

**ADDITIONAL  
AMENDMENTS  
TO THE  
LAWRENCE ZONING  
ORDINANCE**

Included in the attached:

---

1. Planned Industrial Development District (PIDDD)

2. Chapter 40R Smart Growth Zoning Ordinance

29-19 (c) Lawrence's Downtown Smart Growth Overlay

2. Landscape Ordinance amendments

---

## Planned Industrial Development District (PIDD)

---

## Planned Industrial Development District (PIDD)

To be identified as I-4 in tables

### ADD TO SECTION 29.4. DEFINITIONS.

**Aquaculture.** The cultivation of aquatic animals, in a recirculating environment to produce whole fish that are distributed to retailers, restaurants and consumers.

**Aquaponics.** The combination of aquaculture and hydroponics to grow crops and fish together in a recirculating system without any discharge or exchange of water.

**Flex Space.** The sale, lease or rental of space within a structure or multiple structures that allow a combination of uses, where the uses within that Flex Space meet with the following criteria:

- (1) All of the uses within the building area committed to Flex Space must be allowed as-of-right within the PIDD.
- (2) Changes in products, services and square footage of uses within a structure identified for Flex space will not require further approval for use, if the Building Inspector determines the uses and property are otherwise in conformance with the Bylaws. The uses originally permitted may not change.
- (3) The floor area committed to each use is unrestricted except for commercial space for retail use which may be no greater than 25,000 square feet per business.

**Hydroponics.** The growing of plants, in a water and fertilizer solution containing the necessary nutrients for plant growth.

### ADD TO SECTION 29-6. DIVISION OF CITY INTO DISTRICTS

PIDD Planned Industrial Development District

### ADD TO SECTION 29-10 PURPOSE AND INTENT OF ZONING DISTRICT CLASSIFICATIONS

**Planned Industrial Development District (PIDD).** To control the design, development, renovation and redevelopment of the Merrimack Street Corridor within the Lawrence TBD Urban Renewal District, consistent with the Plan's overall vision and goals including the development of facilities for Food Manufacturing and Production, Specialty Manufacturing, Health Care and Medical Facilities.

### ADD TO SECTION 29-11. USE TABLE (TABLE 1)

Add a column for PIDD, based on the I-2 District

Add the same uses as the I-2 with the following exceptions:

A. Agriculture

Agriculture, horticulture, floriculture and viticulture on less than 5 acres

Indoor agriculture uses such as Aquaponics, Aquaculture, and Hydroponics

B. Commercial

Adult Uses: No

Athletic Field: No

Automobile or other vehicle sales, and service, new, and accessory sale of used vehicles so long as such accessory sale of used vehicles does not take up more than 50% of the developed lot area:  
No

Carwash: No

Conference Center: PSA

Drive-thru facility: No

Filling station: Permitted

Vehicle storage/impoundment facility: No

Massage Therapy: No

Monument Works: No

Roofing Shop: No

Self-service laundromat: No

Dry-clean establishment: Yes

Hand laundry: No

Shopping Center: No

Storage, outdoor: No

Undertaking establishment: No

Upholstery shop: No

C. Industrial

Indoor warehousing and recovery of used automobile and machine parts: No

Lumber yard: No

Manufacturing, processing, fabrication, and assembly: P

Refuse treatment and disposal: No

Anaerobic digesters: PSA

Publishing establishment: PSA

Community Garage: PSA

Flex Use: PSA

D. Institutional

Hospice: No

Hospital: No

Rest Home: No

Sanitarium: No

Solar Panel and Wind Installations: PSA

E. Residential and Accessory Residential

No to all such uses, including Planned Unit Development

**ADD TO SECTION 29.14 IN GENERAL.**

Add PIDD as a column to Table 3, Schedule of Dimensional Requirements Within Non-Residential Districts with suggested dimensions below:

**TABLE 3**

	I-2 FOR REFERENCE ONLY	PIDD
Lot Frontage and Width	0	0
Yards (Minimum)		
Front	30	0
Side	25	0
Rear	25	25
Lot Coverage (Buildings)	50%	90% buildings and impermeable surfaces
Height	--	8 Feet
Stories	--	100

**ADD TO SECTION 29-18. PARKING REGULATION.**

Add requirements for any new uses to Table 4

Add PIDD next to I-3 in the table for setbacks of parking spaces and maneuvering aisles

## **ADD TO SECTION 29-23. GENERAL OR SPECIFIC PROVISIONS**

- (aaa) Solar Panel and Wind Installations. Subject to the height limits of the district and a maximum lot area of one (1) acre.
- (aab) Planned Industrial Development District. All uses within the PIDD shall be subject to the Design Guidelines in the LawrenceTBD Urban Renewal Plan. These Design Guidelines are a part of the Planning Board's Site Plan Approval Process.

## Chapter 40R Smart Growth Zoning Ordinance

### 29-19 (c) Lawrence's Downtown Smart Growth Overlay



## **Section 29-19C**

### **Downtown Smart Growth Overlay District (DSGO)**

#### **29-19 C1 Purpose**

It is the purpose of this Section to establish a Downtown Smart Growth Overlay (DSGO) district to support downtown revitalization and to encourage smart growth in accordance with the purposes of G.L. Chapter 40R, to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, adaptive reuse of historic buildings, preservation of historic character, preservation of open space, and a variety of transportation options, including enhanced pedestrian and bicycle access to employment and nearby transportation systems. Other objectives are:

- a. Promote public health, safety and welfare by encouraging diversity of housing opportunities;
- b. Provide a full range of housing choices for households of all incomes, ages and sizes in order to promote municipal character and diversity;
- c. Promote mixed-use and pedestrian-oriented development;
- d. Create a neighborhood identity that promotes pedestrian activity, human interactions, safety, and livability;
- e. Encourage building re-use and infill development to protect and preserve the city's historic building stock;
- f. Establish requirements, standards, and guidelines, and ensure predictable, fair, and cost-effective development review and permitting;
- g. Establish development standards to allow context sensitive design and Site Planning;
- h. Enable the City to receive zoning incentive and /or density bonus payments in accordance with G. L. CH. 40R and 760 CMR 59.06 and additional Chapter 70 aid in accordance with G. L. Ch. 40S arising from the development of the DSGO. To the extent in compliance with all requirements of the funding source and the corresponding state contract and any associated addendum, all density bonus payments from the Commonwealth of Massachusetts for construction of housing units permitted under the DSGO shall be directed to the City of Lawrence First-time Homebuyer Assistance Program. In the event that this program is suspended or discontinued, the Office of Planning and Development shall redirect the density bonus payments to support owner occupancy housing, provided that such expenditures are also in compliance with requirements of the funding source and the corresponding state contract and any associated addendum.

#### **29-19 C2 Definitions**

For the purposes of this Section the following definitions shall apply. To the extent that there is any conflict between the definitions set forth in this Section and the Governing Laws, the terms of the Governing Laws (MG.L. Chapter 40R and 760 CMR 59.00) shall govern.

**Affordable Homeownership Unit.** An Affordable Housing unit required to be sold to an Eligible Household.

**Affordable Housing.** Housing that is affordable to and occupied by Eligible Households.

**Affordable Housing Restriction.** A deed restriction of Affordable Housing meeting the statutory requirements in G. L. c. 184 Section 31 and the requirements of Subsection 21-19 C3 of this Section.

