.2.30.3 Townhouse Parcel
A parcel of land upon which a townhouse development is located.

2.2.31 Trailer
A structure originally designed as a vehicle to be used in whole or in part for human habitation having no motive power of its own.

2.2.32 Trailer Camp
An area of land on which is located one or more trailers used for human habitation.

2.2.33 Use
An activity or purpose to which a lot or structure is, or is proposed to be, devoted; for purposes of these Bylaw, each use listed on any line in Section 4.2.2, Table of Uses, is to be considered different from any other use listed on any other line in said Section.

2.2.34 Watershed
An area drained by a stream or stream system.

2.2.34.1 Wetlands Resource Area
An area as defined in the regulations adopted pursuant to Section 40 of Chapter 131 of the General Laws and pursuant to Section 5.7 of the Reading General Bylaw.

2.2.35 Yard
An open space on the same lot with a building.

2.2.35.1 Yard Front
The yard extending between the building and the street line and extending across the full width of the lot.

2.2.35.2 Yard Rear
The yard extending between the building and the rear line of the lot and extending across the full width of the lot.

2.2.35.3 Yard Side
The yard extending between the building and the side line of the lot and extending from the front yard to the rear yard.

3.0 ESTABLISHMENT OF DISTRICTS

3.1 Districts

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 District	A-40
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	Wetlands Protection District	W
Overlay	Municipal Building Reuse District	MR
Overlay	National Flood Insurance	NF
Overlay	Flood Management District Aquifer Protection District	AQ
Overlay	Planned Unit Development	PUD
Overlay	Planned Residential Development	PRD

3.2 Zoning Map

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

The “Reading Zoning Map” 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. The “Flood Insurance Rate Map, Town of Reading, Massachusetts Middlesex County” consisting of 7 panels, dated June 4, 2012 and They are to be appended to the "Reading Zoning Map" as Exhibits 1, 2, 3 and 4 the maps entitled "Flood Insurance Rate Map, Town of Reading, Massachusetts Middlesex County" with an effective date of July 2, 1981 consisting of Panel 1 of 4, Panel 2 of 4, Panel 3 of 4 and Panel 4 of 4; and Exhibit 5 the map entitled "Aquifer Protection Overlay District Map, Town of Reading" dated September, 1985 consisting of 1 panel are incorporated into and made a part of the “Reading Zoning Map”.

3.3 Boundaries of Districts

3.3.1 Boundaries of zoning districts shall be interpreted as follows:

3.3.1.1 Where a boundary is indicated within a street or railroad right of way, the boundary shall be the center line of such street or right of way.

Where a boundary is indicated approximately parallel to a street or railroad right of way, together with a single noted dimension, it shall be interpreted as parallel and located the noted distance from the center line of such street or right of way.

Where a boundary is indicated together with two or more dimensions, it shall be interpreted consistent with such dimensions.

Where an un-dimensioned boundary apparently follows property lines in existence at the time of the establishment of such boundary, it shall be so interpreted.

All other boundaries shall be indicated upon the map.

3.3.1.2 Where a boundary of an Overlay District is indicated as a contour, the boundary shall be the noted contour based on the mean sea level lines, the end of drainage structures or other features, or extensions thereof, it shall be so interpreted.

Where a boundary is indicated as approximately parallel to a street line or bank of a water body or watercourse, together with a single noted dimension, it shall be interpreted as parallel and located the noted distance from such street line or the elevation, at the bank of a water body, where vegetation changes from predominately terrestrial to aquatic, and along the bank of a watercourse where the annual high water has left a definite mark in the channel.

3.4 Lots in Two Districts

3.4.1 Where a district boundary line divides a lot as existing at the time this Bylaw takes effect, and the major portion of said lot is in the less restricted district, the regulations relating to said less restricted district may extend to such portion of said lot as is not more than thirty (30) feet within the more restricted district. This provision shall not apply to any lot used for apartments.

3.5 Intent of Districts

3.5.1 Reserved

3.5.2 Reserved

3.5.3 Reserved

3.5.4 Reserved

3.5.5 Reserved

3.5.6 Reserved

3.5.7 Reserved

3.5.8 Reserved

3.5.9 Reserved

3.6 In addition to the purposes enumerated in Section 1.0, the purpose of the Floodplain District is to provide that land in the Town of Reading subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.

3.6.1 In addition to the purposes in Section 1.0, the purposes of the Wetlands Protection District are:

a To provide that lands in the Town of Reading subject to seasonal or periodic flooding shall not be used for residence or other purposes in a manner as to endanger the health or safety of the occupants thereof, or the public generally or to burden the public with costs resulting from the unwise individual choices of land use;

b To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town and the Metropolitan Area; and

c To assure the continuation of the natural flow pattern of the water courses within Reading and to preserve natural flood water storage areas so as to protect persons and property against the hazards of flood inundation.

3.6.2 In addition to the purposes enumerated in Section 1.0, the purpose of the Municipal Building Reuse District is to provide for the conversion of surplus municipal buildings and the land on which they are situated to private use, in a manner which encourages residential development and use, which is situated and which fosters flexibility and creativity of development for the public benefit.

4.0 USE REGULATIONS

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

4.1 Application of Use Regulations

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

4.2 General Requirements

4.2.1 Use regulations for all uses shall be as specified in Paragraph 4.2.2, "Table of Uses" and are a part of this Bylaw. In the table, "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 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; "No" denotes a use prohibited in a particular district.

4.2.2 Table of Uses

Table of Uses

PRINCIPAL USES	**RES S-15 S-20 S-40**	**RES A-40**	**RES A-80**	**BUS A**	**BUS B**	**BUS C**	**IND**
Residential Uses							
One Family Dwelling	Yes	Yes	No	Yes	No	No	No
Two Family Dwelling	No	Yes	No	Yes	No	No	No
Apartment	No	Yes	Yes	Yes	No	No [A]	No
Boarding House	No	Yes	No	Yes	No	No	No
Planned Residential Development	SPP**	No	SPP**	No	No	No	No
PUD-R	SPP*	No	No	No	No	No	No
Public and Quasi-Public Uses							
Private Kindergartens	SPA	SPA	SPA	No	No	Yes	No
School	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Church	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hospital	No	SPA	No	SPA	SPA	No	No
Nursing Home	SPA	SPA	No	SPA	SPA	Yes [B]	No
Club or Lodge	No	No	No	Yes	Yes	No	No
Combined Service Use	SPA	SPA	SPA	No	No	No	No
Business and Service Uses							
Retail Sales	No	No	No	Yes	Yes	No	Yes
Consumer Services	No	No	No	Yes	Yes	No	Yes
Office	No	No	No	Yes	Yes	Yes	Yes
Financial Institution	No	No	No	Yes	Yes	Yes	Yes
Wholesale Business	No	No	No	Yes	Yes	Yes	Yes
Hotel or Motel	No	No	No	Yes	Yes	Yes	Yes
Tourist or Trailer Camp	No	No	No	No	No	No	No
Place of Assembly	No	No	No	Yes	Yes	No	Yes
Funeral Establishment	No	No	No	Yes	Yes	No	Yes
Veterinary Establishment	No	No	No	Yes	Yes	No	Yes
PUD-B	SPP*	No	No	SPP*	No	No	No
PUD-I	No	No	No	No	No	No	SPP*

Table of Uses							
PRINCIPAL USES	**RES**	**RES**	**RES**	**BUS**	**BUS**	**BUS**	**IND**
	S-15	**A-40**	**A-80**	**A**	**B**	**C**	
	S-20						
	S-40						
Adult Uses	No	No	No	No	No	No	SPP*
Automotive Uses							
Sale of New or Used	No	No	No	Yes	Yes	No	Yes
Service Station	No	No	No	Yes	Yes	No	Yes
Repair Garage	No	No	No	Yes	Yes	No	Yes
Car Wash	No	No	No	No	No	No	No
Commercial Parking Lot	No	No	No	Yes	Yes	No	Yes
Auto Grave Yard	No	No	No	No	No	No	No
Industrial Uses							
Computer Services	No	No	No	No	No	Yes	Yes
Laboratories	No	No	No	No	No	Yes	Yes
Research and Development	No	No	No	No	No	Yes	Yes
Publishing and Printing	No	No	No	No	No	Yes	Yes
Communication Facilities	No	No	No	No	No	Yes	Yes
Commercial Communications Structures	SPA ****	No	SPA ****	SPA	SPA	SPA	SPA
Public Utilities	Yes	Yes	Yes	Yes	No	Yes	Yes
Enclosed Storage	No	No	No	Yes	Yes	No	Yes
Open Storage	No	No	No	No	No	No	No
Dry Cleaning Plant	No	No	No	No	No	No	No
Recreational Uses							
Commercial Amusements	No	No	No	SPS	SPS	No	SPS
Commercial Race Track	No	No	No	No	No	No	No
Other Uses							
Agriculture, Horticulture, Floriculture, Viticulture on 5+ acres	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Structures Accessory to Agriculture, Horticulture, Floriculture, Viticulture on 5+ acres	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture, Horticulture, Floriculture, Viticulture for Domestic Use Only	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture, Horticulture, Floriculture	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Viticulture not for Domestic Use on Less than 5 acres							
Commercial Earth Removal	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Substantially Similar to Permitted	No	No	No	SPA	SPA	SPA	SPA
Municipal Building Reuse	SPA	SPA	SPA	SPA	SPA	SPA	SPA
Mixed Use	No	No	No	No	SPP *****	No	No
Accessory Uses							
Accessory Apartment	SPA	SPA	No	SPA	No	No	No
Home Occupation	Yes	Yes	Yes	Yes	No	No	No
Roadside Stand	Yes	Yes	Yes	Yes	No	No	No
Other Retail Stores	No	No	No	Yes	Yes	Yes	Yes
Manufacturing and Industrial	No	No	No	Yes	Yes	Yes	Yes
Open Storage	No	No	No	SPP	No	No	SPP
Enclosed Storage	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Consumer Service	No	No	No	Yes	Yes	Yes	Yes

Table of Uses							
PRINCIPAL USES	**RES**	**RES**	**RES**	**BUS**	**BUS**	**BUS**	**IND**
	S-15	**A-40**	**A-80**	**A**	**B**	**C**	
	S-20						
	S-40						
Carriage House-Stable-Barn	SPA	SPA	SPA	Yes	No	No	No

* Planned Unit Development may be permitted only within a PUD Overlay District on the Zoning Map

** Planned Residential Development may be permitted only within a PRD Overlay District which may exist only in an S-15, S-20, S-40 or A-40 or A-80 underlying Zoning District on the Zoning Map

*** Adult Uses may be permitted only in the Industrial District by Special Permit granted by the Board of Appeals according to the requirements of Section 4.3.4

**** May be permitted only within a State-owned Interstate highway right-of-way

***** Mixed Use Overlay may be permitted only in the Downtown Business B District, principally traversed by Main and Haven Streets

A Townhouses shall be permitted in the Business C District

B Nursing Home and Senior Independent Living shall be permitted in the Business C District

4.3 Supplementary Requirements

All uses shall be subject to the following additional requirements.

4.3.1 Principal Uses

4.3.1.1 In a Residence or Business A District a one family dwelling existing prior to April, 1942, which at that time had at least eight (8) finished and habitable principal rooms may be altered into a two (2) family dwelling, provided that the external appearance of a one (1) family house is retained.

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

4.3.1.3 In the Business C Districts, no building shall be erected, altered or used nor shall any land 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 normally perceptible without instruments beyond the bounds of the lot on which it is located.

4.3.1.4 The Board of Appeals may grant a Special Permit for a nursing home in a Residence S-20 Zoning District, if, as a minimum, the following conditions are met

a The lot(s) on which the nursing home is to be located either abuts or is partially within a Business A District, or is separated therefrom only by an Interstate Highway; or the lot(s) on which the nursing home is to be located currently has frontage on a State highway, and the proposed driveway is within 600 feet of a signalized intersection. A lot shall not be considered as abutting Business A District unless that lot actually, physically touches the Business A District, or is separated therefrom only by an Interstate Highway. A lot on the other side of or separated by a local street or state highway from a Business A District shall not be considered to “abut” that district for the purpose of this section.

b Any structure or parking area shall be located not closer than twenty-five (25) feet to any property line abutting a residence or local public street.

c The nursing home structure shall not be less than eighty (80) feet from the nearest dwelling existing at the time of application for the Special Permit.

d The lot shall be not less than three (3) acres in size with not less than three hundred (300) feet of frontage on an existing public way.

e The nursing home shall be tied into municipal water and sewer service when constructed.

f Prior to making application to the Board of Appeals for a Special Permit for a nursing home under this Section, the applicant shall obtain site plan approval from the Community Planning and Development Commission pursuant to Section 4.3.3 of these Bylaw.

The Community Planning and Development Commission may approve a site plan for an assisted living residence, or for combined nursing and assisted living residence when the number of assisted living units exceeds 10% of the combined total number of units, only under the following conditions the gross floor area of the residents' living space excluding common areas, such as but not limited to hallways, dining rooms, offices, recreation areas, medical rooms, employee rooms and mechanical spaces shall not exceed 15% of the total lot area. For purposes of this section, total lot area shall include any land shown on the site plan which is conveyed to the Town of Reading for nominal consideration.

g The nursing home shall meet all applicable building code requirements and shall have properly installed and maintained fire safety devices and shall conform to all applicable local and State regulations and statutes for the protection of all occupants in the nursing home.

h Sideline planting shall be required for any sideline of the lot which abuts land being used for residential purposes. The sideline planting shall be at least five feet wide, shall be free of any paving and shall extend from the street line to twenty feet beyond the deepest point on the premises having buildings or parking areas.

The full length of the planting area shall be provided with screening through plantings at least four feet high when planted. Fencing may be used in conjunction with such screening.

i Front screening shall be provided between the building and the street line through a staggered row of trees, either planted or retained, having at least a two inch trunk diameter and being of size, specie and spacing such that the tree crowns will approximately meet each other at maturity. All trees used for front screening shall be of species common to the area and which reach an ultimate height of not less than thirty feet.

j If at the time of application for a Special Permit under this provision, there are one or more single family dwellings situated on the lot or lots immediately abutting and to the rear of the lot upon which the nursing home is proposed, the Board of Appeals may require reasonable rear lot line plantings for screening purposes.

k There shall be provided in perpetuity on site or off-site, in a manner acceptable to the Reading Housing Authority, a minimum allocation of ten percent of the total units, unless otherwise regulated, relative to the development, which total units shall be affordable to very-low-income, low-income, and moderate-income families and/or elderly households as determined by the most recent calculations of the U.S. Department of Housing and Urban Development for the Boston Metropolitan Region and/or the Commonwealth of Massachusetts, Department of Housing and Community Development. If acceptable to the Reading Housing Authority with input from the Community Planning and Development Commission, this requirement may be satisfied by the payment to the Town or an agency thereof a monetary sum in lieu of provision of actual affordable units in or relative to the development for provision or enhancement of affordable housing in the Town of Reading.

A person may make application to the Board of Appeals for a Special Permit for the construction of a nursing home in compliance with all of the above-listed restrictions. Submitted with the application shall be one or more site plans prepared, signed and

sealed by a registered land surveyor, registered professional engineer or registered architect which shall indicate the size of the lot, the dimensions of the lot, the proposed location, dimensions and height of the nursing home structure, the building offset dimensions, the parking and driveway layout, the entrance and exit ways, proposed grade changes, the location of any zoning overlay districts on the lot and the location, distance and use of each existing principal structure situated on abutting property but within one hundred feet of the proposed nursing home structure.

4.3.2 Accessory Uses

4.3.2.1 In any district, no accessory use shall be permitted which alters the character of the premises on which it is located or which violates the provisions of Paragraph 4.3.1.2.

4.3.2.2 In any district, an accessory use shall be located on the same lot as the principal use, except as hereinafter provided.

4.3.2.3 In any district, uses accessory to activities otherwise permitted as a matter of right which are necessary in connection with scientific research or scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right may be permitted upon issuance of a Special Permit from the Board of Appeals, provided there is a finding that the accessory use does not substantially derogate from the public good.

4.3.2.4 In any Residence District, the erection of a garage for more than three (3) non-commercial motor vehicles is prohibited.

4.3.2.5 In any Residence District, the renting, by a family living in a dwelling, of rooms located within and forming an integral part of said dwelling and the furnishing of table board to persons who are not merely casual or transient customers, is permitted provided that not more than three (3) such persons shall be permitted per family.

4.3.2.6 In any Residence District, no more than twenty-five percent (25%) of the floor area of a dwelling shall be used for an accessory use.

4.3.2.7 In any Single Family District, Open Storage regulation shall not apply to a seasonal stock of firewood occupying not more than two hundred fifty (250) square feet. No such stock shall exceed four (4) feet in height within five (5) feet of a lot line.

4.3.2.8 Accessory Apartments

4.3.2.8.1 Purpose

The purpose of allowing accessory apartments within the Town is to encourage the alteration and/or construction of a limited number of housing units which will increase the availability of rental units within the Town, will help to meet local housing needs without causing significantly adverse effects on the character and municipal services of the community and will ensure compliance with State and local planning standards and policies concerned with land use, building design and the health, safety, convenience and general welfare of the inhabitants of the Town.

4.3.2.8.2 Restrictions

The Special Permit Granting Authority may grant a Special Permit for an accessory apartment, if, as a minimum, the following conditions are met

a The dwelling in which the accessory apartment is to be located was legally occupied prior to August 1, 1982;

b Notwithstanding the provisions of Section 4.3.2.6. of these Bylaw, the accessory apartment shall occupy no more than one-third (1/3) of the gross floor area of the one family dwelling of which it is part, exclusive of any garage, unfinished basement, shed or other accessory use structure attached to or part of such one family dwelling (as of

August 1, 1982) and shall contain as a minimum at least four hundred (400) square feet of net floor area and as a maximum not more than seven hundred fifty (750) square feet of net floor area. Building density shall be limited so that the ratio of gross floor area to total land area shall not exceed 1:5;

c At least one of the owners of the one family dwelling in which the accessory apartment is located resides in the accessory apartment or principal one family dwelling, except for bona fide temporary absences, during which absence period a third party may not occupy the owner's unit, unless and until notification of the change of occupancy is submitted to the Board of Appeals;

d The accessory apartment and any and all other modifications to the principal one family dwelling shall be designed so that the appearance of the building remains that of a one family dwelling. Any new entries shall be located on the side or in the rear of the building and any additions for access and/or egress shall not increase the gross floor area (as described in paragraph b. above) of the original house by more than ten percent (10%) and shall not increase the building density beyond that allowed in paragraph b. above. Any other changes in the building shall comply in all respects with the applicable provisions of the Zoning Bylaw;

e All motor vehicles owned or maintained by occupants of the building in which the accessory apartment is located shall be parked off the street and the location and appearance of all additional off-street parking shall not adversely affect the adjoining properties in the neighborhood or the single-family appearance of the neighborhood in general and will cause no change to the front yard parking, area, if any, as it existed on August 1, 1982;

f There shall be no other apartment on the lot on which the accessory apartment is to be located;

g The accessory apartment shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling;

h Special Permits for accessory apartments can be issued by the Board of Appeals up to a limit of ten per cent (10%) of all one family dwellings in the Town excluding those which already qualify under Section 4.3.1.1. of these Bylaw for conversion to two family use;

i Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9 or regulations pursuant thereto.

4.3.2.8.3 Process

An owner or owners of a one family dwelling may make application to the Board of Appeals for a Special Permit for the alteration and/or construction and occupancy of an accessory apartment in a one family dwelling in compliance with all of the above-listed restrictions. The Board of Appeals will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Law. The Special Permit for said accessory apartment will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for an accessory apartment are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the accessory apartment or the principal residence. If the terms and/or conditions of the Special Permit for an accessory apartment are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.

4.3.2.9 Open Storage

Open Storage as an ancillary or supporting use is allowed in the Business A and Industrial Zoning Districts by the grant of Special Permit from the Community Planning and Development Commission, based upon the criteria set forth in 4.3.2.9.1.

4.3.2.9.1 Criteria for Approval

a Products shall be stored only for the purposes of merchandise display, and/or stock for sale on site, and not for distribution purposes.
b Open storage area shall use no more than 10% of total lot area.
c Products stored shall not impede upon pedestrian movement or vehicular circulation.
d Products stored shall not diminish required parking spaces nor access thereto.
e Products stored may be required to be shielded from any abutting residential properties.
f No products may be stored in any public right of way nor impede upon such way.
g Time period of the display shall be determined and reviewed by the special permit granting authority.
h No products shall be stored so as to create dust, noise, or other objectionable effects, or to create a fire hazard or other casualty.

4.3.2.9.2 Process

Filing for a special permit for this use shall follow all procedures required for Site Plan Review under 4.3.3 of this Bylaw.

4.3.2.10 Carriage House-Stable-Barn Preservation

4.3.2.10.1 Purpose

To preserve existing, freestanding and detached carriage houses-stables-barns and provide flexibility for housing.

4.3.2.10.2 Restrictions

The Special Permit Granting Authority (SPGA) may grant a special permit to use a detached carriage house-stable-barn for single-family residential use on a lot with an existing dwelling provided all of the following conditions are satisfied:

a The carriage house-stable-barn must have existed continuously since 1910. When converted for residential use, the structure must have a minimum net floor area of 400 square feet;
b The carriage house-stable-barn and principal dwelling must be and remain located on the same lot;
c At least one of the dwellings (carriage house-stable-barn or principal dwelling) must be and remain owner occupied;
d The principal dwelling must be included in the Historical and Architectural Inventory of Reading, MA or alternatively qualify by having been built prior to 1910 with a detached carriage house stable-barn;
e The principal dwelling on the lot must be used only as a single family dwelling during such time as the carriage house-stable-barn is being used as a dwelling. A two-family dwelling may be converted to a single-family dwelling to meet this requirement. The Building Inspector shall confirm by inspection that the existing dwelling is being used only as a single-family dwelling before issuing a certificate of occupancy for the use of the carriage house-stable-barn. The owner of the property must sign an affidavit recorded at the Registry of Deeds with the special permit accepting such requirement;
f The exterior facade of the carriage house-stable-barn shall substantially retain its appearance as a carriage house-stable-barn and exterior architectural features shall be preserved to the maximum extent practicable, keeping in mind the carriage house-stable-barn will be a dwelling. If the façade of the carriage house-stable-barn shall have been changed from its original appearance prior to the filing for a special permit under this section, it shall be restored to be consistent with the architecture of the period of its construction. The SPGA shall obtain a report from the Reading Historical Commission as to exterior features that it recommends be preserved or restored and which, if any, proposed exterior alterations should be allowed on the carriage house-stable-barn. The existing footprint shall remain substantially the same but shall not increase more than 10%;
g All motor vehicles owned or maintained by occupants of the carriage house-stable-barn shall be parked off the street;

h The carriage house-stable-barn shall meet all building code requirements and shall have properly installed and maintained fire safety devices for the protection of all occupants in the entire dwelling;

i Any other conditions, safeguards and limitations on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9 or regulations pursuant thereto.

4.3.2.10.3 Process

An owner or owners of a carriage house-stable-barn may make application to the Zoning Board of Appeals (ZBA), as SPGA, for a special permit for the alteration and/or occupancy of a carriage house-stable-barn in compliance with all of the above-listed restrictions. The ZBA will then post notice of this public hearing in accordance with Chapter 40A, Massachusetts General Law. The Reading Historical Commission shall be notified upon receipt of building application. The Special Permit for said carriage house-stable-barn will be limited to the original applicant but shall be transferred with ownership upon the successful inspection of the property which verifies that all conditions of the requirements for a carriage house-stable-barn are being met and upon recertification that the new owner(s) of the dwelling plan(s) to maintain residence in either the carriage house-stable-barn or the principal residence. If the terms and/or conditions of the Special Permit for a carriage house-stable-barn are not being complied with, such Special Permit can and will be revoked in accordance with standard enforcement procedures, or if all conditions are not met within one year of issuance of the Special Permit, the Special Permit will be null and void.

4.3.3 Site Plan Review

4.3.3.1 Applicability

The following types of activities and uses require site plan review by the CPDC Routine maintenance or replacement in-kind is exempt.

a Any exterior construction, or alteration or expansion of more than five hundred (500) gross square feet of an institutional, commercial, industrial, or multi-family structure with four or more dwelling units;

b A change of use within an institutional, commercial, industrial, or multi-family structure;

c Interior renovations over two thousand (2,000) gross square feet;

d Construction or expansion of a parking lot for an institutional, commercial, industrial, or multifamily structure or purpose.

4.3.3.2 Procedures

Applicants for site plan approval shall submit twelve (12) copies of the site plan to the CPDC for review, and within three (3) days thereafter request a determination from the Town Planner on completeness of application. The Town Planner shall make a determination of completeness within thirty (30) days of receipt of such application. The CPDC shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its determination of completeness, and notify the applicant of its decision. The decision of the CPDC approving site plan review, shall be a majority of the commission and shall be in writing. No building permit or certificate of occupancy shall be issued by the Building Inspector without the written approval of the site plan by the CPDC, or unless 60 days lapse from the date of a determination of completeness of the site plan without action by the CPDC.

4.3.3.3 Requirements

4.3.3.3.1 Where the CPDC serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

4.3.3.3.2 The applicant may request, and the CPDC may grant by majority vote, an extension of the time limits set forth herein.

4.3.3.3.3 No deviation from an approved site plan shall be permitted without modification thereof approved by CPDC.

4.3.3.4 Preparation of Plans

Applicants are invited to submit a pre-application sketch of the proposed project to the CPDC and to schedule a comment period at a regular meeting of the CPDC. Site plans shall be submitted on 24-inch by 36-inch sheets, or larger if necessary for clarity. Plans shall be prepared by a registered professional engineer, registered land surveyor, architect or landscape architect, as appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal.

4.3.3.5 Contents of Plan

The contents of the site plan are as follows:

4.3.3.5.1 Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or forty (40) feet or such suitable scale as may be approved by the CPDC. The plans are as follows:

a Site Layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, signage, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale acceptable to CPDC, showing the entire project and its relation to the existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the staff.

b Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage, including resource area delineation.

c Utility plan which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including flood plain areas.

d Architectural plans which shall include the floor plans and architectural elevations of all proposed buildings and a color rendering or photographs of similar structures.

e Landscaping plan showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for shrub or tree, and including proposed erosion control measures.

4.3.3.5.2 The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.

4.3.3.5.3 A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.

4.3.3.5.4 The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town of Reading subdivision regulations and Department of Environmental Protection storm water regulations.

4.3.3.5.5 The CPDC may require a narrative statement detailing the impact of the proposed use on municipal services and the environment, lighting, traffic, hazardous materials storage, trash, hours of operation and construction impacts.

4.3.3.5.6 Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

4.3.3.5.7 All plans submitted shall be in digital format as well as prints as approved by the Town Engineer. Number of prints submitted shall be determined by the Town Planner.

4.3.3.6 Approval

Site plan approval shall be granted upon determination by the CPDC that the plan meets the following objectives. The CPDC may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the CPDC's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the site plan, after considering the qualities of the specific location, the proposed land use, the design of building form, the grading, egress points, and other aspects of the development, so as to:

a Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow from the site, soil erosion, and the threat of air and water pollution;

b Maximize pedestrian and vehicular safety both on the site and approach/egression from it;

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 premises residentially used or zoned through the use of landscaping and fencing;

e Minimize glare from headlights and lighting intrusion;

f Minimize unreasonable departure from the character, materials, signage and scale of buildings in the vicinity, as viewed from public ways and places;

g Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;

h Ensure compliance with the provisions of the Zoning Bylaw;

i Maximize property enhancement through use of landscaping and other site amenities;

j Minimize environmental impacts to adjacent properties through hours of operation, deliveries, noise, rubbish removal and storage.

4.3.3.7 Lapse

Site plan approval shall lapse after two (2) years from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the CPDC upon the written request of the applicant.

4.3.3.8 Regulations

The CPDC may adopt and from time to time amend reasonable regulations for the administration of these site plan guidelines.

4.3.3.9 Fee

The CPDC may adopt reasonable administrative fees and technical review fees for site plan review at levels necessary to cover costs. The CPDC may also require the applicant to fund professional review of the filing.

4.3.3.10 Appeal

The appeal of any decision of the CPDC hereunder shall be made in accordance with the provisions of Mass. Gen. L. Chapter 40A. Section17.

4.3.3.11 Minor Site Plan Review

The Community Planning and Development Commission or the Town Planner by administrative approval may grant approval for a minor site plan review with or without conditions provided the proposed construction, expansion or alteration will not result in any adverse impact in the areas described in Sections 4.3.3.5 or 4.3.3.6 and for any of the following reasons provided however that the property has not been approved for a minor site plan review within the last three (3) years;

a The construction, expansion or alteration only involves the interior renovation of an existing space such as plumbing, electrical, furniture, fixtures, mechanical systems, or interior changes to comply with the current building code such as handicap accessibility.

b The proposed change in use is in the same use category.

c The property has been developed according to a full site plan review and approval within the past five years.

If the Community Planning and Development Commission or Town Planner does not act within 60 days of receiving a complete Minor Site Plan Review Project request, the request shall be deemed granted.

4.3.3.12 Waiver of Loading Zone Space Requirements

The Community Planning and Development Commission may waive the requirements of 6.1.1.3 as to the number of loading zone spaces, provided there is no adverse impact in the areas described in Section 4.3.3.6, or take any other action with respect thereto.

4.3.3.13 Waiver of Parking, Loading Space and Related Design Requirements in the Business C District

Upon the applicant's request and submission of supporting documentation, the community Planning and Development Commission may waive or reduce the requirements under Section 6.1.1.3 and Section 6.1.2, provided there is no adverse impact in the areas described in Section 4.3.3.6.

4.3.4 <u>Adult Uses</u>

4.3.4.1 Purpose and Intent

It is the purpose and intent of this Section 4.3.4 to address and mitigate the secondary effects of the Adult Uses and sexually oriented businesses referenced herein, since such secondary effects have been found by the Community Planning and Development Commission, as a result of the studies relied upon by the Community Planning and Development Commission and after other public input, to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety, and general welfare of the Town of Reading and its inhabitants. The provisions of this Section have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to Adult Uses and to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

4.3.4.2 Definitions

4.3.4.2.1 Adult Uses

An establishment, a building or portion thereof, or a use of land having a substantial or significant portion of its business activity, stock in trade, or other matter or materials for

sale, rental, distribution or exhibition, which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws, including but not limited to the following:

a Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;

b Adult Club: An establishment having as any of its activities or entertainment a person or persons performing in a state of nudity or distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;

c Adult Entertainment Establishment: An establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity, sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;

d Adult Motion Picture Theater: An establishment used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;

e Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws;

f Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade videos, movies or other film materials which are distinguished or characterized by their emphasis on depicting, describing or relating to sexual conduct or sexual excitement as defined in Section 31 of Chapter 272 of the General Laws.

4.3.4.2.2 Substantial or Significant Portion

The term "substantial or significant portion" as used in this Section 4.3.4. shall mean any of the following:

a Twenty percent (20%) or more of the business inventory or stock of merchandise for sale, rental, distribution or exhibition during any period of time;

b Twenty percent (20%) or more of the annual number of gross sales, rentals or other business transactions; or

c Twenty percent (20%) or more of the annual gross business revenue.

4.3.4.3 Special Permit

No Adult Use shall be allowed except by a Special Permit granted by the Board of Appeals. The Board of Appeals shall grant a Special Permit for an Adult Use in any district permitting such use only if the use is found by the Board of Appeals to comply with the following standards and procedures:

4.3.4.3.1 Location An Adult Use may not be Located

a Within one hundred (100) feet of a boundary line of a residential zoning district;

b Within five hundred (500) feet of any structure containing, at the time of Special Permit application, a church, public school, private kindergarten or school, licensed day-care facility, public library, cultural facility, museum, elderly housing, assisted living facility, nursing home, or adult day-care facility; or within five hundred (500) feet of the lot line of a park or playground existing at the time of Special Permit application.

c Within five hundred (500) feet of any structure containing, at the time of Special Permit application, an establishment licensed under the provisions of Section 12 of Chapter 138 of the General Laws;

d Within five hundred (500) feet of any structure containing any other Adult Use.

4.3.4.3.2 Site Development Standards

a Site Plan Review: No Special Permit for any Adult Use shall be issued without Site Plan Approval first having been obtained from the Community Planning and Development Commission under Section 4.3.3 hereof.

b Parking and Loading: On-site parking and loading shall be provided in accordance with the requirements set forth in Section 6.1 of these Bylaw as pertains to retail stores, offices and consumer service establishments.

c Landscaping: At a minimum, the property on which an Adult Use is proposed to be located shall contain a landscaped buffer strip along its entire perimeter, except that portion directly abutting a public street in accordance with the requirements of Paragraph 5.3.1.3.a hereof.

d Signs: All signs for any Adult Use must meet the requirements of Section 6.2 hereof. In addition, no advertisement, display or other promotional material which contains sexually explicit graphics or sexually explicit text shall be visible to the public from a public way including but not limited to sidewalks, pedestrian walkways, highways or railways.

4.3.4.3.3 Other Special Permit Requirements

4.3.4.3.3.1 If the Adult Use allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths must be able to be clearly seen from the center of the establishment.

4.3.4.3.3.2 The application for a Special Permit for an Adult Use must include the following information:

a Name and address of the owner of record of the property;

b Name and address of the legal owner of the proposed Adult Use establishment;

c Name and address of all persons having a lawful, equity or security interest in the Adult Use establishment;

d A sworn statement must be provided stating that neither the applicant, nor the manager, nor any person having a lawful, equity or security interest in the Adult Use establishment has been convicted of violating the provisions of Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws;

e Name and address of the manager of the Adult Use establishment;

f Proposed provisions for securing the safety of the public within and without the Adult Use establishment;

g The number of employees; and

h The present and proposed physical layout of the interior of the Adult Use establishment.

4.3.4.3.3.3 No Special Permit for an Adult Use shall be issued to any person convicted of violating Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws.

4.3.4.3.3.4 An Adult Use Special Permit shall only be issued following a public hearing within sixty-five (65) days after the filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant.

4.3.4.3.3.5 Any Adult Use Special Permit issued under this Bylaw shall lapse within one (1) year if substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause; excepting only any time required to pursue or await the determination of an appeal from the grant thereof.

4.3.4.3.3.6 Any Adult Use Special Permit issued under this Bylaw shall require that the owner of such Adult Use shall supply on a continuing basis to the Building Inspector any change in the name of the record owner or address or any change in the name of the current manager; and that failure to comply with this provision shall result in the immediate

revocation of such Special Permit. If anyone so identified is or is found to be convicted of violating Section 63 of Chapter 119 of the General Laws or Section 28 of Chapter 272 of the General Laws, such Special Permit shall immediately be null and void.

4.3.4.3.3.7 No Adult Use Special Permit issued under this Bylaw shall become valid or in full force and effect until and unless the owner of the property containing such Adult Use shall supply to the Building Inspector a notarized statement agreeing to all terms and conditions of said Adult Use Special Permit.

4.3.4.4 Non-Conformity

4.3.4.4.1 Any Adult Use in existence prior to the adoption of this Section 4.3.4 shall apply for a Special Permit as specified in this Section 4.3.4 within ninety (90) days following the adoption of this Section 4.3.4 and shall be required to comply in all respects with all requirements of this Section 4.3.4.

4.3.4.4.2 Any Adult Use in existence prior to the adoption of this Section 4.3.4. which has applied for such Special Permit but which has not been granted such Special Permit may be permitted by a unanimous vote of the Board of Appeals following a public hearing to continue in operation at its present location for a period of time not exceeding six (6) months following the date of the application for such Special Permit provided that a written request therefor is made to the Board of Appeals. The Board of Appeals, upon written application made prior to the expiration of any such period of time and following a public hearing may grant one additional extension period of time not to exceed six (6) months. The Adult Use owner must demonstrate undue financial hardship if forced to close immediately upon failure to obtain a Special Permit to the Board of Appeals in order to obtain any such extension.

4.3.4.4.3 The provisions of this Section 4.3.4.4. shall only apply to Adult Uses as defined in this Section 4.3.4 which are also defined in Section 9A of Chapter 40A of the General Laws.

4.3.4.5 Invalidity

In the event that any provision of this Section 4.3.4 shall be determined invalid by a Court of competent jurisdiction or otherwise, the remaining provisions of this Section 4.3.4 not manifestly inseparable from the invalid provision(s) shall remain in full force and effect.

4.3.5 <u>Commercial Communications Structures</u>

Special Permit for Communications Structures: No Commercial Communications Structure, whether itself a principal use of a lot or as an accessory use to a Communication Facility, shall be constructed without a Special Permit having been granted by the Board of Appeals. The Board of Appeals may grant a Special Permit in accordance with Section 7.3 for such a communications structure, provided that the Board determines that the following criteria has been fulfilled.

a if located in a Residential S-15, S-20 or S-40 District, the communications structure shall be located in a State-owned Interstate Highway right-of-way; if located in a Residential A-80 District, the communications structure shall be mounted only on a building which is more than forty-eight feet in height and which is located not farther than 850 feet of a State-owned Interstate Highway right-of-way; if located in a Business A or Business B District, the communications structure shall only be ancillary to an allowed principal use on the property and shall not be solely or principally used for sending, receiving, or transmitting communications signals as part of a communications system or network not related to or used by any other use taking place on the lot on which the communications structure is located;

b for purposes of public safety, no ground-mounted communications structure shall be erected nearer to any boundary line of the property on which the structure is located than a distance equal to half the vertical height of the structure, inclusive of appurtenant devises as measured at the mean finish grade of the base of the structure;

c for purposes of public safety, no roof-mounted communications structure shall be erected nearer to any boundary line of the property on which the structure is located than a distance equal to half

the vertical distance between the roof level of the building on which the communications structure is directly mounted and the top of the communications structure, inclusive of appurtenant devises; any such communications structure mounted on the roof shall be properly secured according to State Building Code and shall be so located or screened that it shall not be unduly visually prominent as viewed from any public way or abutting property;

d all applicable State and Federal licenses and approvals have been obtained;

e the communications structure is located and screened, fenced, or otherwise provided with effective safety devices which prohibit unauthorized access near or onto the structure;

f the applicant shall certify in writing to the Board of Appeals that should any complaint as to electronic or electromagnetic interference be received, the applicant shall forthwith exercise its responsibility to remedy such interference;

g the application for Special Permit shall be accompanied by an application for a Building Permit, with engineering certification that the installation will conform with structural and safety requirements of the Building Code, and by certification of the applicant that the structure will be properly dismantled following two years of continuous disuse of the structure; and h no signs other than required safety warning signs shall be mounted on the structure.

A Special Permit for any communications structure shall remain valid only so long as the owner of such structure shall ensure that the structure is maintained in good A failure to do so will result in the immediate termination of the Special Permit. The Building Inspector shall have access to the premises from time to time to inspect the structure operating condition. A failure to do so will result in the immediate termination of the Special Permit. The Building Inspector shall have access to the premises from time to time to inspect the structure.

Exception: A dish for purposes of reception only shall not be subject to the provisions of Section 4.3.5 provided that such dish is not larger than eighteen inches in diameter.

4.3.6 Agricultural Uses on Less Than 5 Acre Parcels

Special Permit for Agricultural Uses on Parcels of Less than 5 Acres No agricultural, horticultural, floricultural or viticultural use shall be permitted as a primary use on a parcel of land less than 5 acres without a Special Permit having been granted by the Board of Appeals. The Board of Appeals may grant a Special Permit in accordance with Section 7.3 of these Bylaw provided that the following criteria have been fulfilled.

a Adequate provision shall be made for the garaging or screening of all tools, farm machinery or vehicles incidental to the proposed use.

b Any structures used for the purpose set forth in subsection a. or for the purpose of providing housing, pens or enclosures for livestock shall be located at least fifty (50) feet from any property line.

c In a residential district, provisions for landscaping and screening of any accessory structure in excess of two thousand (2,000) square feet of ground floor area shall be made as set forth in a plan to be filed with the special permit application and approved by the Board of Appeals.

d Adequate provision must be made for the sanitary disposal of animal wastes and for complying with all relevant Board of Health regulations.

e In acting upon Special Permits under this section, the Board of Appeals shall consider the proximity of existing dwellings, recreational facilities and sensitive environmental receptors such as wetlands and recharge areas for drinking water supplies. In acting upon a Special Permit under this section, the Board of Appeals may impose conditions to mitigate offensive odor and excess noise, to mitigate water and air pollution, to ensure dust and drainage control, to prevent interference with the safety of persons on adjoining properties, and other conditions on time or use as may be imposed by the Board of Appeals according to Massachusetts General Law, Chapter 40A, Section 9, or regulations adopted pursuant thereto.

