

**Town of Lexington**  
**Motion**  
**2023 Annual Town Meeting**

**ARTICLE 33 AMEND ZONING BYLAW SPECIAL PERMIT RESIDENTIAL DEVELOPMENTS**

**MOTION:**

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, and further that non-substantive changes to the numbering of this bylaw be permitted to comply with the numbering format of the Code of the Town of Lexington:

**1. Amend § 135-3.4, Table 1, Permitted Uses & Development Standards, by replacing row A.1.05 with the following and adding new row A.1.06:**

		GC	RO	RS	RT	C N	CRS	CS	CB	CLO	CRO	CM	CS X
A.1.05	<del>Special Residential Development (SRD)</del> <u>Compact Neighborhood Development (CND)</u>	N	R	R	R	N	N	N	N	N	N	N	N
<u>A.1.06</u>	<u>Site Sensitive Development (SSD)</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>

**2. Replace § 135-6.9 with the following:**

**6.9. SPECIAL RESIDENTIAL DEVELOPMENTS.**

**6.9.1 Purposes.**

This section is intended to:

1. Encourage greater diversity of housing opportunities to meet the needs of a diverse population with respect to income, ability, accessibility needs, number of persons in a household and stage of life;
2. Encourage the development of inclusionary housing;
3. Promote development proposals designed with sensitivity to the characteristics of the site;
4. Permit different types of structures and residential uses to be combined in a planned interrelationship that promotes an improved design relationship between buildings;

5. Preserve historically or architecturally significant buildings or places;
6. Encourage the preservation and minimum disruption of outstanding natural features of open land and minimize impacts on environmentally sensitive areas;
7. Encourage sustainable development through the use of green building practices and low-impact development techniques; and
8. Promote the efficient and economical provision of public facilities such as utilities and streets and facilitate a detailed assessment, by Town officials and the public, of the adequacy of such facilities and services for the proposed level of development.

### **6.9.2 Applicability.**

A Special Residential Development (“SRD”) is a project in which one or more lots, tracts, or parcels of land are to be improved for use as a coordinated site for housing and for which deviations from the dimensional standards that apply to conventional developments are allowed in order to achieve a diversity of household types, sizes and affordability. Instead of determining density by dwelling type, minimum lot area, and frontage requirements, the total Gross Floor Area (GFA) of market-rate residential development for the tract as a whole is limited.

No Site Sensitive Development (SSD) shall be initiated without first obtaining a special permit from the Planning Board in accordance with the provisions of this section and § 9.4 of this Bylaw.

No ~~Special Residential~~ Compact Neighborhood Development (CND) shall be initiated without site plan review by the Planning Board in accordance with the provisions of this section and § 9.5 of this Bylaw.

### **6.9.3 Types of Special Residential Development.**

1. Site Sensitive Development (SSD): A Special Residential Development in which the number of dwellings is limited as set forth below so that existing site features such as natural grades, mature trees, stone walls, and historic structures may be retained.
2. Compact Neighborhood Development (CND): A Special Residential Development in which the size of the dwelling units is limited as set forth below.

### **6.9.4 Scale of Development.**

The amount of development permitted in a Special Residential Development shall be based on a proof plan showing at least two lots fully complying with the provisions of this bylaw (other than this § 6.9 and § 6.12), the Planning Board’s Subdivision Regulations, and the criteria set forth below.

### **6.9.5 Threshold Criteria for Site Sensitive Development.**

An SSD must be designed to preserve natural features, mature native trees, habitat areas, sloped areas, historically or architecturally significant buildings or places. Where possible, an SSD should be sited to preserve

mature native trees and the critical root zone.

### **6.9.6 Dimensional Standards.**

The requirements of § 4.0 are modified as follows within a Special Residential Development:

1. Lot area. There is no minimum lot area required; provided, however, that the lot area for each lot shall be sufficient to safely meet the off-street parking requirements of this bylaw and the installation of any on-site water supply and sewage disposal facilities.
2. Frontage. There is no minimum frontage required; provided, however, that frontage for each lot shall be sufficient to provide for adequate access to the building site in the judgment of the Fire Department. Adequate access may be demonstrated by use of shared driveways, parking lots or other means.
3. Yard Requirements. The Minimum Yards required by § 4.0 shall apply only to the perimeter of the site but are not required elsewhere within the site.
4. Height Requirements. The height limits in Table 2 shall apply, except that the height limit, as measured by stories, shall be three stories in all districts.
5. Gross Floor Area. Section 4.4 shall not apply. The total GFA of all dwelling units other than inclusionary dwelling units shall not exceed 115% of the sum of (1) the total area of all lots in the proof plan multiplied by 0.16 and (2) 4,550 SF multiplied by the number of lots shown on the proof plan.