**Affordable Rental Unit.** An Affordable Housing unit required to be rented to an Eligible Household.

**Artist Live /Work Unit.** A residential use that permits up to 50% of the gross floor area of each individual residential dwelling unit to be used for the production of arts and crafts made on the premises by the occupant of said unit, provided that the total gross floor area of the dwelling used for residential purposes is not less than 400 square feet. For the purposes of the DSGO, this term shall also mean a building or buildings where a portion of the total space is used for residential purposes and the other portions, not to exceed 20%, of the gross floor area of the building or buildings may be used for the production, showing and sale of arts and crafts produced by the residents thereof. Additionally, the units shall be promoted in marketing materials as artist live/work space units.

**As-of-Right, As-of-Right Project or Project.** A use or corresponding residential or mixed-use development allowed under Subsection 4 of this Section without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

**Building Code.** 780 CMR: State Board of Building Regulations and Standard (The Mass Building Code)

**Certified Plot Plan.** A certified plot plan is a plan that has been prepared upon the basis of an instrument survey.

**DHCD.** The Department of Housing and Community Development of the Commonwealth of Massachusetts and any successor agency.

**Design Standards.** The document entitled DSGO district Design Standards, as approved by DHCD, are applicable to all Projects within the DSGO that are subject to Plan Approval by the Plan Approval Authority.

**Eligible Household.** An individual or household whose annual income is less than 80 percent of the area wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**Governing Laws.** M.G. L. Chapter 40R, 760 CMR 59.00, and DHCD administrative guidance relating to G.L. Chapter 40R.

1. **Low-impact development (LID)** A term used to describe a land planning and engineering design approach to manage stormwater runoff emphasizing conservation and use of on-site natural features to protect water quality.

**Fire Code** 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code; and M.G.L. Chapter 148 Fire Prevention.

**Mixed-Use.** Structure in which residential use is permitted As-of-Right with allowed commercial uses.

**Monitoring Agent or Administering Agent** – the local housing authority or other qualified housing entity designated by the PAA, chief executive, or other designated municipal official, pursuant to Section 6.2, to review and implement the Income-Restriction requirements affecting Projects under Section 6.0.

**Multifamily.** Dwelling containing three or more dwelling units.

**Open Space.** The part or parts of land within a Project which are reserved or restricted for permanent open space. This space shall exclude parking areas and storm water detention areas, but include setbacks and walkways. The open space shall be open and unobstructed to the sky; however, trees, planting, arbors, flagpoles, sculptures, fountains, swimming pools, atriums, outdoor recreational facilities, such items as streetscape elements (lights, planters, benches etc.), outdoor areas devoted to dining, cafe or similar uses, and decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobble stones or concrete surface treatments designed to resemble pavers or cobble stones), and similar objects shall not be considered obstructions.

**Plan Approval.** The standards and criteria which a Project in the DSGO must meet under the procedures established herein and in the Governing Laws.

**Plan Approval Authority (PAA).** For purposes of reviewing Project applications and issuing decisions on development Projects within the DSGO, The Plan Approval Authority (PAA), consistent with the Governing Laws, shall be the City of Lawrence Planning Board, which is authorized to approve a Site Plan to implement a Project.

**Recreational Uses.** Active recreational use, including but not limited to ball fields, and passive recreational uses, including but not limited to walking and bicycle paths. Amusement or motorized uses shall not be considered eligible recreational uses.

**Site Plan** A detailed site layout containing sufficient information to evaluate the land and architectural aspects of the proposed development. The purpose of a Site Plan is to ensure compliance with the Section 29-19C and the compatibility of a development with neighboring development as well as access, landscaping, roads, parking, sidewalks and other features that are exegetic to approving a project in accordance with 29-19 C16.c.

**Zoning Ordinance.** The Zoning Ordinance of the City of Lawrence

### **29-19 C3 Establishment of the DSGO**

The Downtown Smart Growth Overlay District (DSGO) is an overlay district comprising Assessor's Map 66 Lots 1-6, Map 67 Lots 4-6, Map 85 Lots 1-17, Map 86 Lots 1-9Lot, map 101 Lots 1-73, Map 105 Lots 1-11, Map 124 Lots 1-5, Map 125 Lots 1-9, Map 126 Lots 1-62, Map 143 Lots 14-16 and 21-24, Map 144 Lots 1-27, Map 145 Lots 1-62, Map 165 Lots 33-40A, and Map 166 Lots 45-70, that is superimposed over the underlying district, as shown on the Zoning Map as set forth on the map entitled "Downtown Smart Growth Overlay (DSGO) district" dated \_\_\_\_\_. The map is hereby made part of the Zoning Ordinance and is on file at the Office of the City Clerk.

#### **a. Underlying Zoning.**

The DSGO is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect. The owners of property shall maintain all zoning rights consistent with the underlying zoning district. However, if an owner elects to develop consistent with DSGO, the rules and regulations of the DSGO shall apply.

**b. Applicability.**

In accordance with the provisions of G. L. Chapter 40R and 760 CMR 59.00, an applicant for a Project located within the DSGO may seek Plan Approval in accordance with the procedures of 29-19 C15 of this Section. In such a case, then notwithstanding anything to the contrary in this Zoning Ordinance, such Plan Approval shall not be subject to any other provisions of this Zoning Ordinance, including limitations upon the issuance of building permits for residential use related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations.

**c. Housing and Affordability**

Prior to granting Plan Approval for housing within the DSGO, an applicant for such approval must submit documentation ensuring that at least 20 percent of the total number of housing units in the Project will be Affordable Housing units and that procedures are in place to assure the administration of said units over time. Further, said documentation shall include details about construction related to the provision, within the Project, of housing units accessible to the disabled. Failure to provide the Affordable Housing documentation required shall constitute an insufficient application.

- 1. Marketing Plan.** Prior to granting Plan Approval for housing within the DSGO, an applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, housing for the local workforce, and the elderly.
- 2. Number of Affordable Housing Units.** For all Projects, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.
- 3. Requirements.** Affordable Housing shall comply with the following requirements:
  - (1) For an Affordable Rental Unit, the monthly rent payment, including applicable utilities, shall not exceed 30 percent of the maximum monthly gross income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
  - (2) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking (as determined to be applicable by DHCD), shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

- (3) Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
  - (4) Nothing in this Section shall permit the imposition of restrictions on age upon projects in the DSGO unless proposed or agreed to voluntarily by the applicant. However, the PAA may, in its review of a submission under Section 29-19 C15, allow a specific project within the DSGO that is designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted project shall be Affordable Housing.
- 4. Design and Construction.** Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed equitably and proportionately throughout the development of which they are part, across all buildings, floors and unit types, and be comparable in initial construction, quality and exterior, design to other housing units in the development. Unless otherwise expressly approved by DHCD, the total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all the units in the development of which the Affordable Housing is part.
- 5. Affordable Housing Restriction.** Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:
- (1) specification of the term of the Affordable Housing Restriction which shall be the maximum period allowed by law but not less than thirty years;
  - (2) the name and address of a Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
  - (3) a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project, with the initially designated Affordable Rental Units identified in, and subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines.
  - (4) reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law for the Affordable Housing units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

- (5) a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
  - (6) reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
  - (7) designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of an Affordable Homeownership Unit to a conventional or government-backed lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
  - (8) a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;
  - (9) provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
  - (10) provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the City, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;
  - (11) provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the City, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
  - (12) provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent, certifying compliance with the Affordable Housing provisions of this Section and containing such other information as may be reasonably requested in order to ensure compliance with such Affordable Housing provisions;
  - (13) a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure compliance with the Affordable Housing requirements.
6. **Monitoring Agent.** The Office of Planning and Development shall be designated by the PAA as the Monitoring Agent (the "Monitoring Agent") for all Projects in the DSGO. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the DSGO, and on a continuing basis thereafter, as the case may be:

- (1) prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
  - (2) income eligibility of households applying for Affordable Housing is properly and reliably determined;
  - (3) the housing marketing and resident selection plan conforms to all requirements and is properly administered;
  - (4) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;
  - (5) Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;
- 7. Housing Marketing and Selection Plan.** The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with Affordable Housing requirements.
  - 8. Phasing.** The PAA, as a condition of any Plan Approval, may require a Project to be phased to mitigate any extraordinary adverse project impacts on nearby properties. For any Project that is approved and developed in phases, the percentage of Affordable Housing units shall be at least equal to the minimum percentage of Affordable Housing units required for the Project under this Section C. Where the percentage of Affordable Housing units provided is in excess of the minimum required under this Section C and not uniform across all phases, the unit dispersal and bedroom proportionality requirements under this Section C shall be applied proportionate to the Affordable Housing units provided for in each respective phase.
  - 9. Computation.** Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City.
  - 10. No Waiver.** Notwithstanding anything to the contrary herein, unless otherwise expressly approved in writing by DHCD, the Affordable Housing provisions in Subsection 29-19 C3 above shall not be waived.

