

12/12/2022 DRAFT ZONING BYLAW AND ZONING MAP AMENDMENTS  
 MBTA COMMUNITIES – STAFF DRAFT

- 1) Amend the Official Zoning Map to add the following areas to the VOD:
  - a. Village Overlay District-1 (VOD-1) East Lexington
  - b. Village Overlay District-2 (VOD-2) Town Center
  - c. Village Overlay District-3 (VOD-3) Bedford Street/Worthen Road
  - d. Village Overlay District-4 (VOD-4) Bedford Street and Reed Street
  - e. Village Overlay District-5 (VOD-5) North Lexington
  - f. Village Overlay District-6 (VOD-6) Massachusetts Avenue/Marrett Road
  - g. Village Overlay District-7 (VOD-7) Massachusetts Avenue/Pleasant Street
  - h. Village Overlay District-8 (VOD-8) Marrett Square
  - i. Village Overlay District-9 (VOD-9) Marrett Road/Spring Street
  - j. Village Overlay District-10 (VOD-10) South Lexington

- 2) Amend § 2.2.5 Overlay Districts as follows (*underlined red text is language to be added*):

NFI	National Flood Insurance
TMO	Transportation Management Overlay
<u>VOD</u>	<u>Village Overlay Districts</u>

- 3) In § 135-10.0, add new definitions as follows:

**AFFORDABLE INCOME DWELLING UNIT**

Dwelling units available at a cost of no more than thirty (30) percent of gross household income to households not to exceed eighty (80) percent of the Area Median Income (AMI), adjusted for household size, of the Boston Metropolitan Statistical Area as most recently reported by the U.S. Housing and Urban Development (HUD), including units listed under M.G.L. Chapter 40B and the State’s Local Initiative Program, and eligible for inclusion on MA Department of Housing and Community Development’s Subsidized Housing Inventory.

**MODERATE INCOME DWELLING UNIT**

Dwelling units available at a cost between eighty (80) and one-hundred fifty (150) percent of gross household income of the Area Median Income (AMI), adjusted for household size, of the Boston Metropolitan Statistical Area as most recently reported by the U.S. Housing and Urban Development (HUD).

**INCLUSIONARY DWELLING UNIT**

A dwelling unit, the sale, lease, or rental of which is permanently restricted with limits on the household income or assets of occupants, sale price, and rent though a deed rider or other restriction acceptable to the Town.

**PERSONAL SERVICES ESTABLISHMENT**

An establishment primarily engaged in providing services involving the care of a person or their apparel and household possessions, such as a barber or beauty parlor, laundry or dry cleaning, tailor, dressmaker or shoe repair.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)**

Refers to the Massachusetts Department of Housing and Community Development which is part of the Executive office of Housing and Economic Development.

4) Add a new § 135-7.5 as follows:

**7.5 VILLAGE OVERLAY DISTRICT (VOD) DISTRICTS.**

**7.5.1 Purpose.** The purpose of the Village Overlay District (VOD) is as follows:

1. To promote a village-style mix of retail, restaurant, office, civic, personal service uses, and multi-family housing in select areas;
2. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
3. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
4. To respond to the local and regional need for affordable housing by providing more variety of housing types with inclusionary housing requirements;
5. To help alleviate traffic congestion by allowing more housing near public transportation;
6. To encourage economic investment for the redevelopment of properties;
7. To generate positive tax revenue by providing as-of-right redevelopment opportunities and encouraging mixed-use to provide a customer base for local businesses;
8. To provide family supportive housing and ensure compliance with MGL c. 40A, § 3A of the Zoning Act applicable to MBTA Communities;
8. To provide a range of housing types in a variety of locations throughout town, increase the supply of subsidized housing, and further fair housing, as identified in the housing element of the adopted 2022 Lexington NEXT Comprehensive Plan.

- 7.5.2 Location.** 10 distinct Village Area Overlay Districts – VOD-1, VOD-2, VOD-3, VOD-4, VOD-5, VOD-6, VOD-7, VOD-8, VOD-9, VOD-10 – are herein established as overlay districts as shown on the Official Zoning Map and incorporated in and made a part of this Bylaw as described herein. The Village District consist of the traditional neighborhood retail cores with a mixture of residential, commercial, government, and religious uses.

