

**ARTICLE 35**

**AMEND ZONING BYLAW  
OPEN SPACE RESIDENTIAL DEVELOPMENTS**

**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:

**HISTORIC BUILDING**

A building eligible to be 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 Historical Commission is in effect.

**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 LAND**

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, including consideration for siting, sight lines, and landscaping;
6. Encourage the preservation or restoration of aesthetically or environmentally valuable features of Open Land and minimize impacts on environmentally sensitive areas;
7. Encourage residential development that is consistent with the Town's sustainability goals and encourages sustainable development techniques; and
8. Develop housing that is or can be adapted to be accessible and attainable for older persons and persons with disabilities.

### **6.12.2** General Standards.

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. An OSRD must be located on a tract of land of at least 70,000 SF.
3. 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 for individual lots within an OSRD, provided that each lot 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 limits of § 4.0 shall apply to all structures in an OSRD except that § 4.3.5 shall apply only along the perimeter of an OSRD.
5. Dwellings and Dwelling Units. 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. The number of dwelling units in an OSRD shall not exceed five (5) times the number of lots shown on the proof plan. The SPGA may issue a special permit to exceed these limits, which may require the provision of additional Inclusionary Dwelling Units, Open Land, or Common Open Space.
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, 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 9,350 SF in the RO District and 7,030 SF in the RS and RT Districts.
  - c. Historic Buildings shall not be included in the calculation of gross floor area under § 6.12.3.7.a and § 6.12.3.7.b.
  - d. Dwelling units within Historic Buildings shall not be included in the calculation of gross floor area under § 6.12.3.7.e and § 6.12.3.7.f.
  - e. The gross floor area of any dwelling unit shall not exceed 5,250 square feet.
  - f. The average gross floor area of all dwelling units shall not exceed 2,625 square feet.
  - g. In multi-family housing the SPGA may issue a special permit to exceed these limits in accordance with § 4.4.3.
  - h. 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 and Common Open Space.

1. Required Open Land and Common Open Space.
  - a. At least 35% of the developable site area within an OSRD shall be set aside as Open Land.

- 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 Common Open Space.
  - c. The Open Land required shall be decreased by two times the site coverage of any Historic Buildings.
2. Ownership. Open Land shall be conveyed to:
    - a. A legal association comprised of the owners of the OSRD, which may include homeowners or owners of condominium or cooperative units;
    - b. The Town, subject to acceptance, to ensure its perpetual use as open space or park land; or
    - c. A nonprofit organization, the principal purpose of which is the conservation of open space.
  3. Restriction. When such Open Land is conveyed to entities other than the Town, a conservation restriction over such land shall be granted to the Town, or a nonprofit organization, the principal mission of which is the conservation of open space, to ensure its perpetual use as open space or park land.
  4. Regulation. The Planning Board shall adopt additional regulations concerning the condition, location, ownership, and preservation of Open Land consistent with § 6.12.1 and MGL c. 40A, § 1A.
  5. Certificate of occupancy. No certificate of occupancy shall be issued until any conveyances of Open Land or restrictions are executed and recorded.

#### **6.12.6 INCLUSIONARY HOUSING.**

1. Required inclusionary dwelling units.
  - a. At least 20%, or 25% in developments where the total permitted gross floor area under § 6.12.3.7.a is greater than 60,000 SF, of the gross floor area of all dwelling units shall be incorporated into inclusionary dwelling units.
  - b. 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.
  - c. 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.
  - d. Inclusionary dwelling units shall be dispersed throughout the development rather than concentrated within particular sections of a dwelling or within particular dwellings.
  - e. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, shall adopt regulations concerning 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.
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, submitted to the Town, and, to the extent required, recorded.

#### **6.12.7 DESIGN STANDARDS.**

1. The Planning Board shall adopt design guidelines and regulations to facilitate sustainable 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.

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