

12/~~1221~~/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)1) 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>VODVLO</u>	<u>Village Low-Rise Overlay Districts</u>
<u>VMO</u>	<u>Village Mid-Rise Overlay</u>

2)2) 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

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~~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.~~

FLOOR AREA RATIO, RESIDENTIAL

The ratio of the sum of the net floor areas of all dwelling units on a lot to the developable site area of the lot.

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

FLOOR AREA RATIO, NONRESIDENTIAL

The ratio of the sum of the net floor area excluding dwelling units of all buildings on a lot to the developable site area of the lot.

4) Add a new §135-7.5 as follows:

7.5 VILLAGE LOW-RISE AND MID-RISE OVERLAY DISTRICT (VOD) DISTRICTS.

7.5.1 Purpose. The ~~purpose~~purposes of the Village Low-Rise and Mid-Rise Overlay District (VOD) ~~is as follows~~(VLO and VMO) Districts are:

1. ~~1.~~ 1. To promote a village-style mix of retail, ~~restaurant sales, food service,~~ office, civic, and personal service uses, ~~and together with~~ multi-family housing in ~~select~~selected areas;
2. ~~2.~~ 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. ~~3.~~ 3. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
4. ~~4.~~ 4. To respond to the local and regional need for affordable housing by providing ~~more~~permitting a variety of housing types with inclusionary housing requirements;
5. To help alleviate traffic congestion by allowing more housing near public transportation;
5. ~~6.~~ 6. To encourage economic investment ~~for~~in the redevelopment of properties;
6. ~~7.~~ 7. To generate positive tax revenue by providing as-of-right redevelopment opportunities and encouraging mixed-use ~~a mix of residential and commercial uses~~ to provide a customer base for local businesses;

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7. ~~8.~~ To provide family ~~supportive~~ housing and ensure compliance with MGL c. 40A, ~~§ 3A~~ of the Zoning Act applicable to MBTA Communities; and
 8. ~~8.~~ To ~~provide a range~~ meet the goals of housing types in a variety of locations throughout town, increase the supply of subsidized housing, and further fair housing, as identified in the ~~the~~ housing element of the ~~adopted~~ 2022 Lexington NEXT/LexingtonNEXT 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 District. These 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.** ~~them.~~ The provisions of this section shall apply only to developments on a lot located within ~~the VOD~~ these districts that elect to comply with ~~the requirements of this section~~ them, rather than complying with ~~those of~~ the underlying base zoning. The zoning may apply to any parcel or set of parcels within any of the VOD zoning district.
- 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.

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~~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.~~

~~7.5.7.5.3 Procedures and Regulations. Development under this section requires Site Plan review by the Planning Board under §9.5. The Planning Board may adopt regulations to facilitate site layouts, quality building designs, and purposeful outdoor amenity spaces that create vibrant residential communities that benefit the residents of the development and the town.~~

~~7.5.4 Permitted Uses. A mix of residential and non-residential~~

- ~~1. All developments under this section shall include multi-family housing.~~
- ~~2. Developments may contain uses are encouraged and permitted in the underlying district.~~
- ~~3. Developments may contain any other nonresidential principal use permitted in any zoning district, except the following:

 - ~~a. Motor vehicle sales or rentals as of right upon grant of site plan approval from the Planning Board. The ground floor~~
 - ~~b. Sale of fuel, motor oil, or other motor vehicle parts or accessories~~
 - ~~c. Cleaning, maintenance, and repair of motor vehicles~~
 - ~~d. Storage facilities~~~~

~~7.5.5 Dimensional controls. The dimensional controls of §4.0 are modified as follows for developments under this section:~~

- ~~1. §4.1.4 (One Dwelling Per Lot) does not apply.~~
- ~~2. §4.2.2 (Lot Regularity), §4.2.3 (Lot Area), and §4.2.4 (Lot Frontage) do not apply to lots with existing buildings.~~
- ~~3. §4.3.5 (Height of Dwellings Near Lot Lines) does not apply.~~
- ~~4. The minimum front yard in feet is the lesser of that required in the underlying zoning district and 15 feet, except that where 50% or more of the front façade of a building or a mixed-use residential and commercial building is encouraged to be the lowest story is occupied by non-residential/nonresidential principal uses. [Note: The uses need further review with Planning Board members & with Zoning & Building Staff], no front yard is required.~~
- ~~5. The minimum side yard in feet is the lesser of that required in the underlying zoning district and that shown below:~~

Retail Goods and Sales <u>If Actual Lot Frontage Is</u>	Restaurant <u>Side Yard Must Be At Least</u>	Fast Food, no exceed 7,500 SF Deleted Cells
More than 100 feet	15 feet	

