

ARTICLE XXI

AFFORDABLE HOUSING OVERLAY DISTRICT

[Added 4-7-2008 ATM by Art. 26, approved 6-27-2008]

§ 200-117. Purposes.

The purposes of the Affordable Housing Overlay District are to create affordable housing opportunities in the Town of North Reading; to provide for a diverse, balanced and inclusive community, with housing for persons of all income levels as a matter of basic fairness and social responsibility; to assure that affordable housing is made available on an equal basis to all eligible households without regard to race, religion, age, sex or other class status as defined in the federal Fair Housing Act of 1968, as amended; to provide a mechanism for parcels to be used for affordable or mixed-income housing; and to assist the Town of North Reading in creating affordable housing units eligible for the Chapter 40B Subsidized Housing Inventory.

§ 200-118. Applicability.

This bylaw applies to any property to be placed within the Affordable Housing Overlay District and shall include the following parcels that are listed below and are shown in the North Reading Affordable Housing Overlay District Map on file in the Community Planning Department.

Area	Map and Parcel	Street Name	Street No.
9,418	08-020	ALGONQUIN RD	25
6,484	08-030	BROOKSDALE RD	22
69,008	08-056	OLD ANDOVER RD	23
3,016	08-224	EDGEWOOD TER	13
3,661	08-237	HOMESTEAD TER	14
4,621	08-238	HOMESTEAD TER	16
3,364	08-239	HOMESTEAD TER	18
13,562	08-240	HOMESTEAD TER	20
53,768	13-101	SAINT THERESA ST	7
11,048	14-088	PATLEY RD	9
2,059	18-032	WEST ST	6
2,052	18-033	WEST ST	8
8,580	18-034	WEST ST	10
4,082	18-035	WEST ST	14
4,301	18-036	WEST ST	16
30,622	18-037	WEST ST	18
63,016	18-038	WEST ST	19
2,153	18-039	WEST ST	13
38,477	18-040	WEST ST	5
231,449	40-067	HAVERHILL ST	57
12,980	42-063	BLISS RD	21
17,255	43-031	OAKDALE RD	44
3,590	43-032	OAKDALE RD	46

Additional properties may be placed within the Affordable Housing Overlay District by amendment to the Zoning Map in accordance with the procedures set forth in M.G.L. c. 40A, Section 5 but only if the parcel, alone or in combination with one or more contiguous parcels under common ownership, meets all of the following requirements:

- A. Includes at least 10,000 square feet of contiguous upland;
- B. Has access to public water or access can be provided with development of the parcels; and
- C. Is not located in any Industrial District or the Highway Business District.

§ 200-119. Effect of Affordable Housing Overlay District.

The Affordable Housing Overlay District regulations of this article apply in addition to the underlying zoning district regulations. In case of conflict between the regulations of this article and other regulations in this Bylaw, the regulations of this article shall control. Where no Affordable Housing Overlay District regulation is stated in this article, the regulations of the underlying zoning district and all other applicable provisions of this Bylaw shall apply.

§ 200-120. Use Regulations.

- A. The following uses shall be permitted in the Affordable Housing Overlay District:
 - (1) One-family detached dwelling.
 - (2) Two-family dwelling.
- B. The following uses require a special permit from the Community Planning Commission:
 - (1) One-family attached dwelling, up to four units per dwelling.
 - (2) Multi-family dwelling; new construction, up to eight units per dwelling.
 - (3) Municipal building reuse for multi-family housing.

§ 200-121. Dimensional and Density Regulations.

