

CITY OF TAUNTON ZONING ORDINANCE



As amended Through September 11, 2015

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SECTION ONE: AUTHORITY AND PURPOSE

1.1 TITLE

This ordinance shall be known and may be cited as the Zoning Ordinance, City of Taunton, Massachusetts.

1.2 AUTHORITY

In general this Ordinance is complementary to other Taunton Ordinances affecting the use, height, area and location of buildings and the use of premises and of land, but where this Ordinance imposes a greater restriction in any respect than is imposed by other ordinances, the provisions of this Ordinance shall prevail.

Taunton zoning regulations shall apply to the Taunton portions of land ownerships partly in Taunton and partly in an adjacent municipality as though the land ownership were wholly within Taunton City boundaries.

This ordinance is authorized and may be amended from time to time in the manner provided in the Zoning Act, Massachusetts General Laws, (MGL ch 40A).

1.3 VALIDITY

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

1.4 PURPOSE

This ordinance is adopted by the City of Taunton to regulate the use of land, buildings and structures to the full extent of the independent powers of the City to protect the health, safety and general welfare of the present and future inhabitants.

The objectives of this zoning ordinance include, but are not limited to, the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other damages; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels, to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the City; including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

1.5 AMENDMENTS

This ordinance may be amended as provided in the Zoning Act. (M.G.L. 40A:5)

Comment [u1]:

Amendments to this Ordinance may be initiated by the submission of a proposed amendment to the Municipal Council. Amendments may be submitted by the Municipal Council, a Board of Appeals, by an individual owning land to be affected by change or adoption, by ten registered voters in the City of Taunton, by the Planning Board, by the Regional Planning Agency, or by others as provided in the municipal charter.

The Municipal Council shall submit proposed amendments to the Planning Board within fourteen days of receipt of such amendments.

Before an amendment is adopted, the Municipal Council and the Planning Board shall each hold a public hearing on the proposal. The hearing shall be held within sixty-five (65) days after the proposed amendment is submitted to the Municipal Council. Notice of the hearing shall be given in accordance with M.G.L. Chapter 40A. The costs of publication and mailing of notices of the hearing and the costs of holding such public hearing and making a public record of the proceedings at such hearing shall be paid by the petitioner(s), or such costs shall be divided as the Municipal Council shall determine.

Proposals for zoning map amendments shall be made in writing, stating the nature, extent and location of the map change proposed if any, together with three blackline prints of a diagram to scale showing and stating the dimensions in feet of the area proposed to be changed as to zone, and a sketch or other explicit identification of the general location of such area in the city. Zoning map boundary amendments must include a certified list, names and addresses, of all owners of all lands which abut the proposed limits of the boundary amendment and owners of land within three hundred feet of the proposed boundary description and the owners that fall within the proposed zoning boundary amendment. This list shall be certified by the Assessor's Office and be included along with a map of the proposed zoning boundary amendment and legal description. The abutters identified on said abutters list shall be notified by mail at least 14 days prior to the hearing. The fee for filing a zoning ordinance or map amendment shall be \$300 by a individual owning land to be affected by the change or adoption, by request of registered voters of a town pursuant to Section 10 of Chapter 39, by ten registered voters in a city or any other non-municipal or regional governmental organization allowed by city charter

SECTION TWO: DEFINITION

2.1 IN GENERAL

For the purpose of this Ordinance, the following words and terms as used herein shall have the meanings or limitations of meaning hereunder defined, explained or assigned.

Abandoned: The intentional or unintentional cessation of use, or maintenance of a building, structure or lot

Accessory dwelling - A secondary dwelling unit created within or as an extension to an existing single-family dwelling containing separate bath and kitchen facilities. This conversion shall only be approved by the Special Permit Granting Authority designated in Section 5.2, Table of Use. (see section 7.9, Accessory Dwelling, for additional requirements)

Accessory Structure. Any structure not intended for human occupancy. Examples of accessory structures include: carports, sheds, and other non-dwelling buildings; heat pumps, fences, trellises, flag poles, tanks.

Accessory use - use of land, building, or part of building that is customarily incidental and clearly subordinate to the principal permitted use of the premises. Accessory uses are permitted in all districts if not hazardous, harmful, or incompatible with specific use or dimensional restrictions applicable to such districts. The accessory use must also be under the same ownership as the principal use and the accessory use must be deemed an essential support for the operation of the principal on the premises. In no case shall an accessory use exceed 10% of the gross floor area of the principal use except office use in an Industrial District which shall not exceed 20% of the gross floor area of the principal use.

Active Recreation: Leisure activities usually of an organized nature, often performed with others and often requiring equipment, taking place at prescribed places, sites, or fields.

Adjacent: Property abutting directly on the boundary of, touching, or sharing a common point.

Adult bookstore: an establishment having as a substantial or significant portion of its stock in trade books, magazines, photographs, videos, computer software, computer discs, laser discs and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of Massachusetts General Laws.

Adult Motion Picture Theater: an enclosed building 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 Massachusetts General Laws.

Adult Paraphernalia Store: an establishment having as a substantial or significant portion of its stock in trade 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 Massachusetts General Laws.

Adult Video Store: an establishment having as a substantial or significant portion of its stock in trade, videos, movies, computer software, computer discs, laser discs, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section 31 of chapter 272 of Massachusetts General Laws.

Adult Live Entertainment: an establishment which offers and/or displays nude or semi nude live entertainment for its patrons. The term nudity is defined in section 31 of chapter 272 of Massachusetts General Laws.

Agriculture - the use of land, buildings or structures for agriculture and farming including floriculture, horticulture and viticulture; farming in all its branches and the cultivation and tillage of the soil; dairying; the production, cultivation, growing and harvesting of any agricultural, floricultural or horticultural commodities; the raising of livestock, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals; and any practices, included any forestry or lumbering operations performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market, and the uses customarily accessory to the foregoing. (See Section 5.2 - a permitted use in all districts on parcels of five acres or more).

Apartment - Any building designed for use as a dwelling for more than three family units

Biotech – The use of modern biological techniques for industrial or research purposes. The term shall include any industrial or research activities which use recombinant DNA molecules (rDNA) or organisms and viruses containing rDNA (see Board of Health regulations for registration requirements)

Buffer Zones - green spaces or green strips of land on which to grow grass, bushes, flowers or trees, and maintained suitable landscaped, open and green, unpaved, un-built upon, and not used as a parking area for motor vehicles. See Section 7.1

Building- Any structure, whether temporary or permanent, enclosing any space, but not including fences (six feet high or less), field or garden walls, embankments or retaining walls. A permanent or temporary structure having a roof and providing shelter for goods, animals or humans; structures or buildings structurally connected above ground to a building shall be deemed to be parts thereof.

Built, Erected - the words "built" and "erected" shall each contain the other and shall include the words "constructed", "reconstructed", "altered", "enlarged", "moved", and any other words of like significance.

Business Premises - premises maintained for the exercise of a trade, business or profession, primarily consisting of the furnishing of personal services, the maintenance of customary business records; activities of a governmental agency, a public utility, or a philanthropy; the furnishing of food or drink; a place of assembly, recreation, or amusement.

Cargo Containers: a boxlike object of standardized dimensions that can be loaded from one form of transport to another typically utilized for carrying freight. For the purposes of zoning, on all vacant properties and all use classification outlined in section 5.2 with the exception of commercial/ industrial uses classified as Storage/ Warehouse or Truck/ Tractor Terminal, Cargo Containers 120 sq ft or less shall be considered accessory structures and cargo containers larger than 120 sq ft shall be considered structures

Civic and Public Service Buildings - facilities such as post office, telephone exchange, library, school, church or museum.

Club - a body or association owning or hiring space in a building or operating an activity for the use of its members.

Common Driveway- Any access or driveway which connects, services or provides access to two or more lots. Any common driveway which accesses three or more lots needs a special permit from the Planning Board. The Special permit granting authority shall utilize the City of Taunton Subdivision Rules and Regulations as a guide in determining the required standard of construction for said common driveway.

Condominium - A form of property ownership whereby the owner gains ownership of an interior space within a building. The building structure, the land under the building, and all of the surrounding land is commonly owned by all the inhabitants on a proportional basis. In addition, the land, the building, or buildings, all other improvements and structures thereon and all easements, rights and appurtenances belonging thereto, which have been, or will be, subject to the provisions of Chapter 183A, MGL.

Day Care - As defined in Section Nine of Chapter Twenty-Eight A and Massachusetts General Laws Chapter 40A, Section 3

Density The number of dwelling units per acre

Development Any human caused change to improved or unimproved real estate that requires a permit or approval from any agency of the City of Taunton, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations and storage of materials

Drive-through Facility. The use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or window or automated machine, to persons remaining in motorized vehicles. Despite the above, a drive-through facility does not include a vehicle washing facility, a vacuum cleaning station accessory to a vehicle washing facility, or an automobile/gasoline service station.

Driveway A private roadway located on a parcel or lot used for vehicle access

Dwelling conversion

Dwelling multi family A building containing 4 or more individual dwellings with separate cooking facilities and toilet facilities for each dwelling unit

Dwelling single family a free standing building exclusively for residential use by one family but not more than one family.

Dwelling, two family or duplex a free standing building exclusively for residential uses by two families but not more than two families. This definition does not include a single family dwelling with an accessory dwelling unit

Dwelling, three family- a free standing building used exclusively for residential uses by three families but not more than three families

Dwelling Conversion - conversion of an existing single or two family dwelling structure to accommodate not more than three dwelling units. See Section 7.8

Dwelling unit a building or a portion thereof, containing rooms used for human habitation containing independent cooking, sleeping, and toilet facilities but excluding boarding houses, hotels, and dormitories. Included in this definition are "stick-built" and/or modular construction

Educational uses - - land or structures used for educational purposes on land owned or leased by a by a nonprofit educational corporation

Family - one person or several persons related by blood, marriage, or adoption and sharing cooking, storage, bathroom, living, and sleeping facilities in a dwelling as a single housekeeping unit; provided that a family may include not more than four additional persons not related to others by blood, adoption, or marriage, sharing such facilities and not having a tenant-landlord, foster home, lodger or boarder relationship with other occupants.

Flood A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source

flood maps The maps provided by the National Flood Insurance Program of the Federal Emergency Management Agency (FEMA), dated January 2, 1979, and any revisions thereto, on which have been delineated both the areas of special flood hazard the risk premium zones (Zone A, AE or AO).

floor area- gross - The total area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls, stairways, vertical shafts (including elevators and vent shafts), and unenclosed usable areas not surrounded by exterior walls which are under a horizontal projection of a solid roof or floor above. In addition, the following shall be included: basements, garages and covered supports.

floor area ratio The ratio of building area to parcel area. Floor area ratio is a measure of non-residential land use intensity

frontage The dimension of a property or portion of a property that is adjacent to a street; side yards of corner lots are excluded

garage private Any garage intended for, and used to park, the private motor vehicles of the families resident upon the premises

garage public Any garage intended for, and used to park vehicles which is not included within the definition of a private garage

gross density The quotient of the total number of dwelling units divided by the total gross acreage of a site

group home shall include halfway house, group residence, group dwelling unit, limited group residence)

***Group Dwelling Unit** - A dwelling unit licensed by or operated by the Department of Mental Retardation or the Department of Mental Health as special residence set up to four (4) persons who may or may not be capable of self preservation from fire or other related hazards.

***Group Residence** - a dwelling designed, intended, or used for occupancy by several adults not related by blood, marriage, or adoption who use in common some or all of the cooking, storage, bathroom, and living facilities and require no special training, care, or treatment.

Halfway House - an intermediate care center which provides temporary residential accommodation, guidance and supervision for three or more persons. (See Section 10.2)

hazardous material any substance or material that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance

Height, Non-Residential Building the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch.

height residential building the vertical distance from pre-development grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch

height, structure (other than a building) the vertical distance from grade to the highest point of said structure

Industrial Activity - any manufacturing, processing, warehousing or commercial non-retail activity.

Industrial, Light A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Industrial, Heavy, A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions

***Limited Group Residence** - A building licensed by or operated by the Commonwealth Department of Mental Health or the Office for Children as a limited group residence. This is a residence for people not capable of self preservation.

Line, Street - the side lines of a public way as laid out; the side lines of a way shown on a plan approved in accordance with the Subdivision Control Law; as to all other ways, two lines parallel to the center of the traveled way and twenty-five (25) feet distant from said centerline.

Lot - an area of land in one ownership, with definite boundaries, used, or available for use as the site of one or more buildings. Permanent water bodies shall not be calculated as part of total lot area for any lot in any zoning district.

lot coverage, maximum the maximum allowable percentage of the total lot area that the footprint of all structures and impermeable surfaces occupy.

lot coverage, total the percentage of the total lot area that the footprint of all structures and impermeable surfaces occupy.

lot or Property line A line dividing one lot from another, or from any street or public place

Lot or Property Line front – The line(s) of any lot abutting a street line as defined

Lot or Property Line, Rear - Any lot line that is not a front lot line or a side lot line

Lot or Property line, side - Any lot line that has a termination point at a front lot or property line and does not change direction more than 45 degrees from the initial direction off the street or change direction more than twice.

Lot Width - a straight line between the points on side lines of a lot at the distance from the street equal to the minimum required front yard, and where no front yard is required, at a distance of 30 feet.

Manufacturing - The processing of raw materials such as lumber, metals, food products or petroleum; or the assembly, fabrication or processing of goods.

Medical Marijuana Treatment Center – An establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for ostensibly medical purposes.

Mercantile activity - (Business and Commercial activity) the marketing of goods and services, buying and selling, including professional and artistic processing on the premises of products to be sold on the said premises, to the ultimate consumer.

Minimum dry lot area – the minimum required amount of contiguous lot area that cannot be wetlands as defined by the City of Taunton Wetlands Ordinance

Mobile Home - a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on as temporary or permanent foundation for permanent living quarters.

night club An establishment that stays open late at night and provides food, drink, entertainment, and music for dancing

nonconforming lot A lot that does not comply with the dimensional regulations for its zoning district but which complied with applicable regulations at the time the lot was established

nonconforming structure any structure that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such structure is being put.

nonconforming use a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established

office use A use wherein services are performed involving predominately administrative or clerical operations

open space Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or home owners association. Public open space is open space owned by a governmental jurisdiction.

overlay zone – Overlay zones are additional zones imposed over existing zoning districts and contain provisions that are applicable in addition to those contained in the zoning law. Developments within the overlay zone must conform to the more restrictive requirements of both zones unless specified otherwise in the overlay zone provisions

parking lot An area of land where vehicles are kept on a daily, overnight, or temporary basis; not to include the storage of wrecked or abandoned vehicles, vehicle parts, or the repair of vehicles.

parking space - A designated off-street area designed to accommodate the parking of one vehicle.

principal use - A principal use is the primary use(s) of a lot and are regulated under the zoning district use regulations contained in section 5.2 of this zoning code. Multiple principal uses may be permitted and present per lot, along with uses that are accessory to that principal use. Any use not meeting the definition of an accessory use shall be considered a principal use

Pre- development grade - the elevation of the average crown of the adjacent road, or roads, or average natural grade at the base of the structure, whichever is higher. A grade may be increased up to five (5) feet above pre-development grade for a residential structure. Any increase in fill or grade above five feet shall constitute a decrease in the maximum height allowed for residential structures

Recycling, Biodegradable – all operations that involve or include as part or all of the recycling collection and/or processing process the on-site decomposition and/or composting of organic materials by aerobic and/or anaerobic means. Organic materials shall include but not be limited too yard waste, refuse, and/or food waste. The definition shall also include wood and paper products being processed utilizing the means outlined in this definition.

Recycling, Other – all operations that involve or include collection and/or processing of in-organic materials such as but not limited too glass, rubber, metal and plastics. This category shall also include the collection and/or processing of paper and wood products in a manner that does not involve the decomposition or composting by aerobic and/or anaerobic means of the materials in any part of the on-site process.

Religious Use - land or structures used for religious purposes on land owned or leased by a religious sect or denomination,

retail use Establishments selling physical goods to the public for consumption but not for resale, usually in small quantities. This shall not include vehicle sales

Roadside Stand - a permitted accessory agricultural use in which vegetable produce of a farm or garden and no other products, articles or merchandise may be sold, except that Christmas trees and wreaths grown elsewhere may be sold.

service use A service is the non-material equivalent of a good. Service provision is a an activity that does not result in ownership of a physical good. It is a process that creates benefits by facilitating either a change in the customer, a change in their physical possessions, or a change in their intangible assets

setback The distance between a property line and a building or structure

setback required The minimum distance between the property line and the building required by the

zoning district and measured from the property line. The setback shall be calculated from the furthest extension of said structure.

sign Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, structures, designs, trade names, or trade marks by which anything is made known such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or products, which are visible from any public street or adjacent property and used to attract attention

Solar Panels: A solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as a energy source for the generation of electricity or transfer of stored heat

Special Permit Granting Authority - Board of Appeals, Municipal Council, Planning Board or other entity designated herein pursuant to Chapter 40A; to issue certain types of special permits. (Sec 3.4.1)

Story - that portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average mean finished grade of the ground adjoining such building.

Story, Half - that portion of a building next beneath a sloping roof and in which there are less than four (4) feet vertically between the floor and the intersection of the bottoms of the rafters with the interior faces of the walls.

Street - a public way; or a way which the City Clerk certifies is maintained and used as a public way; or a way shown on a plan approved in accordance with the subdivision control law; or a way in existence when the subdivision control law became effective in the City of Taunton, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Street Line- the side lines of a public way as laid out; the side lines of a way shown on a plan approved in accordance with the subdivision control law; as to all other ways, two lines parallel to the center of the traveled way and twenty five (25) feet distant from said centerline

structure A combination of materials assembled to give support or shelter such as buildings, towers, masts, sheds, roofed storage areas, retaining walls and fences more than (6) feet in height, anything constructed or erected, the use of which requires more or less permanent location on, in or under the ground or attachment to something having location on the ground

use The purpose for which a building, structure, or area of land may be arranged or occupied or the activity conducted or proposed in a building, structure, or on an area of land

variance A grant of relief to a person from the requirements of this ordinance which permits construction or use in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship

vested rights Right of property owner to develop according to the terms of an approved site specific development plan or building permit even if the zoning or zoning district requirements are changed prior to development.

Wind Energy System: A wind turbine and all associated equipment including any base, blade, foundation, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component necessary to fully utilize the wind generator

Yard An open space on the same lot with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward

yard, front A yard extending across the full width of the lot and lying between the street frontage of the lot and the nearest line of the building front

yard, rear A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the building. The depth of a rear yard shall be measured at right angles to the rear line of the lot

yard, side A yard between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front street line and the rear lot line

SECTION THREE- ADMINISTRATION

3.1 ENFORCEMENT

3.1.1 The Zoning Enforcement Officer(s) shall enforce the provisions of the zoning ordinance and the Director or Planning and Conservation (City Planner) shall administer the provisions of the zoning ordinance. The Department of Planning and Conservation shall keep a record of all written zoning determinations, decisions and enforcement actions. All applications for zoning permits or authorizations including but not limited to accessory business uses, site plan review, appeals, special permits, zoning changes and variances and all determination requests shall be submitted to the City Planner.

No building or structure shall be erected, altered or moved in Taunton without a written permit. No permit shall be issued unless the plans for the building or structure and the intended use thereof in all respects fulfill the provisions of the Taunton Zoning Ordinance except as may have been specifically authorized by appeal, special permit, or variance. A written copy of the terms governing any site plan review, variance, appeal or special permit shall be attached to the application and to the building permit.

Except as provided otherwise by Chapter 40A of the General Laws, no permit shall be granted for a new use of a building, structure or land, and no lot shall be built upon or otherwise put to use in violation of this ordinance.

Applications for permits for building, remodeling, or altering any structure exceeding 30,000 cubic feet shall not be deemed properly filed unless simultaneously therewith there is submitted a complete set of so-called "complete" drawings endorsed by an architect, professional engineer, or land surveyor licensed to practice in the Commonwealth of Massachusetts.

Applications for building permits shall not be accepted unless simultaneously therewith there are submitted eight (8) copies of the site, two (2) copies of the building plan, and two (2) copies of the septic system plan where applicable. All copies shall be drawn to scale as is required in the Taunton Building Code U.S.G.S. or City datum is to be used if an established benchmark for same is within a reasonable distance of the lot. For lots beyond that distance, the surveyor shall establish a permanent benchmark with the assumed datums, and describe same on the plans.

3.1.2 Violations

Whoever violates any provisions of this ordinance may be punished by fine not exceeding three hundred (\$300) for each offense (MGL Chapter 291, Acts of 1984). Each day a violation continues shall constitute a separate offense.

Non-criminal disposition - In addition to the procedures for enforcement as described above, the provisions of this zoning ordinance may also be enforced by the building inspector by non-criminal complaint pursuant to the provisions of Massachusetts General Laws Chapter 40, section 21D. Each day on which a violation exists shall be deemed to be a separate offense. The penalty

for the violation of any provision of this ordinance shall be \$50.00 for the first offense, \$100.00 for the second offense, \$300.00 for the third offense and each subsequent offense.

3.1.3 Six Month Rule

Construction or operations under a building or special permit shall conform to any subsequent amendment of this Ordinance unless the use or construction is commenced within a period of six months after issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

3.1.4 Zoning Determinations

The fee for a written zoning determination or zoning compliance letter shall be thirty dollars (\$30.00)

3.2 BOARD OF APPEALS

As provided by Massachusetts General Laws, there shall be in Taunton a Board of Appeals for zoning matters. Such Board of Appeals shall consist of five members and not more than two associate members, all of whom shall be elected at the biennial city election and every second year thereafter.

3.2.1 POWERS OF THE BOARD OF APPEALS

The Board of Appeals shall have the following powers:

- 1) The Board of Appeals may authorize use variances for uses and activities not otherwise permitted in the district in which the land or structure is located, provided, however, that no variance allowing the establishment of condominiums, apartments, two family dwellings, or row houses containing two or more dwelling units in any district shall be granted.
- 2) To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative official under the provisions of Chapter 40A, M.G.L; by the regional planning agency in whose area the city is situated, by any person including an officer or board of the City of Taunton or of an abutting city or town aggrieved by an order or decision of the Zoning Enforcement Officer or other administrative official in violation of any provision of the Zoning Act, Ch. 40A, M.G.L. or of this Ordinance.
- 3) To hear and decide applications for special permits as provided in this Ordinance, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board of Appeals. See section 3.4
- 4) To hear and decide upon appeal or upon petition with respect to particular land or structures a variance from the terms of this Ordinance where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intents or purposes of this Ordinance.
- 5) The board of appeals shall adopt rules for the conduct of its business and shall file a copy of said rules with the city clerk.

On each appeal application or petition arising under the Taunton Zoning Ordinance the Board of Appeals shall hold a public hearing of which notice shall be given by publication twice in a newspaper of general circulation in Taunton once in each of two successive weeks, the first publication not less than fourteen (14) days before the date of such hearing and by posting such notice in a conspicuous place in the City Hall for a period of not less than 14 days before the day of such hearing. The Board shall also notify by mail, postage prepaid, the petitioner, abutters, owners of land directly opposite on any public or private street or way, and the owners of land within three hundred (300) feet of the property line, the Planning Board of Taunton and the Planning Board of every abutting city and town. Such notice shall be mailed to all parties as they appear on the most recent Taunton property tax records.

3.3 Planning Board

The Planning Board shall have the following authority under the zoning ordinance;

1. To hear and decide applications for special permits as the SPGA as provided in this Ordinance, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Planning Board

3.4 SPECIAL PERMIT GRANTING AUTHORITY (SPGA)

3.4.1 Designation of SPGA

Special permits may be authorized for specific types of uses in designated districts by the special permit granting authority specified in the ordinance (the Board of Appeals, the Municipal Council, the Planning Board; See Section 5.2).

3.4.2 General Requirements

Special permits may only be issued after the special permit granting authority finds that the use is in harmony with the general purpose and intent of this Ordinance and that the specific provisions set forth within this Ordinance are met. For the applicable special permit authority, see Section 5.2. Variance applications to waive or reduce a condition of a Special Permit and/or Site Plan Review decision shall not be permissible. In addition, the requirement to file for a special permit and/or site plan review shall not be eligible or subject to an application for a variance from the Zoning Board of Appeals. The special permit granting authority may impose conditions, safeguards, and limitations on time or use of a special permit.

3.4.3 Review by Official Board

All petitions for special permits shall be submitted to and reviewed by the Planning Board, Board of Health, Tree Warden, Fire Department, Traffic Safety Officer, Zoning Enforcement Office, Conservation Commission, Community Planning and Economic Development and the Historic District Commission and other municipal departments, who shall make such recommendations as they deem appropriate and shall send copies thereof to the special permit granting authority and to the applicant; provided, however, that failure of any of the above to make recommendations within thirty-five days of receipt of the petition shall be deemed lack of opposition thereto.

No construction or ground excavating approval shall be granted by the Planning Board or Building Department until the City's trees are inspected by the Tree Warden, and further, that no land preparations or land clearing is allowed until the building permit for the approved special permit project has been issued by the Building Inspector.

3.5 SPECIAL PERMITS

Special permits shall only be issued following public hearings held within sixty-five (65) days after filing of an application with the special permit granting authority. The Special Permit Granting Authority shall make decisions and execute final actions within 90 days of the public hearing, in the case of the Municipal Council, acting as the special permit granting authority, the applicant shall first file an application with the Council and shall forthwith give a copy of the application to the City Clerk.

In the case of the Zoning Board of Appeals or the Planning Board acting as the special permit granting Authority, the applicant shall file two applications with the City Clerk and the City Clerk shall transmit one application to the Board of Appeals or Planning Board.

3.5.2 PROCEDURES

Applications for Special Permits shall be submitted as follows:

The Zoning Ordinance shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of this ordinance and shall be subject to general or specific provisions set forth therein; and such permits may also impose conditions, safeguards, and limitations on time and use.

The Process shall be as follows:

- 1). The applicant shall submit plans that conform to the requirements of section 15.3 through 15.11 Site Plan Review to the City Planner who shall advise the applicant as to the pertinent sections of the Zoning Ordinance. The applicant shall submit the special permit application to the City Planners office for distribution to interested departments and boards for review. The original application shall be submitted to the City Clerk's Office. The special permit application shall be reviewed by the City Planner for completeness before the application is referred to the boards and departments. Plans submitted for review of completeness by the City Planner shall not constitute submittal under Massachusetts General Laws. Only when a completed application is submitted to the City Clerk the statutory timelines will begin.

- 2.) After the application is accepted and the original is stamped by the City Clerk's Office, the application is referred to interested departments and in the case of the Municipal Council acting as SPGA, the Planning Board for a recommendation. A public hearing for final approval will be set up within the statutory timelines, pursuant to Section 9, Massachusetts General Laws, Chapter 40A.

3.5.3 Performance Bonds for Special Permit Applications

The Special Permit Granting Authority (SPGA) may require a petitioner to post a bond guaranteeing that the petitioner will perform certain enumerated items to be set forth in the special permit as required by the SPGA. Such bond shall be forfeited and paid to the City of Taunton if the petitioner fails to perform the specific items set forth in the special permit as

required by the SPGA. Each item set forth in the special permit by the SPGA shall be assigned a specific monetary amount to be determined as liquidated damages sufficient in the judgment of the SPGA to compensate the City of Taunton for damages sustained by the City of Taunton for failure of the petitioner to perform any item set forth in the special permit subject to this provision; the SPGA and the petitioner acknowledging that the damages resulting from the petitioner's non-performance of specifically promised acts covered by the special permit in question may not be precisely determined. The forfeiture bond shall be in the sum equal to twice the total amount of each specific item stated in the special permit and shall be reduced by and drawn in the amount of any such item not completed. Amounts paid under this bond shall be deposited in the general fund.

Any modification of the performance bond agreements shall constitute a major change and receive approval through a public hearing from the Municipal Council. The SPGA reserves the right to enforce that certain bonds be in place with the City of Taunton for a period of one year after the completion of the project. Amounts shall be determined using current industry pricing, as determined by the Development Impact Review Board. The bond shall only be released after the site has been inspected and a letter of compliance is issued from the Zoning Enforcement Officer.

