

AMEND ZONING BYLAW AND MAP – VILLAGE OVERLAY DISTRICTS  
– PLANNING BOARD REVISED THROUGH 1/18/23

**ARTICLE 34**

**AMEND ZONING BYLAW AND MAP  
MULTI-FAMILY HOUSING FOR MBTA COMMUNITIES**

To see if the Town will vote to amend the Zoning Bylaw and Map to create districts permitting multi-family housing or mixed-use developments by right; 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 comply with M.G.L. c. 40A §3A by establishing zoning districts on the Zoning Map and amending the Zoning Bylaw to permit multi-family housing and mixed-use developments with an as-of-right approval process.

**MOTION:**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, and Zoning Map 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 rows to the table in §135-2.2.5 (Overlay Districts) as follows:

|     |                           |
|-----|---------------------------|
| VLO | Village Low-Rise Overlay  |
| VMO | Village Mid-Rise Overlay  |
| VHO | Village High-Rise Overlay |

- 2) In §135-10.0, add a new definition as follows:

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (DHCD)**

Refers to the Massachusetts Department of Housing and Community Development, which is part of the Executive Office of Housing and Economic Development.

- 3) Add a new §135-7.5 as follows:

**7.5 VILLAGE OVERLAY DISTRICTS.**

**7.5.1 Purpose.** The purposes of the Village Overlay (VLO, VMO, and VHO) Districts are:

1. To promote multi-family housing near retail sales and services, office, civic, and personal service uses;
2. To reduce dependency on automobiles by providing opportunities for upper-story and multi-family housing near public transportation such as bus stops, the Minuteman Commuter Bikeway, and major transportation routes;
3. To ensure pedestrian-friendly development by permitting higher density housing in areas that are walkable to public transportation, shopping, and local services;
4. To respond to the local and regional need for affordable housing by permitting a variety of housing types with inclusionary housing requirements;
5. To encourage economic investment in the redevelopment of properties;
6. To encourage residential and commercial uses to provide a customer base for local businesses;
7. To provide family housing and ensure compliance with MGL c. 40A §3A applicable to MBTA Communities; and

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8. To meet the goals of the housing element of the 2022 LexingtonNEXT Comprehensive Plan.

**7.5.2** Overlay District. These districts shall not supersede other zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located within these districts where the property owner has elected to comply with the requirements of the overlay district, rather than complying with those of the underlying zoning district.

**7.5.3** Procedures and Regulations. Development under this section requires Site Plan Review by the Planning Board under §9.5. The Planning Board may adopt regulations to facilitate 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. All site plan review standards applicable to developments under this section shall be consistent with the purposes of this section and DHCD's current *Compliance Guidelines for Multi-family Zoning Districts Under Section 3A of the Zoning Act* as amended.

**7.5.4** Permitted Uses.

1. All developments under this section shall include multi-family housing.
2. Developments may include uses permitted in an underlying zoning district.
3. Where the underlying zoning district is the CB District, at least 30% of the net floor area of the center storefront shall be occupied by uses permitted on the center storefront in the CB District.
4. Developments in the VLO district may contain other nonresidential uses on the ground floor and basement to the extent permitted in either the CRS or CB zoning district, except that:
  - a. The following uses are not permitted:
    - i. Medical clinic for outpatient services
    - ii. Motor vehicle sales or rental
    - iii. Sale of fuel, motor oil, or other motor vehicle parts or accessories
    - iv. Cleaning, maintenance, and repair of motor vehicles
    - v. Private postal service
  - b. Nonresidential uses requiring a special permit in the CRS or CB District shall require a special permit.
  - c. The development standards for office uses in Table 1 (Permitted Uses and Development Standards), section G.2.0 shall not apply.
5. Accessory Uses for residential uses are permitted to the same extent they would be permitted in the RO District.

**7.5.5** Dimensional controls. The dimensional controls of §4.0 are modified as follows for developments under this section:

1. §4.1.4 (One Dwelling Per Lot) does not apply.
2. §4.2.2 (Lot Regularity), §4.2.3 (Lot Area), and §4.2.4 (Lot Frontage) do not apply to lots with existing buildings.
3. §4.3.5 (Height of Dwellings Near Lot Lines) does not apply.
4. §4.4 (Residential Gross Floor Area) does not apply.
5. Nonresidential FAR is not restricted.