- A. Uses and structures in the Affordable Housing Overlay District shall comply with the following requirements:

Use	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yards		
			Front	Side	Rear
One-family detached dwelling	10,000	100	25	20	25
Two-family dwelling	12,500	100	25	20	25
One-family attached dwelling	20,000	125	25	25	40
Multi-family dwelling (see	30,000	125	25	25	40

Subsection B)					
Municipal building reuse (see Subsection C)	----	----	----	----	----
	Maximum				
Use	Height (feet)	Height (stories)	Building Area (%)	Minimum Open Space (%)	
One-family detached dwelling	35	2.5	20%	40%	
Two-family dwelling	35	2.5	25%	40%	
One-family attached dwelling	35	2.5	25%	40%	
Multi-family dwelling (see Subsection B)	35	2.5	30%	50%	
Municipal building reuse (see Subsection C)	---	---	---	---	

- B. In addition to the requirements under Subsection A above, for a one-family attached dwelling or a multi-family dwelling, maximum density shall be one unit per 5,000 square feet of lot area.
- C. For a municipal building reuse project, Subsection A shall apply except where modified by the following dimensional and density regulations:
 - (1) The minimum front, side and rear yard setbacks shall be the lesser of (a) the minimum setbacks in Subsection A or (b) the setbacks of the existing building.
 - (2) A municipal building may be altered or expanded for reuse as multi-family housing, but in no event shall an expansion project exceed 1.25 times the gross floor area of the existing building.
 - (3) The minimum lot area per dwelling unit shall be 5,000 square feet.
 - (4) The maximum height shall not exceed the height of the existing building, except that the Community Planning Commission may grant a special permit for one additional story above the number of stories in the existing building.

§ 200-122. Affordable Housing Regulations.

- A. An affordable housing unit shall be affordable to a low- or moderate-income household, i.e., a household with income at or below 80% of area median income (AMI), adjusted for household size, for the metropolitan area that includes the Town of North Reading, as determined by the United States Department of Housing and Urban Development (HUD).
- B. Affordable units shall meet the requirements of the Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) for inclusion on the Chapter 40B Subsidized Housing Inventory.
- C. The minimum affordable housing requirement is as follows:
 - (1) One-family detached dwelling: in a single-unit development, the one-family dwelling shall be an affordable unit. In a development of two dwellings, at least one dwelling shall be an affordable unit. In a development of three or more dwellings, at least one out of every three dwellings shall be an affordable unit.

- (2) Two-family dwelling: at least one unit shall be an affordable unit.
 - (3) One-family detached dwelling or multi-family dwelling: at least one out of every three units shall be an affordable unit.
 - (4) At least 10% of the multi-family housing units shall be affordable in accordance with this Section. The maximum affordable purchase price shall be determined in accordance with the Community Planning Commission's Rules and Regulations and LIP Guidelines in effect when the proponent applies for a building permit.
 - (5) A development that includes more than five affordable units shall provide a range of affordability, with units priced for households between 65% and 80% of AMI.
 - (6) If the requirements of this section result in a fraction of a dwelling unit, the fraction shall be rounded to the nearest whole number.
- D. Location of Affordable Units. The affordable units shall be dispersed throughout the site or, in the case of one-family attached or multi-family dwellings, throughout the floors and buildings, such that affordable units are not concentrated on one part of the site or in one building or floor. This requirement shall not apply to a one-family detached dwelling.
- E. Comparable Units. The affordable units shall be comparable to market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. The affordable units may differ from market-rate units in gross floor area, provided the bedroom mix in the affordable units is generally proportional to the bedroom mix in market-rate units.
- F. Marketing. For the affordable units, the selection of eligible purchasers or renters shall be carried out under an affirmative marketing plan approved by the Community Planning Administrator. The affirmative marketing plan shall describe how the applicant will accommodate local preference requirements, if any, established by the Town.
- G. No building permit shall be issued until a regulatory agreement or other form of affordable housing restriction has been recorded at the Registry of Deeds, executed by the applicant, the Town and DHCD, where applicable, to restrict sale, rental and occupancy of affordable housing units to low- or moderate-income households and to provide for administration, monitoring and enforcement of the agreement during the term of affordability. The regulatory agreement shall run with the land in perpetuity or for the maximum period of time allowed by law, and shall be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32.
- H. The proponent shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify the affordable units for listing on the Chapter 40B Subsidized Housing Inventory.
- I. The proponent shall be responsible for preparing a monitoring and enforcement plan acceptable to the Planning Board and providing the funds necessary for an independent monitoring agent to carry out the approved plan on behalf of the Town.
- J. A Certificate of Occupancy for an affordable homeownership unit shall not be issued until the proponent submits documentation that an affordable housing deed rider previously approved by the Community Planning Administrator has been executed by the proponent/seller and the affordable unit homebuyer and recorded at the Registry of Deeds.