#### **29-19 C4 Uses, Permitted by Right**

- a. Mixed Use development and the use of buildings and land in one ownership for residential, retail, restaurant, office, personal service, artist live/ work space, government non-profit, educational, philanthropic, day care or similar uses subject to the following:
  1. Mixed-use Projects shall require residential components, including artist live/ work units to have separate and distinct points of access from any commercial use. In instances where a Mixed-Use development is comprised of more than one building on a lot, a building or buildings may be used exclusively for residential purposes unless restricted by the ordinance Design Guidelines.

2. For development of existing building, there shall be no minimum or maximum percentage of residential or commercial/ office uses in any type mixed-use development. Further, buildings with a mix of commercial, residential and artist live/ work space shall be permitted consistent with all applicable building code requirements.
  3. For new all construction projects the development shall require a minimum of 50% residential use.
- b. Rehabilitation of all existing commercial and residential uses, including existing mixed-use development.
  - c. Multifamily residential (subject to a minimum gross floor area requirement of 625 square feet per dwelling unit) as an adaptive reuse of existing buildings or as new construction, except on Essex Street and Common Street.
  - d. Artist live/work units subject to the following:
    1. The configuration of artist live/work space can be as separate living and work space in the same building but on separate floors; or a building where each individual living space can be used for the creation of art or arts and crafts products consistent with state and local building and fire codes. In either configuration, showrooms and other areas for public display and sale shall also be permitted.
  - e. Professional and general office uses and buildings.
  - f. Restaurants subject to the following:
    1. Restaurants shall be allowed by right if they are located in whole or in part in an existing building or if they are part of new mixed-use development, and seat up to 50 persons. Drive-through food service facilities and stand-alone fast food restaurants shall not be permitted as of right.
    2. Outdoor cafes shall be permitted as of right if they are a subsidiary portion of a restaurant consistent with the minimum seating regulations above, or as separate operations they if seat at most 20 people and closing time is no later than 11:00pm.
  - g. Retail uses provided no individual retail use exceeds 5,000 gross square feet, with the exception of supermarkets and furniture stores, which may allow up to 20,000 gross square feet.
  - h. Light manufacturing use, compatible with abutting uses, of less than 5,000 square feet.
  - i. Medical office buildings or any service providing outpatient medical services.
  - j. Research and development facilities for scientific or medical research consistent with all licensing requirements.
  - k. Recreational uses as defined by Subsection 2.
  - l. Accessory Parking; including surface, garage under, and parking garages.
  - m. Storage facilities as a residential accessory use.



#### **29-19 C5 Uses, Permitted by a Planning Board Special Permit**

- a. Publishing and or printing establishment.
- b. Cinema or theater.
- c. Catering establishment.
- d. Restaurants in new stand-alone buildings.
- e. All drive thru facilities.
- f. Commercial parking lots or garages.
- g. Liquor uses.

#### **29-19 C6 Exempted Uses**

All uses allowed by Chapter 40A Section 3 Massachusetts General Laws.

#### **29-19 C7 Prohibited Uses**

All uses not listed.

#### **29-19 C8 Demolition Permit**

No demolition permit for a building's exterior shall be issued for any building within the DSGO until the PAA has granted final approval for the reuse of the subject property, unless the structure has been deemed unsafe according to the provisions of the Building and Fire Code

#### **29-19 C9 Conformance**

The height, bulk, location and use of all buildings in existence at the time of adoption of this Section are hereby declared to be in conformance with the requirements of this Section, provided that if such buildings are destroyed by fire, explosion, act of God or act of public enemy to a substantial extent exceeding fifty (50%) percent of their assessed value, they may be reconstructed only if the height, bulk, location and use of the building is exactly as it had previously existed. The owners of such properties shall document, by a Certified Plot Plan or other means, the height, bulk, location and use of the building as it had previously existed.

#### **29-19 C10 Dimensional and Density Requirements**

The following dimensional regulations shall apply to the construction of new buildings for any of the uses permitted in the DSGO; additions to existing buildings that are less than ten (10) percent of the GFA are exempt from the requirements of this section, except for the maximum building height and residential density requirements as noted in items a. and g. below; adaptive re-use or reuse of existing buildings for uses permitted by right or by special permit in the DSGO are exempt from the requirements of this subsection, except for the residential density requirement as noted in item g. below:

- a. **Maximum Building Height:** 6 stories or 75 feet subject to the following:

1. Chimneys, balustrades, rooftop decks, mechanical and venting roof appurtenances, stairway housing, skylights, and similar elements shall not be calculated as part of maximum building height.
  2. **Maximum Building Height Bonus:** A maximum building height of 8 stories or 100 feet shall be permitted for new construction and building additions if twenty-five (25%) percent or more of the total number of residential units are Affordable Housing units in accordance to 29-19 C3 c provisions above and the design standards in 29-19 C14 DSGO Design Standards.
- b. **Minimum Front Yard Setback:** No minimum front yard setback is required, but in no instance shall any building have a front yard setback of more than 15 feet. Further, bay windows, arcades, colonnades, balconies, stairways and similar architectural elements shall be permitted within the front yard setback.
  - c. **Side Yard Setbacks:** In the instance where a building with an allowed DSGO use abuts another use within the DSGO and if all Building and Fire Code i are met, there shall be no required side yard setback; otherwise the side yard setback shall be 20 feet, or as required by public safety regulations. Further, in the instance where a DSGO permitted use abuts a residential zoning district, a minimum building setback of 15 feet from the side lot line shall be required for new construction.
  - d. **Rear Yard Setbacks:** In the instance where a building with an allowed DSGO use abuts a public alley and if all Building and Fire Code are met, there shall be no required rear yard setback; otherwise the rear yard setback shall be 20 feet, or as required by Building and Fire Code public safety regulations.
  - e. **Setbacks from Ponds and Rivers:** In all instances of new construction no portion of any building shall be within 25 feet of a pond or river and all new development shall comply with all other pertinent sections of Section 18.01 of the *Lawrence Wetlands Protection Ordinance* to extent such sections are accepted and on file with DHCD.
  - f. **Minimum Lot Size:** No minimum lot size is required.
  - g. **Residential Density:**
    1. Multi-family: A maximum of 1 dwelling unit per 300-800 sf based on the following project area (0 to 5000 sf, 300 sf per unit; 5001 to 20,000 sf, 550 sf per unit; 20,001 and over, 800 sf per unit., but not less than 20 units per acre.
    2. Mixed Use: For the residential component, not less than 20 units per acre.
  - h. **Maximum Lot Coverage:** 80% includes all buildings and structures including surface parking areas.
  - i. **Minimum Open Space:** 20% of total lot area.

