

ARTICLE [●]

PROPOSED MOTION

**AMEND ZONING MAP AND BYLAW
1050 WALTHAM STREET, LEXINGTON, MA**

That the Zoning Map and Bylaw of the Town be amended to create the Preliminary Site Development and Use Plan for the Planned Development District PD-5, consisting of Lot 14 on Assessors Map 5, located at 1050 Waltham Street, Lexington, MA, as described below.

PLANNED DEVELOPMENT DISTRICT PD-5

1. **Authority to Establish a Planned Development District.** This Preliminary Site Development and Use Plan (“PSDUP”) to establish Planned Development District PD-5 (the “PD-5 District”) is prepared under the provisions of §7.3 (Planned Development Districts) of Chapter 135 of the Code of the Town of Lexington (the “Town”) as amended through annual Town Meeting [2018] (the “Zoning Bylaw”). The Planning Board has published regulations further detailing the process to establish a Planned Development District which are contained in §8.0 (Planned Development Districts) of Chapter 176 of the Code of the Town (the “Planning Board Zoning Regulations”).
2. **Description of the PD-5 District.** The PD-5 District consists of Lot 14 on Town Assessors Map 5, located at 1050 Waltham Street, Lexington, MA, which includes 4.97 acres of land.
3. **Zoning Bylaw Applicability.**
 - 3.1. This PSDUP shall regulate development in the PD-5 District. The standards of this PSDUP may differ from those set forth for other districts under the Zoning Bylaw. In the event of inconsistency or conflict between the text and Regulatory Plans of this PSDUP and any provisions of the Zoning Bylaw applicable to this Planned Development District, the text and Regulatory Plans of this PSDUP control. Other than the standards, uses and requirements of the PSDUP for this PD-5 District, the Zoning Bylaw, as amended from time to time, shall apply to the PD-5 District, unless any such amendment is in conflict with this PSDUP.
 - 3.2. Unless herein noted otherwise, where this PSDUP is silent with respect to any provision of the Zoning Bylaw applicable to the PD-5 District, the Zoning Bylaw controls. Terms used and not otherwise defined herein have the meanings as may be ascribed to them in the Zoning Bylaw. Where this PSDUP is silent with respect to any provision of the Planning Board Zoning Regulations, such Planning Board Zoning Regulations, as amended from time to time, shall apply to the PD-5 District.
4. **PSDUP to be Effective Upon Transfer.** This PSDUP establishes the zoning for the PD-5 District, and any successors and assigns in interest in the land within the PD-5 District are bound to the terms and conditions of this PSDUP.
5. **Plans and Documents.**
 - 5.1. Regulatory Material. In the event of conflict or inconsistency between the text of this PSDUP and the plans and documents incorporated by reference within it, the text of this PSDUP controls. Per §7.3.2.4 of the Zoning Bylaw, the vote of the Town Meeting shall refer to the PSDUP, which shall be considered part of the rezoning action. The following plan set titled

“1050 Waltham Street, Planned Development District PD-5, Preliminary Site Development and Use Plan (PSDUP), Regulatory Plan Set” and dated December 19, 2019 (the “Regulatory Plans”), is incorporated herein as Appendix A and made part of this PSDUP:

Regulatory Plans	By
1. Title Sheet	VHB Engineering
2. Property Rights and Dimensional Standards Plan C100	VHB Engineering
3. Site Construction Plan C200	VHB Engineering
4. Planting Plan L100	IBI Placemaking
5. Site Sections A101	SGA Architecture
6. Building Elevations A201	SGA Architecture
7. Building Elevations A202	SGA Architecture
8. Garage Elevations AG-201	SGA Architecture

5.2. Non-Regulatory Material. Per §8.6 (Non-regulatory Information) of the Planning Board Zoning Regulations, all parts of the PSDUP application submitted and not included in Section 5.1 above, if any, are considered explanations, background information, and justification for the rezoning. The complete PSDUP application is on file with the Town Planning Office.

