

9.3 RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT (RDOD)

9.3.1 Purpose.

The purpose of the Residential Development Overlay District (RDOD) is to promote a lively, prosperous multi-family neighborhood close to existing municipal services and quality-of-life amenities. This bylaw encourages village-style residential development that interacts with the street. Specifically, this Bylaw is established to fulfill the following purposes:

1. To encourage village-style development and build a range of market-rate housing to meet the demands of young families and seniors; and
2. To meet the requirements of M.G.L. c. 40A § 3A.

9.3.2 Establishment and Applicability.

The area known as the Residential Development Overlay District shall be established as an overlay district, as shown on the official Town of Berkley Zoning Map, as amended. This Section shall apply only to those uses allowed hereunder. For all other uses, the underlying zoning shall remain in full force and effect. The Planning Board may adopt, and amend, rules and regulations for the administration of this Bylaw that are consistent herewith.

All lots and improvements in the RDOD shall be governed by this Section 9.3. If there is any conflict between Section 9.3 and other requirements of this Zoning Bylaw, the provisions of this Section 9.3 shall control, unless otherwise stated.

Any requirements within other sections of the Zoning Bylaw related to Multifamily Dwellings or Multifamily Uses shall not be required of Multi-Family Housing as defined herein unless specifically stated in this Section. If there are any conflicts between this Section 9.3 and any other provisions of the Zoning Bylaw, the provisions of this Section shall control as it relates to Multi-Family Housing as defined and allowed herein.

9.3.3 Site Plan Review.

As defined in Section 10.6 SITE PLAN REVIEW, the Planning Board shall be the designated Site Plan Review Authority. All proposed developments within the Residential Development Overlay District shall require site plan review and shall be subject to the provisions of the aforementioned section, as may be amended from time to time.

9.3.4 Definitions.

For the purposes of this Section 9.3 RESIDENTIAL DEVELOPMENT OVERLAY DISTRICT, the following definitions shall apply. Terms not defined herein shall have the meanings given under Section 11.0 DEFINITIONS of these Zoning By-Laws or under M.G.L. c. 40A.

1. **Applicant:** A person, business, or organization that applies for a building permit.
2. **As of right:** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. "As of right" uses may also be referred to as "by-right" uses.
3. **EOHLC:** The Executive Office of Housing and Livable Communities or any successor agency.

4. **Mixed-Use Development:** A development containing a mix of residential uses and non-residential uses, including, but not limited to, commercial, institutional, or other uses.
5. **Multi-Family Housing:** A residential building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
6. **Section 3A:** Section 3A of the Zoning Act.

9.3.5 Permitted Uses.

The following uses are permitted as of right within the Residential Development Overlay District:

1. **Multi-Family Housing.**
2. **Mixed-Use Development (provided the non-residential use is limited to the ground floor only).** Ground floor non-residential uses in a mixed-use development may only include the following:
 - a. **As of Right.**
 - Art gallery
 - Bakery
 - Bank or financial services office
 - For profit educational use
 - General services shop
 - Personal services shop
 - Professional or business office
 - Restaurant or other facility
 - Retail store
 - b. **Lobbies, Entry Spaces, and Circulation.** Lobbies, entry spaces, and general circulation areas for upper floor residential units shall be allowed on the first floor so long as they encompass no more than 10% of the ground floor.
3. **Accessory Uses.** The following uses are considered accessory as of right to any permitted uses described in Section 9.3.5 Permitted Uses:
 - a. Parking, including surface parking and parking within a structure such as an above ground or underground parking garage.
 - b. Other accessory uses, provided they meet the definition of “Accessory Building or Use” as defined in Section 11.0 DEFINITIONS.

9.3.6 Dimensional Standards.

Notwithstanding anything to the contrary in this Section 9.3, the dimensional requirements applicable in the Residential Development Overlay District are set forth in the Table of Dimensional Standards below. Landscaped buffer zones as defined in Section 9.3.7 Development Standards shall extend certain setbacks where required.

