

RECOMMENDATION

The Planning Board unanimously recommends that the motion under Article 38 be **APPROVED**.

BACKGROUND

This new zoning district, containing most publicly owned land in the Town held for a public purpose, designates that these parcels are for governmental use, as opposed to residential or commercial use. The dimensional controls, permitted uses, and grant of special permitting authority to the Planning Board ensure that land uses are related to the policies of the community, and that any development in the district is compatible with surrounding districts and uses.

A similar proposal was first brought before Town Meeting at its annual meeting in March of 2015. The 2015 proposal garnered broad support, but failed to gain the 2/3rds majority needed to amend the Zoning Bylaw. The Board requested reconsideration, but decided against bringing it back to that Town Meeting. The Board used this time to address the comments it received since last year's Town Meeting, amending the motion accordingly.

The designation of "civic" districts is a common zoning practice in Massachusetts. The concept behind this proposal is to make the zoning map, a document expressing a preferred future, reflect what most residents already see as a vital part of the community. Currently, most of the protected open space and government-owned land proposed for the Governmental-Civic Use District is zoned residential.

Most of the communities around Lexington have some version of this concept, including Boston, Newton, Canton, Woburn, Dover, Stow, and Stoneham. Each of these communities has taken the concept and adapted it to their particular context, such that no two versions are the same. Likewise, Lexington's proposed GC district has been designed to fit Lexington's unique set of circumstances.

PARCELS NOT INCLUDED IN THE GC DISTRICT

Not every governmental-owned property was included in the proposed district. Parcels that were not included in the GC district and remain as previously zoned are listed below with explanations.

Tax Title. Tax title land was not acquired for a public use and the parcels are scattered around Town within neighborhoods. One exception to this is tax title land that abuts, or is surrounded by, land that has been taken for a public purpose – in this case, these takings make sense to include in the district as they extend or complete the intent of the Town to acquire property. A good example of this occurs in Meagherville (Precinct 8), where the Town has accumulated many parcels, but several of these tax title lots have not yet been formally transferred to the Conservation Commission.

Planned Development Districts. Because these districts have dimensional and performance standards that include the land area of these properties in the calculations, the dedicated open space in these districts was not included in the district.

Remnants and Rights of Way. Several parcels along existing rights of way (Route 128 and Route 2) as well as the borders of the Town were not included in the district. These odd shaped remnants have little useable area.

Housing. Housing is consistent with uses in surrounding residential districts and so these parcels have not been included. In the new GC district, residential uses will not be permitted.

PROPOSED USES

The proposed GC District includes about 3,000 acres of property. The vast majority of these parcels are currently in a residential district, although there is some land in existing commercial districts.

For these properties, the designation of the GC represents downzoning; the GC district reduces the development allowed by right on the parcels. All districts must allow for some uses however, and this district provides for the state, federal, religious, and educational exemptions from local zoning that we must provide for under state law, as well as authorizing municipal uses and all existing or proposed non-municipal uses. No residential uses will be permitted. This represents a significant reduction to the current allowable uses of these properties. Please see appendix A for **Table 1: Permitted Uses and Development Standards**, which lists proposed uses for the GC district.

In the new GC district, only the following uses will be permitted:

- Uses currently allowed in all districts
 - Institutional, agricultural, and natural resource uses
 - Museums, art galleries, libraries, and recreational facilities
 - Wireless communications facilities and essential services
 - Non-profit organizations
- For-profit schools
- Parking lots
- Solar energy systems
- Flea markets and seasonal sale of Christmas trees and wreaths

PUBLIC HEARING

A duly advertised public hearing was held on January 20, 2016 in the Selectmen's Meeting Room in the Town Office Building. After a brief presentation of the proposed motion, the Board answered a few questions on the article and the hearing closed. After deliberations at their meeting of February 24, the Planning Board unanimously voted to recommend the adoption of this article.