§ 200-123. Special Permits.

- A. The Community Planning Commission shall be the special permit granting authority for uses in the Affordable Housing Overlay District.
- B. Special permit application, review and decision procedures shall be in accordance with §§ 200-25B and 200-28 of this Bylaw.
- C. The Commission's decision shall be based upon the criteria set forth in § 200-28 and the degree to which the proposed development:
 - (1) Addresses the purposes of the Affordable Housing Overlay District;
 - (2) Accommodates the proposal without substantial environmental damage due to wetland loss, habitat disturbance or damage to valuable trees or other natural assets;
 - (3) Is considerate of scenic views from public ways and developed properties, given the proposed site arrangement and building design;
 - (4) Minimizes visibility of parking and service areas from public streets through site arrangement, and provides appropriate screening for such areas from abutting premises;
 - (5) Maintains domestic scale in building design through massing devices, such as breaks in wall and roof planes and through the design of architectural features;
 - (6) Provides for safe and convenient pedestrian and vehicular movement to, from and within the site, arranged so as not to disturb abutting properties; and
 - (7) Complies with the Design Standards in § 200-124.
- D. Conditions: The Commission shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of a project shall be conditioned to provide that no further division of land which increases the number of lots or units or results in any alteration of the area to be set aside as open space may occur without a modification of the special permit.

§ 200-124. Minimum Design Standards.

- A. Mandatory Requirements. Unless modified by special permit from the Planning Board, the following design standards shall apply to any new dwelling in the Affordable Housing Overlay District.
 - (1) The front façade and main entrance of the dwelling shall face the street and must be clearly articulated through the use of architectural detailing.
 - (2) Rooflines shall be pitched or gabled.
 - (3) Except for a basement-level garage below grade under a one-family detached dwelling, any garage, carport or other accessory structure, attached or detached, shall be located at least 15 feet behind the front of the principal building facing the front property line. The

Community Planning Commission may grant a special permit to waive this requirement when it is infeasible to comply due to physical or other constraints on the lot, subject to the following:

- (a) No garage shall be located closer to the front lot line than the foremost façade of the principal building facing the front property line, and
- (b) No garage shall occupy more than 40% of the front façade of the building.

B. Design Preferences (Optional). The following design standards should be addressed for any new dwelling in the Affordable Housing Overlay District.

- (1) The front entrance of the dwelling facing the street should be defined by at least one of the following: a porch of at least eight feet in width and depth, pent roof, roof overhang, hooded front door or similar architectural element.
- (2) A building should incorporate architectural styles, building materials, and colors used in surrounding buildings or that are compatible with the neighborhood.
- (3) A building greater than one story should clearly delineate the boundary between each floor of the structure through belt courses, cornice lines, or similar architectural detailing.
- (4) There should be overhanging eaves.

§ 200-125. Off-Street Parking.

- A. The minimum required off-street parking shall be two spaces per dwelling unit, except that for a studio or one-bedroom unit, one parking space per unit shall be required; and for age-restricted units, an average of 1.5 spaces per unit.
- B. The required parking spaces may be located in an accessory garage, in a dedicated parking area on the lot, or stacked within the driveway serving the development. When the parking spaces are located outside, the area used for parking shall be graded and drained so as to prevent surface water accumulation within the parking area and to prevent surface water runoff to an adjoining property or the public way.
- C. No off-street parking space shall be located within the minimum front yard setback.
- D. There shall be a landscaped buffer of not less than four feet between any driveway and the nearest side lot line, and no paved surface areas and no off-street parking shall be permitted within the buffer zone.

§ 200-126. Severability.

In the event that one or more of the provisions of this article are determined to be illegal or unenforceable by a court of competent jurisdiction, then the illegality or unenforceability of any such provision shall not affect the validity of any other provision of this article which remains in full force and effect.