#### **29-19 C11 Parking and Transportation Management Requirements**

In order to mitigate congestion, support reduced parking requirements, encourage the use of public transportation and a variety of alternative commute programs within the DSGO, the owner of proposed project will become an ongoing and participating member in the Merrimack Valley TMA.

Further DSGO projects shall provide off-street parking consistent with Section 29- 18 of the City of Lawrence Zoning Ordinance, dated February 17, 1998 and amended through August 15, 2011, and as future amended, except for the following:

- a. **All residential uses:** a minimum of 1.00 spaces for each studio or one-bedroom dwelling unit; 1.25 spaces for each two-bedroom dwelling unit; and 1.75 spaces for each dwelling unit with 3 or more bedrooms. Any fraction thereof shall be rounded up to the nearest whole number.
- b. **Artist live/ work space** shall require 1.00 space per artist live/ work unit and an additional one parking space per every six artist live work units where there is a common gallery or showroom space open to the public.
- c. **Commercial uses** shall provide off street parking consistent with Section 29-18 of the City of Lawrence Zoning Ordinance, dated February 17, 1998 amended November 15, 2005, except that the first 2,500 of gross square feet of retail sales, service, office, or restaurant use, or use or any combination of allowed commercial uses in the DSGO and part of a specific development proposal, shall be exempt from any off-street parking requirements.
  1. All or a portion of the off-street parking requirement for any use in a DSGO development may be met by presentation of a long-term lease of at least 10 years with a public or private parking facility, whose primary business is off street parking, and that is within 1,000 feet of the proposed DSGO use.
  2. No off-street parking, for new buildings, shall be permitted in any portion of a front yard setback, unless permitted by the PAA in the Plan Approval process.
  3. No above grade parking structure for any DSGO project shall be designed to front on a major right of way unless concealed by active, commercial or residential uses along the street or expressly approved as part of the Plan Approval Process.
  4. Shared Parking. The use of shared parking to infill parking demand that occurs at different times of the day is strongly encouraged. Minimum parking demands noted above may be reduced by the PAA if the applicant can demonstrate (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines or other approved studies) that shared spaces will meet the anticipated parking demands of the project and provide the City with a copy of the shared parking agreement.
  5. Reduced Parking. Notwithstanding anything to the contrary in this subsection, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the PAA that a lesser amount of off street parking will not cause excessive congestion, endanger public safety, or that the lesser amount of parking will provide a positive environmental benefit, taking into consideration:
    - (1) The availability of surplus off street parking in the vicinity of the use being served and/ or the proximity of a bus station or major bus route;
    - (2) the availability of public or commercial parking facilities in the vicinity of the use being served;

- (3) shared use of off-street parking serving other uses having peak user demands at different times;
- (4) age or disability restrictions which are likely to result in a lower level of auto usage;
- (5) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- (6) other factors as may be considered by the PAA.

#### **29-19 C12 Sign Control**

All development within and subject to the DSGO shall be consistent with The Lawrence Zoning Section VI Signs, as approved through November 15, 2005, provided, however, that Section 29-20 (e) (9) political signs (iii) shall not apply in the DSGO. Signs within the DSGO shall comply with the predominate use of a proposed development, typically residential, unless otherwise altered or waived as a result of the actions of the PAA during the Plan Approval process.

#### **29-19 C13 Storm Water Management Standards**

Storm water management shall conform to the Commonwealth of Massachusetts Department of Environmental Protection's Storm Water Management Policies, the Consent Decree, and Title 20 - The Stormwater Management ordinance of the City of Lawrence; to the extent such city stormwater management standards have been accepted by DHCD pursuant to the Governing Laws.

**29-19 C14 DSGO Design Standards****General.** In order to ensure quality development within the DSGO and to ensure design that respects the built and natural character of the City, the Design Standards are made part of this ordinance and shall apply to all Projects in the DSGO. The Design Standards relate to the DSGO in its entirety and are intended to be applied flexibly by the PAA as part of the Plan Approval process to enable the purposes of the DSGO to be realized. Subject to the definition of terms below, all applications for Plan Approval shall comply with the Design Standards except where a specific waiver is granted by the PAA, to such Design Standards.

**Terms.** In this Section 29-19 C14, the words "shall," "should," and "may" are used to describe specific conditions. To clarify the meanings intended by the use of these words, the following definitions apply to this Section 29-19 C14:

- A. **Shall:** A mandatory condition. Where certain requirements in the design or application of the standard are described with the "shall" stipulation, it is mandatory that these requirements be met.
- B. **Should:** An advisory condition. Where the word "should" is used, a condition is considered advisable, but is not mandatory. Noncompliance with a condition stipulated with the word "should" will not be the basis for denial of Plan Approval.
- C. **May:** A permissive condition. No requirement or recommendation is intended.

**1. Design Principle: Preserve the architectural character and design features of historic and traditional buildings.**

- (1) The original architectural character and design features of historic and traditional buildings shall be preserved by repairing them or replacing them with similar elements and materials; avoid covering and hiding distinctive details and design features.
- (2) The shape and massing of new buildings and additions to existing buildings shall provide a balance among building height, story-height, building width and bay width that shall be compatible with adjacent buildings, especially when the existing buildings are historic or contribute to the historic character of the district.
- (3) Original window patterns and openings shall be preserved or restored in the redevelopment of historic buildings and buildings that contribute to the historic design character of the district, including conservation and repair to preserve historical trim and details.
- (4) Repairs and alterations in historic buildings shall not damage or destroy materials, features or finishes that are important in defining the building's historic character.
- (5) Old brick walls and elevations shall be cleaned and repointed to restore their original quality.
- (6) If sealing or painting is required, finishes and colors consistent with the building and the district historic character shall be used (e.g. the *Secretary of the Interior's Standards for Historic Preservation*).
- (7) Additions above the original roofline of buildings with a historic design character may employ contemporary architectural design features and materials, but they shall be setback from the building front elevation at a minimum distance equal to half (1/2) the height of the addition measured from the floor of the first added story to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces more than one street, additions should be setback accordingly from each elevation facing a street.

**2. Design Principle: Promote harmonious relationships of placement, massing, scale and proportions among neighboring buildings.**

- (1) Building placement, massing, scale and proportions should be complementary to and respectful of the form patterns of existing buildings in the immediate vicinity, in order to generate a coherent public realm.
- (2) The building massing shall include one or more elements that relate building massing proportionally shall include at least one of the following: articulated building bases through a change in material or treatment; placement of windows in a regular pattern; articulation of building entries with awnings; and façade and roof projections (e.g. bay windows, balconies, gables, dormers, etc.)
- (3) Architectural details, both permanent and temporary, such as awnings, moldings, vertical piers, pilasters, and the size and location of door and window openings, shall be used to

relate the building design to the human scale, at least on all sides of a building visible from a street or public way.

- (4) At least two of the following design elements shall be repeated in adjacent buildings: design treatment at the ground level, relative location and size of doors and windows, window style and proportions, location of signs, dominant façade material, dominant color, cornice lines, and dominant roof form.
- (5) Building massing and façades shall be designed to frame streets and public spaces, to provide a distinct sense of space via spatial enclosure and defined street edges.
- (6) Additions to existing buildings shall be set back, treated with a different material or incorporated into the roofline, in order to diminish building mass or to make a building more compatible with the design of adjacent buildings.
- (7) If there is a discrepancy greater than ten (10) feet between the proposed building height and the height patterns of adjacent existing buildings, the applicant shall submit design proposals for context sensitivity based upon articulation of façade, building mass, scale, bulk and proportions, or other building massing considerations.
- (8) If the adjacent buildings are set back at a distance other than the minimum front yard requirement, but not more than 15 feet, infill buildings shall match the setback from the front lot line of the immediately adjacent buildings. If the setbacks do not match, the infill building may match one or the other, but in no instance shall any building have a front yard setback of more than 15 feet.