PROPOSED MOTION

That Chapter 135 of the Code of the Town of Lexington, the Zoning Bylaw, be amended as follows:

1. That Bylaw Section 2.2 be amended to include the new district and renumber the subsequent sections accordingly:

1. 2.2.1 Governmental-Civic Use Districts

GC Governmental-Civic Use

2. That Bylaw Section 3.1, the Table of Uses, be amended to include the proposed district (see Appendix A).
3. That Bylaw Section 4.4, the Schedule of Dimensional Controls, be amended to include the proposed district (see Appendix B).
4. That Bylaw Section 5.1.10.3 be amended to permit access across the GC district to any other district so that the section reads:
 3. No private way or driveway shall be built through a district in which the use served by the private way or driveway is not permitted except that access through a GC district to any other district is permitted.
5. That Bylaw Section 5.1.11, Minimum Yards for Parking, be amended to include the new district, as summarized below:

District	Residential District Line (ft.)	Street Line (ft.)	All Other Lot Lines (ft.)	Wall of a Principal Building (ft.)
GC	0	25	5	5

6. That Bylaw Section 5.3.5, the required depth or width (in feet) of transition areas, be amended to include the new district as summarized below:

District In Which Lot is Located	Adjacent District												
	GC	RO	RS	RT	RD	CN	CRS	CS	CB	CLO	CRO	CM	Street Line
GC	-	20	20	20	20	-	-	-	-	-	-	-	-
RO	-	25*	25*	25*	10*	15	15	20	-	20	20	20	-
RS	-	25*	25*	25*	10*	15	15	20	15	20	-	-	-
RT	-	25*	25*	25*	10*	10	10	-	-	10	-	-	-

RD	-	20*	20*	20*	20*	20	20	20	20	20	20	20	25
CN	-	20	20	20	20	-	10	15	-	20	-	-	10
CRS	-	20	20	20	20	10	-	15	-	10	-	-	10
CS	-	20	20	20	20	15	15	-	-	15	-	-	20
CB	-	-	20	-	20	-	-	-	-	-	-	-	-
CLO	-	50	50	50	50	10	10	10	-	-	-	-	10
CRO	-	50	-	-	50	-	-	-	-	-	-	-	50
CM	-	50	-	-	50	-	-	-	-	-	-	-	25
*No requirement for an individual dwelling													

7. That Bylaw Section 9.4.1 be amended to make the Planning Board the special permit granting authority (SPGA) for special permits in the GC District, so that it reads:
 1. The Planning Board shall serve as the SPGA for:
 - a. All special permits pursuant to § 6.9, Special Permit Residential Developments;
 - b. All special permits in the Governmental-Civic Use (GC) District; and
 - c. When an activity or use requires both site plan review and one or more special permits, except for a wireless communication facility or as provided below.
8. That the Zoning Map be amended by rezoning to the GC District the parcels listed in a document titled “List of Parcels to be Rezoned to Governmental-Civic District” dated March 16, 2015, on file with the Planning Department.

APPENDIX A

TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
F.1.02	Uses and structures with 10,000 or more square feet of gross floor area including the area of any existing structures but not including any floor area devoted to off-street parking, on a lot	R	R	R	R	R	R	R	R	R	R	R
G. COMMERCIAL OFFICE USES												
G.1.0 AS A PRINCIPAL USE												
G.1.01	Medical, dental, psychiatric office, but not a clinic	N	N	N	N	Y	Y	N	Y	Y	Y	Y
G.1.02	Medical, dental, psychiatric office, but not a clinic, with related laboratory	N	N	N	N	N	Y	N	Y	Y	Y	Y
G.1.03	Business or professional office	N	N	N	N	N	Y	N	Y	Y	Y	Y
G.2.0 DEVELOPMENT STANDARDS FOR OFFICE USES												
G.2.01	Office located on street floor level *Not permitted in a center storefront.	N	N	N	N	Y	N	N	SP*	Y	Y	Y
G.2.02	Office located on any floor other than street floor level *Permitted in a basement	N	N	N	N	N*	Y	N	Y	Y	Y	Y
G.2.03	Office space of all companies in a building occupies a total of more than 50% of the floor area in a building	N	N	N	N	N	N	N	Y	Y	Y	Y

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
G.2.04	Offices in which one company has more than 1,000 square feet of floor area but not more than 2,500 square feet of floor area in a building	N	N	N	N	N	Y	N	Y	Y	Y	Y
G.2.05	Building used for offices without limit as to the amount of floor area one company may occupy or the percentage of floor area occupied by offices	N	N	N	N	N	N	N	N	N	Y	Y
H. PERSONAL, BUSINESS, OR GENERAL SERVICE USES												
H.1.0 AS A PRINCIPAL USE												
H.1.01	Beauty parlor, barber shop	N	N	N	N	Y	Y	Y	Y	Y	N	Y
H.1.02	Laundry or dry cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises, self-service laundromat or dry cleaning	N	N	N	N	Y	Y	Y	Y	N	N	Y
H.1.03	Tailor, dressmaker, shoe repair	N	N	N	N	Y	Y	Y	Y	N	N	Y
H.1.04	Real estate sales or rental	N	N	N	N	Y	Y	N	Y	Y	Y	Y
H.1.05	Bank or Credit Union	N	N	N	N	N	Y	N	Y	Y	Y	Y
H.1.06	Bank or Credit Union with drive-up window or auto-oriented branch bank	N	N	N	N	N	SP	N	N	N	SP	Y
H.1.07	Automatic teller machine	N	N	N	N	SP	Y	Y	Y	Y	Y	Y
H.1.08	Travel agency, insurance agency, ticket agency	N	N	N	N	N	Y	N	Y	Y	Y	Y