Village Overlay District-1 (VOD-1) East Lexington

Village Overlay District-2 (VOD-2) Town Center

Village Overlay District-3 (VOD-3) Bedford Street/Worthen Road

Village Overlay District-4 (VOD-4) Bedford Street and Reed Street

Village Overlay District-5 (VOD-5) North Lexington

Village Overlay District-6 (VOD-6) Massachusetts Avenue/Marrett Road

Village Overlay District-7 (VOD-7) Massachusetts Avenue/Pleasant Street

Village Overlay District-8 (VOD-8) Marrett Square

Village Overlay District-9 (VOD-9) Marrett Road/Spring Street

Village Overlay District-10 (VOD-10) South Lexington

- 7.5.3 Overlay District.** The VOD shall not supersede the other zoning districts, but shall be superimposed over these other zoning districts, except if an applicant elects to develop under this section, the requirements of this Section shall apply.
- 7.5.4 Applicability.** The provisions of this section shall apply to developments located within the VOD that elect to comply with the requirements of this section, rather than complying with the underlying base zoning. The zoning may apply to any parcel or set of parcels within any of the VOD.
- 7.5.5 Granting Authority.** The Planning Board shall be the Site Plan Review Granting Authority for all VOD approvals. Development under this section requires a VOD Site Plan review approval issued by the Planning Board in compliance with the provisions of this Section. Any special permits which may otherwise be required pursuant to this Bylaw shall be consolidated into the VOD Site Plan approval. In such case, the special permit shall be acted upon by the Planning Board in accordance with this section, regardless of which board is designated as the special permit granting authority. All special permits or other site plan reviews shall be consolidated into the site plan review VOD approval and no separate filing is required.
- 7.5.6 Procedures and Regulations.** Procedures for Site Plan Review shall be consistent with § 135-9.5.4 of this Bylaw. The Planning Board shall adopt Zoning Regulations for the administration of this Section such as but not limited to, submittal requirements, application fees, review procedures, reimbursement for consultants, and more specific review criteria for consideration of VOD site plan review applications.
- 7.5.7 Permitted Uses.** A mix of residential and non-residential uses are encouraged and permitted as-of-right upon grant of site plan approval from the Planning Board. The ground floor or front façade of a building or a mixed-use residential and commercial

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building is encouraged to be occupied by non-residential uses. [Note: The uses need further review with Planning Board members & with Zoning & Building Staff]

Retail Goods and Sales	Restaurant	Fast-Food, not to exceed 7,500 SF
Take-out food service, not to exceed 7,500 SF	Catering services	Indoor athletic facility, not to exceed 10,000 SF
Multi-Family Dwellings	Bed-and Breakfast	Child Care Facility
Medical, dental, psychiatric office	Business or Professional Office	Office Space
Beauty Parlor or Barber Shop	Tailor, dress making, shoe repair	Banking Services
Travel, Insurance, or Ticket Agency	Photography studio	Artisan work space
Household repair shops	Veterinarian	Pet Grooming
Museum, Art Gallery, Library	Nonprofit or charitable organization	Religious institution
Accessory uses as listed in Table 1 Section A.2.0 for residential uses, excluding storage of unregistered vehicles A2.016	Personal Services	Convenience goods
General Merchandise	Food Establishment	Grocery Store, not to exceed 7,500 SF
Hardware store, not to exceed 7,500 SF	Ice cream parlor	Coffee shop
Educational uses	Bakery	Makers space
Radio/television studio	Grocery, not to exceed 10,000 SF	Caterer
Real Estate Sales or Rental Office, not to exceed 7,500 SF		

**Prohibited Uses:** Motor vehicle sales or rental, service station, motor vehicle maintenance and repair, car wash, storage facility, and storage of automobiles as a principal use. Any use not specifically permitted in a VOD development is only permitted upon the written determination from the Zoning Administrator or Building Commissioner after a review of a detailed description of the proposed use not mentioned that is compatible with a residential use and the stated purpose of § 7.5.

**7.5.8 Dimensional controls.** The dimensional controls are as follows for lots containing multi-family housing and lots containing mixed-use (non-residential use and dwelling units) permitted under this section. There is no minimum lot frontage, lot coverage, lot width, or floor area ratio requirements. § 4.1.4 (more than on building on a lot), § 4.3.1 (Height of Dwellings Near Lot Lines), § 5.3.4 (Transition Areas), § 8.3 & 8.4 (Nonconforming

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structures) do not apply. In all cases, there shall be sufficient separation between any two structures to allow emergency vehicle access.

