

ARTICLE DEIP

**AMEND ZONING BYLAW
DIVERSITY, EQUITY, INCLUSION, AND PERMITTING**

To see if the Town will vote to amend the Zoning Bylaw to revise permitting criteria to address racial, disability, and other equity impacts; make special permitting criteria and site plan review criteria consistent; add a definition of household replacing the definition of family; permit more than one individual in rooming units; 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 incorporate a variety of changes in response to the Systemic Racism Resolution adopted under Article 8 of Special Town Meeting 2020-2, the Full Inclusion Resolution adopted under Article 30 of the 2021 Annual Town Meeting, and the site plan review changes adopted under Article 44 of the 2021 Annual Town Meeting. Specifically, it would:

- Require that the Zoning Bylaw be interpreted and applied to forbid discriminatory effects;
- Address racial, disability, and other equity impacts in permitting decisions;
- Update the special permit and site plan review criteria related to transportation and the environment to be consistent;
- Replace the definition of “family” with a more inclusive definition of “household” that includes groups of unrelated disabled persons; and
- Permit more than one resident (such as a couple) in a rooming unit.

PROPOSED MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows (~~struck~~~~through~~ text is to be removed and underlined text is to be added), 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 §135-1.7 as follows:

1.7 DISCRIMINATION PROHIBITED.

- ~~1.~~ No provision of this bylaw shall be interpreted or applied with the effect of discriminating against any person or group in violation of any state or federal law.
- ~~2.~~ Notwithstanding any other provisions of this Bylaw, reasonable accommodations shall be provided where necessary to avoid such discrimination.

2. Amend §135-9.4.2 as follows:

9.4.2 Criteria. Special permits ~~will~~ shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination ~~will~~ shall include consideration of each of the following, where applicable:

- ~~1.~~ ~~Specific factors set forth elsewhere in this bylaw for the proposed use or activity;~~
1. Social, diversity, equity, public health, economic, or community needs; which are served by the proposal;

2. Transportation access, parking, circulation, and accessibility; Traffic flow and safety, including parking and loading;
 3. Public infrastructure, Adequacy of utilities and other public services;
 4. Neighborhood scale; and character and social structures;
 5. Open space, natural features, and the landscape. Impacts on the natural environment; and
 6. Potential fiscal impact, including impact on Town services, tax base, and employment.
3. Amend §135-9.5.5 as follows:

9.5.5 Review Standards. The Planning Board in its regulations shall establish standards for site plan review of activities and uses not covered by § 9.5.6 that will at a minimum address the following:

1. Siting of facilities;
2. Sustainable, climate-sensitive, and environmentally-conscious site design practices;
3. Open space, natural features, and the landscape, emphasizing the function of natural, aesthetic, social, and reactional design;
4. Ecosystem function;
5. Circulation and connectivity that is safe and accessible for all;
6. Effective and efficient transportation systems and the adverse impacts of motor vehicle transportation;
7. Protection of surface and groundwater quality;
8. Racial, disability, and other equity impacts;
9. Town character and Historic significance; Historically significant buildings or places;
10. Impacts on public services and facilities;
11. Signage;
12. Safety; and
13. Potential adverse effects of development.

4. In §135-10.0, amend definitions as follows:

DWELLING UNIT

One or more rooms designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

FAMILY HOUSEHOLD

One or more individuals living together as a single housekeeping unit and occupying one dwelling or rooming unit. ~~For purposes of controlling residential density, not more than four unrelated individuals shall constitute a family; any roomer living in the dwelling unit shall be included in determining the number of unrelated individuals.~~

ROOMER

~~An individual, other than a member of a family occupying a dwelling unit,~~ A household occupying a rooming unit, for living and sleeping but not for cooking and eating purposes, and paying rent, which may include an allowance for meals, by prearrangement on a long-term basis.

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