4.4 Floodplain Overlay District

4.4.1 Statement of Purpose

The purposes of the Floodplain Overlay District are to:

1 Ensure public safety through reducing the threats to life and personal injury;

2 Eliminate new hazards to emergency response officials;
3 Prevent the occurrence of public emergencies resulting from water quality, contamination and pollution due to flooding;
4 Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
5 Eliminate costs associated with the response and cleanup of flooding conditions;
6 Reduce damage to public and private property resulting from flooding waters.

4.4.2 Boundaries of Floodplain District

The Floodplain District is established as an overlay district. The Floodplain District includes all special flood hazard areas within the Town of Reading designated as Zone A and AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program.

The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Reading are panel numbers 25017C0292E, 25017C0294E, 25017C0303E, 25017C0311E, 25017C0312E, 25017C0313E and 25017C0314E that go into effect on June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Engineer.

4.4.3 Definitions

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500 year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM) means an official map of a community issued by FEMA where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" (as evidenced by issuance of a building permit) commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available Federal, State, local or other data.

ZONE A1-30 and **ZONE AE** (for new and revised maps) mean the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and **ZONE AO** means the 100-year floodplain with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONES B, C, AND X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

4.4.4 Reference to Existing Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Law and with the following:

- Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
- Town of Reading Zoning Bylaw; and
- Town of Reading Wetlands Protection Bylaw.

Any variances from the provisions and requirements of the above referenced State and local regulations may only be granted in accordance with the required variance procedures of such regulations.

4.4.5 Uses Permitted as of Right in the Floodplain Overlay District

In the Floodplain Overlay District, no new building shall be erected and no premises shall be used except for one or more of the following uses:

4.4.5.1 Municipal recreation, public water supply, drainage or flood control use, orchard, truck garden, nursery, or similar open use of the land for the raising of agricultural or horticultural crops, for rifle, pistol and shotgun shooting on land of any established range.

4.4.6 Uses Permitted in the Floodplain Overlay District By Special Permit

4.4.6.1 If authorized by the Board of Appeals, commercial golf course, or non-profit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business); and buildings and sheds accessory to any use permitted in the district.

4.4.6.2 If any land defined in the Bylaw as being in a Floodplain Overlay District is proven to be in fact neither subject to flooding nor unsuitable for human occupancy because of drainage and topographic conditions, and if the use of such land will not be detrimental to the public health, safety and welfare, the Board of Appeals may permit buildings for human occupancy on such land in accordance with the requirements of the underlying district after the necessary proof has been presented to and reported on by the Community Planning and Development Commission and the Board of Health.

4.4.7 Uses Prohibited in the Floodplain Overlay District

Dumping, filling or earth transfer or relocation operations are prohibited except for utility trenches, driveways, landscaping and accessory building foundations, or municipal or public facilities.

4.4.8 Conditions for Approval for uses Permitted in the Floodplain Overlay District

4.4.8.1 Within the floodplain overlay district, no new construction, substantial improvement or other land development shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood. For the purposes of this section, substantial improvement shall be taken to mean any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:
a before the improvement is started, or
b if the structure has been damaged and is being restored after the damage occurred.

4.4.8.2 For new construction, substantial improvements of existing structures or other land development, the following conditions shall apply:

1 All new construction or improvement of non-residential structures shall either have the lowest floor, including basement, at or above the base flood elevation, or along with attendant utility and sanitary facilities, shall be flood proofed; i.e., designed so that below the established base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

2 Within Zones A and AE where base flood elevations are provided on the FIRM elevations shall be determined by using the flood profile contained in the Flood Insurance Study.

3 Within Zones A and AE, where the base flood elevation is not shown on the FIRM, the applicant shall obtain any existing base flood elevation data as a basis for the elevation and flood-proofing requirements of this section and shall submit such base flood elevation data to the Board of Appeals at the time of making application for a special permit under this section. When base flood data is not available, the base flood elevation shall be determined through hydrologic and hydraulic analyses performed by a registered professional engineer in accordance with standard engineering practices.

4 The structure will withstand the effects of flooding. The ground level around and extending 25 ft. outward from any building or structure in a Floodplain District shall be raised as necessary so that no part of the ground level area so defined, shall be below the elevation shown on the FIRM. Embankments subject to possible scouring by flood waters shall be properly stabilized and protected to prevent erosion by flood waters.

5 The containment of sewerage, safety of gas, electric, fuel, and other utilities from breaking, leaking, short circuiting, grounding, igniting, electrocuting or any other dangers due to flooding, will be adequately protected.

6 Safe vehicular and pedestrian movement to or over, and from the premises shall be provided on ways having a minimum profile elevation of no less than the base flood elevation.

7 Methods of drainage shall be adequate.

8 Other land in the Floodplain Overlay District shall be protected from impacts resulting from all work of development both approved and not approved on the premises.

9 Where watertight flood proofing of a structure is permitted, a registered professional engineer shall verify that the methods used will be adequate to withstand the flood depths, pressures and velocities, impact and uplift, and other factors associated with the base flood.

10 A registered professional engineer shall certify that the above minimum conditions listed in Sections 4.4.4 and 4.4.8 are satisfied in the design proposal.

4.4.9 Base Flood Elevation and Floodway Date

4.4.9.1 Floodway Data. In Zones A, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall

be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

4.4.9.2 Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

4.4.10 Notification of Watercourse Alteration

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator
  Massachusetts Department of Conservation and Recreation
  251 Causeway Street, Suite 600-700
  Boston, MA 02114-2104
- NFIP Program Specialist
  Federal Emergency Management Agency, Region I
  99 High Street, 6th Floor
  Boston, MA 02110

and further, that the Zoning Map of the Town of Reading be amended to adopt the boundaries of the new overlay district as defined on the Middlesex County Flood Insurance Rate Map (FIRM) that goes into effect on June 4, 2010 and as further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010.

4.5 Wetlands Protection District

4.5.1 Reserved

4.5.2 Uses Permitted in a Wetlands Protection District

The Wetlands Protection District shall be considered as overlying other districts established by this Bylaw. Any uses permitted in the portion of the districts so overlaid shall be permitted except that no new building or structure shall be erected or constructed, and no dumping or filling or relocation of earth materials shall be permitted other than as specified in paragraph 4.5.2.7, 8 and 9, below, if approved by the Conservation Commission under the provision of General Laws, Chapter 131, Section 40 and Town of Reading General Bylaw, Section 5.7.

4.5.2.1 Uses directly related to the conservation of water, plants and wildlife.

4.5.2.2 Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.

4.5.2.3 Wildlife management areas, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.

4.5.2.4 Grazing and farming, including truck gardening and harvesting of crops.

4.5.2.5 Forestry and Nurseries

4.5.2.6 Small accessory non-residential structures of less than one hundred (100) square feet of floor area used in connection with recreation or the growing, harvesting, storage or sale of crops raised on the premises.

4.5.2.7 Creation of ponds with a total water surface area at normal elevation not in excess of forty thousand (40,000) square feet.

4.5.2.8 Removal of silt and other accumulated debris from a watercourse which tends to interfere with the natural flow patterns of the watercourse.

4.5.2.9 Driveways or streets including utilities, drainage, pavements, curbs, sidewalks and other related facilities approved under the Rules and Regulations Governing the Subdivision of Land adopted by the Community Planning and Development Commission, across a stream, brook, channel or other watercourse where access is needed to service portions of a lot not otherwise accessible or where alternative means of access are impractical.

4.5.3 Uses Permitted in Wetlands Protection District (W) or Flood Plain District (F) on a Special Permit

The following uses shall be permitted in the district by Special Permit:

4.5.3.1 Any use in a Business or Industrial District where a portion of the lot is within the Wetlands Protection District (W) or Flood Plain District (F).

4.5.4 Lot Area Allowance

A lot with a dwelling existing thereon at the time of the adoption of this Bylaw shall not be deemed a non-conforming lot because any portion of it lies within the Wetlands Protection District (W) or Flood Plain District (F), provided that the dwelling itself does not lie within said District.

4.5.5 Determination of Flooding and Suitability

If any land in the Wetlands Protection District (W) or Flood Plain District (F) is proven to the satisfaction of the Board of Appeals as being in fact neither subject to flooding nor unsuitable because of drainage conditions for a use or structure which would otherwise be prohibited by this section, and the Board of Appeals determines that the use of such land for such use or structure will not interfere with the general purposes for which the District has been established, and will not be detrimental to the public health, safety and/or welfare, the Board of Appeals may grant a Special Permit for such use or structure which will comply in all respects with all other provisions of the Underlying District or Districts within which the land is located provided that any and all necessary permits, orders or approvals required by local, State or Federal law are obtained, The Board of Appeals shall refer each question to the Community Planning and Development Commission, Conservation Commission and Board of Health and shall not act until these agencies have reported recommendations or forty-five (45) days have elapsed after referral and no report has been received.

4.6 Mixed Use Overlay District

4.6.1 Purpose

The Mixed Use Overly District allows by Special Permit from the CPDC an alternative pattern of land development to the pattern normally permitted in the underlying Zoning District. It is intended to create mixed commercial, residential, and open space areas consistent with the character and identity of the Town and in conformance with the objectives of the Town of Reading 2005 Master Plan.

4.6.2 Authority

The CPDC shall be the Special Permit Granting Authority for Mixed Use developments. The CPDC may vary the dimensional and parking requirements of Section 4.6 if it determines such change will result in an improved design of the development. The authority of the CPDC to vary the dimensional and parking requirements shall continue subsequent to occupancy upon the change of use of any of the commercial areas and upon application for such change by the applicant.

4.6.3 Permitted Uses

Only the following types of uses shall be permitted in Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

Residential
Multifamily Dwellings

Retail
Retail Store
Restaurant

Governmental Uses
Utilities
Cell Towers
Post Office

Commercial / Office
Business and Professional Office
Research Facility
Personal Service Shop (Example, Travel Agency, Lawyer, Beauty Salon, Bank)
Private Recreation
Parking Garages

No less than 20% of the total number of residential units shall be affordable to households at or below 80% of the median household income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The table listed below shall dictate the number of affordable units that must be provided for any project.

In determining the total number of affordable housing units required to be constructed under this section, calculation of a fractional unit of .5 or more shall be regarded as a whole unit. The applicant, in its discretion, may pay a fee as an alternative to the construction of an affordable unit as provided in the following table:

Projects with up to 0.8 FAR
Total Number of Units and/or Contribution:

One Unit	$48,000 or 1 unit
Two Units	$96,000 or 1 unit
Three Units	$144,000 or 1 unit
Four Units	$192,000 or 1 unit
Five Units	1 unit
Six Units	1 unit plus $48,000 or 2 units
Seven Units	1 unit plus $96,000 or 2 units
Etc.	

Greater than 0.8 FAR but less than 1.0 FAR
Total Number of Units and/or Contribution:

One Unit	$60,000
Two Units	$120,000
Three Units	$180,000
Four Units	1 unit
Five Units	1 unit plus $60,000, or 2 units
Six Units	1 unit plus $120,000, or 2 units
Seven Units	1 unit plus $180,000, or 2 units
Etc.	

All Contributions shall be made to the Affordable Housing Trust Fund. The affordable units must be subject to Use Restrictions to ensure that the units remain available as affordable units in perpetuity, exclusively to persons with qualifying incomes. The units must be sold or rented on a fair and open basis and the applicant shall provide for CPDC approval an affirmative fair

marketing plan for the affordable units. The minimum square footage of living area for any of the residential units within the Mixed Use Overlay District shall be no less than 550 square feet and the maximum area shall not exceed 1100 square feet. The average size shall be 800 square feet (plus or minus 25 square feet). Residential Units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count towards the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

4.6.4 Parking Facility

Section 4.6.8 of this Bylaw applies with respect to the CPDC's consideration of the grant of a Special Permit for the Mixed Use Overlay development.

4.6.5 Dimensional Requirements

The dimensional requirements below shall apply.

4.6.5.1 Minimum Contiguous Area of the Mixed Use Development

Minimum contiguous lot area of the Mixed-Use development shall be 10,000 square feet. The site of any new principal structure shall conform to Section 5.2.1 of the Zoning Bylaw.

4.6.5.2 Minimum Lot Frontage

Minimum lot frontage shall be 40 feet.

4.6.5.3 Maximum Front Yard

The maximum front yard shall be 20 feet, and there is no minimum front yard.

4.6.5.4 Minimum Rear Yard

Minimum rear yard shall be 15 feet and there is no minimum side yard. There shall also be at least 15 feet separation between any 2 structures in the development on the same lot and the areas behind and between all structures shall be clear and accessible to the Town's fire suppression vehicles.

4.6.5.5 Maximum Height

Maximum height shall be 42 feet.

4.6.5.6 Maximum Lot Coverage

Maximum lot coverage shall be 40%.

4.6.5.7 Minimum Landscaping

Minimum landscaping shall be 25% of lot area. The applicant shall submit a landscaping plan for approval.

4.6.5.8 Maximum Floor Area

Maximum floor area ratio shall be 0.8, except as otherwise provided in Section 4.6.3.

4.6.6 Mixed Use Developments

The mixture of uses allowed shall not be constrained in any way, however, residential units are prohibited from the front of the 1st floor and parking garages are prohibited from the front of the lot.

In all Mixed Use developments adequate off-street parking shall be provided. The CPDC and the Applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the CPDC may consider complementary or shared use of parking areas by activities having different peak demand times, and the Applicant may be required to locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in the CPDC reducing and/or waiving parking requirements.

4.6.6.1 Parking Locations

Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses. Parking spaces must be assigned to specific uses (including shared uses) at the time of the submission of the Final Plan.

4.6.6.2 Parking at Buildings

Parking shall be primarily located at the rear or at the side of buildings.

4.6.6.3 Curb Cuts

One curb cut providing access to the development from any public way may be required. Additional curb cuts may be required as deemed necessary by the permitting authority. A development having frontage on 2 or more streets may be permitted additional curb cuts if deemed necessary by the CPDC. Whenever possible there shall be shared curb cuts with adjacent developments.

4.6.6.4 Parking Requirements are:

Residential
- 550 - 700 sq. ft. = 1 space per unit
- 701 - 1100 sq. ft. = 2 spaces per unit

Commercial/Office
- 3.5 spaces per 1,000 sq. ft.

Retail
- 1.5 spaces per 1,000 sq. ft.

Garages
- To be determined by the CPDC

Municipal Uses
- Exempt

4.6.6.5 Granting of Relief from Parking Regulations

In those instances where the Applicant has made a concerted effort to provide all the required number of parking spaces and is unable to do so, the CPDC may allow the applicant to pay an impact fee of $20,000 for each parking space not provided. The money shall be deposited into a separate account and may only be used for short or long term parking solutions for the Town in the Mixed Use Overlay District.

4.6.7 <u>Application</u>

Any person who desires a Special Permit for a Mixed Use development shall submit 14 copies of the application in such form as the CPDC may require which shall include the following:

4.6.7.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the site, a list of the development team and a written statement describing the major aspects of the proposed development.

4.6.7.2 Development Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

a Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 4.3.3

b Site perspective, sections, elevations 1/8 inch = 1 foot

c Detailed plans for disposal of sanitary sewage and surface drainage; and

d Detailed plans for landscaping.

4.6.7.3 Additional information as the CPDC may determine.

4.6.8 <u>CPDC Board Findings</u>

A special permit shall be issued under this Section if the CPDC finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the applicable zoning district in which the development is located.

4.6.9 Amendments

After issuance of a special permit, the applicant may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the CPDC without a public hearing. The CPDC shall make a finding whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application and public hearing.

4.6.10 Existing Structures

4.6.10.1 Change in Use

A special permit may be granted to legally existing nonconforming structures, as of the date of the passage of this Bylaw, applying for a change of use in the Mixed Use Overlay District provided that parking for the existing uses meet the requirements of the underlying Zoning District and parking for and new uses meets the requirements of Section 4.6.6.4 CPDC may grant relief from these parking requirements in accordance with Section 4.6.6.5.

4.6.10.2 Additions

A special permit may be granted to legally existing nonconforming structures, as of the date of the passage of this Bylaw, applying for a change of use and an addition to the structure provided that the footprint of the building structure remains unchanged or is no greater than the original footprint (lot coverage) including addition, and the FAR of 0.8 is not exceeded except as provided in Section 4.6.3 Parking for existing uses shall meet the requirements of the underlying Zoning District and parking for new uses shall meet the requirements of Section 4.6.6.4 CPDC may grant relief from such parking requirements in accordance with Section 4.6.6.5.

4.7 Municipal Building Reuse District

4.7.1 Uses Permitted in Municipal Building Reuse District

The Municipal Building Reuse District shall be considered as overlying other districts established by this Bylaw. Any uses permitted in that portion of the districts so overlaid shall be permitted. In addition, any one and only one of the use categories specified in Section 4.7.2.1, 4.7.2.2 or 4.7.2.3 may be permitted in such an overlay district under a Municipal Building Reuse Special Permit issued pursuant to Section 4.7.3.

4.7.2 Dimensional Controls in Municipal Building Reuse District

Subject to the provisions of Section 4.7.3 buildings in a Municipal Building Reuse District previously owned or controlled by the Town of Reading and existing at the time of the issuance of a Municipal Building Reuse Special Permit may remain and may be rehabilitated and rebuilt in their then location. The dimensional controls and intensity regulations as contained elsewhere in this Bylaw shall not apply to such a building and the lot on which it is situated, but changes to the size of the lot or exterior dimensions of such building shall be subject to such dimensional controls and intensity regulations as the same may be modified herein.

4.7.2.1 For any residential use, the following provisions shall apply:

a Enlargement of existing building

The existing building may be enlarged in a manner harmonious with the external character and appearance of the building; however, any such enlargement shall not exceed a size equivalent to 25% of the gross square footage of the existing building;

b New Construction

An additional building or additional buildings which contain the same use or uses as contained in the existing building may be constructed on the site in a manner harmonious with the external character and appearance of the existing building. No such additional building may be located closer than forty feet from any portion of the existing building;

c Perimeter Setback

No portion of any additional building or any enlargement of the existing building may be located closer than fifty feet from any boundary of the site;

d Density

Maximum density of development on the site shall not exceed eighteen dwelling units per acre. Moreover, the aggregate gross floor area of any enlargement and any additional buildings shall not exceed the gross floor area of the existing building;

e Height

The height of any enlargement or additional building shall not exceed that allowed in the underlying zoning district;

f Open Space

A minimum of 30% of the area of the site exclusive of the area occupied by the existing building, the area in the required forty-foot setback therefrom, and the area in the required fifty-foot perimeter setback shall be devoted to open space completely devoid of any structure, parking space, loading space, access way, and private yards, patios, and gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible such open space shall be left in its existing condition or developed so as to be appropriate in size, shape, dimension, location and character to assure its use as a park, recreation area, and visual amenity for the site and its residents. In no case shall any dimension of qualified open space be less than twenty feet;

g Accessory Structures

No accessory structure shall be located within twenty feet of a rear or side property line, nor within the required fifty foot front perimeter setback;

h Required Low- and Moderate- Income Housing

There shall be provided in perpetuity on-site or off-site in a manner acceptable to the Reading Housing Authority, a minimum of ten percent of the total units (both on-site and off-site) relative to the development which units shall be affordable to very-low-income, low-income and moderate-income families and/or elderly households as determined by the most recent calculation of the U.S. Department of Housing and Urban Development for the Boston Metropolitan Area.

4.7.2.2 For non-residential use, the following provisions shall apply:

a Allowed Non-Residential Uses:

1 Professional or administrative offices;

2 Research and development uses including ancillary office use and electronic and computer laboratories, but not ancillary manufacturing or activities which possess, use, or transfer licensed nuclear material (including source materials, special nuclear materials, or by-product materials as defined in Title 10, Chapter 1, of the Code of Federal Regulations, Part 20, "Standards for Protection Against Radiation"), genetically engineered or biohazard materials, or other toxic or hazardous materials;

3 Child care facility and/or elder care facility;

4 Any other use allowed by right or permitted by Special Permit in the underlying zoning district.

b No use involving manufacturing, assembly, or sale or resale or storage for sale or resale of any goods, items, or material shall be allowed.

c No enlargements of any type to the existing building, no additional building or buildings of any type, and no enclosed storage of any kind outside the existing building shall be allowed on the site.

d Except for the existing building, access ways, walkways, required parking and loading spaces, and reasonably necessary other impervious surfaces, the entire site shall be kept as open space. To the greatest extent possible such open space shall be left in its existing condition or improved so as to be appropriate in size, shape, dimension, location,

and character to assure its proper functioning as an amenity for both the site and the surrounding area.

4.7.2.3 For mixed use development, the following provisions shall apply:

a The density and dimensional standards of Section 4.7.2.1 shall apply;

b Allowed mixed uses may consist of any of the following uses, singly or in combination:

1 Residential;
2 Housing for the elderly;
3 Child care facility;
4 Elder care facility;
5 Medical clinic and ancillary offices and facilities;
6 Public and Quasi-Public Uses as set forth in Section 4.2.2, Table of Uses.

4.7.3 <u>Municipal Building Reuse Special Permit</u>

The Board of Appeals as the Special Permit Granting Authority may grant a Municipal Building Reuse Special Permit for the rehabilitation and utilization of buildings and the lot on which they are situated in a Municipal Building Reuse District, consistent with the uses permitted in Paragraph 4.7.1, provided that as a result of the Special Permit process the following criteria are met:

a Access

There shall be adequate provisions for safe access for pedestrian and motor vehicles and for emergency services to the building and the land on which situated.

b Parking

There shall be adequate numbers of off-street parking spaces and loading and unloading spaces to conform to the provisions of Section 6.0. and its sub-sections. Exceptions may be granted by the Special Permit Granting Authority to allow for up to 20 percent of the parking spaces to be lesser in size (8' in width and 12' in length) for compact automobiles. Parking may be located in any yard area approved by the Special Permit Granting Authority.

c Utilities

The building shall be tied into municipal water and sewer services. All utilities must be adequate to serve the intended use.

d Site Plan Approval

The Community Planning and Development Commission grants Site Plan Approval (with or without conditions) pursuant to Section 4.7.5.

e Signs

All proposed signs shall comply with Section 6.2. and its subsections, excepting that if the building and land on which situated are located in a single family (S-10, S-20 or S-40) district, the Special Permit Granting Authority may permit a sign of no larger than 15 square feet which identifies only the building and occupants.

f Uses

The proposed use is not detrimental to the public good.

4.7.4 <u>Special Permit Application Process</u>

A person may make application to the Board of Appeals as the Special Permit Granting Authority for a Municipal Building Reuse Special Permit in compliance with all of the conditions contained in Section 4.7.3: Site plan approval must be obtained from the Community Planning and Development Commission under Section 4.7.5 prior to the time when application is made to the Special Permit Granting Authority under this Section. Submitted with the application shall be one or more site plans and specifications, prepared, signed and sealed by a registered land surveyor, registered professional engineer or registered architect which shall indicate the following:

a Size: Dimensions and boundaries of the lot and existing building on that lot.

b The proposed location and nature of all exterior structural changes intended for the existing buildings on the lot and any accessory buildings.

c The distance between each structure on the lot and all buildings located within three hundred feet.

d The proposed parking and driveway layout, including curb-cut locations, profiles and drainage design.
e Any proposed grade changes to the lot and any retaining wall design.
f The location of any zoning boundaries and zoning overlay districts on the parcel.
g The existing and proposed interior layout of all buildings on the lot.
h A table showing the number of proposed residential units, square feet of floor areas; the number of off-street parking spaces and loading and unloading spaces proposed on the plan.
i Proposed plantings and landscaping and buffer areas proposed.
j The drainage design of the proposal, including appropriate calculations.
k The sewer, water, hydrant and other utilities systems layout designs.
l The location, size and design of any proposed signs.
m The proposed exterior lighting.
n A locus plan showing the location of the lot in relation to the surrounding area.

At the time of filing, the applicant shall submit copies of all such plans also to the Community Planning and Development Commission, Board of Health, Board of Selectmen, Department of Public Works, Conservation Commission, Historical Commission, Reading Municipal Light Board, Reading Housing Authority, Fire Chief, Police Chief, and other appropriate authorities in order to allow such Boards, Commissions, Committees, Authorities and persons to make appropriate recommendations to the Board of Appeals.

4.7.5 Municipal Building Reuse Site Plan Review

In order to provide also for a detailed design review as to any reuse of municipal buildings located within a Municipal Building Reuse District and for which a Municipal Building Reuse Special Permit is being sought, there shall be a Site Plan Review by the Community Planning and Development Commission. Eight copies of the plans as described in Section 4.7.4 shall be submitted to the Community Planning and Development Commission when application is made for Site Plan Review. The Community Planning and Development Commission shall, as a minimum, take into consideration the following matters:

a Arrangement, design, appearance and dimensions of proposed building changes, existing and new structures, all exterior lighting, and all screening and landscaping features, including, but not limited to, fences, walls, plantings, drives and walks;
b The driveway layout, having in mind public safety and convenience and safety of vehicular and pedestrian movement within the site and the relationship to adjacent ways and lands; c The configuration of parking spaces in relation to proposed use of the premises;
d Adequate waste disposal and surface and subsurface water drainage.

The Community Planning and Development Commission shall invite the Building Inspector, Conservation Commission, Historical Commission, Department of Public Works, Board of Health, Police Department, Fire Department and other appropriate authorities to review the proposal and make recommendations to the Community Planning and Development Commission. The Community Planning and Development Commission shall have the power to approve, disapprove, approve with conditions or suggest modifications or recommendations to the plan or to any subsequent reviews to the plan. Any disapproval shall indicate what modifications to the plan would make it acceptable to the Community Planning and Development Commission. This power shall in no way eliminate, decrease or abrogate the powers of any other board, committee, commission or other authority having legal jurisdiction. It shall be the duty and responsibility of the applicant to secure any and all permits, licenses and approvals necessary to the project. Copies of the detailed decision of the Community Planning and Development Commission shall be transmitted to both the applicant and the Zoning Board of Appeals within thirty days after said Commission closes the public hearing for Site Plan Review.

4.7.5.1 Upon submission for site plan review, the Community Planning and Development Commission shall hold a public hearing thereon, within thirty days after the date of submission, advertised in the same manner as public hearings for Special Permits.

4.8 Aquifer Protection District

4.8.1 Purpose of District

The purpose of this Aquifer Protection District is to:

4.8.1.1 promote the health, safety, and general welfare of the community by ensuring adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Reading;

4.8.1.2 preserve and protect existing and potential sources of drinking water supplies;

4.8.1.3 conserve the natural resources of the Town of Reading; and

4.8.1.4 prevent temporary and permanent contamination of the environment.

4.8.2 Scope of Authority

The Aquifer Protection District is an overlay district superimposed on the underlying zoning districts which shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses which fall, wholly or partially, within such Aquifer Protection District. Uses prohibited in the underlying zoning districts shall not be permitted in the Aquifer Protection District.

4.8.3 Definitions

For the purposes of this section, the following terms are defined below:

Aquifer: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

Aquifer Protection District: The zoning district defined to overlay other zoning districts in the Town of Reading. The aquifer protection district may include specifically designated recharge areas.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation of surface water to penetrate directly into the soil. Impervious surfaces shall include all roofs, decks, driveways, parking areas, roadways and walkways, regardless of the proposed surface material. Excluded from this definition are decks that are constructed with open joints between the floorboards, and where the surface underneath the deck is not impervious;

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Potential Drinking Water Sources 2: Areas which could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone II and Zone III.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Reading. Toxic or hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Law Chapter (c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

4.8.4 Establishment and Delineation of Aquifer Protection District

The Aquifer Protection District is delineated and established on a 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. Such map is hereby made a part of the Town of Reading Zoning Bylaw and is on file in the office of the Town Clerk and the Building Inspector’s Office.

4.8.5 Boundary Disputes

If the location of the District boundary in relation to a particular parcel is disputed, resolution shall be accomplished by the owner(s) filing a Special Permit application with the Special Permit Granting Authority (SPGA), the Reading Zoning Board of Appeals. Any application for a special permit for this purpose shall be accompanied by adequate documentation. The burden of proof shall be upon the owner(s) of the land to show where the boundaries should be located. At the request of the owner(s), the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the districts with respect to individual parcels of land and review the documentation presented by the owner(s). The SPGA may charge the owner(s) for the cost of such investigation.

4.8.6 Use Regulations

In the Aquifer Protection District, the following regulations shall apply:

4.8.6.1 Permitted Uses

The following uses are permitted within the Aquifer Protection District, provided that all necessary permits, orders, or approvals required by local, State or Federal laws are also obtained:

4.8.6.1.1 conservation of soil, water, plants and wildlife;

4.8.6.1.2 outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;

4.8.6.1.3 foot, bicycle and/or horse paths and bridges;

4.8.6.1.4 normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;

4.8.6.1.5 maintenance, repair, and enlargement of any existing structure, subject to Section 4.8.6.2;

4.8.6.1.6 residential development, subject to Section 4.8.6.2;

4.8.6.1.7 farming, gardening, nursery, conservation, forestry, harvesting and grazing, subject to Section 4.8.6.2;

4.8.6.1.8 construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts and tunnels;

4.8.6.1.9 Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot or parcel, whichever is greater, unless a system of artificial recharge of precipitation is provided;

4.8.6.1.10 When artificial recharge is required to meet the limitation established in Section 4.8.6.1.9, a system for the recharge of precipitation shall be provided that will not result in the degradation of groundwater quality. Recharge plans shall comply with the DEP Stormwater Guidelines and shall be submitted to the Town Engineer for review and approval;

4.8.6.2 Prohibited Uses

The following uses are prohibited:

4.8.6.2.1 landfills and open dumps as defined in 310 CMR 19.006;

4.8.6.2.2 automobile graveyards and junkyards, as defined in Massachusetts General Law c. 140B, Section1;

4.8.6.2.3 landfills receiving only wastewater and/or septage residuals including those approved by the Department of Environmental Protection pursuant to Massachusetts General Law c. 21, Section 26 through 53; Massachusetts General Law c. 111, Section17; Massachusetts General Law c. 83, Section 6 and 7, and regulations promulgated thereunder;

4.8.6.2.4 facilities that generate, treat, store, or dispose of hazardous waste that are subject to Massachusetts General Law c. 21C and 310 CMR 30.00, except for the following:

4.8.6.2.4.1 very small quantity generators as defined under 310 CMR 30.000;

4.8.6.2.4.2 household hazardous waste centers and events under 310 CMR 30.390;

4.8.6.2.4.3 waste oil retention facilities required by Massachusetts General Law c. 21, Section52A;

4.8.6.2.4.4 water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;

4.8.6.2.4.5 petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983;

4.8.6.2.4.6 storage of Toxic or Hazardous Materials as defined in Section 4.8.3 and liquid petroleum products, with the exception of liquid propane products for normal household use, allowed and used in accordance with all local, state and federal laws and regulations; unless such storage is

a above ground level; and

b on an impervious surface; and

c either

i in container(s) or above ground container(s) within a building; or;

ii outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;

4.8.6.2.4.7 storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

4.8.6.2.4.8 storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

4.8.6.2.4.9 storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;

4.8.6.2.4.10 earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;

4.8.6.2.4.11 discharge to the ground of non-sanitary waste water including industrial and commercial process waste water, except:

a the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

b treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13);

c publicly owned treatment works.

4.8.6.2.4.12 stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

4.8.6.2.4.13 storage of commercial fertilizers, as defined in Massachusetts General Law Chapter 128,Section64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;

4.8.6.2.4.14 underground storage tanks containing Toxic and Hazardous Materials as defined in Section 4.8.3 related to activities in Section 4.8.6.1 except for liquid propane products for normal household use installed and used in accordance with all local, state and federal laws and regulations.

4.8.7 Nonconforming Uses and Structures

Non-conforming uses and structures which were lawfully existing, begun or in receipt of a building or special permit, prior to the first publication of notice of public hearing for this bylaw may be continued. If such non-conforming uses and structures are changed, extended or altered, as specified in Massachusetts General Law c. 40A, Section6 and Section 6.3 of this bylaw, then the use or structure as changed, extended or altered must comply with this bylaw only if the change, extension, or alteration increases the impervious footprint.

4.8.8 Administration Rules and Regulations

This bylaw shall be administered by the Community Planning and Development Commission which shall also have the authority to adopt rules and regulations governing the design of infiltration systems required herein;

4.8.9 Violation Notice

Written notice of any violations of this Section shall be given by the Building Inspector to the property owner as soon as possible after detection of a violation or a continuing violation. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventative measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer/Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner of the premises.

4.9 Planned Unit Development

4.9.1 Statement of Purpose and Authority

The purpose of this Section is to encourage the construction of Planned Unit Developments (PUDs) in designated Districts within the Town. Planned Unit Developments shall:

a Permit a mix of land uses, densities and building types in one development.

b Facilitate high quality, integrated planning of large-scale developments beneficial to the Town and constructed in a manner which is highly responsive to specific sites and their surroundings.

c Require more rigorous development standards than those found in other zoning districts.

4.9.2 Overlay Districts

Planned Unit Development Districts shall take the form of overlay districts covering all or part of Industrial Districts, the Business A District and designated portions of Residential Districts on the Reading Zoning Map. For any land within a PUD District, a Developer may choose to conform either to the zoning regulations which govern the underlying district or to the PUD overlay regulations and procedures set forth by this Section, whose specific provisions shall supersede all other provisions in the Zoning Bylaw with respect to the underlying district including, without limitation, use, intensity, dimensions, parking and site plan review; however, the provisions of any other overlay district shall continue to apply.

Planned Unit Development Districts are overlaid on three zoning districts: Industrial, Business A and Residential Zones. Section 4.9 controls development in this overlay utilizing the following

terms: PUD-I for Planned Unit Development District – Industrial for PUD's overlaid in the industrial zone, PUD-B for Planned Unit Development District - Business for PUD's overlaid in the business zone and designated portions of adjacent residentially-zoned land; and PUD-R for Planned Unit Development District- Residential overlaid in the residential zone. Any reference noted herein to "PUD" generally denotes the requirements and controls are for developments for PUD's in Business, Residential and Industrial zones.

Planned Unit Development-Business District as an Overlay District

A PUD-B District shall take the form of an overlay district covering an underlying Business A District and may include land situated within the S-15 District that was a part of a lot existing on January 1, 2003, a portion of which lot was also in the Business A District, but only as is applied to a specific parcel or parcels through a formal and proper amendment to the Reading Zoning Map. A PUD-B Overlay District may be applied only through action by Town Meeting to amend the Reading Zoning Map placing such land within the PUD-B Overlay District.

4.9.2.1 Definitions

The following terms shall have, for the purposes of this PUD Bylaw, the meanings hereby assigned to them:

a Affordable Housing

Housing units priced to be available for purchase or rental by households with annual incomes that do not exceed eighty percent (80%) of the median annual household income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development and so that the annual housing unit cost to the household does not exceed 30% of the annual gross income of the household.

b Commercial

A use or structure that is used other than for residential, public, quasi-public or heavy industrial purposes.

c Developer

One or more entities proposing together to develop a Planned Unit Development parcel.

d DNA

Deoxyribonucleic acid.

e Existing

In existence at the time of filing a complete Preliminary PUD Plan submission.

f Floor Area Ratio (or "FAR")

In a PUD, the ratio of total gross building floor area in a PUD to the area of the development parcel. Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or nonhabitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in Massachusetts General Law, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR.

g Minor Street

A street used primarily for access to abutting properties or carrying volumes of traffic less than 10,000 vehicles per average day.

h Major Street

A street used for through access and carrying volumes of traffic greater than 10,000 vehicles per average day.

i PUD Bylaw

Section 4.9 of the Reading Zoning Bylaw including all sub- sections thereof.

j Recombinant DNA (RDNA) Technology

The industrial science of molecular construction outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell.

k Residential Street
Any section of a street which lies within a residential zoning district or any section of a street the centerline of which forms a boundary of a residential zoning district.

l Site
The development parcel upon which a PUD is proposed.

m Structured Parking
In a PUD, a parking garage or all or part of building floors above or below grade to be used for automobile parking.

4.9.3 Special Permit for Planned Unit Development

The Community Planning and Development Commission (the "CPDC"), as the Special Permit Granting Authority, shall have authority to grant a Special Permit to construct a Planned Unit Development ("PUD") by a vote of at least four members of the five-member CPDC. The CPDC shall evaluate proposed PUD projects and require all such projects to conform to the Planned Unit Development requirements, standards and guidelines set forth in Sections 4.9.4 and 4.9.5 as to a PUD in the Industrial District ("PUD-I") and as set forth in Sections 4.9.5 and 4.9.6 as to a PUD in a Residential District ("PUD-R") to ensure that the benefits to the Town of a proposed project outweigh any adverse impacts before granting a Special Permit. The CPDC shall adopt and from time to time may amend regulations for the review of PUD Developments as provided in Massachusetts General Law, Chapter 40A, Section 9. The CPDC shall interpret all provisions of this PUD Bylaw and all definitions and regulations pertinent thereto and shall provide such interpretations upon request by an applicant for a Special Permit to construct a PUD.

4.9.3.1 Overview of Special Permit Process

A Developer choosing to construct a Planned Unit Development in a PUD District shall apply for a Special Permit with the Community Planning and Development Commission. The Special Permit process shall include:

a Pre-Application Conference (Optional)
b Preliminary PUD Plan Review
c Final PUD Plan Review

4.9.3.1.1 Alternative Procedure

As an alternative to the provisions of Sections 4.9.3.3, 4.9.3.5, 4.9.3.7, 4.9.3.8 and 4.9.3.10, a Developer may elect to follow an alternative process as specified below:

a Preliminary Plan Submission of Application: The Developer shall submit an Abbreviated Notice of Resource Area Delineation to the Reading Conservation Commission according to Massachusetts General Law, Chapter 131, Section 40 and Reading General Bylaw, Section 5.7., and obtain an Order of Resource Area Delineation relative to the proposed site including an official delineation of any wetlands contained on the site, such delineation to be accurately depicted on development plans subsequently submitted for the site.

b Subsequent to such Order of Resource Area Delineation, the Developer shall request in writing that a joint public meeting of the CPDC and the Conservation Commission to be held with the Developer to review the Developer's proposed development. The Developer shall supply such written and graphic material, in twenty copies, to fully describe and explain the intended development concept, together with potential alternative options, including number, location, and height of buildings, vehicular and pedestrian circulation, parking, landscaping, open space, drainage control, wetlands protection, off-site improvements, and any other features relevant to the development concept.

c Within thirty-five days of a request for a joint public hearing, the CPDC and the Conservation Commission shall hold at least one session of a joint public meeting with the Developer to discuss the development concept and the options, issues, concerns and other matters relative to the proposal. All 'parties of interest' shall be given such notice of this meeting as required for a public hearing under Massachusetts General Law Chapter 40A. Particular attention shall be paid to:

1 Obtaining input from both Commissions simultaneously.
2 Identifying concepts, options and approaches relative to the development, potentially acceptable to both Commissions within their respective purview, authority and responsibilities.
3 Reviewing mitigation measures which meet the concerns of both Commissions.

d Within sixty-five days of the filing by the Developer of a complete Final PUD Plan, the CPDC shall hold a public hearing to consider issuance of a Special Permit to construct a PUD. The Final PUD Plan shall be a definitive plan of the development and contain such information as specified in Section 4.9.3.9 Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PUD Plan conforms with and meets the applicable requirements, standards and guidelines set forth in Sections 4.9.4, 4.9.5, and 4.9.6 in a manner consistent with the concept presented and the Commission's input received according to Paragraph 4.9.3.1.1.b The Special Permit may be granted with conditions, or not granted, or granted by inaction, according to Section 4.9.3.11.

The Final PUD Plan may include application for approval of a proposed subdivision of the site in accordance with the Rules and Regulations Governing the Subdivision of Land in Reading. A separate endorsable Definitive Subdivision Plan meeting the requirements of said Rules and Regulations may be included as part of the Final PUD Plan documents, and the public hearing for consideration of such subdivision plan shall be held by CPDC concurrent with the Special Permit
public hearing referenced herein.