**3. Design Principle: Articulate building elevations with entrances, windows or storefronts at the street level.**

- (1) Buildings shall be oriented with the primary building façade(s) and main entrance(s) facing the primary street frontage(s) of the site.
- (2) Building façades, footprints and rooflines shall be articulated, in order to vary the streetscape and provide visual interest.
- (3) Variations in depth and direction of exterior wall planes (façades), window openings, contrasts between solid and void, and rhythmical patterns of architectural design elements may be employed to achieve the articulation required in 3.2.
- (4) The use of balconies and stoops in residential and mixed-use buildings is encouraged whenever feasible.
- (5) There shall be a direct vertical correspondence between the design of the façade of the upper floors and the ground level retail façades in commercial and mixed-use buildings.
- (6) Separate access to second story residential units shall be easily distinguished by location and design from retail and commercial entrances.
- (7) Entrances shall provide a distinctive and welcoming composition that is integrated into the overall massing and design of the building.

- (8) Entrances and other semi-public spaces such as retail, community rooms, and lobbies should be located on or near corners wherever possible to enliven the street
- (9) Storefronts in commercial and mixed-use buildings shall be oriented to the primary street(s) with access, visibility and transparency from streets and public spaces.
- (10) Buildings with commercial use at the ground level shall have at least 40% of the ground floor façade in transparent windows and storefronts along primary elevations that face the street.
- (11) Buildings with commercial use at the ground level shall have at least 15% of the ground floor façade in transparent windows and storefronts along secondary elevations that face a street corner or pedestrian alleys or connections.
- (12) Building and shop entrances shall be recessed to a minimum depth equal to the width of the door to prevent doors from swinging into the sidewalk.
- (13) Windows on the ground floor of the primary façade of commercial and mixed-use buildings shall not use mirrored or tinted glass, and shall not be obstructed by blinds or solid panels, signage or displays that block views of the interior.
- (14) Residential and mixed-use buildings shall provide adequate privacy for onsite residential units and units on adjacent properties by placing public rooms closer to pedestrian ways than private rooms, and by using trees or plantings to screen the windows of private areas.
- (15) Separate access to second story residential units shall be easily distinguished from retail and commercial entrances by location and design.

**4. Design Principle: Promote the use of building technologies, materials and methods consistent with historic preservation and the adaptive reuse of existing buildings.**

- (1) Old building façades and storefront renovations should be consistent with the architectural design character of historic period styles typical of Essex Street and the downtown.
- (2) New construction should not mimic historic period styles, but it shall employ materials and colors compatible with the architectural design character of adjacent historic buildings.
- (3) Site and building design concepts should be supportive of green building principles, materials and methods, in order to promote energy conservation and minimize greenhouse gas emissions.
- (4) Building façade materials, including architectural trim and cladding shall be of high quality and durable, including but not limited to: stone, brick, wood shingles or clapboard, wood trim, metal, glass, sustainable cement masonry board products and integrated or textured masonry.
- (5) Synthetic siding materials and materials on the façade that are subject to deterioration (exterior insulation finishing systems, plywood or plastic) shall be avoided or removed and replaced with more durable materials (wood shingles, clapboard, brick or metal).
- (6) Exterior materials shall not include vinyl or aluminum siding.

- (7) Uninterrupted, multi-level glazing shall not be used as a primary façade design treatment.
- (8) Roofing materials visible from public sidewalks or streets shall be of high quality and durable, including, but not limited to: slate, copper, ceramic slate tile or architectural asphalt shingle.

**5. Design Principle: Coordinate sign design, type and location to avoid visual cluttering.**

- (1) Sign design, type and location within a building façade shall be coordinated to avoid redundancy and cluttering of competing information, while promoting a harmonious relationship between signage and architectural design elements.
- (2) Signs displaying business or product names and logos shall be directly associated with the principal service or products of the establishment.
- (3) Signs shall present a clear message and be well designed to complement the architectural character of the building in style and placement.
- (4) Zones for the location of signs on the building that fit within the main compositional elements and proportions of the façade shall be established (e.g. sign bands, awnings, fitting between vertical elements such as columns or pilasters, and other determined locations on the building façade).
- (5) Building signs shall have simple geometric shapes with two or three colors to complement the colors of the building.
- (6) Signs on storefronts shall be located at the same height on the building façade, preferably on a sign band or with awnings.
- (7) A sign band shall be a space clearly defined by architectural elements, trim or moldings, where signs may be placed above the storefront windows.
- (8) Signs and awnings on a single building shall be consistent in size, profile, location, material, color and design; they shall not obscure important architectural details by crossing over pilasters, or covering windows or trim elements.
- (9) Window signs, such as information signage (hours of operation, sales info, etc.) shall be high quality vinyl die cut letters or painted directly onto the glass.
- (10) All window signs combined, including temporary signs, should not cover more than 10% of the total glass area.
- (11) Projecting signs may be used only for retail uses, and they shall convey information in a unique and artistic way, using images to represent the goods or services provided.
- (12) Projecting signs shall hang below the sill height of the second floor or the roof cornice (whichever is lower).
- (13) Projecting signs shall not be lower than eight (8) feet or project more than five (5) feet.
- (14) Signs located above the building top cornice or roofline shall be avoided.



(15) Interior illuminated signs are discouraged and shall be permitted only by special permit.

**6. Design Principle: Consolidate mechanical equipment away or screened from public view.**

- (1) HVAC and mechanical systems shall be consolidated throughout the building to the extent practical, in order to integrate and optimize the use of energy; whenever possible, equipment units shall be placed on the rooftop and hidden or screened from public view.
- (2) If consolidation of mechanical equipment is not possible, the roof, façade or storefront shall be designed to conceal appliances from public vantage points.
- (3) Roll up security doors and shutters shall be placed behind the storefront, and storefronts shall be designed to conceal rolling security screens within architectural design elements such as soffits or encasements.

**7. Design Principle: Provide open space with landscape amenities and vegetation, supporting low impact development and best management practices.**

- (1) Open space on the site shall be landscaped to incorporate sidewalks, pathways, outdoor furniture and vegetation. Stormwater management systems should be incorporated into the site landscaping. Where feasible, this should include Low-Impact Development systems.
- (2) Front yard setbacks are considered open space and they shall be landscaped accordingly unless dedicated to active uses or public amenities, such as public sitting areas, building access ramps, outdoor bicycle storage, outdoor café terraces or open space that is an active component of the site's stormwater management system
- (3) At least 10% of the lot area shall be vegetated.
- (4) New trees and shrubs shall be selected from indigenous species native to the region and noninvasive species adapted to the area.
- (5) Site and landscape features shall be integrated with the architectural design, in order to reflect a coordinated site and building design concept.
- (6) Brick, stone, or unit pavers may be used to enhance the character of sidewalks, pathways, and outdoor sitting areas.
- (7) When employed, unit pavers shall be selected and set in a manner that limits uneven surfaces or joints that would become an impediment to accessibility.
- (8) Bicycle access and bike racks shall be provided onsite at locations that may attract customers and visitors, such as the sidewalks in front of mixed-use buildings.
- (9) Bicycle storage facilities for residents shall be incorporated into the design of new and renovated buildings, with enough capacity to serve at least 15% of occupants in residential buildings and 5% of occupants in other uses.
- (10) Stormwater management measures for the site shall conform to the best management practices described in the Commonwealth's *Stormwater Management Handbooks, Volumes 1 and 2* and Title 20 – The Stormwater Management Ordinance of the City of Lawrence

(11) Wherever practical, stormwater from roof surfaces of buildings shall be infiltrated into the ground either by directing runoff to pervious areas, directing water to basins containing water treatment facilities, or through direct underground recharge. Projects may alternatively propose, at the option of the applicant, the use of green roofs.