3.5.4 SPECIAL PERMIT/ SITE PLAN REVIEW FEES

All applications for Special Permits with the Planning Board or Municipal Council and/or Site Plan Review shall be made accompanied by a check made payable to the City of Taunton in the amount as determined on the schedule below. This fee shall be non-refundable. The fee may be waived or reduced for certified non-profit entities by a two thirds (2/3) vote of the Municipal Council prior to the filing of the application for a special permit/ site plan review

1. Residential: \$150 per unit (except as noted below)

Multi-family and two family developments: \$350. Base fee plus \$100 per unit

2. Industrial Uses: manufacturing, warehouse and outdoor areas (office portions to be calculated using 3 below) in industrial zoning districts: **\$500 minimum fee**

For gross building floor area:

\$.15 per sq. ft. for the first 10,000 sq. ft.

\$.13 for each additional sq. ft. up to 20,000 sq. ft.

\$.10 for each additional sq. ft. up to 50,000 sq. ft.

\$.07 for each additional sq. ft. up to 100,000 sq. ft.

\$.05 for each additional sq. ft. up to 200,000 sq. ft.

\$.02 for each sq. ft. over 200,000 sq. ft.

For outdoor areas for storage, display and other intensive uses:

\$.13 per sq. ft. for the first 100,000 sq. ft. \$.02 for sq. ft. over 100,000 sq. ft

3. Non Residential (commercial, retail, office, and other uses not within 1 and 2 above):

\$500 minimum fee

For gross building floor area:

\$.15 per sq. ft. for the first 3,000 sq. ft.

\$.20 for each additional sq. ft. up to 5,000 sq. ft.
\$.25 for each additional sq. ft. up to 7,500 sq. ft.
\$.30 for each additional sq. ft. up to 15,000 sq. ft.
\$.35 for each additional sq ft up to 25,000 sq ft
\$.30 for each additional sq. ft. up to 35,000 sq. ft.
\$.25 for each additional sq ft up to 45,000 sq ft
\$.20 for each additional sq. ft. up to 55,000 sq. ft.
\$.13 for each additional sq. ft. up to 75,000 sq. ft.
\$.08 for each additional sq. ft. up to 100,000 sq. ft.
\$.04 for each additional sq. ft. up to 500,000 sq. ft.
\$.02 for each sq. ft. over 500,000 sq. ft.

For outdoor areas for storage, display and other intensive uses :

\$.10 per sq. ft. for the first 50,000 sq. ft.
\$.05 for each additional sq. ft. up to 100,000 sq. ft.
\$.02 for each sq. ft. over 100,000 sq. ft.

4. Special Permit and/or Full Site Plan Review modifications which are determined by the Municipal Council to constitute a minor change: For all projects: \$300. Fee * For all Departmental Site Plan Review modifications which are determined by the City Planner to constitute a minor change: \$300.00 Fee

5. Special Permit and/or Full Site Plan Review modifications which are determined by the Municipal Council to constitute a major change or Departmental Site Plan Reviews which are determined by the City Planner to constitute a major change: For all projects: 10% of the fee for the project calculated using the current fee schedule with a minimum fee of \$500.00

* In those instances, relative to 4 and 5 above where modifications constitute an increase in the number of units or an increase in the gross building floor area and/or outdoor areas for storage, display ** and/or intensive uses *** the fee shall be calculated using 1,2 and 3 above, except for the base fee.

** Outdoor display areas shall include areas used for the display of motor vehicles and other craft, farm and other machinery, as well as other items available for customer inspection related to wholesale and/or retail sales, and rental, however, shall not be limited to such upon the determination of the City Planner.

*** Outdoor intensive uses shall include such uses as miniature and novelty golf courses, driving ranges, go cart tracks, water and amusement parks, outdoor seating and lounge areas of restaurants and bars, and other outdoor areas used for the assemblage, storage, processing, manufacture and/or maintenance, however, shall not be limited to such upon the determination of the City Planner

3.6 BUILDING PERMIT REVIEW PROCESS

In order to insure that an individual who is constructing or altering a building or building lot does so in compliance with local zoning requirements, sewage, or other sanitary code requirements and in compliance with wetlands and other environmental regulations in effect in the City of Taunton, each application for a permit to build, alter, raze or move a building structure along with the "typical plot plan" and a certificate of taxes paid shall be submitted for review and approval. (See directions under Exhibit II)

Each department, board and commission through their agent or designee shall review and advise the applicant as to those state or local regulations under their jurisdiction that are applicable to the activity proposed in the building permit application and shown on the "typical plot plan" and shall affix to the building permit application the agents signature so stating that the activity proposed in the building permit application and shown on the "typical plot plan" is approved as being in compliance with the regulations administered by that agency.

Alterations and repairs to existing structures, additions to single and two family units, installations of swimming pools, utility sheds and garages limited to two (2) car bays shall require an accurate plan drawn to scale showing the dimensions and location of the proposed activity within the lot; a notation is required on the plan, signed by the applicant, stating, "I certify that the information contained on this plan is accurate, to the best of my knowledge," but shall not require the building permit application be approved by all departments, boards and commissions in the local Building Permit Review Process unless required by the Building Commissioner.

Applicants for a building permit shall file "as built plan" with the Building Inspector and City Engineer. The as-built shall be required prior to issuance of a Certificate of Occupancy.

A copy of all permits issued relative to construction, alterations, extensions or demolitions of a building structure and related land uses and alterations shall be posted on site in a conspicuous location.

Each Department Head or other official in the City of Taunton whose official duties include the review of building permits and the approval or disapproval of the same shall designate a deputy within his or her department who shall have full authority in the absence, for a period of more than five (5) days, of the department head or other official to exercise all of the duties relative to the review and approval or disapproval of permits.

Said designation shall be in writing, which writing shall be filed simultaneously with the City Clerk, the Municipal Council and the Mayor's Office and shall be effective for the specified time period.

EXHIBIT I

DEPARTMENT REVIEW PROCEDURE

Prior to the issuance of the building permit, the developer shall submit the building permit application form, plot plan, and all necessary supporting documentation, plans or drawings to the following City agencies for formal review and clearance:

STEP 1 - Taunton Conservation Commission,

PURPOSE: To review and obtain site determination of applicability of Ch. 131, Section 40 and/or Ch. 130, Section 105-Wetlands Act. (Plot Plan Required)

STEP 2 - City Planner:

PURPOSE; To review and determine compliance to local zoning ordinance (Plot Plan Required)

STEP 3 - City of Taunton Department of Public Works: City Engineer, Water Division Superintendent

City Engineer

PURPOSE: To review accuracy and completeness of the plot plan, ensure provision of adequate site grading and access and issue the street number. (Plot Plan Required)

Water Superintendent

PURPOSE: To determine the availability of water

STEP 4 - City of Taunton Board of Health: Health Inspector or City of Taunton Department of Public Works, Sewer Division Superintendent

Health Inspector

PURPOSE: To review and approve plans, location of septic tank, leaching fields and/or well location, if applicable as required by Title V of Massachusetts Department of Environmental Quality Engineers. Final percolation soil tests.

Sewer Division Superintendent

PURPOSE: To ensure adequate tie-in to the City Sewer System

STEP 5 - City of Taunton Fire Department: Fire Inspector

PURPOSE: To approve and issue permit for fire detector and wood burning stoves, if applicable.

STEP 6 - City of Taunton Building Department: Building Commissioner

PURPOSE: To review an application, building permit application, plot plan, and all documentation, plans and drawings relative to the project. Issue the Building permit.

NOTE: Building Permit Application Forms are obtained from the superintendent of Public Buildings. No department is to sign the building permit application unless the previous department listed in the step process has signed the application in approval.

EXHIBIT II
CRITERIA FOR A TYPICAL PLOT PLAN

The following criteria (information and data) shall be shown in the Typical Plot Plan for the purpose of expediting the Building Permit Review Process.

1. The Typical Plot Plan sheet size shall be eighteen (18) by twenty-four (24) inches or twenty-four (24) by thirty-six (36) inches.
2. Registered Professional Engineer and Registered Land Surveyor's stamp.
3. Statement respecting the datum used for all elevators (USGS or City datum requires a permanent benchmark be established on the site and its elevation noted on the plot plan).
4. Name and address of the owner of land and deed information (book and page in the Registry of Deeds).
5. A locus indicating the general location of the lot.
6. Date of the plan.
7. Legend, scale, and north point or compass rose. (Scale shall be no smaller than one (1) inch equals forty (40) feet and contour elevations of two (2) feet or less).
8. Zoning District with any special overlaying districts (Local Historic District, Flood Plain District, Municipal Groundwater Supply District, etc.).
9. Easements, restrictions or orders of condition (Utilities, drainage, Chapter 131, Section 40A, Chapter 61, 61A and 61B, Chapter 780, Chapter 130, S.105, Chapter 131, S40, Chapter 184, S313-33 etc.) with the dimensions or boundaries where applicable to the plan, and reference numbers for recorded documents and plans.
10. Rivers, streams intermittent streams, brooks, creeks, lakeshore, ponds, swamps, marshes, bogs or wet meadows including the direction of flow or drainage and the limits of the one hundred year flood plain.
11. Statement identifying the soils classification and/or existing vegetative cover.
12. Name of the nearest street and/or the street on which the lot fronts including the street width.
13. Approved street lines, grades and pavement width with type of curb.
14. Date of curb-cut permit issuance.
15. Area of lot in square feet.

16. Distance from the lot corner to the nearest street.
17. Dimension of side lot lines and rear lot lines.
18. Front lot corners be identified on the ground by the installations of property markers and noted on the plan.
19. Percent of lot area to be built on or paved.
20. Proposed elevations of the tops of standard foundations, which shall be a minimum of two (2) feet above the approved centerline grade of the street. The City Engineer may waive this requirement, if he so deems.
21. Dimensions of structures to be erected, altered or moved.
22. Distance from the proposed structures to the street line.
23. Distance from the proposed structures to the side lot lines, and the rear lot line.
24. Location of all existing buildings and structures within the locus.
25. Location, dimensions and curb-cuts for the proposed driveways and parking areas.
26. Location of existing sanitary sewers, and storm-water drains together with all appurtenances and also the size and material of construction of these utilities.
27. Location of existing water main together with the size, material of construction, water pressure and nearest fire hydrant location.
28. Location of electric utility poles.
29. List the name of all abutters to the property.
30. Show the proposed method for controlling storm water surface runoff either from or to the street during and after construction or alteration including proposed dimensions and grades of drainage systems.
31. One hundred (100) year storm water surface runoff calculations for all business, commercial and/or industrial lots. One hundred (100) year storm water surface runoff for residential lots exceeding an area of one (1) acre.
32. Location and date of the excavation of the highlander table line observation hold including soil log data and water-table elevation.
33. Location and depth of domestic well when applicable to the lot.

34. Location and dimensions of the subsurface wastewater disposal system and leaching fields when applicable to the lot.

35. Location and date of percolation tests including percolation rates when applicable to the lot.

36. Date of issuance of Special Permits, variance or covenant release under local rules and regulations of subdivision control law, if applicable to the lot.

NOTE: Section 2.5 of Title 5 and Section 54 of Chapter 40 of the State Statutes are followed when applicable to the lot.

SECTION FOUR - DISTRICTS

4.1 ESTABLISHMENT OF DISTRICTS :

The City of Taunton is divided into the zoning districts designated below:

RURAL RESIDENTIAL
SUBURBAN RESIDENTIAL
URBAN RESIDENTIAL
BUSINESS DISTRICT
CENTRAL BUSINESS DISTRICT
OFFICE DISTRICT
HIGHWAY BUSINESS DISTRICT
INDUSTRIAL DISTRICT
OPEN SPACE CONSERVANCY
FLOOD PLAIN DISTRICT
SPECIAL FLOOD HAZARD DISTRICT
ROADWAY IMPROVEMENT OVERLAY DISTRICT
AIRPORT DISTRICT

4.2 ZONING MAP

The location and boundaries of zoning districts are shown on a map, entitled "Zoning Map of the City of Taunton, Massachusetts, dated October 2008." Said map, together with such amendments thereto and such other maps as may be adopted from time to time shall be part of this zoning ordinance.

4.3 OVERLAY DISTRICTS

Special Flood Hazard District and Flood Plain Zoning District boundaries may in some instances overlie parts of other zoning districts in order that flood plain provisions shall prevail.

Roadway Improvement Overlay District may in some cases overlie parts of other zoning districts in order that the provisions contained in the Roadway Improvement Overlay District shall prevail.

Water and Aquifer Resource Protection District may in some cases overlie parts of other zoning districts in order that the provisions contained in the Water and Aquifer Resource Protection District shall prevail

4.4 LOTS WITHIN TWO DISTRICTS

On a land ownership transected by a zoning district boundary, the zoning regulations applying to the larger part by area of such ownership may also be deemed to govern in the small part beyond such zoning districts boundary but not more than thirty (30) linear feet in depth beyond such zoning boundary.

In cases where the zoning regulations of the larger part govern thirty (30) feet into the smaller part and leaves less than 10,000 square feet in area governed by the zoning regulations of the smaller part, the zoning regulations of the larger part shall be deemed to govern the entire lot.

4.5 DISTRICT BOUNDARY DETERMINATION

In the event of a discrepancy or ambiguity between the boundaries of zoning districts as shown on the zoning map, extrinsic evidence shall be utilized to pinpoint the boundary location. The extrinsic evidence that shall be utilized in order of priority shall include the map and description of the zoning amendments from each public hearing that created the current district configurations, the GIS maps which include the zoning map overlaid onto the assessors maps, and the written descriptions of each district which are on file with the Planning office.

SECTION FIVE - PERMITTED USES

5.1 INTENT

To establish districts in which the classes, kinds of structures and permitted uses shall be uniform.

5.1.1 RURAL RESIDENTIAL DISTRICT (RRD)

The purpose of this district is to establish and preserve areas for residential development while maintaining the character of the rural landscape and open space. This district is intended to be the lowest density district in the City.

5.1.2 SUBURBAN RESIDENTIAL DISTRICT (SRD)

The purpose of this district is to establish and preserve areas for residential development while maintaining the atmosphere of open space. Density requirements shall be greater than the Rural Residential District and lower than the Urban Residential District.

5.1.3 URBAN RESIDENTIAL DISTRICT (URD)

The purpose of this district is to establish and preserve areas for residential use.

5.1.4 OFFICE DISTRICT (OD)

The purpose of this district is to establish and preserve areas for employment activities and services to the public which do not materially detract from abutting residential areas yet support adjacent business areas.

5.1.5 BUSINESS DISTRICT (BD)

The purpose of this district is to designate appropriate areas for commercial uses intended to serve retail sales and service needs at a city wide and neighborhood scale. This district is intended to have architecture with high aesthetic value reflecting the historical character of the business community of Taunton. Multi-family dwelling units are allowed on the upper floors of commercial buildings creating a mixed-use environment.

5.1.6 HIGHWAY BUSINESS DISTRICT (HBD)

The purpose of this district is to establish and preserve areas for commercial uses designed and intended primarily to serve the needs of surrounding residential development. Development in this district should be designed to minimize traffic congestion on the roads, maximize green space and provide aesthetically pleasing architecture with the intent of enhancing the visual character of the major roads.

5.1.7 INDUSTRIAL DISTRICTS (ID)

The purpose of this district is to establish and preserve areas that are suitable for the development of industrial and manufacturing uses, warehousing and distribution uses, and commercial activity.

5.1.8 OPEN SPACE AND CONSERVANCY DISTRICT

The purpose of this district is to establish and preserve areas for government facilities and open space.

5.1.9 FLOOD PLAIN DISTRICT (FPD) AND SPECIAL FLOOD HAZARD DISTRICT (SFHD)

The purpose of these districts are to ensure that land subject to flooding will not be used in a manner to endanger health or safety, that no structure shall be erected or substantially reconstructed without adequate flood proofing and structural design capable of resisting flood hazards; and that no activities will unreasonably raise flood levels within the district.

5.1.10 WATER AND AQUIFER RESOURCE PROTECTION DISTRICT (WARPD)

The purpose of these districts is to overlay the underlying zoning regulations in order to protect the aquifers and ground water wells in the City of Taunton.

5.1.11 MULTI-FAMILY/BUSINESS DISTRICT REGULATIONS

The purpose of these districts is to create an additional use for the upper floors of existing commercial buildings in all business districts.

5.1.12 ROADWAY IMPROVEMENT OVERLAY DISTRICT

The purpose of the roadway improvement overlay district (“the District”) is to preserve the value of the lots within the District as the lots previously existed prior to the acquisitions by the City (by purchase, gift, eminent domain, or otherwise) of portions of the lots in the district for the purposes of widening public streets and public ways.

As used herein the term “acquired land” shall mean that portion of a lot which was acquired by the City of Taunton for the purposes of widening and otherwise improving public streets and public ways.

The phrase “as the lot previously existed” shall mean the configuration of a lot prior to the City of Taunton’s acquisition of the acquired land.

The phrase “eligible lot” shall mean any lot that has been reduced in size and/or configuration due to an acquisition of a portion of the lot by the City of Taunton after January 1, 1998 for the purposes of widening public streets and public ways.

The boundaries of the District shall coincide with the Municipal limits of the City of Taunton.

For the purposes of this Zoning Ordinance, any eligible lot within the City shall have this Ordinance administered as follows:

For the purpose of all of the requirements of section 6.3, Intensity of Uses, the conformance of each eligible lot shall be calculated by including in the lot the acquired land.

For the purposes of Section 5.2, Use Regulation Schedule, no use shall be considered non-conforming if it was a legal use as of the date of the adoption of this ordinance and which would continue to be a legal use if the acquired land were still a part of the eligible lot.

5.1.13 Central Business District The purpose of this district is to designate appropriate areas for commercial uses intended to serve retail sales and service needs at a city wide/ neighborhood

and regional scale. This district is intended to have architecture with high aesthetic value reflecting the historical character of the business community of Taunton. Multi-family dwelling units are allowed on the upper floors of commercial buildings creating a mixed-use environment.

5.1.16 Airport District

The purpose of this district is to establish and preserve areas for uses intended and designed to primarily to serve the needs of the municipal airport

5.2 USE REGULATION SCHEDULE

Abbreviation

- RRD = Rural Residential District
- SRD = Suburban Residential District
- URD = Urban Residential District
- BD = Business District
- OD = Office District
- HBD = Highway Business District
- ID = Industrial District
- FPD = Flood Plain District
- AD= Airport District
- WARPD = Water and Aquifer Resource Protection District
- P = Permitted use
- SP1 = Special Permit by Board of Appeals
- SP2 = Special Permit by Municipal Council
- SP3 = Special Permit by Planning Board
- = Prohibited Use
- * = Subject to certain conditions. See Section indicated.

P1 = License required by Municipal Council

Agricultural Uses: (See Definitions, Section 2.1) Permitted use in all districts on parcels of five acres or more.

Religious or Educational Uses on land owned or leased by the commonwealth or any of its agencies; and subdivisions or bodies politic or by religious sect or denomination, or by a nonprofit educational corporations shall be permitted in all zoning districts subject to reasonable dimensional regulations (ie-bulk and height of structures, yard sizes, lot area, setbacks, open space, parking, seating capacity, and building coverage requirements, as provided in Mass. General Law Ch. 40A, Sec.3.

Activities of Municipal, County, State and Federal Government: Permitted in all districts. Uses in underlying zoning districts allowed, unless otherwise indicated or subject to certain conditions (See Appendix A and Section 16, Water and Aquifer Resource Protection District and Section 17).

Mixed Uses

For the purposes of this Ordinance, mixed use shall be defined as two or more uses, as listed and categorized in the Table of Use Regulations, located on one lot at the same time. Two or more uses, as listed in the Table of Use Regulations, may be located on the same lot at the same time provided the necessary variance, special permit, and/or site plan review approval for each use is properly obtained and the requirements for each use regarding all other applicable zoning requirements including but not limited to parking, landscaping, signs etc are met.

5.2 TABLE OF USE REGULATIONS

RESIDENTIAL USE	DISTRICT									
	RRD	SRD	URD	CBD	BD	OD	HBD	ID	OSC	FLPLN
One Family Dwelling	P	P	P	SP1	SP1	SP1	SP1	SP1	-	-
Two Family Dwelling	-	-	P	SP1	SP1	SP1	SP1	SP1	-	-
Three Family Dwelling	-	-	SP1	SP1	SP1	SP1	SP1	SP1	-	-
Multi Family 4 units or more Dwelling	-	-	SP2	SP2	SP2	-	-	-	-	-
Dwelling Conversion	-	-	P	P	P	P	P	P	-	-
Accessory Dwelling	SP1	SP1	SP1	SP1	SP1	SP1	SP1	SP1	-	-
Multi Family (4 units plus) use in mixed use buildings	-	-	-	SP1	SP1	SP1	SP1	SP1	-	-
Group Home	-	-	SP2	SP2	SP2	SP2	SP2	SP2	-	-
Cluster	SP3	SP3	-	-	-	-	-	SP3	-	-
Nursing Home	SP2	SP2	SP2	SP2	SP2	SP2	SP2	SP2	-	-

Business and Industrial Use

Table of Use Regulations

District

	RRD	SRD	URD	BD	CBD	OD	HBD	ID	OSC	FLPLN
Adult Entertainment Uses	-	-	-	-	-	-	-	SP2	-	-
Amusement Park	-	-	-	-	-	-	SP2	SP2	-	-
Animal Grooming	-	-	SP1	P	P	-	P	SP1	-	-
Animal Hospital	-	-	-	SP1	SP2	SP1	SP1	SP1	-	-
Animal Kennel/Pound	SP2	-	-	-						
Appliances, Manufacture	-	-	-	SP2	-	-	SP2	P	-	-
Assisted Living	-	-	SP1	SP1	SP2	SP1	SP1	-	-	-
Asphalt Processing/Manuf.	-	-	-	-	-	-	SP2	SP2	-	-
Auditoriums	-	-	-	P	P	-	SP2	SP2	-	-
Automobile/ truck/ tractor Repair/ filling/service	-	-	-	SP1	SP1	-	SP1	SP1	-	-
Automobile Parts/ Rental Agency/ Sales w/ incidental repair	-	-	-	P	P	-	P	SP1	-	-
Washing	-	-	-	SP1	SP1	-	P	SP1	-	-
Wrecking/ junk yard	-	-	-	-	-	-	SP2	SP2	-	-
Bakeries	-	-	-	P	P	-	P	SP1	-	-
Banks	-	-	-	P	P	P	P	SP1	-	-
Barber/ Hair Salon/ Nails/tanning	-	-	-	P	P	-	P	SP1	-	-
Bed & Breakfast	SP1	SP1	SP1	P	P	-	P	-	-	-
Beverages, Bottling	-	-	-	-	-	-	P	P	-	-
Biotech	-	-	-	-	-	-	-	P	-	-
Boat/ship Manufacturing	-	-	-	SP2	-	-	SP2	P	-	-
Body Piercing Est	-	-	-	-	-	-	SP1	SP1	-	-
Bowling Alleys	-	-	-	SP1	SP1	-	P	-	-	-
Building Materials, Manufacture	-	-	-	SP2	-	-	SP2	P	-	-
Building Materials, Sales	-	-	-	P	P	-	P	P	-	-
Bus Terminal/ Station	-	-	-	P	P	P	P	SP1	-	-
casino/ gaming	-	-	-	-	-	-	-	SP2	-	-
Catering/ outside Consumption	-	-	-	P	P	-	P	SP1	-	-
Cemetery	SP2	SP2	SP2	SP2	P	-	SP2	SP2	-	-
Chemical, manufacturing	-	-	-	-	-	-	-	SP2	-	-
Chemical, packaging	-	-	-	SP2	-	-	SP2	SP2	-	-
Circuses/ Temporary	-	-	-	SP2	SP2	-	SP2	SP2	-	-
Clothing, Manufacturing	-	-	-	SP2	SP2	-	SP2	P	-	-
Colleges and Universities										
Classroom/Buildings	-	-	-	SP2	SP2	SP2	SP2	-	-	-
Dormitories/fraternities/ sororities	-	-	SP2	SP2	SP2	SP2	-	-	-	-
Community Centers	-	-	P	P	P	P	P	SP1	-	-
Cosmetics/Toiletries manufacturing	-	-	-	-	-	-	SP2	P	-	-
Crematoriums	-	-	-	SP2	SP2	-	SP1	-	-	-
Dance Halls	-	-	-	P	P	-	P	-	-	-

Drive-thru estab/acces drive-thru	-	-	-	SP1	SP1	SP1	SP1	SP1	-	-
Eating/Drinking establishments	-	-	-	P	P	SP1	P	SP1	-	-
Take-out only	-	-	-	P	P	SP1	P	SP1	-	-
Use	District									
	RRD	SRD	URD	BD	CBD	OD	HBD	ID	OSC	FLPLN
Any use with entertainment	-	-	-	SP1	SP1	SP1	SP1	SP1	-	-
Feathers/felt/fur/leather Curing/dyeing/processing	-	-	-	-	-	-	-	P	-	-
Fertilizer- Manufacture	-	-	-	-	-	-	SP2	P	-	-
Fish Market	-	-	-	P	P	-	P	SP1	-	-
Fitness Clubs	-	-	-	P	P	-	P	SP1	-	-
Food/ Fish Processing	-	-	-	-	-	-	-	P	-	-
Funeral establishment	-	-	SP1	P	P	-	P	-	-	-
Garbage Incineration/reduction	-	-	-	-	-	-	-	SP2	-	-
Gas- Manufacture	-	-	-	-	-	-	-	SP2	-	-
Gas- Private Utility	-	-	-	SP2	SP2	-	SP2	SP2	-	-
Gas- Public utility	-	-	-	SP2	SP2	-	P	P	-	P
Gas- Storage < 2500 cuft	-	-	-	-	SP2	-	SP2	SP2	-	-
Gas-storage > 2500 cuft	-	-	-	-	-	-	-	SP2	-	-
Generating plant steam/electric	-	-	-	-	-	-	-	SP2	-	-
Glass products- manufacture	-	-	-	SP1	-	-	SP1	P	-	-
Golf Course	P	P	P	P	-	-	-	-	-	P
Golf- Indoor /Outdoor Range	-	-	-	P	SP1	-	P	P	-	-
Grain Storage	-	-	-	-	-	-	-	P	-	-
Gymnasiums	-	-	-	P	P	-	P	P	-	SP1
Heavy Industrial/ Manufacturing (unless specified elsewhere)	-	-	-	-	-	-	-	P	-	-
Helicopter Landing Facility	-	-	-	SP2	SP1	SP2	SP2	SP2	-	-
Hospitals- no custodial care is provided for drug addicts, alcoholics, mentally ill/deficient	SP2	SP2	SP2	SP2	SP2	SP2	SP2	-	-	-
Hospitals- For care of drug addicts alcoholics, mentally ill or deficient	-	-	-	SP2	SP2	-	-	-	-	-
Hotels/ motels	-	-	-	SP2	SP1	SP2	P	SP1	-	-
Ice Manufacture	-	-	-	SP1	-	-	SP1	P	-	-
Ice/ Roller Skating Rink in/outdoor	-	-	-	-	SP1	-	SP1	SP1	P	SP1
Ink/Ribbon Manufacture	-	-	-	SP2	-	-	SP2	P	-	-
Laboratories-Research not used in relation to Hospital/school	-	-	-	SP1	SP1	SP1	-	SP1	-	-
Landscaping/ construction company	-	-	-	-	-	-	SP1	P	-	-
Laundries/ dry cleaning-	-	-	-	P	P	-	P	SP1	-	-
Libraries	-	-	-	P	P	P	P	-	-	-
Light Industrial/ Manufacturing (unless specified elsewhere)	-	-	-	P	P	-	P	P	-	-
Medical & Dental Office/ Clinic	-	-	-	P	P	P	P	SP1	-	-

Medical Marijuana Treatment Center	-	-	-	-	-	-	-	-	SP2	-	-
Meeting/ Banquet Hall	-	-	-	P	P	P	P	P	SP1	-	-
Museums	-	-	-	P	P	P	P	P	-	-	-
Newspaper Publishing	-	-	-	P	P	SP1	P	P	P	-	-
Offices (unless classified elsewhere)	-	-	-	P	P	P	P	P	SP1	-	-
Offices in Dwelling	-	-	P	P	P	P	P	P	SP1	-	-
Parking Lot/ Garage- off street	-	-	-	P	P	P	P	P	P	-	-

Use	District										
	RRD	SRD	URD	BD	CBD	OD	HBD	ID	OSC	FLPLN	
Petroleum products refining	-	-	-	-	-	-	-	-	SP2	-	-
Petroleum products-storage	-	-	-	-	-	-	-	SP2	SP2	-	-
Photography Studio	SP1	SP1	SP1	P	P	-	P	SP1	P	-	-
Plastics product manufacture	-	-	-	SP2	SP2	-	SP2	P	-	-	-
Pool/ Billiard Rooms	-	-	-	SP1	SP1	-	SP1	-	-	-	-
Printing -Plant	-	-	-	-	-	-	-	P	-	-	-
Prisons	-	-	-	-	-	-	-	SP2	-	-	-
Processing (unless classified elsewhere)	-	-	-	SP2	SP2	-	SP2	P	-	-	-
Radar Facility	SP2	SP2	SP2	SP2	SP2	-	SP2	SP2	SP2	-	-
Radio Studio	-	-	SP1	P	P	P	P	P	-	-	-
Radio/ Television Facilities/Studios	-	-	-	P	P	SP1	P	P	-	-	-
Railroad Freight Terminal	-	-	-	SP2	-	SP2	SP2	P	-	-	-
Railroad Passenger Terminal	-	-	SP2	P	P	P	P	P	-	-	-
Rec. Center community center	SP1	SP1	SP1	P	P	-	P	SP1	-	-	-
Recreation Center indoors	-	-	-	P	P	-	P	P	-	-	-
Recreation center outdoors	SP1	SP1	SP1	-	-	-	-	SP1	-	SP1	-
Recycling, Biodegradable	-	-	-	-	-	-	-	SP2	-	-	-
Recycling, Other	-	-	-	-	-	-	P	P	-	-	-
Rental Estab./business	-	-	-	P	P	-	P	SP1	-	-	-
Repair establishment/ business	-	-	-	P	P	-	P	SP1	-	-	-
Retail Business,not classified elsewhere	-	-	-	P	P	SP1	P	SP1	-	-	-
Schools	P	P	P	P	P	-	-	-	-	-	-
Services(unless classified elsewhere)	-	-	-	P	P	P	P	SP1	-	-	-
Showroom	-	-	-	P	P	SP1	P	SP1	-	-	-
Soap/detergents Packaging	-	-	-	P	P	-	P	P	-	-	-
Solvent Extracting	-	-	-	-	-	-	-	P	-	-	-
Stadiums	-	-	-	-	-	-	SP2	SP2	SP2	-	-
Stores/Wholesale-	-	-	-	P	P	-	SP1	SP1	-	-	-
Tattoo Parlor/ Body Art	-	-	-	-	-	-	SP1	SP1	-	-	-
Telephone Facility/ exchange	SP1	SP1	SP1	SP1	SP1	P	SP1	P	-	-	-
Textiles/ Manufacture	-	-	-	SP2	SP2	-	SP2	P	-	-	-
Theaters	-	-	-	P	P	-	P	SP1	-	-	-
Truck/ tractor Terminal	-	-	-	-	-	-	SP2	SP2	-	-	-
Utility	SP2	-	-	SP2	SP2	-	P	SP2	-	-	-
Warehouses/ storage materials	-	-	-	SP1	SP1	-	SP1	P	-	-	-

Water/ Sewer- Disposal Plant /Pumping Station	-	-	-	-	-	-	-	SP2	-	-
Wireless Communication Antenna	P	P	P	P	P	P	P	P	-	-
Wireless Communication Facility	SP2	-	-							

Any use description that is not mentioned or needs interpretation will be determined by the Zoning Enforcement Officer and/or the City Planner. The burden of proof shall be the responsibility of the petitioner.