At the Developer's election, the Conservation Commission shall hold at least one session of a public hearing simultaneously with the CPDC Special Permit public hearing referenced herein, for considering the Developer's Notice of Intent relative to the proposed PUD development. The hearing shall be scheduled mutually between the CPDC and the Conservation Commission. The request for such simultaneous public hearing must be accompanied by or preceded by a complete Notice of Intent submission and all relevant application fees in accordance with Massachusetts General Law, Chapter 131, Section 40 and Reading General Bylaw, Section 5.7, and a waiver of the time requirements for the Conservation Commission's holding of a hearing and issuance of an Order of Conditions under said Chapter 131, Section 40 and said General Bylaw, Section 5.7 The Conservation Commission may at its discretion continue sessions of its public hearing to or deliberate an Order of Conditions at places and times independent of the CPDC's public hearing or meetings.

4.9.3.2 Pre-Application Conference

A Developer desiring to obtain a Special Permit to construct a Planned Unit Development may request a Pre-Application Conference with the Community Planning and Development Commission prior to submitting an application for the Special Permit.

The purpose of the Pre-Application Conference shall be to discuss both the Developer's intentions and the CPDC's requirements with respect to the proposed PUD. Although not required, this preliminary meeting is desirable since it should help to clarify many procedural and policy issues.

At the Pre-Application Conference, the CPDC shall discuss with the Developer the process for obtaining a Special Permit to construct a PUD and explain to him/her issues and scopes of studies that should be considered in planning the project, including specific submission items, such as appropriate vantage points for visual analysis and extent of the traffic study area. The need for a three-dimensional model for large projects shall be discussed by the developer and CPDC and a determination shall be made as to whether such a model shall be an application requirement. The CPDC shall review existing studies pertinent to the development and the status of other approved PUDs which should be considered in the Developer's analyses. The Developer may discuss his/her

development concept and range of options concerning development. Any statement at the Pre-Application Conference made by either the CPDC or the Developer concerning potential disposition of a Special Permit application or the final form of the development shall not be legally binding.

The Developer shall not be required to present any written, quantitative, or graphic materials at the Pre-Application Conference. The CPDC shall make available to the Developer at this time any forms required for application for a Special Permit to construct a PUD.

4.9.3.3 Special Permit Application

A Developer who wishes to apply for a Special Permit to construct a PUD shall submit to the CPDC an application including a Preliminary PUD Plan submission for the entire proposed project. If the Developer of the PUD comprises more than one entity, all participating entities shall be signatories to the Special Permit application. Two copies of the Preliminary PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk's Office and Reading Public Library. Any three-dimensional model of the proposed project as may be required shall be displayed at a suitable public building within the Town.

The CPDC shall require a Submission Fee sufficient to cover consultant fees and any other costs associated with reviewing the Preliminary and Final Plan Submissions. The fee amounts shall be as specified in the CPDC's "Fee Schedule for Site Plan Review Process."

4.9.3.4 Preliminary Plan Submission

The Preliminary PUD Plan shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the CPDC and amended by it from time to time in accordance with Massachusetts General Law, Chapter 40A, Section 9.

4.9.3.5 Town Review

Between the date a Developer submits a complete application for a Special Permit to construct a PUD and the date of the first Public Hearing, the CPDC may distribute the Preliminary PUD Plan for review to Town Departments, elected and appointed Town Boards, and such professional planning, architecture, and engineering consultants as the CPDC deems appropriate and whose fees are paid for by the developer. All comments on the Preliminary PUD Plan shall be submitted in writing to the CPDC before the scheduled date of the first Public Hearing. All written comments shall be made a part of the public record on the application for a Special Permit and shall remain a public record.

4.9.3.6 Public Hearing

Within 65 days of the date of receipt of a complete application for a Special Permit to construct a PUD, the CPDC shall hold a Public Hearing. The purpose of the Public Hearing shall be to solicit public comments concerning the proposed PUD application.

4.9.3.7 Action on Preliminary Plan

Within 21 days after the opening of said Public Hearing, the CPDC shall make a determination concerning the Preliminary PUD Plan. The developer shall submit a final PUD Plan, as specified in Section 4.9.3.9.

4.9.3.8 Public Improvements Compensation

When reviewing a Developer's Preliminary PUD Plan, the CPDC shall analyze the proposed PUD to determine what if any extraordinary public improvements are necessary to accommodate or service the project. The Developer shall be required by the CPDC to provide such needed improvements at no cost to the Town, or alternatively, to offset the expense of such improvements to be provided by the Town. The CPDC shall engage a

consultant, at the expense of the applicant to estimate the costs of any such improvements. Such estimate shall be reviewed by the Reading Public Works Director and the Town Engineer.

4.9.3.9 Submission of Final Plan

The Final PUD Plan shall be a definitive plan of development with design sufficiently developed to provide the basis for the CPDC's determinations regarding the requirements, standards, and guidelines of this PUD Bylaw, and shall include a complete set of written, quantitative, and graphic materials in the appropriate number according to the PUD Plan Submission Regulations adopted by the CPDC and amended by it from time to time in accordance with Massachusetts General Law, Chapter 40A, Section 9. The Final PUD Plan shall be consistent with the Preliminary PUD Plan except for changes by amendment or in accordance with comments of the CPDC on the Preliminary PUD Plan and shall satisfy all such comments. Two copies of the Final PUD Plan shall remain available to the public during the application process and shall be located in the Town Clerk's Office and the Reading Public Library. Any three-dimensional model of the proposed project as may be required shall be displayed at a suitable public building within the Town.

4.9.3.10 Additions or Amendments to the Preliminary Plan

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the CPDC according to Sections 4.9.3.13 and 4.9.3.14 Minor additions or amendments shall be authorized by written approval of the CPDC. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in Section 4.9.3.12. The CPDC shall decide whether proposed changes are major or minor.

4.9.3.11 Decision on Final Plan

The CPDC shall consider issuance of a Special Permit to construct a PUD in accordance with the Final PUD Plan. Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PUD Plan conforms with and meets the applicable requirements, standards, and guidelines set forth in Sections 4.9.4, 4.9.5, and 4.9.6 The CPDC may grant the Special Permit with conditions, and the conditions shall be agreed to in writing by the Developer before the Special Permit is granted. If not granting a Special Permit to construct a PUD, the CPDC shall make its final decision in writing and shall specify its reasons for denial. If the CPDC makes no decision after the close of the Public Hearing, then the Final PUD Plan shall be considered approved and the Special Permit to construct a PUD shall be deemed granted.

4.9.3.12 Amendments to Final Plan

After approval of the Special Permit by the CPDC, the Developer may seek amendments to the Final PUD Plan. Amendments to the Final PUD Plan shall be considered major or minor. Minor amendments, as specified in Section 4.9.3.13 shall be authorized by written approval of the CPDC. Major amendments, as specified in Section 4.9.3.14 shall be grounds for reconsideration of the Special Permit to construct a PUD and shall be reviewed subject to procedures specified above in Sections 4.9.3.4 through 4.9.3.12, as applicable. Denial of a proposed major amendment shall not invalidate the Special Permit to construct a PUD in conformance with the previously approved Final PUD Plan.

4.9.3.13 Minor Amendments

Minor Amendments are changes which do not substantially alter the concept of the approved PUD in terms of floor area ratio, use, height, provision of open space, or the physical relationship of elements of the development. Minor amendments shall include, but not be limited to the following: small changes in floor area, mix of uses, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets on-site.

4.9.3.14 Major Amendments

Major Amendments represent substantial deviations from the PUD concept approved by the CPDC. Major amendments shall include but not be limited to the following: large changes in floor area, mix of uses, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including the number and location of access ways.

4.9.3.15 Development Schedule

The Developer shall begin construction of the PUD within 24 months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in Massachusetts General Law, Chapter 40A, Section 9) in reasonable conformance with the development schedule submitted with the Final PUD Plan. The CPDC shall grant in writing an extension of this time period of up to an additional 24 months upon determination of good cause. If the Developer fails to commence construction of the PUD within 24 months plus any approved extension period, the Special Permit shall lapse.

4.9.3.16 Phased Development

If a phased development is proposed by the Developer, the Final PUD Plan shall contain all required written, quantitative, and graphic information necessary to evaluate the proposed PUD as a whole and to serve as a basis for granting the Special Permit, plus a final Development Schedule for the completion of the PUD indicating the proposed dates and scope of work to be accomplished in each phase. Site improvements may be phased only in conformity with the phasing schedule included in the approved Final PUD Plan, and only to the extent that all requirements, standards, and guidelines of this PUD Bylaw are met in each phase. The initial phase shall include at a minimum the site improvements necessary for one or more buildings and may, at the Developer's option, include one or more buildings.

Deviations from the Final PUD Plan in any phase shall be designated a major or minor amendment to the Final PUD Plan by the CPDC and treated as such according to Section 4.9.3.13.

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the CPDC shall grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with Section 4.9.3.13.

4.9.3.17 Conformity with PUD Plan and Special Permit

The CPDC shall include as a condition to all Special Permits granted for construction of PUDs that no construction of a PUD or any phase thereof may be authorized until the CPDC has reviewed and approved a Design Submission for work to be done, such submission to include architectural, site, and landscape design documents, sufficiently developed to permit review of conformance to the Final PUD Plan and Special Permit conditions, in accordance with the PUD Plan Submission Regulations of the CPDC.

If deemed necessary by the CPDC, a Public Hearing may be held for review of any Design Submission. Design Submissions shall be reviewed by the CPDC solely for conformity with the Final PUD Plan, with Special Permit conditions, and, only to the extent not already reviewed and approved, with the requirements, standards, and guidelines applicable to the construction of the phase in question. If the CPDC makes no decision upon a Design Submission within 90 days of receipt of all required materials,

said Special Permit condition shall be deemed to be satisfied regarding said PUD or phase thereof.

The CPDC shall adopt regulations requiring one or more of the following in amounts and duration sufficient to guarantee that all commitments in the approved PUD Plan to provide public improvements or to take other actions are properly completed: performance bonds, deposit of money or negotiable securities with the Town, or a satisfactory agreement with a lending institution to retain funds pending completion of such improvements or actions. If a PUD Plan is being developed in phases such guarantees may be provided in the discretion of the CPDC in increments relative to the phases being developed.

If, for any PUD or construction phase thereof, the CPDC finds that either the Developer has failed to begin development within the specified time period, including any approved extension period, or that the Developer is not proceeding in conformity with the Special Permit, then the CPDC may, after 60 days from written notice (and any additional period which the CPDC may deem necessary so as to provide the Developer reasonable opportunity to cure any deficiencies), revoke the Special Permit as it applies to the phase of construction at issue, and/or require that the Developer amend the Final PUD Plan subject to procedures specified in the Amendments to Final PUD Plan, Section 4.9.3.13. If the CPDC revokes the Special Permit for the PUD then the Final PUD Plan shall be null and void as it applies to the phase of construction at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan. The provisions of this paragraph are additional to the Reading Building Inspector's powers of enforcement under the Zoning Bylaw and Massachusetts State Building Code.

Upon satisfaction of all applicable Special Permit conditions, the CPDC shall issue a certificate of compliance for one or more PUD phases. No certificate of occupancy shall be issued for a given PUD-I phase until a certificate of compliance has been issued.

4.9.4 Use and Dimensional Requirements at PUD-I

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD-I projects shall adhere within each PUD-I overlay district and shall be used by the Community Planning and Development Commission to evaluate any proposed project.

4.9.4.1 PUD-I Parcel Size and Eligibility

The minimum size of a PUD-I development parcel shall be 80,000 square feet. Development parcels of 500,000 square feet or larger shall be termed "large PUD-Is" and qualifying parcels smaller than 500,000 square feet shall be termed "small PUD-Is."

A development parcel may consist of land in more than one ownership, provided that all lots comprised by the parcel lie entirely within the PUD-I overlay district and are contiguous. Lots separated by a minor street or right-of-way as defined in Section 4.9.2.1 may be considered contiguous for this purpose.

Proposed developments may include pre-existing buildings provided that all PUD-I requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot, Section 5.2.8 notwithstanding.

4.9.4.2 PUD-I Permitted Uses

Planned Unit Developments in an Industrial District may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

a Office use;

b Research and Development uses, such as electronic or computer laboratories; biotechnology laboratories including those which utilize RDNA technology and low-level

nuclear materials; light manufacturing related to electronic or computer laboratories or biotechnology laboratories including those which utilize RDNA technology and low-level nuclear materials, but excluding activities which exclusively possess, use or transfer licensed nuclear materials (including source materials, special nuclear materials, or by-product materials as defined in Title 10, Chapter 1 of the Code of Federal Regulations, Part 20, "Standards for Protection Against Radiation"), or other toxic or hazardous materials;

c Hotel;

d Restaurant (with no drive-thru service), place of assembly, and recreational use;

e Retail;

f Financial institution;

g Consumer service, ancillary to a permitted primary use pursuant to this Section 4.9.4.2.;

h. Parking (including structured parking) to accommodate the above;

i Residential uses within 200 feet of Residence Districts;

j Open space.

All other uses are excluded from a Planned Unit Development in an Industrial zone.

4.9.4.3 PUD-I Intensity of Use

The permitted intensity of use in a PUD-I development shall be expressed as the ratio of total gross building floor area to the area of the development parcel (Floor Area Ratio or "FAR"). Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility space on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in Massachusetts General Law, Chapter 131, Section 40, as amended, may not exceed 10% of the development parcel area used to compute FAR. The basic allowable FAR for PUD-I developments is 0.50 for small PUD-Is and 0.55 for large PUD-Is.

4.9.4.4 PUD-I Discretionary Intensity and Height Determination

The CPDC may approve additional FAR above the basic ratio for small or large PUD-Is and additional height above the basic limit if it finds in applying the criteria of Section 4.9.4.5 that the net benefits to the Town are thereby increased.

The CPDC may in no case increase the permitted Floor Area Ratio beyond 0.65 for small PUD-Is and 0.70 for large PUD-Is nor may it increase permitted height beyond the maximum limitations of Section 4.9.4.6.

4.9.4.5 Criteria for Determining Increased Development Intensity and Height in a PUD-I District

The basic allowable intensity of use may be increased in a PUD-I if the CPDC finds that provision of one or more of the following public improvements or amenities provides substantial public benefits. The additional building area permitted should be commensurate with the quality and value to the Town of one or more of the following improvements and amenities:

a Significant improvement of the environmental condition of a site;

b Provision of or contribution to off-site public facility improvements which enhance the general condition of the district and surrounding areas;

c Dedication of open space or recreational facilities for use by the general public;

d Provision of open space beyond 15% of the parcel area, or of outdoor recreational facilities for use by a PUD-I project's occupants or by the general public, and of sufficient size and quality to offset fully any adverse aesthetic effects of proposed parking garages;

e Work with other owners and tenants of a PUD-I overlay district to develop and achieve district wide and adjacent neighborhood improvement goals;

f Provision of public art, distinctive and appropriate design, or other amenities that a Developer may propose which will provide unique advantages to the general public or contribute to achieving Town-wide improvement goals;
g Provision of low or moderate income or elderly housing within the PUD-I in conformance with this PUD-I Bylaw and/or off site in a manner acceptable to the Reading Housing Authority.

4.9.4.6 PUD-I Dimensional Requirements

Each PUD-I development shall be governed by the dimensional requirements of this section. These requirements apply only to the development parcel as a whole, not to individual lots within the PUD-I.

The basic maximum height within a PUD-I shall be the lesser of 84 feet or six stories. Height shall be measured in the manner defined in Section 2.0. of this Bylaw.

The maximum height of residential structures within a PUD-I shall not exceed 40 feet or three stories. If 10 percent of such units are restricted for low or moderate income or elderly housing, the maximum height of all proposed residential structures shall not exceed 50 feet or four stories.

In a large PUD-I, the CPDC may in its discretion and in accordance with Section 4.9.4.4 approve building heights up to 168 feet or 12 stories, whichever is less, subject to the following limitations:
a Buildings with over eight stories may not contain in aggregate more than one third of the total gross floor area of the PUD-I;
b At least one third of the gross floor area of the PUD-I shall be contained in buildings with six stories or lower;
c Only one building over 10 stories may be built for every 1,000,000 square feet of PUD-I parcel area;
d Buildings shall be oriented and arranged to provide the best overall appearance from important vantage points, which may be identified in a Pre-Application Conference;
e The increase in permitted height may not have any significant adverse effect on the PUD-I Overlay District, adjacent residential districts or abutting property.

However, the CPDC shall in no case approve building heights above the basic maximum height for any Planned Unit Development-Industrial in the area bounded by the MBTA railroad right-of-way and by the lots fronting on Ash Street.

4.9.4.6.1 PUD-I Setbacks and Buffers

All non-residential buildings shall be located at least 50 feet from the boundary of the PUD-I parcel. All non-residential buildings shall be located at least 150 feet from residential structures in existence at the time of Preliminary PUD-I Plan submission.

All residential buildings within a PUD-I shall be at least 30 feet from the parcel boundary but no further than 200 feet from a Residential District. There shall be a landscaped and/or naturally vegetated buffer at least 50 feet wide where the development parcel abuts residential properties. Alternatively, where residential uses occur in the PUD-I, a landscaped and/or naturally vegetated buffer at least 30 feet wide
shall be provided.

Along major arterial streets, as defined in Section 4.9.2.1, buildings shall be set back at least 75 feet (or the height of the building if greater than 75 feet), and a landscaped and/or naturally vegetated buffer at least 50 feet wide shall be provided along such major streets, except where site entrances occur.

No buffer may contain parking or paved surfaces except for pedestrian paths and site entrances. Between 9 00 a.m. and 3 00 p.m. (EST) from February 21 to October 21,

no building may cast a shadow on any residential structure in existence at the time of Preliminary PUD-I Plan submission.

A PUD-I shall set aside at least 15% of its total parcel area as required open space; additional open space will be considered in proposed development intensities in excess of the basic permitted FAR and height.

Required Open Space shall have a minimum dimension of 20 feet (which may include the dimension across a water body) and shall be open to tenants and customers within the PUD-I; access by the general public is desirable and will be considered in proposals for additional development intensity and height.

A PUD-I which includes residential use shall delineate the area of residential use and shall set aside at least 25% of the site within this area as open space available to and usable by the occupants of the residential units.

Required Open Space may include:
a Wetlands and water bodies, including the normal water surface area of detention or retention ponds up to 50% of the required open space area;
b Vegetated/landscaped area, including buffers;
c Pedestrian paths, sidewalks, and covered walkways;
d Public plazas and hard surfaced recreation areas.

4.9.5 Environmental Standards and General Development Guidelines

In addition to conforming to the Use and Dimensional Requirements governing all PUD Overlay Districts, approval of a Special Permit to construct a PUD shall be granted also upon determination by the Community Planning and Development Commission that a proposed PUD satisfies the following criteria; in any disapproval of a PUD, the CPDC shall state in writing the specific reasons for its finding that the proposed PUD does not satisfy one or more of the criteria. Mitigation measures proposed by the Developer, at no cost to the Town, shall be considered. Mitigation measures may include, among other options the advancement or contribution to long term capital improvement projects.

The following is the criteria CPDC shall use in making such satisfactory determinations:
a That it conforms as appropriate to the existing policy plans established by the Town Meeting, Selectmen, and CPDC for the specific area of the Town in which the proposed PUD is located.
b That there is no significant adverse effect under any of the following:
- **1** Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PUD Overlay District, adjacent residential districts, and the Town of Reading as a whole;
- **2** Traffic flow and safety in the context of this and other proposed developments in the PUD Overlay District and sensitive nearby areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference;
- **3** Water quality, air quality, wetlands, and the natural environment;
- **4** Provision of open space;
- **5** Adequacy of utilities and other public works and impact on existing public facilities within the Town; and
- **6** Potential fiscal impact to the Town of Reading.

c That approval of the proposed PUD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

4.9.5.1 Environmental Standards

A PUD shall conform in each phase to all applicable federal, state, and local laws and regulations (including all such regulations established by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection) regarding the environment such as those concerning noise, air quality, wetlands, water quality, and protection from flooding.

4.9.5.2 Transportation, Site Circulation and Parking

No vehicular access (except for emergency vehicles and structured parking access) shall be allowed between the portion of a Planned Unit Development used for non-residential purposes and any residential street. Safeguards shall be imposed by the CPDC to prohibit or minimize commercial traffic access across residential areas. Dwellings built pursuant to a PUD-R Special Permit and which are located within 300 feet of a Town Boundary shall be accessed through the abutting municipality to the extent lawful and feasible as determined by the CPDC.

4.9.5.2.1 Significant Traffic Impact

The CPDC may not approve a proposed PUD which in its opinion has significant adverse traffic impact, as determined following examination by the CPDC of the Developer's traffic analysis and any other traffic analysis of the affected area available to the CPDC which is germane to the proposed PUD. In making its determination, the CPDC shall consider the feasibility of any capacity improvements and mitigating measures proposed to be provided by the Developer at no cost to the Town. In making such determinations, the full traffic impact of all other previously approved and valid permits shall be considered, regardless of project phasing. Without limitation, the determination of significant adverse impact shall consider traffic volumes, speeds, and resulting levels of service on residential streets, approaches to the site of the proposed PUD, and other key locations, all of which may be identified in a Pre-Application Conference.

4.9.5.2.2 Transportation Plan

The PUD Developer shall prepare an acceptable Transportation Plan aimed at reducing traffic congestion through means such as spreading peak hour traffic, encouraging public transportation use and ride sharing. The Plan shall include transportation goals and specific means to achieve them, such as employment of a Transportation Coordinator to facilitate proposed actions; provision of shuttle bus service to public transportation; van-pooling programs; and flex-time requirements. The Plan shall to the extent feasible include provisions to establish a mechanism for participation in the Plan by subsequent owners and tenants of the PUD, and the Developer shall guarantee sufficient financing of the Transportation Plan to initiate and continue its operation through the first year of PUD occupancy. Developers may arrange to coordinate their plans and share in the cost of such measures on an area wide basis.

4.9.5.2.3 Site circulation shall meet accepted design standards for private automobiles, service vehicles, and emergency vehicles.

It is highly desirable to consolidate access to PUD's in a small number of widely spaced principal access points, which may be driveways or Town-accepted side streets lying entirely within the PUD Overlay District. Principal access should be consolidated in as few locations as possible and, if feasible, it is desirable for adjacent developments to share principal access. Principal access points generally should be spaced and aligned or alternated according to good traffic engineering practice, and should be signalized if necessary.

4.9.5.2.4 Parking should be provided in at least the following ratios through each phase of development, unless the CPDC determines that a larger number of spaces are dictated by special circumstances:

a For office and research and development uses, and uses ancillary to them, three parking spaces per 1000 gross square feet of floor area;

b For hotels and customary uses within them, one parking space per rentable room or suite;

c For residential uses, two parking spaces per unit, which parking spaces may be stacked (one space being located directly behind the other) to a depth of two spaces if serving the same residential unit. The CPDC may allow shared parking on adjacent

premises to count towards the residential parking require-ment, if the CPDC determines that such shared parking meets the criteria in Section 4.9.5.2.5;

d For places of assembly, one parking space per four seats;

e For restaurants, one parking space for every four persons of the rated seating capacity of the facility, plus one parking space for every employee on the largest shift;

f For retail uses, one parking space per three hundred square feet of gross sales floor area;

g For financial institutions, one parking space for each one hundred square feet of floor area devoted to general banking services for public uses, including area for automatic teller machines, plus one parking space for each two hundred and fifty square feet devoted to office use, plus stacking lanes for six cars at each drive-thru, plus one bypass lane for the drive-thru area.

Ancillary uses should not normally require additional parking spaces.

Loading requirements shall be determined based on activity analysis provided by the Developer.

Parking stall size shall be at least 8.5 by 18 feet, with provision for larger spaces as required by the CPDC to accommodate short term parking, handicapped and large vehicles. Parking lots shall be landscaped in conformance with Section 4.9.5.5.6.

4.9.5.2.5 Shared parking may be approved by the CPDC as part of the PUD decision subject to the following criteria:

a Shared parking areas must be shown on a plan, be definable, be separated by topography from other shared parking areas, and be in close proximity to the uses they serve;

b Parking needs between the uses sharing parking areas shall be shown by the applicant to be different in terms of the times of the peak needs with little overlap of such peak needs;

c The number of parking spaces for a shared parking area shall be at least the required number for the larger of the needs;

d An executed lease or other form of agreement between or referencing the parties sharing parking must be filed with the CPDC and the Town Clerk prior to issuance of a building permit for the uses sharing the parking, such agreement shall be approved as to form, only, by Town Counsel;

e If uses, or parties in interest noted in subsection d. above, change for the areas delineated on the PUD plan, then a modification subject to the requirements of Section 4.9.3.14. shall be filed and decided upon by the CPDC prior to the issuance of building permits for the proposed areas.

4.9.5.2.6 Roadways within a PUD shall be constructed in conformance with standards established by the Reading Department of Public Works. The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in “Recommended Practices for Subdivision Streets” prepared by the Institute of Traffic Engineers (1965).

4.9.5.3 Public Works Standards

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers and other public improvements, shall be constructed according to the standards of the Reading Public Works Department and other appropriate departments.

4.9.5.4 Control of Runoff and Flooding

The Developer shall demonstrate that, as compared with the situation that would exist on the site without the PUD, no phase of the proposed PUD will result in an increase in the peak rate of storm run-off at the parcel boundary for the PUD as a whole for the 25, 50, and 100 year design storms, and that there will be no net loss in flood storage capacity

for the 100 year design storm. In making such determinations, any state or local orders or requirements that apply (for example, required closure of landfills or existing Orders of Conditions under the Wetlands Protection Act) shall be assumed in the calculations of runoff and flood storage without the PUD, but alternative forms of development shall not be assumed.

4.9.5.5 Design Quality

Project design shall be reviewed by CPDC with input from Town officials, the review consultant(s) employed by the CPDC, and other property owners in the PUD Overlay District. The following are to be interpreted as guidelines to be applied flexibly by the CPDC and as appropriate to the situation under review, including factors such as foundation conditions and other extraordinary constraints. These guidelines apply to all site improvements, buildings and structures, including structured parking facilities.

4.9.5.5.1 Building Placement

a Provide and preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods.

b Avoid regular spacing and building placements that will be viewed as continuous walls from important vantage points, which may be identified in a PUD Pre-Application Conference.

4.9.5.5.2 Building Massing/Articulation

a Avoid unbroken building facades longer than 100 feet.

b Provide human scale features, especially at street level.

c Avoid unarticulated and monotonous building facades and window placement.

4.9.5.5.3 Roofline Articulation

a Provide a variety of building heights and varied roofline articulation.

b Provide step backs above the fourth level on buildings within 100 feet of major streets.

c In PUDs comprising three or more buildings, and where buildings over six stories in height are proposed, locate taller buildings away from major street and residential uses.

4.9.5.5.4 Building Materials

a Use materials and building treatments that reduce the visibility of buildings from distant vantage points and are compatible with backgrounds and surroundings.

b Use materials and colors compatible with other quality buildings of similar scale in the area.

4.9.5.5.5 Landscape Treatment

a All open areas within a PUD should be landscaped in an appropriate manner utilizing both natural and manmade materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture.

b Deciduous trees should be planted along new and existing streets.

c Plazas, arcades, malls, and similar amenities are encouraged.

d Outdoor lighting should be considered in the landscaping plan and should be designed to complement both manmade and natural elements of the PUD and adjacent areas.

e Intensive, high quality landscaping should be provided within the PUD where it abuts major streets and on internal drives to achieve a boulevard character.

f Landscape treatment should be emphasized on site boundaries facing residential districts.

g Existing vegetation shall be maintained wherever possible to provide buffers and enhance site development.

4.9.5.5.6 Parking Lots

a Parking lots should use landscaping, screening, and terracing to break up large areas of pavement and to enhance the appearance of such areas to the greatest extent feasible, but no less than 5% of the total parking lot area.

b Most parking lot landscaping should have a minimum dimension of five feet.
c Trees and shrubs should be used to the maximum extent feasible.

4.9.5.5.7 Pedestrian Amenities

a Emphasize pedestrian amenities such as covered walkways, landscaped open space, drop-off areas, and recreation facilities such as pedestrian and/or jogging paths along on-site watercourses or which follow a PUD parcel boundary.
b Tree lined or otherwise appropriately landscaped pedestrian walkways should link together areas designated as open space within the boundaries of a site and wherever possible with designated open space throughout a PUD Overlay District.

4.9.5.5.8 Utilities

a To the extent feasible, all utilities should be located underground.

4.9.5.6 Signage

4.9.5.6.1 CPDC will review all allowed signage pursuant to the requirements of Section 4.9.5.6.4 and the following general criteria:

a Signage shall minimally meet the purpose of facilitating public and private convenience and necessity; providing direction and facilitate proper traffic flow; alleviating congestion on public streets; providing sufficient access to private lands and businesses; minimizing curb cuts to public streets; or encouraging utilization of fewer (or a single) curb cuts by more than one user.
b Sign scale is appropriate in relation to development scale, viewer distance and travel speed, and sign sizes on nearby structures.
c Sign materials, colors, lettering style and forms are compatible with building design and use.
d Sign content does not overcrowd the background.
e Sign legibility is not impaired by excessive complexity, multiple lettering styles or colors or other distracting elements.
f In cases where access to a public street is pursuant to Massachusetts State Curb Cut, the Massachusetts Highway Department shall be consulted.

4.9.5.6.2 CPDC will review all allowed signage pursuant to the requirements of Section 4.9.5.6.4 and shall use the following additional criteria to determine (unless otherwise provided for in this Section 4.9.5.6) the number, sizes/dimensions, and locations of all signs on the lot:

a The relationship between the size of a building facade(s) with the size of the sign for that building;
b The relationship between the number of tenants with the size of the sign;
c The relationship between the size of a sign and the distance between the structure;
d The relationship of the location of entrance points to the lot from existing roadways, the parking areas, and the internal circulation design to the location and size of signs;
e The relationship of the topography of the lot and existing vegetation on or off the lot as it relates to the siting and visibility of a sign from the adjacent roadways;
f The relationship of the topography of the lot to the siting and visibility of a sign from adjacent residential uses;
g Site distance calculations and motor vehicle traffic and speeds;
h The utility of the sign as it relates specifically to the purposes stated in Section 4.9.5.6.1.a above.

4.9.5.6.3 Overall Signage Requirements

a Signage shall be so designed, located, and sized to meet the minimal requirement of clear direction to the site and through the site.
b No sign, portion of a sign, or structural support for such sign should extend above the lowest point of the main roofline of a building the sign serves in identifying, unless otherwise approved by the CPDC.

c Any lighting of a sign shall be constant (non-blinking), stationary and installed in a manner that will prevent light from falling on any street or adjacent property. Lighting shall be directed solely at the sign, or be internal to the sign. All internally illuminated signs shall have an opaque background or signboard such that illumination shows through only the lettering and/or graphics.

d No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. except signs for businesses open during those hours.

e Signs shall not be designed, colored, or placed to create a hazardous condition for motor vehicle traffic.

f No animated, moving, or flashing signs shall be permitted on the building or in the building so as to be seen from the outside, on the lot or the adjacent lot. Traditional holiday decorations and lights, when in season, are allowed.

g Temporary real estate signs advertising rental, lease, or sale of the property, or part thereof, shall be allowed for each use for up to ninety (90) days by application to the Building Inspector. Such signs shall be set back a minimum often (10) feet from the street line, shall be unlighted and shall not exceed sixteen (16) square feet in area. Renewals of temporary real estate signs shall be allowed by application to the Building Inspector. One such real estate sign per lot, not to exceed thirty-two (32) square feet in area and twelve (12) feet in height shall be allowed, upon application to the Building Inspector, for a period not to exceed the date of the end of the PUD decision appeal period to the date of occupancy of the first phase of the approved PUD development.

h No window signs or any other interior signage that is visible from the outside is allowed.

i Repair and Maintenance - The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure that, in the judgment of the Building Inspector, is dangerous, or in disrepair, or which is erected or maintained contrary to this Bylaw. Such repair or removal shall be the responsibility of the building owner, and must be completed within thirty (30) days of notification by the Building Inspector. Appeals from the Building Inspector's order shall be to the Zoning Board of Appeals.

j Within one hundred and twenty (120) days of the closing of a business, all wording on any sign referencing that business must be painted over or obliterated by the applicant for the PUD special permit and/or the building owner.

k Signs prohibited in Sections 6.2.2.4.a, b and d are prohibited in a PUD. Signs exempted in Sections 6.2.2.5.a, f. and j. are exempted in a PUD.

l Because parking is not allowed in front of the building in a PUD-B development, the CPDC may allow building signage on both the front wall and on the wall of the building facing the parking lot.

4.9.5.6.4 Allowed Signs in the PUD-I

a Freestanding identification ground signs.

1 Identification signs may be placed as a ground sign between the street and the building.

2 If the lot faces on two (2) or more streets/highway, and/or if the lot has more than one entrance from a right of way, one (1) sign serving each street/highway shall be allowed, and one (1) sign per entrance shall be allowed, up to a maximum of three (3) free-standing signs per lot.

b Directional signs, building markers. Such signs shall not exceed four (4) square feet in area, shall not be more than four (4) feet high if placed on the ground, and shall not extend above the roofline, if upon a wall. No advertisement is allowed on this type of signage.

c One wall sign per building or tenant is allowed. For tenants or buildings facing more than one street/highway, one additional sign for that tenant is allowed facing such street/highway.

d For each building within a PUD-I district, signs located at the entry door of specific tenants in a multi-tenant building.

e Signs allowed in Sections 6.2.3.2.i, k and l are allowed in a PUD-I.

4.9.5.6.5 Notwithstanding anything in this PUD Bylaw to the contrary, signage in a PUD-R shall be subject to the following additional limitations: (a) The residential portion of a PUD-R may only have low identification signage of a size and design as is approved by the CPDC, directional signage and such signage as is allowed in the underlying residential district. (b) Commercial signage must be located within 300 feet of a Town boundary and shall only face an interstate highway.

4.9.5.7 Special Requirements for Biotechnology Uses

The following provisions shall apply to any establishment involving the use of biotechnology:

a Biotechnology Exclusion

Any RDNA technology use requiring BL4 level of containment or higher, as classified by guidelines or regulations promulgated by the National Institutes of Health (NIH) of the United States Department of Health and Human Services, including those contained in 46 F.R. 34463-34487 on July 1,1981 as may be amended and 45 F.R. 24968-24971 on April 11, 1980 as may be amended, shall be prohibited.

b Safety Requirements

Any use of RDNA technology shall require compliance with the administrative safety requirements of Section IV-D of the "Guidelines for Research Involving Recombinant DNA Molecules" (46 F.R. 34463-34487) promulgated by the National Institutes of Health on July 1, 1981, as may be amended, including but not limited to the following:

1 Establishment of an Institutional Biosafety Committee (IBC),
2 Development of safety plans and manuals,
3 Appointment of a Biological Safety Officer.

c Permits and Inspections

Any use of RDNA technology within a Zoning Overlay District shall require a Special Permit issued by the Reading Board of Health. Such permit shall be issued upon certification by the IBC that the facility is in compliance with this PUD Bylaw and NIH guidelines. The Board of Health shall conduct annual inspections to ensure compliance. The IBC shall renew certification annually.

d Environmental Surveillance Program

The IBC shall establish medical and environmental surveillance programs in accordance with NIH guidelines and submit such programs to the Board of Health for approval. Such surveillance programs shall ensure compliance with all applicable State and Federal Codes and regulations, and all test results shall be submitted to the Board of Health on a periodic basis. Emergency preparedness training and any associated additional cost, including, but not limited to special biohazard or chemical emergency detection devices, emergency rescue protection suits and ancillary equipment for the Department of Human Services, Fire Department, Police Department and Department of Public Works shall be conducted by facility safety personnel and paid for by the occupant to train and equip Town personnel for emergency response. Such training and equipment shall be paid for by the developer or facility.

4.9.6 <u>Use and Dimensional Requirements as to PUD-R</u>

The following paragraphs shall serve as the basic Use and Dimension Requirements to which all PUD-R projects shall adhere within each PUD-R overlay district and shall be used by the Community Planning and Development Commission to evaluate any proposed project.

4.9.6.1 Parcel Size and Eligibility

The minimum size of a PUD-R development parcel shall be 10 acres. A development parcel may consist of land in more than one ownership, provided that all land comprising the parcel lies entirely within the PUD-R overlay district and is contiguous. Lots separated by a minor street as defined in Section 4.9.2.1 or right-of-way or private way may be considered contiguous for this purpose. Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing

building and for the PUD as a whole. More than one principal building may be located on a lot, Section 5.2.8 notwithstanding.

4.9.6.2 Permitted Uses in PUD-R

Planned Unit Developments in an underlying residential district may contain two or more of the following uses subject to the findings of the CPDC as to net benefit and adverse impacts of the proposed PUD:

a Residential uses including one family dwellings, two-family dwellings town houses and apartments.

b Any or all of the uses allowed in a PUD-I in paragraphs (a), (b), (c), (f) and (h) of Section 4.9.4.2, housing for the elderly, day care facility, elder care facility, nursing home, medical clinic and ancillary offices and facilities, but only if such uses are located within 300 feet of a Town boundary.

c Retail, consumer service, restaurant (with no drive-thru service), and place of assembly and recreational use, but only if such use is located within 300 feet of a Town boundary and is specifically found by the CPDC to be ancillary to or supportive of a permitted use proposed in the PUD-R development.

d Open space: Areas used for open space, yards, buffer areas, private ways, walkways, driveways, parking, recreation areas and areas classified as resource areas in Massachusetts General Law, Chapter 131, Section 40, as amended, and in the Reading Wetlands Bylaw; such open spaces as may be included in determining open space requirements pursuant to Section 4.9.6.4.2.e.

e Recreational Uses

f Public and Quasi-Public Uses as set forth in Section 4.2.2

g All other uses are excluded from a Planned Unit Development in a PUD-R. Adult Uses are expressly prohibited in a PUD-R District.

h To encourage and promote the establishment of those uses permitted in Section 4.9.6.2(b) within portions of a PUD-R district that are within 300 feet of a Town boundary, no two-family dwellings, or multifamily dwellings shall be built pursuant to a PUD-R Special Permit on land that is within 300 feet of a Town boundary for a period of seven years after the adoption of the Zoning Bylaw placing such land within the PUD-R overlay district.

In recognition of increased density and economic benefits to the applicant pursuant to a PUD-R Plan, the CPDC may consider and condition the number and interior layout of bedrooms in each residential unit that are being proposed by the developer in evaluating the criteria pursuant to Section 4.9.5 of this Bylaw.

4.9.6.3 Intensity of Use in PUD-R

4.9.6.3.1 Residential

The basic permitted intensity of the residential use in a PUD-R development shall not average more than six (6) units to the acre for the portions of a PUD-R development that are more than 300 feet from a municipal boundary.

If developed residentially, as per Section 4.9.6.2.h., the basic permitted intensity of residential use in a PUD-R development shall not average more than eleven (11) units to the acre for the portions of a PUD-R development that lies within 300 feet of a Town boundary.

4.9.6.3.2 Uses as described in Section 4.9.6.2 b, c, and f, respectively

The basic permitted intensity of commercial use in a PUD-R development, expressed as the Floor Area Ratio, is 0.55. In order to assist in making this calculation, plans submitted for a PUD-R Special Permit that contain a such use shall show what portion and area of the development parcel will be put to such use. Land under dwellings, residential court yards, residential driveways, non-structured parking areas that serve only residential

uses and roadways that serve only residential uses shall not be counted as part of the development parcel in calculating the FAR.

Areas which have been counted to satisfy the intensity limit for residential use may not be counted also to satisfy the intensity limit for commercial use and areas which have been counted to satisfy the intensity limit for commercial use may not be counted also to satisfy the intensity limit for residential use.

4.9.6.4 Dimensional Requirements

Each PUD-R development shall be governed by the dimensional requirements of this section. These requirements apply only to the subject parcel as a whole, not to individual lots created within the PUD-R.

