

**ARTICLE 14. ZONING AMENDMENT TO ALLOW A PVDD THEATER USE
SOLELY IN A CERTAIN PORTION OF THE TRADITIONAL
NEIGHBORHOOD VILLAGE SUB-DISTRICT WITHIN THE
PLANNED VILLAGE DEVELOPMENT DISTRICT**

To see if the Town will vote to amend the Town of Lynnfield Zoning Bylaws in the following respects:

1. By amending Section 9.5.4 (Definitions) as follows:

By amending the definition of "Recreational Use" by inserting after the words "but not including a cinema" the words "other than a PVDD Theater", so that said definition, as so amended, would read:

"Recreational Use - The principal use or intended principal use of land or structures for relaxation, entertainment, amusement, sports, or the like, whether on a fee or non-fee basis, but not including a cinema other than a PVDD Theater."

By inserting at the end of said Section a new definition entitled: "PVDD Theater" as follows:

"PVDD Theater - A theater designed and constructed for the intended purpose of showing films or video for a fee, including providing a venue for occasional lectures or similar community events, whether or not for a fee, and which satisfies each of the following criteria:

- (a) no more than eight hundred (800) theater seats;
- (b) no more than eight (8) screens;
- (c) no more than 40,000 square feet of Gross Leasable Floor Area;
- (d) shall include premium seating and state of the art projection and sound and shall also include enhanced restaurant-style food and beverage service; and
- (e) the location is limited to that portion of the Traditional Neighborhood Village Sub-District labeled "PVDD Theater (Permissible Area)" as shown on the accompanying plan entitled "Warrant Article Exhibit Plan" dated December 11, 2018.

2. By amending Section 9.5.6 (Prohibited Uses or Activities in the PVDD) as follows:

In No. 14, by adding the words “except that a PVDD Theater shall be an allowed use only in the portion of the Traditional Neighborhood Village Sub-District shown on the plan referenced in Section 9.5.4” after the word “Cinema,” so that Subsection 14, as so amended, would read:

“Cinema, except that a PVDD Theater shall be an allowed use only in the portion of the Traditional Neighborhood Village Sub-District shown on the plan referenced in Section 9.5.4.”

3. By amending Section 9.5.7.4(b) (Height in Traditional Neighborhood Village Sub-District) by adding the following sentence at the end:

“The maximum height of a PVDD Theater, excluding such an unoccupied architectural feature, shall be one (1) story and forty-five (45) feet.”

So that Section 9.5.7.4(b), as so amended, would read as follows:

“(b) In the Traditional Neighborhood Village Sub-District, the maximum height of a one story building shall be thirty (30) feet, the maximum height of a two story building shall be forty-five (45) feet, provided further that an architectural feature of a building located at a corner or at the end of a streetscape may be permitted up to sixty (60) feet in height at locations designated in the Design Standards provided that the portion of the architectural feature above forty-five (45) feet is not occupied. The maximum height of a PVDD Theater, excluding such an unoccupied architectural feature, shall be one (1) story and forty-five (45) feet.”

4. By amending Table 9.5.8-1 (Parking) to add the following new line item after the “Residential Use” line item:

PVDD Theater	1 space per 3 seats.
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5. By amending Section 9.5.7.9 (Dimensional and Other Requirements) (Total allowable non-residential uses) by adding the following language:

In the first sentence thereof:

By adding the words “and PVDD Theater” after the word “recreational” and before the word “uses”;

By adding the words “and PVDD Theater” after the word “retail” and before the word “portions”;

By adding the words “and PVDD Theater” after the word “retail” and before the word “spaces”; and

By deleting the figure “50,000” and substituting the words and figure “not less than 29,000.”

In the second sentence thereof:

By deleting the figure “50,000” and substituting the figure “29,000”;

So that Section 9.5.7.9, as so amended, would read as follows:

“9. Total allowable non-residential uses. The total non-residential uses within the PVDD, including retail, restaurant, office, recreational and PVDD Theater uses, but excluding the 55,000 square feet of Gross Leasable Floor Area of the fitness facility in existence on the date of adoption of this Section 9.5, shall not exceed a total of 475,000 square feet of Gross Leasable Floor Area; provided, however, that this total shall include not less than 29,000 square feet of Gross Leasable Floor Area that is located solely on the second floor of a building; and provided further that, for retail and PVDD Theater portions of a Development Project, the difference between Gross Leasable Floor Area and the Gross Floor Area of all retail and PVDD Theater spaces shall not exceed five percent (5%). Nothing in this section shall limit the right of the Applicant to propose that greater than 29,000 square feet of Gross Leasable Floor Area be located on the second floor of a building, subject to compliance with the Dimensional Standards in this Section 9.5.7.”

6. By amending Section 9.5.7.11. Structured parking, by adding the following sentence at the end of Section 9.5.7.11(a):

“A parking structure with not less than 300 parking spaces to serve the needs of a PVDD Theater in the Traditional Neighborhood Village Sub-District shall be located only in that portion of said Sub-District in the location labeled “Parking Structure (Permissible Area)” on the plan referenced in Section 9.5.4.”

or to take any other action in connection therewith.

Submitted by BOARD OF SELECTMEN