5.2.1 Accessory Business Use in a Residential Structure

The provisions of this section are intended to allow the establishment of accessory business uses in residential structures in all districts. The fee for an accessory business use in a residence application shall be twenty-five dollars (\$25.00). The types of accessory businesses allowed shall be limited to professional offices and storage of materials only for other types of businesses. This means that the primary use of the structure must be residential in nature and that the accessory business use shall comply with the following restrictions and requirements at all times;

1. That no signs are erected or displayed at the location at any time
2. That no vehicles in excess of 7500 pounds shall be parked at the location
3. That no more than one vehicle shall be used in conjunction with the business use
4. That the general public (customers and clients) shall not be invited to, come to or frequent the location to benefit from or use the business use
5. That the business use shall not be advertised using the locations street address. All advertisements shall have either a Post Office Box or no address listed.
6. That no additions or new buildings shall be constructed to conduct the activity
7. That the business use shall not exceed more than 20% of the residential structure or unit or require the use of more than 75% of the gross floor area of an existing accessory building (ie garage, shed etc)
8. That the business shall not employ any individual that does not reside at the location of the proposed activity.
9. All storage of materials and all business activities shall occur within the confines of existing structures and no outdoor activities shall occur at any time on-site.
10. That the accessory business use is registered with and approved by the City Planner's office

5.3 NON-CONFORMING BUILDINGS AND USES

5.3.1 Exemptions

This Ordinance or any amendments thereto shall not apply to any lawfully existing use or structures or to a building or special permit issued before the first publication of notice of the public hearing on this Ordinance or any amendment thereto.

5.3.2 Changes in Use

This Ordinance or any amendment thereto shall apply to any change or substantial extension of a lawfully existing non-conforming use; to a building or special permit issued after the first notice of public hearing on this Ordinance or any amendment thereto; to any reconstruction, extension or structural change of a lawfully existing non-conforming structure; and to any alteration of a lawfully existing non-conforming structure which is begun after the first notice of the public hearing on this Ordinance or any amendment thereto to provide for its use for substantially different manner or to a substantially greater extent.

5.3.3 Alterations without increase in non-conformity

This Ordinance or any amendment thereto shall not apply to any alteration, reconstruction, extension or structural change to a lawfully existing non-conforming single or two family residential structure if such alteration, reconstruction, extension or structural change does not increase the non-conforming nature of said structure.

5.3.4 Extension or Alteration by Special Permit

A pre-existing non-conforming structures or a pre-existing non-conforming use may be extended or altered, provided, that no such extension or alteration shall exceed 10% of the total square footage. In instances where the extension exceeds 10%, the Board of Appeals may issue a special permit after public hearing and a finding that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming structure or use to the neighborhood. The following alterations, reconstruction, extensions, or structural change will not constitute a special permit from the Zoning Board of Appeals and are allowed as a matter of right:

- That a lot upon which a single and two family residence is located, that was built upon in conformance with the zoning regulations in effect for that lot at the date of the issuance of the building permit for the construction of the single or two family residence on that lot, shall be governed by the setback requirements in effect at the date of the issuance of the building permit for that lot, provided, however, that no alteration or extension of a non-conforming structure shall encroach closer to the property lines than the setbacks of 25 feet from the front property line, 15 feet from the side property line, and 20 feet from the rear property line

- increase in height of building, for single and two family use only, if use remains the same at the time of the change, and the change is within the existing footprint and the increased height complies with the height regulations pursuant to Section 6.3 of this ordinance.

- accessory uses, such as, garages for residential use, sheds/storage areas that meet setbacks and do not increase the nonconforming nature of the existing structure or use

- change of use allowed in zoning district if use is allowed by right; in existing nonconforming structure and no alterations, reconstruction, extension, or structural change is needed and no non-conformities are created or result in any increase in any existing non-conformities

- restoration of a nonconforming use within 24 months of discontinuance or non-use in the same unaltered structure

Upon request, a determination by the Building Commissioner/Zoning Enforcement Officer and/or the City Planner will be needed in order to determine if any change in use, alteration, extension, or reconstruction of a structure will need a Special Permit from the Zoning Board of Appeal. The burden of proof is the responsibility of the petitioner when not in agreement with the Building Commissioner/Zoning Enforcement Officer and/or the City Planner.

5.3.5 Reconstruction

Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner which is utilized as a non-residential or

multi-family (4 or more units) use shall not be rebuilt, repaired, reconstructed nor altered unless for a purpose permitted in the zoning district in which such building is located.

Any single, two family or three family use in a building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner may be rebuilt, repaired, reconstructed or altered for a period of 12 months from the date of damage. After twelve months, the building or structure shall not be rebuilt, repaired, reconstructed nor altered unless for a purpose permitted in the zoning district in which such building is located.

Any non-conforming building or structure destroyed voluntarily to the extent of sixty-five (65) percent or more of such building at the time of such damage as determined by the Building Commissioner shall not be rebuilt, repaired, reconstructed nor altered. Any new construction on-site shall comply with zoning requirements and shall be utilized for a purpose permitted in the zoning district in which such new building is located.

5.3.6 Discontinued Use

Any use of land or building including a conforming use(s), a non-conforming use(s), a use(s) operating under a variance or a use(s) operating under a special permit that is discontinued or not used for a period of twenty-four (24) consecutive months, said use(s) shall be deemed to constitute discontinuance or non-use, and such land or buildings shall thereafter be used or developed only in accordance with the terms of this Ordinance for the zoning district in which such property is located.

SECTION SIX: INTENSITY OF USE REGULATIONS

6.1 IN GENERAL

In general this Ordinance is complementary to other Taunton Ordinances affecting the use, height, area and location of buildings and the use of premises and land but where this ordinance imposes a greater restriction in any respect than is imposed by other ordinances, the provisions of this Ordinance shall prevail. (See Section 1.2)

6.2 BULK AND DIMENSIONAL REQUIREMENTS

No building shall be erected upon a lot having a lot width of less than one hundred (100) feet except in the Central Business District or a non-residential building in a Business District which shall require a lot width of not less than fifty (50) feet.

Not more than one dwelling structure shall hereafter be erected on any lot, except as provided by special permit or duly authorized by variance as provided in this ordinance.

6.2.5 Shape of lot

Effective July 1, 2005, no dwelling, building, or structure shall hereafter be erected, placed, altered, or converted on any lot unless the lot is substantially regular in shape. Substantially regular in shape shall mean a lot that has a Shape Factor of 35.0 or less. Shape Factor shall be determined by dividing the square of the sum of the perimeter dimensions of the lot by the area of the lot. : Shape factor = (Sum of perimeter x sum of perimeter) / area of the lot

A lot may have a shape factor exceeding 35.0 if a portion of the lot itself meets the minimum lot area requirement and has a shape factor of 35.0 or less and which portion includes the minimum lot area, minimum contiguous dry area and minimum frontage that is required for said lot.

However, any lot in the City of Taunton considered buildable under MGL Ch40A Sec 6 as of July 1, 2005 shall be exempt from the shape of lot requirement in said lots configuration and size as of July 1, 2005. In addition, an existing lot considered buildable under MGL Ch40A Sec 6 as of July 1, 2005 that has not been altered as too shape or size since July 1, 2005 shall be exempt from the shape of lot requirement for the purpose of subdividing to create one additional buildable lot.

6.3 INTENSITY OF USE TABLE

NOTES

- *1. Square feet, unless identified as acreage by "AC"; dry lot refers to contiguous lot area, excluding wetlands as defined by the Massachusetts Wetlands Protection Act.
- *2. "Total lot coverage" is the coverage of any lot by all structures, parking areas, and impermeable surfaces.
- *3. "Maximum lot coverage by structures includes all buildings and other structures, except for exterior surface parking
- *4. Maximum Gross Floor Area to Lot Size "GFA/lot size"

*5. If a Residential 1 to 3 unit or non-residential lot in an urban residential district does not have municipal water and sewer service, the intensity of use regulations of the suburban residential zone shall apply.

*6. "other residential" also includes convalescent homes, nursing homes and rest homes.

*7 Maximum people per acre

*8 - refer to Section 17, Multi-Family/Business District Regulations

*9 - Minimum Height of Building above pre-development grade.

*10 – “un/ac” means “maximum units per acre”. Maximum units per acre shall be calculated utilizing uplands only (ie no wetlands or waterbodies can be included in the acreage of a lot for the purpose of determining the maximum number of permissible units)

section 6.3 Intensity of Use Regulations

District	Min. Lot Area *1	Min. Dry Lot Area*1	Minimum Contiguous Frontage	Min. Front Yard Setback	Min Side Yard Setback	Min Rear Yard Setback	Max Height in Stories	Max Height in Feet	Max Percent Total lot Coverage *2	Maximum Percent Structure Lot Coverage*3	Max. FAR to (GFA) Lot Size *4	Other Density Standards *10
<u>Rural Residential</u> All Lots	60,000	43,560	150	40	25	30	2.5	35	40	20	0.5	-
<u>Suburban Residential</u> All Lots	30,000	22,500	125	25	15	20	2.5	35	40	20	0.5	-
<u>Urban Residential *5</u> Residential 1 to 3 units and non-residential	15,000	11,250	100	25	15	20	2.5	35	60	40	1	-
Other Residential	43,560	43,560	100	25	15	20	4	50	75	40	-	18 un/ac
<u>Office District</u> Residential (1-3 units)	15,000	11,250	100	25	15	20	2.5	35	-	40	-	-
Mixed Use/ Non- Residential	10,000	7,500	100	25	15	20	5	70	80	40	1.2	12 un/ac
<u>Business District</u> Residential(1-3 units)	15,000	11,250	100	25	15	20	2.5	35	-	40	-	-
Other Residential/ Non-Residential	5,000	5,000	50	10	5	10	3	40	90	90	2.5	32 un/ac
<u>Highway Business</u> Residential, 1 to 3 units	15,000	11,250	100	25	15	20	2.5	35	-	40	-	-
Other Residential	15,000	11,250	150	40	25	50	2.5	35	-	20	-	12 un/ac
Mixed Use/ Non- Residential	15,000	11,250	100	30	25	30	3	40	80	40	1.5	12 un/ac
Motel	30,000	22,500	200	40	40	40	2.5	35	-	40	-	-
<u>Industrial</u> Residential (1-3 units)	60,000	43,560	150	40	25	30	2.5	35	-	20	-	-
Non-Residential/ Mixed use	1.5 AC	1AC	150	35	35	50	3	50	80	60	1	6 un/ac
<u>Central Business District</u> Residential, 1-3 units	10,000	5,000	50	15	5	10	2.5	35	-	40	-	-
All other Lots	5,000	5,000	50	0	3	0	5	50	90	90	4.5	30*9, 48 un/ac

SECTION SEVEN: GENERAL PROVISIONS

7.0 LAND CLEARING

Land clearing or clear cutting of trees and excavation, gravel removal, or filling of earth, in anticipation of any use permitted or authorized by special permit of this Ordinance, or laws of the Commonwealth, is prohibited prior to the issuance of all required approvals, permits, variances, licenses and authorizations. Limited clearing and excavation is allowed for the purpose of obtaining necessary survey and engineering data or other activities required to secure necessary permits.

To the extent practicable, development shall be located to preserve and enhance the natural features to the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of natural features to the site and to preserve and enhance scenic points, preserve on-site mature trees, and the planting of canopy trees to the site. Increasing tree canopy reduces the flow of water, keeps the water cleaner and decreases storm water runoff. Managing the existing tree cover on-site is a natural way to maintain the quality of the urban ecosystem.

7.1 LANDSCAPING REQUIREMENTS

The City recognizes the aesthetic, ecological, and economic values of landscaping and requires its use to;

- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by producing shade from the sun and shelter from the wind;
- Restore natural communities through reestablishment of native plants; and
- Mitigate for loss of natural resource values.

The landscaped buffer and parking lot landscaping requirements in sections 7.1.1 and 7.1.2 are applicable in all zoning districts unless specifically noted otherwise.

7.1.1 Landscaped Buffer Area

Buffer width is based on the following use intensity classifications;

Class 1: This class includes, but is not limited to, cemeteries, golf courses, passive recreation areas, nurseries, single and two family homes

Class 2: This class includes, but is not limited to, offices under 3 stories, institutions, public facilities including playgrounds and swimming pools, multi-family dwellings less than 6 units

Class 3: This class includes neighborhood commercial and service activities, including but not limited to retail operations, restaurants and banks without drive up windows, convenience stores without gasoline sales, offices 3 stories and over, and multi family developments in excess of 6 units.

Class 4: This class includes assisted living and commercial activities with higher vehicle traffic, including but not limited to automobile sales and/or repair, car washes, hotels and motels, light manufacturing, research facilities, and shopping centers

Class 5: This class includes, but is not limited to, industrial uses, manufacturing, heavy manufacturing, truck terminals, mobile homes, vehicle sales, heavy equipment sales, facilities involving outdoor storage, warehousing/distribution and outdoor commercial recreation establishments

Class 6: This class includes, but is not limited to, any activity abutting an open space district; junk yards; salvage operations; garbage incineration/ reduction; and adult entertainment

Use Intensity	Buffer Width		
	Front	Side	Rear
Class 1	0 feet	0 feet	0 feet
Class 2	10 feet	10 feet	10 feet
Class 3	10 feet	15 feet	15 feet
Class 4	15 feet	25 feet	25 feet
Class 5	20 feet	40 feet	40 feet
Class 6	25 feet	60 feet	60 feet

The approving authority, at the time of site plan approval, may reduce buffer widths and required plantings by up to 50% if the site plan indicates earthen berming, alternate landscaping, walls, fencing or topographic features which will achieve the intent of this section and are designed to complement adjacent properties. Earthen berms may not exceed a slope of 2 to 1 and must have a crown of at least 2 feet.

Properties located in the Central Business district shall be exempt from the landscape buffer requirements in this section

Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible. Plans shall be designed accordingly.

In all required buffer zones, the natural foliage shall be maintained to the maximum extent possible. Mature woodlands shall not be thinned by more than fifty (50) percent. If woodlands are located within the minimum landscaped buffer area, preservation may substitute for the required plantings.

In required buffer zones, where dense mature foliage does not exist, two (2) canopy trees, a minimum of ten (10) feet in height, and five (5) understory trees/shrubs, a minimum of two (2) feet in height and shall be placed so as not to screen or block the line of sight for vehicles entering

and exiting the site, and shall be planted for every five hundred (500) square feet of buffer zone. All trees must have a minimum of a three (3) inch caliper. All plans and species shall be approved by the Tree Warden or his designee. The following is a list of recommended deciduous species.

- | | |
|-------------------|--------------------|
| -Pin Oak | -London Plain Tree |
| -Green Ash | -Northern Red Oak |
| -Red Sunset Maple | -Locust |
| -Linden | -Sugar Maple |
| -Red Maple | |

Within thirty (30) days of approval and installation of required plantings, the applicant/petitioner installing the required plants must submit in written certification to the City Planner that healthy plants were installed. All planting requirements are enforced by the Zoning Enforcement Officer.

7.1.2 PARKING LOTS

All parking lots consisting of ten (10) or more parking spaces shall provide two-hundred (200) square feet of interior landscaping for every ten (10) spaces. These landscaping areas shall contain a minimum of two (2) canopy trees, a minimum of ten (10) feet in height and minimum three inch caliper, and two (2) understory trees/shrubs, a minimum of two (2) feet in height. To prevent cars from parking too close to trees or damaging shrubs, a curb or wheelstop shall be provided for interior parking lot landscaped islands.

7.1.6 AGRICULTURAL USES

All structures, pens, stables, and the like, housing farm animals in any residential zone shall be set back 300 feet from the nearest residential structure on an adjacent lot.

7.1.9 ANIMAL KENNEL/POUND

Special Permits for an animal kennel/pound shall be issued in accordance with Section 3-24 of the Revised Ordinances for the City of Taunton. An application for a kennel license shall include a plot plan showing the location of the kennel and the distance of the kennel from the nearest adjacent residential dwellings. The application and the plot plan shall be submitted to the City Planner and the Animal Control Officer. The City Planner shall review the application and plot plan for zoning compliance and shall issue a zoning compliance form for review by the SPGA. The Animal Control Officer shall investigate and verify the information provided on the Kennel License application and plot plan and shall make his/her recommendation to the SPGA as to whether the Special Permit should be granted. The City Planner shall submit a Zoning Compliance Form, and the Animal Control Officer shall make his/her recommendation to the SPGA within twenty (20) days of receipt of the application.

A Special Permit for a kennel shall be issued only following a public hearing held within sixty-five (65) days after filing of an application with the SPGA. The SPGA shall make decisions and execute final actions within ninety (90) days of the public hearing. The applicant shall submit a kennel license application and plot plan to the Municipal Council and shall forthwith give a copy of the application and plot plan to the City Clerk, City Planner, and Animal Control Officer. The applicant shall be responsible for all costs of notice and publication.

7.2 CORNER LOTS

In all districts, there shall be a front yard at each street line and a side yard at each lot line. To assure safe view of vehicles and of pedestrians across the corner, no shrub two (2) feet overall diameter or larger, and no hedge or fence shall extend higher than two (2) feet above the main finished pavement centerline grade throughout that part of the front yard required on such lot, fifty (50) feet along the street frontage of each such yard from their street corner unless; 1. The fence is a wire fence in which the openings are not less than four (4) inches minimum dimension or, 2. The fence is a wire fence that has openings that are not less than two (2) inches minimum diameter and is setback at least five (5) feet from the corner property line or, 3. Any fence that is setback at least ten (10) feet from the corner property line.

7.3 OFF-STREET PARKING

7.3.1 PARKING AND LOADING REQUIREMENTS

Minimum Parking Requirements

Residential Units:	2 spaces per unit
Assisted Living:	1 space per unit
Retail:	minimum 3 spaces, plus 1 space per 300 square feet over 600 square feet gross floor area
Office:	minimum 3 spaces, plus 1 space per 500 square feet over 1,000 square feet gross floor area
Industrial uses:	minimum 3 spaces, plus 1 space per 850 square feet over 1,700 square feet gross floor area
Restaurants, hotel restaurant, cafeteria, hall, club, theater, bowling alley or other place of assembly:	Spaces equal in number to not less than half the seating capacity of each such establishment.
Miscellaneous Uses:	minimum 3 spaces, plus 1 space per 400 square feet over 800 square feet gross floor area

Parking Space size: 9 feet by 18 feet, exclusive of driveways

Minimum Aisle Width: The aisle width between parking spaces shall not be less than 22 feet where parking is located on both sides of the aisle.

Special Provisions

An off-street parking area containing one hundred and sixty two (162) square feet of paved surface exclusive of driveways, shall be provided for each motor vehicle stored overnight or longer by an occupant of the premises.

Parking and loading areas are to be graded, subsurfaced, with a non-dusting material, drained and suitably maintained to the extent necessary to avoid nuisance of dust, erosion, or any water flow onto streets or adjoining properties.

A parking area shall not be designed to interfere with loading or unloading zones, access driveways, or egress and ingress to the site.

No loading platform or receiving door shall be located in any front yard, or on the street side of any retail store or other commercial building except a gasoline filling station.

In the Business District and Central Business District parking may be waived or reduced by the Special Permit or Site Plan Review Granting Authority.

In Industrial Districts the following areas may be excluded in figuring the gross floor area: hallways, lobbies, boiler rooms and other unoccupiable space which shall be determined by the Building Commissioner or City Planner.

Residential Uses

In all residentially utilized properties, not more than one (1) motor vehicles per lot dwelling unit shall be a vehicle in commercial use and said vehicle shall not exceed 7,000 lbs. actual vehicle weight, exclusive of payload. Motor vehicles shall include tractors, backhoes and other heavy equipment

Trailers - In all residentially utilized properties, not more than one (1) utility trailer per lot shall be allowed and said trailer shall not exceed 6 feet by 10 feet in size. This shall not include boat trailers and camping trailers These limitations shall not apply to farm or garden motor vehicles or motorized garden equipment when parked or stored within the boundaries of the farm, garden or home lot on which they are being used

These limitations shall not apply to farm or garden motor vehicles or motorized garden equipment when parked or stored within the boundaries of the farm, garden or home lot on which they are being used.

The minimum parking requirement must be met on-site.

7.3.2 UNREGISTERED MOTOR VEHICLE

The unenclosed off-street parking of not more than one operable motor vehicle not registered under General Laws Chapter 90, shall be a permitted accessory use on all conforming or legal non-conforming residential property. For the purpose of this section, an "operable motor vehicle" shall be defined as a motor vehicle which sets on inflated tires and has a functional engine. All unregistered motor vehicles or disassembled parts, thereof, that do not meet the above criteria, are not permitted.

The off street parking of an "operable motor vehicle", or "automobile parts" , not registered under Massachusetts General Laws Chapter 90 shall be prohibited on all conforming and legal non-conforming commercial and industrial lots. There are two (2) exceptions to this provision.

1. Auto body repair and/or auto repair shops which require a Special Permit of the Municipal Council. In this case, the number of unregistered "operable motor vehicles" and/or "automobile parts" shall be determined in the conditions of the Special Permit.
2. Any business or industry that requires a Class I, Class II or Class III Licenses as defined under MGL Chapter 140 section 58 . In cases where a Class I, Class II or Class III

license is being renewed or granted, the number of “operable motor vehicles” and/or “automobile parts” shall be determined by the conditions of the license.

The number of unregistered “operable motor vehicles” and “automobile parts” allowed shall be related to the conditions of the site and the impacts on abutting properties. For the purpose of this section an “operable motor vehicle” shall be defined as a motor vehicle which sets on inflated tires and has a functional engine. All unregistered motor vehicles or disassembled parts thereof, that do not meet the definition of an “operable motor vehicle” shall be defined as “automobile parts

7.3.3 DRIVEWAYS

No street access drive for parking areas containing five (5) or more parking spaces or a loading area shall be within seventy (70) feet from any intersecting street or roadway.

7.4 ASSISTED LIVING

Assisted Living Residence

A residential development subject to certification under MGL Chapter 19D, which provides room and board, provides assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on the behalf of residents to pay for the provision of assistance. Assistance includes meals, professional services such as dressing or bathing assistance, and other social services. These facilities may have central dining facilities, lounges, meeting rooms, laundry rooms, green houses, exercise rooms, libraries, and medical facilities for diagnosis and out patient services for residents only and such other common areas, facilities, or accessory uses for the residents as may be desirable.

Purpose:

The purpose of this section is to promote the availability of Assisted Living Residences in the City of Taunton; to provide services for senior citizens; to encourage residential settings that promote the dignity, individuality, privacy, and decision making of such persons.

Requirements:

1. Maximum Density- 10 units per acre
2. Minimum Setbacks- 40 foot front yard setback
40 foot side yard setback
40 foot rear yard setback
3. Maximum Height- 40 feet and 3 stories
4. Minimum dwelling unit size- 350 square feet
5. Minimum lot size- 2 acres
6. Minimum frontage- 125 feet
7. Minimum lot width- 125 feet
8. Minimum dry lot area- 1 acre
9. See landscaping, parking and sign regulations for additional requirements

7.5 SIGNS

7.5.1 Intent and Purpose

It is the intent and purpose of the following provisions to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the City, provide a more enjoyable and pleasing environment, to encourage the most appropriate use of the land, to minimize hazards to vehicular and pedestrian traffic. The intent of this ordinance is to permit signs that will not, by their reason, size, location, placement, construction, and manner of display mislead and confuse the public in the location of goods, services, and facilities in the City of Taunton.

The rules and regulations contained herein shall govern the construction, alteration, repair, maintenance, and erection of all signs within the City of Taunton. In addition, signs that fall within the Taunton Redevelopment Authority's Official Downtown, High Street and Court Street Revitalization Plans shall be governed by the sign regulations of those districts and any sign that falls within the area under the jurisdiction of the Historic District Commission shall be governed by the Historic District Commission Regulations. Any sign that falls under the jurisdiction of the Historic District Commission and/or the Taunton Redevelopment Authority and the City of Taunton, the most restrictive requirements shall prevail and be controlling for all purposes.

7.5.2 DEFINITIONS

In construing Section 7.5, the following words shall have the meanings herein given, unless a contrary intention clearly appears.

Accessory Use - is the use of land, building or part of a building that is customarily incidental and clearly subordinate to the principle use of the premises.

Alteration - of a sign is any enlargement, rewording, relocation, redesign, repainting, in a different color, re-lettering, or restoration of at least 35% of the cost to replace that sign with a new sign at the time of restoration. Any alteration to a sign must conform to the requirements of this ordinance.

Area of Sign - shall include all lettering and designs, together with background, but shall not include any supporting or structural framework or bracing. The area shall also include any backing of different color than the finish material of the building face. If the sign consists of individual letters, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all letters and symbols.

Business - is an activity of some continuity, regularity and permanency which is a means of material being and livelihood.

Building - (a) attached: any building which has one or more sides contiguous to another building so that together, they form a row or block of buildings. (b) Detached: any building which stands alone, so as to be in no way touching another building.

Channel Letter Signs - Signs composed of individually mounted letters, numbers, logos, and graphics, which are illuminated internally. These signs can be illuminated externally, provided however, the sign shall be shielded so as to prevent glare from the sign onto abutting properties or onto the public way.

Directory Sign - A sign which combines in one panel the names of several business establishments or activities located in a building or on a premises.