4.9.6.4.1 Height

The maximum building height within a PUD-R shall be as follows:

a The maximum building height as to a dwelling shall be 30 feet except that a dwelling that is more than 50 feet from the PUD-R parcel boundary may be 35 feet in height and a dwelling that is at least 150 feet from dwellings that are outside of a PUD and in existence at the time of Preliminary PUD Plan submission, may have a maximum height of 40 feet, excepting that a dwelling that is within 300 feet of the Town boundary may have a maximum height of 70 feet.

b The maximum height of a commercial building shall be 72 feet. Height shall be measured in the manner defined in Section 2.0. of this Bylaw.

4.9.6.4.2 Setbacks and Buffers in a PUD-R

a The extent of buffering and setbacks shall in every case be based upon the following criteria as reviewed by the CPDC:

Existing topography
Existing vegetation
Existing and Proposed Structures within and outside the PUD-R district

b Non-residential Setbacks

All non-residential buildings shall be located at least 50 feet from the boundary of the PUD parcel, excepting a boundary which is also the Town boundary. Nonresidential buildings (except structured parking) shall not be located less than 150 feet from dwellings outside of a PUD and in existence at the time of Preliminary PUD Plan submission without the written consent of the owner of such dwellings and shall not be less than 50 feet from dwellings in the PUD parcel. There shall be a landscaped and/or naturally vegetated buffer at least 50 feet wide where a non-residential area of a PUD-R parcel abuts residential properties outside the PUD-R district.

c Shadow Impact

Between 9:00 a.m. and 3:00 p.m. (EST) from February 21 to October 21, no building may cast a shadow on any dwelling outside of the PUD-R parcel and in existence at the time of Preliminary PUD Plan submission.

d Residential Setbacks

All dwellings within a PUD-R shall be at least 20 feet from the PUD-R parcel boundary, which 20 foot strip shall be landscaped and/or naturally vegetated, except that a dwelling that is between 30 and 35 feet in height must be at least 40 feet from the PUD-R parcel boundary (excluding a parcel boundary that is also a Town boundary) and a dwelling that is over 35 feet in height must be at least 50 feet from the PUD-R parcel boundary (excluding a parcel boundary that is also a Town boundary). Natural vegetation shall be preserved in the minimum setback area along the PUD-R parcel boundaries that abut property used for residential purposes as reviewed and determined by CPDC. Buildings within the PUD-R which contain residential units shall be no closer than 15 feet to each other.

e Open Space

A PUD-R shall set aside at least 25% of its total parcel area as required open space. Required Open Space may include wetlands and water bodies; vegetated/landscaped

area, including buffers; pedestrian paths, side-walks, and covered walkways; public plazas and hard surfaced recreation areas. Required Open Space shall have a minimum dimension of 20 feet (which may include the dimension across a water body) and shall be open to occupants within the PUD-R; access by the general public is desirable.

f Recreation Space

A PUD-R that includes land within three hundred (300') of the Town boundary must provide at least 15% of land within three hundred feet (300') of the municipal boundary for recreational uses, such uses being subject to approval of the CPDC.

4.9.6.5 Private Ways

Private ways shall be allowed in a PUD-R development, provided that:

a Site circulation shall meet accepted standards in the judgement of the Town Engineer for private automobiles, service vehicles and emergency vehicles.

b Private way pavement widths shall not be less than twenty four (24) feet. The construction standards for such private ways shall provide sufficient base and surface strength in the judgment of the Town Engineer to support normal vehicular usage, including but not limited to emergency vehicles and delivery trucks, and plowing. The allowable private way grades shall be between 1% and 10% and private ways shall have a minimum centerline radius of 75 feet. Private ways ending in a dead-end shall have a cul-de-sac with a minimum curve radius of forty-five feet.

c A private way in a PUD-R must have adequate, alternative vehicle connectors to other private ways or roadways to provide alternative access for emergency vehicles. Such emergency access connectors may be gated in a manner satisfactory to the CPDC to avoid non-emergency use, but may cross any existing zoning district.

d Drainage and surface runoff are suitably accommodated.

e Ways shall be continuous and, where possible, in alignment with existing ways. All proposed ways shall compose a convenient system with adequate connections to ensure full movement of vehicular travel.

f If adjoining property is not subdivided, consideration shall be given to the possibility of future connections. In any case where developable land, whether publicly or privately owned, adjoins the subject property, proposed ways and/or easements shall continue to the exterior boundary of the PUD-R site plan unless otherwise approved by the CPDC.

PUD-R Plans shall specify that such private ways are not to be dedicated to the Town but are to remain private ways; and all deeds conveying any portion of land or a structure in a PUD-R development containing private ways shall specify that such private ways shall always remain private ways.

Driveways which provide access only to one residential building that contains 15 or fewer units or driveways that provide access only to a residential parking area do not need to meet the private way requirements, but such driveways shall be of a sufficient layout to provide safe and adequate access, in the judgment of the CPDC as advised by the Town Engineer.

4.9.6.6 Owners' Association

In order to ensure that private ways, common open spaces and common facilities within a PUD-R development will be properly maintained, each PUD-R development shall have one or more Owners' Associations, which shall be an entity established in accordance with appropriate state law, and shall establish related covenants by suitable legal instruments recorded at the Middlesex South Registry of Deeds or Registry District of the Land Court. As part of the Final PUD-R Plan submission, the Developer shall supply to the CPDC copies of such proposed instruments for review and approval prior to the issuance of an occupancy permit.

In cases where the PUD-R Plan proposes private ways, said legal instruments pertaining to the Owners' Association shall specify that the Owners' Association shall be solely responsible for private way maintenance, snow-plowing, trash removal, and improvements, for all costs associated with the operation and maintenance of street lighting, and for reimbursement to the Town of all costs incurred by the Town relative to such private ways. In cases where the PUD-R Plan shows private utilities, said legal instruments shall specify that the Owners' Association shall be solely responsible for the operation and maintenance of said utilities. Such instruments shall provide for the periodic payment by owners within the PUD-R development of adequate amounts to maintain the private ways, private utilities, and open space and drainage system and set forth enforcement rights for collection of said periodic payment.

4.9.6.7 Landscaping Requirements in PUD-R

Notwithstanding any and all other requirements in Section 4.9, the following management of existing vegetation shall occur for PUD-R applications:

a Prior to any cutting of vegetation and grading of the PUD-R, the developer and representative(s) of the Town of Reading delegated by CPDC, including any member of CPDC, the Town Planner, and/or the Tree Warden, shall meet on the site to review which existing site trees shall be saved. Before this meeting the developer shall have staked the corners and property lines of the PUD-application and the corners of all proposed structures' locations, and the developer shall have clearly marked with red flagging each tree or group of trees the developer proposes to save. At this meeting, said CPDC representative(s) shall approve or amend on site such marked trees and any other they shall deem appropriate to be saved, which shall immediately be similarly marked by the developer. Should the developer object or take issue with any determination of the CPDC representative(s), the developer may appeal such determination to the full CPDC.

b Prior to the commencement of any site grading, the developer shall erect around all such marked trees barriers for shielding around the trunks of such trees; these barriers shall be located no closer than six (6) feet from the trunk of each such tree or one-half (1/2) the distance from the trunk to the drip line of each such tree, whichever is greater. Also prior to the commencement of any site grading, the developer shall prepare a Record Plan showing the approximate location, size, and type of all such groups of marked trees to be saved and submit such Plan to the Tree Warden for verification. Any modification to the Record Plan may be made with the agreement of the above parties.

c The Town Planner shall not approve a building permit for any construction and the Building Inspector shall not issue a building permit for any structure within the PUD-R until certification is received from the Tree Warden that these conditions have been complied with.

4.9.6.8 Stormwater Drainage

All PUD applications shall provide proof of compliance with the Department of Environmental Protection Stormwater Regulations.

4.9.6.9 Pedestrian Access

All PUD applications shall contain safe and convenient pedestrian access throughout the project site and connecting to adjacent roadways and/or parcels.

4.9.6.10 Affordable Housing

The intent of this section is to increase the supply of housing in the Town of Reading that is available to and affordable by low and moderate income households and to encourage a greater diversity of housing accommodations to meet the needs of the Town and to develop and maintain a satisfactory proportion of the Town's housing stock as affordable housing.

Any PUD-R development shall provide within the Town of Reading, affordable housing units equal to ten percent of the total residential units in the PUD-R. For property within 300' of the municipal boundary if developed residentially, requisite affordable units shall be equal to fifteen percent of the total residential units in this area. When the percentage calculation does not result in a whole number it shall be rounded to the nearest whole number.

The following standards shall apply to assure the maximum public benefit from such affordable housing:

a Restriction

The developer shall provide an adequate guarantee, acceptable to the CPDC, to ensure the continued availability of the affordable units in perpetuity; such guarantee may include deed restrictions, recorded deed covenants relative to equity limitation, or other acceptable forms.

b Marketing/Selection

The marketing and household selection process as to the affordable units shall be conducted in collaboration with the Town or its designee.

c Local Preference

To the extent to do so would not cause the affordable units not to be qualified as affordable housing pursuant to guidelines established by the Massachusetts Department of Housing and Community Development and to the extent allowed by law, preference as to affordable units shall be given initially to current Reading residents, employees of the Town of Reading, or those prospective buyers who were formerly Reading residents for ten (10) years or more. The Town shall establish an equitable procedure to implement this preference.

d Appearance

On site affordable housing units shall have a minimum gross floor area of one thousand (1,000) square feet and an exterior appearance designed to be substantially indistinguishable from market-rate units.

e Minimize Fees

If the affordable units are being sold as condominium units, in order to minimize the monthly condominium fees to be paid by those affordable units, the value assigned to such units and the percentage of interest in the common areas allocated to those affordable units shall recognize the affordable restrictions imposed on such affordable units, to the maximum extent allowed by Massachusetts General Law Chapter 183A and other applicable law.

f Developing Units

No more than twenty-five percent (25%) of the building for the market rate residential units shall be issued for any PUD-R development until construction has commenced on one-sixth of the affordable units. No more than fifty percent (50%) of the occupancy permits for the market rate residential units shall be issued for any PUD-R development until occupancy permits are issued for one-third of the affordable. No more than eighty five percent (85%) of the occupancy permits for the market rate residential units shall be issued until occupancy permits have been issued for two thirds (2/3) of the affordable units. The CPDC may require financial assurances in an amount as determined by CPDC from the applicant for the remaining one third (1/3) of affordable units required to be provided.

g Off-Site Units

Up to 50% of the required affordable units may be located off- site from the PUD-R location within the Town of Reading. In order to use this option, the size and types of units, unit location, and density of said units shall be approved by the CPDC as part of their approval for the related PUD-R Special Permit.

As a premium for the Developer being able to place affordable units off-site, for every three affordable units the developer elects to place off-site, the Developer must provide an additional bonus affordable unit, which additional bonus unit does not count towards

the ten percent of affordable units the Developer is required to provide. The placing of bonus affordable units off-site does not result in a requirement of additional bonus units.

4.9.7 Use and Dimensional Requirements in the PUD-B

The following use and dimensional requirements shall be adhered to by all PUD-B Special Permit developments that lie within a PUD-B Overlay District and which shall be used by the CPDC in evaluating each PUD-B development proposal.

4.9.7.1 Parcel Size and Eligibility

The minimum land area of a project under a PUD-B Special Permit is three (3) acres in size. A development parcel may consist of land in more than one ownership, provided that all land comprising the parcel lies entirely within the PUD-B Overlay District and is contiguous. Lots separated by a minor street as defined in Section 4.9.2.1 or right-of-way or private way may be considered, in CPDC's discretion, contiguous for this purpose. Proposed developments may include pre-existing buildings provided that all PUD requirements are satisfied by each new or existing building and for the PUD as a whole. More than one principal building may be located on a lot, Section 5.2.8. notwithstanding.

4.9.7.2 Permitted Uses in the PUD-B

The following uses may be allowed by a PUD-B Special Permit, subject to the findings of the CPDC as to the net benefit and adverse impacts of the proposed PUD:

a Within a PUD-B Overlay District, any portion of land that is within the underlying Business A District or within 30 feet of the underlying Business A District zoning boundary line may be used for those various uses allowed within the underlying Business A District, excepting that Automotive Uses and enclosed storage as a primary use as listed in the Table of Uses in Section 4.2.2 (Table of Uses), and fast food restaurant or drive-thru uses (other than financial institution and/or pharmacy drive-thru uses) shall not be allowed.

b Any land within the PUD-B Overlay District that is both in the underlying residential district and more than 30 feet from the underlying Business A District zoning boundary line may only be used for the parking of registered motor vehicles in a parking lot or structure, related driveways, landscaping, lighting, fencing, drainage systems and containerized and enclosed trash storage, all as accessory uses for the uses allowed elsewhere in the PUD-B Overlay District subject to conditions imposed by the CPDC.

4.9.7.3 Intensity of Use in PUD-B

4.9.7.3.1 Uses as described in 4.9.7.2

The basic permitted intensity of a business use in a PUD-B development, expressed as the Floor Area Ratio as defined in Section 4.9.2.1.f, may not exceed 0.50. In order to assist in making this calculation, plans submitted for a PUD-B Special Permit that propose such a use shall show what portion and area of the development parcel will be put to such use.

Areas which have been counted to satisfy the intensity limit for residential use may not be counted also to satisfy the intensity limit for business/commercial use and areas which have been counted to satisfy the intensity limit for business/commercial use may not be counted also to satisfy the intensity limit for residential use.

4.9.7.4 Dimensional Requirements

4.9.7.4.1 Building Height

The maximum building height within a PUD-B Overlay District shall be as follows:

a Any portion of an allowed structure that is within an underlying residential zoning district portion of a PUD-B Overlay District and that is farther than 30 feet from the underlying

Business A zoning boundary line shall not be greater in height than is allowed in the underlying zoning district in which it is located.

b Any portion of a building that is in an underlying Business A Zoning District or is within 30 feet of an underlying Business A Zoning District shall be no higher than 50 feet.

4.9.7.4.2 Setbacks and Buffers in a PUD-B

a The extent of buffering and setbacks shall in every case be based upon the following criteria as reviewed by the CPDC

- Existing topography
- Existing vegetation
- Existing and Proposed Structures within and outside the PUD-B District
- Proximity to Residential Dwellings

b The minimum front, side and rear yard requirements shall be the same as in the underlying districts.

c Parking/Loading. The parking and loading requirements contained in Section 6.1.1.3 shall apply. Parking spaces shall be at least 8.5 by 18 feet, with provision for larger spaces as required by the CPDC to accommodate short term parking, handicapped and larger vehicles. No parking shall be situated between the front of the building and the front lot line in a PUD-B development.

d Shadow Impact. Between 9:00 a.m. and 3:00 p.m. (EST) from February 21st to October 21st, no building within a PUD-B Overlay District shall cast a shadow on any dwelling in existence at the time of a PUD-B Preliminary Plan submission.

4.9.7.5 Private Ways

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers and other public improvements, shall be constructed according to the standards of the Reading Public Works Department and other appropriate departments and conditions imposed by the CPDC.

4.10 Planned Residential Development (PRD)

4.10.1 Purpose

The purpose of the Planned Residential District (PRD) is to permit integrated high-quality residential developments with variable densities while permitting preservation of open space and natural features, allowing reduced infrastructure and site development costs, to promote a greater diversity of housing opportunities within the Town while respecting and enhancing the existing character of the Town and of the neighborhood, and to promote attractive standards of appearance and aesthetics consistent with that character.

There shall be the following types of PRD Districts:

PRD-G: General Planned Residential Development.

PRD-M: Planned Residential Development on current or former municipally owned properties. There may be included in a PRD-M Zoning Overlay District privately owned property which was not former municipally owned property provided that any such property can only be used for the purposes of providing access to, drainage control from or open space recreational uses for a contiguous parcel or parcels of property which otherwise complies in all respects for development as a PRD-M.

4.10.2 Planned Residential District as an Overlay District

A PRD Zoning District shall take the form of an overlay district covering any part of an existing residential zoning district on the Reading Zoning Map. A PRD-M Zoning Overlay District shall be applied to a specific parcel or parcels only through specific action by Town Meeting in a manner identical to that required to amend the Reading Zoning Map. A PRD-G Zoning Overlay District may be applied to all or any portion of an underlying single-family residential zoning district (that is, S-10, S-20 or S-40) through action by Town Meeting to amend the Reading Zoning Map.

For any land subject to a PRD Overlay District a Developer may choose to conform either to the zoning regulations which govern the underlying district or to the PRD overlay regulations and procedures set forth by this Section, the specific provisions of which shall supersede all other provisions in the Zoning Bylaw with respect to the underlying district including, without limitation, use, intensity, dimensions, parking, signage and site plan review; however, the provisions of any other overlay district shall continue to apply.

Notwithstanding any subsequent change in the development density provisions of Section 4.10.4.3 hereof, the land placed in a PRD Zoning Overlay District shall be governed by the development density requirements in effect at the time Town Meeting created the applicable Zoning Overlay District and for a period of eight (8) years from the date of such Town Meeting action.

4.10.2.1 Definitions

The following terms shall have for the purposes of this PRD Bylaw the meanings hereby assigned to them:

a Developer

One or more entities proposing together to develop a Planned Residential Development parcel.

b Existing

In existence at the time of filing a complete Preliminary PRD Plan submission.

c Floor Area Ratio (or "FAR")

In a PRD, the ratio of total gross building floor area in a PRD to the area of the development parcel. Gross floor area shall be measured from outside wall surfaces and shall include ground floor areas of interior atriums and lobbies, and mechanical and utility spaces on habitable floors; but shall exclude rooftop space, balconies, elevator pits, or non-habitable areas enclosed by ornamental roofs. Structured parking and garages shall not be counted in the determination of Floor Area Ratio. Areas classified as wetlands in Massachusetts General Law, Chapter 131, Section 40 or Reading General Bylaw Section 5.7, may not exceed ten percent of the development parcel area eligible to be used in any computation of FAR.

d 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.

e Inclusionary Housing

(1) Affordable Housing Housing units available for purchase by households with annual incomes less than one-hundred percent (100%) of the median annual household income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

Moderately Priced Housing

(2) Housing units available for purchase by households with annual incomes between one hundred percent (100%) and one hundred twenty-five percent (125%) of the median annual household income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

f Major Street

A street used for through access and carrying traffic volumes of greater than 10,000 vehicles per average day.

g Minor Street

A street used primarily for access to abutting properties or carrying traffic volumes of less than 10,000 vehicles per average day.

h Reading Zoning Bylaw including all subsections thereof

i Site

The development parcel upon which a PRD is proposed.

j Structured Parking

In a PRD, a parking garage, or all or part of building floors above or below grade to be used for automobile parking.

4.10.3 Special Permit for Planned Residential Development

The Community Planning and Development Commission ("CPDC"), as the Special Permit Granting Authority, shall have the authority to grant a Special Permit to construct a Planned Residential Development (PRD) by a vote of at least four members of the five-member CPDC. The CPDC shall evaluate proposed PRD projects and require all such projects to conform to the Planned Residential Development requirements, standards, and guidelines set forth in Sections 4.10.4. and 4.10.5. to ensure that the benefits to the Town of a proposed project outweigh any adverse impacts before granting a Special Permit. The CPDC shall adopt and from time to time may amend regulations for the review of PRD Developments and for the submission of PRD Plans as provided in Massachusetts General Law, Chapter 40A, Section 9. The CPDC shall interpret all provisions of this PRD Bylaw and all definitions and regulations pertinent thereto and shall provide such interpretations upon request by an applicant for a Special Permit to construct a PRD.

4.10.3.1 Overview of Special Permit Process

A Developer choosing to develop a PRD in a PRD Overlay District shall apply for a Special Permit with the CPDC. The Special Permit Process shall include:

a Pre-Application Conference (Optional)
b Preliminary PRD Plan Review
c Final PRD Plan Review

4.10.3.2 Pre-Application Conference

Prior to the submission of an application for a Special Permit, the Developer at his/her option may confer with the CPDC and/or its staff and other applicable Town staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans and other submittal documents.

At the Pre-Application Conference, the CPDC, its representatives, and other appropriate Town officials may discuss with the Developer the Developer's intentions, development concept and options, and CPDC's requirements with respect to the proposed PRD; such discussions may include the PRD application and review process, issues and scope of relevant studies that should be considered in planning the project, including specific submission items such as appropriate vantage points for visual analysis and the extent of the traffic study area.

Any statement made at the Pre-Application Conference by the CPDC, its representatives, Town staff or the Developer concerning the potential disposition of a Special Permit application or the final form of the development shall not be legally binding.

4.10.3.3 Preliminary Plan

A Developer who wishes to apply for a Special Permit to construct a PRD shall submit to the CPDC an application including a Preliminary PRD Plan submission for the entire proposed project. If the Developer of the PRD comprises more than one entity, all participating entities shall be signatories to the Special Permit application.

Two copies of the Preliminary PRD Plan shall remain available to the public during the application process and shall be located in the office of the Community Development Department and the Reading Public Library.

4.10.3.3.1 Application for Preliminary Approval

The Preliminary PRD Plan shall include complete sets of written, quantitative, and graphic materials in the appropriate number according to the PRD Plan Submission and Development Regulations duly adopted by the CPDC and in effect at the time of submission. The official date of application shall be filed with the Town Clerk only after all

materials have been received and certified complete by the CPDC or its authorized agent. Such certification of completeness or denial shall take place within ten calendar days of receipt of the application.

4.10.3.3.2 Submission Fee

The CPDC shall require a submission fee sufficient to cover consultant fees and any other costs associated with reviewing and processing the required PRD submissions. The fee amounts shall be as specified in the CPDC's "Fee Schedule for Site Plan Review Process" or in a fee schedule for PRD review specifically adopted and amended by CPDC from time to time.

4.10.3.3.3 Contents of Preliminary PRD Plan Submission

All Preliminary PRD Plan Submissions shall be made in conformance with said PRD Plan Submission and Development Regulations in effect at the time of preliminary submission.

4.10.3.3.4 Town Review

Between the date a Developer submits a complete application for a Special Permit to construct a PRD, and the date of the first Public Hearing, CPDC may require the distribution of the Preliminary PRD Plan for review to Town departments, elected and appointed boards and commissions, and such professional planning, architectural, and engineering consultants as the CPDC deems appropriate and whose fees are paid for by the developer. All comments on the Preliminary PRD Plan shall be submitted, in writing, to the CPDC no later than five days before the scheduled date of the first Public Hearing. All written comments shall be made part of the public record on the application for a Special Permit and shall remain a public record.

4.10.3.3.5 Public Hearing on Preliminary Plan

Within sixty-five days of the date of the filing with the Town Clerk of an application that has been certified as complete in accordance with Section 4.10.3.3.1. of this Bylaw, the CPDC shall hold a Public Hearing. The purpose of the Public Hearing shall be to solicit public comments concerning the Preliminary PRD Plan.

4.10.3.3.6 Action on Preliminary Plan

Within twenty-one days after the close of said Public Hearing, the CPDC shall make a determination concerning the Preliminary PRD Plan. If the CPDC approves the Preliminary PRD Plan or conditionally approves it subject to modifications, then the Developer shall submit a Final PRD Plan, as specified in Section 4.10.3.3.8. If the CPDC disapproves the Preliminary PRD Plan, then the application for the Special Permit shall be denied, and the CPDC shall state in writing its reasons for such disapproval. If the CPDC makes no decision within the specified time limit, then the Preliminary PRD Plan shall be considered approved, and the Developer may prepare a Final PRD Plan based thereon.

4.10.3.3.7 Public Improvements Compensation

When reviewing a Developer's Preliminary PRD Plan, the CPDC shall analyze the proposed PRD to determine what, if any, extraordinary public improvements, including off-site improvements, are necessary to accommodate or service the project.

The Developer shall be required by the CPDC to provide such improvements at no cost to the Town, or alternatively, to offset completely the expense of such improvements if provided by the Town; in the latter case, the CPDC shall estimate the costs of these improvements to be borne by the Developer based on estimates furnished to the CPDC by an engineering consultant to the CPDC and/or by the Director of the Reading Department of Public Works.

4.10.3.3.8 Submission of Final Plan

The Final PRD Plan shall be a definitive plan of the proposed development with design sufficiently developed to provide the basis for CPDC's review and determinations regarding the proposal's satisfaction of the requirements, standards, and guidelines of this PRD Bylaw, and shall conform to the submission and content requirements specified in Sections 4.10.3.3.3 and 4.10.3.3.9.

The Final Plan shall be consistent with the approved Preliminary PRD Plan except for changes by amendment or in accordance with conditions attached to the CPDC's approval of the Preliminary PRD Plan, and shall satisfy all such conditions.

The Developer shall submit a Final PRD Plan no later than 59 days after the close of the Public Hearing referred to in Section 4.10.3.3.5. Failure to submit the Final PRD Plan within the specified time period shall result in a termination of the application for a PRD Special Permit. The Developer shall submit complete sets of all plans and all accompanying material as specified in Subsection 4.10.3.3.9 in accordance with the procedure set forth in Section 4.10.3.3.

Two copies of the Final PRD Plan shall remain available to the public during the application process and shall be located in the office of the Community Development Department and in the Reading Public Library.

4.10.3.3.9 Contents of Final PRD Plan Submission

All Final PRD Plan submissions shall be made in conformance with said PRD Plan Submission and Development Regulations in effect at the time of final submission.

4.10.3.3.10 Amendments

Additions or amendments to the approved Preliminary PRD Plan shall be determined solely by CPDC as either major or minor as defined below. The CPDC shall have the entire, exclusive, and final discretion to determine whether a proposed change constitutes a minor or a major amendment, and its decision shall be conclusive. Minor additions or amendments shall be authorized by written approval of the CPDC.

Major additions or amendments shall be considered as original items to the Preliminary PRD Plan application and shall be grounds for reconsideration of the approved Preliminary PRD Plan and shall be reviewed subject to the procedures specified in Sections 4.10.3.3.1 to 4.10.3.3.6 inclusive. Denial of a major addition or amendment shall not constitute disapproval or modification of the previously approved Preliminary PRD Plan.

4.10.3.3.10.1 Minor Amendments

Minor amendments are additions or changes which do not, in the determination of the CPDC, substantially alter the concept of the PRD, as reflected in the approved Preliminary or Final PRD Plan, as appropriate, in terms of floor area ratio, use, height, provision of open space, or layout or other physical relationships of the elements of the development. Minor amendments shall include, but not necessarily be limited to, the following: small changes in floor area, site coverage, height, setbacks, or open space; small changes in the location of buildings, open space, or parking; or small changes in the alignment of minor streets and ways on the site.

4.10.3.3.10.2 Major Amendments

Major amendments represent substantial additions, deletions, or deviations, as determined by the CPDC, from the PRD concept as previously approved by the CPDC. Major amendments shall include, but not necessarily be limited to, the following: large changes in floor area, site coverage, height, setbacks, or open space; large changes in the location of buildings, open space, or parking; or large changes in the circulation system, including number and location of access ways.

4.10.3.3.11 Public Hearing and Decision on Final Plan

Within sixty-nine days after the close of the Public Hearing referred to in Section 4.10.3.3.5, the CPDC shall hold a Public Hearing to consider issuance of a Special Permit to construct a PRD in accordance with the Final PRD Plan. Approval of the Special Permit shall be granted upon determination by the CPDC that the Final PRD Plan conforms with and meets the requirements, standards, and guidelines set forth in this PRD Bylaw in a manner consistent with the approved Preliminary PRD Plan, and contains all revisions required by the CPDC in its conditional approval of said Plan.

The CPDC may grant the Special Permit with conditions consistent with its approval of the Preliminary PRD Plan, and the conditions shall be agreed to in writing by the Developer before the Special Permit is granted. If not granting a Special Permit to construct a PRD, the CPDC shall make its final decision in writing and shall specify its reasons for denial. If CPDC makes no decision within ninety days after the close of the Public Hearing referred to in Section 4.10.3.3.5, then the Final PRD Plan shall be considered approved and the Special Permit to construct a PRD in accordance with the submitted Final PRD Plan shall be deemed granted.

4.10.3.3.12 Amendments to Final Plan

After approval by the CPDC of the Special Permit to construct a PRD, the Developer may seek amendments to the Final PRD Plan. Such amendments shall be determined solely by the CPDC to be minor or major. Minor amendments, as defined in Section 4.10.3.3.10.1, shall be authorized by written approval of the CPDC. Major amendments, as defined in Section 4.10.3.3.10.2, shall be grounds for reconsideration of the Special Permit to construct a PRD and shall be reviewed as if it were an entirely new PRD Plan, that is, in accordance with the procedures specified in Sections 4.10.3.3.1 to 4.10.3.3.11 inclusive. Denial of any proposed major amendment shall not invalidate the Special Permit to construct a PRD in conformance with the previously approved Final PRD Plan.

4.10.3.3.13 Development Schedule

The Developer shall begin construction of the PRD within twenty-four months of the date of the granting of the Special Permit (or, if applicable, following appeal as provided in Massachusetts General Law, Chapter 40A, Section 9) in reasonable conformance, as defined solely by the CPDC, with the development schedule submitted with the Final PRD Plan. The CPDC shall grant in writing an extension of this time period of up to an additional twenty-four months upon determination by CPDC of good cause. If the Developer fails to commence construction of the PRD within twenty-four months plus any approved extension period, the Special Permit shall lapse and be deemed null and void.

4.10.3.3.14 Phased Development

If a phased development is proposed by the Developer, the Final PRD Plan shall contain all required written, quantitative, and graphic information as specified in Section 4.10.3.3.9 for evaluating the proposed PRD as a whole and to serve as a basis for granting the Special Permit, plus a final development schedule for the completion of the PRD indicating the proposed dates and scope of work to be accomplished in each phase. Site improvements may be phased only in conformity with the phasing schedule included in the approved Final PRD Plan, and only to the extent that all requirements, standards, and guidelines of this PRD Bylaw are met in each phase. The initial phase shall include at a minimum the on-site and off-site improvements necessary for one or more buildings and may, at the Developer's option, include one or more buildings.

Deviations, deletions, additions, or changes from or to the approved Final PRD Plan in any phase shall be designated a minor or major amendment, as defined in Sections 4.10.3.3.10.1 and 4.10.3.3.10.2, to the Final PRD Plan by the CPDC and treated as such in accordance with Section 4.10.3.3.12.

If the PRD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved development and phasing schedule;

however, the CPDC shall grant additional extensions in the timing of phases for up to twenty-four months each as minor amendments to the Final PRD Plan, upon the CPDC's determination of good cause. If the Developer fails to commence construction of a PRD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PRD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PRD Plan shall be re-approved in accordance with Section 4.10.3.3.12.

4.10.3.3.15 Conformity with PRD Plan and Special Permit

The CPDC shall include as a condition to all Special Permits granted for the construction of PRDs that no construction of a PRD or any phase thereof may be authorized until the CPDC has reviewed and approved a Design Submission for work to be done. The Design Submission shall include architectural, site, and landscape design documents, sufficiently developed, as determined by the CPDC, to permit review of conformance to the Final PRD Plan and Special Permit conditions, in accordance with the PRD Plan Submission Regulations established by the CPDC.

If deemed necessary by the CPDC, a Public Hearing may be held for the review of any Design Submission. Design Submissions shall be reviewed by the CPDC solely for conformity with the Final PRD Plan, with Special Permit conditions, and, only to the extent not already reviewed and approved, with the requirements, standards, and guidelines applicable to the construction of the phase in question. If the CPDC makes no decision upon a Design Submission within ninety days of its positive determination as to the sufficiency and completeness of the Design Submission, said Special Permit condition shall be deemed to be satisfied regarding said PRD or phase thereof.

The CPDC shall adopt regulations or impose conditions as part of a Final PRD Plan approval requiring one or more of the following in amounts and duration sufficient to guarantee that all commitments in the approved PRD plan to provide public improvements or to take other actions are properly completed: performance bonds, deposit of money or negotiable securities with the Town, or a satisfactory agreement with a lending institution to retain funds pending completion of such improvements or actions.

If, for any PRD or phase thereof, the CPDC finds that either the Developer has failed to begin development within the specified time period, including any approved extension period, or that the Developer is not proceeding in conformity with the Special Permit, then the CPDC may, after sixty days from written notice (and any additional period which the CPDC may deem necessary so as to provide the Developer reasonable opportunity to cure any deficiencies), revoke the Special Permit as it applies to the phase of construction at issue, and/or require that the Developer amend the Final PRD Plan subject to the procedures specified in Section 4.10.3.3.12.

If the CPDC revokes the Special Permit for the PRD then the Final PRD Plan shall be null and void as it applies to the phase of construction at issue and all subsequent phases which depend upon said phase for their construction or operation in conformance with the Final PRD Plan. The provisions of this paragraph are additional to the Reading Zoning Enforcement Officer's powers of enforcement under the Reading Zoning Bylaw and Massachusetts State Law.

Upon satisfaction of all applicable Special Permit conditions, the CPDC shall issue a Certificate of Compliance for one or more PRD phases as appropriate. No Certificate of Occupancy shall be issued for a given PRD phase until a Certificate of Compliance has been so issued.

4.10.4 <u>Use and Dimensional Requirements</u>

The following specifies the basic use and dimensional requirements which shall be adhered to in all PRD developments within each PRD Overlay District and which shall be used by CPDC in evaluating each PRD proposal.

4.10.4.1 Parcel Size

A development parcel may consist of land in more than one ownership, provided that all lots comprising the parcel lie entirely within a PRD Overlay District and are contiguous. Proposed PRD developments may include pre-existing buildings provided that all PRD requirements are satisfied by each new or existing building and by the PRD as a whole. More than one principal building may be located on the parcel.

The minimum size of any PRD development parcel shall be as follows:
PRD-G: Sixty-thousand (60,000) square feet
PRD-M: Eight (8) acres

4.10.4.2 Permitted Uses

Only residential uses, parking (including structured parking) to accommodate this use, and open space are permitted within a PRD, with the exception that a common facility for use by the residents of the PRD and their guests exclusively may be provided for the following uses:
a Indoor meeting, social, activity, or recreational rooms;
b Common dining and kitchen;
c Office only for the administration of the PRD;
d Maintenance, storage and recreational facilities or spaces solely for servicing the PRD.

4.10.4.2.1 Required Inclusionary Housing

PRD-G Any PRD-G development may provide affordable and/or moderately priced housing units as allowed in Section 4.10.4.3.1.

PRD-M Any PRD-M development shall contain or provide off-site in a manner acceptable to the Reading Housing Authority affordable housing units at a minimum equal to ten percent of its total units (both on-site and off-site).

4.10.4.2.2 Standards for On-Site Inclusionary Housing Units

Inclusionary housing units shall have a minimum gross floor area of nine-hundred (900) square feet. Inclusionary housing units shall be integrated into the PRD development and not grouped together and their exterior appearance shall be designed to be indistinguishable from the market-rate units in the same development.

The developer shall provide adequate guarantee, acceptable to the CPDC, to ensure the continued availability of the inclusionary units in perpetuity; such guarantee may include deed restrictions, recorded deed covenants relative to equity limitation, or other acceptable forms.

No more that eighty percent (80%) of the building permits for the market-rate units shall be issued for any PRD development until construction has commenced on all the inclusionary units in the PRD development; no more than eighty percent (80%) of the occupancy permits for the market-rate units shall be issued until all of the occupancy permits for the inclusionary units have been issued.

4.10.4.3 Intensity of Development

For PRD developments, the following basic intensity factors shall apply:
Minimum parcel frontage: 50 feet,
Maximum coverage of the parcel by the aggregate ground area of all buildings: 25%,
Maximum floor area ratio: 0.40.

Minimum separation between buildings:
PRD-M: Equal to the height of the taller building but in no case less than 40 feet.

Maximum building height:

1 PRD-G: As allowed in the underlying zoning district,

2 PRD-M: 48 feet, not to exceed four stories.

Minimum setbacks as measured between bounds of the parcel and any portion of any building or structure: 60 feet in all directions.

Parking

An enclosed garage for an individual residential unit may count as one required parking space and a driveway for an individual residential unit may count as one required parking space provided said driveway has minimum dimensions of 10 feet by 20 feet:

1 PRD-M: 1.75 spaces per residential unit,

2 PRD-G 2 spaces per residential unit.

Loading and unloading

1 PRD-M: One space per building containing multiple units with a common entrance, except that CPDC at its discretion and in accordance with Section 4.10.5.4. may allow fewer spaces.

2 PRD-G: None, except that one space shall be provided for any common building or facility, except that CPDC at its discretion and in accordance with Section 4.10.5.4 may allow fewer spaces. Maximum number of dwelling units contained within the parcel shall be determined as follows:

1 PRD-G: Maximum basic development density for a PRD-G development shall be based on the underlying zoning district in which the development is located, as follows:

a The Developer shall first submit to the Reading Conservation Commission a Request for Determination of Applicability, if required by law, relative to the parcel contemplated to be developed in accordance with this Section 4.10 in accordance with Chapter 131, Section 40 of the Massachusetts General Law and Section 5.7. of the Reading General Bylaw, and obtain from said Conservation Commission an approved delineation of the bounds of any wetlands resource area on the parcel and/or within the jurisdiction of the Conservation Commission up to 200 feet from any portion of the parcel;

b The Developer shall then submit to the CPDC a schematic Subdivision Plan which meets the requirements as specified for a Preliminary Subdivision Plan in the Rules and Regulations Governing the Subdivision of Land in Reading; this plan shall accurately depict the bounds of wetland resource areas as approved as stipulated above; upon written request of the Developer, the CPDC may waive those portions of the Preliminary Subdivision Plan content requirements relative to detailed utility engineering which in the estimation of the CPDC are not necessary for the full determination as to the extent of the parcel's buildability in conformity with said Rules and Regulations and the Reading Zoning Bylaw. The number of building lots shown on such schematic Subdivision Plan proven by the Developer, and accepted by vote of the CPDC at a Public Hearing to consider such schematic Subdivision Plan, to conform with the requirements of Section 5.0 of the Reading Zoning Bylaw applicable to the underlying zoning district in which the parcel is located, shall constitute the maximum basic development density, in terms of number of dwelling units, which shall be allowed for any PRD-G development on the parcel;

c Accompanying the submission to the CPDC of such schematic Subdivision Plan, the Developer shall also submit a request to CPDC to review at said Public Hearing a schematic PRD Plan which shall conform to the requirements relative to a contents of a Preliminary PRD Plan as set forth in Section 4.10.3.3.3. This plan shall accurately depict the bounds of wetland resource areas as approved as set forth above, together with the proposed number of dwelling units shown on such schematic PRD Plan to be equal to or fewer than

the maximum basic development density as determined in subparagraph (b) above, plus any additional dwelling units proposed in accordance with the provisions of Section 4.10.4.3.1 relative to the provision of affordable or moderately-priced housing;

d Following the close of the Public Hearing at which both the schematic Subdivision Plan and the Schematic PRD Plan are reviewed, the CPDC shall consider whether or not it will request that an Article be placed on the Warrant for a Town Meeting to place a PRD-G Zoning Overlay District on the parcel as specified in Section 4.10.2.;

e Following favorable action by Town Meeting, the Developer may proceed with a Preliminary PRD Plan and a Final PRD Plan as set forth in this Section 4.10.

2 PRD-M: 10 dwelling units per gross acre, with the additional limitation that no PRD development may contain more than 100 residential units.

4.10.4.3.1 Increased Development Intensity and Height

PRD-G: The basic intensity, but not height, factors specified in Section 4.10.4.3 may be increased as follows, provided that in no case shall the development density be increased to a level equal to more than one-hundred-twenty percent (120%) of the basic density.

1 For every affordable housing unit provided, one additional market-rate housing unit may be provided.

2 For every two moderately priced housing units provided, one additional market-rate housing unit may be provided.

PRD-M: The basic intensity and height factors specified in Section 4.10.4.3. may be increased up to the following levels if the CPDC finds that a proposed provision of public improvements or amenities by the Developer would result in substantial benefit to the Town and the general public:

1 Maximum floor area ratio: 0.65

2 Maximum building height: 72 feet, not to exceed six stories, except that not more than one-third of the total number of any PRD development's residential units may be contained in a building or buildings greater than 48 feet in height.

3 Maximum number of dwelling units per gross acre of land contained within the parcel: 16 dwelling units, with the additional limitation that no PRD-M development may contain more than 160 residential units.

