

Draft (15) 12072023

This draft includes the work done at the 11/20 PB Working Meeting and the vote at the Special Town Meeting December 2, 2023. The Zoning Bylaw mirrors the requirements voted on with Option C. Text in red are changes from the previous draft as discussed in the last PB meeting on 11/20 and text in blue corresponds to open issues.

MOTION:

That the Zoning Bylaw, and Zoning Map 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 Town of Lincoln Zoning Bylaw.

Section 23, add new definitions as follows:

3A District: An overlay district that complies with M.G.L., c. 40A, s. 3A which requires an MBTA community to have a zoning ordinance or bylaw that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right without age restrictions and suitable for families with children. Such district must have a minimum gross density of 15 units per acre, subject to any further limitations imposed by Section 40 of chapter 131 and title 5 of the state environmental code per section 13 of chapter 21A, and be located not more than .5 miles from a commuter rail station, subway station, ferry terminal or bus station , if applicable.

Executive Office of Housing and Livable Communities (EOHLC): The Massachusetts Executive Office of Housing and Livable Communities formerly known as the Department of Housing and Community Development (DHCD).

Live/Work Unit: A Live/Work unit is defined as a single unit consisting of both a commercial/office and a residential component that is used and occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant. Live/Work units are allowed only in mixed-use zoning districts and mixed-use overlay districts. **The uses shall be consistent with the allowed uses in each subdistrict. Live/work units are limited to five non-resident workers.**

Multi-Family Housing: A building with 3 or more residential dwelling units or 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building.

Street Activating Uses: **Town Counsel will provide definition.**

Section 12.9 Multi-Family and Mixed-Use Overlay Districts

12.9.1 The 3A District: An Overlay District to comply with M.G.L. c. 40A, s. 3A.

Purposes: The purposes of creating the 3A District are as follows:

1. To ensure compliance with M.G.L. c. 40A, s. 3A.
2. To promote multi-family housing near public transportation and major transportation routes.
3. To ensure pedestrian-friendly development by permitting denser housing in areas close to public transportation, shopping, and local services.
4. To respond to local and regional needs for housing by promoting a variety of housing options.
5. To promote affordable housing by permitting a variety of housing options with inclusionary housing requirements.
6. To encourage residential and mixed-uses to provide a customer base for local businesses.
7. To meet the goals of the Town of Lincoln Comprehensive Plan.

The 3A Overlay District shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within the 3A District or one of its subdistricts and where the property owner has elected to comply with the requirements of the overlay district, rather than complying with those of the underlying zoning district.

Other than expressly stated herein, all provisions of the underlying zoning of a parcel shall apply.

Procedures and Regulations. Development proceeding under this section shall be allowed by right and shall be subject to Site Plan Review by the Planning Board under Section 17. In addition, any development shall be subject to Planning Board regulations, including Design Guidelines.

12.9.1.2 Permitted Uses:

The Uses in this section are permitted by right, subject to Site Plan Review.

Residential Uses:

- (a) All developments under this section shall include Multi-Family housing.
- (b) All residential uses under this section shall be Multi-Family housing.
- (c) Accessory uses for residential uses are permitted to the same extent they would be permitted in the R-1 District.

Non-Residential Uses:

Subdistricts of the 3A District that allow mixed-use development may include the following nonresidential uses:

- (a) Stores for retail sales, provided that all displays and sales are conducted within a building, except as hereinafter provided, and where no significant manufacturing, assembly or packaging occurs on the premises.

Retail stores may, subject to such conditions as the Planning Board may impose, conduct outdoor displays and/or sales pursuant to a plan submitted to and approved by the Planning Board showing the area in which the sale is to take place, the proposed dates and hours of operation, and any other pertinent facts.

