

**ARTICLE 17**

**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 ~~developments~~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:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
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:

**AREA MEDIAN INCOME (AMI)**

~~The median family income, adjusted for household size, for the metropolitan area that includes the Town of Lexington, as determined by the US Department of Housing and Urban Development (HUD).~~

**INCLUSIONARY DWELLING UNIT**

A dwelling unit, the sale, lease, or rental of which, is permanently restricted on the basis of income or value through a deed rider or other restriction acceptable to the Town.

**MAXIMUM HOUSEHOLD INCOME**

~~The maximum household income of an eligible purchaser or tenant of a dwelling unit as a percentage of the AMI for a household of size one more than the number of bedrooms in the dwelling unit.~~

**MINIMUM HOUSEHOLD INCOME**

~~The minimum household income sufficient to obtain financing to purchase a dwelling unit as a percentage of the AMI for a household of size one more than the number of bedrooms in the dwelling unit.~~

**MULTI-FAMILY DEVELOPMENTHOUSING**

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 ~~a~~-multi-family development 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. Where on-street parking is not available, a minimum of 1 additional parking space per every 4 dwelling units shall be provided for visitor parking.

#### 6.12.5 Open Land.

- 1. Minimum 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 minimum 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.
- ~~2. Condition. Open land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways.~~
- ~~3. Location. Open land shall be land in one or more parcels of a size and shape appropriate for the intended use and available for use by all occupants of an OSRD. Open land shall include any or all of the following, as appropriate:~~
  - ~~a. Land that separates groups of buildings within the OSRD from other groups and from adjacent property;~~
  - ~~b. Land that promotes and protects maximum solar access within and around the OSRD;~~
  - ~~c. Outstanding natural and man-made features of the site, including but not limited to stone walls, that enhance the land form;~~
  - ~~d. Natural habitat area and wildlife corridors, but shall not include wetlands or associated buffers;~~
  - ~~e. Land that increases visual amenities for residents of the OSRD and of the adjacent neighborhood; and~~

~~f.—Paths or entry points specifically designed for access purposes.~~

~~4.—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.~~

~~5.—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.~~

~~6.3.~~ 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 ~~housing~~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 ~~the~~ inclusionary dwelling units shall be comparable to and indistinguishable from ~~the market rate other dwelling~~ units in exterior building materials and finishes, windows, and other improvements.

c. ~~For the purpose of this section,~~ Dwelling units in 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 shall be disregarded for the purposes of this § 6.12.6.

d. 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.

~~d. Each inclusionary dwelling unit shall be assigned a minimum household income and a maximum household income.~~

~~i.—The sale price or rent for an inclusionary dwelling unit shall be affordable to a household with the minimum household income for that unit.~~

~~ii.—Inclusionary dwelling units may be occupied only by a household with an income below the maximum household income for that unit.~~

~~iii.—The Planning Board shall adopt regulations defining acceptable minimum and maximum household incomes for inclusionary dwelling units.~~

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~~Restrictions~~. No certificate of occupancy shall be issued until all restrictions for inclusionary dwelling units are executed and recorded.