



TOWN OF LEXINGTON *PLANNING OFFICE*

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Zoning vs. Regulations

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Over the past year, there has been a lot of discussion regarding amending the Zoning Bylaw and creating Regulations to aid in developing projects. Regulations have become increasingly popular over the past several years as a way to guide applicants/developers, in addition to the reviewing authority (Planning Board, Conservation Commission, ZBA, etc.).

In Lexington, both Zoning Bylaws and Regulations are enforceable. Non-compliance with either document, plus the applicable decisions/permits granted by the reviewing authority, can hold up a project both in construction and occupancy permits.

- Zoning Bylaws lay out the projects and create the site plan (similar to a town map, just on a smaller scale), while Regulations fill in the project with details and guide the Applicant and permit reviewing authority.

Below is a quick summary of the differences between zoning bylaws and regulations.

Zoning Bylaws

- Massachusetts General Law, Chapter (c) 40A, provides cities and towns in the Commonwealth the authority to adopt ordinances and bylaws to regulate the use of land, buildings, and structures.
- Amendments are made through a review and approval process as outlined in MGL c. 40A, Section 5 (Planning Board public hearing, vote of Town Meeting, review and approval of the Attorney General)
- The timeline for amendments can range from six (6) months to well over a year.
- Zoning looks at the bulk, height, and mass of a building or structure, site layout, site circulation, and off-street parking, public safety access, infrastructure (water, sewer, stormwater, electrical, etc.), traffic, the environment (built and natural).
- Ways to look at zoning
 - Dimensional – how big the buildings are, where they are placed, and how they impact the site
 - Site Layout - what a crow sees when flying and what a pedestrian sees from a street relative to buildings
 - Site Circulation - roadways, drive aisles, and sidewalks - how vehicles and people move within the property

Regulations

- The Planning Board adopts regulations that guide a developer/applicant through the permitting process. Regulations communicate what the Planning Board as a representative of the Town is

looking for in developing a project. In addition to providing the Planning Board with a set of criteria to fairly evaluate each project.

- Amendments to Regulations are made during an open public meeting of the Planning Board.
- The timeline for amendments can range from one (1) week or longer. This allows specific design criteria to be amended as technology improves, new laws are passed by the state, meet market demands, etc.
- Often includes submittal requirements (application information, site plans and required information on each sheet, reports, etc.)
- Examples of regulations include
 - Landscaping Regulations – Guides an applicant/developer relative to landscape requirements, such as types of plants, materials, etc. that may or may not be used on a property)
 - Land Disturbance Regulations – Guides an applicant/developer relative to the expectations of a community for land disturbance during and post-construction
 - Dover Use Amendments – Guides an applicant/developer relative to the Planning Board review that is limited to height, bulk, mass, and scale of a building, in addition to off-street parking, plus landscaping, stormwater, circulation, lighting, etc. relative to off-street parking.
 - Design Regulations – Guide an applicant/developer as to how the project should be designed. This includes the experience (feel of the site), the decorations and details provided, architectural features of a building, etc.