

12/30/2022 DRAFT VILLAGE OVERLAY ZONING BYLAW AND ZONING MAP AMENDMENTS
MBTA COMMUNITIES – PLANNING BOARD DRAFT

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

NFI	National Flood Insurance
TMO	Transportation Management Overlay
<u>VLO</u>	<u>Village Low-Rise Overlay</u>
<u>VMO</u>	<u>Village Mid-Rise Overlay</u>

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

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.~~

- 24) Amend §135-10.0, add new definition as follows:

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.

- 3) Amend §135-9.5.6 Limited Review Standards as follows (*underlined text is language to be added*):

1. The Planning Board in its Zoning Regulations shall establish reasonable standards for site plan review of educational, religious, multi-family housing, and child care uses protected under MGL c. 40A, § 3. **[for PB review, and review by Town Counsel]**

- 4) Add a new §135-7.5 as follows:

7.5 VILLAGE LOW-RISE AND MID-RISE OVERLAY DISTRICTS.

7.5.1 Purpose. The purposes of the Village Low-Rise and Mid-Rise Overlay (VLO and VMO) Districts are:

- ~~1. To promote a village style mix of retail sales, food service, office, civic, and personal service uses together with multi-family housing in selected areas;~~
1. To promote multi-family housing near retail sales, food services, office, civic, and personal service uses;
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;

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4. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
5. To encourage economic investment in the redevelopment of properties;
6. ~~To generate tax revenue by providing as-of-right redevelopment opportunities and encourage a mix of~~ residential and commercial uses to provide a customer base for local businesses;
7. To provide family housing and ensure compliance with MGL c. 40A §3A applicable to MBTA Communities; and
8. To meet the goals of the housing element of the 2022 LexingtonNEXT Comprehensive Plan.

7.5.2 Overlay District. These districts shall not supersede other zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located within these districts that elect to comply with them, rather than complying with those of the underlying zoning district.

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.

1. All developments under this section shall include multi-family housing.
2. Developments may contain uses permitted in the CN, CRS, CB, CLO underlying district.
3. Developments may contain any other nonresidential principal use permitted in the CN, CRS, CB, and CLO any zoning district, except the following:
 - a. Motor vehicle sales or rental
 - 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 the lowest story is occupied by nonresidential principal uses, no front yard is required. Front yard areas shall be amenity space available for the property residences and semi-public use such as landscaping, benches, tables, chairs, play areas, public art or similar feature. Parking is not permitted in the front setback.

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5. The minimum side yard in feet is the lesser of that required in the underlying zoning district and that shown below:

If Actual Lot Frontage Is	Side Yard Must Be At Least
More than 100 feet	15 feet
More than 75 feet but not more than 100 feet	12 feet
More than 50 feet but not more than 75 feet	10 feet
More than 0 feet but not more than 50 feet	7.5 feet

6. 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.~~7. The site coverage is not restricted.

~~10.~~8. The maximum height of buildings in the VLO District is 40 feet.

~~11.~~9. The maximum height of buildings in the VMO District is 45 feet.

~~12.~~10. Where ~~15~~20% or more of the total net floor area of the development is occupied by nonresidential principal uses on the ground floor, the maximum height of buildings is increased by 25 feet. **Height & percentage of non-residential for Board Discussion.**

~~13.~~11. The number of stories is not restricted.

7.5.6 Off-Street Parking and Loading. The provisions of §5.1 (Off Street Parking and Loading) are modified as follows:

1. The parking factor for dwelling units, ~~rooming units, and bed and breakfast units~~ is decreased to 0.5 per unit.
2. The parking factor for other uses shall be taken from §5.1.4 (Table of Parking Requirements) for the CB District.
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 where it abuts another zoning district ~~and~~ shall have a depth of 5 feet in the VLO and 20 feet in the VMO.

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

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~~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.~~

7.5.910 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.

7.5.101 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.

7.5.112 Inclusionary Housing.

1. ~~In any development containing ten (10) or more dwelling units, at least 10%, rounded down, of the dwelling units shall be Inclusionary Dwelling Units with a household income limit not less than 80% of the Area Median Income~~ and eligible for inclusion on the DHCD's Subsidized Housing Inventory.
2. Inclusionary dwelling units shall be substantially similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable dwelling units in the same dwelling.
3. Inclusionary dwelling units shall be proportionally dispersed throughout the development rather than concentrated within particular sections of a dwelling or within particular dwellings.
4. Occupants of inclusionary dwelling units shall have the similar ~~same~~ 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 Town.~~

~~b. Inclusionary dwelling units may be created by conversion of existing dwelling units.~~

~~6.5.~~ The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, ~~shall~~ may adopt regulations consistent with state compliance guidelines implementing MGL c. 40A §3A and this section to facilitate equitable execution of the inclusionary units. ~~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. These regulations may require different income limits, additional inclusionary dwelling units, or payments in lieu of inclusionary dwelling units to the extent permitted by the state guidelines.~~

~~7.6.~~ Certificate of occupancy. No certificate of occupancy shall be issued for multi-family housing until an affordable housing restriction for any inclusionary dwelling units is executed, submitted to the Town, and, to the extent required, recorded.

7.5.123 Playground and Recreation Areas. Any development containing forty (40) or more 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.

7.5.13 Approval Criteria 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.

5) Amend the Zoning Map to add the following areas to 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
- i. Concord Avenue/Waltham Street
- i-j. Eldred Street/Ivan Street

6) Amend the Zoning Map to add the following areas to the VMO District:

- j-k. Bedford Street/Hartwell Avenue