

DRAFT 10.28.2021 – 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 Residential development (*by-right alternative option)	N	SP*	SP*	SP*	N	N	N	N	N	N	N	N

Amendment to §135-6.9, Special Permit Residential Developments

6.9 RESIDENTIAL DEVELOPMENT.

6.9.1 Purpose.

Residential Development (RD) is a series of residential options that can be utilized as an alternative to the conventional definitive subdivision. The RD encourages flexibility and creativity by reducing dimensional standards to preserve historic and sensitive natural resources, provide a diversity of housing options, 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 but the same number of market-rate structures permitted by a conventional subdivision.
2. An Alternative Residential Development (ARD) through a site plan review process allows up to double the number of market-rate units permitted by a conventional subdivision.

The RD intends 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 units between 1,500 and 2,500sf if Unit Floor Area;
4. Create affordable units as an add on to the market rate units;
5. Establish a straightforward permitting process within 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 three or more buildable lots.
 - c. An SSD application shall be reviewed with 90 days, which does not include the sketch plan review.

2. ARD Option
 - a. An ARD project will be allowed by-right when an Applicant petitions the Planning Board during the sketch plan phase. The use of § 135-6.9.6 shall be determined by a majority vote of the Planning Board when it is found the project will yield a project that meets the scale of the neighborhood, benefit the natural environment, preserves historic or architecturally significant structure or site features. If the Planning Board does not vote for an ARD during the sketch plan phase, the project can proceed as an ARD as a special permit.
 - b. An ARD application shall present a proof plan that yields two or more lots.
 - c. An ARD shall be reviewed as an expedited permit (within a combined total of 90days) when voted upon at the sketch plan phase. Such a timeline does not include the time between reviewing a sketch plan and applying for a site plan review or a special permit.

6.9.3 Definitions

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

6.9.4 Scale of Development.

1. An Applicant is not entitled to the maximum development, nor is the Applicant entitled to approval if the project does not comply with the requirements outlined in Lexington Bylaws and the Planning Board Zoning Regulations.
2. Unit Numbers
 - a. The number of dwellings in an SSD shall not exceed the number of dwellings shown on the proof plan.
 - b. The number of dwelling units in an ARD shall not exceed the gross floor area of the maximum permitted structures shown in the proof plan and divided among the units based on § 135-4.4.
3. Gross Floor Area.

The total gross floor area (GFA) in an SSD or ARD may not exceed the sum of the gross floor area that would be permitted on each of the lots shown on the proof plan under § 135-4.4, except for the affordable and moderate housing units or permitted by § 135-6.9.6.
4. The required number of affordable and moderate rate units shall be in addition to the number of market rate units.
5. 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, outlined in § 135- 4.1.1 (Table 2, Schedule of Dimensional Controls) shall comply for lots or dwelling units within 50 feet of the entire project boundaries. Unless modified below, all development outside of the 50 feet mentioned above shall comply with § 135- 4.1.1 (Table 2, Schedule of Dimensional Controls).

1. Lot area (when applicable).

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, and the frontage for each lot shall be sufficient to provide adequate access to the building 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. Structures on a common lot shall have a minimum of 15 feet between structures.
- b. Zero lot lines are permitted for an adjoining wall of an attached unit.

4. Open Space.

- a. When residential units are located on a common lot, each dwelling structure shall be deeded an outdoor amenity area equal to two times the size of the footprint of the respective unit.
- 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. Inclusionary Housing

An SSD shall incorporate affordable dwelling units, each SSD as outlined below.

- a. Each SSD project shall provide one affordable housing unit (maximum AMI of 80 percent) for every 10 lots shown on the proof plan. These affordable units shall be added to the total number of market-rate units.
- b. A fractional number of units shall be rounded up to the next whole affordable unit unless the Planning Board finds by a four-fifths vote for the use of § 135-6.9.5.1.d, below.
- c. No less than 50 percent of the affordable dwelling units shall be offered outside of the range between 40 and 60 percent AMI unless approved by a four-fifths vote of the Planning Board.
- d. For projects with 9 or fewer units, the Applicant may make a payment in lieu equal to 10 percent of the construction cost for each fractional unit up to 90 percent (example, 4 units will equal a 40 percent payment of the cost of construction). 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 establish a perimeter buffer along the front, sides, and rear property lines equal to 20 percent of the total frontage length. Such area shall be left in

its natural state for side and rear yards. While the front yard setback shall be designed to retain historical features (stonewalls) and large trees.

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. Individual Lots or Open Yard Space shall be provided as follows
 - i. Single-family units shall be on a lot no less than 8,000 sf; or
 - ii. Attached dwelling (townhouse, duplex, etc.) units shall have each unit on a lot no less than 4,000 sf.
 - iii. Where dwelling units are stacked, then each unit shall be granted usable open yard space equal to 2 times the footprint of the unit.
 - b. Lot coverage may be up to 35 percent for each new lot created or 35 percent of the entire lot for units on a common lot.
 - c. Building height may not exceed 3 floors and 35 feet in height,
 - d. Individual lots shall have side, and rear yards shall that comply with § 135-4.0. Or a minimum structure separation of 15 feet when structures are on a common lot.
 - e. Zero lot lines are permitted when units share a common wall.
 - f. The average unit size for the entire project shall not exceed 2,100 sf of the Unit Floor Area.
- c. Inclusionary Housing
- a. An ARD shall provide inclusionary housing units at a ratio of 1 for every 5 market-rate units.
 - b. The inclusionary units shall not exceed 200 percent of the Area Median Income (AMI). Of which 50 percent of the inclusionary units must be below 80 percent AMI at a distribution agreed upon by the Applicant and the Planning Board.
 - c. For projects with fractional units, an applicant may utilize § 135-6.9.5.d.

6.9.7 Accessory Apartments.

The Planning Board may authorize accessory apartments for an RD project, using the provisions outlined in § 135-6.7 of this Bylaw. The addition of Accessory Apartments shall not be taken out of the Unit Floor Area. Nor shall such Accessory Apartments be utilized for the affordable housing units.

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 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
 - 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 net 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. 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 PAA 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. Roadways and public infrastructure shall comply with Planning Board’s Subdivision Regulations unless modified by the Fire Department and the Department of Public Works.[Amended 3-23-2016 ATM by Art. 37]
- 3. Dead-end roadways are strongly discouraged. When an alternative is not possible, turn arounds, such a T-heads, Y-heads, center islands, should be utilized rather than a cul-de-sac. Such alternative shall be reviewed and approved by the Fire Department to ensure public safety.
- 4. 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 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.