The aforementioned improvements or amenities which CPDC may consider in granting some amount of increased intensity and height shall include one or more of the following, provided that, in the estimation of the CPDC, the benefit to be derived from the proposed improvements or amenities shall be commensurate with the amount of increased intensity or height allowed:

1 Significant improvement of the environmental quality or condition of the site and its surrounding areas, including a decrease in runoff,

2 Provision of or contribution to off-site public facility improvements beyond those necessary to mitigate the effects of the proposed development which improvements would enhance the general condition of the surrounding areas,

3 Dedication of open space or recreational facilities for use by the general public,

4 Active cooperation by the Developer with other owners in the vicinity to develop and achieve district-wide and adjacent neighborhood improvement goals and objectives,

5 Provision of public art, distinctive and appropriate design, or other amenities which would provide unique advantages to the general public or contribute to achieving Town-wide goals and objectives,

6 Provision of affordable housing within the PRD in conformance with this PRD Bylaw and/or offsite in a manner acceptable to the Reading Housing Authority in excess of the amount required in Section 4.10.4.2.1.

4.10.4.3.2 Fractional Computations

For all PRD density calculations which result in a fractional number, only fractions equal to or greater than x.76 may be rounded up to the next highest whole number; all other fractional numbers shall be rounded down to the nearest lower whole number.

4.10.4.4 Limitation of Subdivision and Ownership

No lot or development parcel shown on a PRD plan for which a permit is granted pursuant to this PRD Bylaw and remains validly in effect may be further subdivided, and a note to this effect shall be shown on the plan.

All wetlands and adjacent 25-foot buffer area contained in a PRD parcel shall be held in common ownership under the purview of the PRD's Residents Association; such 25-foot buffer area shall not count toward open space as required in Section 4.10.5.3.

4.10.5 <u>Development Standards</u>

All PRD developments shall conform to the following development standards:

4.10.5.1 Screening

Within the required setbacks, landscaping shall be provided so as to provide effective screening of the PRD from visibility from abutting properties. To the greatest extent practical, existing natural vegetation shall be preserved and enhanced. Except as necessary for vehicular access, natural grades and contours within these setbacks shall not be altered in any manner, and no parking, loading and unloading space, or any other physical improvement shall be made. All plantings shall be properly installed and maintained.

4.10.5.2 Shadows

Between 9:00 a.m. and 3:00 p.m. (EST) from February 21st to October 21st, no building may cast a shadow on any residential structure in existence at the time of Preliminary PRD Plan submission.

4.10.5.3 Open Space

A minimum of 40% of the PRD parcel shall be devoted to open space, completely devoid of any structure, or parking, loading and unloading space or access way thereto, or as private yards, patios, or gardens for the exclusive or principal use by residents of individual dwelling units. To the greatest extent possible such open space shall be left in its undisturbed natural condition or developed so as to be appropriate, in size, shape, dimension, location, and character to assure its use as a park, recreational area, and visual amenity for the development and its residents.

In evaluating the suitability and quality of the open space proposed to be provided, the CPDC
shall apply the following standards:

a Usability

Other than wetlands, floodplains, and water bodies, including the normal water surface area of detention ponds, which may count for up to twenty-five percent of a PRD project's required open space area, all open space must have a surface which is adequately drained and permits active and passive recreational use. Such surface may include any combination of grass, plant materials, wood, or paving materials which allow pedestrian and recreational use. No open space shall be considered usable if the slope of the finished grade exceeds ten percent.

b Location

The nearest part of the open space shall not be more than 30 feet walking distance from the nearest point of any building it is proposed to serve.

c Size and shape

No open space shall be considered usable unless it has a minimum area of 1000 square feet and no dimension less than twenty-five feet.

d Structures and facilities

All usable open space shall be open to the sky, and may include unroofed facilities such as tennis courts, swimming pools, or similar recreational facilities.

4.10.5.4 Site Circulation and Parking

Site circulation shall meet accepted standards for private automobiles, service vehicles, and emergency vehicles. It is highly desirable to consolidate access to a PRD in a small number of widely spaced principal access points, which may be driveways or Town-accepted side streets within or adjacent to the PRD Overlay District. Principal access should be consolidated in as few locations as possible and, if feasible, it is desirable for adjacent developments to share principal access. Principal access points should be spaced and aligned or alternated according to good traffic engineering practice, and should be signalized if necessary.

Parking stall size shall be in accordance with the Reading Zoning Bylaw and shall be landscaped in accordance with Section 4.10.5.5.5. A minimum of five percent of the gross area of each parking lot shall be devoted to interior landscaped areas, of as uniform a distribution as practicable throughout the parking lots and planted intensively with trees and taller shrubs.

Roadways and drives within a PRD shall be constructed in conformance with standards established by the Reading Department of Public Works, if proposed to be dedicated to the Town. The design of the overall circulation pattern shall be prepared in accordance with the principles and concepts established in "Recommended Practices for Subdivision Streets" prepared by the Institute of Traffic Engineers (1965) or such other standard as accepted by the CPDC through duly adopted regulation.

Private on-site roadways shall be allowed in any PRD development provided that:

Pavement widths for traveled ways (that is, not including parallel or perpendicular on-street parking) shall not be less than twenty (20) feet for two-way traffic or twelve (12) feet for one-way traffic.

Drainage and surface runoff are suitably accommodated if no curbing is to be provided. Construction standards referenced above, other than pavement widths and curbing, shall be adhered to.

All PRD Plans shall specify that such roadways are proposed not to be dedicated to the Town but are to remain private roadways; and all deeds conveying any portion of land or a structure in any PRD development containing private roadways shall specify that such roadways are and are always to remain private roadways.

All on-site and off-site improvements, which include the installation of utilities, public lighting, sewers, and other public improvements shall be constructed in accordance with the standards of the Reading Department of Public Works and other appropriate departments. Utilities, including water, sewer, or storm drainage, proposed to be dedicated to the Town shall be contained in suitable easements which conform to standards set forth by the Reading Department of Public Works.

The determination as to whether any lesser number of off-street loading and unloading spaces are allowed shall be determined by the CPDC as part of its review and approval of the Preliminary PRD Plan.

4.10.5.5 Design Quality

Project design shall be reviewed by CPDC with input from Town officials, any review consultant(s) employed by the CPDC, and others as appropriate. The following in this section are to be interpreted as guidelines to be applied flexibly by the CPDC and as appropriate to the situation under review, including factors such as foundation and soil

characteristics and other extraordinary site constraints. These guidelines apply to all site improvements and buildings and structures:

4.10.5.5.1 Building Placement

a Provide and preserve attractive views from major vantage points, especially from major thoroughfares and residential neighborhoods,

b Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points, which may be identified in a PRD Pre-Application Conference.

4.10.5.5.2 Building Massing/Articulation

a Avoid unbroken building facades longer than 100 feet,

b Provide human-scale features, especially at lower levels,

c Avoid unarticulated and monotonous building facades and window placement.

4.10.5.5.3 Roofline Articulation

a Provide a variety of building heights and varied roofline articulation, utilities should be located underground,

b Locate taller buildings away from major streets and off-site single-family residential areas.

4.10.5.5.4 Building Materials

a Use materials and building treatments that reduce the visibility of buildings from distant vantage points and that are compatible with backgrounds and surroundings,

b Use materials and colors compatible with other quality buildings of similar scale in the vicinity.

4.10.5.5.5 Landscaping

a All open areas within a PRD should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as grass, trees, shrubs, attractive paving materials and outdoor furniture,

b Deciduous trees should be placed along new and existing streets and ways,

c Outdoor lighting should be considered in the landscaping plan and should be designed to complement both man-made and natural elements of the PRD and adjacent areas,

d Intensive, high-quality landscaping should be provided within the PRD where it abuts major streets, existing residential areas, and along internal drives,

e Parking lots should use landscaping and terracing to break up large areas of pavement and to enhance a residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.

4.10.5.5.6 Pedestrian Amenities

a Emphasize pedestrian/oriented features such as covered walkways, pergolas, outdoor sitting plazas, landscaped open space, drop-off areas and recreational facilities,

b Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should link together areas designated as open space within the site and whenever possible to adjoining public areas.

4.10.5.5.7 Utilities

a To the maximum extent feasible, all utilities should be located underground.

4.10.5.6 Signage

a At each principal entrance to the site, one sign only shall be permitted, of a maximum signboard area of twelve (12) square feet, with content limited to identifying the name and address of the development. Within the development, signs, not to exceed one square foot each, of a number and location to be approved as part of the PRD Plans, may be permitted for the sole purposes of orientation and direction, and of identifying common building spaces.

4.10.5.7 Environmental Standards and General Development Guidelines

In addition to conforming to the Use and Dimensional Requirements governing PRD Overlay Districts, approval of the Special Permit to construct a PRD shall be granted only upon determination by the CPDC that a proposed PRD satisfies the following criteria; in any disapproval of a PRD, the CPDC shall state in writing the specific reasons for its finding that the proposed PRD does not satisfy one or more of these criteria; mitigation measures proposed by the Developer, at no cost to the Town, shall be considered in making these determinations:

a That the proposed PRD conforms as appropriate to existing policy plans established by the Town Meeting, the Board of Selectmen, and the CPDC for the specific area of the Town in which the PRD is proposed to be located;

b That there is no significant adverse effect under any of the following:

1 Quality of site design, building design, and landscaping as they affect occupants of the proposed development, the PRD Overlay District, adjacent residential districts and the Town as a whole,

2 Traffic flow and safety in the context of this and other proposed developments in the PRD Overlay District and sensitive neighboring areas, which may be identified in the scope of a State Environmental Impact Report and/or in a Pre-Application Conference,

3 Water quality, air quality, wetlands and the natural environment,

4 Provision of open space,

5 Adequacy of utilities and other public works and impact on existing public facilities within the Town, and

6 Potential fiscal impact to the Town of Reading.

c That approval of the proposed PRD provides benefits to the Town which outweigh all adverse effects, as evaluated under the above criteria.

4.10.5.7.1 Environmental Standards

A PRD shall conform in each phase to all applicable federal, state, and local laws and regulations (including all such regulations established by the U.S. Environmental Protection Agency and the Massachusetts Department of Environmental Protection) regarding the environment, including those concerning noise, air quality, wetlands, water quality, runoff and erosion control, and protection from flooding.

4.10.5.7.2 Significant Traffic Impact

The CPDC may not approve a proposed PRD development which in its opinion has significant adverse traffic impact, as determined following examination by the CPDC of the Developer's traffic analysis and any other traffic analysis of the affected area available to the CPDC which is germane to the proposed PRD development. In making its determination, the CPDC shall consider the feasibility of any capacity improvements and mitigating measures proposed to be provided by the Developer at no cost to the Town. In making such determinations, the full traffic impact of all other Preliminary or Final PRD Plans shall be considered, regardless of project phasing. Without limitation, the determination of significant adverse impact shall consider traffic volumes, speeds, effect on pedestrian safety and access, and resulting levels of service on residential streets, approaches to the site of the proposed PRD, and other key locations, all of which may be identified in a Pre-Application Conference.

4.10.5.7.3 Control of Runoff and Flooding

The Developer shall demonstrate that, as compared with the situation that would exist on the site without the development, no phase of the proposed PRD will result in an increase in the peak rate of storm runoff at the parcel boundary for the PRD as a whole for the 25-, 50-, and 100-year design storms, and that there will be no net loss in flood storage capacity for the 100-year design storm. In making such determinations, any state or local orders or requirements of applicable Wetlands Protection Laws or Bylaw shall be assumed in the calculations of runoff and flood storage without the PRD, but alternative

forms of development shall not be assumed. In addition, the Developer will demonstrate that any adverse existing off-site runoff and erosion conditions or off-site runoff and erosion conditions which would result from the development of the PRD are fully identified and that workable and acceptable mitigation measures are proposed as part of the Preliminary and Final PRD Plans. To assist in its evaluation of any PRD Plans, the CPDC may require the Developer to submit said plans to the Reading Conservation Commission for review and recommendations to the CPDC.

4.10.6 Resident's Association

In order to ensure that common open space and common facilities within the development will be properly maintained, each PRD development shall have a Resident's Association, which shall be in the form of a corporation, non-profit organization, or trust, established in accordance with appropriate state law by a suitable legal instrument or instruments recorded at the Middlesex South Registry of Deeds or Registry District of the Land Court. As part of the Final PRD Plan submission, the Developer shall supply to the CPDC copies of such proposed instrument, which shall at a minimum provide the information required by said PRD Plan Submission and Development Regulations in effect at the time of Final PRD Plan submission.

In cases where the PRD Plan proposes private roadways which do not meet standards established by the Reading Department of Public Works, said legal instruments pertaining to the Resident's Association shall specify that the Resident's Association shall be solely responsible for roadway maintenance, snow-plowing, and improvements, for all costs associated with the operation and maintenance of street lighting, and for reimbursement to the Town of all costs incurred by the Town relative to such private roadways in all acts of maintaining or repairing utility lines contained in utility easements dedicated to the Town. In cases where the PRD Plan shows private utilities, said legal instruments shall specify that the Resident's Association shall be solely responsible for the operation and maintenance of said utilities.

4.11 Gateway Smart Growth District (the "GSGD")

4.11.1 Purposes - The purposes of the GSGD are

4.11.1.1 To establish a Smart Growth Overlay District to encourage smart growth in accordance with the purposes of Chapter 40R of the General Laws. The GSGD will allow for multi-family housing, which will help provide additional affordable housing opportunities within the Town of Reading.

4.11.1.2 To implement the objectives of both the EO 418 Reading Community Development Plan (2004) and the Reading Master Plan (2005), which identified the area within the GSGD for mixed-use development.

4.11.1.3 To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Reading and provides an environment with safety, convenience and appropriate amenities.

4.11.1.4 To provide for a diversified housing stock within Reading, including affordable housing and housing types that meet the needs of the Town's population, all as identified in the EO 418 Reading Community Development Plan (2004), the Reading Master Plan (2005), and the Reading Housing Plan (2006).

4.11.1.5 To generate positive tax revenue, and to benefit from the financial incentives provided by Chapter 40R of the General Laws, while providing the opportunity for new residential development.

4.11.2 Authority and applicability

The GSGD is established pursuant to the authority of Chapter 40R of the General Laws and 760 CMR 59.00. At the option of the Applicant, development of land within the GSGD may be undertaken by means of a Plan Approval pursuant to the zoning controls set forth in this Section

4.11, or by complying with all applicable Underlying Zoning controls set forth in the Town of Reading Zoning Bylaw. Notwithstanding anything to the contrary in the Zoning Bylaw, Development Projects proceeding under this Section 4.11 shall be governed solely by the provisions of this Section 4.11 and the standards and/or procedures of the Underlying Zoning shall not apply. Development Projects proposed pursuant to this Section 4.11 shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.

4.11.3 Establishment and delineation of GSGD

The GSGD is an overlay district that is superimposed over the Underlying Zoning district. The boundaries of the GSGD are delineated as the "Gateway Smart Growth District 'GSGD'" on the Reading Zoning Map on file in the office of the Town Clerk, said map hereby made a part of the Zoning Bylaw.

4.11.4 Definitions

As used in this Section 4.11, the following terms shall have the meanings set forth below:

ACCESSORY BUILDING

A detached single story building the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building. An Accessory Building shall not be used to house people, domestic animals, or livestock. Nor shall it be used as an independent commercial enterprise. An Accessory Building located within 10 feet of the principal building shall be subject to the dimensional requirements applicable to the principal building.

ADMINISTERING AGENCY

An organization designated by the Reading Board of Selectmen, which may be the Reading Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this Bylaw related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the GSGD. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Reading Board of Selectmen or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Reading Board of Selectmen or, in the absence of such timely designation, by an entity designated by the DHCD.

AFFORDABLE UNIT

an Affordable Rental Unit or an Affordable Homeownership Unit that is affordable to and occupied by an Eligible Household.

AFFORDABLE HOUSING RESTRICTION

A deed restriction of an Affordable Unit meeting statutory requirements in Section 31 of Chapter 184 of the General Laws and the requirements of Section 4.11.10 of this Bylaw.

AFFORDABLE RENTAL UNIT

A Dwelling Unit required to be rented to an Eligible Household in accordance with the requirements of Section 4.11.10 of this Bylaw.

AFFORDABLE HOMEOWNERSHIP UNIT

A Dwelling Unit required to be sold to an Eligible Household in accordance with the requirements of Section 4.11.10 of this Bylaw.

APPLICANT

A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this Bylaw.

APPLICATION

A petition for Plan Approval filed with the Approving Authority by an Applicant and inclusive of all required documentation as specified in administrative rules adopted pursuant to Section 4.11.11.

APPROVING AUTHORITY

The Community Planning and Development Commission (CPDC) of the Town of Reading acting as the authority designated to review projects and issue approvals under this Section 4.11.

AS-OF-RIGHT DEVELOPMENT

A Development Project allowable under this Section 4.11 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section 4.11 shall be considered an As-of-Right Development.

BASEMENT

The lowest floor level of a building which is either fully or partially below grade, whether or not fully enclosed.

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.

CONSERVATION USE

Any woodland, grassland, wetland, agricultural or horticultural use of land, any use of land for the construction and use of ponds or storm water management facilities.

DEPARTMENT

The Massachusetts Department of Housing and Community Development (DHCD) or any successor agency.

DESIGN STANDARDS

Design Standards included in Sec. 4.11.9 of this Bylaw and made applicable to Projects within the GSGD that are subject to the Plan Approval process. The Design Standards are applicable to all Development Projects within the GSGD that are subject to Plan Review by the Approving Authority.

DEVELOPABLE LAND

All land within the GSGD that can be feasibly developed into Development Projects. Developable Land shall not include the rights-of-way of existing public streets and ways; or areas that are: (1) protected wetland resources (including buffer zones) under federal, state, or local laws; (2) land located within the Flood Plain Zoning District in the Town of Reading and subject to seasonal or periodic flooding; or (3) rare species habitat designated under federal or state law. The foregoing definition shall be for purposes of calculating density under Section 4.11.7.1 and shall not limit development activities in such excluded areas if otherwise allowed by applicable law.

DEVELOPMENT LOT

One or more lots which are designated as a Development Lot on a plan for a development proposed within the GSGD and for which Plan Approval is required under the provisions of this Section 4.11. The lots comprising a Development Lot need not be in the same ownership. Where the Development Lot consists of more than a single lot, the lots, in combination, shall be treated as the Development Lot, may be contiguous or non-contiguous and shall be considered as one lot for the purpose of calculating parking requirements and Dwelling Units per acre. Any development undertaken on a Development Lot is subject to the Design Standards established under Section 4.11.9 of this Bylaw.

DEVELOPMENT PROJECT or PROJECT

A residential development undertaken under this Section 4.11. A Development Project shall be identified on the Plan which is submitted to the Approving Authority for Plan Review.

DWELLING

Any building or structure used in whole or in part for human habitation.

DWELLING UNIT

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

as defined by the Massachusetts State Building Code. The following types of Dwelling Units are specifically defined:

MULTI-FAMILY DWELLING UNITS

A residential building containing four or more Dwelling Units designed for occupancy by the same number of families as the number of Dwelling Units.

ONE-FAMILY DWELLING

A detached dwelling arranged, intended or designed to be occupied by a single family.

ELIGIBLE HOUSEHOLD LOW INCOME

An individual or household whose annual income is below fifty percent (50%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ELIGIBLE HOUSEHOLD MODERATE INCOME

An individual or household whose annual income is below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FAMILY

One (1) or more persons living together in one (1) dwelling unit as a single housekeeping unit, but not including fraternities, sororities or other fraternal or communal living arrangements.

FRONTAGE

The continuous length of a lot line along a street line or Traveled Way across which access is legally and physically available for pedestrians and vehicles. The end of a street without a cul-de-sac may be considered frontage, and may be extended into one or more Traveled Ways for the purpose of providing frontage.

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 so as to include the full thickness thereof.

FLOOR AREA NET

The actual occupied area of a building or buildings not including hallways, stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.

GARAGE DETACHED

A detached single story accessory building serving as storage for personal vehicles or other items belonging to the occupants of the premises that is used for residential purposes. Such building shall be fully enclosed. A detached garage located within ten (10) feet of the principal building shall be subject to the dimensional requirements applicable to the principal building.

GATEWAY SMART GROWTH DISTRICT or GSGD

An overlay zoning district adopted pursuant to Chapter 40R of the General Laws, in accordance with the procedures for zoning adoption and amendment as set forth in Chapter 40A of the General Laws and approved by the Department of Housing and Community Development pursuant to Chapter 40R of the General Laws and 760 CMR 59.00.

HEIGHT OF BUILDING

The vertical distance measured at the center line of its principal front from the established grade or from the natural grade if higher than the established grade, or from the natural grade if no grade has been established to the level of the highest point of the roof beams in the case of flat roof or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. For buildings with more than one principal front, said vertical distance shall be measured from the average of the established grade or natural grade, as applicable, measured at the centerline of each principal front.

HOUSEHOLD INCOME MEDIAN

The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

IMPERMEABLE SURFACE

Natural or manmade material on the ground that does not allow surface water to penetrate into the soil.

INFRASTRUCTURE LETTERS

The letters issued on behalf of the Town in fulfillment of Section 6(a)(11) of Chapter 40R of the General Laws and 760 CMR 59.04(1)(h) identifying infrastructure improvements to be made incident to the construction of one or more Development Projects in the GSGD.

LANDSCAPED AREA

Land area not covered by building, parking spaces and driveways.

LOT

A parcel of land occupied or designed to be occupied by principal and accessory buildings or uses, including such open spaces as are arranged and designed to be used in connection with such buildings.

LOT COVERAGE

The percentage of the total lot area covered by principal and accessory buildings and including any detached garages.

PEDESTRIAN WAY

A way intended for use by the general public for the movement of pedestrians which may include provision for use by cyclists. Pedestrian Ways include:

PATH

A way that is not located immediately adjacent to and incorporated within the design of a Traveled Way. A Path may proceed in a meandering fashion where appropriate to site design rather than the strictly linear configuration expected of a Sidewalk.

SIDEWALK

A way that is located immediately adjacent to and incorporated within the design of a Traveled Way.

PLAN

A plan depicting a proposed Development Project for all or a portion of the GSGD and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of Section 4.11.11 of this Bylaw.

PLAN APPROVAL

The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this Section 4.11 of the Bylaw and Design Standards after the conduct of a Plan Review.

PLAN REVIEW

The review procedure established by this Section 4.11 and administered by the Approving Authority.

RECREATIONAL ACCESSORY USE

A use subordinate to a Principal Residential Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Residential Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the GSGD. Recreational Accessory Uses may include, but are not limited to, greenhouse, tool shed, clubhouse, swimming pool, tennis court, basketball court, and playground.

SERVICE AREA

Exterior locations of a building including, but not limited to, dumpsters or containerized trash receptacles, metering stations and utilities.

SHARED PARKING FACILITIES

Parking facilities designed and intended to serve more than a single use as shown on a Plan.

SIGN

Any word, number, emblem, picture, design, trademark or other device to attract attention.

SINGLE FAMILY RESIDENCE DISTRICT

A zoning district allowing One-Family Dwelling uses per the Zoning Bylaw.

STRUCTURED PARKING

Two or more levels of parking, vertically stacked, either alone or integrated into a building.

TRAVELED WAYS

A way intended for use by the general public for the movement of vehicles which may include provision for use by pedestrians and cyclists through the use of bicycle lanes, sidewalks, shoulders and/or dedicated travel lanes.

UNDERLYING ZONING

The zoning requirements adopted pursuant to Chapter 40A of the General Laws that are otherwise applicable to the geographic area in which the GSGD is located, as said requirements may be amended from time to time.

UNDULY RESTRICT

A provision of the GSGD or a Design Standard adopted pursuant to Chapter 40R of the General Laws and 760 CMR 59.00 that adds unreasonable costs or unreasonably impairs the economic feasibility of a proposed Development Project in the GSGD.

UNRESTRICTED UNIT

A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE ACCESSORY

The use of a building or premises for purposes customarily incidental to a permitted principal use.

USE PRINCIPAL

The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 4.11.

VILLAGE GREEN

An area of publicly accessible open space in the District that may be landscaped with greenery or hardscape.

YARD

An open space on the same lot with a building.

YARD FRONT

The yard extending between the building and the street line and extending across the full width of the lot.

YARD REAR

The yard extending between the building and the rear line of the lot and extending across the full width of the lot.

YARD SIDE

The yard extending between the building and the side line of the lot and extending from the front yard to the rear yard.

4.11.5 <u>Permitted Uses</u>

4.11.5.1 The following principal uses shall be permitted in the GSGD As-of-Right upon Plan Approval pursuant to the provisions of this Section 4.11:

	Multi- Family Dwelling Unit	Retail and Restaurant	Office	Conservation	Recreational Use, Accessory
GSGD	Yes	No	No	Yes	Yes

4.11.5.2 Parking accessory to any of the above permitted uses, including surface parking, garage, parking under buildings, and above and below grade structured parking, subject to the dimensional requirements of this Section 4.11.

4.11.5.3 Accessory uses customarily incidental to any of the above permitted uses.

4.11.6 <u>Prohibited uses or activities in the GSGD. All uses not expressly allowed are prohibited</u>

4.11.7 Dimensional and other requirements. Notwithstanding anything to the contrary in this Section 4.11, the dimensional requirements applicable in the GSGD are as follows:

4.11.7.1 Density. Subject to the limit on Maximum Residential Development in Section 4.11.7.4 below, Multi-family residential uses shall be permitted As-of-Right at a density of at least twenty (20) Dwelling Units per acre of Developable Land.

4.11.7.2 Table of Dimensional Regulations

Table of Dimensional Regulations	
	Dimensional Control
Minimum Lot Area	NA
Minimum Frontage (min.)	10 feet
Front Yard (min.)	10 feet
Side Yard (min.)	10 feet
Rear Yard (min.)	10 feet
Lot Coverage (max.)	60 %
Landscaped Area (min.)	25 %
Building Height (max.)	4 stories, not to exceed 55 feet
Required Structure Setback from a Single Family Residence District	100 feet (see Section 4.11.9.12)
Required Width of a Vegetative Buffer Strip Adjacent to a Single Family Residence District	30 feet (see Section 4.11.9.12)

4.11.7.3 Number of buildings on a lot. In the GSGD, more than one principal building may be erected on a lot.

4.11.7.4 Maximum Residential Development. The aggregate number of Dwelling Units that shall be permitted pursuant to this Section 4.11 shall be two hundred and two (202).

4.11.7.5 Structured parking. Structured parking allowable pursuant to Section 4.11.5(2) shall be governed by this Section 4.11 and by Design Standards in Section 4.11.9., and shall not exceed forty-five (45) feet in height and shall be approved as to capacity and location by the Approving Authority.

4.11.8 <u>Parking</u>

4.11.8.1 Parking shall be provided in order to meet or exceed the following minimum requirements: at least 1.6 parking spaces shall be provided for each Dwelling Unit. When application of this requirement results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

4.11.8.2 Shared Parking. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the Approving Authority through the Plan Approval process if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

4.11.8.3 Reduction in parking requirements. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the Approving Authority through the Plan Approval process if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that a lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

4.11.8.3.1 The availability of surplus off-street parking within the Business C zoning district;

4.11.8.3.2 The availability of on-street, public or commercial parking facilities within the Business C zoning district;

4.11.8.3.3 Shared use of parking spaces serving other uses having peak user demands at different times;

4.11.8.3.4 Age or other occupancy restrictions which are likely to result in a lower level of auto usage;

4.11.8.3.5 Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in open space, destruction of significant existing trees and other vegetation, or loss of pedestrian amenities along public ways; and 4.11.8.3.6 Such other factors as may be considered by the Approving Authority. Where such reduction is authorized, the Approving Authority may impose conditions of use or occupancy appropriate to such reductions.

4.11.8.4 Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA) and the regulations of the Massachusetts Architectural Access Board (AAB).

4.11.9 <u>Design Standards</u>

To ensure that new development shall be of high quality, and shall meet the standards envisioned by the Town of Reading in adopting this Bylaw, the physical character of a Development Project within the GSGD shall comply with the following Design Standards in the issuance of Plan Approval for a Development Project within the GSGD. The Design Standards include standards as authorized at 760 CMR 59.04(1)(f) not only governing the design of buildings but also the dimensions and layouts of roadways and parking areas, consistent with the character of building types, streetscapes and other features traditionally found in densely settled areas of the Town of Reading, the protection of natural site features, the location and design of on-site open spaces, exterior signage and landscaping and other buffering in relation to adjacent properties, and the standards for the construction and maintenance of drainage facilities within the Development Project.

4.11.9.1 Scale, Proportion and Exterior Appearance of Buildings

4.11.9.1.1 Building Facades

4.11.9.1.1.1 Building design shall maintain the distinction between upper and lower floors for multistory buildings using horizontal elements such as varied building materials.

4.11.9.1.1.2 Projecting bays, columns, recessed balconies and roof shape variation should be utilized. Building facades may also include appurtenances such as cupolas, gables, turrets, spires, widow walks, trellises, etc.

4.11.9.1.1.3 The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street or circulation road.

4.11.9.1.1.4 Building facades shall vary in height or vary the planes of exterior walls in depth and direction to break up the box-like mass and scale of new buildings.

4.11.9.1.1.5 No uninterrupted length of any facade should exceed 40% of the façade's total length, or 85 horizontal feet, whichever is less, without incorporating one of the following: color change, material change, texture change; and one of the following plane projections or recesses, trellises, balconies, or windows.

4.11.9.1.1.6 The architecture facing a public space or Traveled Way or Sidewalk should incorporate features such as moldings, pilasters and other architectural details.

4.11.9.1.1.7 Balconies and porches. Residential balconies and porches are encouraged where practical, particularly on building facades fronting on a Traveled Way, Sidewalk or the Village Green.

4.11.9.2.2 Roof Profiles

4.11.9.2.2.1 Roof profiles should employ varied vertical and horizontal planes for visual relief to the tops of buildings. Design elements such as parapets, cornices, towers and piers may also be used. HVAC equipment shall be screened.

4.11.9.2.2.2 Design elements such as false mansard roofing may be used to create the appearance that the fourth floor of a building is incorporated into the roof line.

4.11.9.2.3 Windows and Doorways

4.11.9.2.3.1 Fenestration patterns may vary from building to building, but overall the development should exhibit general consistency of proportions along a Traveled Way.

4.11.9.2.3.2 Windows should be designed to add visual relief to a wall, which may include insetting the window pane a minimum of three (3) inches from the exterior wall surface.

4.11.9.2.3.3 In general, all windows should be taller than they are wide; provided however, that several vertically-oriented windows may be placed consecutively such that the combined width exceeds the height and excluding specific sections of glass (or “storefront”) used at building entrances, offices or common areas.

4.11.9.2.3.4 Windows on top floors should not be wider than windows on the first floor.

4.11.9.2.3.5 Windows on the top and bottom floors should generally align vertically.

4.11.9.2.3.6 Recessed doorways are preferred, in order to break up the building façade, provide a welcoming space, and provide protection from sun and rain. Where a recessed doorway is not used, an awning or vestibule can have a similar effect and may be used. Adequate lighting for the doorway shall be provided at night.

4.11.9.2.4 Materials and Color

4.11.9.2.4.1 Building façade materials including, but not limited to, brick, wood, cementitious fiber board, manufactured limestone, cast stone, masonry, stone, glass, terra cotta, cellular PVC trim, tile and sustainable materials are permitted within the District.

4.11.9.2.4.2 A combination of materials should be used within a building.

4.11.9.2.5 Sustainable Design. Sustainable design principles shall be considered for all buildings and site design elements to the maximum extent practical. Sustainable design elements intended to reduce energy consumption may include skylights and “day lighting,” windows with low solar-gain factors, landscaping, as well as system and material selections that meet or exceed Energy Star standards.

4.11.9.2.6 Protection of public safety. Site design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall meet the access needs of emergency and public safety vehicles. The adequacy of the foregoing shall be based on the reasonable requirements of the Reading Chief of Police and Fire Chief, in their respective fields.

4.11.9.2.7 Service Areas shall be screened from view from adjacent residential districts with materials consistent with the primary building façade, fencing and/or vegetation.

4.11.9.3 Placement, Alignment, Width and Grade of Streets and Sidewalks

4.11.9.3.1 Design and location. The overall site design shall include a transportation network providing for vehicular and pedestrian circulation to and within the GSGD. Design and

construction shall incorporate sound engineering and construction standards including adequate provisions for drainage.

4.11.9.3.2 Traveled Ways. There are two categories of Traveled Ways: Circulation Roads and Driveways.

4.11.9.3.2.1 Circulation Roads shall be a maximum of 26 feet wide for a two-way road (20 feet for those roads that are one-way). Circulation Roads may allow for parallel parking, and shall have granite curbing or edging, and shall contain Sidewalks on at least one side.

4.11.9.3.2.2 Driveways serving parking areas should be a maximum of 24 feet wide for a two-way Driveway (18 feet wide for a one-way) and may have access to perpendicular parking.

4.11.9.3.3 Pedestrian Ways

4.11.9.3.3.1 Pedestrian Ways shall be a minimum of five (5) feet wide. Pedestrian Ways may include street lamps or street trees that encroach on the sidewalk, provided that a minimum width of 42" must be maintained.

4.11.9.3.3.2 Sidewalks shall be constructed of concrete, masonry, bituminous concrete, stone dust, or stone.

4.11.9.3.3.3 Sidewalks may be separated from Traveled Ways by a landscaped strip no less than five (5) feet wide including street trees with permeable grates sufficient for proper irrigation of the tree's root system.

4.11.9.3.3.4 Lighted walkways shall be provided to link buildings with public spaces, parking areas, recreation facilities and Sidewalks on adjacent land wherever practical.

4.11.9.3.3.5 Where pedestrian connections cross Traveled Ways, a crosswalk or change in paving shall delineate the pedestrian connection.

4.11.9.3.3.6 Sidewalks and Paths shall be accessible to the handicapped in accordance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board.

4.11.9.3.3.7 All Sidewalks and Paths shall be open to the public.

4.11.9.3.3.8 A pedestrian connection shall be provided from the District, and through adjacent land as necessary, to allow direct pedestrian access from the District to South Street.

4.11.9.3.4 Vehicular curb cuts may be limited to intersections with other Traveled Ways or access drives to parking or loading areas for commercial, civic or multifamily residential uses.

4.11.9.4 Type and Location of Infrastructure

4.11.9.4.1 Plans. The plans and any necessary supporting documents submitted with an application for Plan Approval within the GSGD shall show the general location, size, character, and general area of Traveled Ways and public spaces or facilities.

4.11.9.4.2 Ownership and maintenance. The plans and documentation submitted to the Approving Authority shall include a description of proposed private ownership and maintenance of all Traveled Ways, including vehicular ways and Sidewalks, and all proposed public spaces or facilities. As a condition of Plan Approval, the Approving Authority may require provision of an Operations and Maintenance Plan for Traveled Ways and drainage facilities associated with the Traveled Ways. If applicable, a homeowners' association, a condominium association or a business association may be established to ensure that all Traveled Ways and associated drainage facilities shall be properly maintained by a private party, and that the Town of Reading shall incur no expense related to such operations and maintenance.

4.11.9.4.3 Underground Utilities. All new utilities (except water and wastewater treatment structures and other facilities that require above grade access) shall be installed underground.

4.11.9.4.4 Stormwater management shall incorporate “Best Management Practices” (BMP) as prescribed by the Massachusetts Department of Environmental Protection.

4.11.9.5 Location of Building and Garage Entrances

4.11.9.5.1 Entrances to residential units that are not required to be handicap accessible or adaptable may be vertically separated from the public Sidewalk by at least 12” and by at least 24” where the front façade of the house or front porch is within 10’ of the public Sidewalk.

4.11.9.5.2 Building entrances shall provide direct access to one or more Pedestrian Ways.

4.11.9.5.3 Garages. If garages are proposed, they should be designed in such a way that they do not front on a Circulation Road. Detached garage banks, or recessed locations behind, under or in the side yard of a dwelling unit, may be used where practical.

4.11.9.6 Off-Street Parking and Loading

4.11.9.6.1 Parking may be provided within or below residential structures. Surface parking lots shall be located to the side and the rear of buildings as oriented toward a Circulation Road with no more than 4 rows of parking including 2 driveways located between a building and a Circulation Road.

4.11.9.6.2 No parking area shall be located within thirty (30) feet of the Single Family 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.

4.11.9.6.3 Curb side loading spaces may be provided.

4.11.9.6.4 Typical parking spaces in a parking lot shall have minimum dimensions of 9 feet x 18 feet.

4.11.9.6.5 Parallel parking shall have minimum dimensions of 8 feet x 22 feet.

4.11.9.6.6 Compact car spaces may be provided to a maximum of 30% of all non-parallel parking spaces. The minimum stall size for compact cars is 8 feet x 16 feet and signage and pavement markings shall be installed identifying compact car spaces.

4.11.9.6.7 Handicapped parking spaces shall be provided in compliance with the Americans with Disabilities Act and the Massachusetts Architectural Access Board.

4.11.9.6.8 Large parking areas shall be landscaped to minimize their visibility from Traveled Ways and from areas outside the District. Continuous parking areas, or lots, of 50-200 spaces shall have 5% of the area landscaped; lots over 200 parking spaces shall have 7% of the total area landscaped. (See Section 4.11.9.13 Design Standards Summary Table.)

4.11.9.7 Protection of Significant Natural Site Features

4.11.9.7.1 Plans submitted to the Approving Authority shall identify trees to be preserved within the Project. Trees shall be tagged in the field and appropriately designated on project plans.

4.11.9.7.2 Roadways and lots shall be designed and located in such a manner as to maintain and preserve, to the maximum extent practical, existing tree cover, wetlands, natural topography and significant natural resources, and to minimize cut and fill.

4.11.9.7.3 The area in the northwest corner of the District shall be preserved as existing open space and the existing mature vegetation in that location shall not be cut. No parking, building or construction of any structure or impervious surface shall be allowed in the portion of the District within 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.

4.11.9.8 Location and Design of On-Site Open Space Areas

4.11.9.8.1 Open spaces shall be landscaped to allow for a variety of uses. Open spaces may include sidewalk furniture and small structures such as a gazebo or trellis to increase the options for use and enjoyment of the spaces.

4.11.9.8.2 A Project shall include a central Village Green, a minimum of 15,000 square feet in area measured from curb to curb and inclusive of Sidewalks oriented to and directly accessible from a Traveled Way. The Village Green shall be adjacent to the residential uses in the Project. Additional gathering spaces may be located throughout the Project.

4.11.9.8.3 The Village Green shall be located at a vehicular intersection in the Project, and shall be pedestrian accessible from two or more sides. Where practical, buildings and uses may front on the Village Green.

4.11.9.8.4 Circulation shall be provided with a continuous Path through parks. Surfaces may include gravel, concrete, stone dust or bituminous concrete. Access shall be continuous from all points of interest and allow free passage through the space on foot and bicycle.

4.11.9.8.5 The Village Green shall be landscaped with a variety of ground coverings, flowers, plants, shrubs, and trees, and may incorporate one or more "hard" elements such as fencing, gazebo, seating areas, and decorative paving.

4.11.9.8.6 Open Spaces shall be served by direct pedestrian access.

4.11.9.9 Landscaping

4.11.9.9.1 Plantings shall include a variety of species and should consider the local climate, site conditions, salt level, and water level.

4.11.9.9.2 Circulation Roads shall include a minimum of one shade tree every 50 linear feet. Additional trees and landscaping is encouraged.

4.11.9.9.3 Parking Area Landscaping. Surface parking lots shall have landscaped islands to divide large parking areas.

4.11.9.9.4 Landscaping of Traveled Ways. Landscape plantings for all the Traveled Ways in a Development Project shall include deciduous shade trees. These plantings may be in either linear rows or informal groupings. Regular rows shall be used in cases where the Traveled Way abuts walkways, parking lots and buildings. Informal groupings may be used where the Traveled Way abuts existing vegetation.

4.11.9.10 Screening/Fencing

4.11.9.10.1 Fences. Fences may be used to provide continuity to a streetscape, privacy for homeowners and their guests from passersby, to help differentiate private space from public space and to reinforce the pedestrian scale of the streetscape.

4.11.9.10.2 All fencing or walls utilized to screen parking and/or service areas shall meet the following specifications:

4.11.9.10.2.1 Ornamental metal fencing, decorative wood fencing, or masonry walls shall be allowed. Wood picket fences, decorative metal fences and stonewalls are encouraged. Concrete retaining walls with a fascia may be used if permitted by the Approving Authority.