- (b) Retail service establishments, including but not limited to **banks, private retail postal and/or delivery services**, hair salons, laundry and dry cleaning pick up, shoe repair, fitness or other exercise or wellness studio **and other similar retail service establishment**.
- (c) Live/work units.
- (d) Business, or professional offices including professional medical offices.
- (e) Studios, craft workshops, and similar uses, including retail sales of products produced on the premises provided that there is no outdoor storage of equipment, and the use does not cause offensive noise, odor, smoke, dust, or other offensive characteristics beyond the premises.
- (f) Food services, catering, bakeries, cafes, and restaurants provided satisfactory information has been presented to the Planning Board under the Site Plan Review process as listed in Section 9.2 of this Zoning Bylaw.
- (g) Bed and Breakfast Inn, an owner occupied residence providing overnight accommodations including breakfast.
- (h) Municipal or public utility use.
- (i) **Post Office, MBTA rail station or stop, bus stop.**
- (j) Any other business determined to be sufficiently similar by the Planning Board to any permitted use under this section.
- (k) Uses accessory to the foregoing.

12.9.1.3 Uses Not Permitted:

The following uses are not permitted in the 3A District:

- (a) Service station or repair shop for motor vehicles, appliances, and other light equipment.
- (b) Sale or rental of heavy equipment.
- (c) Manufacturing and assembly.

- (d) Offices for general building, building maintenance, landscaping, electrical and similar contractors that include outdoor storage of supplies, tools, equipment, and vehicles incidental to actual conduct of the activity.
- (e) Private postal or delivery service distribution or consolidation center.
- (f) Drive-in or drive-through services as part of an allowed use in Section 12.8.1.2 are prohibited, except by Special Permit from the Planning Board.
- (g) Gun vendors including retail sales and/or manufacturing of guns or parts thereof.

12.9.1.4 Subdistricts:

The 3A District is divided into four subdistricts. Dimensional and use rules are modified for each subdistrict as follows:

Lincoln Woods Subdistrict:

(a) Uses Permitted: Multi-Family housing only.

(b) Dimensional Controls: Development Regulations under Section 13 and other Zoning Bylaw requirements shall apply except as are modified as follows:

1. Height: Maximum Height shall be 36’.
2. Lot Area: Minimum Lot Area is not applicable.
3. Yards: Front, Side, and Rear yards shall be a minimum of 25’.

Front Yards may only be used for public uses such as landscaping, benches, tables, seating, play areas, public art, or similar features.

4. Frontage: Minimum lot frontage shall be 50’ or as otherwise approved by the Planning Board under Site Plan Review.
5. Width of Lot: Width of Lot shall not be applicable.
6. Lot Coverage: Lot Coverage shall not be applicable.
7. Stories: A maximum of three stories is permitted.
8. Parking: There shall be a minimum of one parking space required for each residential unit. Parking shall not be located in front of buildings except as approved by the Planning Board.

9. Density: A maximum density of 8 residential units per acre is permitted.

Lincoln Road/Lewis Street Subdistrict

(a) Uses Permitted: Multi-Family and Mixed-Use with Multi-Family as set forth in Sections 12.9.1.2 and 12.9.1.3 above.

(b) Dimensional Controls: Development Regulations under Section 13 and other Zoning Bylaw requirements shall apply except as modified as follows:

1. Height: Maximum height shall be 36' for residential buildings and 42' for mixed-use buildings.

2. Lot Area: Minimum Lot Area shall not be applicable.

3. Yards: Front and Side yards shall be a minimum of 15' and rear yards shall be a minimum of 25'.

Front Yards may only be used for public uses such as landscaping, benches, tables, seating, play areas, public art, or similar features.

4. Frontage: Minimum Lot Frontage shall be 50' unless otherwise approved by the Planning Board under Site Plan Review.

5. Width of Lot: Width of Lot shall not be applicable.

6. Lot Coverage: Lot Coverage shall not be applicable.

7. Stories: A maximum of three stories is permitted.

8. Parking:

There shall be a minimum of one parking space required for each residential unit. Parking for non-residential uses shall be in accordance with Section 15 of the Zoning Bylaw or per the approved Site Plan. Parking shall not be located in front of buildings, except as approved by the Planning Board.

