

DRAFT 11.09.2021 – Residential Development Bylaw

Amendment to §135-3.4, Table 1, Permitted Uses and Development Standards

	GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
A.1.05 Site Sensitive Development (SSD)	N	SP	SP	SP	N	N	N	N	N	N	N	N
A.1.06 Alternative Residential Development (ARD)	R	R	R	R	N	N	N	N	N	N	N	N

Amendment to §135-6.9, Special Permit Residential Developments (delete the existing §135-6.9, Special Permit Residential Developments and replace with a new §135-6.9, Residential Developments)

6.9 RESIDENTIAL DEVELOPMENT.

6.9.1 Purpose.

A Residential Development (RD) is a collection of residential options that can be utilized as an alternative to the conventional subdivision process. The RD options collectively encourage flexibility and creativity by reducing dimensional standards to preserve historic and sensitive natural resources, provide a diversity of housing options, create affordable housing, and encourage efficient construction patterns to encourage a neighborhood.

The RD establishes two development options that allow projects to meet the intent of this section. Both options require an affordability component that is in addition to the allowed market rate units. The two options include:

1. A Site Sensitive Development (SSD) through a special permit process allows for cluster development that allows for the same number of dwellings as a conventional subdivision, with multiple dwelling units per dwelling.
2. An Alternative Residential Development (ARD) through a site plan review process allows an increased number of market-rate dwelling units over that permitted by a conventional subdivision while promoting smaller dwelling unit sizes.

RDs intend to:

1. Support a walkable neighborhood;
2. Repurpose and preserve historically or architecturally significant buildings or places;
3. Encourage a reduction in lot area to encourage dwelling units less than 2,500SF in Unit Floor Area;
4. Create affordable units in addition to the market rate units;
5. Establish a straightforward permitting process taking 90 days or less; and
6. Offer a diversity of housing options.

6.9.2 Applicability and Timeline.

1. SSD Option
 - a. An SSD shall require a special permit from the Planning Board.
 - b. An SSD application shall present a proof plan that yields two or more buildable lots.
 - c. An SSD application shall be reviewed with 90 days, not including the sketch plan review.
2. ARD Option
 - a. An ARD project will be allowed by-right with site plan review.
 - b. An ARD application shall present a proof plan that yields two or more lots.
 - c. An ARD application shall be reviewed with 60 days, not including the sketch plan review.

6.9.3 Definitions

Unit Floor Area – The sum of the habitable area of the finished area of floors above grade of an individual dwelling unit, excluding basements, attics, porches, balconies, garages, common areas, elevators, common areas staircases, and mechanical and maintenance rooms.

Residential Development Inclusionary Housing – For the Residential Development (RD) Bylaw, the term Inclusionary Housing shall serve as the program for the creation of affordable (housing with a deed rider for households with an Area Median Income (AMI) of 80 percent or less) and moderate (housing with a deed rider for households with an AMI between 80 and 200 percent) housing.

6.9.4 Scale of Development.

1. Gross Floor Area.

The total gross floor area (GFA) in an SSD or ARD, excluding affordable and moderate dwelling units or permitted by §6.9.5 and 6.9.6, may not exceed the total gross floor area that would be permitted on the proof plan under § 135-4.4.
2. The amount of development permitted will be based on a fully complying proof plan, §135-6.9, and the Planning Board's Regulations relative to Site Plan Review and Special Permit Design to evaluate the extent to which the proposed development complies with the criteria set forth by the Town.

6.9.5 Site Sensitive Development

The dimensional controls in § 135-4.1.1 (Table 2, Schedule of Dimensional Controls) shall apply for lots or dwelling units within 50 feet of the entire project boundaries. Unless modified below, all development internal to the 50-foot boundary buffer shall comply with § 135- 4.1.1 (Table 2, Schedule of Dimensional Controls).

1. Lot area.

There is no minimum lot area required. Individual lot areas shall be sufficient to meet off-street parking requirements of this Bylaw and install any on-site water supply and sewage disposal facilities.
2. Frontage.

There is no minimum frontage required. The frontage for each lot shall be sufficient to provide adequate access to the site. Where shared driveways or other circumstances render frontage on the street to be of no importance, none is required.
3. Yard or Structure Separation.
 - a. Buildings on a common lot shall have a minimum of 15 feet between buildings.

- b. Zero lot lines are permitted for an adjoining wall of an attached dwelling.
4. Open Space.
- a. When residential units are located on a common lot, each dwelling unit shall have exclusive access to an outdoor amenity area of at least 500SF.
 - b. Each development is expected to preserve natural features, mature native trees, habitat areas, and sloped areas. Where possible, development should be sited to preserve mature native trees and the critical root zone.
5. Unit Numbers and Design
- a. The number of dwellings in an SSD shall not exceed the number of lots shown on the proof plan.
 - b. There shall be no limit to the number of dwelling units allowed per building.
 - c. Dwelling units within each dwelling shall not be less than 650sf in unit floor area.
 - d. Dwellings shall be designed to look like a one-family home from a public way, regardless of the number of dwelling units within the dwelling.

6. Inclusionary Housing

An SSD shall incorporate affordable dwelling units as outlined below.

- a. Each SSD project shall provide one affordable dwelling unit (maximum AMI of 80 percent) for every 10 market-rate dwelling units. These affordable units shall be added to the total number of market-rate units.
- b. A fractional number of affordable dwelling units shall be rounded up to the next whole number except as provided below.
- c. For projects with 9 or fewer market-rate dwelling units, the Applicant shall either provide an affordable dwelling unit or shall make a payment in lieu equal to 10 percent of the estimated construction cost of a market-rate dwelling unit multiplied by the number of market rate dwelling units. Such funds shall be used to retain or to create moderate-rate housing units in Lexington.