4.11.9.10.2.2 Concrete walls and chain link fences should not be used. Chain link fencing is prohibited for screening purposes. Black, vinyl-coated chain link fencing is permissible for non-screening purposes including safety, security and access restriction.

4.11.9.10.2.3 Fencing or walls shall be a minimum of three (3) feet high.

4.11.9.11 Lighting

4.11.9.11.1 For lighting fixture heights and spacing dimensions, please see Section 4.11.9.13 Design Standards Summary Table.

4.11.9.11.2 All outdoor lighting in a Project shall comply with the following shielding provision: Direct light emitted by exterior luminaire shall not emit directly by a lamp, off a reflector, or through a refractor above a horizontal plane (90 degrees) through the fixture's lowest light-emitting part. Light from outdoor fixtures is prohibited from spilling into abutting single-family residential districts.

4.11.9.11.3 Prevention of light pollution. A Development Project within the District shall employ outdoor illuminating devices, lighting practices, and systems which will conserve energy while maintaining reasonable nighttime safety and security. All outdoor lighting in a Project, except those regulated by Federal, State, or municipal authorities, whether ground, pole, or wall-mounted, shall comply with the following provisions:

4.11.9.11.3.1 Maximum height requirements are as defined in Section 4.11.9.13 Design Standards Summary Table.

4.11.9.11.3.2 The height of a light fixture shall be measured from the ground to the light emitting flat glass of the luminaire; pole height may be higher than this light-emitting height.

4.11.9.11.3.3 If the Sidewalk includes street trees, locate streetlights between the trees so that the tree canopy does not interfere with illumination coverage.

4.11.9.11.3.4 Street poles and lighting fixtures shall be dark in color to reduce light reflectivity.

4.11.9.11.3.5 Shielding. Direct light emitted by an outdoor light fixture shall not emit directly by a lamp, off a reflector or through a refractor above a horizontal plane through the fixture’s lowest light-emitting part.

4.11.9.11.3.6 All light fixtures shall emit a steady and constant light and shall not emit a flashing or irregular light, unless specifically required by Federal, State, or municipal authorities.

4.11.9.11.3.7 Prohibited Light Sources

4.11.9.11.3.7.1 Mercury Vapor and Quartz Lamps. For the purposes of these Design Standards, quartz lamps shall not be considered an incandescent light source.

4.11.9.11.3.7.2 Laser Source Light. The use of laser source light or any similar high-intensity light for outdoor advertising, when projected above the horizontal, is prohibited.

4.11.9.11.3.7.3 Searchlights. The operation of searchlights is prohibited.

4.11.9.11.3.7.4 Internally lit signs and flashing signs, including neon signs, are prohibited.

4.11.9.11.3.7.5 Metal Halide Lighting. All outdoor light fixtures utilizing a metal halide lamp or lamps shall be shielded and filtered. Filtering using quartz glass does not meet this requirement.

4.11.9.11.3.8 Exemptions

4.11.9.11.3.8.1 Fossil fuel light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this Bylaw.

4.11.9.11.3.8.2 Other light sources. All outdoor light fixtures using an incandescent lamp or lamps of 150 watts or less are exempt from all requirements of this bylaw. All outdoor light fixtures using any lamp or lamps of 50 total watts or less are exempt from all requirements of these Design Standards.

4.11.9.11.3.8.3 Specialty lights. Alternative outdoor light fixtures may be allowed if it is found that the fixture's design and appearance are superior, significant light pollution will not be created, and glare is minimal.

4.11.9.11.4 Exterior Light Timing. Exterior lighting may be controlled by a photo sensor or time switch that automatically reduces light levels, decreasing light levels during nighttime hours while still maintaining necessary security lighting.

4.11.9.11.5 Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA).

4.11.9.12 Exterior Signs

4.11.9.12.1 A Project may include one residential access sign not in excess of forty (40) square feet at each vehicular access point to the Project and one residential building sign not in excess of sixteen (16) square feet located flat against the wall of each residential building, subject to approval by Reading public safety officials.

4.11.9.12.2 Wayfinding Signs. Installation of small, externally illuminated wayfinding signs not to exceed two square feet in area per side is encouraged to assist visitors to locate sites of interest within the District. Wayfinding signs should not exceed seven (7) feet in height, and should be installed for the benefit of both automotive and pedestrian traffic.

4.11.9.12.3 Non-commercial flags are permitted within the District and shall not be regulated as signs.

4.11.9.12.4 In no case shall signage project above the roof line.

4.11.9.12.5 Signage must be externally lighted. The fixtures should either be decorative (such as goose-neck lights) or camouflaged. Wiring should be concealed within building molding and lines. Lighting should be mounted at an oblique angle to eliminate glare.

4.11.9.12.6 Prohibited Sign Types. Commercial signage is prohibited.

4.11.9.13 Buffering in Relation to Adjacent Properties

4.11.9.13.1 Buffer from adjacent existing residential development. No building shall be located within one hundred (100) feet of a Single Family Residence District.

4.11.9.13.2 There shall be a landscaped buffer strip of a minimum width of thirty (30) feet along the full abutting length of a Single Family Residence District.

4.11.9.13.2.1 The landscaped buffer shall have, at a minimum, a staggered double row of a 70%/30% mixture of evergreen/deciduous trees. Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Trunks of deciduous trees shall be a minimum of 3 inches caliper at the time of planting. Plant material shall be maintained in a healthy condition or replaced to attain required height. Buffer edge shall be planted a minimum of two (2) feet off of the property line abutting a residential district.

4.11.9.13.2.2 In lieu of the requirements of Sec. 4.11.9.12.2.1, the Approving Authority may require construction of a combination of fencing, raised berm or berms and planted materials in the landscaped buffer strip in order to screen adjacent properties from visual impacts associated with automobiles and automobile headlights within the District. In their determination of the need for screening as it varies along the District boundary, the Approving Authority shall consider the preservation of existing vegetation and the anticipated visibility of buildings in the District from abutting properties, including whether such fencing, berm or berms, and planted materials will provide greater screening than the preservation of existing vegetation.

4.11.9.14 Design Standards Summary Table

	Circulation Road	**Driveways**	**Paths**	**Village Green**	**Surface Parking**
Dimensions	2 lanes, 26 Feet maximum width plus parallel parking (20 Feet max for one way)	2 lanes, 24 Feet maximum (18 Feet maximum for one-way driveway)	5' minimum width	15,000 square feet minimum	Minimums: 9' x 18' typical. 8' x 22' parallel. 8' x 16' compact (30% maximum)
Curbing	Granite, concrete, bituminous concrete, and/or landscape swale.	Granite, concrete, bituminous concrete, and/or landscape swale.	None required.	Granite, concrete, bituminous concrete, and/or landscape swale.	Granite, concrete, bituminous concrete, and/or landscape swale.
On-Street Parking	Parallel parking allowed on one or both sides at 8 x 22 Feet minimum	Parallel parking, head-in or angled parking permitted	N/A	None required on Village Green edge	N/A
Landscaping	Deciduous Trees, Evergreen Trees every 50 Feet O.C. minimum Shrub Material. Plus Seasonal Plantings.		Deciduous Trees, Evergreen Trees, and/or Shrub Material. Plus Seasonal Plantings.	Deciduous Trees, Shrub Material, Street Furniture, and Seasonal Plantings.	Lots of 50-200 spaces must have 5% landscaped; 200 spaces or more must have 7% landscaped. All islands shall be minimum of 100 Square Feet
Sidewalk Width, Location	5 Feet Minimum (One or Two Sides)		5 Feet Minimum	5 Feet Minimum	N/A

	Circulation Road	Driveways	Paths	Village Green	Surface Parking
Sidewalk Material	Poured or bituminous concrete, crushed stone, stone dust or similar materials.	N/A	Poured or bituminous concrete, crushed stone, stone dust or similar materials.	Poured or bituminous concrete, crushed stone stone dust or similar materials.	N/A
Height of Lighting Fixtures "Cut-Off" to 90 degrees or less	18 Feet maximum	18 Feet maximum	18 Feet maximum	18 Feet maximum	25 Feet maximum
Signage	Traffic, Wayfinding, Residential Access	Traffic, Wayfinding	Wayfinding	Wayfinding	Traffic, Wayfinding

4.11.10 <u>Affordable Housing</u>

4.11.10.1 Number of affordable units. Twenty percent (20%) of all Dwelling Units constructed in a Development Project shall be maintained as Affordable Units. Twenty-five percent (25%) of all rental Dwelling Units in a Development Project shall be Affordable Units provided, however, that this requirement may be satisfied if twenty percent (20%) of all rental Dwelling Units in a Development Project are priced for and made available to Eligible Households, Low Income in accordance with the requirements of this Section 4.11.10. In Development Projects in which all of the Dwelling Units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the Dwelling Units shall be Affordable Units, whether the Dwelling Units are rental or ownership units.

4.11.10.2 Fractional Units When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.

4.11.10.3 Affordable Units shall comply with the following requirements

4.11.10.3.1 The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by DHCD shall apply;

4.11.10.3.2 For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one; and

4.11.10.3.3 Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4.11.10.4 Design and Construction

4.11.10.4.1 Design. Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units.

However, nothing in this section is intended to limit a homebuyer's rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all onsite amenities. Affordable Units shall be finished housing units; and

4.11.10.4.2 Timing. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units and, for Development Projects that are constructed and approved in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

4.11.10.5 Unit mix: The total number of bedrooms in the Affordable Units shall, insofar as practicable, be in the same proportion to the total number of bedrooms in the Unrestricted Units.

4.11.10.6 Affordable housing restriction: Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court. The Affordable Housing Restriction shall provide for the implementation of the requirements of this Section 4.11. All Affordable Housing Restrictions must include, at minimum, the following:

4.11.10.6.1 Description of the Development Project, including whether the Affordable Unit will be rented or owner-occupied;

4.11.10.6.2 A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;

4.11.10.6.3 The term of the Affordable Housing Restriction shall be in perpetuity or the longest period customarily allowed by law but shall be no less than thirty (30) years;

4.11.10.6.4 The name and address of an Administering Agency with a designation of its power to monitor and enforce the Affordable Housing Restriction;

4.11.10.6.5 Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan shall provide for local preferences in resident selection to the maximum extent permitted under applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size;

4.11.10.6.6 A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

4.11.10.6.7 Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;

4.11.10.6.8 A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit to another Eligible Household shall be given to the Administering Agency;

4.11.10.6.9 Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Administering Agency;

4.11.10.6.10 Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and the Town of Reading, in a form approved by municipal counsel, and shall limit initial sale and re-sale to, and occupancy by, an Eligible Household;

4.11.10.6.11 Provision that the restriction on Affordable Rental Units in a rental Development Project or rental portion of a Development Project shall run with the rental Development Project or rental portion of a Development Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

4.11.10.6.12 Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form acceptable to the agency, certifying compliance with the provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

4.11.10.6.13 A requirement that residents in Affordable Units provide such information as the Administering Agency may reasonably request in order to ensure affordability; and 4.11.10.6.14 Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

4.11.10.7 Administration

4.11.10.7.1 Administering Agency. An Administering Agency for Affordable Units, which may be the Reading Housing Authority or other qualified housing entity, shall be designated by the Reading Board of Selectmen and shall ensure the following:

4.11.10.7.1.1 Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

4.11.10.7.1.2 Income eligibility of households applying for Affordable Units is properly and reliably determined;

4.11.10.7.1.3 The housing marketing and resident selection plan conforms to all requirements and is properly administered;

4.11.10.7.1.4 Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

4.11.10.7.1.5 Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex South District Registry of Deeds or the Middlesex South Registry District of the Land Court.

4.11.10.7.2 Housing Marketing and Selection Plan. The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Administering Agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

4.11.10.7.3 Failure of the Administering Agency. In the case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen or by the Department of Housing and Community Development, the administrative duties shall devolve to, and thereafter be administered by, a qualified housing entity designated by the Board of Selectmen or, in the absence of such designation, by an entity designated by the Department of Housing and Community Development.

4.11.11 <u>Plan Review</u>

The CPDC shall be the Approving Authority for Plan Approvals in the GSGD, and shall adopt and file with the Town Clerk administrative rules relative to the application requirements and contents for Plan Review. Such administrative rules and any amendment thereto must be approved by the Department of Housing and Community Development. The Plan Review process encompasses the following:

4.11.11.1 Pre-application Review: The Applicant is encouraged to participate in a pre-application review at a regular meeting of the Approving Authority. The purpose of the pre-application review is to minimize the Applicant's cost of engineering and other technical experts, and to obtain the advice and direction of the Approving Authority prior to filing the application. At the pre-application review, the Applicant shall outline the proposal and seek preliminary feedback from the Approving Authority, other municipal review entities, and members of the public. The Applicant is also encouraged to request a site visit by the Approving Authority and/or its designee in order to facilitate pre-application review.

4.11.11.2 Application Procedures

4.11.11.2.1 An application for Plan Approval shall be filed by the Applicant with the Town Clerk. A copy of the application, including the date of filing certified by the Town Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the Approving Authority. Application submissions must include a hard copy as well as an electronic copy in PDF or CAD format. Said filing shall include any required forms provided by the Approving Authority. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the Approving Authority and the Administering Agency:

4.11.11.2.1 Evidence that the Development Project complies with the cost and eligibility requirements of Section 4.11.10;

4.11.11.2.2 Development Project plans that demonstrate compliance with the design and construction standards of Section 4.11.9; and

4.11.11.2.3 A form of Affordable Housing Restriction that satisfies the requirements of Section 4.11.10.

4.11.11.2.4 Review Fees: The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the Town of Reading in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

4.11.11.2.5 Upon receipt by the Approving Authority, applications shall be distributed to the Building Inspector, Fire Chief, Police Chief, Board of Health, Conservation Commission, the Board of Selectmen, Housing Authority and the Department of Public Works. Any reports from these parties shall be submitted to the Approving Authority within sixty (60) days of filing of the application; and

4.11.11.2.4 Within thirty (30) days of filing of an application with the Approving Authority, the Approving Authority or its designee shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the Applicant certifying the completeness of the application. The Approving Authority or its designee shall forward to the Applicant, with its report, copies of all recommendations received to date from other boards, commissions or departments.

4.11.11.3 Public hearing: The Approving Authority shall hold a public hearing and review all applications according to the procedure specified in Section 11 of Chapter 40R of the

General Laws and 760 CMR 59.04(1)(f) and shall, at the Applicant's expense, provide mailed notice of said hearing to all parties in interest in accordance with the procedures set forth in Section 11 of Chapter 40A of the General Laws.

4.11.11.4 Prior to the granting of any Plan Approval for a Development Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Reading. Upon this finding, the Administering Agency must submit in writing to the Approving Authority that these affordability components of the Development Project are consistent with applicable state or federal guidelines for affordability.

4.11.11.5 Plan Approval Decision

4.11.11.5.1 The Approving Authority shall make a decision on the Plan application, and shall file said decision, together with the detailed reasons therefore, with the Town Clerk, within one hundred twenty (120) days of the date the application was received by the Town Clerk. The time limit for public hearings and taking of action by the Approving Authority may be extended by written agreement between the Applicant and the Approving Authority. A copy of such agreement shall be filed with the Town Clerk;

4.11.11.5.2 Failure of the Approving Authority to take action within one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval of the application;

4.11.11.5.3 An Applicant who seeks approval because of the Approving Authority's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the Town Clerk in writing of such approval, within fourteen (14) days from the expiration of said time limit for a decision, and that a copy of that notice has been sent by the Applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to Chapter 40R of the General Laws and shall be filed within twenty (20) days after the date the Town Clerk received such written notice from the Applicant that the Approving Authority failed to act within the time prescribed;

4.11.11.5.4 The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the application for Plan Approval. The written decision shall contain the name and address of the Applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority;

4.11.11.5.5 The decision of the Approving Authority, together with the detailed reasons therefore, shall also be filed with the Board of Appeals and the Building Inspector. A copy of the decision shall be mailed to the owner and to the Applicant, if other than the owner, by the Approving Authority certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the Approving Authority. A notice of the decision shall be sent to the parties in interest and to persons who requested a notice at the public hearing; and

4.11.11.5.6 Effective date. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Approving Authority to timely act, the Town Clerk shall make such certification on a copy of the notice of application. A copy of the decision or notice of application shall be recorded with the title of the land in question in the Middlesex South District Registry of Deeds, and indexed in the grantor index under the name of the owner of record or recorded and noted on the

owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the Applicant.

4.11.11.6 Criteria for approval: The Approving Authority shall approve the Development Project upon the following findings:

4.11.11.6.1 The Applicant has submitted the required fees and information as set forth in applicable regulations;

4.11.11.6.2 The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 4.11 and applicable Design Standards, or a waiver has been granted therefrom; and

4.11.11.6.3 Any extraordinary adverse potential impacts of the Development Project on nearby properties have been adequately mitigated. For a Development Project subject to the Affordability requirements of Section 4.11.10, compliance with Section 4.11.11.6.2 above shall include written confirmation by the Approving Authority that all requirements of that Section have been satisfied. Prior to the granting of Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Reading.

4.11.11.7 Criteria for conditional approval: The Approving Authority may impose conditions on a Development Project as necessary to ensure compliance with the GSGD requirements of this Section 4.11 and applicable Design Standards, or to mitigate any extraordinary adverse impacts of the Development Project on nearby properties, insofar as such conditions are compliant with the provisions of Chapter 40R of the General Laws and applicable regulations and do not Unduly Restrict opportunities for development. The Approving Authority may require construction of an approved Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address extraordinary adverse Development Project impacts on nearby properties and with the implementation of the infrastructure improvements by the party designated as responsible under the Infrastructure Letters.

4.11.11.8 Criteria for denial: The Approving Authority may deny an application for Plan Approval pursuant to this Section 4.11 of the Bylaw only if the Approving Authority finds one or more of the following:

4.11.11.8.1 The Development Project does not meet the requirements and standards set forth in this Section 4.11 and the applicable Design Standards;

4.11.11.8.2 The Applicant failed to submit information and fees required by this Section 4.11 and necessary for an adequate and timely review of the design of the Development Project or potential Development Project impacts; or

4.11.11.8.3 It is not possible to adequately mitigate significant adverse Development Project impacts on nearby properties by means of suitable conditions.

4.11.11.9 Time limit: A project approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within two (2) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multi-phase Development Project.

4.11.11.10 Appeals: Pursuant to Section 11 of Chapter 40R of the General Laws, any person aggrieved by a decision of the Approving Authority may appeal to the Superior Court, the Land Court, or other court of competent jurisdiction within twenty (20) days after the Plan decision has been filed in the office of the Town Clerk.

4.11.11.11 Upon approval of a Development Project by the Approving Authority, but prior to construction, a pre-construction conference must be held with Town staff. Prior to first occupancy, a pre-Certificate of Occupancy meeting must be held with Town staff.

4.11.11.12 Waivers: The Approving Authority may authorize waivers with respect to the dimensional and other standards set forth in this Section 4.11 in the Plan Approval upon a finding that such waiver will allow the Development Project to achieve the affordability and/or physical character allowable under this Bylaw. However, the Approving Authority may not waive any portion of the Affordable Housing requirements in Section 4.11.10 except insofar as such waiver results in the creation of a number of Affordable Units in excess of the minimum number of required Affordable Units.

4.11.11.13 Project Phasing: The Approving Authority, as a condition of any Plan Approval, may allow a Development Project to be phased for the purpose of coordinating the Development Project with any mitigation required to address any extraordinary adverse Development Project impacts on nearby properties and with the implementation of the infrastructure improvements by the party designated as responsible under the Infrastructure Letters.

4.11.11.14 Change in plans after approval by Approving Authority

4.11.11.14.1 Minor Change: After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

4.11.11.14.2 Major Change: Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new application for Plan Approval pursuant to this Section 4.11.3

4.11.12 <u>Fair Housing Requirement</u>:

All Development Projects within the GSGD shall comply with applicable federal, state and local fair housing laws.

4.11.13 <u>Annual Update</u>:

On or before July 31 of each year, the Board of Selectmen shall cause to be filed an Annual Update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The Annual Update shall contain all information required in 760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to Chapter 40S of the General Laws and accompanying regulations. The Town Clerk of the Town of Reading shall maintain a copy of all updates transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

4.11.14 <u>Notification of issuance of building permits</u>

Upon issuance of a residential building permit within the GSGD, the Building Inspector of the Town of Reading shall cause to be filed an application to the Department of Housing and Community Development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit pursuant to Chapter 40R of the General Laws. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to Chapter 40S of the General Laws and accompanying regulations. The Town Clerk of the Town of Reading shall maintain a copy of all such applications transmitted to DHCD pursuant to this Bylaw, with said copies to be made available upon request for public review.

4.11.15 Date of Effect

The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.

4.11.16 Severability

If any provision of this Section 4.11 is found to be invalid by a court of competent jurisdiction, the remainder of Section 4.11 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 4.11 shall not affect the validity of the remainder of the Zoning Bylaw of the Town of Reading.

4.12 Downtown Smart Growth District ("the DSGD")

4.12.1 Purposes

The purposes of the Downtown Smart Growth District are:

1 To provide an opportunity for residential development and to especially encourage mixed-use development, including both new construction and renovation of existing buildings, within a distinctive, attractive and livable environment that supports the commercial revitalization of Downtown Reading.

2 To promote continuing development and redevelopment in Downtown Reading that is pedestrian friendly and consistent with Reading history and architecture.

3 To ensure high quality site planning, architecture and landscape design that enhances the distinct visual character and identity of Downtown Reading and provides an environment with safety, convenience and amenity.

4 To provide for a diversified housing stock at a variety of costs within walking distance of services and public transportation, including affordable housing and other housing types that meet the needs of the Town's population.

5 To generate positive tax revenue for the Town, and to benefit from the financial incentives provided by Massachusetts General Law Chapter 40R, while providing the opportunity for new business growth and additional local jobs.

6 To encourage preservation and rehabilitation of historic structures and buildings.

7 To promote efficient use of land and existing parking supply and limit expansion within the district by encouraging shared parking.

8 To encourage adoption of energy efficient building practices and sustainable construction methods.

9 To ensure compliance with the Massachusetts Department of Environmental Protection storm water management policies and practices.

4.12.2 Definitions

As used in this Article, the following terms shall have the meanings set forth below:

ACCESSORY BUILDING

A detached building the use of which is customarily incidental and subordinate to that of the principal building or buildings and which is located on the same lot. An Accessory Building shall not be used to house people, domestic animals or livestock, nor shall it be used as an

independent commercial enterprise. An Accessory Building located within 10 feet of a principal building shall be subject to the dimensional requirements applicable to the principal building.

AFFORDABLE HOMEOWNERSHIP UNIT

A dwelling unit required to be sold to an Eligible Household per the requirements of this Section 4.12.

AFFORDABLE HOUSING RESTRICTION

A deed restriction of an Affordable Unit meeting statutory requirements in Massachusetts General Law Chapter 184 Section 31 and the requirements of Section 4.12.10 of this Article.

AFFORDABLE RENTAL UNIT

A dwelling unit required to be rented to an Eligible Household per the requirements of Section 4.12.10.

AFFORDABLE UNIT

The collective reference to Affordable Homeownership Units and Affordable Rental Units

ANNUAL UPDATE

A list of all approved and currently proposed Smart Growth Districts within the Town of Reading, to be filed on or before July 31st of each year with the Massachusetts Department of Housing and Community Development pursuant to Massachusetts General Law Chapter 40R and applicable regulations.

APPLICANT

A landowner or other petitioner who files a plan for a Development Project subject to the provisions of this Section 4.12.

APPROVING AUTHORITY (AA)

The Community Planning and Development Commission (CPDC) of the Town of Reading acting as the authority designated to review projects and issue approvals under this Section 4.12.

AA REGULATIONS

The administrative rules and regulations adopted by the AA pursuant to Section 4.12.11.

AS-OF-RIGHT DEVELOPMENT

A Development Project allowable under this Section 4.12 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Development Project that is subject to the Plan Review requirement of this Section 4.12 shall be considered an As-of-right Development.

CONSUMER SERVICES

A barber shop, dry cleaning or laundry establishment, photographer’s shop or studio or similar business where service is provided directly on the premises.

DESIGN STANDARDS

The document entitled Downtown Smart Growth District Design Standards and Guidelines, dated October 2, 2009 and approved by the Massachusetts Department of Housing and Community Development on October 31, 2009, as amended, pursuant to Massachusetts General Law Chapter 40R Section 10 and applicable regulations. Said Design Standards shall be applicable to all Development Projects within the DSGD that are subject to Plan Review by the Approving Authority.

DEVELOPMENT PROJECT or PROJECT

A residential or mixed use development undertaken under this Section 4.12. A Development Project shall be identified as such on the Plan which is submitted to the Approving Authority for Plan Review.

DWELLING UNIT

A structure or a portion of a structure containing in a self-sufficient and exclusive manner facilities for sleeping, bathing, and cooking, including one full kitchen and full bathroom facilities as defined by the Massachusetts State Building Code.

ELIGIBLE HOUSEHOLD

An individual or household whose annual income is below eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

FAMILY

One (1) or more persons occupying a dwelling unit as a single house-keeping unit. Domestic employees may be housed on the premises without being counted as a family or families.

FLOOR AREA NET

The actual occupied area of a building or buildings not including hallways, stairs, mechanical spaces and other non-habitable spaces, and not including thickness of exterior or interior walls.

FLOOR AREA GROSS

The sum of the gross areas of all floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include the following:

1 Basement space having at least one-half the floor-to-ceiling height below grade, rated as non-habitable by applicable building code.
2 Accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard).
3 Attic space having a floor-to-ceiling height less than seven feet, rated as non-habitable by applicable building code.
4 Exterior balconies.
5 Uncovered steps, landings, and ramps.
6 Inner courts open to the sky.

HOUSEHOLD INCOME MEDIAN

The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

INSTITUTIONAL USE

A non-profit or quasi-public use or institution, such as a church, library, public or private school, municipally owned or operated building, structure or land, used for public purpose.

MIXED-USE DEVELOPMENT PROJECT

A Development Project containing a residential Principal Use and one or more Non-Residential, Secondary Uses as specified in Section 4.12.5.1, provided that, in newly constructed buildings, separate and distinct building entrances are provided for residential and non-residential uses.

MONITORING AGENT

An entity designated by the Reading Board of Selectmen, which may be the Reading Housing Authority or other qualified housing entity, with the power to monitor and to enforce compliance with the provisions of this Bylaw related to Affordable Units, including but not limited to computation of rental and sales prices; income eligibility of households applying for Affordable Units; administration of an approved housing marketing and resident selection plan; and recording and enforcement of an Affordable Housing Restriction for each Affordable Unit in the DSGD (See Section 4.12.10.6).

MULTI-FAMILY RESIDENTIAL

A building containing four or more residential dwelling units designed for occupancy by the same number of families as the number of dwelling units.

NON-RESIDENTIAL USE

Office, Retail, Restaurant, Service or Institutional Use, inclusive, or some combination of the same.

OFFICE

A place for the regular performance of business transactions and services, generally intended for administrative, professional and clerical activities, including a medical or dental office or health clinic.

PLAN

A plan depicting a proposed Development Project for all or a portion of the Downtown Smart Growth District and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of this Section 4.12.

PLAN APPROVAL

The Approving Authority's authorization for a proposed Development Project based on a finding of compliance with this Section 4.12 and Design Standards after the conduct of a Plan Review.

PLAN REVIEW

The review procedure established by this Article and administered by the Community Planning and Development Commission of the Town of Reading as the Approving Authority.

RESTAURANT

Any business establishment principally engaged in serving food, drink, or refreshments, whether prepared on or off the premises provided, however, that drive through windows are not allowed.

RESIDENTIAL USE

A building or part of a building containing Dwelling Units as defined herein above and parking that is accessory to the Dwelling Units.

RETAIL USE

Business establishments selling goods and/or services to customers on-site, generally for end use personal, business or household consumption. A reasonable amount of storage consistent with Massachusetts Building Codes of said goods shall also be assumed to be an incidental part of Retail Use.

SMART GROWTH DISTRICT

An Overlay Zoning District adopted pursuant to Massachusetts General Law Chapter 40R, in accordance with the procedures for zoning adoption and amendment as set forth in Massachusetts General Law Chapter 40A and approved by the Department of Housing and Community Development pursuant to Massachusetts General Law Chapter 40R and applicable regulations.

UNDERLYING ZONING

The zoning requirements adopted pursuant to Massachusetts General Law Chapter 40A that are otherwise applicable to the geographic area in which the DSGD is located, as said requirements may be amended from time to time.

UNDULY RESTRICTIVE

A provision of a Smart Growth District or a Design Standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed Development Projects in a Smart Growth District.

UNRESTRICTED UNIT

A Dwelling Unit that is not restricted as to rent, price or eligibility of occupants.

USE ACCESSORY

A use subordinate to the Principal Use on the same lot or in the same structure and serving a purpose customarily incidental to the Principal Use, and which does not, in effect, constitute conversion of the Principal Use of the lot, site or structure to a use not otherwise permitted in the Smart Growth District.

USE PRINCIPAL

The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this Section 4.12.

USE SECONDARY

A use located on the same lot as a Principal Use but which is of equal or lesser scale, impact, and visibility than the Principal Use. A Secondary Use is not an Accessory Use, as it is largely independent from the Principal Use.

4.12.3 Scope and Authority

The Downtown Smart Growth District is established pursuant to the authority of Massachusetts General Law Chapter 40R and applicable regulations, and shall be deemed to overlay the parcels as shown on the Zoning Map of the Town of Reading, as amended. The Applicant shall have the option of applying for Plan Approval pursuant to the zoning controls set forth in this Article or complying with all applicable zoning controls set forth in the Zoning Bylaw of the Town of Reading for the underlying district(s) or for other overlay zoning that may be therein defined. Development Projects proceeding under this Article shall be governed solely by the provisions of this Article and shall be deemed exempt from the standards and/or procedures of the Underlying Zoning and other overlay provisions.

4.12.4 Establishment and Delineation of the DSGD

The Downtown Smart Growth District is an overlay district that is superimposed over the Underlying District. The boundaries are delineated as the "Downtown Smart Growth District" on the Official Zoning Map of the Town of Reading on file in the office of the Town Clerk, said map hereby made a part of the Reading Zoning Bylaw.

4.12.5 Allowed and Prohibited Uses

Any use not listed herein as an Allowed Use is deemed prohibited.

4.12.5.1 Allowed Uses

The following uses shall be permitted as-of-right in the DSGD upon Plan Approval pursuant to the provisions of this article:

1 Multi-family Residential
2 Office *
3 Retail *
4 Restaurant *
5 Institutional *
6 Consumer Service *
***** Only as part of a Mixed-Use Development; see Section 4.12.7 below

In addition to the allowed uses listed above, the following uses are permitted as-of-right for Development Projects within the DSGD subject to the requirements of this Article.

7 Parking accessory to any of the above permitted uses, including surface, garage-under, and structured parking
8 Accessory uses customarily incidental to any of the above permitted principal uses

4.12.5.2 Prohibited Uses

The following uses are prohibited in the DSGD:

1 Any use which regularly emits strong odors, or dust particles, or smoke, or poses danger, such as manufacture of acids, gases, fertilizers and glue, petroleum refining, reduction of animal matter, and manufacture of cement, gypsum, or explosives.
2 Any other use dangerous to persons within or outside the District by reason of emission of odor, fumes, gases, particulate matter, smoke, noise, vibration, glare, radiation, electrical interference, threat of fire or explosion, or any other reason.
3 Any use that degrades water quality, reduces groundwater recharge, or increases flooding are prohibited.

4.12.6 Dimensional and Other Requirements

Applications for Plan Approval shall be governed by this Section 4.12 and the Design Standards for the Downtown Smart Growth District.

Building Type	Mixed-Use with Commercial 1st Floor	Other Mixed-Use or Residential Only
Maximum Floor Area Ratio (FAR) (Gross Floor Area / Lot Size)	2.8	2.4
Minimum Lot Frontage	50 feet	
Maximum Lot Coverage	N/A	
Minimum Lot Area	N/A	
Number of Buildings per lot	N/A	
Maximum Building Frontage	300 feet	
Minimum Front Setback[1]	0 feet	
Maximum Front Setback[1]	10 feet	
Minimum Side / Rear Setback[2] abutting a Residential Zone	15 feet	
Minimum Side / Rear Setback[2] in DSGD or abutting Business-B	0 feet	
Interior Setback (between buildings on same lot)	15 feet	

[1] See 7.1.1 of the Design Standards for front façade setback requirements

[2] See 7.1.2 of the Design Standards for building step-back requirements

4.12.6.1 Residential Density Allowances

The following residential densities shall be allowed on all lots and within all buildings within the DSGD pursuant to the requirements of this Section 4.12:

Multifamily Residential 20 Units per acre

a The Approving Authority may provide a waiver as specified in Section 4.12.12 to allow a density in excess of that stated above.

b The Approving Authority may provide a waiver as specified in Section 4.12.12 to promote the renovation or adaptive reuse of existing buildings.

4.12.6.2 Dimensional Standards and Requirements

The following building heights shall be allowed on all lots within the DSGD, pursuant to the requirements of this Section 4.12:

Multifamily Residential Buildings 33 Feet
Multifamily Residential Buildings with 45 Feet
Commercial Uses on the Ground Floor

4.12.6.3 Contiguous Lots

In the DSGD, where two or more lots are contiguous or are separated by a right-of-way, such lots may be considered as one lot for the purpose of calculating maximum lot coverage; parking requirements; minimum useable open space; and dwelling units per acre.

4.12.6.4 Age-Restricted Housing Units

An Applicant may propose a Residential or Mixed-Use Development Project in which all dwelling units are designed for or are accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five percent (25%) of the housing units in any such Development Project shall be Affordable Units. All such Development Projects shall be governed by the requirements of this Section 4.12 and the Design Standards.

4.12.7 <u>Mixed-Use Development</u>

Development Projects may include a portion not to exceed 50% of the total gross floor area to be used for non-residential uses including Office, Retail, Restaurant, Service or Institutional Uses; provided that office or institutional uses on the ground floor may not utilize more than 33% of the total gross square footage of that floor.

4.12.8 <u>Off-Street Parking and Loading</u>

4.12.8.1 Off-Street Parking

Retail stores, offices and consumer service establishments located within three hundred (300) feet of a public off-street parking facility shall be exempt from off-street parking requirements. In all other cases, off-street parking shall be provided to meet the following minimum requirements:

Retail or Restaurant	0 spaces
Office and Institutional	2 spaces per 1,000 square feet
Residential Units	1.25 spaces per unit
Other Non-Residential, less than 2,000 square feet	0 spaces
Other Non-Residential, 2,000 square feet or more leasable space in excess of 2,000 square feet	1 space per 2,000 square feet.

As indicated above, off-street parking is not required for Other Non-Residential uses in the district unless such use exceeds 2,000 square feet of net floor area.

4.12.8.2 Off-Street Loading & Delivery

Front door and on-street deliveries are not allowed for non-residential establishments on Main and Haven Streets. Off-street loading spaces shall be provided to meet or exceed the following minimum requirements:

Restaurant leasable space in excess of 2,000 square feet	1 space per 2,000 square feet
Other allowed Secondary Use leasable space in excess of 2,000 square feet	1 space per 5,000 square feet

The Approving Authority may waive the loading space requirement if the Applicant provides a plan proving that the loading space is not needed or can be shared.

4.12.8.3 Location of Parking

Any surface parking lot shall, to the maximum extent feasible, be located at the side or rear of a building, relative to any public right-of-way, public open space, or pedestrian way. In no case shall surface parking for new construction be permitted within the required front yard setbacks.

4.12.8.4 Waiver of Parking Requirements

The Approving Authority may grant a Plan Approval making such modifications in the standards or prescribe safeguards and conditions as it shall warrant appropriate, provided that it finds that it is impractical to meet the standards and that such modifications are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in the DSGD. The Approving Authority may impose conditions of use or occupancy appropriate to such modifications.

4.12.8.5 Shared Use of Required Parking

Shared use may be made of required parking spaces by intermittent use establishments, for example, churches, assembly halls or theaters, whose peak parking demand is only at night or on specific days of the week; by other uses whose peak demand is only during the day; or in public parking lots. At the time of application, a formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement.

The applicant shall demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g., the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other industry established studies on shared parking).

4.12.8.6 Cooperative Establishment and Operation of Parking Areas

Required spaces for any number of uses may be provided in a combined lot or lots (public or private), provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 600 feet of the principal buildings served.

4.12.8.7 Visitor Parking

The Approving Authority may allow for additional visitor parking beyond the minimum required spaces per unit if deemed appropriate given the design, layout and density of the proposed Development Project.

4.12.8.8 Parking Design

Parking shall be designed and constructed to comply with all applicable disability access requirements including but not limited to the Americans with Disabilities Act (ADA) and 521 CMR.

4.12.9 <u>Open Spaces and Recreational Areas</u>

The site design for Development Projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for Plan Approval within the DSGD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Approving Authority shall include a description of proposed ownership and maintenance provisions of all common open space and facilities and, if requested by the Approving Authority, any necessary restrictions or easements designed to preserve the open space and recreational areas from future development. Upon consideration of the above information, the Approving Authority may approve a waiver as provided for in Section 4.12.12 for a front setback to allow for common open space or facilities.

4.12.10 <u>Affordable Housing</u>

Affordable Units shall comply with the following requirements:

1 The monthly rent payment for an Affordable Rental Unit, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one, except in the event of an Eligible Household with a Section 8 voucher in which case program rent limits shall apply.

2 For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a Family size equal to the number of bedrooms in the unit plus one.

3 Affordable Units required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

4.12.10.1 Number of Affordable Units

Twenty percent (20%) of all dwelling units constructed in a Development Project shall be Affordable Units. Provided however, for Development Projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five percent (25%) of the dwelling units shall be Affordable Units, whether the dwelling units are Rental Units or Ownership Units.

4.12.10.2 Fractional Units

When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.

4.12.10.3 Design and Construction

Affordable Units must be dispersed throughout a Development Project and be comparable in initial construction quality and exterior design to the Unrestricted Units. However, nothing in this section is intended to limit a homebuyer’s rights to renovate a Dwelling Unit under applicable law. The Affordable Units must have access to all on-site amenities. Affordable Units shall be finished housing units. All Affordable Units must be constructed and occupied not later than concurrently with construction and occupancy of Unrestricted Units. In Development Projects that are constructed in phases, Affordable Units must be constructed and occupied in proportion to the number of units in each phase of the Development Project.

4.12.10.4 Unit Mix

The total number of bedrooms in the Affordable Units shall be at least proportionate to the total number of bedrooms in all units of the Project of which the Affordable Units is part.

4.12.10.5 Affordable Housing Restriction

Each Affordable Unit shall be subject to an Affordable Housing Restriction which is recorded with the County Registry of Deeds or Land Court Registry District of the County. All Affordable Housing Restrictions must include, at minimum, the following:

a A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Development or portion of a Development which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Development or the rental portion of a Development without specific unit identification.

b The term of the Affordable Housing Restriction which shall be in perpetuity or for the longest period customarily allowed by law but shall be no less than thirty (30) years.

c The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction.

d Reference to a housing marketing and resident selection plan, to which the Affordable Unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for local preferences in resident selection. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.

e A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.

f Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.

g A requirement that only an Eligible Household may reside in an Affordable Unit and that notice of any lease or sublease of any Affordable Unit shall be given to the Monitoring Agent.

h Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent.

i Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town of Reading, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household.

j Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying compliance with the provisions of this Section 4.12.10 and containing such other information as may be reasonably requested in order to ensure affordability.

k Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town of Reading, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household.

l A requirement that residents in Affordable Units provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

m Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions.

4.12.10.6 Administration

The Monitoring Agent shall ensure the following (See Section 4.12.2 Definitions):

a Prices of Affordable Homeownership-Units are properly computed; rental amounts of Affordable Rental Units are properly computed.

b Income eligibility of households applying for Affordable Units is properly and reliably determined.

c The housing marketing and resident selection plan conforms to all requirements and is properly administered.

d Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.

e Affordable Housing Restrictions meeting the requirements of this section are recorded with the Middlesex County Registry of Deeds or Land Court Registry District of Middlesex County. In the case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Approving Authority or by the Department of Housing and Community Development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Reading Board of Selectmen.