Mixed-Use Developments under this section may provide fewer parking spaces where, in the determination of the Planning Board, proposed parking is found to be sufficient to meet the needs of the development. In making such a determination the Planning Board may consider any parking reduction requests to consider complementary uses, proximity to public transportation, proximity to municipal and street parking, transportation demand management (TDM) measures, and shared parking arrangements.

9. Density: A maximum density of 11 residential units per acre is permitted.
10. TBD Controls to ensure built density matches modeled density.

Codman Road Subdistrict

(a) Uses Permitted: Multi-Family uses only.

(b) Dimensional Controls: Development Regulations under Section 13 and other Zoning Bylaw requirements shall apply except as modified as follows:

1. Height: Maximum Height shall be 36’.
2. Lot Area: Minimum Lot Area is not applicable.
3. Yards: Front and Side yards shall be a minimum of 30’, and Rear yards shall be a minimum of 50’.

Front Yards may only be used for public uses such as landscaping, benches, tables, seating, play areas, public art, or similar features.

4. Frontage: Minimum lot frontage shall be 50’.
5. Width of Lot: Width of Lot shall not be applicable.
6. Lot Coverage: Lot Coverage shall not be applicable.
7. Stories: A maximum of three stories is permitted.
8. Parking: There shall be a minimum of one parking space required for each residential unit. Parking shall not be located in front of buildings except as approved by the Planning Board.
9. Density: A maximum density of 10 residential units per acre is permitted.
10. TBD Controls to ensure built density matches modeled density.

12.9.1.5 Inclusionary Zoning

In any development containing six (6) or more Dwelling Units, at least 10% of the Dwelling Units shall be Affordable Housing Units. Such Affordable Housing Units shall be affordable to households earning up to 80% of Area Median Income and shall meet the requirements of a subsidized housing unit for purposes of inclusion in the Town’s Subsidized Housing Inventory. Said units shall remain affordable in perpetuity. Where the calculation results in a fraction of a unit, the number of required units shall be rounded up to a full unit.

Fees in lieu of affordable units may be used, to the extent permitted by law and with the approval of the Planning Board with consultation of the Housing Affordable Trust. With such approval, the applicant may contribute an amount in cash equal to or greater than the value of development and construction of such affordable housing units, and satisfactory to the Planning Board to the Town of Lincoln's Affordable Housing Trust.

Sections 14.5.4.1 through 14.5.44 of the Zoning Bylaw are incorporated herein by reference.

No certificate of occupancy for a Dwelling Unit in a development permitted under this section shall be issued until the regulatory agreements for the Affordable Housing Units are recorded.

12.9.1.6 Building Energy Requirements

Building Energy Requirements will be governed by the Massachusetts Building Code including the Town of Lincoln General Bylaw Article XI Miscellaneous, Section 17 Stretch Energy Code as may be amended.

12.9.2 Village Center Overlay District

Purposes: The purposes of the Village Center Overlay District are to:

1. Create a vibrant and pedestrian-friendly village center by encouraging the development or redevelopment of a mix of residential and non-residential uses in proximity to the Lincoln Commuter Rail Station.
2. Encourage business and professional services for Lincoln residents and visitors, while fostering an environment that allows businesses to be economically resilient.
3. Promote an active and connected pedestrian environment.
4. Promote innovative approaches to parking.
5. Enable an increase in housing production for households of varied incomes, ages, and sizes to create a broad range of housing opportunities.
6. Maintain a high level of quality and design that respects and enhances the visual character of Lincoln.
7. Support reductions in greenhouse gas emissions by enabling housing near transit and amenities.
8. Ensure a predictable and efficient development review and permitting process.