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
H.1.09	Photographic services including commercial photography	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
H.1.010	Repair of household appliances, small tools or equipment, rental of equipment or tools for use in a home	N	N	N	N	Y	Y	Y	Y	N	N	N
H.1.011	Funeral parlor	N	N	N	N	N	N	Y	N	Y	N	N
H.1.012	Photocopying, reproduction services but not commercial printing	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
H.1.013	Medical clinic for outpatient services	N	N	N	N	N	Y	N	Y	Y	Y	Y
H.1.014	School not exempt by statute	SP	N	N	N	N	Y	Y	Y	Y	Y	Y
H.1.014.1	Instruction in music or the arts, not to exceed 3,500 square feet of floor space per establishment	SP	N	N	SP	SP	Y	Y	Y	Y	Y	Y
H.1.015	Commercial printing, publishing	N	N	N	N	N	N	Y	Y	Y	N	Y
H.1.016	Newspaper distribution agency	N	N	N	N	N	N	Y	N	Y	N	Y
H.1.017	Office of veterinarian	N	N	N	N	N	N	Y	N	N	N	N
H.1.018	Kennel, boarding of household pets	N	N	N	N	N	N	Y	N	N	N	N
H.1.019	Pet grooming service provided that it shall be conducted entirely within the principal building and no pets shall be boarded overnight	N	N	N	N	N	Y	Y	Y	N	N	N
H.1.020	Private postal service	N	N	N	N	N	Y	Y	N	Y	Y	Y
H.1.021	Recycling collection store	N	N	N	N	N	N	SP	N	N	N	N
H.1.022	Museum, art gallery, private library	SP	SP	SP	SP	Y	Y	N	Y	Y	Y	N
H.1.023	Nonprofit community service center or charitable organization	SP	SP	SP	SP	Y	Y	N	Y	Y	Y	Y

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
H.1.024	Private, nonprofit club or lodge of social, fraternal, veterans, professional or political association; union hall; not including a recreational club	SP	SP	SP	SP	Y	Y	N	Y	Y	Y	Y
H.2.0 DEVELOPMENT STANDARDS FOR PERSONAL, BUSINESS, OR GENERAL SERVICE USES												
H.2.01	Services with more than 1,500 square feet of floor space per establishment	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y
H.2.02	Services with more than 3,500 square feet of floor space per establishment	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
I. SALES OR RENTAL OF GOODS AND EQUIPMENT												
I.1.0 AS PRINCIPAL USE												
I.1.01	Convenience goods often bought on a daily basis such as food, candy, newspapers, tobacco products	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
I.1.02	General merchandise, department store	N	N	N	N	N	Y	N	Y	N	N	N
I.1.03	Food, not intended for consumption on the premises; includes grocery store, but not a takeout or fast-food service	N	N	N	N	Y	Y	N	Y	N	N	SP
I.1.04	Package liquor store, with no consumption of beverages on the premises	N	N	N	N	N	SP	N	Y	N	N	N
I.1.05	Apparel, fabrics and accessories	N	N	N	N	Y	Y	N	Y	N	N	N