6.9.6 Alternative Residential Development.

1. Under the provisions of § 135–6.9.6, an ARD project is encouraged to establish a neighborhood community while meeting the following minimum requirements.
 - a. Perimeter Buffer

All ARD projects shall provide a frontage buffer that is 50 feet in depth along the front property line of the property. Said area shall retain all healthy native trees, stone walls, or other neighborhood significant items, except as needed for access. Side and rear buffers shall be 20 feet in depth and also left in a natural state, with increased landscape buffers when possible.
 - b. Dimensional Requirements

An ARD is exempt from § 135-4.1.1 (Table 2: Schedule of Dimensional Controls) but shall comply with the following

 - a. The number of buildings shall not be limited in an ARD as long as projects comply with all building and fire code requirements.
 - b. Individual Lots or Open Yard Space shall be provided as follows:
 - i. Detached one-family dwellings shall be on a lot no less than 8,000 sf; or

- ii. Attached one-family dwellings (townhouse, duplex, etc.) shall have each dwelling on a lot no less than 4,000SF.
- iii. Where dwelling units are stacked, each dwelling unit shall be granted usable open yard space equal to 500SF per dwelling unit. Balconies, decks, and patios may count for 50 percent of this space.
- c. Site coverage may be up to 50 percent.
- d. Building height may not exceed 3 floors and 35 feet.
- e. Individual lots shall have side, and rear yards shall that comply with § 135-4.0. Buildings on a common lot must be separated by 15 feet.
- f. Zero lot lines are permitted when buildings share a common wall.
- g. If the Unit Floor Area of any dwelling unit exceeds 2,500sf, the average Unit Floor Area of all dwelling units for the entire project shall not exceed 2,100 sf.
- c. Inclusionary Housing

Projects shall provide a mixture of affordable (max. area median income (AMI) of 80 percent) and moderate (AMI between 80-200 percent) housing.

 - a. An ARD shall provide a combination of affordable and moderate housing units at a ratio of 1 for every 5 market-rate units.
 - b. The inclusionary units shall not exceed 200 percent of the AMI. Of which 50 percent of the units shall be 80 percent AMI or below.
 - c. An Applicant can either round up to add a moderate housing unit for projects with fractional units or utilize § 135-6.9.5.d.

6.9.8 Historical and Architectural Preservation

1. A historic structure, architecturally significant structure, or structure that is unique to the scale of the neighborhood as determined by the Planning Board, the Historical Commission, or the Historic District Commission is encouraged to be incorporated into an RD project.
2. Once such a structure is determined to utilize § 135-6.9, then such structures shall be
 - a. Exempt from Inclusionary Housing Requirements as outlined in § 135-6.9.5 or .6, unless such structure yields more than 20 units. Then, all units over 20 are utilized § 135-6.9.5.d.
 - b. An Applicant shall follow dimensional requirements for such structure when an addition to the structure is proposed. Such dimensional shall be for the entire structure.
 - i. Side and rear yards: Units shall be located on an individual lot that meets the side and rear yard requirements outlined in § 135 – 4.0;
 - ii. Lot coverage: The structure shall not cover more than 50 percent of the individual lot it placed on;
 - iii. Open Space: Each unit within the structure shall be deeded outdoor open space equal to two times the net floor area of the respective individual unit in the structure.
 - iv. Unit size: Each unit within the structure shall not be less than 600 sf net floor area
 - v. Gross Floor Area: The structure may be added onto without exceeding more than 25 percent of the existing gross floor area.

6.9.9 Visitor Parking.

A minimum of 1 parking space per every 3 dwelling units shall be provided for visitor parking. Visitor parking may be on-street parallel or in a perpendicular pull-off. Where possible, visitor parking should be covered with solar canopies.

6.9.10 Sustainable Design

1. All RD projects shall be designed to reach the Town's net-zero goals through environmentally sustainable and energy-efficient design.
2. Environment and energy. Buildings shall meet one of the following environmental standards:
 - a. Home Energy Rating System (HERS) rating no greater than 47 for units of 1,200 square feet or less and no greater than 41 for units larger than 1,200 square feet. Alternatively, for units of 1,200 square feet or less, the Applicant may consider a comparable energy standard to the HERS rating of 47 after consultation with the Building Commissioner.
 - b. Certifiable under the US Green Building Council LEED New Construction Gold or Neighborhood Development Gold Certified.

6.9.11 RD Design and Compliance.

1. Projects shall comply with the Planning Board Zoning Regulations, § 176 – 12.0, as amended.
2. The design and construction of the inclusionary dwelling units shall be comparable to and indistinguishable from the market-rate units in exterior building materials and finishes, windows, and other improvements. Such dwelling units shall be no less than the median size of all units in the project.

6.9.12 Waivers.

The Planning Board may waive the provisions of § 135 – 6.9.4 – 10, by a four-fifths vote if it is found to benefit the neighborhood, be sensitive to the natural environment, and yield a better design.

6.9.13 Restriction.

No certificate of occupancy shall be issued until all restrictions, deed riders, and recording of such units through the Department of Housing and Community Development LIP applications are submitted and approved for the affordable units are executed and recorded and moderate units, when applicable.