6. Permitted Uses.

6.1. Principal Uses. All of the following uses or any combination thereof are permitted in the PD-5 District, subject to and consistent with the dimensional, zoning and other standards provided in this PSDUP:

- a. Institutional Uses
 - (i) Child care center
 - (ii) Use of land or structures for religious purposes
 - (iii) Use of land or structures for educational purposes on land owned or leased by the Commonwealth or its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a non-profit educational corporation
 - (iv) Park, playground

- b. Agricultural and Natural Resource Uses
 - (i) Exempt agricultural uses and structures as set forth in M.G.L. c. 40A §3

- c. Office Uses
 - (i) Medical, dental, psychiatric office, but not a clinic
 - (ii) Medical, dental, psychiatric office, but not a clinic, with related laboratory
 - (iii) Business or professional office

- d. Personal, Business or General Service Uses
 - (i) Medical clinic for outpatient services
 - (ii) School not exempt by statute
 - (iii) Nonprofit community service center or charitable organization

- e. Manufacturing Uses
 - (i) Light manufacturing
 - (ii) Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes
 - (iii) Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities; all uses must comply with applicable federal, state and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination

- f. Utilities, Communications and Transportation Uses
 - (i) Radio, television studio, but without transmitting or receiving towers
 - (ii) Concealed wireless communication facility, as permitted pursuant to §6.4.4 (Facilities Permitted by Right) of the Zoning Bylaw.

- g. Parking Uses
 - (i) Automobile parking, surface or in a garage or other structure, serving a principal use on a different lot located within 500 feet of the Site, provided that no automobile sales or service takes place

- h. Temporary Uses
 - (i) Temporary building or trailer incidental to the construction of buildings or land development
 - (ii) Temporary structures and uses not otherwise permitted in the district, provided the Building Commissioner finds that the proposed structure or use is compatible with the neighborhood

The general Operating Standards and Development Standards set forth in §E and §F of Table 1 of §3.4 (Permitted Uses) of the Zoning Bylaw shall not apply. The Development Standards for Office Uses set forth in §G.2.0 of Table 1 of §3.4 (Permitted Uses) of the Zoning Bylaw shall apply except §G.2.04 shall not apply.

6.2. Accessory Uses. The limit and size of accessory uses set forth in §3.2.2 of the Zoning Bylaw do not apply. All accessory uses or structures customary and incidental to the principal uses or structures included in Section 6.1 above (which principal uses are also permitted as accessory uses), §3.2.1 of the Zoning Bylaw, and the accessory uses in Section 6.2 hereunder are permitted as accessory uses:

- (i) Convenience goods often bought on a daily basis such as food, candy, newspapers, etc., and other retail goods such as books, stationery, drugs,

sporting goods, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, and the like which are typically of a size that a customer can carry by hand

- (ii) Cafeterias, cafes, dining rooms, outdoor food trucks, conference rooms, function rooms, auditoriums, public meeting rooms, community space and recreational facilities
- (iii) Beauty parlor, barber shop, laundry or dry-cleaning pickup station with processing done elsewhere, self-service laundromat, tailor, dressmaker, shoe repair, bank or credit union, automatic teller machine, travel agency, ticket agency, photocopying, reproduction services
- (iv) Fitness center, athletic and exercise facilities, health and wellness studio

7. **Dimensional Standards.** §7.3.2.1 of the Zoning Bylaw provides that a Planned Development District does not have predetermined standards for development, and Table 2 of §4.1.1 (Schedule of Dimensional Controls) of the Zoning Bylaw does not contain standards that apply to a Planned Development District. The following are the only dimensional controls that apply to the PD-5 District, and §4 (Dimensional Controls) of the Zoning Bylaw do not apply.