Erect - Build, construct, attach, hang, place, alter, suspend, or affix. Repainting, repairing, maintenance, cleaning, or re-arranging the letters of a changeable letter sign, not involving structure change or size of existing approved sign, shall not be considered erection.

Facade - exterior surface of the building.

Primary Frontage - For the purposes of these sign regulations, primary frontage is the frontage that a building possesses on a public way that is considered the front of the business. Each lot shall have only one (1) public way designated as primary frontage.

Secondary Frontage - For the purposes of these sign regulations, secondary frontage is any frontage that a building possesses on a public way that is not considered primary frontage.

Shopping Center - For the purposes of this ordinance, shopping center shall mean a group of stores, shops, restaurants, and offices or similar activities generally developed as a single unit with a common parking area available to the customers or visitors to the various activities present.

Sign - Any device, structure, or object for visual communication that is used for the purpose of bringing the subject thereof to the attention of others.

Sign Face - The area defined by the frame or edge of a sign; however, where there is no geometric frame or edge of the sign, the area shall be defined by a projected, enclosed, rectilinear shape which most closely outlines the said sign. Sign area includes the advertising surface, and any framing, trim or molding, but not the supporting structure.

Sign Height - The vertical distance from the grade below the sign to the uppermost module, cabinet or character.

7.5.3 SIGN CLASSIFICATIONS

7.5.3.1 EXEMPTED

Signs that fall within this category are permitted and do not require a permit or registering with the Building Department.

Governmental Signs- Traffic or warning signs erected or required by governmental agencies or bodies, including signs directing traffic to hospitals, parking areas, highways, cultural institutions, and commercial areas.

Construction Site Signs- Signs on active construction sites which denote the contractor, architect, engineer, or funding agency not to exceed 24 square feet in area in the aggregate per site in non-residential districts or 12 square feet in area in the aggregate per site in residential districts.

Flags- Governmental flags and governmental insignia, except when displayed with a commercial message or in conjunction with a commercial promotion.

For Sale Signs- “For Sale” or “For Rent” signs, not exceeding 15 square feet in aggregate area per premises in a non-residential district or 6 square feet in aggregate area per premises in a residential district and which advertises for sale or rent only the premises upon which the sign is located. Such signs shall be removed promptly when the advertised sale or rental is concluded.

Home Occupations - One accessory sign per premises not to exceed 2 square feet in area advertising a permitted home occupation.

Holiday Lights- Holiday lights and decorations which do not include a commercial message, and which are displayed for a limited period of time no longer than 60 continuous days and no longer than 100 days per year at any premises at which any commercial, residential, or industrial use occurs.

Informational Signs- for the purpose of giving directions to a religious institution, school, museum, community recreational facility, or library. These signs are not to exceed 2 square feet in area.

Legal Notices- Legal notices and identifications not exceeding 2 square feet in area, including “no trespassing” and “no hunting” signs.

Non-Commercial Signs - Signs having no commercial message and which bear only house numbers, post box numbers, names of residents, or identification of premises and not exceeding 2 square feet in area per premises.

Political Signs - A sign which advertises a candidate or candidates for public elective office, a political party, or promotes a position on a public or ballot issue.

Signs exempted by Law- signs described in Section 32, Chapter 93, Massachusetts General Laws.

Vendor Signs - Permanent signs on vending machines, gas pumps, ice containers or similar devices indicating only the contents of such devices.

7.5.3.2 PROHIBITED

Signs that are not specifically defined in sections 7.5.3.1, 7.5.3.3, or 7.5.3.4 and those defined in this section are not permitted.

Roof Signs: Any sign that is erected on or which rises above the facade, or vertical wall, of the building on which it is mounted.

Moving Sign- A sign that has any part which moves or is designed to move.

Vehicle Sign- A sign that is mounted on a vehicle and parked on the site for advertisement purposes and not registered and utilized on a regular basis.

7.5.3.3 TEMPORARY

A temporary sign is any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. There shall be a limit of one temporary sign per business with a maximum square footage of twenty four (24) square feet. No Temporary sign shall be placed in a manner that blocks visibility of motorists at intersections and driveways, and that no temporary sign shall be placed in a manner that impedes handicap accessibility. All temporary signs shall be secured to prevent movement by the wind.

Banners, pennants - Signs made of cloth, fabric, paper, non rigid plastic, or similar types of material; and symbolic flags of an institution or a business.

Portable Signs - are signs capable of being readily moved or relocated, including signs supported by legs which are not permanently attached, affixed, or secured to the ground or to a building or signs on wheels.

7.5.3.4 PERMITTED PERMANENT SIGNS

The following types of signs fall within this category and require a permit. See sections 7.5.4 through 7.5.9 for the applicable requirements.

Freestanding Sign - A sign that is attached to the ground and supported by uprights placed on or in the ground.

Facade Sign- Any sign affixed to a building. A facade sign shall be parallel with a wall of the building and shall not project beyond the face of any other wall of the building, or above the top of the wall to which it is attached. Projection out from the face shall not exceed eight (8) inches.

Awning Sign- Any structure attached to a building and projecting over a way, so erected as to permit its being retracted to a position flat against the building when not in use. A non-retractable awning shall be considered to be a marquee when it does not protrude more than three feet from the facade.

Window Sign- Any sign designed to be visible from the outside through a window or a doorway of any building or structure. A permanent window sign shall be any window sign that is not easily removed.

7.5.4 APPLICATION PROCESS

1. Anyone constructing, altering, repairing, or maintaining a sign in the City of Taunton shall contact the City Planner or the Building Inspector for directions on how to proceed with obtaining a sign permit.
2. No sign shall be erected, altered, or enlarged until an application for a new or repaired sign is in accordance with the new regulations set forth in this ordinance and approved by the City Planner and the Building Inspector. Applications are furnished in the Building Department. The application for a sign permit shall contain such information required by this ordinance. Such permit shall be issued only if the Building Inspector determines that the sign complies or will comply with all applicable provisions of both this section of the ordinance and the State Building Code.
3. Any application shall seek zoning approval from the City Planner before formally applying for a sign permit.

7.5.5 GENERAL GUIDELINES AND RESTRICTIONS

Non-conforming Signs - signs legally existing at the time this bylaw was adopted may continue as non-conforming uses, subject to the provisions that any legal pre-existing non-conforming sign that is altered, changed, rebuilt, or extended shall conform to the requirements of this bylaw. Legally existing signs are signs that have obtained a valid sign permit and have adhered to the requirements of said permit at the time this bylaw was adopted. The exemption herein granted is terminated with respect to any sign which,

- (a) shall have been abandoned
- (b) advertises or calls attention to any products, business, or activities, which are no longer carried or sold at the premises

(c) shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Inspector.

Illuminated Signs - signs may be illuminated. If a lighting source is provided, interior or exterior, the source of light shall be shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property. No sign that flashes, shimmers, or scrolls are allowed. Illuminated changeable face signs including LED Message Centers shall display static images and text only. No animation, movement or the appearance of movement of any text or graphics (including but not limited to all displayed images, pictures, backgrounds) shall be permissible. Text shall not flash, scroll or otherwise move or appear to move. Messages/ images can refresh no sooner than every 20 seconds. All signs (including LED message centers) shall be turned off at closing..

Securing Signs - all signs must be painted, posted, or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building.

Sign Aesthetics - Color, architectural features on the building or on abutting buildings and style of a sign shall be compatible with the surrounding area and other approved, conforming signs.

Window Signs - Permanent window signs shall not cover more than thirty percent (30%) of the total storefront window.

Special Permits - Uses allowed by special permits in districts shall comply with approved special permit conditions for signage.

Directional Signs - Entrance, exit, and directional parking signs are allowed.

Sign Area - The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any “cutouts” or extensions, but shall not include the supporting structure or bracing. The area of sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols. Only one side shall be counted in computing the area of a double faced sign.

Multiple Frontage Lots - Lots that possess frontage on more than one public way are multiple frontage lots. These lots must designate the frontage on one (1) public way as primary frontage and the remaining frontages on other public ways as secondary frontage for the purposes of determining the maximum allowable square footage for the lot. This includes corner lots.

7.5.6 FREESTANDING SIGNS

Setback and Height Requirements - Freestanding signs shall be located a minimum of ten (10) feet from proposed and existing driveways, public ways and right of ways or the freestanding sign shall meet one (1) of the following height restrictions;

1. The bottom part of the sign shall not be lower than ten (10) feet to the ground at the signs lowest point and shall not be higher than thirty (30) feet.

2. The sign shall not extend more than three (3) feet from the ground to the top of the sign.

In addition, the following restrictions apply to all signs;

1. No sign shall block the sightline of access driveways, parking lots, or public ways.

Number Allowed - One (1) freestanding sign is allowed per lot.

Changeable Sign Face - Freestanding signs may utilize fifty percent (50%) of the allowed square footage for the sign as a changeable sign face.

Freestanding Sign Size - The size of the sign is based on one (1) square foot of sign per one (1) linear foot of primary frontage that the building has on a public way and (1/2) one-half square foot of sign for every linear foot of secondary frontage that the building has on a public way up to a maximum allowable square footage of 200 (two hundred) square feet. The total square footage of the sign cannot be greater than the total linear feet of primary and secondary frontage of the building on the public ways. See multiple frontage lot provisions for lots fronting on two (2) or more public ways.

Multiple Tenant Lots - (i.e. shopping centers, strip malls etc.) There shall be one freestanding sign per lot. The size of a multiple tenant lot freestanding sign shall be based on the size requirements for freestanding signs outlined above. Each businesses portion of display area on the freestanding sign shall be equal to the portion of the total frontage that each storefront contributes to the maximum allowable square footage for the lot. See multiple frontage lot provisions for lots fronting on two (2) or more public ways

7.5.7 FACADE SIGNS

Number of Signs – The number of signs shall not be limited, provided that the total square footage of all signs placed on the façade do not exceed the maximum allowable square footage detailed below

Allowable Square Footage - The total allowable square footage of signs is based on one (1) square foot of sign per one (1) linear foot of primary frontage that the building has on a public way and (1/2) one-half square foot of sign for every linear foot of secondary frontage that the building has on a public way. The total square footage of all of the signs cannot be greater than the total linear feet of primary and secondary frontage of the building on the public ways. See multiple frontage lot provisions for lots fronting on two (2) or more public ways.

Multiple Tenant Lots - (i.e. shopping centers, strip malls etc..) The maximum allowable square footage for all signs on multiple tenant lots shall be based on the size requirements for facade signs outlined above. The maximum allowable square footage of signs for each business shall be equal to the portion of the total frontage that each storefront

Area Bonus - In instances where the maximum allowable square footage for a business does not exceed fifteen (15) square feet, the business is eligible for applying for an Area Bonus which is subject to the approval of both the City Planner and the Building Commissioner. In granting an area bonus, two (2) findings must be made by the City Planner and Building Commissioner,

1. The Area Bonus does not adversely impact aesthetics or public safety.
2. That the additional signage is essential for adequate visibility and viable operation of a business at the proposed location.

The maximum allowable square footage for the lot can be increased by an amount up to but not to exceed fifteen (15) square feet.

7.5.8 ENFORCEMENT

The Building Inspector/Zoning Enforcement Officer and/or the City Planner has the authority to overrule color, aesthetics, size, placement, and any other stipulation when granting a sign permit.

7.5.9 Projecting Signs

Notwithstanding the prohibition on a façade sign projecting more than 8 inches from a wall face in section 7.5.3.4, a projecting sign shall be permitted on a lot instead of a free-standing sign on a lot in cases where a free-standing sign cannot be erected on a site due to insufficient area to place a free-standing sign. In any case where the provisions of this section are utilized and a projecting sign is installed on a lot, a freestanding sign on the same lot (section 7.5.6) shall be prohibited.

In addition to the above, a projecting sign must meet the following criteria;

1. One (1) Projecting sign shall be allowable per lot
2. The sign shall be oval or rectangular in shape
3. The sign shall be flat and shall not be internally illuminated and neon shall be prohibited
4. The projecting sign shall not flash or move
5. The maximum size of the projecting sign shall not exceed 12 square feet
6. The bottom of the projecting sign must maintain at least a ten (10) foot vertical clearance from the grade level immediately under the sign.
7. The projecting sign must be mounted at a 90 degree angle from the face of the building
8. The projecting sign must be pinned at least six (6) inches away from the wall face
9. The projecting sign shall not project beyond a vertical plane set two (2) feet inside the curb line or edge of pavement when no defined curb exists
10. The projecting sign cannot project over an abutting property (does not include public way)

7.6 OUTDOOR LIGHTING

In all zoning districts, for safety reasons, any private outdoor lighting fixtures, whether temporary or permanent, located within one hundred (100) feet from an adjacent street sideline shall be so placed or hooded that the outdoor lighting source itself is not directly visible at any point beyond the lot lines of the premises illuminated. This section shall not apply to an incandescent light bulb of less than 200 wattage, is the same, is frosted, or otherwise treated so as to be translucent and not transparent, nor shall it apply to a gaseous tube light.

7.7 SWIMMING POOLS

Both in-ground and above-ground swimming pools are permitted, but those pools containing 500 or more gallons must be a minimum of ten (10) feet from any side or rear lot line.

7.8 DWELLING CONVERSIONS

In Urban Residential, Office, Business and Highway Business districts, any dwelling structure on not less than fifteen thousand (15,000) square feet lot area and in the Industrial District any dwelling structure on not less than one acre (43,560) square feet in area may as-of-right be converted to accommodate not more than three (3) families provided the application for a building permit for such conversion shall show that there will be not more than three dwelling units, and that:

7.8.1 Each dwelling unit resulting from such conversion will have not less than five hundred (500) s.f. habitable floor space, exclusive of stairways. Further, the conversion shall be subject to the requirements of Article II of the State Sanitary Code, before any occupancy permit is granted.

7.8.2 Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling, and any other stairways or fire escape required shall not be in any way facing a street.

7.8.3 The minimum off-street parking requirements shall be two (2) parking spaces per dwelling unit and no parking shall be allowed in the required front yards. All parking should be restricted to the rear yard and the side yard where the driveway is located. No more than sixty (60) percent of this side yard and the rear yard shall be used for parking and access. Further, no rear yard parking area shall be less than five (5) feet from an adjoining property line and said five (5) foot area shall be planted with evergreen materials comprising at least a 90% screen to a height of not less than four and one-half (4.5) feet; given natural conditions prevalent on a particular site. The applicant may substitute a six (6) foot wooden fence in lieu of the planted buffer area.

7.8.4 "No conversion of a residential structure or an addition to a residential structure for additional units shall be allowed for five years from the receipt of a building permit to construct the addition or new residential structure."

7.9 ACCESSORY DWELLING

Accessory Dwellings shall be permitted as specified in section 5.2 and shall be located on a lot 15,000 square feet or larger in area and shall only be permitted on lots with one (1) single family dwelling located on the lot. Accessory Dwellings are also required to meet all the requirements of this section.

1. The owner of the premises must reside in the primary dwelling unit. Ownership shall constitute a 50% or more ownership interest in the property.
2. At least one person that resides in the accessory dwelling unit shall bear one of the following relationships to the owner or spouse or deceased spouse of the owner: mother, father, child, grandparent, brother, sister, aunt or uncle or in-laws
3. One of the means of egress shall connect the accessory dwelling unit to the principal unit
4. The accessory dwelling unit shall not exceed 850 square feet in size and shall occupy no more than 30% of the habitable floor area of the building.
5. A minimum of 4 parking spaces shall be provided for the resulting two units and shall not be allowed within the designated front yard.
6. No accessory dwelling units shall be allowed for five years from the receipt of a building permit to construct the addition or new residential structure on the lot. This shall not preclude the issuance of a building permit to construct the accessory dwelling unit after receiving the necessary ZBA approval. Only that five years must elapse since the last permit was issued for an addition or new construction on the lot.

7. Expiration- The Special Permit shall expire five (5) years from the date on which the Special Permit was granted.
8. Termination- If the Zoning Enforcement Officer has cause to believe that the conditions of the Special Permit have been violated, he shall schedule a hearing by the Board of Appeals for a determination whether such a violation has occurred and shall give notice of time, place, and reason for the hearing to the owner of the property by certified mail. At the hearing, the Zoning Enforcement Officer shall specify the basis of his/her belief that one of the conditions has been violated, including information provided by third persons, who may speak at the hearing. If the Board of Appeals is convinced that a violation has occurred, it shall formally revoke the Special Permit which shall thereupon terminate.
9. There shall be no more than one electric service, water service and sewer service per lot on a lot containing an accessory dwelling unit.

7.10 ACCESSORY STRUCTURES

An Accessory Structure is a structure that is accessory to and clearly subordinate to the primary structure and use of the lot. An accessory structure shall not exceed one hundred and twenty (120) square feet in size. The ratio of the length to the width of the structure shall not exceed 3 to 1. The setbacks for an accessory structure shall be one half (1/2) the setback requirements for the zoning district within which the lot is located. The fee for an accessory structure application shall be twenty-five dollars (\$25.00)

7.11 LOT AGGREGATION

7.11.1 PURPOSE The purpose of this section is to allow the City to permit commercial/retail uses and mixed use (commercial/ residential) developments in Office Districts, Business Districts, Highway Business Districts and Industrial Districts to aggregate lots for purposes of satisfying requirements under the Zoning Ordinance. This Section recognizes that integrated commercial/retail developments and mixed use developments, such as shopping centers, function as a unified whole irrespective of separate ownership of the individual parcels comprising the development. With respect to these Developments, this section is intended to permit multiple ownerships in Developments and attendant flexibility in the layout of structures, parking, drives, and other facilities, and compliance with all other requirements of the Zoning Ordinance.

7.11.2 DEFINITIONS Specific definitions for certain terms used in this section 7.11 are set forth below. To the extent these definitions and their operative provisions are inconsistent with the definitions contained in Section 2.1 or elsewhere in the Zoning Ordinance, the provisions of this Section 7.11.2 shall govern. As used in this Section 7.11, the following terms shall have the following meanings:

“Development” as used in this section shall mean a Shopping Center or any other integrated commercial/retail development or commercial/ residential (including attendant structures, parking, drives, and other facilities) which, notwithstanding disparate fee title ownership, functions as a unified whole and which contains a group of stores, shops, restaurants, offices, recreation centers, theaters, other uses permitted as of right, or by special permit or variance, in Office Districts, Business Districts, Highway Business Districts or Industrial Districts, and/or any

other uses found in a shopping center and which contains 10 acres or more in the aggregate including a minimum dry lot area of 7.5 acres.

“Developer” shall mean the developer(s) of a commercial or mixed use development, including, without limitation, the party which obtained and/or is obtaining governmental approvals and permits for a commercial or mixed use development, or a party owning more than 50% of the land comprising a commercial or mixed use development.

“Eligible Parcel” shall mean a lot validly created and existing pursuant to the Subdivision Control Law, M.G.L. c.41, 81K through 81GG, as the same shall be amended from time to time, provided that such lot shall have a minimum lot frontage of 25 feet, and provided further that if a portion of the boundary of such lot runs through a building, such portion of such boundary must run substantially along the footprint(s) of such interior building wall(s). The recording in the appropriate Registry of Deeds of a plan approved or endorsed in accordance with the Subdivision Control Law showing such lot shall constitute conclusive evidence of satisfaction of these requirements and the designation of such lot or lots as an Eligible Parcel or Eligible Parcels, respectively, without regard for whether such recording took place prior or subsequent to the date of this zoning amendment.

“Lot” shall have the meaning set forth in section 2.1, unless the election described in section 7.11.3 below is made.

7.11.3 Election to Aggregate Lots A Developer of a Development in an Office District, Business District, Highway Business District or Industrial District may, at any time after site plan approval, elect to designate one or more Eligible Parcels comprising the land of such Development as a single, aggregate lot (irrespective of disparate present or future ownerships of such eligible parcels). If such an election is made, (a) separate eligible parcels of land within a development that would otherwise be treated as separate lots under the Zoning Ordinance shall be treated in the aggregate as a single lot for purposes of satisfying all requirements under the Zoning Ordinance, and (b) a series of buildings, either attached or arranged so as to appear attached, located on such eligible parcels that would otherwise be treated as separate buildings under the Zoning Ordinance shall be treated in the aggregate as a single building for purposes of satisfying all requirements under the Zoning Ordinance. If, as a result of such election, the Development as a whole complies with the Zoning Ordinance, then, notwithstanding any contrary provision of the Zoning Ordinance (including those relative to overlay districts), each use, structure, driveway, parking facility, and other facility located on, or functioning as a part of, such commercial development, shall be deemed individually to be in compliance with the Zoning Ordinance.

7.12 ADULT ENTERTAINMENT - Adult Entertainment Uses shall be deemed to include adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores, and adult live entertainment (see section 2.1 for definitions).

An adult entertainment use shall require a special permit from the Municipal Council in Industrial districts. Adult entertainment uses shall follow and comply with all of the requirements and procedures of Section 10.1 of the Taunton Zoning Ordinance and Chapter 40A, Section 9A of

Massachusetts General Laws in filing an application for a Special Permit. In addition, special permits for adult entertainment uses shall not be granted to any person convicted of violation the provisions of Massachusetts General Laws Chapter 119, Section 63, nor Massachusetts General Laws Chapter 272, Section 28. Any manager, legal owner, every individual having a fee, equity, or security interest in the adult entertainment use and every member of any corporation, partnership, or trust that has a beneficial interest in the entity must be listed as part of the application and are subject to the above prohibition.

Adult entertainment uses shall be permitted when located in an Industrial District and the adult entertainment use is located:

1. Seven hundred and fifty (750) feet from any residential zone (includes Urban Residential, Suburban Residential, and Rural Residential Districts);
2. Seven hundred and fifty (750) feet from any public or private school;
3. Seven hundred and fifty (750) feet from any open space zone or any public park
4. Seven hundred and fifty (750) feet from any day care center or nursery school
5. Seven hundred and fifty (750) feet from any church or other religious facility or institution;

SECTION 8: SPECIAL PROVISIONS

8.1 ROOF-TOP ACTIVITY AND EQUIPMENT

Roof top activity and equipment, including ventilators, on hospitals, medical clinics, laboratories and other research facilities, shall be housed in a fully enclosed building or screened so as not to be visible from off the lot, and no noise or odors created which are discernible beyond the boundaries of the lot.

8.2 DETRIMENTAL EFFECTS PROHIBITED

No professional, artistic or retail mercantile activity, including processing on the premises of products, shall be noxious, offensive or detrimental to the neighborhood or the City.

Accessory uses shall not be detrimental or dangerous to the neighborhood or the City.

Assembly, disassembly, manufacture, repair, or maintenance of property, whether sold upon said premises or elsewhere, shall not be accompanied in the usual course of said activity by any regular, intermittent, or sporadic odor, noise, vibration, smoke or noxious vapor perceptible at any point beyond the boundary lines of said premises without the use of a mechanical device.

Certification of Non-detrimental effect An application for any manufacturing, processing, warehousing or commercial non-retail activity or for a permit to build or to alter or establish any activity in an Industrial District must show in writing or by other exhibits attached to such an application that the proposed building, alteration or activity will not be noxious, offensive or detrimental to abutters, to the neighborhood or to the City by reason of special danger of fire or explosion, pollution of waterways, emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics, such as, but not limited to, glare of lights at night, heavy vibration or noise.

8.3 AUTO BODY WORK

Auto body repair or painting places shall be in buildings and not outdoors. Also, except for instances required by legal action, vehicles may only be stored on site for a maximum of 90 days.

8.4 MOBILE HOMES

No trailer, mobile home, or like structure shall be used for living quarters anywhere in the City of Taunton, except as provided in section 11.2.1 and 11.2.2 below

8.4.1 Temporary Use

Any owner or occupier of a residence which has been destroyed or damaged by fire, flood, or other natural holocaust to the extent that it is uninhabitable, may place a mobile home on the site as temporary living quarters for a period not to exceed six (6) months, renewable for six (6) additional months, while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

8.4.2 Permanent Use

Mobile homes are permitted only in approved mobile home parks (Suburban Residential districts by special permit from the Planning Board see 11.1)

8.5 Solar Panels

8.5.1 Solar panels exceeding two(2) square feet in area are not permitted in any front yard, on any face of a building or structure facing a street unless integrated with the ordinary construction of said building or structure, and/or in view of any adjacent street, except roof-mounted solar panels as set forth below;

1. Ground Mounted Solar panels shall:
 - a. be located in a side or rear yard only;
 - b. not exceed eight (8) feet in height above the ground;
 - c. Be fully screened from adjacent properties by fencing or a combination of evergreen and deciduous plantings
 - d. Be considered accessory structures for determining setback requirements
2. Roof- mounted solar panels;
 - a. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof structure
 - b. Separate flush-mounted solar panels shall be located on a rear or side facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation
 - c. Separate flush-mounted solar panels installed on a building or structure with a sloped roof structure shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation

8.6 Wind Energy Systems

Small Wind energy System –A small wind energy system has a maximum capacity of 10 kilowatts or less

Large Wind energy system – A large wind energy system has a capacity in excess of 10 kilowatts

Small wind energy systems shall be considered accessory uses and are allowable in all districts provided all of the requirements and restrictions of this section are met. No more than one small wind energy system is permissible per lot

Large Energy systems on lots are prohibited on lots less than 5 acres in size in all Residential Districts and shall require a Special Permit from the Zoning Board of Appeals in all other instances

Height- The maximum allowable height for wind energy systems shall not exceed the maximum height requirement for the zoning district as specified in section 6.3 except that a maximum allowable height in excess of the maximum height requirement for the zoning district as specified in section 6.3 shall require a special permit from the Zoning Board of Appeals.

Clearance – There shall be a minimum ten (10) foot clearance from the ground to any moving part

Location – No wind energy system shall be placed in the front yard

Setbacks – The setback for all wind energy systems shall be equal to the height of the system including the blades at their highest point

Sound – In all Residential Districts the maximum decibel level at the property line shall be 50 decibels . In all non-residential districts, the maximum decibel level at the property line shall be 65 decibels

Additional requirements;

- Turbines must have an automatic brake or other device to prevent over-speeding from exerting pressure on the tower structure
- Wind systems shall not be used for advertising except for the identification of the manufacturer or operator
- Wind systems are not to be artificially lighted unless required by the Federal Aviation Administration
- Materials, colors, textures, screening and landscaping must blend the facility into the natural setting and existing environment

8.7 WIRELESS COMMUNICATIONS

8.7.1 Purpose

It is the intent of this ordinance to preserve the safety, character, appearance, property values, natural resources and historic sites of the City, to mitigate any adverse visual effects through proper design, location, and screening of structures, and to encourage the co-location of antennas where feasible in order to minimize the total number of sites required in a manner consistent with the provisions of section 253 and 704 of the Federal Telecommunications Act of 1996.

8.7.2 Scope

This ordinance shall apply to all wireless communication antennas and towers and related equipment, fixtures, and enclosures, including modifications to any of the preceding, but shall not apply to fire, police, ambulance and other safety communications antennas, amateur (ham) radio or citizens band radio antennas, or to non-transmitting television antennas.

8.7.3 Definitions

Wireless Communication Facility- A freestanding tower or monopole, or an antenna array attached to an existing building or structure that has the effect of increasing the height of the existing building or structure, including accessory antennas, structures, cables and equipment, if any, that facilitate the provision of wireless communication service.

Wireless Communications Services- The provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service.

Wireless Communication Antenna- One or more antennas or panels which facilitate the provision of wireless communication services, including accessory equipment and cables, mounted on an existing building or structure, that do not create or increase a non-conformance in the height or setback of the building or structure upon which the antenna or panel is located.

8.7.4 Use Regulations

A wireless communication facility and a wireless communication antenna shall require a building permit in all cases. Wireless communication facilities and antenna that are located on historic structures or within a historic district shall receive approval from the Historic District Commission. Wireless communication facilities and antenna may be permitted as follows;

A. A wireless communication antenna as defined in section 8.7.3 shall be allowed by right in all districts and shall require a departmental site plan review in accordance with the requirements and review criteria of this ordinance.

B. A wireless communication facility as defined in section 8.7.3 shall require a special permit and a full Site Plan Review from the Municipal Council in the districts specified in section 5.2 Table of Use Regulations and shall be prohibited in all other districts and shall comply with the requirements and review criteria of this ordinance.