4.12.10.7 Costs of Housing Marketing and Selection Plan

The housing marketing and selection plan shall make provision for payment by the owner of reasonable costs to the Monitoring Agent and the owner shall pay reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements.

4.12.11 <u>Plan Approval Procedures</u>

The Approving Authority (AA) shall adopt and file with the Town Clerk Administrative Regulations relative to the application requirements and contents for Plan Review, subject to approval by the Massachusetts Department of Housing and Community Development. Plan approval procedures shall be as follows:

4.12.11.1 Pre-Application Requirements

Prior to the submittal of a Plan for Plan Approval, a “Concept Plan” may be submitted to help guide the development of the definitive submission for project build out. Such Concept Plan shall reflect the following:

a Overall building envelope areas

b Open space and natural resource areas

c General site improvements, drainage plans, groupings of buildings and proposed land uses

d Anticipated parking spaces and locations

e Site vehicular access

The Concept Plan is intended to be used as a tool for both the Applicant and the Approving Authority to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the DSGD.

4.12.11.2 Application Procedures

All Projects are subject to Plan Approval.

1 Submittal

An application for Plan Approval shall be submitted to the AA on the form provided by the Authority, along with the application fees set forth in the administrative regulations. The application shall be accompanied by such plans and other documents as required by the AA as well as any materials required to verify compliance with any of the provisions of this Section 4.12. All plans shall be prepared by certified architects or engineers as required by the Massachusetts Building Code.

An application for Plan Approval shall be filed by the Applicant with the Town Clerk. A copy of the application, including the date of filing certified by the Town Clerk, as well as the required number of copies of the application, shall be filed forthwith by the Applicant with the AA. Application submissions must include a hard copy as well as an electronic copy in PDF or CAD format. Said filing shall include any required forms provided by the AA. As part of any application for Plan Approval for a Development Project, the Applicant must submit the following documents to the AA and the Monitoring Agent:

- Evidence that the Development Project complies with the cost and eligibility requirements of Section 4.12.10;

- Development Project plans that demonstrate compliance with the design and construction standards of Section 4.12.10.3; and
- A form of Affordable Housing Restriction that satisfies the requirements of Section 4.12.10.5
- Review Fees: The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the Town of Reading in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the Plan application. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith;

2 Circulation to Other Boards

Upon receipt of the application, the AA shall immediately provide a copy of the application materials to all relevant municipal Boards, Departments, Commissions, Officials as determined by the AA and, if the project is subject to Affordability requirements, the Monitoring Agent. These entities shall provide any written comments within 60 days of receipt of the plan and application.

3 Public Hearing

The Approving Authority shall hold a public hearing and review all applications according to the procedure specified in Massachusetts General Law Chapter 40A Section 11

4 Criteria for Plan Approval

The Approving Authority shall approve the Development Project upon the following findings:

a. The Applicant has submitted the required fees and information as set forth in applicable Regulations; and

b. The proposed Development Project as described in the application meets all of the requirements and standards set forth in this Section 4.12, applicable Design Standards and the AA regulations, or a waiver has been granted there from; and

c. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to Affordability requirements, compliance with Condition b. above shall include written confirmation by the Monitoring Agent that all Affordability requirements have been satisfied.

5 Criteria for Plan Denial

A Plan Approval application may be disapproved only where the Approving Authority finds that:

a. The applicant has not submitted the required fees and information as set forth in the regulations; or

b. The Project as described in the application does not meet all the requirements and standards set forth in this Section 4.12, applicable Design Standards and the AA Regulations, or that a required waiver there from has not been granted; or

c. It is not possible to adequately mitigate significant project impacts on nearby properties by means of suitable conditions.

6 Time Limit

The decision of the AA shall be made, and written notice of the decision filed with the Town Clerk within 120 days of receipt of the Application by the Town Clerk. This time may be extended by mutual agreement between the AA and the Applicant by written agreement filed with the Town Clerk. Failure of the AA to take action within said 120 days or the extended time shall be deemed an approval of the Plan Approval application.

4.12.12 <u>Waivers</u>

Upon request of the Applicant, the Approving Authority may waive dimensional and other requirements, including design standards, with conditions, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the DSGD and the Reading Master Plan, or if it finds that such waiver will allow the project to achieve the density, affordability, mix of uses and/or physical character allowed

under this Section 4.12. Notwithstanding anything to the contrary in this Zoning Bylaw, the Affordability provisions of Section 4.12.10 shall not be waived. The Approving Authority will take into consideration the following items when considering a waiver:

1 High performance energy efficient buildings and construction methods.
2 Projects with publicly accessible open space.
3 Projects that include retail and restaurants located on street level.
4 A demonstrated shared parking initiative that makes efficient use of land and existing parking supply.
5 The preservation or rehabilitation of historic properties or other buildings considered significant to the Town.

4.12.13 Plan Changes After Approval by Approving Authority

4.12.13.1 Minor Plan Changes

After Plan Approval, an Applicant may apply to make minor changes in a Development Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the Approving Authority on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the Approving Authority. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

4.12.13.2 Major Plan Changes

Those changes deemed by the Approving Authority to constitute a major change in a Development Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the Approving Authority as a new application for Plan Approval pursuant to this Section 4.12.

4.12.14 Fair Housing Requirement

All Development Projects within the DSGD shall comply with applicable federal, state and local fair housing laws.

4.12.15 Project Phasing

The Approving Authority may allow a Project to be phased at the request of the applicant or to mitigate any extraordinary adverse impacts on nearby properties. For projects that are approved and developed in phases, the proportion of Affordable units shall be consistent across all phases and the proportion of Existing Zoned Units to Bonus units (as those terms are defined in 760 CMR 59.00 shall be consistent across phases.

4.12.16 Decisions

The Approving Authority shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected and the plans that were the subject of the decision and certifying that a copy of the decision has been filed with the Town Clerk. If 20 days have elapsed after the decision has been filed with the Town Clerk without an appeal having been filed, or if such appeal having been filed is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of said decision shall be filed with the Middlesex South District Registry of Deeds.

A Plan Approval shall remain valid and run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate an appeal and which time shall be extended if the project proponent is actively pursuing other required permits or there is other good cause for failure to commence.

The Approving Authority may require the posting of a performance bond to secure and/or screen a Development Project site in the event that demolition is undertaken but subsequent work lapses, for any reason within or outside the applicant's control, for a period longer than one year.

4.12.17 Date of Effect

The effective date of this Bylaw shall be the date on which such adoption is voted upon by Town Meeting pursuant to the requirements of Section 5 of Chapter 40A of the General Laws and Chapter 40R of the General Laws; provided, however, that an Applicant may not proceed with construction pursuant to this Bylaw prior to the receipt of final approval of this Bylaw and accompanying Zoning Map by both the Department of Housing and Community Development and the Office of the Massachusetts Attorney General.

4.12.18 Severability

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected but remain in full force. The invalidity of any provision of this Section 4.11 shall not affect the validity of the remainder of the Town's Zoning Bylaw.

4.12.19 Amendments to Design Standards

The AA may adopt, by majority vote, amendments to the Design Standards. Any amendment to the Design Standards must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. DHCD may, at its discretion, require any amendment to the Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.

Before adopting any Design Standard, the AA shall submit the proposed Design Standard to DHCD for approval. Any amendment to the Design Standards shall not take effect until approved by DHCD and filed with the Town Clerk.

An application for Plan Approval that has been submitted to the Town Clerk pursuant to this Section 4.12 shall not be subject to any Design Standard that has not been approved by DHCD and filed with the Town Clerk.

5.0 INTENSITY REGULATIONS

No use shall be established nor building or structure erected in any district unless it conforms with the dimensional regulations of this Bylaw. No existing lot or building or structure shall be changed in size or shape so that the height, area, yard or coverage provisions herein prescribed are no longer complied with.

5.1 General Requirements

5.1.1 Dimensional Requirements

For all uses and building shall be as specified in Paragraph 5.1.2, "Table of Dimensional Controls," and are part of this Bylaw. The letters "N.A." in this table denote particular dimensional controls which are not applicable to a particular use.

5.1.2 Table of Dimensional Controls

Minimum Lot			**Minimum Yards**				**Maximum**	**Maximum Building Height**
	Lot Width Circle Diameter Feet	**Area Square Feet**	**Frontage Feet**	**Front Feet**	**Side Feet**	**Rear Feet**	**Coverage % of Lot**	**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	20	15	20	25	35
In S-40 Districts	80	40,000	200	20	15	20	25	35
In A-40 Districts		10,000	80	20	15	20	25	40
In BUS-A Districts		NA	NA	15	10	20	25	45
Apartment								
In A-40 Districts		40,000	80	30	30	30	25	40
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
Hotel or Motel								
In Bus-A Districts		NA	NA	50	10	20	60	45
In Bus-B Districts		NA	NA	NA	NA	20	85	45
In Bus-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	25	60*
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
In S-40 Districts		40,000	200	20	15	20	25	35
In A-40 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	10	20	60	45

Minimum Lot Minimum Yards Maximum								Maximum Building Height
	Lot Width Circle Diameter Feet	Area Square Feet	Frontage Feet	Front Feet	Side Feet	Rear Feet	Coverage % of Lot	Feet
In BUS-B Districts		NA	NA	NA	NA	20	85	45
In BUS-C Districts		NA	NA	10	10	10	60	55**
In Ind Districts		NA	NA	50	20	20	60	60*

* Except as provided in Section 5.2.5.3.

** 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 it 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.

5.2 Supplementary Requirements

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

5.2.1 Lot Shape

In all residence districts no lot may be construed to be a building lot unless it fully contains a geometric shape which conforms with the following characteristics:

a The geometric shape entirely complies with the area and frontage requirements of these Bylaw;

b One side of the geometric shape coincides with the street line of the lot for the entire length and depth of the required frontage; and

c The product of the area (in square feet) of the geometric shape multiplied by 22 is greater than the square of the total length (in feet) of the perimeter of the geometric shape, expressed as:
2 (Area of Geometric Shape) x 22 > (Perimeter of Geometric Shape)

5.2.2 Lot Frontage

In Single Family 20 Districts, the frontage may be reduced to not less than eighty (80) feet, where the street line is a curve having a radius of at least fifty (50) feet but not more than two hundred (200) feet, and the lot has a width of not less than one hundred twenty (120) feet, measured at the setback line.

5.2.3 Yards

5.2.3.1 In all Residence Districts, irrespective of the requirements of Paragraph 5.1.2., the required front yard for any building other than an apartment need not be more than the greater of ten (10) feet or the average of the setbacks of the building on adjacent lots on either side. If an adjacent lot is vacant, it shall be considered as occupied by a building with a required front yard for the purposes of this paragraph.

5.2.3.2 In Residence Districts, minimum yard requirements shall not apply to projecting eaves, cornices, chimneys, steps, window sills and belt courses.

5.2.3.3 In Business A and C Districts, the required yards for any building other than an apartment shall not be less than twenty (20) feet on a street which is not a frontage street.

5.2.3.4 **No building shall be located within a required front yard.**

a In an Industrial District, minimum front yard requirements shall not apply to projecting canopies over drive-in facilities, except that no canopy shall have a setback of less than five feet from the front lot line. A drive-in facility is one designed to allow customers to transact business or acquire goods or services at the customer's motor vehicle.

5.2.3.5 No building shall be located within a required side yard except for a garage accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such garage shall not be located nearer than ten (10) feet to a side lot line.

5.2.3.6 No building shall be located within a required rear yard except for a building accessory to a one or two family dwelling, or accessory to any other permitted principal use in a Residence District. Such building shall not occupy more than twenty-five (25) percent of the rear yard nor be located nearer than five (5) feet to a side or rear lot line.

5.2.4 Lot Coverage

5.2.4.1 In Industrial Districts, coverage shall be computed using the accessory as well as the principal buildings.

5.2.5 Height

5.2.5.1 In Apartment 40 Districts, no building shall exceed three (3) stories in height.

5.2.5.2 Maximum height regulations shall not apply to chimneys, elevators, poles, spires, tanks, towers or similar structures not used for human occupancy.

5.2.5.3 In the Industrial District, a hotel or motel or other permitted principal building may have a maximum height of eighty four (84) feet if the following conditions are met:

a Between the hours of 9:00 a.m. and 3:00 p.m. (EST) from February 21 to October 21, no building shall cast a shadow on any residential structure in existence at the time of the building permit application;

b Along major streets, as defined in Section 4.9.2.1., such buildings shall be set back the greater of seventy-five (75) feet or the height of the building, and a landscaped and/or naturally vegetated buffer at least fifty (50) feet wide shall be provided along such major streets, except where there are curb cuts; and

c The building is located on a lot of at least twenty-five (25) acres."

5.2.6 Gross Floor Area

5.2.6.1 In Apartment 40 and Business A Districts, the gross floor area of an apartment shall not exceed forty (40) percent of the lot area.

5.2.6.2 In Apartment 80 Districts, the gross floor area of apartments shall not exceed the lot area.

5.2.7 Landscaped Area

5.2.7.1 In Apartment 40 and Business A Districts, not less than twenty-five (25) percent of the area of a lot containing apartments shall be landscaped.

5.2.7.2 In Apartment 80 Districts, not less than thirty-five (35) percent of the area of a lot containing apartments shall be landscaped.

5.2.8 Building Per Lot

5.2.8.1 In any district other than Apartment 80 and Business C, not more than one principal building shall be erected on a lot.

5.2.8.2 Where two or more principal buildings are on the same lot, they shall be located at least fifty (50) feet apart.

5.2.9 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 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

5.3 Special Cases

5.3.1 Transitional Areas

Buildings in Business A, Business B and Industrial Districts located in the same block as, and within one hundred fifty (150) feet of a Residence District, and buildings in a Business C District within one hundred (100) feet of a Residence District shall be subject to the following additional requirements;

5.3.1.1 Table of Additional Dimensional Controls for Transitional Areas

District	Distance From Residence District	Minimum Yards			
		Front Feet	Side Feet	Rear Feet	Maximum Height Feet
Business B	Adjoining	5	10	NA	NA
	within 80 feet	5	NA	NA	NA
Industrial	Adjoining	NA	100	100	NA

5.3.1.2 In an Industrial District, the minimum side yard shall be fifty (50) feet where the side lot line is a street line, and the opposite side of the street is in a Residence District.

5.3.1.3 As part of all new construction of any building, parking lot, structure, or any extension or addition thereto in an Industrial District and where such construction abuts within one hundred twenty-five (125) feet of any Residential District, a buffer strip is to be established subject to the following requirements:

a Said buffer strip shall have a twelve (12) foot minimum depth and contain a curb to prevent parking within the strip, a six (6) foot high fence which shall be located a maximum of two (2) feet from the abutting Residential and/or Industrial lot line and contain an evergreen hedge on the Industrial side of the fence which is to be at least three (3) feet in height at the time of planting and will provide a year-round dense visual screen and attain a height of at least seven (7) feet within five years of planting.

b Said buffer strip shall be constructed along the full abutting length of any Residential District lots so affected and lie entirely within the Industrial District.

5.3.1.4 All new construction of any building, parking lot, structure, or any extension or addition thereto in the Business C District 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 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. Townhouses shall only be permitted within Planning Subdistrict A and shall be limited to no more than 16 units. Senior independent living and/or nursing home units shall only be permitted in Planning Subdistricts B and D, provided that (a) no more than 160 units shall be permitted in any Planning Subdistrict, (b) no more than 310 units shall be permitted within the entire Business C District, and (c) no more than two (2) Planning Subdistricts may contain senior independent living and/or nursing home units. Furthermore, except as provided herein, no office or other allowed uses shall be permitted in a Planning Subdistrict as a principal use if there are senior independent living and/or nursing home units in such Planning Subdistrict. In order to encourage a mix of uses within a Planning Subdistrict that also contains senior independent living and/or nursing home units, up to 1000 square feet of office or other allowed principal uses shall be permitted for each senior independent living and/or nursing home unit less than 160 units that is not constructed within a Planning Subdistrict. For example, a Planning Subdistrict could contain 120 senior independent living and/or nursing home units and up to 40,000 square feet of office or other allowed principal uses. Further, 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.

e For purposes of determining compliance with the foregoing requirements and the height limitation in Table 5.1.2, all such setbacks and buffer areas shall be measured from the boundary line between the Business C District and the adjoining Residence S-20 District and the Residence S-15 District.

6.0 GENERAL PROVISIONS AFFECTING ALL DISTRICTS

6.1 Off-Street Parking and Loading Areas

6.1.1 Required Spaces

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

6.1.1.1 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.

6.1.1.2 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.

6.1.1.3 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.

6.1.1.4 Procedure:

Filing for a special permit shall follow all procedures required for Site Plan Review under 4.3.3 of this Bylaw.

6.1.1.5 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.

6.1.1.6 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.

6.1.1.7 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 Dwelling	One and one-half spaces for each dwelling unit.	One space for each twenty (20) rental units.
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.

Principal Use	Minimum Number of Off-Street Parking Spaces Required	Minimum Number of Off-Street Loading and Unloading Spaces Required
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.
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

6.1.2 Design

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

6.1.2.2 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."

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

6.1.2.4 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.

6.1.2.5 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.

6.1.2.6 In an Apartment 40 and Business A District, all parking for apartments shall be located to the rear of the front building line.

6.2 Signs

6.2.1 Signs perform important functions in the community such as communicating messages and providing information about goods and services available. Because signs potentially have detrimental impact on the visual and perceptual environment, signs must be regulated. It is the intent of Section 6.2 of the zoning by-law to protect property values, create an attractive business climate, enhance and protect the physical appearance of the community and to encourage the most appropriate use of the land. This section will also assist those installing signs within the Town of Reading by setting forth the process governing the application, installation, and maintenance of such signs.

6.2.1.2 Applicability
A sign may be erected, placed, established, painted, created or maintained only in conformity with the provisions of this Section.

6.2.1.3 Zoning Districts
The zoning districts are as shown on the official zoning map which is on file with the Engineering Department and the Town Clerk's Office and can also be found on the Town website. Reading has also adopted a Downtown Smart Growth District (DSGD) and a Gateway Smart Growth District (GSGD). Please refer to Section 4.12 for DSGD regulations and Section 4.11 for GSGD regulations.

6.2.2 Definitions
For the purposes of Section 6.2., the following terms shall have the meanings hereby assigned to them:

a Awning Sign
A sign painted on or attached to the cloth, canvas or metal cover of a movable or stationary frame of the fixed, hinged, rolled or folding type of awning.

b Banner or Pennant
Any sign of lightweight fabric or similar material that is mounted or affixed at one or more edges.

c Beacon
A stationary or revolving light, not primarily illuminating a sign, which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except any such fixture which is required by the Federal Aviation Administration or a similar agency, and is installed and operated under the safety regulations of such agency.

d Bulletin Board
Any sign erected by a charitable, educational, or religious institution or a public body on its property for purposes of announcing events which are held on the premises, and contains no commercial information.

e Commercial Message
Any sign wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

f Façade
The area of the face of a building, typically the principal or front wall of a building.

g Free-Standing Sign
Any and every sign erected on or permanently affixed to the land, including any and every sign that is not attached to a building.

h Halo Lighting

Light showing from the back of or from within a letter or graphic shape out towards the surface that the letter or graphic is mounted on without having any light visible through the face of the letter or graphic.

i Informational and Directional Signage

A sign that has a purpose secondary to the use of the lot on which it is located, such as “no parking, private parking, enter, exit, one-way, street address or drive-thru teller.

j Identification Sign

Joint Identification Sign

A sign which serves as common or collective identification for a group of persons or businesses operating on the same lot and which contains the names and logos of establishments but no advertising or promotional information.

Area Identification Sign

A sign, located at the site entrance(s), identifying a common area containing a group of structures, or a single structure containing several uses.

k Marquee Sign

Any sign attached to or made part of a marquee, that is, any permanent canopy or structure projecting beyond and extending along a building wall.

l Monument Sign

A free-standing sign with a low height configuration permanently affixed to the ground at its base and not mounted on a pole.

m Off-Premises Sign

Any sign which directs attention to a business, commodity, service, entertainment, attraction or other commercial activity which is sold, offered or existing elsewhere than upon the same lot on which such sign is located, including any outdoor advertising sign ("billboard") on which space is leased or rented for the purpose of conveying a commercial or non-commercial message.

n Portable Sign

Any sign not permanently attached to the ground or any permanent structure or a sign designed to be transported in any way including:

- signs converted to "A" or "T" frames;
- menu and sandwich-board signs.

o Projecting and Blade Sign

A sign which is affixed to a building or other structure where the sign face is approximately perpendicular to the building facade.

p Reader Board

A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign or signboard. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a reader board sign. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a reader board sign.

q Sign Area

The area contained entirely within the signboard (the flat surface of durable material upon which letters or other graphic content of a sign is displayed) or if no sign board is present, the area contained entirely within the smallest rectangle which completely encloses the outer extremities of all graphic material of a sign.

r Sign Height

The distance from the base of the sign at normal grade to the top of the highest attached component of the sign or sign structure. Normal grade shall be construed to be the lower of:

1 Existing grade prior to construction, or

2 The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the normal grade is the elevation of the nearest point of the crown of the public street along which the lot has frontage or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

s Temporary Sign

Any sign which is used temporarily, relates to events of a temporary nature, or is not permanently mounted.

t Temporary Construction and Redevelopment Signs

A temporary unlit free standing sign or wall sign affixed to a structure or fence identifying the project name, project team, project description and/or business to be conducted on the premises.

6.2.3 Signs Permitted According to Zoning District

		Max Sign	Max Sign	Setbacks:		
	Permit	Area	Height	Front	Side	Maximum
Type	Required	(square feet)	(feet)	(feet)	(feet)	Number
All Zoning Districts:						
1 Personal Message	N	4	6	NA	20	1/lot
2 Identification (Joint and Area)	N	4	8(a)	NA	NA	1/lot
3 Construction	N	32	NA	NA	20	1
4 Subdivision Sales	(c)	48	NA	NA	NA	1/sub-division
5 Subdivision	(c)	24	NA	NA	NA	1/ sub-division
6 Real Estate Sales	N	8(g)	6	NA	20	1/lot
7 Temp Open House	N	4	NA	NA	20	1/agency per lot
8 Garage and Yard Sale	N	4	NA	NA	20	1/lot
9 Informational - Directional	N	4	6	NA	NA	NA
Portable A-Frame Regulated by the Board of Selectmen – Annual Permit Required:						
10 Temporary Business Signs	Y	16 or 30	NA	(See Section 6.2.6.2.h)		
Business-A, Business-C and Industrial Zoning Districts:						
11 Free-Standing	Y	50(d)	20	0	20(i)	1/lot
12 Wall	Y	2/4(e)	(a)	NA	10	1/business
13 Projecting / Blade	Y	8	(a)(h)	NA	10	1/business
Business-B Zoning Districts:						
14 Free-Standing (Service Stations only)	Y	35(d)	14	0	20	1/lot
15 Wall	Y	2(f)	(a)	0	0	2/businesses
16 Projecting / Blade	Y	8	(a)(h)	-4	0	1/business
17 Free Standing	SPP(j)	35	10.5	0	20	1/lot

		Max Sign	Max Sign	Setbacks:		
	Permit	Area	Height	Front	Side	Maximum
Type	Required	(square feet)	(feet)	(feet)	(feet)	Number

NOTES:

a No portion of such sign shall extend higher than the bottom of the sills of the windows of the second floor of a building or higher than the lowest portion of the eaves or, in the case of a gabled wall, no higher than a line equal in height to the lowest portion of the lower eave of any adjoining building wall, whichever of the above is lowest.

b Aggregate sign area of all applicable signs.

c Only as shown in Definitive Subdivision Plans as approved by the Community Planning and Development Commission consistent with Paragraph 6.2.1.1.

d May not be larger than 75 square feet, if more than one business occupies the lot. **** See Section 6.2.6.4***

e If the minimum distance from the building wall on which the sign is mounted is less than 100 feet from the centerline of the street which the sign faces, the maximum sign area shall be equal to 2 square feet per linear foot of said wall occupied by the establishment to which the sign relates; if such distance is more than 100 feet, maximum sign area shall be equal to 4 square feet per linear foot of said wall so occupied.

f No wall sign for any non-residential establishment shall exceed a sign area equal to 2 square feet per linear footage of length of the front wall of the building occupied by the establishment to which the sign relates.

g Real Estate Signs in the Industrial Zoning Districts are allowed one sign per business with a maximum sign area equal to 2 square feet per linear foot of said wall occupied by the establishment to which the sign relates without a sign permit.

h Projecting/Blade Signs shall be at least eight (8) feet from the ground and may project no more than four (4) feet from the structure.

i A Special Permit may be granted by the CPDC. See Section 6.2.9 for Special Permit Criteria.

j Free-standing signs shall be permitted only where the principal business entrance is located more than 40 feet from the centerline of the street in front of the lot. CPDC may waive the 40' business entrance setback requirement for signs in existence as of the effective date of this amendment. See Section 6.2.9.a for Special Permit Criteria.

6.2.4 Exempt Signs

Signs for which no permit is required are identified in Table 6.2.3 and Section 6.2.4. The following signs are exempt from this Section 6.2 and may be installed without permit, provided that the following is complied with:

a Authorized signs installed by the Town of Reading or the Commonwealth of Massachusetts, Federal Agencies, or with the express written permission thereof, for the purposes of traffic control or traffic or pedestrian safety or convenience, identification of public facilities or streets, or for direction to same; public notices and warnings required by and erected by Town, State, or Federal Agencies.

b Directional signs; building markers.

c Political signs on private properties or vehicles only, provided that such sign shall not exceed six square feet in sign area, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than forty-two days prior to the applicable election or more than two days following such election.

d Signs for churches and other federally tax-exempt institutions.

e Holiday lights and decorations which contain no commercial messages and which are displayed during the appropriate season.

f Works of art which contain no commercial messages with prior Town Planner or CPDC written approval.

g Fuel pump information signs, only as required by State law, are allowed and shall not affect the computation of allowable number of signs or aggregate sign size on a property.

h Any sign within a structure, not attached to any window or door, which is not visible from other properties or from any street right-of-way.

i Signs showing resident's name, historical plaque or marker, street address and/or name of a lawful home occupation taking place on the premises.

j Temporary Construction signs shall be allowed during active construction, where a demolition or building permit has been issued and where at least site preparation work has commenced. Temporary Redevelopment signs shall be allowed for sites that have not begun construction, but have been issued a building or demolition permit or have an approved site plan. The maximum size of Temporary Construction/Redevelopment Signs shall not exceed 32 square feet in surface area or 10 feet in any dimension. Temporary Redevelopment signs may be displayed for a period of up to 1 year. Upon written request and approval of the CPDC the display period for a Temporary Redevelopment sign may be extended. Temporary Construction signs shall be removed after the construction, repair or renovation work is completed or within 7 days after the issuance of a final occupancy permit.

k Temporary Subdivision Sales Signs and permanent Subdivision Identification Signs as approved in connection with the Definitive Plans for such subdivision and located at the principal entrance to the subdivision in an acceptable easement, not within any street right-of-way or access easement.

l Real Estate Sales Signs, including placards showing the words "Sold" or "Sale Pending or similar not exceeding one-third the size of the sales sign.

m Temporary Open House signs, not exceeding four square feet each, may be placed at a rate of one per agency per intersection per property and one on the open house property.

n Garage / Yard Sale Signs, limited to one sign located on the property on which the garage / yard sale is taking place and one at each of no more than two intersections of public streets.

o Any establishment located in a Business or Industrial Zoning District may display:

- An “Open” Flag - with dimensional requirements not to exceed four (4) feet by six (6) feet and may contain decorative graphics.
- A National or State Flag - with emblems of religious, educational, governmental organization or any federally tax-exempt organization, except when displayed in connection with commercial promotions or advertising. Dimensions shall not exceed four (4) feet by six (6) feet.
- A minimum ground clearance of eight (8) feet shall be provided for flags that hang over walkways, sidewalks and entrances of businesses. Ground clearance shall be defined as the distance between the lowest hanging portion or bottom of the flag and the grade directly below.

6.2.5 Prohibited Signs

No private sign shall be installed or placed on public property, except by express permission of the Town or as otherwise allowed herein. The following signs are prohibited in any zoning district:

a Signs which interfere with traffic or pedestrian safety, including any which may obstruct or interfere with traffic or pedestrian visibility or movement at any intersection or into or out of any property, or which by reason of position, shape, or color may interfere with, may obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP," "LOOK," "DANGER," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse motorists or pedestrians.

b Signs placed or painted on any tree (other than street address), rock (other than street address), utility pole (other than yard sale sign), traffic safety sign, or similar fixture; painted on any building wall, bench, pavement, parking bumper or curb (other than a "Reserved" marking), or other similar outdoor surface.

c Internally illuminated signs, unless the background or signboard completely blocks illumination or glow except through the letters and graphics.

d Signs which contain a beacon of any type; which contain a spot light providing direct illumination to the public; which flash, revolve, rotate, move, or blink, or which fluctuate in light intensity; animated signs, that is, which use lighting to depict action or to create an illusion of movement or a special effect or scene.

e Any self-illuminated or backlit signs which use LCD, LED, electronic messaging or digital technology, neon or similar signs except as displayed on the inside of windows subject to the provisions of Paragraph 6.2.6.2.c.

f Free-standing signs in a Business-B Zoning District (except as permitted at service stations).
g Internally illuminated signs in a Business-B Zoning District (except as permitted at service stations).
h Banners as permanent signs. Banners are allowed only as temporary signs four times a year for an annual total of 56 days with a sign permit, refer to Section 6.2.6.2.h for full details.
i Signs located on any portion of a lot except a front yard or a side yard directly abutting a public street.
j Signs which do not meet and are not maintained to meet the provisions of this Section and all applicable building, wiring, health, and safety codes; or which are not neatly and legibly lettered.
k Reader Board Signs are not allowed except as price displays at gas stations.
l Balloons or tethered blimps used as signs, a movable poster or panel sign, umbrellas containing any commercial message; or signs attached to or painted on vehicles traveling or parked on, or visible from any public right-of-way, unless such vehicle is used in the normal day-to-day operation of a business.

6.2.6 Signs by Zoning District

Signs are allowed or permitted in each Zoning District and are specified in Table 6.2.3 and as follows:

6.2.6.1 Business or Commercial Signs in Residential Zoning Districts:

Legal nonconforming business or commercial operations in any residential zoning district shall follow the Business B-Zoning District regulations as specified in Subsection 6.2.6.4 except that such signs shall be set back a minimum of twenty feet from any other lot and shall not be illuminated except during hours of operation.

6.2.6.2 Signs in Business and Industrial Zoning Districts

The following signs are allowed in all Business and Industrial Zoning Districts. In addition, please refer to Table 6.2.3:

a All awnings and canopies shall be impervious to light so that no illumination or glow can be seen through it. Awnings may contain letters up to four inches in height stating only the name of the business and the street number without requiring a sign permit. Such lettering shall not count toward allowed sign area. All other awnings or canopies with lettering or graphics shall require a sign permit and count as part of the allowed sign area. All awnings and canopies shall have a minimum ground clearance of eight feet. Ground clearance shall be measured between the lowest point of the awning or canopy and the ground or sidewalk.
b Bulletin boards are allowed, provided that no free-standing or wall-mounted bulletin board may exceed twelve square feet in size.
c Window Signs Window signs are encouraged on the inside surface of the glass. Permanently affixed, weather resistant, individual letters that are not subject to wear and tear are permitted on the exterior of the window. Temporary or permanent signs may without permit be attached to the inside of the glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within the premises closer than five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through an window or door, provided that any such sign shall:
1 Be uniformly located only in thirty percent (30%) of the glass sheet or sash;
2 Contain no letters larger than eight (8) inches in height;
3 Be professional in appearance and good order shall be maintained at all times. Not be restricted with respect to graphic or message content, whether of a permanent or temporary nature, nor be restricted with respect to materials;
4 Have a sign area not to exceed six (6) square feet if the sign is not illuminated;
5 In addition to the above, any illuminated sign shall be placed only in a window, and not in a door, and shall also:
a Have a sign area not to exceed four (4) square feet;

b Be placed no closer than ten feet from any other internally illuminated window sign on the premises. In cases where there is a door or other architectural break in the façade this buffer shall be reduced to seven (7) feet;

c Be placed only in a window which contains no other signs of any type; and

d Be illuminated only during hours of operation of the business establishment. Notwithstanding the above, window signs shall also be allowed in conformity with the provisions of Paragraph 6.2.6.2.h below.

d Directional and informational signs displaying text only, no corporate logos, or slogans are allowed provided that such signs shall be limited to wall and free-standing signs with a maximum of four square feet of sign area. One such sign, not exceeding six (6) feet in height, may be placed at each vehicular entrance or exit on a lot to identify such entrance or exit provided such sign does not constitute a traffic hazard; such signs shall not affect the computation of allowable number of signs or aggregate sign size on a property. One such sign, not exceeding six feet in height and four square feet of sign area, may be placed in conjunction with each drive-up bank teller window or machine provided that such sign shall not constitute a traffic hazard.

e Marquee signs are prohibited except when used in conjunction with an indoor movie theater and attached to the outside wall of the building, provided that the size of the marquee sign shall not exceed twenty-four (24) square feet, and the bottom of the marquee sign shall not be of a height of less than 8 feet above the grade directly below.

f Outdoor menu boards are prohibited except:

- As a portable sign with a sign permit issued by the Board of Selectmen.
- When used in conjunction with a restaurant having a drive up window. No more than three menu boards are allowed. The maximum aggregate sign area is 100 square feet. No one menu board may exceed 50 square feet. Any lettering shall not be legible from any other property or any street right-of-way.

g Informational and directional signs are allowed in all business and industrial zoning districts with a maximum sign area of four square feet per sign in accordance with Table 6.2.3.

h Temporary signs intended for business openings and re-openings, open houses, and special sales and promotional events for an individual business, are allowed, provided that:

- The individual business shall place no more than four (4) such signs per calendar year for an annual total of 56 days (except in conjunction with an organized Town-wide common special event as specified below);
- All temporary signs shall have received a sign permit from the Building Inspector;
- No such sign shall exceed sixteen (16) square feet in sign area or thirty (30) square feet in sign area for businesses that have a setback more than fifty (50) feet from the primary street upon which the business is located;
- Any such sign shall be printed or legibly lettered on a rigid signboard or fabric banner;
- In cases where renovation or construction includes removal of permanent signs, a temporary sign is allowed as follows:
- Dimensions shall be the same as temporary signs
- May be used as a permanent sign
- May remain during construction provided the construction or renovation is expeditiously pursued
- Must be removed upon the installation of the permanent sign
- No such sign shall be placed so as to constitute a hazard to motorists or pedestrians;
- If placed upon a window, any such sign shall be included in the aggregate window area specified in Paragraph 6.2.6.2.c above.

In the case only of common special events organized by a recognized association of businesses for which events a license has been granted by the Board of Selectmen, an individual participating business may display a temporary sign in conjunction with such

an event, provided that such signs related to said events shall not exceed four per year. Grand opening events for a new business may display for fourteen (14) days, upon issuance of a sign permit. Non-illuminated temporary banners, flags, balloons and streamers provided they are mounted in a way that does not pose a hazard to pedestrian or vehicular traffic and sight lines as determined by the Zoning Enforcement Officer. Only one grand opening sign permit per business may be issued until the property undergoes a change of use or change of ownership.

i Farm Stands and Garden Stands which do not have permanent windows shall be allowed, without permit or limitation as to number or material, to display temporary signs identifying goods offered for sale on the premises, provided that such signs are kept in good order and that the aggregate total sign area of all such signs on a lot shall not exceed one square-foot per lineal feet of frontage of such lot. Decorative noncommercial flags may be displayed for sale.

j Clocks, not to exceed eight square feet in surface area per side or twelve feet in height, are allowed, provided that they display no advertising or commercial material.

k Time and temperature displays may be included in any free-standing or wall sign, and no more than twelve additional square feet of sign area may be added to the otherwise allowable sign area of such sign.

l For commercial buildings containing more than one business requiring wall signage, any wall sign provided for any such business must be in conformity with the requirements of this Section 6.2 and in accordance with the following stipulations concerning an overall master signage plan for such building. The master signage plan shall show not more than one wall sign per business within the building. However, at the owner's election not every business within the building need be provided with a wall sign within the proposed assemblage. No wall sign shall be issued a sign permit for any building for which a signage plan has been submitted or approved that is not included in or is not in conformity with the applicable signage plan. The master signage plan need not show the specific message content for any individual sign contained therein, so as to provide for change in business occupancy which may from time to time occur within the building:

1 In all Business and Industrial Zoning Districts, the building owner may submit for approval to the Community Planning and Development Commission (CPDC), a master signage plan in accordance with the provisions of Section 6.2.6.4.1. The CPDC may issue a Certificate of Appropriateness for the building showing the allocation within the maximum sign area as allowed according to Table 6.2.3. hereof among wall signs for businesses within the building. This master signage plan shall show the size, placement, materials, framing, graphic and design standards for each such sign and the assemblage thereof proposed within said allowable maximum sign area, together with proposed lighting and methods of attachment of all such signs. Once the Certificate of Appropriateness has been approved by the CPDC, the Building Inspector shall issue a sign permit for any individual business sign if it conforms to the master signage plan.

6.2.6.3 Signs in Business-A Zoning Districts

<u>Allowed Signs (also specified in Table 6.2.3)</u>

- Free-Standing
- Wall
- Projecting
- Internally illuminated

<u>Prohibited Signs</u>

- Banners as permanent signs
- A free-standing and wall sign for buildings that are not multi-tenant

All internally illuminated signs shall have a background or signboard that completely blocks illumination or glow such that light is only visible through the letters and graphics. All illuminated signs shall be turned off at the close of business.

A lot which contains not more than one establishment shall be allowed one free-standing sign or one wall sign or one projecting sign only.

A lot which contains more than one establishment shall be allowed a maximum of the following signs, all of which shall in every respect conform to the requirements of this Section:

a One free-standing sign identifying the property, and

b One wall or projecting sign per business occupying the ground floor and front wall of the building, except in cases where the provisions of Paragraph 6.2.6.2.L. are utilized, and

c One joint identification sign listing the names and logos of the establishments on the premises but containing no other advertising matter, mounted either on an appropriate building wall or on two posts, provided that such joint identification sign shall not exceed four (4) square feet in sign area, shall not exceed eight (8) feet in height, and shall not be located within a front, side, or rear yard as required in Subsection 5.1.2. hereof,

6.2.6.3.1 Off-Premises Signs

The Board of Appeals may grant a Special Permit for an Off Premises Sign including an outdoor advertising sign ("billboard") in a Business A zoning district under the following conditions:

a The proposed sign shall be in a Business A district immediately abutting an Interstate Highway, and within 25 feet of the main right of way of such highway excluding on and off ramps;

b The placement of the proposed sign shall be conditioned upon the elimination of no less than three non-conforming Off Premises signs elsewhere in the Town of Reading;

c There shall be no more than one Off Premises sign on any one lot that existed as a separate lot at the time of adoption of this section;

d The sign may be double sided with no greater than a 30 degree angle of separation between the two faces;

e Illumination of the sign shall be by external illumination only and illumination shall be limited to the hours of 6:00 p.m. to 10:00 p.m.;

f The sign shall not exceed 675 square feet on each of the two permitted faces;

g The maximum height of any Off Premises sign shall be 95 feet from the ground level upon which the sign is installed to the highest point of the structure;

h The nearest part of any Off Premises sign shall be no closer than 20 feet from an abutting property, and no less than 10 feet from the highway right of way; and

i The proposed use shall not be detrimental to the public good.

6.2.6.4 Signs in Business-B Zoning Districts

<u>Allowed Signs</u>

- Wall
- Projecting
- Awning Sign
- Externally illuminated signs

<u>Prohibited</u>

- Free-Standing (except as permitted at service stations or by special permit)
- Internally illuminated signs
- Banners as permanent signs

No sign permit shall be issued for any permanent sign in the Business-B Zoning District without the sign having been granted a Certificate of Appropriateness (Subsection 6.2.6.4.1). Freestanding, wall and projecting signs permitted in any Business-B Zoning District are specified in Table 6.2.3 No internally illuminated, or Reader Board signs shall be permitted anywhere in a Business-B Zoning District. Free-standing signs will be allowed only for service stations or by special permit from the CPDC. Signs for properties containing more than one establishment:

For a lot which contains more than one business, a Certificate of Appropriateness may be granted for more than one sign, and a maximum of the following signs are allowed, all of which shall in every respect conform to the requirements of this Section:

a A business occupying the ground floor is allowed two (2) signs if one sign is a wall sign and the second one is a projecting / blade sign, an awning sign, or a wall sign that is located on a different building façade than the first wall sign.