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
I.1.06	Furniture, home furnishings, home appliances and equipment, carpets	N	N	N	N	N	Y	N	Y	N	N	N
I.1.07	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	N	N	N	N	Y	Y	N	Y	N	N	Y
I.1.08	Hardware, paint, wallpaper	N	N	N	N	Y	Y	Y	Y	N	N	N
I.1.09	Building materials	N	N	N	N	N	Y	Y	Y	N	N	N
I.1.010	Lawn and garden supplies and equipment	N	N	N	N	N	Y	Y	Y	N	N	N
I.1.011	Sale or rental of equipment and supplies, such as office furniture, to other businesses	N	N	N	N	N	Y	Y	N	N	N	Y
I.1.012	Artisan work	N	N	N	N	N	N	N	Y	N	N	N
I.1.013	Medical Marijuana Distribution Center	N	N	N	N	N	N	N	N	N	N	Y
I.2.0	DEVELOPMENT STANDARDS FOR SALES OR RENTAL OF GOODS AND EQUIPMENT											
I.2.01	Stores with more than 2,000 square feet of floor area per establishment	N	N	N	N	N	Y	Y	Y	N	N	SP
I.2.02	Sales or rental conducted in part outdoors with permanent display of products during non-operating hours	N	N	N	N	N	Y	Y	Y	N	N	SP
J.	EATING AND DRINKING; TRANSIENT ACCOMMODATIONS											
J.1.0	AS A PRINCIPAL USE											
J.1.01	Restaurant	N	N	N	N	N	Y	N	Y	N	Y	Y

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
J.1.02	Fast-food service	N	N	N	N	SP	SP	N	SP	N	SP	Y
J.1.03	Takeout food service (* Requires a special permit for service between the hours of 11PM and 7 AM)	N	N	N	N	Y*	Y*	SP	Y*	N	Y*	Y*
J.1.04	Caterer or other establishment preparing meals for groups of people (* Only in conjunction with a substantial retail food business)	N	N	N	N	N	N	Y	SP*	N	N	Y
J.1.05	Drive-in or drive-through food service	N	N	N	N	N	N	N	N	N	N	N
J.1.06	Hotel, motel	N	N	N	N	N	N	N	SP	N	SP	Y
K. COMMERCIAL RECREATION, AMUSEMENT, ENTERTAINMENT												
K.1.0 AS A PRINCIPAL USE												
K.1.01	Movie theater (indoor)	N	N	N	N	N	N	N	Y	N	N	N
K.1.02	Indoor athletic and exercise facilities, weight reduction salon	N	N	N	N	N	SP	Y	Y	N	N	Y
K.1.03	Recreational facilities such as golf course, tennis or swimming club	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
K.1.04	Private nonprofit recreational facility such as golf course, tennis or swimming club	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y
L. MOTOR VEHICLE RELATED SALES AND SERVICE USES												
L.1.0 AS A PRINCIPAL USE												

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
L.1.01	Motor vehicle sales or rental; includes automobiles, trucks, campers, vans, recreational vehicles, boats, or trailers	N	N	N	N	N	SP	SP	N	N	N	SP
L.1.02	Service station, sale of fuel and other motor oil products and accessories such as batteries, tires	N	N	N	N	N	SP	SP	N	N	N	N
L.1.03	Sales and installation of automotive parts such as tires, mufflers, brakes and motor vehicle accessories	N	N	N	N	N	N	SP	N	N	N	N
L.1.04	Motor vehicle maintenance and minor repairs limited to engine tune-up, lubrication and installation of replacement parts, adjustment or replacement of brakes or tires, washing and polishing, but not including engine overhaul, body work or painting	N	N	N	N	N	SP	SP	N	N	N	SP
L.1.05	Substantial motor vehicle repair including engine overhaul, body work and painting	N	N	N	N	N	N	SP	N	N	N	N
L.1.06	Car wash conducted entirely within a building	N	N	N	N	N	N	SP	N	N	N	N
L.1.07	Automobile parking lot where the parking spaces do not serve a principal use on the same lot and where no sales or service takes place	SP	N	N	N	N	N	SP	SP	N	SP	SP
L.1.08	Storage of automobiles or trucks	N	N	N	N	N	N	SP	N	N	N	N
M.	CONSTRUCTION, STORAGE, DISTRIBUTION AND INDUSTRIAL USES											