	VOD 1	VOD 2	VOD 3	VOD 4	VOD 5	VOD 6	VOD 7	VOD 8	VOD 9	VOD 10
<b>Minimum Lot Area</b>	4,000 SF	4,000 SF	30,000 SF	10,000 SF	7,000 SF	15,000 SF	7,000 SF	10,000 SF	5,000 SF	20,000 SF
<b>Maximum Building Height</b>	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 30% of GFA Commercial 72 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. <sup>1</sup> ; Mixed with at least 25% of GFA Commercial 55 ft.
<b>Minimum Front Yard Setback</b>	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial NR	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial NR	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 5 ft.	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 5 ft.	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 05 ft.	20 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 10 ft.	20 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 10 ft.	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 5 ft.	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 5 ft.	15 ft. setback for first 1 <sup>st</sup> floor residential; first floor commercial 5 ft.
<b>Minimum Side Yard Setback</b>	10 ft.	NR	15 ft.	15. ft.	20 ft.	30 ft.	30 ft.	20 ft.	20 ft.	20 ft.
<b>Minimum Rear Yard Setback</b>	10 ft.	10 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.

**Notes:** NR = None required

**Note 1** = The setback for first floor or front façade residential shall include a setback for a public amenity area. Public amenity space shall include an area available for the property residences and semi-public use such as landscaping, benches, tables, chairs, play areas, public art or similar feature to be approved by the Planning Board. Parking is not permitted in the front public amenity setback.

**7.5.9 Density.** Multi-family residential dwelling units are permitted as-of-right, subject to VOD-Site Plan Review approval. VOD Developments proposing ground floor or front façade commercial uses are permitted additional height and reduced front yard setback.

**7.5.10 Off-Street Parking and Loading.** The provisions of § 5.1 (Off Street Parking and Loading) are modified as follows for projects under this section:

The minimum number of parking spaces required in § 5.1.4 (Table of Parking Requirements) for dwelling units and bred-and-breakfast units is decreased to 0.5 per unit and the maximum allowable number of parking spaces is no more than two (2) spaces per dwelling.

Non-residential uses shall comply the same as the Center Business with the provisions of § 5.1.4 (Table of Parking Requirements).

Developments under this section may provide fewer parking spaces where in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may consider complementary uses, proximity to public transportation, transportation demand management (TDM) measures, and shared parking arrangements at the Board's discretion.

- 7.5.11 Inclusionary Housing.** Where any project in a VOD will result in the development of eight (8) or more dwelling units, 10% of the total number of dwellings, unless a higher percentage of affordable and/or moderate income dwelling units is permitted by DHCD but not more than 20% of a project, rounded up in all cases, shall be restricted to meet the definition of Affordable Income Dwelling Unit as defined in Section 10 and eligible for listing on the Town's Subsidized Housing Inventory (SHI). All affordable units shall be contained within the VOD project, unless an off-site alternative is secured through Local Initiative Program and Massachusetts Department of Housing Community Development (DHCD) approval is obtained prior to occupancy of any of the VOD market-rate units. All affordable or moderate-income units shall be indistinguishable from the market rate units and scattered proportionally throughout the development. All income-restricted units shall be in perpetuity for the life of the project. The Planning Board shall adopt regulations consistent with this section and DHCD Compliance Guidelines to detail the process and form of legal restrictions required for affordable and moderate dwelling units. All income-restricted units shall receive Local Initiative and DHCD approval prior to occupancy of the market rate units.
- 7.5.12 Density Bonus.** For every one (1) affordable or moderate-income dwelling unit above the minimum number required by this § 7.5.11 of this bylaw, a bonus of \_\_\_\_\_ TBD? \_\_\_\_\_
- 7.5.13 Number of Bedrooms.** Residential VOD projects where more than ten (10) dwelling units are proposed shall have at least 10% of the total number of dwellings as three (3) bedroom units to provide family supportive housing.
- 7.5.14 Playground and Recreation Areas.** Any project proposing forty (40) or more dwellings shall provide an outdoor play area or common space. The play area or common space shall be appropriate for use by families with children and may include features such as swings, jungle-gyms, slides, tables, chairs, benches and similar features. Areas shall incorporate universal design standards and be accessible to all users.
- 7.5.15 Outdoor Lighting.** Exterior lighting shall be pursuant to the standards of § 5.4 of the Zoning Bylaw.
- 7.5.16 Traffic Standards.** Traffic provisions shall be pursuant to § 5.5 of the Zoning Bylaw permitted as a site plan review approval, unless the development is in a Transportation Management Overlay District (TMOD) which then the applicant has the option to opt-in to the TMOD instead of complying to § 5.1 and § 5.5 of the Zoning Bylaw.

**7.5.17 Approval Decision and Conditions.** A site plan review approval shall be granted upon the determination of the Planning Board that the application meets the objectives cited in the purpose of this section and the proposal complies with the requirements of this section. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by case law and DHCD’s Compliance Guidelines, time or use at the expense of the applicant, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access, circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.

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