8.7.5 Requirements and Design Standards

8.7.5.1 Wireless Communication Antenna

Location- Wireless communication antenna may locate on any conforming or legally non-conforming building or structure provided that the building or structure does not become non-conforming or more non-conforming with respect to height and setback requirements

Accessory Equipment and Cables- Equipment shelters shall not exceed 200 square feet in size and shall be shielded from view in a manner that preserves the architectural and historic character of the structure. Cables shall be located underground or within the structure wherever possible unless determined unfeasible by the Building Commissioner.

Color: Wireless communication antenna shall be painted or constructed of materials to match the color of the building material directly behind them. To the extent that any wireless communication antenna extends above the height of the vegetation and structure upon which it is mounted, the wireless communication antenna shall be painted in a light gray or light blue hue

which blends with the sky and clouds unless a determination is made by the DIRB that a more appropriate color scheme is preferred.

Lighting: Night lighting at ground level for security purposes shall be shielded from abutting properties with a resulting foot candle measurement of 0.0 at the property line when measured at grade. Lighting on the tower structures shall be prohibited unless required by state or federal law and shall be the minimum and least intrusive necessary.

Signs: Signs shall be limited to those needed to identify the property and the owner and warn of any danger.

8.7.5.2 Wireless Communication Facility

The following requirements shall be required for Wireless Communication Facilities;

1. No more than one tower shall be allowed per lot. In addition, a tower and all accessories and cables including guy wires and bases shall be located on the same lot.
2. The height of a tower or monopole shall be allowed to exceed the maximum height in feet required in each district as specified in section 6.3 provided that no tower shall exceed a maximum height of 150 feet from pre-construction grade level. The height of the tower shall be subject to approval by the Special Permit Granting Authority and shall be the minimum height necessary.
3. Towers shall be located on the lot so that the distance from the bottom of the tower to any adjoining property line or supporting structure of another tower is a minimum of 100% of the tower height.
4. All Communications towers over 100 feet in height shall be certified by a registered engineer that the tower will withstand winds of 100 miles per hour. The certification shall be delivered to the Building Department
5. There shall be a minimum of one parking space for each new facility, to be used in connection with the maintenance of the facility and the site and not to be used for the permanent storage of vehicles. Additional parking shall not be required for roof mounted antennas, façade mounted antennas or for the addition of antennas or panels to a tower.
6. Accessory structures housing equipment shall be appropriately screened from view in accordance with the direction of the Departmental Site Plan Review, Full Site Plan Review and/or Special Permit
7. Accessory structures shall not exceed 400 square feet in size and fifteen (15) feet in height. One structure shall be permitted for each antenna array located on the tower.
8. Suitable fencing may be required around the base of the tower and accessory structures for security purposes.
9. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four hour basis.
10. All network connections from the communications site shall be via underground land lines except to the extent that underground land lines are not feasible in the reasonable determination of the permit granting authority.
11. Night lighting at ground level for security purposes shall be shielded from abutting properties with a resulting foot candle measurement of 0.0 at the property line when measured at grade. Lighting on the tower structures shall be prohibited unless required by state or federal law and shall be the minimum and least intrusive necessary.

12. Towers shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.
13. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the facility. Additional landscaping may be required if it is determined by the special permit granting authority that additional landscaping will mitigate adverse aesthetic impacts created or increased by the facility.
14. That the applicant shall file with the city a copy of the environmental assessment (EA) required under the National Environmental Policy Act (NEPA) and administered by the FCC or a letter from the FCC stating that a filing is not required.
15. Other requirements may be imposed in cases where the Special Permit Granting Authority determines that additional requirements are necessary to preserve the public health, safety and welfare.

8.7.6 Special Permit Review and Approval

In addition to the findings necessary to grant a special permit outlined in section 10.1, the following findings are required to approve the application for a wireless communication facility;

- 1) That the location of the facility and/or antenna is suitable and that the size, height, and design is the minimum necessary for that purpose,
- 2) That the proposed facility and/or antenna will not adversely impact historic structures or scenic views,
- 3) That there are no feasible alternatives to the proposed facility and/or antenna (including co-location) that would minimize their impact and that the applicant has exercised good faith in permitting co-location of facilities at the site,
- 4) That the proposed facility and/or antenna is in compliance with federal and state requirements regarding aviation safety.

Any proposal that does not meet the requirements of this ordinance shall be denied.

8.7.7 Abandonment or Discontinuance of Use

If a licensed carrier plans to abandon or discontinue operation of a Wireless Communication Facility or Wireless Communication Antenna, such carrier shall give 30 days notice by certified mail to the City of Taunton through the City Planner's Office of the date of such abandonment or discontinuance. If a licensed carrier fails to give such notice, the Wireless Communication Facility or Wireless Communication Antenna shall be considered abandoned upon discontinuance of operations unless determined otherwise by the Municipal Council. In addition, a yearly inspection report on the condition of the tower and all supporting and accessory equipment shall be submitted to the Special Permit Granting Authority for any discontinuance of use that exceeds a period of two years and occurs with the proper notice to the City. This inspection shall be completed and stamped by a registered engineer. If the Special Permit Granting Authority determines that the public health, safety, or welfare is threatened by the structure, the structure shall be determined to be abandoned and removed accordingly. Failure to submit the inspection report on a yearly basis shall result in the facility being considered abandoned unless determined otherwise by the Municipal Council.

Upon such abandonment of use, the carrier shall physically remove the Wireless Communication Facility or Wireless Communication Antenna within 90 days from the date of abandonment. Physically remove shall include, but not be limited to:

1. Removal of antennas, mounts, and equipment shelters and security barriers from the property.
2. Proper disposal of the waste materials from the site in accordance with applicable solid waste disposal regulations.
3. Restoring the location of the abandoned facility or antenna to its natural condition, except that any landscaping and grading shall remain in its existing condition.

If a carrier fails to remove the abandoned facility or antenna in accordance with this ordinance, the City shall have the authority to enter the subject property and physically remove the facility or antenna. The Special Permit Granting Authority may require the applicant to post and maintain a passbook at the time of construction to cover 150% of the costs of removing the structures to be erected in the event that the City must remove the facility.

**SECTION TEN: USES AUTHORIZED BY SPECIAL PERMIT
OF THE MUNICIPAL COUNCIL**

**10.4 MULTI-FAMILY AND MIXED USE DEVELOPMENTS
CONTAINING FOUR OR MORE DWELLING UNITS .**

10.4.1 Applicability and Procedure

The following criteria shall apply to all requests for multi-family and mixed use residential developments (four (4) plus units on one lot) A special permit for multi-family development shall be subject to the procedures set forth in Sections 3.4, 3.5 and 3.6 inclusive.

10.4.2 General Criteria:

In considering the granting of a special permit for the establishment of Multi-family developments and mixed use residential, the special permit granting authority shall take into consideration the needs of the community, the effect of the development upon the neighborhood and the community in terms of environmental impacts, socioeconomic impacts, municipal facilities, utilities, drainage, traffic, landscaping, and the health and welfare of the inhabitants, If, after consideration, the SPGA determines that the development is not in the best interest of the city for any of the aforementioned reasons, the application for said permit shall be denied.

10.4.3 General Requirements

Applications for Multi-family developments shall be subject to the special permit requirements contained in section 3 of the zoning ordinance and the site plan review requirements of section 15

10.4.5 Dimensional Criteria

The dimensional criteria for multi-family residential structures shall conform to the standards set forth in Section 6.3.

10.4.6. Development Density

The maximum permissible density criteria for multi-family residential structures shall conform to the standards set forth in section 6.3. In addition to the maximum permissible density criteria in section 6.3, a density bonus of up to 100% above and beyond the maximum density specified in section 6.3 for developments on a brown field site and/or the renovation and re-use of a building more than 50 years old may be requested by the petitioner as part of the Special Permit request for the proposed development.

10.4.7 Water, Sewer and Drainage

Design and plan content for water, sewer and drainage systems shall conform to the standards set forth in Section 15, Site Plan Review. Proposals to tie in to city utilities shall require the approval of the City DPW Commissioner.

10.4.8 Parking

The parking criteria for multi-family residential structures shall conform to the standards set forth in Section 7.3. Any reductions or waivers in required minimum parking standards allowable

under section 7.3 shall consider the following when a decision is made on said waiver or reduction;

- The type of housing/ development and the resultant total parking need
- The availability of on-street parking
- The availability of public parking areas in the vicinity of the project
- Agreements and availability of parking on private lots near the project
- The availability of public transportation

10.4.10 Open Space

Open space shall be provided in appropriate places and every effort shall be made to preserve wooded areas or other site amenities. All open space shall be open and unobstructed to the sky. Recreation structures such as swimming pools, cabanas and similar recreation buildings may be counted towards the open space requirement.

Such Open Land shall either be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the Development.

Provisions shall be made so that the Common Open Space and other common property shall be owned in common by the owners of all units in the Development . A perpetual restriction of the type described in G.L.c. 184, Sec. 31 running to and enforceable by the City of Taunton shall be recorded in respect to the Common Open Space. Such restriction shall provide that the Common Open Space shall be retained in perpetuity for the following uses: conservation, open space, recreation or park. Such restriction shall be in such form and substance as the SPGA may prescribe and deem appropriate. Said Conservation Restriction shall be approved by the Secretary of the Massachusetts Executive Office of Environmental Affairs and recorded prior to the issuance of Certificates of Occupancy.

If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

In order to ensure that the common spaces will be properly maintained, the Common Space and other common property an instrument(s) shall be recorded at the Bristol County District Registry of Deeds which shall as a minimum provide:

A legal description of the Common Spaces.

A statement of the purpose for which the Common Space is intended to be used and the restrictions on its use and alienation.

The type and name of the corporation, non-profit organization, or trust which will own, manage and maintain the Common Spaces.

The ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the Development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom.

Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation or non-profit organization or trustees of the trust.

Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust including provisions for the calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken.

Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust.

Provision for the management, maintenance, operation, improvement and repair of the Common Space and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the Common Space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the Development, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record, and

The method by which such instrument or instruments may be amended

10.4.11 Building Design and Location

Where more than one building is erected on a lot, it shall be separated from any other building by a minimum distance of 1.5 times the height of the tallest building with the height being measured from the closest point between the 2 buildings and upwards on a 45 degree incline. This shall apply to any newly constructed building including situations where one or more building already exists and a new building(s) is being added. Situations where two or more buildings already exist on a lot or an existing structure is being altered to result in two or more buildings on a lot, this provision shall not apply to said existing buildings and modifications thereto.

10.4.11.1 Buildings or structures that are listed or eligible for inclusion on the National Register of Historic Places and/or the Massachusetts Register of Historic Places or within a local historic district as established by M.G.L. Chapter 40C, shall be converted, constructed, reconstructed, restored or altered to maintain or promote the status of the building or structure on, or eligibility for inclusion on the State or National Register of Historic Places.

10.4.11.2 There must be a minimum of 450 square feet of living area, exclusive of common areas.

10.4.11.3 There shall be no more than three (3) bedrooms per dwelling unit.

10.4.11.4 Every dwelling unit must have a kitchen, bathing and toilet facilities

10.4.11.6 Appropriate provisions shall be made for the disposal of trash, which may include, but shall not be limited to, the provision of trash compactors within the building or on site, as well as a submission of a signed annual contract for rubbish removal.

10.4.11.8 No residential unit shall have access through a business or retail establishment as a means of ingress or egress. Fire escapes are prohibited as a second means of egress.

10.4.11.9 Applicant must show lighting of all common areas, including rear entrances

10.4.12 Road Construction

All interior roadways and parking areas shall be constructed in accordance with the subdivision rules and regulations of the City.

10.4.14 Utilities

All utilities shall be placed underground. Unless waived by the SPGA

10.4.15 Fees

Fees shall be as specified under section 3

10.4.16 Special Provisions for Mixed Use Buildings

No residential uses shall be allowed on or below street level. Residential uses may be permitted on the second through top floors. The first floor on a site (street level) may be partially utilized for residential purposes upon a finding by the SPGA that a commercial use is not economically viable

SECTION ELEVEN: USES AUTHORIZED BY SPECIAL PERMIT FROM THE PLANNING BOARD*

11.1 MOBILE HOME PARKS

In Suburban Residential District

11.1.1 Purpose and Intent

This section of the zoning ordinance is established in order to encourage the development and maintenance of attractive and fitting sites for Mobile Homes, so called; to protect and foster the health, safety, and welfare of the residents of Mobile Home Developments, and in general, preservation of the environment and appearance of the areas within which such parks are established and maintained. It is the intent of the City that Mobile Home Parks serve the needs of elderly and retired population of moderate means, who no longer need or can maintain a larger home. In order to provide a quiet, safe, and convenient environment for the elderly residents of Mobile Home Parks, the Special Permit Granting Authority may, as a condition of a special permit, provide for occupancy of Mobile Home Parks by persons fifty-five (55) years of age and older and by members of their families. All Mobile Home Parks granted a Special Permit may be required to be licensed by the Board of Health as provided by M.G.L. Chapter 140, Section 32, and by the Mass. Department of Environmental Quality Engineering, where applicable.

11.1.2 Special Conditions

No special permit for a new or enlarged Mobile Home Park shall be authorized by the Special Permit Granting Authority (SPGA) except on the express condition that the operation of such park shall be duly licensed by the Health Department of the City of Taunton, and failure to obtain, renew, or comply with the terms of such license shall render the special permit void.

Except as otherwise provided herein, or in a particular special permit, the design and construction of a Mobile Home Park shall be in general conformity with the Rules and Regulations of the Taunton Planning Board under the Subdivision Control Law, so far as the SPGA shall deem appropriate and applicable, but dimensional and use regulations of the Zoning Ordinance shall not apply, except as specified herein.

*see Appendix F - Rules and Regulations of the Planning Board No home occupations, commercial, or other non-residential uses shall be permitted as either principal or accessory uses in Mobile Home Parks, except for service or recreation facilities for the residents thereof.

11.1.3 Basic Regulations

11.1.3.1 Area

No Mobile Home Park shall be less than Twenty (20) acres in area, exclusive of roads and the area provided for recreation, service, and other permanent installations.

11.1.3.2. Utilities

All Mobile Home Parks shall require public sewage and water systems.

Where an existing public sewer or water service is to be utilized, the applicant, shall present such evidence as will show that such utilization is acceptable to the department of Public Works for the City of Taunton.

When a sewage system is proposed which involves a discharge to the waters of the state, the applicant shall present such evidence as will show that his waste treatment system is approved by the appropriate Department of the Commonwealth.

11.1.3.3. Density of Use

There shall be no more than six (6) mobile home units with accessories per acre, exclusive of park and access roads and the area to be set aside for the use of recreation, service, and other permanent facilities. There shall be at least as fifty (50) foot frontage on all mobile home lots.

The occupied area of a mobile home lot shall not exceed thirty-five (35%) percent of the lot area.

Mobile homes shall not be located closer than ten (10) feet to the nearest mobile home lot line or park street; and no mobile home accessory building closer than five (5) feet to that lot line or park street

Each mobile home shall be located with at least a forty (40) foot set back from any park property boundary abutting a public street or highway.

11.1.3.4 Parking

At least two off street parking spaces of not less than two hundred (200) square feet each shall be provided for each mobile home lot.

Each mobile home lot within a Mobile Home Park shall have direct access to a park street, no mobile home shall be located more than forty (40) feet from the park street to which it has a direct access of at least fifteen (15) feet width.

11.1.3.5 Street and Services

The street system shall conform to construction standards set forth in the rules and regulations relative to the construction and paving of streets in sub-divisions in the City of Taunton, and shall have direct connection to a public street or highway sufficient to satisfy the safety requirements for the Department of Public Works, the Chief of the Fire Department and the rules and regulations of the Planning Board. The maintenance of these streets shall be the responsibility of the Mobile Home Park developer and operator.

No street in a Mobile Home Park shall be located in a Flood Plain District.

There shall be provided central facilities for recreation and services, such as laundry, which shall be available to all Mobile Home Park residents.

11.1.3.6 Buffer Zones and Open Space

The developer shall provide for a buffer zone of at least forty (40) feet, with appropriate vegetation, between the Mobile Home Park and any adjacent property and shall establish at least a forty (40) foot buffer zone where such a mobile home park shall be adjacent to main highways, roads, and so forth; to provide appropriate vegetation in the buffer zone between the Mobile Home Park and that passageway.

No mobile home lot in a Mobile Home Park shall be located within forty (40) feet of any stream, pond, lake, or other waterway, or in any flood plain district duly established within the City Zoning Ordinance.

11.1.3.7 Units for Sale

Mobile homes shall not be stored or displayed on park premises except when mounted on a pad on a lot. New mobile homes displayed for sale by the park owner or operator must be sold for use within that new park. Used mobile homes offered for sale by individual mobile home owners must be displayed on a pad on a lot within that park, but may be sold either for use within that park to an individual, the park owner or operator, or for use outside that park. The park owner or operator may also display those units on a pad on a lot for resale within that park premises. Nothing in this section shall be construed as permitting the storage of unoccupied units in any park, for sale in the ordinary course of business, or as inventory, or the sale of such units except in those districts, as determined by the Zoning Ordinance, wherein such commercial activity is permissible with or without permits from the proper authority.

SECTION TWELVE: RESERVED FOR AIRPORT DISTRICT

SECTION THIRTEEN: SPECIAL FLOOD HAZARD DISTRICTS

13.1 Purpose

To provide that lands in the City of Taunton subject to seasonal or periodic flooding as described in section 13 shall not be used for residences or other purposes in such a manner as to endanger the health and safety of the occupants thereof

To protect persons and property within the City of Taunton from the hazards of flood inundation by assuring the continuation of natural flow patterns and the maintenance of adequate and safe floodwater storage capacity

To protect the community against pollution and costs which may be incurred when unsuitable uses occur in areas subject to seasonal or periodic flooding.

13.2 DIMENSIONAL REQUIREMENTS

13.2.1 Subject to special restrictions of this Section, the dimensional, area, location, height, etc., requirements of the underlying district shall apply.

13.3 OVERLAPPING REQUIREMENTS

13.3.1 Where a lot, building, structure, or use is subject to overlapping requirements, or where it is located both in the Special Flood Hazard District and in the flood plain district, as provided in Section 8.6 hereof, the order of precedence or priority shall be as follows;

1. A Flood Plain District associated with a detention basin or other flood control impoundment; then
2. A Special Flood Hazard District with the base flood elevation determined; then
3. A Flood Plain District other than #1 above; then
4. Special Flood Hazard District with no base flood elevation determined.

13.4 EXISTING STRUCTURES AND USES

13.4.1 The provisions of Section 5 hereof shall apply to buildings, structures, and uses legally in existence prior to the effective date of this Section, but may expansion or alteration of an existing building or structure which amounts to a substantial improvement or reconstruction shall be subject to the provisions of this section. Substantial improvement or reconstruction is defined by the State Building Code.

13.6 Residential Development

All residential subdivisions requiring approval under MGL Ch 41 subdivision control Law and located either partially or entirely within a Special Flood Hazard District or Flood Plain District as defined in section 13.1 of the zoning ordinance shall be laid out as a cluster development

according to section 14.1 of the zoning ordinance. This requirement may be waived by a two-thirds (2/3) vote of the Planning Board if it is determined to the satisfaction of the board that the proposed cluster development as opposed to a conventional subdivision does not further the purposes as stated in section 13.5 of the zoning ordinance.

13.8 Special Flood Hazard Districts

13.8.1 USES PERMITTED

13.8.1.1 Special flood hazard districts overlay other use districts established by this Ordinance and all uses and buildings permitted in the underlying district shall be permitted in the special flood hazard district, subject to the provisions and restrictions of this section, except that no mobile homes shall be permitted in special flood hazard districts and that any excavation, fill, grading, mining, dredging, or paving shall be subject to special permit.

13.8.1.2 The Special Flood Hazard District is herein established as a zoning overlay district. The District includes all special flood hazard areas within the City of Taunton designated as Zone A and AE, on the Bristol 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 Bristol County FIRM that are wholly or partially within the City of Taunton are panel numbers 25005C0134F, 25005C0137F, 25005C0139F, 25005C0141F, 25005C00142F, 25005C0143F, 25005C0144F, 25005C0151F, 25005C0152F, 25005C0153F, 25005C0154F, 25005C0161F, 25005C0231F, 25005C0232F, 25005C0256F, 25005C0257F, 25005C0259F and 25005C0276F dated July 7, 2009; and 25005C0133G, 25005C0162G, 25005C0163G, 25005C0164G, 25005C0168G, 25005C0169G, 25005C0186G, 25005C0188G, 25005C0251G and 25005C0252G dated July 16, 2015. 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 Bristol County Flood Insurance Study (FIS) report dated July 7, 2009 and July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the City of Taunton Engineering Office

13.8.1.3 Any building or other construction within a Special Flood Hazard District shall comply with the FEMA regulations for a Special Flood Hazard District

13.8.1.4 Except as included within a building permit or definitive subdivision plan approval, no excavation, fill, grading, paving, mining, or dredging shall be permitted in special flood hazard districts, except upon issuance of a special permit therefore by the Board of Appeals under the provisions of Section 3.5 hereof and upon finding that such operations will not raise the base flood level anywhere, that flooding hazard to the existing or future buildings and structures will not increase, and that any required Federal, State, or local permits have been or will be obtained. It is the policy of the City of Taunton to require zero net displacement of the 100 year flood storage at locations within Special Flood Hazard Districts within the City.

13.8.1.5 No new construction, substantial improvement, or relocation of buildings, and no excavation, fill, grading, paving, mining or dredging shall be permitted within the area defined as floodway on Flood Boundary and Floodway Maps, except in connection with flood control, flood protection, drainage, navigational, or water resource utilization activities, subject to local, State, and/or federal permits or approvals. No such activity shall result in any increase in the base flood

level, except with approval by the Federal Emergency Management Agency, Federal Insurance Administration, or by an agency legally succeeding it in the flood protection and insurance function.

13.8.1.6 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.

13.8.1.7 In Zone AE, along watercourses that have a regulatory floodway designated on the Bristol County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

13.8.1.8 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.

13.8.1.9 In a riverine situation, the City of Taunton 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

13.8.1.10 All subdivision proposals must be designed to assure that:

- a. such proposals minimize flood damage;
- b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage;
- c. and adequate drainage is provided to reduce exposure to flood hazards

13.10 PROVISIONS APPLICABLE TO FLOOD PLAIN DISTRICTS

13.10.1 Permitted uses:

Flood Plain Districts overlay other use districts established by this ordinance and their provisions shall prevail over those of the underlying districts which may be in conflict.

Permitted uses are any woodland, grassland, wetland, agricultural, horticultural, floricultural, or outdoor recreational use of land or water, but no dumping of any kind and no earth materials

excavation or filling or earth transfer or relocation operations except for Utility trenches, driveways, building foundations, and landscaping accessory to building, subject to the conditions stated below, including the underlying zoning requirements.

Any building must be a small non-dwelling building (whether or not heated, wired, or plumbed) entailing recurring temporary or seasonal occupancy but not sustained human occupancy, skating shelter, observatory, plumbing station or watchman's shelter. A permit shall be applied in the manner provided elsewhere in this Ordinance for regular building permits, but superscribed "Flood Plain District Building Application." Building permits may be issued in accordance with all regular zoning and Flood Plain zoning provisions, provided there be not more than one such building per lot in any Flood Plain District and provided each such small, isolated building be not taller than twenty (20) feet height, and provided its largest horizontal dimension be not more than twenty (20) feet and provided such building cover not more than two hundred fifty (250) square feet ground area.

13.10.2 NON-DWELLING BUILDINGS IN FLOOD PLAIN DISTRICT

Non-dwellings are subject to a special permit from the Board of Appeals may deem pertinent with respect to flooding and the flood plain district requirements, including:

- a. Geographic location of proposed building and security of driveway and walkway access to it during flooding;
- b. Foundation elevations of proposed building and security of foundations during flooding, including assurance that the foundations would not be undermined and that the proposed building would not be floated off, swept away nor battered off during flooding;
- c. Disposal of sewage from the proposed building and containment of sewage during flooding;
- d. Safety of water, sewage, gas, electric and fuel utilities from breaking, leaking, short-circuiting, grounding, igniting, electrocution, or other dangers during flooding;
- e. A determination by the Board of Appeals with respect to soil structure and the general character of development in the neighborhood, and with respect to flooding and health and welfare factors;
- f. Each building erected in a Flood Plain District, shall be on a lot of not less than the width and area required by the underlying zoning;
- g. On each lot in a Flood Plain District, an open yard space not less than thirty-five (35) feet deep, shall be provided all along each property line of such lot, except that where a property line is in a river, stream, pond, or swamp, every part of any building shall be not less than fifty (50) feet from the shore of such waterbody, or from mean high tide line on tidal shores.
- h. Buildings permitted in Flood Plain Districts shall not exceed one and one-half (1 1/2) stories nor twenty (20) feet in height but this limitation shall not apply to cranes, derricks, chimneys,

skylights, ventilators, cupolas, weathervanes, flagpoles or lookout or diving platforms associated with such buildings;

i. Buildings, shall not cover more than five (5%) percent of the gross area of any lot in any Flood Plain District.

Notice of application for special permits shall be given to the Zoning Enforcement Office, and the Conservation Commission.

13.10.4 Flood Plain Districts Described (The descriptions following are grouped mainly by river valleys in Taunton, followed by general or miscellaneous sites): Elevations referenced are based on the North American Vertical Datum of 1988 (NAVD88):

13.10.4.10 Taunton River Valley

13.10.4.11 All that land along or sloping toward the Taunton River that is at or below an elevation of thirteen to eighteen (13-18) feet NAVD88, upstream of the confluence of the Taunton and Three Mile Rivers.

13.10.4.20 Three Mile River Valley

13.10.4.21 All that land along or sloping toward that portion of the Three Mile River between South Street and the confluence of the Taunton River and Three Mile River that is at or below an elevation of thirteen to fourteen (13-14) feet NAVD88.

13.10.4.22 All that land along or sloping toward that portion of the Three Mile River between South Street and the Mt. Hope Finishing Company Dam (just west of Joseph E. Warner Boulevard) that is at or below an elevation of fourteen to twenty two (14-22) feet NAVD88.

13.10.4.23 All that land along or sloping toward that portion of the Three Mile River between Mt. Hope Finishing Company dam (just west of Joseph E. Warner Boulevard) and a point on the river five hundred (500) feet southerly of Winthrop Street centerline that is at or below an elevation of twenty-two to thirty (22-30) feet NAVD88

13.10.4.24 All that land along or sloping toward that portion of the Three Mile River between a point on the river five hundred (500) feet southerly of Winthrop Street centerline and Winthrop Street that is at or below an elevation of thirty to thirty-nine (30-39) feet NAVD88

13.10.4.25 All that land along or sloping toward that portion of the Three Mile River between Winthrop Street and Tremont Street that is at or below an elevation of thirty-nine to forty-five (39-45) feet NAVD88.

13.10.4.26 All that land along or sloping toward that portion of the Three Mile River between Tremont Street and Harvey Street that is at or below an elevation of forty-nine (49) feet NAVD88

13.10.4.27 All that land along or sloping toward that portion of the Three Mile River between Harvey Street and the Taunton/Norton Municipal boundary that is at or below an elevation of fifty-nine (59) feet NAVD88

13.10.4.28 All that land along or sloping toward that portion of Fall Brook in the neighborhood of Glebe Street and of North Walker Street between Glebe Street and Fisher Street that is at or below an elevation of forty-nine (49) feet NAVD88.

13.10.4.30 Mill River Valley

13.10.4.31 All that land along or sloping toward that portion of the Mill River between the Taunton River and Winthrop Street that is at or below an elevation of thirteen to eighteen (13-18) feet NAVD88

13.10.4.32 All that land along or sloping toward that portion of the Mill River between Winthrop Street and Washington Street that is at or below an elevation of nineteen to twenty-three (19-23) feet NAVD88.

13.10.4.33 All that land along or sloping toward that portion of the Mill River between Washington Street centerline near its intersection with Park and Court Streets, and a line parallel to and five hundred (500) feet generally northerly upstream from said Washington Street centerline, that is at or below an elevation of twenty-five to twenty-six (25-26) feet NAVD88

13.10.4.34 All that land along or sloping toward that portion of the Mill River between said line five hundred (500) feet northerly upstream from Washington Street centerline and Exeter street centerline extended southwesterly into the river, that is at or below an elevation of twenty-six to thirty-one (26-31) feet NAVD88.

13.10.4.35 All that land along or sloping toward that portion of the Mill River between Exeter Street centerline extended southwesterly into the river and (Jefferson Street) Albro Avenue centerline extended southwesterly into the river, that is at or below an elevation of thirty-one to thirty-four (31-34) feet NAVD88.