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<u>Take-out food service, not to exceed 7,500 SF</u> <u>More than 75 feet but not more than 100 feet</u>		<u>Catering services</u> <u>12 feet</u>	<u>Indoor athletic facility, not to exceed 10,000 SF</u>	Deleted Cells
<u>Multi-Family Dwellings</u>	<u>Bed and Breakfast</u>	<u>Child Care Facility</u>		
<u>Medical, dental, psychiatric office</u>	<u>Business or Professional Office</u>	<u>Office Space</u>		
<u>Beauty Parlor or Barber Shop</u>	<u>Tailor, dress-making, shoe repair</u>	<u>Banking Services</u>		
<u>Travel, Insurance, or Ticket Agency</u>	<u>Photography studio</u>	<u>Artisan work space</u>		
<u>Household repair shops</u>	<u>Veterinarian</u>	<u>Pet Grooming</u>		
<u>Museum, Art Gallery, Library</u>	<u>Nonprofit or charitable organization</u>	<u>Religious institution</u>		
<u>Accessory uses as listed in Table 1 Section A.2.0 for residential uses, excluding storage of unregistered vehicles A2.016</u>	<u>Personal Services</u>	<u>Convenience goods</u>		
<u>General Merchandise</u>	<u>Food Establishment</u>	<u>Grocery Store, not to exceed 7,500 SF</u>		
<u>Hardware store, not to exceed 7,500 SF</u>	<u>Ice cream parlor</u>	<u>Coffee shop</u>		
<u>Educational uses</u>	<u>Bakery</u>	<u>Makers space</u>		
<u>Radio/television studio</u>	<u>Grocery, not to exceed 10,000 SF</u> <u>More than 50 feet but not more than 75 feet</u>	<u>Caterer</u> <u>10 feet</u>		Deleted Cells
<u>Real Estate Sales or Rental Office, not to exceed 7,500 SF</u> <u>More than 0 feet but not more than 50 feet</u>		<u>7.5 feet</u>		Deleted Cells

6. ~~Prohibited Uses:~~ The minimum rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
7. The maximum residential floor area ratio is the greater of the maximum nonresidential floor area ratio permitted in the underlying district, 0.9 in the VLO District, and 1.5 in the VMO District.
8. The maximum nonresidential floor area ratio is the greater of that permitted in the underlying district and the residential floor area ratio.
9. The site coverage is not restricted.
10. The maximum height of buildings in the VLO District is 40 feet.
11. The maximum height of buildings in the VMO District is 45 feet.
12. Where 15% or more of the total net floor area of the development is occupied by nonresidential principal uses, the maximum height of buildings is increased by 25 feet.
13. The number of stories is not restricted.

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~~7.5.6 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 one building on a lot), § 4.3.1 (Height of Dwellings Near Lot Lines), § 5.3.4 (Transition Areas), § 8.3 & 8.4 (Nonconforming 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
Minimum Lot Area	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
Maximum Building Height	100% Residential 40 ft. ³ ; Mixed-with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% of GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 30% GFA Commercial 72 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.	100% Residential 40 ft. ³ ; Mixed-with at least 25% GFA Commercial 55 ft.
Minimum Front Yard Setback	15 ft. setback for first-1* floor residential; first floor commercial NR	15 ft. setback for first-1* floor residential; first floor commercial NR	15 ft. setback for first-1* floor residential; first floor commercial 5 ft.	15 ft. setback for first-1* floor residential; first floor commercial 5 ft.	15 ft. setback for first-1* floor residential; first floor commercial 05 ft.	20 ft. setback for first-1* floor residential; first floor commercial 10 ft.	20 ft. setback for first-1* floor residential; first floor commercial 10 ft.	15 ft. setback for first-1* floor residential; first floor commercial 5 ft.	15 ft. setback for first-1* floor residential; first floor commercial 5 ft.	15 ft. setback for first-1* floor residential; first floor commercial 5 ft.
Minimum Side Yard Setback	10 ft.	NR	15 ft.	15 ft.	20 ft.	30 ft.	30 ft.	20 ft.	20 ft.	20 ft.
Minimum Rear Yard Setback	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.

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~~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:~~

- ~~1.~~ The ~~minimum number of parking spaces required in § 5.1.4 (Table of Parking Requirements) factor~~ for dwelling units, ~~rooming units,~~ and ~~bed-and-breakfast units~~ is decreased to 0.5 per unit ~~and the maximum allowable number of~~
- ~~1-2.~~ The parking spaces is no more than two (2) spaces per dwelling ~~factor for other uses shall be taken from §5.1.4 (Table of Parking Requirements) for the CB District.~~

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

- ~~2-3.~~ ——— 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.