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6. The minimum required front yard in feet is the lesser of that required in the underlying zoning district and 15 feet, except that where 50% or more of the front façade of the street floor is occupied by nonresidential principal uses, no front yard is required. Minimum required front yard areas shall be amenity space available for the property residences and semi-public use such as landscaping, benches, tables, chairs, play areas, public art or similar feature. Parking spaces are not permitted in the minimum required front yard.
7. The minimum required side yard in feet is the lesser of that required in the underlying zoning district and that shown below:

| If Actual Lot Frontage Is                    | Side Yard Must Be At Least |
|--|----------------------------|
| More than 100 feet                           | 15 feet                    |
| More than 75 feet but not more than 100 feet | 12 feet                    |
| More than 50 feet but not more than 75 feet  | 10 feet                    |
| More than 0 feet but not more than 50 feet   | 7.5 feet                   |

8. The minimum required rear yard in feet is the lesser of that required in the underlying zoning district and 15 feet.
9. The site coverage is not restricted.
10. The maximum height in feet of buildings is:

| District       | VLO | VMO | VHO |
|----------------|-----|-----|-----|
| Height in feet | 40  | 60  | 70  |

11. In the VLO District, where at least 15% of the total net floor area of the development is occupied by nonresidential principal uses on street floors, the maximum height is increased by 25 feet. If the nonresidential uses are not permitted in the underlying district, the maximum height is increased by 15 feet.
12. The number of stories is not restricted.

**7.5.6 Off-Street Parking and Loading.** The provisions of §5.1 (Off Street Parking and Loading) are modified as follows:

1. The parking factor for dwelling and rooming units is 0.5 per unit.
2. The parking factor for other uses shall be taken from §5.1.4 (Table of Parking Requirements) for the CB District.
3. Developments under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may develop regulations to evaluate any parking reduction requests to consider complementary uses, proximity to public transportation, transportation demand management (TDM) measures, and shared parking arrangements at the Board’s discretion.

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- 7.5.7** Traffic Standards. § 5.5 (Traffic Standards) does not apply.
- 7.5.8** Sustainable Design. §7.4.4 (Sustainable Design) does not apply.
- 7.5.9** Landscaping, Transition and Screening. The provisions of §5.3 (Landscaping, Transition and Screening) and §5.3.5 (Required Depth or Width (in feet) of a transition area are modified as follows:
1. Transition areas, as specified under §5.3.4 (Transition Areas), are required along the boundary of the VLO District and shall have a depth of five (5) feet.
- 7.5.10** Planned Development Districts. The provisions of §7.3 (Planned Development Districts) are modified as follows:
1. Notwithstanding §7.3.2.3 (Compliance Required) and §7.3.3 (Existing RD and CD Districts), development under this section, development of related accessory structures and improvements, and removal of existing structures and improvements need not conform to the preliminary site development and use plan.
- 7.5.11** Nonconforming Off-Street Parking and Loading. The provisions of §8.7 are modified as follows:
1. §8.7.1.2 (Increase in Floor Area) does not apply.
  2. §8.7.2 (Reconstruction or Replacement of a Building) does not apply.
- 7.5.12** Inclusionary Housing.
1. In any development containing ten (10) or more dwelling units, at least 10%, rounded down, of the dwelling units shall be Inclusionary Dwelling Units with a household income at 80% of the Area Median Income and eligible for inclusion on the DHCD's Subsidized Housing Inventory.
  2. Inclusionary dwelling units shall be substantially similar in size, layout, parking, construction materials, fixtures, amenities, and interior and exterior finishes to comparable dwelling units in the same dwelling.
  3. Inclusionary dwelling units shall be proportionally dispersed throughout the development and not concentrated within particular sections of a dwelling or within particular dwellings.
  4. Occupants of inclusionary dwelling units shall have the same 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.
  5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, may adopt regulations consistent with DHCD's Compliance Guidelines and this section to facilitate equitable size, physical characteristics, location, and access to services for the inclusionary units and the form of required legal restrictions.
  6. Certificate of occupancy. No residential certificate of occupancy shall be issued until the regulatory agreements for any inclusionary dwelling units are recorded.
- 7.5.13** Playground and Recreation Areas. Any development containing forty (40) or more dwelling units shall provide an outdoor play area or common space appropriate for use by families with children which may include features such as swings, jungle-gyms, slides, tables, chairs, benches and similar features. Areas shall incorporate universal design standards and be accessible to all users.

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**7.5.14** Conditions. The Planning Board may impose reasonable terms and conditions, consistent with the parameters established by DHCD’s Compliance Guidelines, at the expense of the applicant, to promote these objectives and serve the purposes of this section. Approval may reasonably regulate matters such as vehicular access, circulation on site, architectural design of a building, site design, and screening for adjacent properties. The Board may require a performance guarantee to ensure compliance with these conditions.

4) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VLO District:

- a. East Lexington
- b. Bedford Street/Worthen Road
- c. Bedford Street/Reed Street
- d. Marrett Road/Waltham Street
- e. Marrett Road/Spring Street
- f. Concord Avenue/Waltham Street

5) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VMO District:

- g. Lexington Center
- h. Bedford Street/Hartwell Avenue

7) Amend the Zoning Map to add the following areas shown on maps on file with the Town Clerk to the VHO District:

- i. Hartwell Avenue
- j. Maguire Road