13.10.4.36 All that land along or sloping toward that portion of the Mill River between (Jefferson Street) Albro Avenue centerline extended southwesterly into the river and West Britannia Street that is at or below an elevation of thirty-four to forty-four (34-44) feet NAVD88

13.10.4.37 All that land along or sloping toward that portion of the Mill River between West Britannia Street and the Whittenton Mill dam that is at or below an elevation of forty-eight to fifty-three (48-53) feet NAVD88.

13.10.4.38 All that land along or sloping toward that portion of the Mill River between Whittenton Mill Dam and Bay Street that is at or below an elevation of fifty-three to sixty-one (53-61) feet NAVD88.

13.10.4.39 All that land along or sloping toward the Mill River or Sabattia Lake, or Snake River between Bay Street and Scaddings Street that is at or below an elevation of sixty-five (65) feet NAVD88.

13.10.4.40 Cobb Brook Valley

13.10.4.41 All that land along or sloping toward that portion of Cobb Brook between Somerset Avenue and Couch Street that is at or below an elevation of thirteen to twenty-five (13-25) feet NAVD88

13.10.4.42 All that land along or sloping toward that portion of Cobb Brook between Couch Street and Winthrop Street that is at or below an elevation of twenty- five to thirty (25-30) feet NAVD88

13.10.4.43 All that land along or sloping toward that portion of Cobb Brook between Winthrop Street and Kilmer Avenue that is at or below an elevation of thirty to thirty-three (30-33) feet NAVD88.

13.10.4.44 All that land along or sloping toward that portion of Cobb Brook between Kilmer Avenue and Clifford Street that is at or below an elevation of thirty-three to thirty-seven (33-37) feet NAVD88

13.10.4.45 All that land along or sloping toward that portion of Cobb Brook between Clifford Street and Shores Street that is at or below an elevation of thirty-seven to thirty-eight (37-38) feet NAVD88.

13.10.4.46 All that land along or sloping toward that portion of Cobb Brook between Shores Street and Tremont Street that is at or below an elevation of forty-one to forty-nine (41-49) feet NAVD88.

13.10.4.47 All that land along or sloping toward that portion of Cobb Brook between Tremont Street and a point six hundred fifty (650) feet northerly of Tremont Street centerline that is at or below an elevation of forty-nine (49) feet NAVD88

13.10.4.48 All that land along or sloping toward that portion of Cobb Brook north of a point six hundred fifty (650) feet northerly of Tremont Street centerline that is at or below an elevation of fifty-four (54) feet NAVD88

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13.10.4.50 Cobb Brook, South Branch

All that land along or sloping toward that portion of Cobb Brook, South Branch, south of a line parallel to and one hundred (100) feet southerly of a portion of Highland Street centerline that is at or below an elevation of fifty-four (54) feet NAVD88.

13.10.4.60 Snake River

All that land along or sloping toward that portion of Snake River easterly and northerly of Scaddings Street to Field Street and northerly of Field Street to the municipal boundaries with Raynham, Norton, and Easton that is at or below an elevation of sixty-nine (69) feet NAVD88.

13.10.4.70 Pine Swamp Brook

13.10.4.71 All that land along Pine Swamp Brook or Prospect Hill Pond at or below an elevation of sixty-four (64) feet NAVD88., both sides of Broadway near the Taunton-Raynham municipal boundary.

13.10.4.80 Miscellaneous

13.10.4.81 All that land along or sloping toward detention basins or retention basins or other areas designed to impound runoff to minimize downstream flooding which is at or below the design elevation computed for the 100 year return interval storm at that location. Those design elevations are on file in the offices of the City Engineer or the Taunton Conservation Commission.

SECTION FOURTEEN: DEVELOPMENT METHOD

14.1 CLUSTER RESIDENTIAL DEVELOPMENT

14.1.1 GENERAL

14.1.1.1 General Description

A "Cluster Residential Development" shall mean a residential development in which the buildings and accessory uses are clustered together into one or more groups. The land not included in the building site area shall be permanently preserved as open space.

14.1.1.2 Purpose

A Cluster Residential Development as approved under a Special Permit of the Planning Board allows an alternative pattern of land development to the conventional subdivision. It is intended to encourage the conservation of more significant open space, while at the same time providing for a greater mixture of housing types in the City. Dwelling units shall be constructed in appropriate clusters which are harmonious with neighborhood development and will enhance the ecological and visual qualities of the environment. The overall site design and amenities should improve the quality of living for residents of the development and the City in general.

The following benefits are expected to be gained by the alternative pattern of development which a Cluster Residential Development allows:

Economical and efficient street, utility and public facility installation, construction and maintenance;

Efficient allocation, distribution and maintenance of open space, and the preservation of common land for conservation, agriculture, recreation and general open space use;

Protection of waterbodies, existing and potential municipal water supplies, wetlands, floodplains, agricultural lands, wildlife and other natural resources;

Compatibility with the character of the surrounding residential areas and the protection of real property values;

Housing development which allows for an integration of a variety of housing types in one project, and efficient use of the land to increase the options for affordable housing;

More sensitive siting of buildings and overall site planning; and a better utilization of land in harmony with its natural features and with the general intent of the zoning ordinance through a greater flexibility in design.

14.1.1.3 Objectives

The following objectives are important in the development of a cluster.

It is desirable to decrease municipal costs and environmental impacts through reduction in the length of streets, utilities, and drainage systems per dwelling units served.

It is desirable to increase the scale of contiguous area assured of preservation in a natural state, and to include off-street pathways and trails, recreation areas open to all residents of the city and wilderness areas.

It is desirable that all existing scenic vistas be respected and preserved and that new scenic vistas be created.

It is desirable to increase vehicular safety by having fewer, better located and designed egresses onto existing streets.

It is desirable to preserve environmental quality by reduction of the total area over which vegetation is disturbed by cut or fill or displacement; by reduction in critical lands (slopes in excess of 8%, land within 100 feet by a water body, wetland or stream having outstanding or rare vegetation) disturbed by construction; reduction of the extent of waterways altered or relocated; reduction in the volume of cut and fill for roads and construction sites.

It is desirable to have the design and location and materials of the structure(s) on the site be sensitive to the natural environmental conditions, vistas and abutting properties.

There should be positive benefit to the City in some important respects, such as reduction of environmental damage, better controlled traffic, preservation of current character through location of reserved open space, meeting the shelter and/or health needs of special populations of the City and so on.

14.1.2 PROCEDURE

14.1.2.1 Applicability

Cluster Residential Development may be allowed by Special Permit of the Planning Board in zones specified in Section 5.2, the Table of Use Regulations.

14.1.2.2 Application

Application and approval will be by Special Permit of the Planning Board, in accordance with Section 3.4 and 3.5 of the Ordinance. The Planning Board decision will include the findings required for general special permits, multi-family special permits if applicable, and as well as the findings required specifically for this section.

14.1.2.4 Submittal Requirements

The submittal requirements and review standards including administration, application and submission requirements, fees, powers, hearings and time limits shall be as provided for Site Plan Review, Section Fifteen; as specified in other sections of this article and as specified for multifamily development, if applicable. Fees shall be as stated under the subdivision rule and regulations.”

14.1.3 REQUIREMENTS

14.1.3.1 Allowable Uses

As allowed in the zoning district which contains the Cluster Residential Development, and:

- Rural Res. - single family
- Suburban Res. - two family

14.1.3.2 General Dimensional Requirements

Single family, duplex and multifamily cluster may be constructed with each structure on a separate lot or with all structures on a single lot under common ownership. All dimensional requirements of the zoning district which contains the Cluster Residential Development shall be followed, unless modified by the provisions of the Cluster Residential Development ordinance.

The following dimensional requirements shall apply:

	Suburban Residential		Rural Residential	
	Multiple Lots	Single Tract	Multiple Lots	Single Tract
Min. Tract Frontage	50'	50'	50'	50'
Min. perimeter				
Buffer Zone width*	75'	75'	100'	100'
Min. Individual Lot Dimensions:				
Lot Area, per unit	15,000 s.f.	NA	30,000 s.f.	NA
Minimum Open Space Requirement:				
Single fam., duplex	40%	50%	40%	50%
Multifamily	50%	60%	50%	60%
Min. Distance Between Dwelling Structures				
	35'	35'	50'	50'
Min Setback for all Non-dwelling Structures				
	7.5'	7.5'	15'	15'

Frontage, setbacks, side and rear yard dimensions shall be guided by the characteristics of the site, proposed structures, the nature of the existing built environment in the area, and principles of good site planning. Zero lot line development is permitted.

* The required buffer zone width may be reduced by majority vote of the Planning Board if such reduction shall further the goals of Cluster Development and any overlay districts the proposed development is located in

14.1.3.3 Density

Base density shall be determined by the submission of a plan that at least meets the requirements of a preliminary subdivision plan under the "Rules and Regulations, Governing the Subdivision of Land - Taunton, Massachusetts," latest edition. Wetlands shall be delineated on the site as per Chapter 131, the Wetlands Act, any Local Wetlands General Ordinance and Conservation Commission Rules and Regulations. Said delineation shall be approved by the Conservation Commission as true and accurate under the Wetlands Act, the General Ordinance and the Rules and Regulations. Other site restrictions such as flood plain, and slopes over 8%.

The Planning Board shall, based on this and other information it may require in its rules and regulations and during the hearing, determine as far as practical the maximum number of units that could be constructed on the site under a conventional subdivision allowed by right in the zoning district.

Except by special permit under Section 16, Inclusionary Zoning, the number of dwelling units shall not exceed this number.

14.1.4 SITE IMPROVEMENTS

14.1.4.1 Streets and Utilities

All streets, sewers, drainage facilities, utilities, procedures and other improvements shall be designed in compliance with the Rules and Regulations Governing the Subdivision of Land, City of Taunton, latest edition, unless waived as part of the Special Permit decision. In general, waivers may be granted when the following conditions are present:

- 1) The reduction in standards for construction of roads and other improvements will minimize environmental disruption and maintain rural character. Examples of this include minimizing pavement width, asphalt berms and curvilinear layouts that show due regard for the topography and natural features of the site.
- 2) These waivers will only be considered for multifamily dwellings in a condominium form of ownership. Ownership and maintenance will be the responsibility of the Condominium Association. Three permanent budget items will be included in the Condominium Documents in a form and amount acceptable to the Planning Board. These include a yearly maintenance budget, a Reserve for Repair, and a Reserve for Replacement.

The Landscape Architect's letter of intent shall describe in detail how the proposed road layout and design standards serve to protect the natural features of the site and provide a higher level of amenity.

Easements will be provided for all public utilities.

For all streets and utilities, whether to be public or private, security shall be posted to insure their proper installation. The process for performance guarantee shall be as required in Article V of the Subdivision Rules and Regulations.

14.1.4.2 Buildings

The design of the buildings should show harmony with the terrain and the surrounding neighborhood. Good architectural principles shall be used in integrating the following elements: massing, rooflines, jogs, window and entrance details, and exterior finishes.

Not more than three contiguous rowhouses shall be built in a row with the same or approximately the same front line, and not more than five rowhouses shall be contiguous. A jog of at least six (6) feet will be provided.

Each rowhouse shall have on its own lot one yard containing not less than 400 sq. ft. reasonably secluded from streets or from neighboring property. Such yards shall not be used for off-street parking, garages, driveways, leachfields or for any accessory building. The Planning Board may vote to waive yard requirements in condominium developments.

The minimum distance between any two rows of rowhouse buildings, substantially parallel to each other, shall be sixty feet.

A rowhouse development shall not be permitted which by its design and/or location of structures could conflict with adjacent single-family residences. Intervening open space areas shall be designated for buffer purposes.

14.1.5 COMMON OPEN SPACE

14.1.5.1 Purpose

The location and layout of the Common Open Space shall take into account, preserve, and where appropriate promote such features of the parcel as rivers, ponds, wetlands, historic sites, wildlife habitats, unique geological or botanical areas or features, existing or potential trails, paths and open space links, and sites for active recreation. The Common Open Space shall have restrictions placed on it to insure that no buildings or roadways can be built on it in the future.

14.1.5.2 Minimum Common Open Space

The minimum common open space shall be as designated in Section 14.1.3.2. The percentage shall be expressed as a percentage of the area used in calculating the density in the conventional development plan.

All land not designated for roads, dwellings, parking, utilities, septage and other development shall be designated open space. The open space shall be legally described and bounded.

14.1.5.3 Use and Shape of Common Open Space

The Common Open Space shall be used for open space, conservation, agriculture, recreation or park purposes. The Common Open Space shall be in one or more parcels of a size, shape and location appropriate for its intended use. Each parcel of Common Space shall have adequate access, as determined by the Planning Board.

14.1.5.4 Ownership of Common Open Space

Such Open Land shall either be conveyed to (1)the City of Taunton and accepted by it for park or open space use; (2)to a non-profit organization the principal purpose of which is the conservation

of open space, or (3) to a corporation or trust owned or to be owned by the owners of lots or residential units within the Cluster Residential Development. Unless there is a significant public purpose, the Planning Board, normally shall require the third option.

Provisions shall be made so that the Common Open Space and other common property shall be owned in common by the owners of all units in the Cluster Residential Development or by a corporation, non-profit organization or trust whose members are all the owners of the units. In all cases, a perpetual restriction of the type described in G.L.c. 184, Sec. 31 running to and enforceable by the City of Taunton shall be recorded in respect to the Common Open Space. Such restriction shall provide that the Common Open Space shall be retained in perpetuity for one or more of the following uses: conservation, open space, agriculture, recreation or park. Such restriction shall be in such form and substance as the Planning Board may prescribe and deem appropriate. Said Conservation Restriction shall be approved by the Secretary of the Massachusetts Executive Office of Environmental Affairs and recorded prior to the issuance of Certificates of Occupancy.

If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units.

In order to ensure that the corporation, non-profit organization or trust will properly maintain the Common Open Space and other common property an instrument(s) shall be recorded at the Bristol County District Registry of Deeds which shall as a minimum provide:

A legal description of the Common Open Space.

A statement of the purpose for which the Common Open Space is intended to be used and the restrictions on its use and alienation.

The type and name of the corporation, non-profit organization, or trust which will own, manage and maintain the Common Open Space.

The ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the Planned Residential Development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom.

Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation or non-profit organization or trustees of the trust.

Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust including provisions for the calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken.

Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust.

Provision for the management, maintenance, operation, improvement and repair of the Common Open Space and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the Common Open Space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the Cluster Residential Development, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record, and

The method by which such instrument or instruments may be amended.

14.1.6 DECISION

After following the proper procedural requirements specified for the granting of a Special Permit in the General Laws, Chapter 40A, including the holding of a Public Hearing, the Planning Board may grant a Special Permit.

The decision of the Planning Board shall consider the reports specified from boards and agencies and shall be based upon these comparisons of the proposed cluster plan with the conventional plan.

(a) General Scope.

- (1) Consistency in or reduction of the number of lots.
- (2) Increase in amenities: off-street pathways, recreation areas, wilderness areas for which access is provided to at least all residents of the development.

(b) Functional Systems.

- (1) Reduction in the likely number of driveway openings onto existing streets, onto new streets serving more than twenty (20) dwelling units, or within one hundred (100) feet of an intersection.
- (2) Reduction in the length of streets, water mains, and storm drains.
- (3) Increase in the safety of egress from the development onto existing streets because of having fewer, better located, or better designed egresses.

(c) Visual Concerns.

- (1) Increase in vistas preserved or created.
- (2) Reduction in the number of dwellings within two hundred (200) feet of an existing street.

(d) Environmental Protection.

- (1) Reduction of the total area over which vegetation is disturbed by cut or fill or displacement.

(2) Reduction in critical lands (slopes in excess of 8%; land within one hundred (100) feet of a water body, wetland, or stream; land having outstanding or rare vegetation) disturbed by construction.

(3) Reduction of the extent of waterways altered or relocated.

(4) Reduction in the volume of cut and fill for roads and construction sites.

(5) Increase in the scale of contiguous area assured to be preserved in a natural state.

A proposed Cluster Development which meets all requirements of the Zoning By Law and other applicable controls and which is generally superior or conventional development based upon the above considerations may be granted a Special Permit unless, in comparison with development under a conventional plan, in other respects the Cluster Development would create relatively serious hazard, traffic congestions, reduction in the use and enjoyment of adjacent properties, a significant decrease in surface or groundwater quality, or environmental degradation.

If the Special Permit is granted, there shall be no amendments, changes or transfer or ownership without Planning Board review and approval.

In accordance with Section 9 of General Laws Chapter 40A, all granted permits necessary for the prosecution of the work shall be obtained and construction shall be commenced within two years from the date of filing of the Board's decision in the office of the City Clerk.

14.2 INCLUSIONARY HOUSING

14.2.1 PURPOSE

The provisions of this Section are designed:

- a) to increase the supply of safe and sanitary housing in the City of Taunton that is available to and affordable by low, moderate and middle income households;
- b) to encourage a greater diversity of housing accommodations to meet the needs of family households and other City residents;
- c) to promote a reasonable mix and distribution of housing opportunities throughout the City and
- d) preventing the displacement of low, moderate and middle income Taunton residents.

14.2.2 APPLICABILITY

Any residential development may seek to increase its density of development through a special permit, provided it meets the standards for the provision of affordable housing outlined in this section.

14.2.3 DEFINITIONS

Local Housing Authority - the local housing partnership is the organization recognized by the Massachusetts Housing Partnership (MHP) as a MHP affiliate. The central role of the local housing partnership is the promotion of affordable housing opportunities. The Taunton local housing partnership is designated by the Mayor.

Low Income Households - "Low income families" are those whose incomes do not exceed 50 percent of the median income of the area, with adjustments for smaller and larger families.

Moderate Income Households - "Moderate income families" are those whose incomes are no greater than 80 percent and no less than 50 percent of the median income of the area, with adjustments for smaller and larger families.

Middle Income Households - "Middle income families" are those whose incomes are no greater than 120 percent and no less than 80 percent of the median income of the area, with adjustments for smaller and larger families.

Income Standards - These income figures shall be as published by the United States Department of Housing and Urban Development for the Section 8 housing subsidy program.

Affordable - A dwelling unit will be considered "affordable" to a low, moderate or middle income household where:

- (1) With regard to rental housing, the household spends no more than 30 percent of gross income for all shelter costs, including utilities; and;
- (2) With regard to sales housing, including condominiums, the household spends no more than 28-30 percent of gross household income for mortgage principal and interest, property taxes, insurance, and (where applicable) homeowners' association fees.

Affordability requirements will be met if a 1 member household can afford a studio unit; a 2 member household can afford a 1 bedroom unit; a 3 member household can afford a 2 bedroom unit; and a 4 person household can afford a 3 bedroom unit.

Affordable Housing - Housing which is affordable, as defined above, to the target low, moderate and middle income households.

14.2.4 AFFORDABILITY STRUCTURE

14.2.4.1 Pricing Standards

As part of the application, a market plan will be submitted proposing the breakdown and price structure for all units in the development. Further affordable units, the following standards shall apply in calculating prices:

Rental Units - The 30 percent ceiling for rents shall include utilities, or the rents shall be set at a level so that the rent plus the utility allowances as published by HUD for the Section 8 program do not exceed 30 percent of the target income.

Sales Units:

(1) The mortgage interest rate shall reflect a rate at which a fixed rate mortgage is realistically available from conventional lenders in the area. Exceptions can be made if (a) the developer buys down the mortgage, or (b) if the developer obtains a commitment of mortgage funds at a lower interest rate from the Massachusetts Housing Finance Agency. With regard to a buydown, the

bought-down interest rate should only apply if the rate of increase in the mortgage interest rate is 1/2 of 1 percent per year or less.

(2) The amount of mortgage payment should be based on a down payment of 5%.

(3) Property taxes shall be calculated on the basis of the current rate in the municipality.

(4) Insurance and homeowner's association fees shall be set at realistic levels, based on the best applicable experience. Where a blanket hazard insurance policy is taken out by the homeowners' association, insurance need not be included as a separate cost category.

14.2.4.2 Unit Composition

(1) With regard to the middle income units: 100 percent of the middle income units shall be affordable to households earning 88.5 percent of the middle income ceiling, or 106 percent of the area median income, adjusted for family size;

(2) With regard to the moderate income units: 50 percent of the moderate income units shall be affordable to households earning 90 percent of the moderate income ceiling, or 72 percent of the area median income, adjusted for family size; 50 percent of the moderate income units shall be affordable to households earning 75 percent of the moderate income ceiling, or 60 percent of the area median income, adjusted for family size; preference in purchase or rental of these units shall be given to moderate income households earning less than 90 percent of the moderate income ceiling.

(3) With regard to the low income units: 50 percent of the low income units shall be affordable to households earning 90 percent of the low income ceiling, or 45 percent of the area median income, adjusted for family size; 50 percent of the low income units shall be affordable to households earning 75 percent of the low income ceiling, or 37.5 percent of the area median income, adjusted for family size; preference in purchase or rental of these units shall be given to low income households earning less than 90 percent of the low income ceiling.

14.2.4.3 Required Affordable Units

Applications under this section shall meet one of the following thresholds for affordable housing:

% of all Units Type of unit provided

10% Units donated to the THA or to other non-profit agency approved by the Municipal Council or;

15% Units purchased by the THA at not more than EOCD maximum allowable reimbursement prices and;

15% Sold or rented to low income households according to the distribution in Section 14.2.4.2 and pricing in Section 14.2.4.1 or;

25% Sold or rented to moderate income households according to the distribution in Section 14.2.4.2 and pricing in Section 14.2.4.1. and;

100% Of the above sold or rented to middle income households according to the distribution in Section 14.2.4.2 and pricing in Section 14.2.4.1.

If the housing agencies do not have the funding to purchase the units or maintain the donated units then the option should be transferred to add 15% of the total units in the development to the second option.

14.2.4.4 Preference for City Residents and Workers.

At least 70% of the units donated, rented or sold shall be initially offered to Taunton residents, or persons who were residents of the City in the past five (5) years, or to persons employed within the City limits. These restrictions shall be in force for a time period of six months from the offering of sale or rental units to the public. The local housing partnership or the developer shall make a diligent effort to locate eligible buyers and or renters who meet the above qualifications. Fair selection methods to be approved by the local housing partnership and the City.

14.2.5 DEVELOPMENT STANDARDS

14.2.5.1 Maximum Allowable Density

Base density shall be determined by the submission of a Base Development Plan to the Planning Board that at least meets the filing and design requirements of a preliminary subdivision plan under the "Rules and Regulations, Governing the Subdivision of Land - Taunton, Massachusetts," latest edition. In addition, Wetlands shall be delineated on the site as per Chapter 131, the Wetlands Act, any Local Wetlands General Ordinance and Conservation Commission Rules and Regulations. Said delineation shall be approved by the Conservation Commission as true and accurate under the Wetlands Act, the General Ordinance and the Rules and Regulations. Other site development restrictions such as flood plain, archeological sites, endangered species habitat, slopes over 8% shall be detailed on the plan and proposed drainage basins. The plan shall show the maximum number of lots and/or units that can be feasibly built on the lot in conformance with all currently applicable zoning requirements (such as allowable uses contained in section 5.2, dimensional requirements contained in section 6.3 etc)

The Planning Board, based on the Base Development Plan and other information it may require during the hearing, shall determine as far as practical the maximum number of units that could be constructed on the site under a conventional development allowed in the zoning district. For the purposes of this section, this density shall be known as "Base Density".

Once the Base Density has been determined by the Planning Board, the Maximum Density shall be established under this section by a Special Permit for proposed developments meeting the minimum level of affordable housing as defined by this section. The Special Permit granting authority under this section shall be the Planning Board except in cases where the Municipal Council is the Special Permit Granting Authority under section 5.2 for the type of use (s) proposed in which case the Municipal Council shall be the Special Permit Granting Authority. The maximum allowable density shall not be less than 1.75 times the Base Density and the Maximum Allowable Density shall not exceed 2.75 times the Base Density. Surrounding

development and character, supporting infrastructure, availability of municipal services, profitability etc. are some of the important factors that will be utilized to determine the maximum allowable density under this section. In addition, a pro forma in conformance with Ch40B Comprehensive Permit regulations shall be required to ensure that the maximum profit shall not exceed 20%.

Frontage, setbacks, minimum lot area, minimum dry area, side and rear yard dimensions shall be guided by the characteristics of the site, proposed structures, the nature of the existing built environment in the area, and principles of good site planning. Zero lot line development is permitted.

14.2.5.2 Submittal Requirements

The submittal requirements and review standards for the Special Permit filing including administration, application and submission requirements, fees, powers, hearings and time limits, shall be as provided for Site Plan Review, Section Fifteen, as specified in other sections of this article and as specified for multifamily development, if applicable.

Comparability.

Affordable units shall be dispersed throughout the site and shall be compatible with, and as nearly indistinguishable from, market-rate units in terms of external appearance.

Family Units.

Except as otherwise provided by the authority granting the Special Permit, affordable units shall contain two or more bedrooms and shall be suitable in type and design for family occupancy.

Public Land.

Any residential development subject to this Section that is constructed or created on publicly-owned land may be required to provide additional affordable units as determined by the City of Taunton in its disposition program for the site.

Options for Provision of Required Units.

The low and moderate income units required in Section 14.2.4.3 may be provided in any one or combination of the following ways:

- (a) Construction of new units on the permit site.
- (b) Cash payment to the City of Taunton to be administered by the local housing partnership herein established to be used to make available housing units for low and moderate income households in a manner and at locations in conformance with provision of this section).

The cash equivalent of the required units, as authorized in (b) above, shall be determined on a yearly basis by the Taunton Housing Development Trust and shall be equal to the current total construction cost of the unit or units required. Affordable units provided through such alternative methods shall comply, in all respects other than on-site location, with the requirements of this Section.

14.2.6 Compliance/Enforcement

Affordability Restrictions.

Affordable units shall be rented or sold subject to applicable deed covenants, contractual agreements, and/or other appropriate arrangements to assure affordability in perpetuity.

Purchase/Lease Options.

The City may further require, for itself or its designee, an option to purchase or lease affordable units for amounts consistent with the provisions of this Section. Such option may apply to the initial and any subsequent sale or lease of affordable units, consistent with the term of the affordability restriction. The City or its designee may identify qualified buyers or renters for affordable units.

Permit Conditions.

No Special Permit, shall be issued to increase the permissible density or intensity of use for a development covered by this Section without appropriate restrictions to ensure that the provisions of this Section are made binding upon the applicant.

Occupancy Conditions.

No certificate of occupancy shall be issued for any market-rate units in a development covered by this Section until:

- i) all deed covenants, contractual agreements, and/or other documents necessary to ensure compliance by the applicant with the requirements of this Section have been executed;
- ii) The affordable units shall be issued occupancy permits at the same rate as the market rate units and the last affordable unit shall be issued a certificate of occupancy prior to the issuance of building permits for the last 10% of market rate units.
- iii) any required cash payment has been made to the City or its designee; and/or iv) any land or buildings required to be donated to the City or its designee has been conveyed.

Sold or rented to moderate income households according to the distribution in Section 14.2.4.2 and pricing in Section 14.2.4.1.

SECTION XV: SITE PLAN REVIEW

15.1 PURPOSE

The purpose of this section is to ensure that the design and layout of new multi-family residential, commercial and industrial development will not be detrimental to the City of Taunton's neighborhoods, environment and protect the health, safety, convenience and general welfare of its inhabitants. The intent of site plan review is to regulate rather than prohibit use through reasonable conditions which may be imposed by the site plan review committee concerning the siting of buildings, open space and landscaping, parking areas, access and egress from proposed developments, drainage, sewerage, water supply, and police and fire safety.

15.1.5 AUTHORITY

In administering these provisions, there shall be the following;

The Taunton Planning Board, where applicable, shall be vested with the powers of a Full Site Plan Review and for the purposes of this section the Taunton Planning Board shall be the Site Plan Review Committee.

There shall be a Development Impact Review Board (DIRB) to advise the SPRC on projects requiring a Site Plan Review. The composition shall be as established by Ordinance of the Taunton Municipal Council.

