

**ARTICLE OSRD**

**AMEND ZONING BYLAW  
OPEN SPACE RESIDENTIAL DEVELOPMENTS**

To see if the Town will vote to amend the Zoning Bylaw to permit open space residential developments; allow increased gross floor area in multi-family housing; or act in any other manner in relation thereto.

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

**DESCRIPTION:**

This article would update the Zoning Bylaw to permit open space residential developments, as defined under the state Housing Choice law as codified at Massachusetts General Laws Chapter 40A, Section 1A. Open space residential developments would be subject to limits on gross floor area and require the preservation of open land in its natural state and the provision of affordable dwelling units. This amendment to the Zoning Bylaw would also provide incentives to preserve historic buildings and require site plan review by the Planning Board.

**PROPOSED MOTION:**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, 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 a new row to § 135-3.4, Table 1, Permitted Uses and Development Standards, as follows:

		<b>GC</b>	<b>RO</b>	<b>RS</b>	<b>RT</b>	<b>CN</b>	<b>CRS</b>	<b>CS</b>	<b>CB</b>	<b>CLO</b>	<b>CRO</b>	<b>CM</b>	<b>CSX</b>
A.1.06	Open space residential development (OSRD) (see §6.12)	N	R	R	R	N	N	N	N	N	N	N	N

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

**INCLUSIONARY DWELLING UNIT**

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

**MULTI-FAMILY HOUSING**

As defined in MGL c. 40A, § 1A.

**OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD)**

As defined in MGL c. 40A, § 1A.

- 3. Add a new § 135-6.12 as follows:

**6.12 OPEN SPACE RESIDENTIAL DEVELOPMENTS.**

**6.12.1** Purpose. This section is intended to:

1. Permit the development of open space residential developments (OSRDs);
2. Encourage greater diversity of housing opportunities in Lexington to meet the needs of a population which is diversified with respect to number of persons in a household, stage of life, abilities, and income;
3. Promote development proposals designed with sensitivity to the characteristics of a site that otherwise might limit development options due to the application of uniform, largely geometric standards;

4. Permit different types of structures and residential uses to be combined in a planned interrelationship that promotes a relationship between new buildings, public facilities, and open land;
5. Preserve historically or architecturally significant buildings or places;
6. Encourage the preservation and minimum disruption of outstanding natural features of open land and minimize impacts on environmentally sensitive areas; and
7. Encourage the use of sustainable development techniques through site plan review.

**6.12.2** Applicability.

1. The degree of development permitted in an OSRD shall be based on the extent to which the OSRD complies with the criteria set forth below, and regulations adopted pursuant to § 9.5.5 to further the purposes of this section.
2. The proof plan for an OSRD shall show two or more lots.

**6.12.3** Dimensional Standards. Within an OSRD, the requirements of § 4.0 shall be modified as follows:

1. Lot area. There is no minimum lot area required, provided that individual lots in an OSRD shall be designed to be a sufficient size to meet the off-street parking requirements of this Bylaw, if applicable, and to permit the installation of any on-site water supply and sewage disposal facilities. The requirements of § 4.2.2 (Lot Regularity) and § 4.2.3 (Developable Site Area) do not apply.
2. Frontage. There is no minimum lot frontage required, provided that there is sufficient frontage to provide for adequate access to the building site. Where shared driveways or other circumstances render frontage on a street unnecessary for such adequate access, no frontage is required.
3. Yard. Yards required by §4 .0 shall apply to the perimeter of an OSRD. No yards are required within an OSRD. Buildings may share a common wall.
4. Height. The height limit of § 4.3.5 shall apply along the perimeter of an OSRD but shall not apply within an OSRD. The other height limits of § 4.0 shall apply.
5. Multiple Dwellings. There is no limit on the number of dwellings in an OSRD or on a lot. The requirements of § 4.1.4 (One Dwelling per Lot) do not apply.
6. Amenity space. At least 180 square feet of unroofed amenity space shall be available for the exclusive use of the residents of each dwelling unit.
7. Floor Area. The requirements of § 4.4 (Residential Gross Floor Area) shall not apply in an OSRD except as provided below.
  - a. The total gross floor area of all buildings, excluding inclusionary dwelling units provided under § 6.12.6, shall not exceed the total gross floor area permitted under § 4.4 for all lots shown on the proof plan.
  - b. The gross floor area of each building shall not exceed the gross floor area permitted under § 4.4 for the smallest lot shown on the proof plan.
  - c. The gross floor area of any dwelling unit shall not exceed 5,250 square feet.
  - d. The average gross floor area of all dwelling units shall not exceed 2,625 square feet.
  - e. Buildings listed on the National Register of Historic Places or the Historical Commission's Cultural Resources Inventory for which an historic preservation restriction in a form acceptable to the Town is in effect and the dwelling units within them shall not be included in the calculation of gross floor area under this § 6.12.3.7.
  - f. In multi-family housing the SPGA may issue a special permit to exceed these limits in accordance with § 4.4.3.

- g. The site plan for the OSRD shall specify maximum gross floor areas for the whole OSRD, each dwelling, and each dwelling unit. Any deed for all or a portion of the OSRD shall restrict the gross floor area of that portion in accordance with the site plan.

#### **6.12.4** Parking.

1. Visitor parking. A minimum of 1 additional parking space per every 4 dwelling units shall be provided for visitor parking.

#### **6.12.5** Open Land.

1. Required open land.
  - a. At least 35% of the developable site area within an OSRD shall be set aside as open land, as described in MGL c. 40A, § 1A.
  - b. In addition to open land set aside under the previous provision, at least 15% of the developable site area within an OSRD shall be set aside as either additional open land, land for active or passive recreation, or stormwater retention areas.
  - c. The open land required shall be decreased by the gross floor area of any buildings listed on the National Register of Historic Places or the Historical Commission's Cultural Resources Inventory for which an historic preservation restriction in a form acceptable to the Town is in effect.
2. Regulation. The Planning Board shall adopt regulations concerning the condition, location, ownership, and preservation of open land consistent with § 6.12.1 and MGL c. 40A, § 1A.
3. Certificate of occupancy. No certificate of occupancy shall be issued until any conveyance of open land or restrictions is completed.

#### **6.12.6** Inclusionary Housing.

1. Required inclusionary dwelling units.
  - a. An OSRD shall incorporate inclusionary dwelling units with a total gross floor area of at least 25% of the total gross floor area of all dwelling units other than inclusionary dwelling units.
  - b. The design and construction of inclusionary dwelling units shall be comparable to and indistinguishable from other dwelling units in exterior building materials and finishes, windows, and other improvements.
  - c. The Planning Board shall adopt regulations defining limits on the household income of occupants, sale price, and rent of inclusionary dwelling units and the form of required legal restrictions.
2. Subsidized housing inventory. At least 10% of the dwelling units in an OSRD shall be eligible for inclusion on the DHCD Subsidized Housing Inventory.
3. Certificate of occupancy. No certificate of occupancy shall be issued until all restrictions for inclusionary dwelling units are executed and recorded.