~~7.5.7~~ Landscaping, Transition and Screening. The provisions of §5.3 (Landscaping, Transition and Screening) are modified as follows:

- ~~1.~~ Transition areas under §5.3.4 (Transition Areas) and §5.3.5 (Required Depth or Width (in feet) of Transition Area) are required only along the boundary of the overlay district and shall have a depth of 5 feet.

~~7.5.8~~ Traffic Standards. §5.5 (Traffic Standards) does not apply.

~~7.5.9~~ Bed-and-Breakfast Homes. The provisions of §6.5 (Bed-and-Breakfast Home) are modified as follows:

- ~~1.~~ §6.5.2 (Conditions and Requirements; General) is modified to permit bed-and-breakfast homes in multi-family housing.
- ~~2.~~ §6.5.3 (Conditions and Requirements; Exterior Appearance) does not apply.

~~7.5.10~~ Planned Development Districts. The provisions of §7.3 (Planned Development Districts) are modified as follows:

- ~~1.~~ Notwithstanding §7.3.2.3 (Compliance Required) and §7.3.3 (Existing RD and CD Districts), development under this section, development of related accessory structures and improvements, and removal of existing structures and improvements need not conform to the preliminary site development and use plan.

~~7.5.11~~ Nonconforming Off-Street Parking and Loading. The provisions of §8.7 are modified as follows:

- ~~1.~~ §8.7.1.2 (Increase in Floor Area) does not apply.
- ~~2.~~ §8.7.2 (Reconstruction or Replacement of a Building) does not apply.

7.5.12 Inclusionary Housing. ~~Where~~

- ~~1. In any project in a VOD will result in the development of eight (8) containing ten (10) or more dwelling units, 10% of the total number of dwellings, unless a higher percentage of affordable and/or moderate income at least 10%, rounded down, of the dwelling units is permitted by DHCD but not more shall be Inclusionary Dwelling Units with a household income limit not less than 20% of a project, rounded up in all cases, shall be restricted to meet the definition of Affordable 80% of the Area Median Income Dwelling Unit as defined in Section 10 and eligible for listing on the Town's Subsidized Housing Inventory (SHI). All affordable units.~~
- ~~2. Inclusionary dwelling 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 substantially similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable dwelling units. All affordable or moderate income units shall be indistinguishable from the market rate units and scattered proportionally in the same dwelling.~~
- ~~3. Inclusionary dwelling units shall be dispersed throughout the development. All income-restricted units shall be in perpetuity for rather than concentrated within particular sections of a dwelling or within particular dwellings.~~
- ~~4. Occupants of inclusionary dwelling units shall have similar access to common areas, facilities, and services as enjoyed by other occupants of the development including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.~~
- ~~5. Alternative arrangements.~~
 - ~~a. Inclusionary dwelling units required by a development may be located on lots elsewhere in the life of the project. The Town.~~
 - ~~b. Inclusionary dwelling units may be created by conversion of existing dwelling units.~~
- ~~4-6. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, shall adopt regulations consistent with this section and DHCD Compliance Guidelines to detail the process and state guidelines implementing MGL c. 40A §3A and this section concerning the number, size, physical characteristics, location, and access to services of inclusionary dwelling units; defining limits on the household income of occupants, sale price, and rent of inclusionary dwelling units; and the form of required legal restrictions required for affordable and moderate. These regulations may require different income limits, additional inclusionary dwelling units. All income-restricted, or payments in lieu of inclusionary dwelling units shall receive Local Initiative and DHCD approval prior to occupancy of the market rate units. extent permitted by the state guidelines.~~
- ~~2-7. 7.5.12 Density Bonus. For every one (1) Certificate of occupancy. No certificate of occupancy shall be issued for multi-family housing until an affordable or moderate-income housing restriction for any inclusionary dwelling unit above units is executed, submitted to the minimum number Town, and, to the extent required by this § 7.5.11 of this bylaw, a bonus of _____ TBD? _____, recorded.~~

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~~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 development containing~~ forty (40) or more ~~dwellings/dwelling units~~ 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 Amend the Zoning Bylaw.~~

4) ~~7.5.16 **Traffic Standards.** Traffic provisions shall be pursuant to Map to add the following areas 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.~~ the VLO District:

- ~~a. East Lexington~~
- ~~b. Town Center~~
- ~~c. Bedford Street/Worthen Road~~
- ~~d. Bedford Street/Reed Street~~
- ~~e. Massachusetts Avenue/Marrett Road~~
- ~~f. Massachusetts Avenue/Pleasant Street~~
- ~~g. Marrett Road/Waltham Street~~
- ~~h. Marrett Road/Spring Street~~

~~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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- ~~i. Concord Avenue/Waltham Street~~

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- 5) Amend the Zoning Map to add the following areas to the VMO District:
 - a. Bedford Street/Hartwell Avenue

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