	Required
Minimum Lot Area	30,000 square feet
Minimum Lot Frontage	175 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
Maximum Nonresidential Floor Area Ratio	0.75
Maximum Site Coverage	50%
Maximum Building Height	55 feet

Notes:

- 7.1. The Planning Board may grant a special permit to exceed the maximum height in feet or the percentage of horizontal coverage of structures erected on a building or structure allowed by this Section 7 Dimensional Standards provided it makes a determination that the structure is compatible with the scale of the neighborhood and does not negatively impact the solar access of any adjoining lot.
- 7.2. The PD-5 District is a portion of a larger, single parcel that also includes 0.21 acres of land located in the City of Waltham, at 1111R Lexington Street, Waltham, MA. In accordance with §4.1.3 (Lots Located in More than One Municipality) of the Zoning Bylaw, the adjoining land in Waltham shall not be included for purposes of determining compliance of improvements within the PD-5 District with the above Dimensional Controls (e.g. only the land located in Lexington shall be considered the “developable site area” used in determining the Floor Area Ratio). Notwithstanding the foregoing, there shall be no Minimum Side Yard Setback requirement

applicable to that portion of the PD-5 District that directly abuts land in located in the City of Waltham.

7.3 The height of a building or structure in the PD-5 District shall be determined as follows:

The vertical distance between the lower elevation and the upper elevation, where the lower elevation is the mean average finished grade of the building as determined by measuring from the four extreme corners of the building, or in the case of a nonrectangular building, from reasonable equivalent locations around the perimeter of the building, and the upper elevation is the highest point of any ridge, gable, other roof surface, or parapet, except that structures erected on a building and not used for human occupancy, such as but not limited to air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels or canopies, elevator housings, parapet walls for buildings and garages, antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like ("rooftop structures"), may exceed the maximum height of a building in feet provided, except as otherwise stated below, no part of the rooftop structure(s) is more than twenty five (25) feet higher than the maximum permitted height of a building or a parking garage structure and the total horizontal coverage of such rooftop structures (excluding solar or photovoltaic panels or canopies) on the building or parking garage structure does not exceed sixty (60) percent of the total roof area. Notwithstanding the foregoing: (a) an aggregate area not to exceed three (3) percent of the total roof area may contain rooftop structures that extend up to thirty-five (35) feet above the roof line (these structures are included in the calculation of the horizontal coverage limit set forth above).

7.4 Where used, the calculation of Net Floor Area in the PD-5 District is determined by using 80% of the Gross Floor Area exclusive of the Gross Floor Area of areas used for parking and loading (which includes garages and other structured parking).

8. **SPGA.** The Special Permit Granting Authority ("SPGA") as designated in the Zoning Bylaw or where referred to herein is the Planning Board.

9. **Other Zoning Provisions.**

9.1. Landscaping, Transition and Screening. The Landscape Plan, submitted as part of the Regulatory Plans depicts the detailed landscaping for the PD-5 District. The standards of §5.3 (Landscaping, Transition and Screening) of the Zoning Bylaw, do not apply except that the provisions of §5.3.1 (Purpose), §5.3.3 (Landscaping Plan Required), §5.3.11 (Maintenance), §5.3.13 (Screening of Other Uses within the Lots), and §5.3.15 (Special Permit) apply. The SPGA may by Special Permit waive any provision of this Section 9.1 of the PSPUD text where it determines that such a waiver would be consistent with the objectives set forth in §5.1.1 (Purpose) of the Zoning Code and would not result in substantial detriment to the surrounding neighborhood.

9.2. Traffic Standards. This PSDUP relies on findings in the Traffic Impact and Access Study for the PD-5 District and will be subject to the traffic demand management policies therein. The provisions of §5.5 (Traffic Standards) of the Zoning Bylaw do not apply to the PD-5 District.

9.3. Off-Street Parking and Loading. For the PD-5 District, the standards of §5.1 (Off-street Parking and Loading) of the Zoning Bylaw do not apply except for the following:

- a. The objectives of §5.1.1 (Purpose) of the Zoning Bylaw apply.