15.2 SITE PLAN REVIEW THRESHOLDS

(a) A -Site Plan Review, shall be a public meeting from the Site Plan Review Committee (SPRC) and shall apply to the following:

- (a) additions to existing commercial and industrial projects where the addition results in one or more of the following;
 - an increase in impervious area;
 - an increase in the minimum required number of parking spaces
 - a change in traffic flow on-site
- (b) change of use in business, highway business, office and industrial districts, where the new use is allowed by right in that district, results in an increase dimensional requirements, impervious area, landscaping and/or parking requirements
- (c) an change in the number of parking spaces to the site and/ or an increase in impervious area
- (d) multi-family (four units plus) residential projects;
- (f) new "non-residential" commercial and industrial projects on vacant or unimproved site;
- (g) an increase in traffic generation of fifty or more cars per day as established by the Institute of Transportation Engineers;
- (h) additions to existing multi-family residential projects, where the addition constitutes the creation of new units.

Any application that requires review under the site plan review process of Section 15.2 will follow the requirements of Sections 15.2.1 - 15.11.

15.2.4.1 OFFICIAL NOTIFICATION OF ABUTTERS

The petitioner shall submit, in addition to a completed application, along with the certified list of abutters, pre-stamped envelopes for each abutter. An official City of Taunton Notification Form will be sent to each abutter on the certified list. This form enables abutters to respond in writing regarding the proposed project or attend the Site Plan Review Committee public meeting.

15.4 BASIC REQUIREMENTS

15.4.1 Notwithstanding anything contained in this ordinance to the contrary, no building permit shall be issued for, and no person shall undertake, any use or improvement subject to this section unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this section, and unless such application has been approved by the Site Plan Review Committee.

15.4.2 No occupancy permit shall be granted by the Building Inspector until the Site Plan Review Committee has given its approval that the development and any associated off-site improvements conform to the approved application for site plan review and approval, including any conditions imposed by the Site Plan Review Committee.

15.4.3 Notwithstanding the above, a temporary occupancy permit may be granted with the approval of the Site Plan Review Committee subject to conditions for completion of work (which shall include a requirement for surety, in an amount and form to be determined by the Site Plan Review Committee, imposed by the Site Plan Review Committee.

15.5 APPLICATION AND REVIEW PROCEDURE

15.5.1 Prior to the filing of an application subject to this section, the applicant shall submit plans to the City Planner, who shall advise the applicant as to the pertinent sections of the Zoning Ordinance. The applicant shall then submit twenty (20) copies of the application, conforming to Section 15, to the City Planner. The applicant shall also provide a pdf file of the plan with the application.

15.5.2 Upon receiving a completed application as set forth above, the City Planner shall forthwith transmit one copy each to the following departments:

- Municipal Council (2 copies)
 - Development Impact Review Board (2 copies)
 - Planning Board (2 copies)
 - City Clerk
 - Board of Health;
 - City Engineer;
 - Water Department;
 - Sewer Department;
 - Conservation Commission;
 - Taunton Municipal Lighting Plant;
 - Fire Department;
 - Street Department;
 - Department of Public Works;
 - Mayor
- Where applicable:
- Economic Development Director
 - Historic District Commission

-Building Department

15.5.3 Such agencies shall, with 15 days of receiving said copy, report to the Development Impact Review Board on: (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development, and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute approval by that agency of the adequacy of the submittal and also that, in the opinion of that agency, the proposed project will cause no adverse impact.

The Development Impact Review Board shall, within 20 days of receiving a copy of the application, report to the Site Plan Review Committee on: (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development, and (2) the effects of the projected impacts of the proposed development. The Development Impact Review Board shall make findings and recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Said report shall refer to and include full copies of the agency reports.

15.5.4 The Site Plan Review Committee shall not render a decision on said application until it has received and considered all reports requested from City departments and boards, or until the 20 day period has expired, whichever is earlier. The Site Plan Review Committee may continue the public hearing to allow for the submission of the report of the Development Impact Review Board and City agencies, but final decision shall be made within 90 days of application unless said time period is extended with the concurrence of the applicant.

15.5.5 The Site Plan Review Committee shall open a public hearing on any properly completed application within 45 days after filing, shall properly serve notice of such hearing, and shall render its decision within 60 days of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. c.40A section 11. All costs of the notice requirements shall be at the expense of the applicant.

15.5.6 In reviewing the impacts of a proposed development, the Site Plan Review Committee shall consider the information presented in the application for site plan approval, including all items specified in Section 15.6; Section 15.10; 15.11, all reports of City departments submitted to the Development Impact Review Board or the Site Plan Review Committee; and any additional information available to the Site Plan Review Committee, submitted to the Site Plan Review Committee by any person, official or agency, or acquired by the Site Plan Review Committee on its own initiative or research.

15.6 SPECIFIC FINDINGS REQUIRED

Prior to granting approval or disapproval, the Site Plan Review Committee shall make written findings with supporting documentation as specified below.

15.6.1 APPROVAL

The Site Plan Review Committee may approve an application, based on their review of the projected development impacts and the proposed methods of mitigating such impacts, if said Committee finds that the proposed development is in conformance with this ordinance, and that:

- (1) The traffic carrying capacity of the intersections and streets likely to be affected by the proposed development will meet the standards set forth in Section 15.11(a)
- (2) The proposed development will comply with the environmental impact standards set forth in Section 15.11(b).
- (3) The planned capacities of public facilities such as water supply, sewage and drainage systems are adequate in the vicinity of the site to serve the proposed development.
- (4) The proposed development will comply with the community impact standards set forth in Section 15.11(d).
- (5) In addition, the following specific items shall be addressed;
 - (a) Convenience and safety of vehicular and pedestrian movement within the site, location of driveway openings in relation to traffic or to adjacent streets;
 - (b) Adequacy of the arrangement of parking and loading spaces;
 - (c) Adequacy of methods of disposal of refuse and other wastes;
 - (d) Relationship of structures and open space to the natural landscape and existing buildings;
 - (e) Protection of wetlands, watersheds, aquifers, and well areas;
 - (f) Conformance to City health and fire codes;
 - (g) Adequacy of projects to address sewer and water impacts;
 - (h) Compliance with all provisions of the City of Taunton Zoning Ordinance;
 - (i) Compliance with the requirements of any other City board, agency, commission, or departments rules and regulations;
 - (j) Compliance with the general requirements under Section 15.10.

Such findings shall pertain to the entire proposed development, including any site plan or design modifications imposed by the Planning Board as a condition of its approval, and off-site improvements proposed by the applicant or required by the Site Plan Review Committee as a condition of its approval.

15.6.2 DISAPPROVAL

- (1) The Site Plan Review Committee must disapprove an application if it is unable to meet the requirements for approval.
- (2) Notwithstanding the above, the Site Plan Review Committee may approve an application if the adverse impacts of the proposed development are not significantly greater than the impacts of uses which are or can be made of the site under existing laws and regulations without a requirement for site plan review.

15.7 CONDITIONS, LIMITATIONS AND SAFEGUARDS

In granting approval of an application, the Site Plan Review Committee may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

- (a) Controls on the location and type of access to the site;
- (b) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods).
- (c) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development;
- (d) Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widening or improvements;
- (e) Requirements for securing the performance of all proposed work, including proposed off-street improvements, by either or both of the following methods:
 - (1) a performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Site Plan Review Committee to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval;
 - (2) a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
- (f) Conditions to minimize off-site impacts on traffic and environmental quality during construction.

15.7.1 CHANGES TO SITE PLAN

Any and all changes to any approved departmental site plan review must be first submitted through the same procedure as the original site plan for review and approval prior to incorporation.

15.7.2 VALIDITY

The actions allowed by departmental site plan review are authorized for a two year period from the date of granting of final approval. Thereafter such approval shall be deemed to have elapsed and a new application will be required.

15.7.3 Appeal

An appeal of a site plan review decision shall follow the requirements of MGL Ch40A section 8

15.8 ADMINISTRATION

(a) The SPRC shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder.

(b) The filing fee for Site Plan Review shall be calculated utilizing the fee schedule detailed in section 3.5.4. No application shall be considered complete unless accompanied by the required fees.

(c) The Site Plan Review Committee shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.

15.9 SEVERABILITY

The invalidity of one or more provisions or clauses of this section shall not invalidate or impair the section as a whole or any part hereof

15.10 CONTENTS AND SCOPE OF APPLICATIONS

An application for site plan review and approval under this section shall be prepared by qualified professionals, including a Registered Professional Engineer and, where required by State Law, a Registered Architect and/or Registered Landscape Architect, and shall include the following items and information:

15.10.1 WAIVER

Waiver of the submittal requirements may be requested as follows:

15.10.1.1 Staff - The applicant may request waiver of certain of the submittal requirements by application to the City Planner. If granted, the City Planner shall list specifically what requirements have been waived and transmit it to the reviewing agencies with the application as per Section 15.5. Should any agency, or at its next meeting, the SPRC, object to the elimination of any requirement, the applicant shall be responsible for providing the additional requested information. In order to provide the full time period for review, the applicant shall extend the time period within which the public hearing and the decision is required to be made by the number of days between the day the original application was received and the day the additional information was received.

15.10.1.2 SPRC - prior to application, the applicant may request waiver of certain of the submittal requirements by application to the SPRC. The SPRC may publish in its rules and regulations standard waivers which may be granted to applicants meeting a prescribed set of standards.

15.10.2 SITE PLAN

A site plan containing the following shall be submitted at the time of application:

- 1) A title block containing the name of the project, type of project, legend, scale (1"40'), north arrow, legend, name and address of owner or applicant, name and address of engineer/architect, date of plan, zoning district and legal description of the site.
- 2) Registered professional engineers and registered land surveyors stamp.
- 3) A locus plan, showing site and its relationship to City of Taunton.
- 4) Site data including:

- size of parcel;
- all lot lines and dimension, including road frontage, width and depth;
- statement respecting the datum used for all elevations (USGS or City datum requires a permanent benchmark be established on the site and its elevation noted on the plot plan).
- easements and other restrictions pertaining to the lot
- overlying districts (including local historic district, floodplain district, special flood hazard district, groundwater supply district,etc.);
- rivers, streams, intermittent streams, brooks, creeks, lakehouses,ponds;
- wetlands (marshes, swamps, bogs, wet meadows);
- existing vegetative cover;
- existing and proposed ground elevations (at two foot contours);
- existing buildings and other structures
- all names of abutters and owners of land within three hundred (300) feet as determined from the most recent tax list.

(5) Project data, including:

- proposed buildings by type (i.e. apartment, row house, recreation building, etc.) with all dimensions including interior square footage;
- number of units;
- density;
- lot coverage by buildings;
- setbacks from lot lines;
- distance between buildings on same parcel;
- exterior lighting;
- walls and fences.

(6) Transportation data, including:

- paved and other impervious areas;
- number and location of parking spaces;
- size of parking spaces;
- an internal circulation plan, including width and location of parking aisles and interior roads;
- names, widths and elevations of exterior roads;
- existing and proposed curb cuts and their widths;
- distance between curb cuts and nearest intersections;
- loading areas;
- pedestrian ways.
- rail road spurs

(7) A landscaping plan, including:

- all areas devoted to open space;
- buffer zones;
- trees, shrubs, groundcover (including number, size, species and location).

(8) A drainage plan, including:

- number and location of perk tests along roadway and in detention and retention areas;

- complete soil logs including depth to water table;
- two (2) foot topo lines, extending 100 feet from site;
- man-made and natural features including streams wetlands, rock outcrops, septic systems, wells, etc. (these features should be shown on site and extending 100 feet from site);
- maps showing sub watershed (also displaying land use, soils and topography);
- on site drainage patterns should be displayed for pre and post development (including detention and retention areas and location of storm drains);
- travel time on site and sub watershed should be displayed for peak flow pre and post development;
- design capacity and peak capacity calculations;
- a plan for the control of erosion and sedimentation caused by the proposed construction.

(9) Handicapped requirements, including:

- number and dimension of handicapped parking spaces;
- handicapped ramps (including elevation ratio);
- curb cuts for handicapped access.

(10) Signage data, including:

- location;
- number;
- height;
- setbacks;
- sign facade area.

(11) Utilities, including:

- proposed and existing water lines;
- proposed and existing electric lines and poles'
- proposed and existing septic tanks and drainfields;
- location of dumpsters.

(B) Elevation drawings, including:

- height of structures and finished floor elevations above finished grade;
- facades of buildings;
- elevations of handicapped access ramps;
- facades of signs.

(C) Floor plans, including:

- usage of interior space;
- square footage of rooms and units;
- interior dimensions;
- layout of handicapped bathrooms.

15.10.3 DEVELOPMENT IMPACT STATEMENT

15.10.3.1 A Development Impact Statement is required for projects with the following characteristics:

- multi-family residential projects, consisting of ten (10) or more units, or containing three or more acres of land;
- commercial and industrial projects consisting of three thousand or more square feet of floor area or three or more acres of land area;
- all projects which generate more than one hundred vehicle trips per day.

15.10.3.2 The Development Impact Statement shall describe potential impacts of the proposed development, compare them to the impacts of uses which are or can be made of the site without a requirement for site plan review, identify all significant positive or adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The Development Impact Statement shall consist of the following four elements:

(1) Traffic Impact Assessment

(a) Purpose: To document existing traffic conditions in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic.

(b) Format and Scope:

- (i) existing traffic volume, compositions, peak hour levels, street capacities, and level of service (LOS) on surrounding streets;
- (ii) estimated average daily traffic generation, composition, peak hour levels and directional flows resulting from the proposed development;
- (iii) impacts of estimated traffic impacts on existing traffic conditions;
- (iv) the methodology and sources used to service existing data and estimations;
- (v) proposed methods to mitigate the estimated traffic impact.

(2) Environmental Impact Assessment

(a) Purpose: To describe the impacts of the proposed development with respect to on-site and off-site environmental quality.

(b) Format and Scope:

- (i) a description of the relationship of the proposed development to the major botanical, zoological, geological and hydrological resources of the site; the impact of storm water runoff on adjacent and downstream surface water bodies, subsurface groundwater and the water table; the potential dangers of erosion and sedimentation caused by the operation and maintenance of the proposed development;
- (ii) description of proposed measures for mitigation of any potential adverse impacts on the natural environment.

(3) Fiscal Impact Assessment

(a) Purpose: To evaluate the fiscal and economic impacts of the proposed development on the City.

(b) Format and Scope:

(i) Projections of costs arising from increased demands for public services and infrastructure.

(ii) Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided.

(iii) Projections of the impacts of the proposed development on the values of adjoining properties.

(iv) Five-year projection of increased City revenues and costs resulting from the proposed development.

(4) Community Impact Statement

(a) Purpose: To evaluate the impact of the proposed project on the City, surrounding neighborhoods and City services.

(b) Format and Scope:

(i) Site design and neighborhood impact:

Evaluation of the relationship of proposed new structures or alterations to nearby pre-existing structures in terms of character and intensity of use (e.g., scale, materials, color, door and window size and locations, setbacks, roof and cornice lines, and other major design elements); and of the location configuration of proposed structures, parking areas, and open space with respect to neighboring properties.

(ii) Historic impact: Identification of impacts on significant historic properties, districts or areas, or archaeological resources (if any) in the vicinity of the proposed development.

(iii) Evaluation of impacts on the water system, sewage system, the landfill, the school system, fire protection, police protection, libraries, and parks and recreation facilities, and proposed methods of mitigation for any adverse impacts.

15.11 DEVELOPMENT IMPACT STANDARDS

The following standards shall be used in evaluating projected impacts of proposed developments. "Required" standards must be met by all developments subject to this section. "Recommended" standards are set forth as guidelines to both the SPRC and applicants, and are not intended to be inflexible requirements nor to discourage creativity and innovation.

(a) Traffic Impact Standards

(1) Required: The "level of service" (LOS) of all impacted intersections and streets shall be adequate following project development. For purposes of this standard:

(i) "Level of service" (LOS) shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council;

(ii) "Impacted" means located within 1,000 feet of the closest boundary of the project site and projected to receive at least five percent (5%) of the anticipated average daily or peak hour traffic generated by the proposed development;

(iii) "Adequate" shall mean a level of service of "B" or better for rural, scenic and residential streets and for all new streets and intersections to be created in connection with the project; and "D" or better for all other streets and intersections; and

(2) Recommended: The proposed site plan shall minimize points of traffic conflict, both pedestrian and vehicular. The following guidelines shall be used to achieve this standard:

(i) Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.

(ii) Where possible, driveways shall be located opposite similar driveways.

(iii) Sharing of access driveways by adjoining properties and uses is encouraged.

(iv) Left-hand turns and other turning movements shall be minimized.

(v) Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.

(vi) Pedestrian and bicycle circulation shall be separated from motor vehicle circulation as far as practicable.

(b) Environmental Impact Standards

(1) Required:

(i) The proposed development shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impact.

(ii) The proposed development shall not increase the potential for erosion, flooding or sedimentation, either on-site or on neighboring properties; and shall not increase rates of runoff from the site to the satisfaction of the City Engineer. Provision for attenuation of runoff pollutants and for ground water recharge shall be included in the proposal.

(iii) The design of the proposed development shall minimize the destruction of unique natural features.

(iv) The design of the development shall minimize earth removal and keep volume of cut and fill. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.

(v) The design of the development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.

(2) Recommended: None.

(c) Fiscal Impact Standards

(1) Required: None.

(2) Recommended: Projected positive net fiscal flow for first five years after design year of occupancy.

(d) Community Impact Standards

(1) Required:

(i) Design elements shall be compatible with the character and scale of neighboring properties and structures.

(ii) The design of the development shall minimize the visibility of visually degrading elements such as trash collectors, loading docks, etc.

(iii) The design of the development shall be consistent or compatible with existing local plans, including plan elements adopted by the Planning Board, Conservation Commission, Parks and Recreation Commission, and other City bodies having such jurisdiction.

(iv) The location and configuration of proposed structures, parking areas and open space shall be designed so as to minimize any adverse impact on temperature levels or wind velocities on the site or adjoining properties.

(v) Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties.

SECTION XVI WATER AND AQUIFER RESOURCE PROTECTION DISTRICT

16.1 PURPOSE OF DISTRICTS

The purpose of the Water and Aquifer Resource Protection District Section of this ordinance are:

- a. To promote and protect the health, safety, general welfare and economic vitality of the community for its present and future inhabitants;
- b. to protect, preserve and maintain the existing quality and quantity of groundwater to ensure a sustainable supply of high quality drinking water for the City;
- c. to protect the groundwater and groundwater recharge areas of the City from adverse development or land use practices;
- d. to conserve the natural resources of the City, and;
- e. to prevent blight and the pollution of the environment.

16.2 DEFINITIONS

Aquifer: Geologic formation composed of saturated, permeable material of rock and/or sand and gravel that contains significant amounts of potentially producible potable water.

Area of Influence: The area which experiences drawdown by a pumping well as plotted on a 2 dimensional (map) surface, usually ellipsoidal.

Cone-of-depression: A three dimensional conical concavity produced in a water table by a pumping well (see Area of Influence above).

Earth Removal and Mining of Land: The removal of geologic materials such as topsoil, sand and gravel, metallic ores, or bedrock to be crushed or used as building material.

Groundwater: All the water found beneath the surface of the ground. In this ordinance the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Hazardous or Toxic Material: Any substance or combination of substances, including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if generated or disposed of into or on any land or water in this city. Any substance deemed a "hazardous waste" in M.G.L. Chapter 21C and 21E and 310 CMR 30.00, as amended, shall also be deemed a hazardous or toxic material for purposes of this ordinance, with the exception of household quantities.

High Impact Lot Uses: Are uses on lots which do not conform to the minimum performance standards as set forth in section 16.6, and 16.7 of this ordinance.

Impervious Surface: Natural or manmade material on or above the ground that does not allow surface water to penetrate into the soil.

Liquid and Leachable Wastes: Waste materials including non-sanitary waste waters, solid wastes, sludge and agricultural wastes that are capable of releasing water borne contaminants to the surrounding environment.

Natural Vegetation: Land having a well established cover of native plants (grasses, shrubs, ground covers, trees, wild flowers, etc.) not including mowed lawn areas and artificially mulched (stones, plastic, etc.) planting beds.

Outdoor Storage: Any storage that is not in a structure with roof, floor and at least three sides, all of impervious material.

Public Well: A well providing potable water to at least 15 service connections or serving on average at least 25 individuals daily at least sixty (60) days of the year. It shall also include wells not in active use that are maintained as a backup or emergency reserve for a public water system.

Public Water System: A system for the provision to the public of piped water for human consumption, if such a system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.

Recharge: The process by which water is added to the saturated zone of any aquifer either by direct infiltration of rainfall or by indirect inputs from surface sources or from adjoining subsurface sources and whether by reason of natural flow or by reason of pumping from a present or future well.

Recharge Area: Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of sand and gravel through which water from any source will recharge an aquifer, and including any wetland or body of surface water surrounding or adjacent to such area together with the watershed of any wetland or body of surface water adjacent to such area.

Sanitary Waste: Waste waters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, etc. and containing such concentrations and types of pollutants as to be considered normal wastes.

Sludge: The solid, semi-solid and liquid residue produced by water and sewage treatment processes or industrial process by-products as categorized as Type I, II and III by the criteria and regulations of 310 CMR 32.00

Very small quantity generator: An operation that does limited generation of hazardous materials. The threshold quantities for a very small quantity generator are set forth in 310 CMR 30.353.

Solid waste: Any solid material, putrescible or nonputrescible, combustible or noncombustible, including but not limited to garbage, rubbish, scrap material, junk, refuse, inert fill material, stumps, brush and other landscape refuse.

16.3 SCOPE AND AUTHORITY

Water and Aquifer Resource Protection District Zones shall be considered as districts overlaying zoning districts as established by the Taunton Zoning Ordinance and Map. All regulations of the City of Taunton Zoning Ordinance applicable to such zoning districts shall remain in effect, except that where the Water and Aquifer Resource Protection District provisions impose additional regulations, such regulations shall apply in addition to the regulations applicable to the zoning district. Uses which by specific references are not permitted in the underlying zoning district are not allowed.

16.4 ESTABLISHMENT AND DELINEATION OF THE WATER AND AQUIFER RESOURCE PROTECTION DISTRICT ZONES

For the purposes of this section of the Zoning Ordinance, there are hereby established within the City of Taunton certain Water and Aquifer Resource Protection District Zones: Zone I, Zone II, Interim Zone II and Zone III, consisting of aquifers and/or aquifer recharge areas. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations. The Water and Aquifer Resource Protection District Zones include the aquifer itself, the land above the aquifer and the aquifer's most significant recharge areas.

16.4.1 WATER AND AQUIFER RESOURCE PROTECTION DISTRICT ZONE I

Zone I is the area within a 400 foot radius of an existing Public well and/or the cones of depression and area of influence generated by these wells, whichever is greater.

The cones of depression and area of influence generated by these wells shall be as calculated to exist after seven (7) days of continuous pumping at their respective rated capabilities.

16.4.2. WATER AND QUIFER RESOURCE PROTECTION DISTRICT ZONE II

Zone II is the primary recharge area or zones of contribution for existing City of Taunton operated wells as protected by Zone I:

a. The area of an aquifer which contributes water to a City of Taunton operated well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation), as defined in 310 Code of Massachusetts Regulations (CMR) 22.00.

b. All areas within a one-half mile radius measured from an existing City of Taunton operated public well or wellfield that has not had a Zone II delineation approved by the Massachusetts Department of Environmental Protection, shall be labeled as Interim Zone II.

16.4.3 WATER AND AQUIFER RESOURCE PROTECTION DISTRICT ZONE III

The recharge area to an existing public well or an area, based on current information derived from standard geologic and hydrogeologic investigation, with groundwater development potential of moderate or high favorability and associated recharge areas for a future public well including but

not limited to the land area beyond the area of the Zone II or Interim Zone II from which surface water and groundwater drain into Zone II or Interim Zone II, as defined in 310 CMR 22.00.

16.4.4 WATER AND AQUIFER RESOURCE PROTECTION DISTRICT ZONE MAP

The boundaries of Zones I, II, Interim II and II, are delineated on the City of Taunton Zoning Map with a scale of 1 inch to 2,000 feet. It shall be the responsibility of the Building Commissioner and Water Department to determine whether or not a lot or portion of a lot is within the boundaries of the district.

Where the bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s) the City may engage in professional geologist, hydrogeologist or engineer trained and experienced in hydrogeology to determine more accurately the location and extent of an aquifer or recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

The determination of the extent of Zone II (if other than 1/2 mile radius around the well) shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems.

This map, as may be amended from time to time, is hereby made a part of the Taunton Zoning Ordinance and is on file in the office of the City Clerk.

16.5 USE REGULATIONS

Each activity referred to in the following table of regulated activities is intended to have the same meaning as any equivalent use or activity as may be specified elsewhere in the Taunton Zoning Ordinance. The Zoning Board of Appeals is expressly not authorized to grant use variances from the provisions of this section (16) of the Zoning Ordinance.

Within the Water and Aquifer Resource Protection District Zones, these regulations shall apply:

16.5.1 PROHIBITED USES IN ZONE I, II, INTERIM II, AND III:

- ◆ Facilities that generate, treat, store or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.00, except the following:
 - a. very small quantity generators as defined under 310 CMR 30.00;
 - b. household hazardous waste collection centers and events under 310 CMR 30.390;
 - c. waste oil retention facilities required by MGL C 21, s. 52A;
 - d. water remediation treatment works approved under 314 CMR 5.00;
- ◆ Storage of liquid hazardous materials, as defined in MGL c. 21E, unless in a free standing container within a building or above ground with secondary containment;
- ◆ Landfilling of sludge or septage defined in 301 CMR 32.05;

- ◆ Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 10 CMR 32.31;
- ◆ Land application of untreated and unclassified sanitary waste;
- ◆ Storage of commercial fertilizers and soil conditioners, as defined in MGL c. 128, s. 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
- ◆ Outdoor storage of uncovered and/or uncontained manure;
- ◆ Commercial Piggery;
- ◆ Landfills and open dumps as defined in 310 CMR 19.006;
- ◆ Junk and Salvage yards as defined in MGL c. 140B, s. 1;
- ◆ Outdoor storage of salt and de-icing chemicals;
- ◆ Dumping of salt contaminated now and/or snow brought in from outside the Water and Aquifer Resource Protection Districts;
- ◆ Use of septic system cleaners which contain toxic organic chemicals;
- ◆ Storage of liquid petroleum products except the following:
 - a. normal household use, outdoor maintenance and heating of a structure;
 - b. waste oil retention facilities required by statute, rule or regulation;
 - c. emergency generators required by statute, rule or regulation;
 - d. treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters;

Provided that storage, listed in items a. through d. above is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity.

If a use listed as prohibited under section 16.5.2 is proposed within a Water and Aquifer Protection District Zone that has a Public Well and has no Zone II delineated, and that use is allowed only by special permit in the underlying zoning, the proponent shall, prior to exercising the special permit, provide conclusive evidence that the proposed site is not in an area that would be considered a primary recharge area under section 16.4.2. Such conclusive evidence may include an actual primary recharge area study or another hydrogeologic study performed by an expert in that field.

16.5.2 PROHIBITED USES IN ZONE I, INTERIM ZONE II AND ZONE II

- ◆ Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within 6 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United State Geological Survey, except for excavations for building foundation, roads, or utility works;
- ◆ New cemeteries;
- ◆ Funeral, dry cleaning, barber, hairdressing, photographic processing, laundering, animal rooming and printing establishments not connected to municipal sewerage;
- ◆ Golf courses and related facilities, either public or private;
- ◆ High impact lot uses;
- ◆ Stormwater retention basins or unlined stormwater detention basins without pretreatment;
- ◆ Subsurface stormwater percolation structures without pretreatment systems;
- ◆ Use of chemicals and salt for de-icing on all streets and parking areas shedding runoff into the Aquifer Protection District except as in compliance with a Snow and Ice Management plan approved by the Municipal Council;
- ◆ Storage of generators, motors and/or transformers not in use;
- ◆ Motor vehicle, boat and airplane service and repair establishments;
- ◆ Heavy manufacturing (i.e. metal fabricating, plating, finishing and polishing; motor and Machinery service and assembly; etc.) unless connected to Municipal sewerage and providing for containment of spills;
- ◆ Commercial furniture refinishing and stripping;
- ◆ Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:
 - 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. the replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);
 - c. treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;
 - d. the replacement or repair of an existing treatment works that will result in a design capacity greater than the design capacity of the treatment works but discharging outside the Water and Aquifer Resource Protection District.

