

ARTICLE XI  
**Planned Unit Development**

**§ 200-53. Special permit required.**

The Community Planning Commission may grant a special permit for the utilization of a tract of land in a Residential "E" (RE) District as a planned unit development subject to all requirements and conditions contained in this article.

**§ 200-54. Definition. [Amended 10-23-1980 OTM by Art. 9, approved 1-8-1981]**

A planned unit development is development of a tract of land for mixed use which land is developed as an entity by the landowner and which land is not subject to the Table of Dimensional and Density Regulations but which is governed instead by the requirements of this article.

**§ 200-55. Purpose.**

The particular intent of this article is to provide for a mixture of housing types at certain locations and in certain districts in the Town at somewhat greater densities than would normally be allowed in the district without detracting from the livability and aesthetic qualities of the environment, but, rather, encouraging:

- A. The general purpose of this Zoning Bylaw as contained in § 200-2;
- B. The preservation of open space and the promotion of more efficient use of the land in harmony with its natural features;
- C. A more creative approach to land development;
- D. Land use which is harmonious with the environment and which conserves natural resources and scenic qualities;
- E. The provision of more desirable, aesthetic and functional open space, both public and private and its efficient allocation, distribution, use and maintenance;
- F. Diversity and variety in the development pattern of the community;
- G. Better design and land planning resulting in economical and efficient street utility and public facility installation, construction and maintenance; and
- H. The development of real property values for the long-range future.

**§ 200-56. Permitted uses.**

The following uses shall be permitted:

- A. Residential (one-family and multi-family dwellings);
- B. Community facilities (religious or education institutions, charitable or philanthropic institutions, public utilities and service uses, public recreation or open space, hiking and riding trails);
- C. Commercial [retail or service establishment not exceeding five thousand (5,000) square feet in gross floor area]; and
- D. Appropriate accessory uses as allowed and regulated in § 200-36.

**§ 200-57. Dimensional and density requirements.**

For a proposed planned unit development not to be subject to the Table of Dimensional and Density Regulations of Article XII of this Zoning Bylaw, the following criteria must be met:

- A. Minimum area. The tract of land shall be at least one hundred (100) contiguous acres in single ownership.
- B. Provision of usable open space. At least twenty (20) percent of the total tract area shall be set aside as common land and shall consist of usable open space. At least seventy-five (75) percent of the usable open space shall be neither wetlands nor over five (5) percent slope land.
  - (1) For purposes of this article, the term "usable open space" shall mean the land area in a planned unit development to be used for scenic, landscaping or recreational purposes within the development and includes the following:
    - (a) Land area of the site not covered by buildings, parking facilities or accessory structures, except recreational structures; and
    - (b) Land which is accessible and available to all occupants of dwelling units for whose use the space is intended.
  - (2) Usable open space shall not include:
    - (a) Proposed street rights-of-way;
    - (b) Open parking areas and driveways for the dwellings;
    - (c) Commercial areas and buildings, accessory buildings and parking and loading facilities therefore;
    - (d) Surface area of any pond or lake;

- (e) Required yards, setbacks, or other such dimensional requirements of this section; and
  - (f) Easements for above-ground utilities.
- C. Maximum residential density. The maximum residential net density for the planned unit development shall be one (1) dwelling unit per gross acre.
- D. Maximum land coverage. Not more than twenty (20) percent of the gross land area shall be covered by dwellings.
- E. Percentage of dwellings of one type. Not more than seventy (70) percent of the total number of dwelling units shall be of either single-family detached dwellings or multi-family dwellings.
- F. Dimensional requirements:
  - (1) Buildings shall be at least fifty (50) feet from any property line not coincident with a street line, at least twenty-five (25) feet from any street line or parking area, and at least twenty-four (24) feet apart, or apart by a distance at least equal to the sum of their heights, whichever is greater;
  - (2) The maximum allowable height shall be thirty-five (35) feet for all permitted uses;
  - (3) No building of more than thirty-five (35) feet shall be erected within one hundred and twenty-five (125) feet of any zoning boundary line of a planned unit development; and
  - (4) No commercial establishment shall exceed five thousand (5,000) square feet in gross floor area.
- G. Maximum percentage of commercial development. A maximum of five (5) percent of the total residential gross floor area at one time may be devoted to commercial gross floor area.

**§ 200-58. Mandatory provisions of special permits.**

- A. This special permit shall contain the following mandatory conditions with respect to common land:
  - (1) Insuring the continued existence of common land. Provisions shall be made so that all common land shall be:
    - (a) Restricted to recreational, agricultural, conservation and/or park uses;
    - (b) Open to such uses by at least the owners and occupants of the lots whom the common land is designed to serve; and
    - (c) Restricted so that no structure shall be erected thereon except as an incident to the above uses.