- b. The provisions of §5.1.3 (Parking Plan), §5.1.7 (Preferential Rideshare Parking), §5.1.8 (Bicycle Parking Facilities), §5.1.10 (Driveways), and §5.1.14 (Special Permit) of the Zoning Bylaw shall apply with respect to modifying the PSDUP provisions herein regarding off-street parking and loading.
- c. Calculation of required off-street parking spaces and calculation of required loading bays in the PD-5 District must be provided in compliance with §5.1.4, §5.1.5 and §5.1.6 of the Zoning Bylaw, with the exception of the following requirements, which shall supersede any other applicable requirements of the Zoning Bylaw:

TYPE OF PRINCIPAL USE Note: parking will not be required for accessory uses.	PARKING FACTOR <i>(minimum number of parking spaces to be provided)</i>
OFFICE USES	
All permitted Office uses (except as otherwise classified)	1 per 333 s.f.
Medical office, out-patient clinic	1 per 200 s.f.
MANUFACTURING/RESEARCH USES	
Manufacturing, research laboratory	1 per 500 s.f.
Construction, storage, distribution and industrial service users	1 per 1,000 s.f.
All other permitted uses	As needed

9.4. Additional Parking Provisions.

- a. Maximum Parking. There shall be a maximum of 475 parking spaces in the PD-5 District.
- b. No required setbacks apply to side and rear lot lines in the PD-5 District for the paved parts of parking spaces, driveways or maneuvering aisles (which may extend up to the side and rear lot lines).
- c. Temporary Off-site Parking during Construction. During construction within the PD-5 District, the owner, tenants and other users within the PD-5 District are allowed to park offsite as reasonably needed.

9.5. Signs. The PD-5 District is subject to the Regulatory Plans submitted herewith. The standards of §5.2 (Signs) of the Zoning Bylaw do not apply except for the following:

- a. The objectives of §5.2.1 (Purpose) of the Zoning Bylaw apply.
- b. The provisions of §5.2.3 (Exemptions) of the Zoning Bylaw apply.
- c. The provisions of §5.2.4 (General Regulations) of the Zoning Bylaw apply.
- d. The provisions of §5.2.5 (Prohibited Signs) apply.
- e. The provisions of §5.2.8 (Commercial Districts) of the Zoning Bylaw do not apply. Instead, a maximum of a) two wall signs (that conform to the requirements of §5.2.8.1 (f-g)) of the Zoning Bylaw per building, including parking structures, that are no more than twelve feet in width and eight feet in height, and b) two standing signs per building

that are no more than (i) ten feet in height and one hundred square feet in area for standing signs shall be permitted by right. In addition, one directory sign conforming to §5.2.8.1(e) of the Zoning Bylaw shall be permitted per building entrance. All new or relocated wall, standing or projecting signs in the PD-5 District that conform with these requirements shall be subject to minor site plan review by the Planning Director as the Planning Board's designee pursuant to §9.5.4 of the Zoning Bylaw.

- f. The provisions of §5.2.10 (Special Permit) of the Zoning Bylaw apply.

Any wall sign, free standing sign or other legally permitted sign presently existing on within the PD-5 District as of the submission date of the PSDUP is allowed as-of-right and may be retained and relocated within the PD-5 District, so long as it is not enlarged unless permitted by the Zoning Bylaw.

- 9.6. Illumination. The provisions of §5.4 (Outdoor Lighting) of the Zoning Bylaw apply.

10. **Special Conditions.**

- 10.1. Traffic Mitigation and Traffic Demand Management. As a condition to issuance of a certificate of occupancy, the Traffic Mitigation and Traffic Demand Management measures described in the Parking and Traffic Demand Management Plan incorporated herein and attached hereto as Appendix B shall be satisfied.

APPENDIX A
TO PSDUP FOR THE PD-5 DISTRICT
REGULATORY PLANS

[Under separate cover]

APPENDIX B
TO PSDUP FOR THE PD-5 DISTRICT
PARKING AND TRAFFIC DEMAND MANAGEMENT PLAN

[See attached]