The Village Center Overlay District shall not replace existing zoning districts but shall be superimposed over them. The provisions of this section apply only to developments on a lot located entirely within the Village Center Overlay District and where the property owner has elected to comply with the requirements of the overlay district, rather than complying with those of the underlying zoning district.

Procedures and Regulations. Development proceeding under this section shall be allowed by right and shall be subject Site Plan Review by the Planning Board under Section 17. In addition, any such development shall be subject to Planning Board regulations, including Design Guidelines.

Other than expressly stated herein, all provisions of the underlying zoning of a parcel shall apply.

12.9.2.1 Permitted Uses:

The Uses in this section are permitted by right, subject to Site Plan Review or pursuant to a Special Permit granted by the Planning Board where applicable.

Residential Uses:

- (a) All developments under this section that front Lincoln Road shall be mixed-use and shall include Multi-Family housing.
- (b) All residential uses under this section shall be Multi-Family housing.
- (c) Accessory uses for residential uses are permitted to the same extent they would be permitted in the R-1 District.

Non-Residential Uses:

- (a) Stores for retail sales, provided that all displays and sales are conducted within a building, except as hereinafter provided, and where no significant manufacturing, assembly or packaging occurs on the premises.

Retail stores may, subject to such conditions as the Planning Board may impose, conduct outdoor displays and/or sales pursuant to a plan submitted to and approved by the Planning Board showing the area in which the sale is to take place, the proposed dates and hours of operation, and any other pertinent facts.

- (b) Retail service establishments, including but not limited to banks, private retail postal and/or delivery services, hair salons, laundry and dry cleaning pick up, shoe repair, fitness or other exercise or wellness studio **and other similar retail service establishment.**
- (c) **Post Office, MBTA rail station or stop, bus stop.**
- (d) Live/work units.
- (e) Business, or professional offices including professional medical offices.
- (f) Studios, craft workshops, and similar uses, including retail sales of products produced on the premises provided that there is no outdoor storage of equipment, and the use does not cause offensive noise, odor, smoke, dust, or other offensive characteristics beyond the premises.

- (g) Food services, catering, bakeries, cafes, and restaurants provided satisfactory information has been presented to the Planning Board under the Site Plan Review process as listed in Section 9.2 of this Zoning Bylaw.
- (h) Bed and Breakfast Inn, an owner occupied residence providing overnight accommodations including breakfast.
- (i) Municipal or public utility use.
- (j) Any other business determined to be sufficiently similar by the Planning Board to any permitted use under this section.
- (k) Uses accessory to the foregoing.

12.9.2.3 Uses Not Permitted:

- (a) Service station or repair shop for motor vehicles, appliances, and other light equipment.
- (b) Sale and rental of heavy equipment.
- (c) Manufacturing and assembly.
- (d) Offices for general building, building maintenance, landscaping, electrical and similar contractors that include outdoor storage of supplies, tools, equipment, and vehicles incidental to actual conduct of the activity.
- (e) Private postal or delivery service distribution or consolidation center.
- (f) Drive-in or drive-through services as part of an allowed use in Section 12.9.2.2 are prohibited, except by Special Permit from the Planning Board.
- (g) Gun vendors including retail sales and/or manufacturing of guns or parts thereof.

12.9.2.4 Dimensional Controls

- (a) Development Regulations under Section 13 and other Zoning Bylaw requirements shall apply except as modified as follows:
 1. Height: Maximum height shall be 36' for residential buildings and 42' for mixed-use buildings.
 2. Lot Area: Minimum Lot Area shall not be applicable.
 3. Yards: Front, Side, and Rear yards shall be a minimum of 25 feet.

Front Yards may only be used for public uses such as landscaping, benches, tables, seating, play areas, public art, or similar features.

4. Frontage: Frontage shall be 50' or as approved by the Planning Board under Site Plan Review.

5. Width of Lot: Width of Lot shall not be applicable.

6. Lot Coverage: Lot Coverage shall not be applicable.

7. Stories: A maximum of three stories is permitted for all buildings.

8. Parking:

There shall be a minimum of one parking space required for each residential unit. Parking for non-residential uses shall be per the approved Site Plan. Parking shall not be in front of buildings except as approved by the Planning Board.

