

**ARTICLE 38**

**AMEND ZONING MAP AND BYLAW  
186 BEDFORD STREET, LEXINGTON, MA**

**PROPOSED MOTION**

That the Zoning Map and Bylaw of the Town be amended to create the Preliminary Site Development and Use Plan (“PSDUP”) for the Planned Development District PD- consisting of the land located at 186 Bedford Street, Lexington, MA (the “Site”) as described below:

**PLANNED DEVELOPMENT DISTRICT PD-4**

**1. AUTHORITY TO ESTABLISH A PLANNED DEVELOPMENT DISTRICT.**

This Planned Development District is prepared under the provisions of Chapter 135 of the Code of the Town of Lexington (the “Town”) as amended through the annual Town Meeting 2018(the “Zoning Bylaw”), § 7.3, Planned Development Districts. The Planning Board has adopted regulations further detailing the process to establish a Planned Development District which are contained in Chapter 176 of the Code of the Town (the “Planning Board Zoning Regulations”), § 8.0, Planned Development Districts.

**2. DESCRIPTION OF DISTRICT**

This Planned Development District (PD- 4 District) consists of the Site which is Lot 68 on Town Assessors Map 64 as depicted in the PSDUP.

**3. ZONING BYLAW APPLICABILITY.**

- 3.1 In the event of inconsistency or conflict between the text and Regulatory Plans of this PSDUP and other Zoning Bylaw provisions applicable to this Planned Development District, the text and Regulatory Plans of this PSDUP control.
- 3.2 Unless herein noted otherwise, where the text and Regulatory Plans of this PSDUP are silent with respect to any provision of the Zoning Bylaw applicable to the PD-4 District, the Zoning Bylaw shall control. Subsequent amendments to the Zoning Bylaw shall not apply to the PD-4 District unless expressly stated otherwise. Terms used and not otherwise defined herein shall have the meanings as may be ascribed to them in the Zoning Bylaw.

**4. PSDUP TO BE EFFECTIVE UPON TRANSFER.**

This PSDUP establishes the zoning for the PD-4 District, and any successors and assigns in interest in the Site are bound to the terms and conditions of this PSDUP. .

**5. PLANS AND DOCUMENTS.**

- 5.1 Regulatory Material. In the event of conflict or inconsistency between the text of this PSDUP and the plans and documents incorporated by reference within it, the text of this PSDUP controls. The following plan set prepared by Highpoint Engineering, titled ”Proposed Mixed-Use Development – 186 Bedford Street, Lexington, Massachusetts | Preliminary Site Development and Use Plan” and dated December 20, 2018 (the “Regulatory Plans”), is incorporated within and made part of this PSDUP as follows:

<b>Regulatory Plans</b>	
C1	Title Sheet
C2	Property Rights & Dimensional Standards Plan
C3	Site Construction Plan
C4	Landscape Plan

5.2. Non-Regulatory Material. As provided in Section 8.6 of the Planning Board Zoning Regulations, all parts of the PSDUP application previously submitted and not included in Section 5.1 above, if any, are considered explanations, background information, and justification for the rezoning, and do not supersede the text of this PSDUP or the Regulatory Plans. The complete PSDUP application is on file with the Town Planning Office.

**6. PERMITTED USES.**

6.1. Principal Uses. All of the following uses or any combination thereof are permitted in this PD-4 District, subject to, and consistent with, the dimensional and standards provided in Section 7 below:

- a. Residential Uses
  - (1) Dwelling unit above street floor level in a commercial building
- b. Institutional Uses
  - (1) Child care center
  - (2) Use of land or structures for religious purposes
  - (3) Use of land or structures for educational purposes by a religious sect or denomination, or by a nonprofit educational corporation
  - (4) Municipal building or uses
  - (5) Park, playground
- c. Office Uses
  - (1) Medical, dental, psychiatric office or clinic for outpatient services
  - (2) Business or professional office
- d. Personal, Business or General Service Uses
  - (1) Beauty parlor, barber shop
  - (2) Tailor, dress maker, shoe repair
  - (3) Real estate sales or rental
  - (4) Bank, credit union, automatic teller machine
  - (5) Travel agency, insurance agency, ticket agency
  - (6) Photographic services including commercial photography
  - (7) Repair, rental, repair of household appliances, equipment, tools for use in a home
  - (8) Photocopying, reproduction services
  - (9) Instruction in music, the arts, languages, mathematics, sciences, and other disciplines, not to exceed 3,500 square feet of floor space per establishment
  - (10) Art gallery, design studio, artisan work
  - (11) Non profit community service center or charitable organization
  - (12) Indoor athletic and exercise facility, health spa
- e. Sales Or Rental Of Goods And Equipment; Eating and Drinking
  - (1) Convenience goods often bought on a daily basis such as food, candy, newspapers, personal care products

- (2) Apparel, fabrics, footwear and accessories
  - (3) Other retail goods, such as books, stationery, drugs, sporting goods, jewelry, photo supplies, flowers, home furnishings, novelties, clothes, cards and the like
  - (4) Hardware, paint, wall paper
  - (5) Food, not intended for consumption on premises; includes but not limited to bakery, pastry, sandwiches, cheese, meat, poultry, fish, beverages, groceries
  - (6) Restaurant, including take-out food service; take-out food service; fast-food service
  - (7) Establishment for sale of coffee, tea, other beverages, and incidental food for consumption on or off premises
  - (8) Caterer or other establishment preparing meals for groups of people but not between the hours of 11pm and 7am
  - (9) Package liquor store, for sale of wine, beer and other alcoholic beverages
- f. Utilities, Communications and Transportation Uses
- (1) Radio, television studio, but without transmitting or receiving towers
  - (2) Concealed wireless communication facility per Section 6.4.4 of the Zoning Bylaw
- g. Temporary Uses
- (1) Temporary building or trailer incidental to the construction of the building or development
  - (2) Temporary structures and uses not otherwise permitted in the district, provided the Building Commissioner finds that the proposed structure or use is compatible with the neighborhood

The Zoning Bylaw Use Table Operating Standards, Section E., and Development Standards, Sections F., G.2.0, H.2.0 and I.2.0 do not apply.

