

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

PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
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 ¹	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Church ¹	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

PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
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*
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

PRINCIPAL USES	RES	RES	RES	BUS	BUS	BUS	IND
	S-15	A-40	A-80	A	B	C	
	S-20						
	S-40						
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
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

1 Uses as Defined in MGL Chapter 40A Section 3 these uses shall be permitted by-right in all districts and subject to "reasonable regulations" as defined therein.

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