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
N.1.02	Laboratory engaged in research, experimental and testing activities, which may include the development of mock-ups and prototypes but not the manufacture of finished products	N	N	N	N	N	N	N	N	N	Y	Y
N.1.03	Medical Marijuana Treatment Center	N	N	N	N	N	N	N	N	N	N	Y
O. UTILITY, COMMUNICATIONS, AND TRANSPORTATION USES												
O.1.0 AS A PRINCIPAL USE												
O.1.01	Radio, television studio, but without transmitting or receiving towers	N	N	N	N	N	Y	Y	N	N	Y	Y
O.1.02	Transmitting or receiving tower or antenna for commercial activities other than those which are used exclusively for wireless communication facilities	N	N	N	N	N	N	N	N	N	N	Y
O.1.03	Commercial ambulance service	N	N	N	N	N	N	SP	N	N	N	N
O.1.04	Taxicab garage, parking area	N	N	N	N	N	N	SP	N	N	N	N
O.1.05	Bus garage or storage facility	N	N	N	N	N	N	SP	N	N	N	Y
O.1.06	Parking maintenance facilities for commercial vehicles	N	N	N	N	N	N	SP	N	N	N	Y
O.1.07	Landing place for helicopters not including storage or maintenance facilities	N	N	N	N	N	N	N	N	N	SP	SP
O.1.08	Wireless communication facility *Yes if concealed as per § 6.4.4	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*	SP*
O.1.09	Essential services	Y	Y	Y	Y	SP	Y	Y	Y	Y	Y	Y

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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
O.1.10	Ground mounted solar energy systems	Y	N	N	N	N	N	N	N	N	N	R
P. OPEN AIR, SEASONAL AND SPECIAL EVENTS												
P.1.0 AS A PRINCIPAL USE												
P.1.01	Flea market	Y	N	N	N	N	N	SP	N	N	N	N
P.1.02	Seasonal sale of Christmas trees and wreaths	Y	SP	SP	SP	SP	Y	Y	N	SP	SP	SP
Q. ACCESSORY USES FOR COMMERCIAL USES												
Q.1.01	Parking of trucks or other equipment to be used for the maintenance of the buildings and grounds only; shall be parked only in a garage or in an outdoor area not within the minimum yard for the principal building and shall be screened from the view of abutting lots and the street	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Q.1.02	Temporary overnight outdoor parking of freight carrying or material handling equipment	Y	N	N	N	N	Y	Y	Y	Y	Y	Y
Q.1.03	Convenience business use	SP	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y

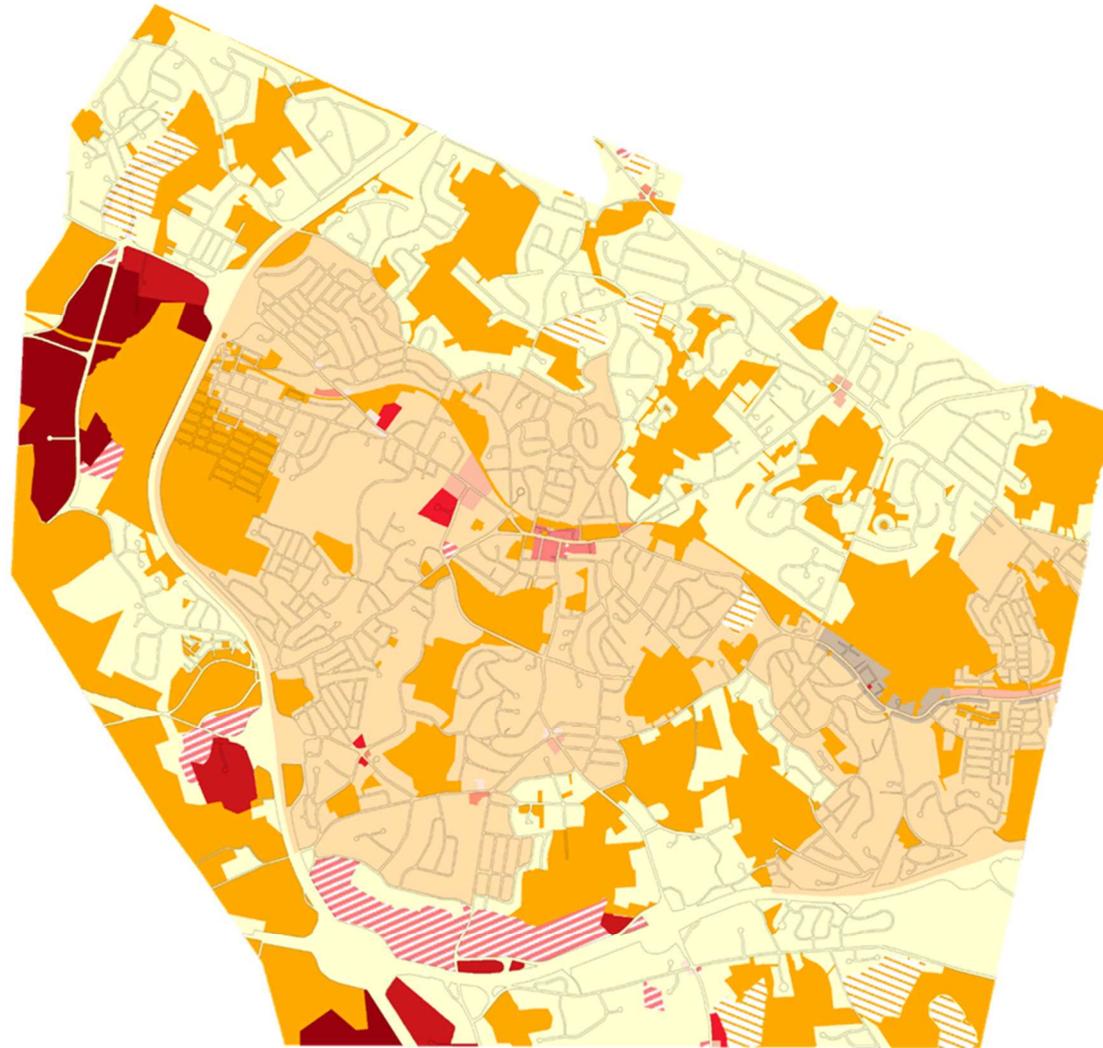
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TABLE 1: PERMITTED USES AND DEVELOPMENT STANDARDS												
		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM
Q.1.04	Cafeteria, dining room, conference rooms, function rooms, recreational facilities; the use shall be conducted primarily for the employees or clientele of the principal use and not for the general public and shall be conducted entirely within the principal building with no evidence of the existence of the use from the street or from any lot line	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y
Q.1.05	Processing, storage and limited manufacturing of goods and materials related solely to research, experimental and testing activities	N	N	N	N	N	N	N	N	N	Y	Y
Q.1.06	Light manufacturing	N	N	N	N	N	N	N	N	N	SP	Y
Q.1.07	Outdoor storage of inoperable or unregistered motor vehicles	SP	N	N	N	N	N	SP	N	N	N	N