The allowable sign area for the primary sign is equal to 2 square feet per linear footage of length of the front wall of the building occupied by the establishment to which the sign relates in accordance with Table 6.2.3. The secondary sign area shall not exceed half of the sign area allowed for the primary sign located on the principal frontage.

b One joint identification is allowed listing the names and logos of establishments on the premises provided the following conditions are met:

- No additional advertising
- Shall be mounted on the building wall closest to the entrance
- Shall not exceed four (4) square feet in sign area
- Shall not exceed eight (8) feet in height
- Shall not project beyond the property line

c Allowance for an Additional Wall Sign: In addition to signs allowed above, a street address sign shall be permitted as follows:

- Not to exceed four (4) square feet in sign area
- Not to exceed six (6) feet in sign height
- Shall only display the street address and number of the property

6.2.6.4.1 Certificate of Appropriateness / Community Planning and Development Commission (CPDC)

The CPDC shall establish procedures for receiving and reviewing applications for signs in the Business B Zoning District, and for providing written decisions to the Building Inspector. The CPDC shall, in reviewing such applications, consider the design, arrangement, location, texture, materials, colors, lighting, and other visual characteristics of each proposed sign and its compatibility with its general surroundings with regard to the purposes outlined in Paragraph 6.2.1.

If the CPDC shall refuse to issue a Certificate of Appropriateness for any proposed sign, it shall state in writing the reasons therefore, with suggestions as to how the proposal may be modified so as to be approved.

If the CPDC shall fail to issue or refuse to issue a Certificate of Appropriateness within forty-five (45) days of the date of a completed application being submitted, the Certificate shall be deemed to have been issued. An appeal from any decision of the CPDC may be made within twenty days of such decision being filed with the Town Clerk, to the Board of Selectmen, who may uphold, modify or overrule the action of the CPDC and grant a Certificate of Appropriateness. In those cases where proposed signs are included as part of plans for approval under Site Plan Review (Section 4.3.3) or PRD Special Permit review (Section 4.10), a Certificate of Appropriateness separate from such approval shall not be required and shall be combined with the review of said permit.

6.2.6.5 Signs in Business-C Zoning Districts

Allowed Signs
- Free-Standing
- Wall
- Projecting
- Internally illuminated signs

Prohibited Signs
- Banners as permanent signs
- A free-standing and wall sign for buildings that are not multi-tenant

The allowed signs in the Business-C Zoning District are subject to the corresponding provisions of Paragraph 6.2.6.3. (Business-A). In addition, a wall sign consisting only of the name and corporate logo of the principal occupant of a building located within eighteen hundred feet of the centerline of an Interstate Highway may be displayed between the top course of windows and the parapet of such building provided that sign area not exceed fifty percent of the surface area described by the tops of such windows, the parapet, and the wall corners, that letters and logo contained in or constituting such sign shall not exceed eight feet in height, that the lowest point of such sign shall not be closer than 48 feet above the ground immediately below, that such sign shall not be illuminated between the hours of 11:00 p.m. and sunrise, and that such sign shall be located on the building wall most directly facing said highway.

6.2.6.6 Signs in Industrial Zoning Districts

Allowed Signs
- Free-Standing
- Wall
- Projecting
- Internally illuminated

Prohibited Signs
- Banners as permanent signs
- A free-standing and wall sign for buildings that are not multi-tenant

The allowed signs in the Industrial zoning district should conform to the provisions of Section 6.2.6.5 (Business-C). In conjunction with a Special Permit to Construct a Planned Unit Development (PUD) granted in accordance with Section 4.9. hereof, the Community Planning and Development Commission (CPDC) may, consistent with Subsection 6.2.1., allow modifications to any provision of this Section. The CPDC may allow one additional free-standing sign, not to exceed thirty-five feet in height or 144 square feet in sign area, in that portion of the PUD parcel's landscaped perimeter buffer area most closely adjacent to Route 128 but not closer than 500 feet from any other public street existing at the time of submission of a relevant Preliminary PUD Plan.

6.2.6.7 Signs in a PUD

Notwithstanding anything in this Section 6.2 to the contrary, signs are allowed or permitted in a PUD only in accordance with Section 4.9.5.6. of these bylaws.

6.2.6.8 Signs in Residential Districts

Allowed Signs
- Wall
- Projecting
- Externally illuminated signs

Prohibited

- Internally illuminated signs
- Free-standing signs (except as allowed by special permit)
- Banners as permanent signs

Except for identification signs (6.2.4.i) or signs allowed in Subsection 6.2.6.1, no sign in any Residential Zoning District shall be illuminated in any manner. Decorative non-commercial banners or flags displayed on residential lots shall not be construed as signs for purposes of this bylaw. In connection with any Special Permit to Construct a Planned Residential Development (PRD) granted in accordance with Section 4.10. hereof, the Community Planning and Development Commission may allow modifications to any provision of this Section which is not inconsistent with the Purposes of this Section as specified in Subsection 6.2.1.

6.2.7 Removal of Defunct Signs

In the event a business, other than a seasonal business, ceases operations for a period of time in excess of thirty days, the sign owner or lessee, or the property owner, shall immediately remove any identification or advertising of said business or any product or service sold thereby. If the sign conforms to the provisions of this Section, and if a permit has been requested within said thirty-day period for altering the same sign in conformity with this Section to identify a new business in the same location, such alteration shall be allowed. Changes in legend on any directory sign shall be exempt from the provisions of this paragraph.

6.2.8 Nonconforming Signs

A nonconforming sign may not be enlarged or altered in any way which would increase its nonconformity. Should any nonconforming sign be damaged by any means to an extent of more than fifty percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this Section 6.2.

6.2.9 Signs by Special Permit

The CPDC may grant a Special Permit for a free-standing sign within the side setbacks identified in Table 6.2.3 or Section 6.2.6.3 if it finds that the sign complies with the purposes of this by-law, abutting properties are not unreasonably impacted by sign placement, and the sign conforms in all other respects with Section 6.2 with specific attention to Section 6.2.5.a regarding impact on traffic and pedestrian safety.

a The CPDC may grant a Special Permit for a free-standing sign in the Business-B or Residential Zoning Districts if it finds that the sign complies with the purposes of this bylaw, abutting properties are not unreasonably impacted by sign placement and there is no negative impact on traffic and pedestrian safety. The CPDC may consider the following items when reviewing the Special Permit request, considerations for the character of the surrounding neighborhood, the principal use of the property or business, the location of the parking, landscaping in the front yard setback and other signs on the property.

6.3 Nonconforming Uses and Structures

6.3.1 Applicability

This bylaw shall not apply to uses or structures lawfully in existence or lawfully begun, or to a building or Special Permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this bylaw, or any relevant part thereof, was adopted. No modification of a lawfully existing nonconforming use or structure is allowed except as authorized hereunder.

6.3.2 Nonconforming Uses

The Board of Appeals may grant a Special Permit to change or extend a nonconforming use only if it determines that such change or extension shall not be substantially more detrimental than the

existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

a Modification or extension of the existing nonconforming use;

b Change from one nonconforming use to another, less detrimental, nonconforming use. Once a nonconforming use is changed to a conforming use, there is no authority to allow the property to revert to a nonconforming use.

6.3.3 Nonconforming Structures

6.3.3.1 The Building Inspector may issue a Building Permit for an interior renovation, interior alteration or interior reconstruction of a pre-existing, nonconforming structure that does or will not extend the nonconformity or create a new nonconformity.

6.3.3.2 The Board of Appeals may grant a Special Permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration or change does not increase the nonconforming nature of said structure or create a new nonconformity and shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

a A reconstruction, extension or structural change;

b An alteration to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

6.3.3.3 For purposes of this bylaw, an increase in the nonconforming nature of a structure will result when the portion added to the structure violates any provision of this Zoning By-Law applicable at the time of application for the building permit required for such addition. An increase in the nature of a nonconforming structure will not result from a mere replacement, without undue delay, of a nonconforming portion thereof.

6.3.3.4 Nothing in this bylaw shall prevent the strengthening or restoring to a safe condition of any building or structure, or part thereof, declared unsafe by the Building Inspector.

6.3.4 Variance Required

Except as provided in Section 6.3.5 herein, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

6.3.5 Alteration of Nonconforming Single and Two-Family Residential Structures – As of Right

Nonconforming single and two-family residential structures may be extended, altered or structurally changed (collectively “alteration”) upon a determination by the Building Inspector that such proposed alteration does not increase the nonconforming nature of said structure. The Building Inspector may issue a Building Permit under any of the following circumstances:

a For the alteration of a single or two-family structure which will not increase the footprint of the existing structure, create a new dimensional nonconformity or extend an existing dimensional nonconformity, provided that the existing height restrictions shall not be exceeded. This clause shall apply regardless of whether the lot complies with the current area and/or frontage requirements;

b For the alteration of a single or two-family structure that is located on a lot which is nonconforming only with respect to area, where such alteration will comply with all current setback, yard, lot coverage and building height requirements;

c For the alteration of a single or two-family structure that is located on a lot which is nonconforming only with respect to frontage where such alteration complies with all current setback, yard, lot coverage and building height requirements; and

d For the alteration of a single or two-family structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, lot coverage and building height requirements.

6.3.6 Alteration of Nonconforming Single and Two-Family Residential Structures – by Special Permit

In the event that the Building Inspector determines, after consideration of Section 6.3.5 above, that the nonconforming nature of such structure would be increased by the proposed extension, alteration or change, the Board of Appeals may, by special permit, allow such extension, alteration or change where it determines that the proposed extension, alteration or change will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

6.3.7 Reconstruction After Catastrophe

A lawful, pre-existing, nonconforming single or two-family building, structure or use, which has been destroyed or damaged by fire or other casualty may be re-established, restored or reconstructed within two years of occurrence of the damage or destruction. Re-establishment, restoration or reconstruction shall be permitted provided that there is no increase in the degree of the nonconformity. Any proposed change of use is subject to the provisions of this bylaw.

6.3.8 Voluntary Demolition and Reconstruction

6.3.8.1 Any new construction, following voluntary demolition of a nonconforming structure, shall be in conformance with this Zoning By-Law, except in the following circumstances:

a A single-family or two-family dwelling which is nonconforming only with respect to lot size and/or frontage may be voluntarily removed or demolished and replaced by a new single-family or two-family dwelling. Such reconstruction must comply with the current dimensional controls for the district in which the dwelling is located.

b In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition. The Board of Appeals may, by Special Permit, allow such reconstruction where it determines that the proposed reconstruction will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

c A detached accessory structure which is accessory to a single-family or two-family dwelling that has nonconforming setbacks may be demolished and a new accessory structure may be built in the same footprint; provided, that the new accessory structure does not exceed the existing height and size limitations for accessory structures.

6.3.9 Abandonment or Non-Use

A nonconforming use of a structure or land that has been abandoned or not used for a period of two (2) years, shall lose its protected status and be subject to all of the provisions of this Zoning By-Law.

7.0 ADMINISTRATION

7.1 Permits

7.1.1 The Inspector of Buildings 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 as he shall deem necessary for the full and accurate exposition of the proposed construction, alteration or use, with relation to the requirements of this Bylaw. Such material, so required, shall be kept on file in the records of the officer or officers to whom it is submitted.

7.1.1.1 Whenever an application is made for a building permit which the Building Inspector believes may be affected by an Overlay District boundary, the 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. Such plan shall not be required where a permit is applied for solely for interior work.

7.1.2 No building erected, materially altered, relocated or in any way changed as to the construction or use under a permit or otherwise, and no land, shall be occupied or used without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the building and its use and accessory uses, and the use of all land, comply in all respects with this Bylaw. 7.1.3 The Inspector of Buildings shall not grant a permit for the construction or alteration of any building which would violate any provision of this Bylaw. No municipal officer shall grant any permit or license for the use of buildings or land which use would violate any provision of this Bylaw. Whenever such a permit or license is refused, the reason therefore shall be clearly stated in writing.

7.2 Enforcement

7.2.1 The Building Inspector is hereby designated and authorized as the officer charged with the enforcement of this Bylaw.

7.2.2 Whoever violates any provision of this Bylaw shall be punished by a fine not exceeding three hundred ($300.00) dollars for each offense and each day that such a violation continues shall constitute a separate offense. Upon any well-founded information that this Bylaw is being violated, or upon his own initiative, the Building Inspector shall take immediate steps to enforce this Bylaw, including making complaint in the Fourth District Court of Eastern Middlesex held at Woburn, by noncriminal disposition in accordance with the provisions of Section 5.11 of the General Bylaw of the Town and Section 21D of Chapter 40 of the General Laws, or by any other manner authorized by law. The provisions of this Section 7.2.2 shall equally apply to the record owner of the real property upon which a violation of this Bylaw occurs regardless of who caused or committed such violation.

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

7.3 Special Permit Granting Authority

7.3.1 The Special Permit Granting Authority will issue permits in accordance with the procedure and provisions of Section 9 of Chapter 40A.

7.3.2 Unless otherwise specified in this Bylaw, the Special Permit Granting Authority is the Board of Appeals.

7.3.3 Any approval which has been granted by the Special Permit Granting Authority under the provisions of Paragraph 7.3.1. and 7.3.2. above, shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

7.3.4 In exercising the powers granted by this Bylaw, the Special Permit Granting Authority shall act in accordance with the provisions of Sections 11 and 16 of Chapter 40A of the General Laws, and shall consider the effects thereof upon the neighborhood in particular and the Town at large in general.

7.4 Board of Appeals

7.4.1 Establishment

7.4.1.1 There is hereby established a Board of Appeals of three (3) members and three (3) associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed in Chapter 40A of the General Laws.

7.4.2 Powers of the Board of Appeals

7.4.2.1 To hear and decide appeals in accordance with Section 8 of Chapter 40A.

7.4.2.2 To hear and decide petitions for variances, including for use, in accordance with Section 10 of Chapter 40A.

7.4.2.3 To hear and decide applications for Special Permits for those uses for which approval of the Board of Appeals is required in accordance with the provisions of this Bylaw.

7.4.2.4 To hear and decide applications for extension or alteration, of non-conforming uses in accordance with Section 6.3 of this Bylaw.

7.4.3 Considerations

7.4.3.1 In exercising the powers granted by Paragraph 7.4.2. above, the Board of Appeals shall act in accordance with the provisions of Section 11, 14, 15 and 16 of Chapter 40A of the General Laws, and shall consider the effects thereof upon the neighborhood in particular and the Town at large in general.

8.0 APPLICABILITY

8.1 Effective Date

This Bylaw shall take effect upon its approval by the Town Meeting and publication according to law.

8.2 Other Regulations

Reserved

8.3 Invalidity

In the event that any provision of this Bylaw shall be determined to be invalid by a Court of competent jurisdiction, the remaining provisions of this Bylaw not manifestly inseparable from the invalid provisions shall continue in force.

9.0 ADOPTION AND AMENDMENT

This Bylaw from time to time may be changed by amendment, addition or repeal in the manner provided in Section 5 of Chapter 40A of the General Laws.

APPENDICES

Appendix A - History of the Bylaw Text

Adoption Date	Warrant Article	Subject
03/16/1942	03	Zoning Bylaw and Definition Adopted
03/26/1951	37	Business C District Provisions
03/23/1953	24	General Revision and Renumbering
03/29/1954	02	Residence A2 & Industrial District Provisions
11/19/1956	05	Town Buildings Excluded
03/19/1959	30	Town Building Sites Excluded
03/26/1962	54	Industrial & Restricted Industrial Districts
03/26/1962	55	Restricted Industrial District Provisions
03/26/1962	56	Use Regulations in Business Districts
03/26/1962	57	Parking and Loading Requirements
10/26/1964	07	Use and Intensity Regulations in Business Districts
04/26/1965	02	Height Regulations in Business C Districts
12/16/1965	05	Sign Regulations
04/15/1967	75	Residence B-1 District Provisions
09/22/1969	11	Revision of Apartment Regulations
03/30/1970	53	General Revision and Renumbering
06/22/1970	15	Flood Plain District Provisions
12/04/1972	08	Combined Service Use Provisions
03/16/1974	58	Revay Brook Added to Flood Plain District
05/19/1975	59	Roomers and Boarders
05/19/1975	62	Violations and Fines
06/05/1975	80	Wetlands Protection District Provisions
02/27/1978	06	Recodification and Chapter 40A, Massachusetts General Law Mandatory Provisions
02/27/1978	07	Definition of Building and Structure
02/27/1978	08	Definition of Sign and Regulation of Off-Premises Signs
02/27/1978	09	Industrial Uses in Industrial Districts
02/27/1978	10	Public Buildings and Public Utilities in Bus C and Ind Districts
02/27/1978	11	Accessory Retail Sales in Bus A, Bus B and Ind Districts
03/06/1978	13	Non-conforming Lots
03/06/1978	14	Accessory Consumer Service Uses and Maximum Floor Area
03/09/1978	16	Open Storage of Firewood in Residence A Districts
03/09/1978	17	Sign Regulations in Residence Districts
03/09/1978	18	Purposes Authorized by Chapter 808, Acts of ‘75
03/09/1978	20	Fines for Violations
03/09/1978	21	Boston & Maine Railroad Right of Way
03/09/1978	22	Interpretation of the Zoning Map
03/09/1978	23	Definition of Apartment
03/09/1978	24	Definition of Family
03/09/1978	25	Definition of Frontage
03/09/1978	26	Lot Area for Other Principal Use in A-1 Districts
03/09/1978	27	Paragraph in Conflict with State Building Code
11/30/1978	18	Rewording of Districts
06/14/1979	39	Non-conforming Lots
06/14/1979	40	Delete “Public Buildings”
06/15/1980	51	Business C Buffer Strip
11/10/1980	16	Canopy Exclusion in Ind Districts
04/23/1981	11	Off-street Parking Requirements for Restaurants
04/23/1981	13	Inclusion of Ind District in Buffer Strip
06/01/1981	12	Rewording of Non-conforming Uses
11/19/1981	27	Addition of National Flood Insurance Flood Management

Adoption Date	Warrant Article	Subject
11/19/1981	28	Addition to Reading Zoning Map, the 4 maps entitled “Flood Insurance Rate Map, Town of Reading, Mass., Middlesex County.”
11/19/1981	29	National Flood Insurance Flood Management District to Overlay under Section 3.1
11/19/1981	30	Cross-reference to General Bylaw Article 32 (Section 5.7) under Section 4.5.2
11/19/1981	31	Addition of Flood Plain to Section 5.3.2.1
04/21/1983	39	Regulations Governing Accessory Apartments
04/21/1983	36	Definition of Accessory Apartment
04/25/1983	37	Definition of Floor Area, Net
04/25/1983	38	Addition Under Section 4.2.2 – Accessory Uses for Accessory Apartments
04/25/1983	40	Parking requirements for Accessory Apartments
12/01/1983	34	Date change for Zoning Maps in Section 3.2
12/01/1983	36	Parking Requirements for Nursing Homes
04/11/1985	11	Definition of Townhouses, Townhouse Development
04/11/1985	12	Special Permit – Townhouse Development in a Residence S-10 Zoning
04/11/1985	13	Off-Street parking for Townhouse
04/18/1985	14	Special Permit-Townhouse Low, Moderate Income or Elderly Housing
11/18/1985	20	Add Municipal Building Reuse District
11/18/1985	21	Conversion of Municipal Buildings
11/18/1985	22	Municipal Building Reuse District
11/18/1985	23	Amending Zoning and Zoning Map to establish Municipal Reuse District
11/18/1985	25	Add Site Plan Review
11/18/1985	28	Add Aquifer Protection Overlay District
11/18/1985	29	Amend Section 3.1 Aquifer Protection
11/18/1985	30	Add definitions under Aquifer Protection
11/18/1985	31	Add to Aquifer Protection
11/13/1986	13	Change date on Reading Zoning Map from November 1, 1983 to November 1, 1986
11/13/1986	14	Change the names of the Boards to reflect the Charter changes
11/16/1987	05	Add Section 4.9 Planned Unit Development
11/16/1987	06	Amend Section 3.1 Districts: Planned Unit Development
11/16/1987	07	Amend Section 4.2.2 Table of Permitted Uses: Planned Unit Development
11/28/1988	05	Add Section 4.10 Planned Residential Development
12/01/1988	06	Amend Section 3.1 Districts: Planned Residential Development
12/01/1988	07	Amend Section 4.2.2 Table of Permitted Uses: Planned Residential Development
12/01/1988	10	Amend Section 6.1.1.3 Parking and Loading/Unloading Requirements
12/01/1988	11	Amend Section 2.2.12 and 2.2.12.1 Definitions: Floor Area, Gross, and Floor Area, Net
05/15/1989	16	Amend Section 4.2.2 Table of Permitted Uses: Car Wash
11/16/1989	25	Amend Section 4.7 Municipal Building Reuse
11/27/1989	18	Amend Section 7.2.2 Fines
11/27/1989	21	Amend Section 2.2.32 Definitions: Use
11/27/1989	22	Amend Section 4.3.3 Site Plan Review
11/27/1989	24	Amend Section 7.4.1.1 Board of Appeals, Associate Members
11/15/1990	15	Amend Section 4.3.3.1 Site Plan Review
11/15/1990	16	Amend Section 2.2.13 Definitions: Frontage
04/13/1992	12	Amend Section 4.9 Planned Unit Development
11/12/1992	23	Amend Section 2.2.13 Definitions: Frontage
11/16/1992	24	Amend Section 4.9 Planned Unit Development
11/16/1992	26	Amend Section 4.10 Planned Residential Development
11/19/1992	27	Amend Section 4.2.2 Table of Uses
11/19/1992	29	Delete Section 4.6 Townhouse Development
11/15/1993	12	Amend Section 4.10.1 PRD-M
11/18/1993	16	Amend Section 6.2 Signs
04/14/1994	19	Delete Section 6.3.4
11/17/1994	13	Amend Section 5.3.2.1 Special Cases
11/17/1994	14	Amend Section 4.10.2.1 Planned Residential Development
11/17/1994	15	Add Section 2.2.33.1 Wetlands Resource Area
11/17/1994	20	Amend Section 5.1.2 Table of Dimensional Controls

Adoption Date	Warrant Article	Subject
11/17/1994	21	Amend Section 5.2.1 Supplementary Requirements
11/17/1994	23	Amend Section 4.8.3.1.6 Aquifer Protection District
11/17/1994	24	Amend Section 6.2.3.2.b Signs
11/17/1994	27	Add Section 2.2.9.3 Dwelling Unit
04/10/1995	18	Delete and Add Section 6.3.3.3 Non-conforming Structures
04/27/1995	20	Amend S-10 District to S-15 District
04/27/1995	21	Add to Section 4.10.2 PRD as an Overlay District
11/16/1995	16	Amend Section 7.2.2 Enforcement
11/16/1995	18	Add Section 4.9.3.1.1 PUD Review Process
09/09/1996	06	Add Section 4.3. 4 Adult Uses
09/09/1996	07	Add Section 2.2.1.2 Adult Uses Definition
09/09/1996	08	Amend Section 4.2.2 relative to Adult Uses
09/09/1996	09	Add Section 6.3.2.5 Adult Uses Non-Applicability
11/14/1996	18	Replace Section 2.2.7, amend Section 4.2, add Section4.3.5 Commercial Communications Structures
11/14/1996	19	Replace Paragraph 4.7.2.1.h. relative to Required Low- and Moderate Income Housing
05/05/1997	32	Amend Paragraph 6.2.2.4.d and add Section 6.2.3.2.1 relative to Open Flags
05/05/1997	33	Replace Paragraph 6.2.3.2.d Window Signs
05/05/1997	34	Add Paragraph 6.2.3.2.m and amend Paragraphs 6.2.3.2.1.b and 6.2.3.2.2.a relative to Signs on Multiple Tenant Buildings
05/05/1997	35	Replace Section 4.10.4.3 PRD-G relative to Development Density and delete Paragraph 4.10.2.1.h
11/13/1997	16	Delete Section 5.2.1 relative to Lot Shape and replace with new Section 5.2.1
11/13/1997	17	Delete Section 5.3.2 and replace with Section 5.2.9 relative to Upland Requirement
11/12/1998	04	Amend Section 4.3.4 relative to Adult Uses
11/12/1998	04	Amend Subparagraph 4.3.4.3.1a relative to Adult Uses
11/12/1998	04	Amend Subparagraph 4.3.4.3.1b relative to Adult Uses
11/12/1998	04	Amend Subparagraph 4.3.4.3.1c relative to Adult Uses
11/12/1998	04	Amend Subparagraph 4.3.4.3.1d relative to Adult Uses
11/12/1998	04	Delete Subparagraph 4.3.4.3.2.b and renumber remaining subsequent subparagraphs in Paragraph 4.3.4.3.2
11/12/1998	04	Amend renumbered Subparagraph 4.3.4.3.2.b (former Subparagraph 4.3.4.3.2.c)
11/16/1998	21	Amend Section 6.3.1.1 and adding new subsection b
11/16/1998	21	Amend Section 2.2.23 relative to Nursing Home
11/16/1998	21	Amend Section 4.3.1.4 relative to Principal Uses
11/16/1998	21	Amend Paragraph 4.2.2 (Table of Uses)
11/16/1998	23	Amend Section 6.2.2.4.d relative to signs
11/16/1998	23	Amend Section 6.2.3.2.1 Signs in Business-A Zoning Districts
04/26/1999	19	Amend Section 4.2.2 (Table of Uses)
04/26/1999		Add new Section 4.3.6 relative to Special Permit for Agricultural Uses on Parcels of Less than Five Acres
11/08/1999	11	Amend Table 6.1.1.3 Off-Street Parking and Loading/Unloading Requirements by deleting current text of Minimum Number of Off-Street Parking Spaces Required for Restaurants and substituting new text
04/27/2000	05	Amend Section 5.1.2 Table of Dimensional Controls by adding footnote "*"
04/27/2000	05	Amend Section 5.2.5 relative to Height by adding Section 5.2.5.3
05/01/2000	06	Amend Section 5.1.2 Table of Dimensional Controls relative to "Hotel or Motel" and "Other Permitted Uses" and adding footnote "*"
05/01/2000	06	Amend Section 5.3.1 relative to Transitional Areas by deleting current text and substituting new text
05/01/2000	06	Amend Section 5.3.1.1 Table of Dimensional Controls for Transitional Areas
05/01/2000	06	Amend Section 5.3.1.3 Zoning Business C
05/01/2000	06	Amend Section 5.3.1 by adding Section 5.3.1.4
05/01/2000	06	Amend Section 5.2.8.1 Building per Lot
05/01/2000	06	Amend Section 6.1.1.2 Off-Street Parking Areas
05/01/2000	06	Amend Section 6.1.2.2 Off-Street Parking Design

Adoption Date	Warrant Article	Subject
05/01/2000	06	Amend Section 6.1.1.3 Table of Off-Street Parking and Loading/Unloading Requirements
05/01/2000	06	Amend Section 6.1.1.3 Table of Off-Street Parking and Loading/Unloading Requirements relative to Restaurants and adding footnote "*"
05/01/2000	06	Amend Section 4.2.2 Table of Uses
05/01/2000	06	Amend Section 2.0 Definitions by adding Section 2.2.7.2 relative to Computer Services
05/01/2000	06	Amend Section 2.2.16 relative to Height of a Building
09/11/2000	04	Amend Sections 4.9.3.1.1.a, 4.9.3.1.1.b relative to Planned Unit Development
09/11/2000	04	Amend Section 4.9.4.2 Permitted Uses
09/11/2000	04	Amend Section 4.9.5.2 Transportation, Site Circulation and Parking
09/11/2000	04	Amend Section 4.9.5.6 Signage
09/11/2000	04	Amend Section 6.2.3 Signs by Zoning District
09/11/2000	05	Amend Section 2.2.25 Place of Assembly
04/30/2001	17	Amend Section 4.3.3 Site Plan Review
04/30/2001	18	Amend Section 4.3.2.9 Open Storage
04/30/2001	20	Amend Section 6.3 Nonconforming Uses, Structures and Lots
11/19/2001	21	Amend Section 4.4.A.1 – Boundaries of National Flood Insurance Flood Management District
11/19/2001	22	Amend Section 4.8 – Aquifer Protection District
04/25/2002	26	Amend Section 6.2.3.2 – Signs in Business and Industrial Zoning Districts
12/9/2002	06	Amend Section 4.2.2 Table of Uses
12/9/2002	06	Amend Section 4.9 – Planned Unit Development
11/10/2003	18	Amend Section 6.3.11a – One-Family, Two-Family Dwellings
05/06/2004	20	Add New Sections to 4.9.2 and 4.9.7 – PUD-B's and Table of Uses
11/18/2004	18	Amend Section 4.3.3 – Adding Section 4.3.3.12.1 – Waiver of Site Plan
11/18/2004	19	Amend Section 4.3.3 – Adding Section 4.3.3.12.2 – Waiver of Loading Zone Space Requirements
05/05/2005	26	Amend Section 2.0 – To add Carriage House-Stable-Barn Definition
05/05/2005	26	Amend Section 4.3.2 – Accessory Uses – To add Section 4.3.2.10 – Carriage House-Stable-Barn Preservation
05/05/2005	26	Amend Section 4.2.2 – Table of Uses – To add under Accessory Uses – Carriage House-Stable-Barn
11/14/2005	19	Amend Section 4.8.6.2 Prohibited Uses
11/17/2005	20	Add Section 2.2.21.2 – Mixed Use Definition
11/17/2005	20	Amend Section 4.2.2 – Table of Uses – To add under Principal Uses – Mixed Use
11/17/2005	20	Add new Section 4.6 – Mixed Use Overlay District
03/01/2007	08	Add a new Subsection "l" to Section 4.9.5.6.3
03/01/2007	08	Amend Section 4.9.7.4.2.c by adding language to end
04/30/2007	24	Amend Section 2.2.13 on Lot Frontage
12/10/2007	04	Add Section 4.11 – Gateway Smart Growth District
12/10/2007	05	Amend Sections 2.0 to add Senior Independent Living definition, 4.2.2 Table of Uses, 5.3.14 Max. Allowable Development., 6.1.1.3 Off-Street Parking and Loading/Unloading Requirements; and add new Sections 5.3.1.4.e and 4.3.3.12.3 under Site Plan Review
11/10/2008	21	Delete ten and replace with eight in 4th sentence of Section 6.2.3.2b and insert calendar before year in 1st sentence of Section 6.2.3.2.i
11/10/2008	22	Renumbered Section 2.2.28.1; inserted 4.4.1 and 4.5.1 as reserved; insert missing Section 4.9.7.5; insert missing ( ) in Section 6.2.3.2; and deleted hyphen in Section 6.3.7
05/04/2009	18	Amend Sections 5.1.2 Table of Dimensional Controls, 4.9.7.4.2b to add new language re: front, side & rear yard requirements
05/04/2009	19	Amend Section 4.9.7.2a Drive-thru uses
11/30/2009	05	Add Section 4.12 Downtown Smart Growth District
05/03/2010	26	Amend Section 2.2.22 Nonconforming Definitions
05/03/2010	26	Amend Section 6.3 Nonconforming Uses & Structures
05/03/2010	27	Add Section 2.2.29 Sign Definitions
05/03/2010	27	Amend Section 4.3.3.5.1a Contents of Plan
05/03/2010	27	Amend Section 4.3.3.6.f Approval
05/03/2010	27	Amend Section 6.2 Signs

Adoption Date	Warrant Article	Subject
05/03/2010	28	Amend Section 4.4 Flood Plain Overlay District
11/15/2010	18	Amend Section 6.2.3 Table for Business A, C, and Industrial Add (I) to Line 11 Side Setbacks & to Notes
11/15/2010	18	Add Section 6.2.9 Signs by Special Permit
11/15/2010	19	Amend Section 6.2.3 Signs Permitted According to Zoning District Line 14. Add new Line 17 and (J) to Notes
11/15/2010	19	Amend Section 6.2.5.f Prohibited Signs
11/15/2010	19	Amend Section 6.2.6.4 Signs in Business-B Zoning Districts
11/15/2010	19	Amend 6.2.6.8 Signs in Residential Districts
11/15/2010	19	Add Section 6.2.9.a Signs by Special Permit
11/15/2010	20	Amend Section 6.2.4.o Exempt Signs
11/15/2010	20	Amend Section 6.2.6.3 Signs in Business-A Zoning Districts
11/15/2010	20	Amend Section 6.2.6.4 Signs in Business-B Zoning Districts
11/15/2010	22	Amend Section 6.3.3.1 Non-Conforming Structures
05/03/2010	26	Amend Section 6.3 Non-Conforming Structures
05/03/2010	27	Amend Section 6.2 Signs
05/05/2011	23	Amend Section 4.3.3 Site Plan Review
11/17/2011	21	Amend Section 4.8.3 Definitions
11/17/2011	21	Amend Sections 4.8.6 - 4.8.7 - 4.8.8 - 4.8.9
11/17/2011	22	Amend Section 6.2.2 Definitions
11/17/2011	22	Amend Section 6.2.4 Exempt Signs
11/13/2012	16	Amend Section 2.1 Definitions
11/13/2012	16	Amend Section 6.1 Off-Street Parking and Loading Areas
4/22/2013	23	Amend Section 3.2 Zoning Map
4/25/2013	4	Amend Section 4.3.1.4

APPENDIX B - History of the Bylaw Map

Adoption Date	Warrant Article	Subject
03/16/1942	03	Zoning Map Adopted
10/27/1947	10	Change from Residence A3 to Residence A2
03/26/1951	36	Annexed Land to Residence A3
03/26/1951	37	Change from Residence A1 to Business A to Business C
09/17/1951	02	Change from Residence A1 to Industrial
03/23/1953	25	Change from Residence A1 to Industrial
03/29/1954	04	Change from Residence A1 to Industrial
03/29/1954	05	Change from Residence A1 & A2 to Business C
10/27/1955	11	Change from Residence A1 to Industrial
03/21/1957	33	Change from Residence A2 to Industrial
03/21/1957	34	Change from Residence A1 to Industrial
03/21/1957	35	Change from Business C to Industrial
3/21/1957	36	Change from Residence A1 to Industrial
11/25/1957	21	Change from Residence A2 to Business A
11/25/1957	22	Change from Residence A2 to Business A
03/19/1959	31	Change from Residence A3 to Residence A2
06/22/1959	06	Change from Residence A1 to Business B
03/23/1964	58	Change from Residence B to Business A
10/26/1964	08	Change from Residence A2 to Business C
10/26/1964	09	Change from Residence A2 to Business C
10/26/1964	16	Change from Residence A1 to Residence B
05/04/1965	17	Change from Residence A1 to Residence B
04/04/1966	54	Change from Residence A1 to Business A
06/23/1966	06	Change from Business C Residence A1
04/15/1967	77	Change from Residence B to Residence B1
03/23/1968	69	Change from Residence A1 to Residence B
03/23/1968	73	Change from Residence A1 to Residence B
09/22/1969	12	Change from Residence B to Residence A1
03/30/1970	60	Change from Residence A1 to Business A
06/22/1970	15	Flood Plain District Adopted
03/16/1974	58	Flood Plain District Enlarged
10/21/1974	06	Change from Residence A1 to Business B
06/05/1975	80	Wetlands Protection District Adopted
11/30/1978	18	New Zoning Map Adopted
11/30/1978	20	Wetlands Expanded – Pearl, Main and Franklin Streets – Map 33
11/30/1978	21	Change from S-10 to A-80 – Map 6
11/18/1985	23	Municipal Building Reuse District Adopted
11/18/1985	28	Aquifer Protection Overlay District Adopted
11/13/1986	13	Zoning Map Updated
11/16/1987	08	Planned Unit Development Overlay District Adopted
05/15/1989	13	Planned Residential Development Overlay District Adopted
11/16/1989	26	Municipal Building Reuse Overlay District Adopted
04/13/1992	13	Planned Unit Development Overlay District Expanded
11/19/1992	30	PRD-M Overlay District (formerly Planned Residential Development)
04/15/1993	10	PRD-G, Map 6, Lots 8 and 24
11/15/1993	13	PRD-M, Map 13, Lot 50
11/15/1993	14	PRD-G, Map 95, Lots 7, 8, and 9
11/18/1993	15	PRD-G, Map 156, Lot 15
04/25/1994	17	PRD-G, Map 179, Lot 2 and Map 180, Lot 1
04/14/1994	18	PRD-G, Map 236, Lot 14
11/16/1995	20	PRD-G, Map 155, Lot 2

Adoption Date	Warrant Article	Subject
05/01/2000	07	Rezone from S-15 and S-20 Residence Districts to the Business C District those portions of the land situated off Jacob Way shown on Reading Board of Assessors' Rev. Jan. 1, 1994 Map 4 as Lots 11A and 25 and on Reading Board of Assessors' Rev. Jan. 1, 1982 Map 5 as Lots 2, 5, 13, 16, 17 & 18, and part of Jacob Way, not currently zoned Business C, and being shown on a plan on file with the Reading Town Clerk entitled: "Plan Showing Areas of Former Addison-Wesley Property in the Business C District in Reading, Mass, dated 3/27/00 by Hayes Engineering Inc.
12/09/2002	07	Remove Industrial Zone PUD and Replace with PUD-I Designate Assessors Map and Lot numbers as PUD-R
05/01/2003	21	Amend Town of Reading Zoning Map – Designate and include following property in the PUD-R Zoning District: Assessor's Map 58, Lot 5
05/06/2004	21	Amend Town of Reading Zoning Map to designate the following land currently zoned as Business A and S-15 as being within the Planned Unit Development – Business (PUD-B) Overlay District: Land situated on the westerly side of Main Street, Reading, MA, being shown on Assessors' Map 11 as Lots 11 and 12
02/26/2007	05	Amend Reading Zoning Map to include within the Business B and Mixed Use Zoning Districts a parcel of land currently within the S15 Zoning District shown as parcel number 21 on Reading Assessor's Map 64, which land is situated on the Westerly side of Sanborn Street, in Reading
03/01/2007	09	Amend Reading Zoning Map to include within the Planned Unit Development Business (PUD-B) Overlay District a parcel of land shown as parcel number 14a on Reading Assessors' Map 11, which parcel is shown as Lot One (1) on a plan entitled "Subdivision of Land in Reading, Mass. For Antonio J. and Alma V. Tambone," Dana F. Perkins and Sons, Inc. Civil Engineers and Surveyors, Reading, Mass. Dated April 11, 1955 and recorded in Middlesex South District Registry of Deeds in Book 8480, Page 359, and is further bounded and described as follows: SOUTHERLY: by South Street as shown on said plan eight (80) feet; EASTERLY: by Lot 2 as shown on said plan and by land of Antonio J. Tambone and Alma V. Tambone as shown on said plan one hundred and forty-seven and 70/100 (147.70) feet; NORTHERLY: by land of Antonio J. Tambone and Alma V. Tambone and by land of Ten Hill Plumbing and Heating Co., Inc. as shown on said plan fifty-seven and 13/100 (57.13) feet; and WESTERLY: by land of Edward and Florence E. McIntire as shown on said plan one hundred forty-seven and 00/100 (147.00) feet; Containing 10,000 square feet of land more or less according to said plan.
12/10/2007	04	Amend Lot A of Reading Zoning Map, Business C district by superimposing an overlay district over the Underlying Zoning district for Lot A, as per map, "Gateway Smart Growth District" prepared by Vanasse Hangen Brustlin 10/03/2007.
12/10/2007	05	Amend Reading Zoning Map, Business C district to create subdistrict A, B, C & D, as per map "Business C Planning Subdistricts" prepared by Vanasse Hangen Brustlin 10/03/2007
11/30/2009	05	Amend Town of Reading Zoning Map to include Downtown Smart Growth District, Map 5-4 05/03/2010 28 Amend Town of Reading Zoning Map to adopt boundaries of new overlay district defined on Middlesex Flood Insurance Rate Map (FIRM) effective 6/4/2010 and as further defined by Middlesex County Flood Insurance Study (FIS) report dated 06/04/2010
4/22/2013	23	Correct Zoning Map - No new changes proposed