6.2. Accessory Uses.

- (1) All accessory uses or structures normally incidental to the principal uses or structures included in Section 6.1 above and as set forth in §3.2.1 of the Zoning Bylaw.
- (2) Accessory uses for residential uses: Home occupation, instruction , minor, major as defined in the Zoning Bylaw.

6.3 Historic Preservation Incentives. Section 6.2 of the Zoning Bylaw, Historic Preservation Incentives, shall apply to this PD-4 District. The use or activity in Section 6.2.6.1 of the Zoning Bylaw shall apply except the following uses shall not apply: conversion of single family to two family residences or to congregate living facilities, creation of rooming units; creation of accessory apartments in single family residences; creation or of bed-and-breakfast homes.

**7. DIMENSIONAL STANDARDS.**

Section 7.3.2.1 of the Zoning Bylaw provides a PD District does not have predetermined standards for development. Table 2, Schedule of Dimensional Controls, Section 4.1.1 of the Zoning Bylaw does not provide standards that apply to a PD District. The following dimensional standards apply to this PD- District:

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Minimum Lot Area	50,000 sf (0.36 acres)
Minimum Lot Frontage	200 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	20 feet
Minimum Rear Yard Setback	20 feet
Minimum Building Side and Rear Yard Adjacent To Residential District	20 feet
Maximum Site Coverage Ratio	25%
Maximum Nonresidential Floor Area Ratio {FAR}	0.22
Maximum Building Height	40 feet

**8. OTHER ZONING PROVISIONS.**

8.1. Landscaping, Transition and Screening. The Landscape Plan, submitted as part of the Regulatory Plans, depicts the detailed landscaping for the Site. For this PD-4 District, the provisions of § 5.3 of the Zoning Bylaw, Landscaping, Transition and Screening, shall not apply except for the following:

1. The objectives of § 5.3.1 apply.
2. The provision of § 5.3.3 requiring a landscaping plan applies which is provided in accordance with this text Section 8.1.
3. The provisions of § 5.3.11 Maintenance, and § 5.3.12, Landscaping, to be completed prior to issuance of certificate of occupancy, apply.
4. The provisions of § 5.3.15, Special Permit apply.

8.2. Traffic. This PD-4 District is subject to the Transportation Demand Management Plan and Memorandum of Understanding referenced in the Special Conditions below. The provisions of § 5.5 of the Zoning Bylaw, Traffic Standards, do not apply to this PD-4 District.

8.3. Off-Street Parking and Loading. For this PD-4, the provisions of § 5.1 of the Zoning Bylaw, Off-street Parking and Loading, shall not apply except for the following:

1. The objectives of § 5.1.1 apply.
2. The provisions of § 5.1.3, Parking Plan; § Bicycle Parking Facilities; and §5.1.14, Special Permit, shall apply.

Calculation of required off-street parking spaces in this PD-4 shall be as follows and the Off Street Parking Summary is shown on the Property Rights and Dimensional Standards Plan:

<b>TYPE OF USE</b>	<b>PARKING FACTOR</b> <i>(minimum number of parking spaces to be provided)</i>
Residential	1 per dwelling unit
<b>OFFICE USES</b>	
All permitted Office uses	1 per 250 sf
Medical office	1 per 200 sf
<b>RETAIL BUSINESS USE</b>	
Personal services, bank, business services, retail sales, and rental uses	1 per 500 sf
<b>EATING ESTABLISHMENTS</b>	
Restaurant and other eating establishments	1 per 5 seats or 1 per 200 sf
Takeout food service	1 per employee

8.4. Signs. This PD-4 District is subject to the Regulatory Plans submitted herewith. For this PD-2 District, the provisions of § 5.2 of the Zoning Bylaw, Signs, shall not apply except for the following:

1. The objectives of § 5.2.1 apply.
2. The provisions of § 5.2.3, Exemptions, apply.
3. The General Regulations of § 5.2.4 apply.
4. The provisions of § 5.2.5, Prohibited Signs, apply.
5. The provisions of § 5.2.8, Commercial Districts, apply; and except for signs permitted as of right pursuant to § 5.2.8, applications for signs shall be submitted pursuant to the Provisions For Site Plan review set forth in Zoning Bylaw Section 9.5.4 as administered by the Planning Board or the Planning Director as the Planning Board’s designee.
6. The provisions of § 5.2.10, Special Permit, apply

8.5. Illumination. This Planned Development District is subject to the Regulatory Plans submitted herewith. The provisions of § 5.4 of the Zoning Bylaw, Outdoor Lighting, apply.

8.6 The Special Permit Granting Authority for this PD- 4 District shall be the Planning Board.

**9. SPECIAL CONDITIONS.**

This PD-4 District is subject to the following special conditions:

9.1 Traffic Mitigation and Traffic Demand Management

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The developer of the Site shall, as a condition of receiving a certificate of occupancy, provide for the traffic mitigation and traffic demand management measures as described in the Transportation Demand Management Plan incorporated herein and attached hereto as Appendix\_\_\_.