- (2) Insuring the maintenance of common land. The continued maintenance of common land shall be insured by one or more of the following methods:
  - (a) The sale of individual lots or parts of the planned unit development shall include in the deed a requirement obligating purchasers to participate in a homeowners' association and to support maintenance of the common land, accessible to the purchasers or their guests only, by paying assessments to the association. The organization of such homeowners' association shall be on file with the Town Clerk along with an annual report including the names and addresses of officers, to be submitted to the Town Clerk by February 15 of each year.
  - (b) Public maintenance only after dedication in fee to the Town of North Reading of open space such as, but not limited to, parks, playgrounds, trails or public building sites. This shall not preclude the Town from refusing to accept such land subsequent to a report from the Community Planning Commission.
  - (c) In cases of cooperative ownership, management by a membership association. The organization of such membership club shall be on file with the Town Clerk along with an annual report including the names and addresses of officers, to be submitted to the Town Clerk by February 15 of each year.
  - (d) In cases of rented property, the owner shall retain common land maintenance responsibilities.
  - (e) Leaseholds on lands under a single ownership, with common land maintenance provided for in the long-term lease.
- (3) Insuring the availability of common land. Common land shall have street access suitable for all occupants of dwelling units for whose use the space is intended.
- (4) Plan for insuring usable open space. Approval of the site plan shall also be conditioned on a provision for insuring the continued existence of common land in accordance with Subsection A(1), and for the maintenance of such land, the buildings thereon, and all other improvements pursuant to Subsection A(2). Such provision shall be the posting of an annual maintenance bond to cover the annual cost of such maintenance in the case of a single owner or the formation of an automatic homeowners' association with the obligation of maintenance, in the case of individual owners. The requirements regarding assessments and the filing of an annual report shall be the same as in Subsection A(2).

B. The special permit shall also include the following mandatory conditions:

- (1) Street acceptance. The principal streets shall be offered for acceptance as public ways. Where retained as private ways, they shall be posted as such by standard street signs.
- (2) Construction in phases. If the planned unit development is to be constructed in phases, each phase after the first must be constructed contiguous and adjacent to a preceding phase or phases. Phases separated by streets or ways shall be considered contiguous. A deviation of thirty-three (33) percent from the required amount of open space in any phase may be permitted if that deviation is fully restored in the next constructed phase.

- (3) Circulation. Within the planned unit development, vehicular and pedestrian circulation shall be provided in accordance with the rules and regulations of the Community Planning Commission.
- (4) Environmental compatibility. The plan for a planned unit development shall preserve a unified and organized arrangement of buildings and service facilities and improvements, such as landscaping, fencing, screening and buffering, to insure compatibility with adjacent development, and to insure conformance with the regulations in § 200-87.
- (5) Boundary fencing. No perimeter security fencing, walls or similar barriers to prevent access to and egress from the planned unit development shall be erected.

**§ 200-59. Site plan requirements.**

Any application for a special permit for a planned unit development shall be accompanied by a site plan depicting the land to be affected. In addition to complying with the minimum site plan requirements of § 200-28D, the site plan shall conform to the following specifications.

- A. The plan shall indicate reasonable periods for the phasing of the development and the reasonable time of completion of each phase and include hydrological, soil and subsurface studies evaluating the site for development;
- B. Accompanying each copy of the plan shall be a typical architectural plan showing the types of buildings, preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, general appearance and number of dwelling units. Perspective drawings of the development may be required. The architectural plan hereby required may be varied during construction provided that the Community Planning Commission finds the new architectural plan to be compatible with previous construction.
- C. The applicant shall submit a general circulation plan indicating the proposed movement and relative volumes of vehicles, goods and pedestrians within the area and to and from public thoroughfares;
- D. The applicant shall also submit a plan drawn to scale and showing any areas proposed to be dedicated or reserved for interior circulation, public parks, school sites, public buildings or otherwise dedicated or reserved and usable open spaces to which development rights are proposed to be dedicated to private groups or to the public; and
- E. Accompanying each copy of the site plan shall be:
  - (1) Tables showing the total number of acres and their distribution by use, the percentage designated for each dwelling type and for non-residential uses, including off-street parking, streets, parks, playgrounds, schools and usable open space;
  - (2) Tables showing the overall density of proposed residential development and showing density by dwelling types; and
  - (3) Tables showing the total commercial gross floor area and showing how such total commercial gross floor area relates, as a percentage, to the total residential gross floor area.

**§ 200-60. Application of Subdivision Control Law.**

Approval by the Community Planning Commission of the site plan shall not constitute approval under the Subdivision Control Law for those portions of the tract which are governed by the Rules and Regulations Governing the Subdivision of Land for the Town of North Reading, dated March 20, 1973, and as revised.<sup>5</sup>

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<sup>5</sup> Editor's Note: See Ch. 350, Subdivision of Land.