(12) Surface runoff shall be directed into infiltration-based systems when feasible.

(13) Systems that deliver or may discharge water into the ground shall be sufficient to treat said water and to monitor said treatment to achieve any and all applicable effluent standards of the Massachusetts Department of Environmental Protection (DEP).

**8. Design Principle: Ensure that exterior illumination is the minimum required for pedestrian and vehicular safety, while protecting neighboring properties from glare and light overspill.**

(1) Outdoor illuminating devices, lighting practices, and systems which minimize light pollution and conserve energy, while also maintaining reasonable nighttime safety and security, as well as limiting spillover into residential units, shall be used.

(2) Site lighting shall be set at a low luminaire height (bottom of fixture not higher than 12-14 feet for pedestrian areas, and 18-20 feet for parking lots).

(3) Light fixtures shall be of the "cut-off" variety, projecting all light down towards the pavement (less than 90 degrees from the vertical line).

(4) Decorative fixtures do not need to be of the cut-off variety, but shall be equipped with interior reflectors or shields that directs light at the desired target.

(5) The use of LED fixtures and solar-powered lights shall be used whenever possible.

**9. Design Principle: Locate parking and loading areas behind buildings.**

(1) Parking areas shall be located on the interior of blocks, behind buildings, or at the rear of sites, away from prominent site edges and public vantage points.

(2) Structured parking, parking sub-grade or on the first level of multi-family buildings (excluding townhouses with garages under or similar types of development) is encouraged where feasible, in order to minimize impervious surfaces and reduce the overall impact of parking lots. No above grade parking structure or parking on the ground level of buildings for any DSGO project shall be designed to front on a major right of way unless concealed by active, commercial or residential uses along the street or expressly approved as part of the Plan Approval Process.

(3) Structured parking shall be properly screened from public view by trees, shrubs and landscaping or incorporated into the architecture of the building, and it shall be designed to complement the building façade and the streetscape.

(4) When structured parking is incorporated into residential buildings, it shall be properly screened from public view by publicly accessible ground floor uses and designed to complement the building façade and the adjacent streetscape.

- (5) Whenever a site has frontage on more than one street, parking and garage entrances should be located on a secondary road or traveled way.
- (6) Loading and dumpster areas should be located to the rear or side of buildings, whenever possible, and they should be screened from public view by landscape buffers, fences, walls, or a combination of them.
- (7) Provision of preferred parking spaces for car-sharing services (such as Zipcar), electric vehicles and electric vehicle charging stations is strongly encouraged.

**10. Design Principle: Landscape parking lots and edges to enhance the pedestrian environment.**

- (1) Parking areas visible from the street shall be screened from street view by fences, gates, walls, landscaping, permanent planters, hedges or combinations of these elements.
- (2) Landscape design elements such as benches, fences or trees shall be used to make parking lots more attractive and enhance the pedestrian environment.
- (3) Parking lots shall incorporate landscaping in the form of trees, vegetated aisles or raised planting beds, in accordance to Article V, Section 29-18C: Landscape Regulations of the Zoning Ordinance, and comfortable destination-oriented passage across and along the side of parking areas.
- (4) A minimum of one (1) large tree per twelve (12) parking spaces (minimum 3" caliper with adequate root protection and rain absorption area), and one (1) vegetated aisle or swale per sixty (60) parking spaces shall be provided.
- (5) The combined minimum size for vegetated aisles shall be no less than 5% of the entire parking lot area.

**11. Design Principle: Improve sidewalks to provide universal access (ADA)**

- (1) All Site Planning and building design for new construction and alterations shall comply with the requirements of the American with Disabilities Act (ADA Standards for Accessible Design) and the Massachusetts Architectural Access Board.
- (2) Sidewalks shall be built in places where they are missing, and extensions added to widen stretches of sidewalk that prevent universal access according to ADA standards.

**12. Design Principle: Landscape sites for pedestrian comfort, visual attractiveness, and management of stormwater.**

- (1) The provision of trees and other landscape material shall be governed by Article V, Section 29-18C: Landscape Regulations of the Zoning Ordinance, and as amended.
- (2) Stormwater management shall conform to the Stormwater Management Policies of the Commonwealth of Massachusetts Department of Environmental Protection and Title 20 – The Stormwater Management ordinance of the City of Lawrence (to the extent accepted and on file with DHCD), and the requirements of the Consent Decree between the United States Environmental Protection Agency and the City of Lawrence.

## **29-19 C15 Plan Review Requirements and Procedures**

**a. Pre-application.** Prior to the submittal of a Site Plan, a concept plan may be submitted to the PAA to help guide the development of the Site Plan. If provided by the applicant, the PAA shall forward a copy of the concept plan to the Office of Planning and Development for review and comment; and said review and comment shall be forwarded to the PAA and the applicant prior to any meeting with the PAA designed to discuss the Concept Plan. A concept plan should reflect the following:

1. Building location, and grouping
2. Amount of building area; Interior layout and proposed land use
3. Open space and natural resource areas
4. Parking and traffic circulation
5. General site improvements

The concept plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and all other requirements of the DSGO.

**b. Application.** Prior to filing an application for a Plan Review with the PAA, an applicant who has chosen to submit a pre-application concept plan is strongly encouraged to submit any approvals and conditions received from the relevant departments and commissions. The PAA may, at its discretion, invite the applicant to attend a voluntary pre-permitting meeting with representatives from relevant City Departments, Boards and Commissions prior to submittal of a formal application for Plan Review. Consistent with the above requirements, an applicant for Plan Approval shall file the application and all required submittals with the City Clerk and shall also file, forthwith, 15 copies of the application and all associated and required documentation with the PAA including notice of the date of filing with the City Clerk.

**c. Circulation to Other Boards.** Upon receipt of the application, the PAA (Planning Board) shall immediately provide a copy of the application materials to the Zoning Board of Appeals, Board of Health, Monitoring Agent, Conservation Commission, Fire Department, Police Department, Department of Public Works, and any other municipal officer or agency designated by the PAA for comment. Any board, agency or officer receiving a copy of the application materials shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

**d. Required Application Submittals**

1. An application for Plan Approval shall be submitted to the PAA, properly executed, on a form provided by the PAA. An application shall show the proposed build-out of the entire project, whether the project will be phased or not.
2. A filing fee to cover administrative costs of the application; if an application is withdrawn and resubmitted, for any reason, the filing fee shall also be required for the resubmitted application. The amount of the filing fee shall be consistent with filing fees established by the City.
3. A list of any requested waivers from any section of the DSGO.

