

# Town of Lexington



Mary de Alderete, Town Clerk  
[mdealderete@lexingtonma.gov](mailto:mdealderete@lexingtonma.gov)

Phone: 781-698-4558  
fax: 781-861-2754

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**EXCERPT OF THE TOWN OF LEXINGTON  
ANNUAL TOWN MEETING  
HELD MONDAY, MARCH 18, 2024, 7:30 P.M.  
CARY MEMORIAL BUILDING – BATTIN HALL  
WITH ADJOURNED SESSIONS HELD  
MARCH 20, 22, 27, and APRIL 1, 3, 8, 10, 24**

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## **ARTICLE 49 AMEND ZONING BYLAW – PERMITTED USES AND DEFINITIONS**

### **MOTION:**

Mr. Peters moves that the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added, 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 definitions in § 135-10.0 as follows:

### **RESTAURANT**

~~An establishment primarily for serving by a waiter or waitress and consumption of meals at tables or a counter, on the premises. A brewpub serving at least 25% of the establishment's brewing production capacity on-site shall be classified as a restaurant.~~

An establishment whose principal business is the sale of foods or beverages for consumption on premises, including cafés, cafeterias, or brewpubs.

### **FAST FOOD SERVICE**

~~An establishment primarily for self-service or purchase of food or beverage at a counter for consumption on the premises.~~

2. Add new definitions in § 135-10.0 as follows (new text not underlined):

### **CRAFT BEVERAGE ESTABLISHMENT**

An establishment licensed to manufacture under M.G.L. Chapter 138 that produces less than 465,000 gallons (or 15,000 barrels) on-site per year for consumption on or off premises, including craft breweries and microbreweries.

3. Amend Section J of Table 1, Permitted Uses and Development Standards for Eating and Drinking Establishments, as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
<b>J.</b>	<b>EATING AND DRINKING; TRANSIENT ACCOMODATIONS</b>												
<b>J.1.0</b>	<b>AS A PRINCIPAL USE</b>												
J.1.01	Restaurant (*Maximum 7,500 square feet gross floor area per one establishment and SP for	N	N	N	N	<u>N</u> <u>SP</u>	Y	<u>N</u> <u>SP</u>	Y	<u>N</u> <u>SP</u>	Y	Y	SP*
	E.1.01 ad SP for E.1.02 with regard to equipment and N for Products)												
J.1.02	Fast food service (*Maximum 7,500 square feet gross floor area per one establishment and SP for E.1.01 and SP for E.1.02 with regard to equipment and N for products)	N	N	N	N	SP	SP	N	SP	N	SP	Y	SP*
J.1.03	Takeout food service (*Requires a special permit for service between the hours of 11:00 p.m. and 7:00 a.m.)	N	N	N	N	Y*	Y*	<u>SP</u> <u>Y*</u>	Y*	<u>N</u> <u>Y*</u>	Y*	Y*	<u>SP</u> <u>Y*</u>

4. Amend Section N.1.05 in Table 1 Permitted Uses and Development Standards for Manufacturing, Research and Development, Life Science, and Technology Uses, as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
<b>N.</b>	<b>MANUFACTURING, RESEARCH AND DEVELOPMENT, LIFE SCIENCE, AND TECHNOLOGY USES</b>												
<b>N.1.0</b>	<b>AS A PRINCIPAL USE</b>												
<b>N.1.05</b>	Brewery, winery, distillery, eider	N	N	N	N	N	N	N	N	N	N	Y	N

<u>N.1.05</u>	<u>Craft Beverage Establishment</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>SP</u>	<u>Y</u>	<u>Y</u>	<u>SP</u>
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5. Amend Section Q of Table 1, Permitted Uses and Development Standards for Accessory Uses for Commercial Uses as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
<b>Q.</b>	<b>ACCESSORY USES FOR COMMERCIAL USES</b>												
<b>Q.1.04.</b>	Cafeteria, dining room, conference rooms, function rooms, recreational facilities; the use shall be conducted primarily for the employees or clientele of the principal use and not for <del>the general public</del> and shall be conducted entirely within <del>the principal building with no evidence of the existence of the use from the street or from any lot line</del>	SP	SP	SP	SP	Y	Y	Y	Y	Y	Y	Y	Y

6. Amend Section I of Table 1, Permitted Uses and Development Standards Section I.1.03 as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
<b>I.</b>	<b>SALES OR RENTAL OF GOODS AND EQUIPMENT</b>												
<b>I.1.0</b>	<b>AS A PRINCIPAL USE</b>												

I.1.03	Food, not intended for consumption on the premises; includes grocery store, but not a take out or fast-food service (*Maximum 7,500 square feet gross floor area per one establishment and SP for E.1.01 and N for E.1.02)	N	N	N	N	Y	Y	N	Y	N	SP	SP	Y*
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7. Amend Section 5.1.4 in the Table of Parking Requirements as follows:

Type or Use	Parking Factor
<b>Eating Establishments</b>	
Restaurant, <del>fast-food</del> , and other eating establishments not otherwise classified	1 per 3 seats, or 1 per 150 SF, whichever is greater;  1 per 5 seats, or 1 per 200 SF, whichever is greater in CB

8. Amend Section H.I.020 of Table 1, Permitted Uses and Development Standards as follows:

		GC	RO	RS	RT	CN	CRS	CS	CB	CLO	CRO	CM	CSX
<b>H.</b>	<b>PERSONAL, BUSINESS, OR GENERAL SERVICE USES</b>												
H.1.020	Private postal service	N	N	N	N	N	Y	Y	<del>N</del> <u>Y</u>	N	Y	Y	Y

Following remote electronic vote tallying, the Moderator declared that:

**Motion to Approve Article 49 Permitted Uses and Definitions**

Adopted by a vote of:

<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>143</b>	<b>1</b>	<b>2</b>

**MOTION CARRIES WITH MORE THAN NECESSARY 2/3RDS**