

AMEND ZONING BYLAW AND MAP – VILLAGE OVERLAY DISTRICTS  
– PLANNING BOARD REVISED 2/15/23

**ARTICLE 34**

**AMEND ZONING BYLAW AND MAP  
MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Bylaw and Map to create districts permitting multi-family housing or mixed-use developments by right; or act in any other manner in relation thereto.

*(Inserted by the Select Board at the request of the Planning Board)*

**DESCRIPTION:**

This article implements the requirements of M.G.L. c. 40A § 3A by establishing new overlay zoning districts on the Zoning Map and amending the Zoning Bylaw to permit multi-family housing and mixed-use developments with an as-of-right approval process within those new districts.

**MOTION:**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

- 1) Add rows to the table in § 135-2.2.5 (Overlay Districts) as follows:

VO	Village Overlay
VMO	Village Mid-Rise Overlay
VHO	Village High-Rise Overlay

- 2) In § 135-10.0, add a new definition as follows:

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

The Massachusetts Department of Housing and Community Development.

- 3) Add a new § 135-7.5 as follows:

**7.5 VILLAGE OVERLAY DISTRICTS.**

**7.5.1 Purpose.** The purposes of the Village Overlay (VO, VMO, and VHO) Districts are:

1. To provide family housing and ensure compliance with MGL c. 40A § 3A
2. To promote multi-family housing near retail sales and services, office, civic, and personal service uses;
3. 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;
4. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
5. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
6. To encourage economic investment in the redevelopment of properties;
7. To encourage residential and commercial uses to provide a customer base for local businesses; and
8. To meet the goals of the housing element of the 2022 LexingtonNEXT Comprehensive Plan.

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- 7.5.2** Overlay District. Village Overlay Districts shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within Village Overlay Districts where the property owner has elected to comply with the requirements of the Village Overlay District, 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 shall adopt regulations to facilitate site layout, building design, and outdoor amenity spaces. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and DHCD's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.
- 7.5.4** Permitted Uses.
1. All developments under this section shall include multi-family housing. All residential uses under this section shall be multi-family housing.
  2. Developments may also include uses permitted in an underlying zoning district.
  3. Where the underlying zoning district is the CB District, at least 30% of the net floor area of the street floor shall be occupied by uses permitted on the street floor in the CB District. The greater of 20% of the center storefront or 20 ft. may be dedicated to residential uses.
  4. Developments in the VMO district may contain other nonresidential uses on the street floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
    - a. The following uses are not permitted:
      - i. Medical clinic for outpatient services
      - ii. Motor vehicle sales or rental
      - iii. Sale of fuel, motor oil, or other motor vehicle parts or accessories
      - iv. Cleaning, maintenance, and repair of motor vehicles
      - v. Private postal service
    - b. Nonresidential uses in the CRS or CB District that require a special permit shall require a special permit.
    - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), G.2.0 shall not apply.
  5. Accessory Uses for residential uses are permitted to the same extent they would be permitted in the RO District.
- 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. § 4.4 (Residential Gross Floor Area) does not apply.
  5. Nonresidential FAR is not restricted.

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6. The minimum required front yard in feet is the lesser of that required in the underlying zoning district or 15 feet, except that where 50% or more of the front façade of the street floor is occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be used as amenity space available for residences and semi-public uses such as landscaping, benches, tables, chairs, play areas, public art or similar features. Parking spaces are not permitted in the minimum required front yard.
7. The minimum required 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

8. The minimum required rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
9. The site coverage is not restricted.
10. The maximum height in feet of buildings is:

District	VO	VMO	VHO
Height in feet	52	40*	70*

11. \*In the VMO District:
  - a. Where at least 30% of the total net floor area of the street floor of the development is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 60 feet.
  - b. If the nonresidential uses are not permitted in the underlying district, the maximum height is 52 feet.
12. \*In the VHO District where at least 50% of the total net floor area of a development is occupied by nonresidential principal uses permitted in the underlying district, the maximum height is 115 ft.
13. The number of stories is not restricted, except in the VO where the number of stories is limited to 4.

**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 and rooming units is 1 per unit.
2. The parking factor for other uses shall be the same as in § 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 develop regulations to evaluate any parking reduction requests to consider complementary uses, proximity to public transportation, proximity to municipal and street parking, transportation demand management (TDM) measures, and shared parking arrangements at the Board's discretion.

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**7.5.7** § 5.5 (Traffic Standards) does not apply.

**7.5.8** §7.4.4 (Sustainable Design) does not apply.

**7.5.9** The provisions of § 5.3 (Landscaping, Transition and Screening) and §5.3.5 (Required Depth or Width (in feet) of a transition area are modified as follows:

Transition areas, as specified under § 5.3.4 (Transition Areas), are required only along the boundary of the Village Overlay Districts (VO, VMO, & VHO) and shall have a depth of fifteen (15) feet.

**7.5.10** 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 a 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.

1. In any development containing eight (8) or more dwelling units, at least 15% of the dwelling units shall be Inclusionary Dwelling Units with a household income at 80% of the Area Median Income and eligible for inclusion on the DHCD's Subsidized Housing Inventory. Where a fraction of a dwelling unit is required for this calculation, the amount of required dwelling units shall be rounded down. If DHCD determines in writing that the Town has not shown this 15% requirement to be feasible, at least 10% of the dwelling units in any development containing ten (10) or more units must be for households with income at 80% of the Area Median Income and eligible for inclusion on the Subsidized Housing Inventory.
2. Inclusionary dwelling units shall be substantially similar in size, layout, parking, construction materials, fixtures, amenities, and interior and exterior finishes to the other dwelling units in the same dwelling.
3. Inclusionary dwelling units shall be proportionally dispersed throughout the development and not concentrated within particular sections of a dwelling or within particular dwellings.
4. Occupants of inclusionary dwelling units shall have the 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. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with DHCD's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.
6. Certificate of occupancy. No certificate of occupancy for a residence in a development permitted under this section shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.

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**7.5.13** Playground and Recreation Areas. Any development containing forty (40) or more dwelling units shall provide an outdoor play area or common space appropriate for use by families with children which may include features such as swings, jungle-gyms, slides, tables, chairs, benches and similar features. Areas shall incorporate universal design standards.

**7.5.14** Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by DHCD's Compliance Guidelines, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access and 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.

4) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VMO District:

- a. East Lexington
- b. Bedford Street/Worthen Road
- c. Bedford Street/Reed Street
- d. Marrett Road/Waltham Street
- e. Marrett Road/Spring Street
- f. Concord Avenue/Waltham Street

5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VO District:

- g. Lexington Center
- h. Bedford Street North

7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:

- i. Hartwell Avenue/Westview Street
- j. Maguire Road
- k. Hartwell Avenue/Wood Street