4. A Site Plan prepared by a registered professional architect or a registered professional engineer, at a scale of one inch equals forty feet, or at another scale as may be necessary to show all detail clearly and accurately. If multiple sheets are used, they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. The Site Plan submitted shall include the following information:
  - (1) Name and address of person or entity submitting the application;
  - (2) Name and address of the owner of the subject property, if different;
  - (3) Present use of the land and description and use of existing buildings, if any;
  - (4) Proposed use of the land;
  - (5) Proposed use of existing buildings, if any;
  - (6) Description and use of a proposed building or buildings, if any;
  - (7) Zoning District in which the parcel is located, including flood plain, if any;
  - (8) Locus map (scale of 1 inch to 1,000 feet) and north arrow;
  - (9) Title block containing the name of the project, the applicant, property owner, property address and assessor's map /lot number, date with revisions if necessary, name and address and phone number of contact person, and the signature and seal of a professional architect or engineer preparing the plan;
  - (10) Wetlands, ponds, streams, or other water bodies, including all applicable buffer zones;
  - (11) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200 feet) of the property lines;
  - (12) Existing and proposed topography at one-foot (1 foot) elevation intervals;
  - (13) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing property easements, if any;
  - (14) Any known or suspected environmental hazards or contamination of land or buildings and the status of any response actions
  - (15) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, if applicable;
  - (16) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;
  - (17) Parking calculation for proposed use, including all existing use that will continue to exist on the property, if applicable;
  - (18) Calculations of the volume of earth material to be removed or filled on the property, the delineation of the location of such activity;

- (19) Driveways and driveway openings/ entrances;
  - (20) Parking and loading spaces;
  - (21) Screening plans or treatments for all service areas and related facilities;
  - (22) Landscaping plans, in accordance with Article V, Section 29-18C: Landscape Regulations of the Zoning Ordinance including lighting plans and the location and size of all signs;
  - (23) Sewer, refuse and waste water disposal methods and plans;
  - (24) Storm water management facilities (drainage)
  - (25) All structures and buildings associated with the proposed and existing uses on the property;
  - (26) Exterior storage areas existing and proposed, if any, and all fences;
  - (27) Utilities and their exterior appurtenances (e.g. hydrants and other fire safety connections);
  - (28) Any existing vegetation;
  - (29) Any other details or information deemed necessary by the PAA, identified as part of the concept plan review, due to the unique nature of the site or proposal;
- 5. A storm water management plan prepared in accordance with Section 29-19 C13 above.
  - 6. An earth removal/ fill plan indicating the volume and location of all proposed earth removal or fill activities, including hours of operation and dust and erosion control measures.
  - 7. Evidence that the proposed project complies with all aspects of cost and eligibility requirements of Subsection 29-19 C3 (c) above.
  - 8. Project plans that demonstrate compliance with all aspects of Subsection 29-19 C3 c above.
  - 9. A form of Affordable Housing Restriction that satisfies all aspects of the requirements of Subsection 29-19 C3 (c) above.
  - 10. Scaled architectural drawings showing all proposed development, including Site Plans, elevation drawings, roof plans, and floor plans and all aspects of the Design Standards including: overall dimensions, building materials, colors of permanent existing finishes (excluding paint color), location and configuration of doors and windows, materials palette showing the exterior material choices for walls, trim and windows, the details of roofing, siding, ornament and trim, signage, mechanical equipment, and accessory buildings. For projects of multiple buildings, drawings should also show the relationship of individual buildings to each other within the project, as well as to abutting structures. All drawings shall be labeled with the project address and date; elevation drawings should note the compass direction (e.g. north elevation) floor plans should indicate a north arrow. Colored renderings, Power Point, and 3D animated renderings may also be provided.

All Plans and elevations presented with the application shall remain a part of the records of the PAA.

**e. Hearing.**

The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G. L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of a complete application by the City clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the Office of the City Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and the Site Plan.

**f. Peer Review.**

In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M. G. L. chapter 40R, s. 11. This technical review fee shall be paid at the time of application. The initial deposit shall be \$10,000 and shall be subject to replenishment as needed. Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including but not limited to attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of the review, including any interest accrued shall be returned to the applicant. Two peer review studies shall be required, as follows:

1. A seismic study for projects over 5 stories or 75 feet in height
2. A traffic study for the following uses, when the floor area equals or exceeds the square footage or number of units specified below:
  - (1) Office: 50,000 square feet
  - (2) Retail/Commercial: 20,000 square feet
  - (3) Residential: 50 units
  - (4) Hotels/motels: 50 units
  - (5) Industrial/manufacturing: 100,000 square feet
  - (6) Other 50,000 square feet

**29-19 C16 Plan Review Decision and Waivers.**

- a. Plan Review.** An application for Plan Approval shall be reviewed for consistency with the Purposes, Subsection 1 of this Section, and such Plan Review shall be construed as an as of right review and approval process as required by and in accordance with the Governing Laws; M. G. L. Chapter 40R and 760 CMR 59.00
- b. Waivers.** Except where expressly prohibited herein, upon request of the applicant the PAA may waive dimensional and other requirements herein, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purposes and objectives of DSGO, or if it finds that such a waiver will allow the Project to achieve the density, affordability, mix of uses, and /or physical character of this Section.

**c. Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. The applicant has submitted the required fees and information as set forth in Section 29-19 D1C15 herein;
2. The Project and Site Plan meet the requirements and standards set forth in Section 29-19 C15 herein, or a waiver has been granted there from;
3. The Project and Site Plan is consistent with the Design Standards Section 29-19 C14; or a waiver has been granted there from; and
4. Any extraordinary adverse potential impacts of the Project, if any, on nearby properties have been adequately mitigated by means of suitable conditions.

**d. Plan Disapproval.** A Site Plan may be disapproved only where the PAA finds that:

1. The applicant has not submitted the required fees and information as set forth in Section 29-19 C15 herein; or
2. The project and Site Plan do not meet the requirements of this Section and the Design Standards of Section 29-19 C14 or a waiver has not been granted there from; or
3. It is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

**e. Form of Decision.** The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed, or if such an appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Registry of Deeds for the County and District where the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

**f. Change to Plans After Approval**

1. **Minor Change.** After Plan Approval, an applicant may be able to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other sites details that do not affect the overall build out or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on a "red lined" print of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without need to hold a public hearing. The PAA shall set forth any decision to approve or deny such a minor change by motion or written



decision, and provide a copy to the applicant for filing with the City Clerk. A copy of the decision shall be provided to the Building Inspector, by the PAA.

- 2. Major Change.** Those Changes deemed by the PAA to constitute a major change because the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

#### **29-19 C17 Enforcement and Appeal**

The provisions of the DSGO shall be administered by the Building Inspector except as otherwise provided herein. Any appeal arising out of an action by the PAA regarding an application for Plan Approval shall be governed by the applicable provisions of MGL c. 40R. Any other requests for enforcement or appeal arising under this section shall be governed by the applicable provisions of MGL c.40A

#### **29-19 C18 Severability**

If any provision of this Section is found to be invalid by a court of competent jurisdiction, the remainder of Section shall remain in full force. The invalidity of any provision of Section shall not affect the validity of the remainder of the City's Zoning ordinance.

## Landscape Ordinance amendments

## **Document 4**

The Lawrence City Council adopted the following  
**ZONING TEXT AMENDMENT ON NOVEMBER 5, 2003.**

### **DOCUMENT # 210-2003**

#### **ARTICLE XIII: LANDSCAPE REGULATIONS FOR LAND DEVELOPMENT PROJECTS**

##### **Sec. 29-44. Purpose and Scope**

This section is intended to establish minimum standards for the design of landscapes for all land development projects requiring Site Plan Review. The purpose is to improve the community aesthetically, economically and environmentally. This section improves the appearance of the community through the provision of and the preservation of trees in order to better control soil erosion, reduce the hazards of flooding, stabilize the ground water tables, absorb carbon dioxide, supply oxygen, provide shade for cooling, screen noise, dust, glare, and preserve, protect and enhance the natural environment.