16.5.3 PROHIBITED USES IN ZONE I AND ALLOWED BY SPECIAL PERMIT IN INTERIM ZONE II OR ZONE II

- ◆ The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation;
- ◆ Land application of Type II sludge;
- ◆ Discharge of liquid wastes that require DEP approval;
- ◆ Very small quantity generator;
- ◆ Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section 16.5.1 and 16.5.2). Such activities shall require a special permit to prevent contamination of groundwater;

The construction of dams or other water control devices, ponds or other changes in waterbodies or courses, created for swimming, fishing or drainage improvements. Such activities shall not adversely affect water quality or quantity.

16.5.4 Residential development

All residential subdivisions requiring approval under MGL Ch 41 subdivision control Law and located either partially or entirely within a zone I, zone II, interim zone II and/or zone III water and aquifer protection overlay district, shall be laid out as a cluster development according to section 14.1 of the zoning ordinance. This requirement may be waived by a two-thirds (2/3) vote of the Planning Board if it is determined to the satisfaction of the board that the proposed cluster development as opposed to a conventional subdivision does not further the purposes of the water and aquifer resource protection district as stated in section 16.1

16.6 MINIMUM PERFORMANCE STANDARDS FOR ALL LOTS WITHIN A ZONE I, ZONE II AND INTERIM ZONE II

16.6.1 Liquid and Leachable Waste Standards

16.6.1.1 The following is prohibited: individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per 10,000 s.f. under one ownership per day or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design;

16.6.1.2 In order to limit phosphorus inputs no subsurface disposal systems shall be permitted within 100 feet of mean high water of fresh water bodies.

16.6.2 Alteration of Site Feature

No alterations shall be made of any natural site features or topography including but not limited to the cutting or removal of trees or other natural vegetation or the dumping, filling, excavating, grading, transferring or removing of any gravel, sand, loan or other soft material, rock or ledge prior to obtaining all permits and approvals for final development plans required under this ordinance.

16.6.3 Earth Removal and Mining

Earth removal and mining operations shall provide a final grade equal to or greater than six (6) feet above the historical high groundwater mark and further shall be in accordance with the Taunton General ordinance, Chapter 14, Article II.

16.6.4 Single and two family residential lots without benefit of municipal sewerage shall be a minimum of 30,000 sq. ft.

16.6.5 Residential lots containing three or more units shall be connected to municipal sewerage and shall have a minimum of 45,000 sq. ft.

16.6.6 Not more than 15% of any residential lot shall have impervious surface and not less than 40% of the lot area shall be maintained as a natural vegetation area.

16.7 MINIMUM PERFORMANCE STANDARDS FOR COMMERCIAL, SERVICE AND INDUSTRIAL LOTS WITHIN ZONE I, ZONE II AND INTERIM ZONE II

16.7.1 Not more than 15% of any lot shall be rendered impervious without approved engineered systems in place to prevent degradation of ground water contributing to the aquifer. Approval of a plan proposing to exceed the 15% threshold and not to exceed the total lot coverage allowed under the underlying zoning shall comply with applicable Best Management Practices (BMP's) advanced by the City to the satisfaction of the reviewing department, commissions and boards within the building permit process or having other jurisdiction over the proposal. The development of the lot shall be such that there is no increase in runoff over the greater of, a.) that experienced prior to development, or b.) that designed into a subdivision plan approved prior to the adoption of this ordinance.

In approving the proposed increase in impervious area, the approving authority shall find that a system for artificial recharge of the precipitation is provided that incorporates Best Management Practices (BMP's) that will reasonably prevent degradation of groundwater quality. A file of stormwater BMP's advanced by the City and subject to additions, modifications and deletions can be viewed at the offices of the City Engineer, the Planning Board or the Conservation Commission. Feasible, simple and reliable innovations will be added to the BMP file.

16.7.2 Site development shall be designed such that there will be no increase in the rate of runoff from the site, over that calculated for the site prior to development for rainfall intensity less than our equal to the one hundred year return interval storm.

16.7.3 Runoff from all impervious surfaces shall be prevented by capture in a closed drainage system or vegetated swales from infiltrating directly into the ground and shall to the greatest extent possible be diverted towards areas covered with vegetation for surface infiltration. Additionally, before discharge from the closed drainage system, the runoff shall be treated through an oil and grit separator.

Runoff shall then enter a stormwater detention pond designed to detain a two (2) year return interval storm with a percolation rate no faster than forty (40) minutes per inch, or some other system with equal or superior effectiveness. Said detention pond, oil and grit separator or other means by which to filter and retain potential contaminants, shall be constructed, operated and maintained in the approved manner and in accordance with State Plumbing Codes.

16.8 NONCONFORMING USES

Existing nonconforming uses may be expanded as allowed by Section 5.3 of this ordinance. The Board of Appeals shall not grant such approval unless it shall find that such expansion shall not be substantially more detrimental to the City of Taunton water supply than the existing use and that such expansion conforms to allow the regulations for that use as specified in this section (16) of the ordinance.

16.9 PROCEDURES FOR ISSUANCE OF A SPECIAL PERMIT

16.9.1 The Special Permit Granting Authority (SPGA) under this by law shall be the Municipal Council. An applicant filing an application for a special permit of the SPGA pursuant to this section of the ordinance which will also require a special permit pursuant to Section 5.2 and/or a Site Plan Review pursuant to Section 15 of this ordinance may file that application either prior to or concurrently with the application for any other required permit or approval.

16.9.2 The application and plan shall be prepared in accordance with the requirements of the proposed development (e.g. Special Permit, Site Plan Review and/or Earth Removal), and also include those requirements as cited in Section 16.9.3 below. An additional fifty dollar (\$50.00) filing fee shall accompany said applications which are filed simultaneously with Section 5.2, Special Permit, Site Plan Review and/or Earth Removal applications.

16.9.3 Applications for a Special Permit under this section filed prior to a Section 5.2, Special Permit and/or a Section 15, Site Plan Review and/or Earth Removal Permit or applications not requiring any of those three review and approval processes shall be filed with the City Clerk and shall be accompanied by ten (10) copies of the application and a one hundred and fifty dollar (\$150.00) application fee.

16.9.4 All applications shall address the following requirements as well as any additional requirements as may be specified in the SPGA Rules and Regulations for the Issuance of Special Permits:

- a. Site plan showing the extent of impervious areas, drainage and layout and design of disposal facilities;

- b. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use accompanied by a description of measures proposed to protect them from vandalism, corrosion and leakage, and to provide for spill prevention, containment, clean up and countermeasures;
- c. A description of potentially toxic or hazardous wastes to be generated indicating storage and disposal method;
- d. Provisions and conditions to control causes of pollution to ground and surface water with an analysis of the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures were to fail;
- e. Insure against contamination and loss of recharge by such means such a watertight sewer pipes, control on road salt, erosion control, preservation of natural vegetative cover, maintenance of catch basins;
- f. For underground storage of toxic and hazardous materials, evidence of qualified professional supervision of system design and installation, and;
- g. Analysis by a qualified professional engineer experienced in groundwater evaluation and/or hydrogeology certifying that at the boundaries of the property the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by DEP in "Drinking Water Standards of Massachusetts: or, for parameters where no standards exist, below standards established by the Board of Health. Where existing groundwater quality is already below those standards, the certification shall be that the proposed activity will result in no further degradation of groundwater quality.

16.9.5 The SPGA shall refer copies of the application to the City's Water Department, Board of Health, City Engineer, Building Commissioner, City Planner and Conservation Commission which shall review, either jointly or separately, the application and shall submit their recommendations to the SPGA. Failure to make recommendations within 35 days of the SPGA referral may be deemed to be a lack of opposition.

16.9.6 The SPGA shall hold a public hearing within 65 days after the filing of the application in conformity with the provisions of M.G.L., Chapter 40A, Section 9. Notice of the public hearing shall be given by publication and posting and first-class mailings to parties in interest as defined in M.G.L., Chapter 40A, Section 11. The decision of the SPGA and any extension, modification or renewal thereof, shall be filed with the City Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

16.9.7 After notice and public hearing, and after due consideration of the reports and recommendations of the various City departments and boards, the SPGA may grant such a special

permit provided that it finds that the proposed use is in harmony with the purpose and intent of this ordinance and will promote the purposes of the water and Aquifer Resource Protection District.

16.9.8 The SPGA as a condition of a Special Permit may require periodic monitoring, including sampling of wastewater disposed to off-site systems or drywells and sampling of groundwater monitoring wells with reports to be submitted to the SPGA for referral to the Water Department and Board of Health. The costs of such monitoring shall be borne by the owner of the property.

NORTH TAUNTON WATER AND AQUIFER RESOURCE PROTECTION DISTRICT

Beginning at the common corner of the Towns of Norton and Easton and the City of Taunton, thence easterly along the Easton-Taunton line to the common corner of the Towns of Easton and Raynham and the City of Taunton, thence southerly along the Raynham-Taunton line to its intersection with the centerline of Field Street; thence westerly along the centerline of Field Street to its intersection with the centerline of Prospect Hill Street; thence southwesterly along the centerline of Prospect Hill Street to its intersection with the centerline of Scaddings Street; thence southerly along the centerline of Scaddings Street to its intersection with the centerline of Bay Street; thence northwesterly along the centerline of Bay Street to its intersection with the centerline of Bassett Street; thence westerly and northwesterly along the centerline of Bassett Street and the easement that was formerly Bassett Street to its merge centerline of John Quincy Adams Road; thence northwesterly along the centerline of John Quincy Adams Road to its intersection with the centerline of Myles Standish Boulevard; thence northerly along the centerline of Myles Standish Boulevard approximately 135 feet to its intersection with the projection of the property line between numbers 500 and 540 Myles Standish Boulevard, also known as Assessors lots 24R and 25E respectively; thence northwesterly along said projection and property line to its intersection with the Taunton-Norton line; thence northeasterly along the Taunton-Norton line to the point of beginning.

EAST TAUNTON WATER AND AQUIFER RESOURCE PROTECTION DISTRICT

Beginning at the point of intersection of the centerline of Middleboro Avenue with the Taunton-Lakeville line, thence southerly and southeasterly along the Taunton-Lakeville line to its intersection with the projection of a line generally parallel with and about 330 feet easterly of the centerline of Kingman Street, said line also being a portion of the boundary line of the Emma N.F. Hutt Forest; thence northerly and easterly along the boundary of said Hutt Forest to its intersection with the westerly line of Kingman Street; thence southerly along the westerly line of Kingman Street where it is coincident with the said Hutt Forest boundary line; thence turning west and following said boundary along its various courses to its intersection with the Taunton-Berkley line; thence northwesterly along the Taunton-Berkley line to another intersection with said Hutt Forest boundary line; thence along said Hutt Forest boundary line along its various courses to its intersection with the centerline of Holloway Street Bypass; thence northerly along the centerline of Holloway Street Bypass to its merge with the centerline of Staples Street; thence northerly along the centerline of Staples Street to its intersection with the centerline of Caswell Street; thence easterly along the centerline of Caswell Street to its intersection with the centerline of South Precinct Street; thence northerly along the centerline of South Precinct Street to its intersection with the centerline of Sherwood Avenue; thence northeasterly along the centerline of

Sherwood Avenue to its intersection with the centerline of Middleboro Avenue; thence northeasterly along the centerline of Middleboro Avenue to the point of beginning.

APPENDIX A

KEY: Permitted Uses = Y Prohibited Uses = N Special Permit by Municipal Council = SP

DESCRIPTION OF USE	ZONE II, ZONE I	INTERIM II	ZONE III
Facilities that generate, treat, store or dispose of hazardous waste; subject to MGL 21C and 310 CMR 30.00	N	N	N
** EXCEPT the following:			
a. very small quantity generators as defined under 310 CMR 30.00	Y	Y	Y
b. household hazardous waste collection centers and events under 310 CMR 30.00	Y	Y	Y
c. waster oil retention facilities required by MGL C 21, S. 52A	Y	Y	Y
d. waste remediation treatment works approved under 314 CMR 5.00	Y	Y	Y
Storage of liquid hazardous materials, as defined in MGL C. 21E	N	N	N
** UNLESS in a free standing container within a building or above ground with secondary containment	Y	Y	Y
Landfilling of sludge or septage defined in 310 CMR 32.05	N	N	N
Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31	N	N	N
Land application of untreated and unclassified sanitary waste	N	N	N
Storage of commercial fertilizers and soil conditioners, as defined in MGL C. 128, S. 64	N	N	N
** UNLESS such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate	Y	Y	Y
Outdoor storage of uncovered and/or uncontained manure	N	N	N
Commercial Piggery	N	N	N
Landfills and open dumps as defined in 310 CMR 19.006	N	N	N
Junk and salvage yards as defined in MGL C. 140B, S. 1	N	N	N
Outdoor storage of salt and deicing chemicals	N	N	N
Dumping of salt contaminated snow and/ or snow brought in from outside the Water and Aquifer Resource Protection Districts	N	N	N
Use of septic system cleaners which contain toxic organic chemicals	N	N	N
Storage of liquid petroleum products	N	N	N

** EXCEPT for the following:			
a. normal household use, outdoor maintenance and heating of a structure	Y	Y	Y
b. waste oil retention facilities required by statute, rule or regulation	Y	Y	Y
c. emergency generators required by statute, rule or regulation	Y	Y	Y
d. treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters	Y	Y	Y
Provided that storage, listed in items a. through d. above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the containers total storage capacity.			
Earth removal, consisting of removal of soil, loam sand, gravel or any other earth material (including mining materials) within 6 feet of historical high groundwater as determined from monitoring wells and historical high water table fluctuation data compiled by the United States Geological Survey	N	N	N
** EXCEPT for excavations for building foundations, roads, or utility works	Y	Y	Y
New cemeteries	N	N	Y
Dry cleaning, funeral, barber, hairdressing, photographic processing, laundering, animal grooming and printing establishments	N	N	Y
** UNLESS such establishments are connected to municipal sewerage	Y	Y	Y
Golf courses and related facilities either public or private	N	N	Y
High impact lot uses (uses that do not conform to the minimum performance standards as defined in Section 16.6, 16.7, 16.8 of this ordinance)	N	N	Y
Stormwater retention basins or unlined stormwater detention basins	N	N	Y
Subsurface stormwater percolation structures without pretreatment systems	N	N	Y
Use of chemicals and salt for deicing on all streets and parking areas shedding runoff into the Aquifer Protection District	N	N	Y
** EXCEPT as in compliance with a Snow and Ice Management Plan approved the Municipal Council	Y	Y	Y
Storage of generators, motors and/or transformers not in use	N	N	Y
Heavy manufacturing (i.e. metal fabricating, plating, finishing, and polishing; motor and machinery service and assembly; etc.	N	N	Y

** UNLESS connected to municipal sewage and providing for containment of spills	Y	Y	Y
Commercial furniture refinishing and stripping	N	N	Y
Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities	N	N	Y
** EXCEPT for the following:			
a. the replacement or repair on an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works	Y	Y	Y
b. the replacement of existing sub-surface sewage disposal system(s) with wastewater treatment works that are in compliance with 310 CMR 15.00 for the existing building and use and will not result in a design capacity greater than that appropriate for the existing use	Y	Y	Y
c. treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater	Y	Y	Y
d. the replacement or repair of an existing treatment works that will result in a design capacity greater than the design capacity of the treatment works but discharging outside the Water and Aquifer Resource Protection District	Y	Y	Y
The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation	Y	SP	Y
Land application of Type II sludge	N	SP	Y
Motor vehicle, boat and airplane service and repair establishments	N	N	Y
Discharge of liquid wastes that require DEP approval	N	SP	Y
Very small quantity generators; one that generates less than 100 kilograms (<25 gallons) of hazardous waste in a month	N	SP	Y
Those activities that involve the handling of toxic or hazardous materials in greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section 16.5.1 and 16.5.2). Such activities shall require a special permit to prevent contamination of groundwater	N	SP	Y
The construction of dams or other water control devices, ponds or other changes in water bodies or courses, created for swimming, fishing or drainage improvements. Such activities shall not adversely affect water quality or quantity	N	SP	Y

SECTION 17 TRANSIT ORIENTED DEVELOPMENT DISTRICT

17.0 Transit Oriented Development Overlay District

The purpose of this bylaw is to allow for the redevelopment of a mixed-use pedestrian/transit center (TOD) around the GATRA Terminal/Parcel 6-A (TOD West) and the MBTA Commuter Rail Station proposed for the Arlington Street area (TOD East). The intent of the Transit Oriented Development Overlay District is to promote a lively, prosperous neighborhood center that serves as an attractive place to live, work, shop and recreate with less reliance on the automobile. Specifically, the purposes of the TOD are:

1. To encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership;
2. To create a pedestrian-friendly environment to encourage walking, bicycling and transit use;
3. To provide an alternative to traditional development by emphasizing mixed-use, pedestrian oriented development;
4. To create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability;
5. To encourage building reuse and infill to create higher densities;
6. Reduce auto dependency and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another;
7. To provide a range of housing options for people of different income levels and at different stages of life.

17.1 Powers and Administrative Procedures

The Board of Appeals is hereby designated the Special Permit Granting Authority (SPGA) for an applicant seeking a Transit Oriented Development beyond the base density and or uses. The SPGA shall follow the procedural requirements for special permits set forth in Section 9 of M.G.L Chapter 40A and Sections 3.4 and 3.5 of this bylaw. After notice and public hearing and after due consideration of the reports and recommendations or the other city boards and commissions and or departments, the SPGA may grant a higher density than allowed by-right. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such conditions as the SPGA finds reasonably appropriate to improve the site design and address concerns including but not limited to: water and air quality, other environmental resources, traffic safety and/or other concerns related to the purpose of this section. Such conditions shall be imposed in writing and the applicant maybe required to post a bond or surety for compliance with said conditions in an amount satisfactory to the SPGA.

17.2 Applicability

The provisions of Section 17 shall apply to land identified as the Transit Oriented Development District (TOD) as designated on the zoning map once approved by the Municipal Council.

17.3 Definitions

Transit Oriented Development: A mixed-use district (including retail, office, attached multifamily and single family residential) designed specifically for pedestrian, transit and bike

use as, identified as the Transit Oriented Development District and designated on the zoning map once approved by the Municipal Council.

Right Of Way (ROW): A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by as street, trail, railroad, waterline, sanitary sewer, and/or other public utilities or facilities.

Townhouse: A one family dwelling unit, with private entrance, which is a part of a structure whose dwelling units are arranged horizontally in a linear arrangement, and having exposed front and rear walls for access, light and ventilation. In a mixed use development a townhouse structure may have parking in the rear and/or commercial uses along the front of the first floor.

17.4 Density and Dimensional Requirements

Within the Transit Oriented Development District the following Density and Dimensional Requirements shall apply:

17.4.1 Transit Oriented Development and Dimensional Requirements	
Minimum lot area (sq.ft.)	15,000
Minimum frontage (ft.)	100
Minimum front setback (ft.)	10
Minimum side setback (ft.)	10
Minimum rear setback (ft.)	10
Maximum height (ft.)	40
Maximum number of stories	3
Maximum lot coverage	85%

- 17.4.2** The Transit Oriented Development District (TOD) shall contain a minimum of 10,000 sq. ft. for use as a public green or plaza. This green or plaza shall be landscaped, with lighting and other appropriate street furnishings as required by the SPGA.
- 17.4.3** Lots within the Transit Oriented Development District (TOD) may contain more than one principal building.
- 17.4.4** In the applicant shall provide a minimum 10,000 gross floor area of commercial/parking space on the ground floor. Parking is limited to a maximum of 60% of the gross floor area of the ground floor.
- 17.4.5** A base density of twelve (12) residential units per acre is allowed in the TOD district. These units are intended to be primarily above commercial and parking uses located on the first floor. The SPGA may through the special permit process increase the residential density to a maximum of forty eight (48) units per acre.

17.5 Use Regulations

In the Transit Oriented Development District (TOD) the provisions of Section 5.2 shall be superceded by the following section. Any use not specifically listed below shall be prohibited.

17.5.1 Primary Uses By Right

The following primary uses in the Transit Oriented Development District (TOD) are allowed by right:

- Multi-Family Residential (4 units or more), Apartments/ Condominiums
- Bus Terminal / Station
- Parking Garage
- Railroad Passenger Terminal

17.5.2 Secondary Uses By Right

The following uses in the Transit Oriented Development District (TOD) are allowed by right, only as a secondary use in conjunction with the uses listed in 17.5.1 above:

- Bakeries
- Banks
- Barber/ Hair Salon/ Nails/ Tanning
- Eating/ Drinking establishments
- Eating/ Drinking establishments (Take out only)
- Gymnasiums
- Laundries
- Medical & Dental (under 7,999 sq. ft.)
- Museums
- Newstands
- Offices (under 7,999 sq. ft.)
- Photography Studio
- Printing/ Copy/ Retail
- Rental Establishment/
- Retail (under 7,999 sq. ft.)
- Wireless Communication Antenna

17.5.3 Secondary Uses by Special Permit

The following secondary uses in the Transit Oriented Development District (TOD) are allowed by the granting of a special permit:

- Assisted Living
- Colleges and Universities
- Classrooms/ buildings
- Community Centers
- Drive Thru Establishment/ Access Drive Thru
- Hotels/ Motels
- Medical & Dental (over 8,000 sq.ft.)
- Offices (over 8,000 sq.ft.)
- Retail (Over 8,000 sq. ft.)
- Theaters

17.6 Other Design Requirements

17.6.1 A minimum of 75 spaces shall be provided within the MBTA Commuter Rail Station proposed for the Arlington Street area (TOD East) for the exclusive use of MBTA commuters. This TOD East (Arlington St.) site is intended to be

connected to the larger combined parking facilities of TOD West GATRA site by with a GATRA Shuttle service.

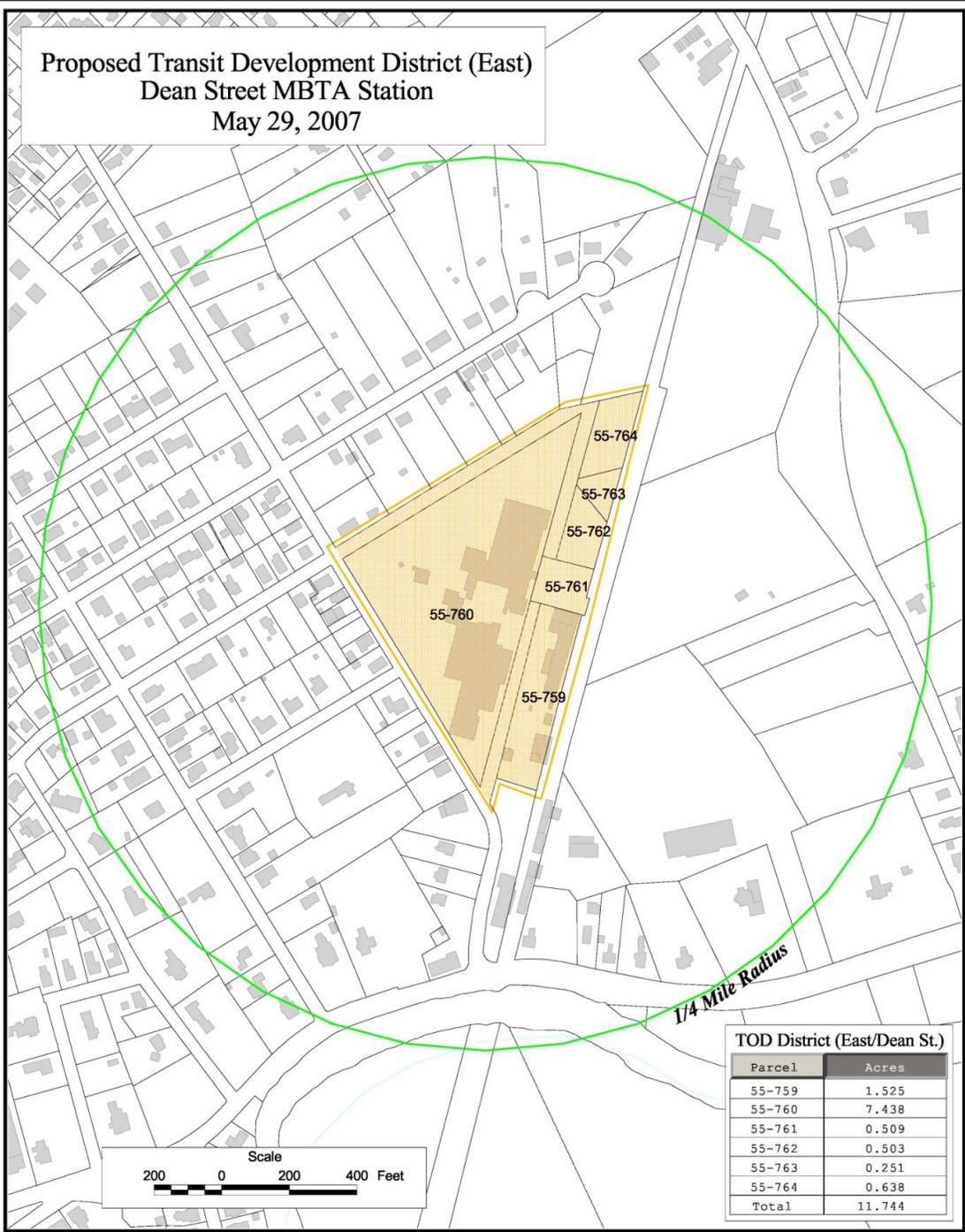
- 17.6.2** Developments within the TOD will provide a minimum five (5) foot wide sidewalk along both sides of ROW.
- 17.6.3** All cross walks shall be constructed to provide both a change in color and texture from regular roadway surface. Such changes shall be ADA compliant.
- 17.6.4** Lighting for street shall be limited to 15 feet in height and have shields directing light downward with a total cutoff of all light at less than ninety (90) degrees from vertical.
- 17.6.5** Parking standards for commercial uses may be reduced by 15% to 30% when applicant provides SPGA information showing there are different peak parking demand times by the various uses proposed within the development or the applicant provides financial assistance to GATRA shuttle operations.
- 17.6.6** Parking should be placed to the rear of the building. Residential units shall have a minimum of two parking spaces. Residential parking should be clearly marked or separated from commercial or MBTA Commuter parking.
- 17.6.7** Architectural details of all buildings including texture of wall and roof materials should reflect the existing historical architecture of the neighborhood and traditional New England Architectural features. Traditional New England features shall include but not be limited to elements such as sloped roofs and cupolas and elements of the federal, greek revival and/or Georgian styles.
- 17.6.8** Buildings shall be oriented parallel or perpendicular to the street.
- 17.6.9** Buildings shall be placed close to the street.
- 17.6.10** Long horizontal facades should be avoided by the incorporating of recesses and projections. Said recesses and projections shall be a minimum of ten (10) feet in width and two (2) feet in depth.
- 17.6.11** The mass, proportion and scale of the building, roof pitch and the proportions and the relationship between doors and windows should be harmonious to the surrounding buildings.
- 17.6.12** Signs shall be simple geometric shapes a maximum size of the two (2) feet by three (3) feet. Colors should be limited to two (2) or three (3) colors that compliment the building.
- 17.6.13** A minimum of 50% of the building's street façade(s) shall contain windows.
- 17.6.14** Complex roofs are encouraged with secondary roofs smaller and lower than the main roofline.
- 17.6.15** When an applicant is creating 5 or more dwelling units, the applicant shall provide a detailed affordable housing report to the SPGA on the current status of the number and percent of affordable units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. If the Board of Appeals determines the number of affordable units is below the percentage required under G.L. c 40B the applicant shall provide a minimum of 20% of the total number of units as affordable. An affordable dwelling unit is a dwelling unit available at a cost of no more than 30% of the gross household income of households at or below 80% of the Bristol County median income as reported by U.S. Department of Housing and Urban Development, including units listed under G.L. c 40B sec. 20-23 and the Commonwealth's Local Initiative Program. It is intended that the affordable

housing units that result from this bylaw be considered as Local Initiative Program (LIP) dwelling units in compliance with requirements for the same as specified by the Department of Community Affairs, Division of Housing and Community Development and that said units count towards the City's requirements under G.L. c 40B sec. 20-23. A deed restriction on the future resale or maximum leasing or renting charged shall be required by the SPGA.

17.7 Review Criteria

The SPGA shall use the review criteria as described in Section 15.2.5 of this bylaw and shall submit its findings in the written decision.

Proposed Transit Development District (East)
 Dean Street MBTA Station
 May 29, 2007



TOD District (East/Dean St.)

Parcel	Acres
55-759	1.525
55-760	7.438
55-761	0.509
55-762	0.503
55-763	0.251
55-764	0.638
Total	11.744