APPENDIX B

4.4 TABLE 2, SCHEDULE OF DIMENSIONAL CONTROLS										
	ZONING DISTRICTS									
	GC	RO	RS & RT	CN	CRS	CS	CB	CLO	CRO	CM
Minimum lot area	NR	30,000 SF	15,500 SF	15,500 SF	15,500 SF	20,000 SF	NR	30,000 SF	5 AC	3 AC
Minimum lot frontage in feet	NR	150	125	125	125	125	20	175	300	200
Minimum front yard in feet (a), (b), (h)	NR	30	30	30	30	30	NR (c)	50	100	25
Minimum side yard in feet	NR	15 (d)	15 (d)	20	20	15	NR	30	50	25 (f)
Minimum rear yard in feet	NR	15 (d)	15 (d)	20	20	20	10	30	50	25 (f)
Minimum side and rear yard adjacent to, or front yard across the street from a residential district in feet	NR	15	15	30	30	30	30	50	100	100 (f)
Maximum floor area ratio (FAR)	NR	NR (g)	NR (g)	0.20	0.20	0.20	2.0	0.25	0.15	0.35 (f)
Maximum site coverage	NR	15% (e)	15% (e)	20%	25%	25%	NR	20%	25%	NR
Institutional buildings, maximum height: In stories: In feet:	2.5 (f) 40 (f)	2.5 40	2.5 40	3 45	3 45	3 45	2 30	3 45	3 45	NR 65 (f)
Other buildings, maximum height: In stories: In feet:	2.5 (f) 40 (f)	2.5 40	2.5 40	1 15	2 25	2 25	2 25	2 30	3 45	NR 65 (f)

APPENDIX C: PROPOSED GOVERNMENTAL-CIVIC USE DISTRICT



Legend

GC - Governmental-Civic Use District

RESIDENTIAL DISTRICTS

RS - One Family Dwelling

RO - One Family Dwelling

RT - Two Family Dwelling

COMMERCIAL / INDUSTRIAL DISTRICTS

CB - Central Business

CLO - Local Office

CM - Manufacturing

CN - Neighborhood Business

CRO - Regional Office

CRS - Retail Shopping

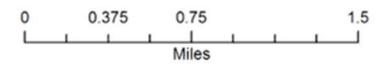
CS - Service Business

PLANNED DEVELOPMENT DISTRICTS

CD - Planned Commercial

RD - Planned Residential

1 in = 2,670 ft



Date: 3/19/2015