##### **Sec. 29-45. Definitions**

The following definitions shall apply to the regulation and control of landscaping within this section:

- 1. Caliper:** A standard trunk diameter measurement for nursery grown trees taken six (6) inches above the ground for up to and including four (4) inch caliper size, and twelve (12) inches above the ground for larger sizes.
- 2. Critical Root Zone (CRZ):** A circular region measured outward from a tree trunk representing the essential area of roots that must be maintained in order for the tree's survival. The critical root zone is one foot of radial distance for every inch of tree DBH, with a minimum of eight (8) feet.
- 3. Diameter Breast Height (DBH):** Diameter at breast height is the tree trunk diameter measured in inches at a height of 4.5 feet above the ground.
- 4. Deciduous:** Those plants that annually lose their leaves.
- 5. Drip Line:** A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
- 6. Evergreen:** Those plants that retain foliage throughout the year.
- 7. Evergreen Screen:** A plant growing over six (6) feet in height at maturity that retains foliage year round that is planted to provide a dense vegetative screen for purposes of visual mitigation.

## **Document 4**

**8. Groundcover:** A prostrate plant growing less than two (2) feet in height at maturity that is grown for ornamental purposes. Groundcovers are used as an alternative to grass. On slopes, groundcovers control erosion while eliminating the maintenance of mowing on hillsides.

**9. Landscaping:** The process or product of site development including grading, installation of plant materials, and seeding or sodding of turfgrass or installation of groundcover.

**10. Ornamental Tree:** A small to medium tree generally growing fifteen (15) to forty (40) feet in height at maturity. Ornamental trees are planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage etc.

**11. Parking Lot Plantings:** Planting areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

**12. Planting Area:** The area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

**13. Shade Tree:** A large growing tree usually over forty (40) feet in height at maturity, usually deciduous, that is planted to provide canopy cover shade.

**14. Shrub, (Large):** An upright multi-stemmed plant growing ten (10) to twenty (20) feet in height at maturity that is planted for ornamental or screening purposes.

**15. Shrub, (Medium):** A multi-stemmed plant growing five (5) to ten (10) feet in height at maturity that is planted for ornamental or screening purposes.

**16. Shrub, (Small):** A multi-stemmed plant growing less than five (5) feet in height at maturity that is planted for ornamental purposes.

**17. Street Tree:** A tree planted along a street right of way. Street trees should be tolerant of conditions found in the urban environment.

### **Sec. 29-46. Standards for Landscaping Land Development Projects**

1. All new or expanded parking lots shall be required to comply with this section of the Landscape Regulations.
2. If an existing parking lot (paved or unpaved) is expanded or improved to increase the number of spaces, it shall comply with the parking lot requirements of the Landscape Regulations within the expanded or improved portion.

## **Document 4**

3. Trees shall be planted at a rate of two (2) shade trees or three (3) ornamental trees for every ten (10) spaces or fraction thereof.

4. Required trees shall be located within or adjacent to parking lots as tree islands, medians, and at the end of parking bays, traffic delineators, or between rows of parking spaces in a manner such that no parking space is located more than sixty (60) feet from a parking lot tree.

5. In addition to the requirements for parking areas, any multi-family development project requiring Site Plan Review shall be required to plant two (2) shade or ornamental trees per unit.

6. Evergreen trees utilized for screening requirements as described by the Zoning Ordinance shall not be counted towards fulfilling the requirements of this section

7. Planting Areas within the parking lots shall provide a minimum of eighty-one (81) square feet per tree, with a minimum inside dimension of nine (9) feet and a minimum prepared depth of eighteen (18) inches.

### **Sec. 29-47. Tree Preservation and Care During Construction.**

1. Existing trees must be preserved whenever possible.
2. When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.
3. Should any tree designated for preservation, die at any time after approval of the plan or issuance of Certificate of Occupancy, the owner shall replace it within one hundred eighty (180) days. The replacement tree shall be a minimum of two (2) inches in caliper for a shade tree, or eight (8) feet in height for an ornamental tree (eight (8) feet from the top of the root ball to the top of the tree) at the time of planting.

### **Sec. 29-48. Site Plan Submittal Requirements (Landscaping Plan Requirements)**

In order for a site plan to be reviewed, a landscaping plan containing the following information must be submitted.

1. General location, type, and quantity of existing plant materials.
2. Existing plant materials and areas to be left in a natural state.

## **Document 4**

3. Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
4. Locations, size, and labels for ALL proposed plants.
5. Plant lists with botanical name, common name, quantity, and size of ALL proposed landscape material at the time of planting.
6. Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
7. Planting and installation details as necessary to ensure conformance with all required standards.

### **Sec. 29-49. Landscape Standards and Specifications**

1. The developer shall furnish and install ALL plant materials listed on the approved landscaping plan.
2. Plant materials shall conform to the requirements described in the latest edition of *American Standard for Nursery Stock*, which is published by the American Association of Nurserymen.
3. Selected plant materials must be approved by the Director of Planning and Development and/or the Land Use Planner for the Department of Planning and Development.
4. Shade trees must be a minimum of two (2) inches in caliper. Ornamental trees must be a minimum of eight (8) feet at the time of planting. (Eight (8) feet from the top of the root ball to the top of the tree.
5. No tree or shrub may be planted within 20 feet (20') of the intersection of any two or more public streets as described in Lawrence Municipal Ordinances.
6. Do not use staking materials unless absolutely necessary. If staking is necessary, then the developer/property owner must remove the staking materials after one full growing season.
7. Property owners ensure the survival and health of required trees in perpetuity. If any plant material dies, the property owner must replace it within one hundred eighty (180) days.

## **Document 4**

8. All planting areas and beds shall be edged and cultivated to the lines shown on the approved plans. The areas around isolated plants shall be edged and cultivated to the full diameter of the drip line at the time of planting.

9. ALL planting areas shall be mulched with a three (3) to four (4) inch layer of bark mulch or other similar material to cover the complete planting area.

### **Sec. 29-50. Alternative Methods of Compliance**

1. Alternate Landscaping Plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, or unusual site conditions. It does not pertain to self-created design issues that prove no hardship to those items listed above.

2. The Director of Planning and Development and/or the Land Use Planner of the Department of Planning and Development may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this ordinance.

3. An applicant who cannot comply with the requirements of this ordinance may, pay a sum equivalent to the cost of unplanted trees and three years of maintenance into a "Tree Trust" in an amount equal to or greater the cost of funding a complete landscape build-out as required by the ordinance, said sum to be determined by and in consultation with the Office of Planning and Development.

Funds from this Tree Trust shall be used for two purposes:

(a) Planting trees within City according to a schedule developed by the City of Lawrence Office of Planning and Development in consultation with the Department of Public Works; and

(b) Establishing a nursery within the City limits to grow and nurture trees for planting within the City.

### **Sec. 29-51. Plant Substitution**

Due to seasonal planting problems and lack of plant availability, approved Landscape Plans may require minor revisions. The Director of Planning and Development and/or the Land Use Planner of the Department of Planning and Development may approve minor revisions to the planting plans if:

1. There is no reduction in the quantity of plant material.

2. There is no significant change in size or location of plant materials.

## Document 4

3. Then new plants are of the same general category (i.e., Shade Tree, Ornamental Tree, Evergreen, or Shrub) and have the same general design characteristics and growth habits (mature height, crown spread) as the materials being replaced.

All provisions of the Revised Zoning Ordinance of the City of Lawrence, as amended, which are consistent with this Amendment, shall continue in effect, but all provisions of said Revised Zoning Ordinance inconsistent herewith are repealed.

This Ordinance shall take effect immediately upon its passage in accordance with the provisions of Chapter 43 and Chapter 44 of Massachusetts General Laws.

---

JAMES MCGRAVEY  
CITY CLERK  
PAGE 5 OF 5

NOVEMBER 19, 2003