For Mixed-Use Developments under this section, the applicant shall demonstrate that the proposed parking is sufficient to meet the needs of the development. The applicant may consider any parking requests to consider complementary uses, proximity to public transportation, proximity to municipal and street parking, transportation demand management (TDM) measures, and shared parking arrangements.

9. Density: A maximum density of 25 residential units per acre is permitted.

10. At least 80% of the street floor frontage of a mixed-use building that has frontage on a public way must be dedicated to retail, restaurant, or other active commercial use including street activating uses. .

TBD Commercial and retail requirements based on gross floor area or other criteria.

Tentatively discussing 33% and special permit required for less than 33%.

13. Window Glazing of street floor commercial space shall be transparent.

Retail uses. The façade facing the primary street frontage shall be at least sixty (60) percent transparent. All other façades facing a street or public space shall be at least thirty (30) percent transparent.

All other nonresidential uses (excluding retail). The façade facing the primary street frontage shall be at least forty (40) percent transparent. All other façades facing a street or public space shall be at least twenty-five (25) percent transparent.

Transparency shall be calculated as the percentage of clear, non-reflective glass within the area between three (3) feet and eight (8) feet above the first floor finished elevation.

Transparent doors and window mullions shall count as part of the transparent area.

Structural elements and opaque or reflective glass shall not count toward the transparency requirement, except that up to twenty (20) percent of the transparency requirement for any, one (1) façade may be fulfilled by spandrel glass. The percentage of non-reflective spandrel glass used may be increased in limited circumstances if back-of-house portions of buildings must face a public street, subject to the approval of the community development director.

Glass display cases may count toward the transparency requirement only if they give the appearance of windows, are at least eighteen (18) inches deep, and are maintained with items of interest, including window display graphics.

For retail uses, windows at the ground floor shall be at least five (5) feet high.

For nonresidential uses on corner lots, the minimum transparency required for the primary street façade may be transferred to the secondary street façade provided that the primary street transparency is not less than thirty (30) percent.

14. Bicycle and other Mobility/Transportation Aids Storage: All residential buildings shall provide an indoor ground floor storage area for bicycles and other transportation or mobility aids.

15. Electric car charging stations are required at one station per X residential units.

Additional Height, Stories, and Density may be allowed by a Special Permit granted by the Planning Board. The process of the Special Permit shall be in accordance with Section 20 of the Zoning Bylaw.

12.9.2.5 Inclusionary Zoning

In any development containing six (6) or more Dwelling Units, at least 10% of the Dwelling Units shall be Affordable Housing Units. Such Affordable Housing Units shall be affordable to households earning up to 80% of Area Median Income and shall meet the requirements of a subsidized housing unit for purposes of inclusion in the Town's Subsidized Housing Inventory. Such units shall remain affordable in perpetuity. Where the calculation results in a fraction of a unit, the number of required units shall be rounded up to a full unit.

Fees in lieu of affordable units may be used, to the extent permitted by law and with the approval of the Planning Board with consultation of the Housing Affordable Trust. With such approval, the applicant may contribute an amount in cash equal to or greater than the value of development and construction of such affordable housing units, and satisfactory to the Planning Board to the Town of Lincoln's Affordable Housing Trust.

Sections 14.5.4.1 through 14.5.4.4 of the Zoning Bylaw are incorporated herein by reference.

No certificate of occupancy for a Dwelling Unit in a development permitted under this section shall be issued until the regulatory agreements for the Affordable Housing Units are recorded.

12.9.2.6 Building Energy Requirements

Energy Requirements will be governed by the Massachusetts Building Code including the Town of Lincoln General Bylaw Article XI Miscellaneous, Section 17 Stretch Energy Code as may be amended.