Table of Dimensional Standards	
Dimension	Standard
Minimum Lot Size (Square Feet)	40,000
Maximum Height (Stories)	2
Maximum Height (Feet)	35
Maximum Lot Coverage ¹ (%)	60
Minimum Open Space (%)	25
Minimum Lot Frontage (Feet)	100
Minimum Front Yard Setback (Feet)	15
Minimum Side Yard Setback (Feet)	20
Minimum Rear Yard Setback (Feet)	20
Maximum Units per Acre	15

1. **Multi-Building Lots.** In the Residential Development Overlay District, lots may have more than one principal building.
2. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
 - a. **Renewable Energy Installations.** The Planning Board may waive the height and setbacks in Section 9.3.6 Dimensional Standards to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

¹ "Lot coverage" refers to total ground-plane impervious surfaces.

9.3.7 General Development Standards.

The following General Development Standards shall apply to all developments within the Residential Development Overlay District, unless otherwise stated.

1. **Parking Requirements.** All proposed multi-family housing and mixed-use developments shall have 2 parking spaces per residential dwelling unit. For mixed-use developments, the parking standards for the non-residential portion of the building shall be as defined in Section 6.1.2 Table of Parking Requirements. Where possible, parking lots should be located behind the principal building(s) and should be screened from the primary right-of-way to encourage village-style neighborhood development.
2. **Signage.** Free-standing signs are limited in number to one per principal structure. All signage shall comply with the standards set in Section 6.2 SIGNS.
3. **Pedestrian amenities.** Pedestrian amenities such as benches, public art, planters, trash receptacles, etc. shall be provided and located along sidewalks, and in landscaped areas, open spaces, and plazas.
4. **Crosswalks.** All crosswalks shall be constructed to provide a change in color and/or-texture from the regular roadway surface. All crosswalks, sidewalks and walkways shall be ADA compliant.
5. **Lighting.** Access ways, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Lighting shall meet the following standards:
 - a. The luminaries/lighting fixtures shall be the shoe box type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and area lighting is unacceptable. All luminaries/lighting fixtures shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture shall only be visible from below.
 - b. Reflectors of proper distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.
 - c. The luminaries/lighting fixtures shall not exceed twenty (20) feet in height or the height of the building's roofline whichever is lower. The luminaries/lighting fixtures for sidewalks/paths shall not exceed 12 feet in height.
 - d. Where wall-pack type luminaries/lighting fixtures are utilized for outdoor lighting fixtures, the fixture shall be equipped with a prismatic lens to reduce glare. Wall-pack lighting shall be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of the wall-pack on the structure shall not exceed 20 feet in height.
 - e. All luminaries/lighting fixtures shall be restricted to a maximum foot-candle level of 8.0 (initial), as measured directly below the fixture at grade.
6. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited. A Landscaping Plan including information on the location, size, type and number of existing and proposed landscape features, including species selected for approval by the Planning Board or its agent, shall be provided. The use of drought resistant varieties is encouraged. Said plan may be required to be prepared, stamped and signed by a Landscape Architect registered in the Commonwealth of Massachusetts. Approval of the plan shall not be unreasonably withheld.

7. **Utilities.** All new utilities shall be placed underground.
8. **Stormwater Management.** Applicants must submit an Operations and Management Plan to the Board of Selectmen or its agent for both the construction activities and ongoing post-construction maintenance and reporting requirements that demonstrate compliance with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, and Massachusetts Erosion Sediment and Control Guidelines.
9. **Buildings.**
 - a. **Facades.** Horizontal facades greater than one hundred (100') feet should incorporate recesses and projections at a minimum of (10') feet in width and two (2') feet in depth to limit massing.
 - b. **Fenestration.** Mixed-use developments shall have a minimum fenestration of forty-five percent (45%) of the ground floor's street side facade(s).
10. **Buffers and Screening.**
 - a. **Screening for Parking.** Surface parking adjacent to a public sidewalk or an abutting property shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.
 - b. **Additional Screening.** Exposed storage areas, machinery, dumpsters, service areas, truck loading areas, utility buildings and structures shall be screened from the view of abutting uses and streets using plantings, fences, and other methods compatible with the goals of this bylaw.
11. **Waivers.** Upon the request of the applicant and subject to compliance with Section 3A and its associated rules and regulations, the Planning Board may waive one or more requirements of this Section 9.3.7 General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the Residential Development Overlay District.

9.3.8 Invalidity and Severability.

The invalidity of any section or provision of this Bylaw shall not affect the validity of any other provision thereof and said section or provision shall be deemed severable.

9.3.9 Exemptions.

The Planning Board shall have the right to waive strict compliance with the provisions of this by-law for municipal uses proposed within the Residential Development Overlay District.