### **6.9.7 Dwelling Unit Count and Size.**

1. Number of Dwellings. In a Site Sensitive Development, the number of dwellings shall not exceed the total gross floor area of the development divided by the maximum building size determined under § 6.9.7.4, rounded up. There is no limit on the number of dwellings in a Compact Neighborhood Development.
2. Number of Dwelling Units. There is no upper limit on the number of dwelling units in a dwelling. The number of dwelling units shall not be less than the number of lots shown on the proof plan in accordance with § 6.9.4
3. Dwelling Unit Size. The average GFA for all dwelling units in a Compact Neighborhood Development may not exceed 2,250 square feet. The GFA for any single dwelling unit in a Compact Neighborhood Development may not exceed 2,800 square feet. There is no limit on the GFA of a dwelling unit in a Site Sensitive Development.
4. Building Size. The GFA of any building in a Special Residential Development other than an Historic Building shall not exceed 9,350 square feet in the RO District and 7,030 SF in the RS and RT Districts.

### **6.9.8 Inclusionary Housing**

1. Inclusionary Dwelling Units.
  - a. At least 15% of the of the sum of (1) the total area of all lots in the proof plan multiplied by 0.16 and (2) 4,550 SF multiplied by the number of lots shown on the proof plan shall be incorporated into inclusionary dwelling units, as defined by regulations promulgated by the

Planning Board pursuant to § 6.9.8.5 (the “Inclusionary GFA”). At least two-thirds of the Inclusionary GFA shall be incorporated into dwelling units eligible for inclusion on the Town’s Subsidized Housing Inventory as determined by the Massachusetts Department of Housing and Community Development and shall remain affordable in perpetuity.

2. Inclusionary dwelling units shall be substantially similar in size, layout, construction materials, fixtures, amenities, and interior and exterior finishes to comparable dwelling units in the same dwelling.
3. A Special Residential Development with more than one inclusionary dwelling unit shall proportionally disperse those units throughout the development rather than concentrate them within particular sections of a dwelling or within particular dwellings.
4. Occupants of inclusionary dwelling units shall have the same access to common areas, facilities, and services as enjoyed by other occupants of the development including but not limited to outdoor spaces, amenity spaces, storage, parking, bicycle parking facilities, and resident services.
5. The Planning Board, in consultation with the Select Board, the Housing Partnership Board, and the Commission on Disability, shall adopt regulations concerning physical characteristics, location, and access to services of inclusionary dwelling units; defining limits on the household income of occupants, sale price, and rent of inclusionary dwelling units; and the form of required legal restrictions for such units.
6. A Special Residential Development with six or fewer market-rate dwelling units shall be permitted to meet the requirements of this section by making a payment to the Town’s Affordable Housing Trust in an amount equal to the estimated construction cost of 15% of the GFA permitted under the proof plan submitted pursuant to § 6.9.4, as determined in accordance with regulations to be promulgated by the Planning Board.
7. No certificate of occupancy shall be issued for multi-family housing until an affordable housing restriction for any inclusionary dwelling units is executed, submitted to the Town, and, to the extent required, recorded.

### **6.9.9 Regulations**

The Planning Board ~~shall adopt~~ may modify existing Site Plan Review and Special Permit design regulations and standards (§176-12), consistent with this Section, regarding Special Residential Developments, including with respect to pedestrian and vehicular access to, and egress from, the site, landscaping, screening, and buffers, lighting, stormwater management, architectural style and scale, water and wastewater systems, and refuse disposal.

The Planning Board shall ~~also~~ adopt additional Site Plan Review and Special Permit design regulations and standards (§176-12) for Site Sensitive Developments, to protect natural features of the site such as natural grades and slopes, views, mature trees, stone walls, natural resources such as agricultural soil, and common open space.

### **6.9.10 Common Open Space Standards.**

1. Minimum common open space. At least 15% of the developable site area in a Special Residential Development shall be set aside as common open space.

### 6.9.11 SPGA. The Planning Board shall be the special permit granting authority for all Site Sensitive

Developments. The Planning Board may grant any special permits that are required for the Site Sensitive Developments, notwithstanding provisions of this bylaw designating a different special permit granting authority.

6.9.12 Criteria. The SPGA may only grant a special permit for a Site Sensitive Development if it makes a determination that the proposed development is consistent with the standards and criteria set forth in § 9.4.2 and serves the goals set in 6.9.1.

**3. Amend § 135-10, Definitions as follows:**

1. Delete the definitions of “BALANCED HOUSING DEVELOPMENT” and “PUBLIC BENEFIT DEVELOPMENT”.

2. Amend definitions as follows:

**SITE SENSITIVE DEVELOPMENT (SSD)**

A type of special residential development as defined in § 6.9.

**SPECIAL RESIDENTIAL DEVELOPMENT (SRD)**

A residential development regulated by § 6.9, in which a tract of land is divided into one or more lots for constructing dwellings allowing deviation from the dimensional standards that apply to conventional developments.

3. Add the following definitions:

**COMPACT NEIGHBORHOOD DEVELOPMENT (CND)**

A type of special residential development as defined in § 6.9.